

Review of Public Administration
McKelvey House
25 Wellington Place
Belfast BT1 6GD

30th September 2005

Dear Sir/Madam,

Re: Review of Public Administration

The Committee on the Administration of Justice (CAJ) wrote to you in March 2004 outlining our concerns with regard to the original consultation document on the Review of Public Administration. Having read the further consultation document it is clear that many of the points raised in our original submission remain outstanding, and we have therefore decided to attach for your information our original submission of March 2004. In particular we would draw your attention to the concerns below.

CAJ has not opted for any particular model as the best way forward, in part at least because we believe that we have been presented with insufficient data on which to come to such a conclusion. Indeed, we are concerned that the primary drivers for the RPA appear to be efficiency gains and cost savings through economies of scale. While such issues are important, we believe that questions about the impact of the changes both in terms of provision of services to those most in need, and employment levels across the Section 75 groups, have not been given sufficient weight. Indeed it appears that the move towards greater economies of scale is accepted as a solely positive outcome while the impact that such changes could have on an already distorted labour market have not been given adequate consideration.

For this reason, we have posed a number of questions below, and CAJ believes that unless these questions are addressed as the future proposals are being developed, then the RPA is in danger of increasing, not reducing, existing inequalities in Northern Ireland. The purpose of Section 75 is to prevent such a scenario taking place, and for that reason we are deeply concerned at the lack of a high-level Equality Impact Assessment (EQIA) around the proposals to date.

In particular, we note with concern, for example, the statement in the report that:

“The re-organisation of health, education and local government sectors could impact on the number and nature of jobs and may impact on the location of some jobs. It is not possible at this stage to assess the impact that such changes may have on the public sector workforce”.

This seems a somewhat surprising statement in light of the data presented in the same section of the report. Indeed it is noteworthy that the report makes several references to the “economies of scale” to be gained from re-organising the public sector. One would assume that such “economies of scale” however, are likely to result in less need for certain kinds of support staff. To state that there *may* be an impact seems somewhat disingenuous. It would seem *highly likely* that a move from 26 to 7 councils would result in a large number of job losses, mainly for female administrative and secretarial staff for example.

It is also worth noting that at several stages of the report, the point is made in relation to the seven-council model that seven councils (as opposed to the existing 26) provide the most even distribution of the underlying wealth base of the three options (see e.g. Para. 4.32). The report also states that the seven-council model would benefit from “economies of scale”. It appears therefore that the RPA has made an assessment that the seven-council model is the optimum in relation to a number of criteria, but is unable to provide any equivalent assessment in terms of impacts on employment across the Section 75 groups.

CAJ would like to make it clear that we are not endorsing any particular model, nor are we arguing for retention of the status quo. We are not saying either that the impact on workforces should be the sole determinant of the future model. What we are asking for is an open acknowledgement of the likely impact of the various proposals across the Section 75 groups.

We also note with concern that in paras. 10.13 – 10.14

“The final recommendations of the review will influence structures and arrangements across the public sector. Detailed proposals for change will be developed and will, depending on separate equality screening, be subject to separate sectoral Equality Impact Assessments”.

“Throughout the consultation the review team will proactively seek views on equality, social need and rural issues, including undertaking a parallel programme of research that will have a particular Section 75 focus. This information will feed into separate sectoral Equality Impact Assessments.”

This approach would produce, at best, a “patchwork” analysis of the impact of the various proposals. We strongly believe that any assessment of the future options

must be carried out in a holistic manner, examining the aggregate effect of the various proposals. This can only happen with one single, high-level EQIA.

Employment Equality and the Impact of the RPA

There are several problems with the approach adopted by the RPA in this report in relation to examining existing employment data. In particular, there appears to be a reluctance on the part of the RPA to acknowledge *existing* levels of inequality in the public sector, notwithstanding evidence to the contrary presented in the report itself.

For example, Chapter 10 of the report which deals with local government acknowledges in passing that:

“Whilst Protestants hold a higher number of posts...similar proportions of both Protestants and Catholics are employed across each of the nine Standard Occupational groups”. (Para. 10.46)

The sentence could equally have read:

“Given that Catholics make up 36% of the workforce in local government, and yet represent 42% of the available labour market, there is a considerable under-representation of Catholics actually employed in the local government sector...”

Moreover, the continued reference to SOC grades at the expense of other more accurate and available data gives a further distorted picture. Again, it is worth considering paragraph 10.43, which states:

“While Protestants hold a higher number of jobs in the public sector workforce than Catholics, the pattern does not differ significantly. For example, similar proportions of both Protestants and Catholics hold managerial and professional posts”.

While this is accurate in relation to Standard Occupational Classification (SOC) grade, the figures that CAJ has for the Senior Civil Service (which we included in our original submission) show that while 42.5% of those employed in the Northern Ireland Civil Service overall are Catholic, the figure for the percentage of Catholics employed in the Senior Civil Service is 27.6%. Clearly, just over one quarter Catholic representation is some way from “similar proportions”. It is of course understandable that the report should cite the various SOC classifications by religion and gender, but equally, where other more accurate statistics are available they should also be employed.

Significantly, the latest figures CAJ has from the Northern Ireland Civil Service (May 2003) also show that the figure for the number of females employed overall

within the Northern Ireland Civil Service is 49.2%, but at senior levels this is a mere 16%. However this figure is likewise not presented in the report. Nor is there reference to the fact that 54% of Councils in Northern Ireland have no women in their top two staff posts, and that there are only 20 women (or 14%) among the 144 first and second tier posts in local government.¹

The report does make some reference to lack of representation of women at senior levels in the public service, stating that:

“Females account for 77% of all posts in Education. Males employed in the education sector account for 34% of managerial and professional posts compared to 16% of females. Over 40% of all women employed in education work part-time”. (Para 10.40)

Again, however, this could be seen as implying that women, because they choose to work part time, are responsible through choice for the low numbers at senior levels. Similarly, in relation to local government, the report states:

“Some 44% of full-time females working in local government are employed in administrative and secretarial posts compared with 3% of males in full-time employment”. (Para. 10.41)

Overall, the impression given from reading this section of the report is clearly that there is a fair representation of Catholics across the public sector, and at all levels – this is not the case. The impression is also created that there is some under-representation of women at senior levels, but this is largely due to women choosing to work part-time – again this is an unfair and inaccurate picture.

Unless there is adequate recognition and identification of the problems with regard to existing levels of inequality within the public sector, then there is little prospect of identifying how these inequalities can be addressed.

It should of course be pointed out that potential impacts of the proposals are not restricted only to religion and gender. It is crucial that the RPA consider the impact of the various options on those across the Section 75 groups. There is a clear need, for example, for an assessment of the impact of job relocation in relation to those with caring responsibilities, dependents, and people with disabilities. Again, it is disappointing that there is so little reference to how the RPA can ensure that there is greater and not less equality for these groups at the end of this process. Equally, given the nature of multiple disadvantage, it is likely that those with caring responsibilities are most likely to be female, again however, the document seems relatively silent on this issue.

¹ See “Increasing Female Participation in Public Life”, Bronagh Hinds, QUB, Institute of Governance, September 2005.

Section 75 and Impact on Staff

The issue of the impact that the proposals are likely to have on staff, and how this can be addressed by Section 75, is clearly a matter of concern to CAJ. However, we believe that in relation to implementing the Section 75 requirements, the current proposals seem inadequate to comply with the requirements of the law in this regard.

Again, we would remind the RPA of the comments in our first submission which pointed out the constitutional status of Section 75 (see March 2004 submission attached, quote from Lord Hoffman). While the RPA document makes numerous references to the importance of equality, there are serious questions as to the extent to which the actions outlined will secure the effective compliance with the law in this regard.

Of major concern is the fact that while there are a number of references to the need to promote equality, there is little mention of the requirements of Schedule 9, and in particular the need to determine and address any adverse impacts that may arise out of the proposals. Indeed it is worth noting that the document states in relation to “impact on employment”, that the following good practice principle will be adopted in relation to the implementation phase:

“all employees must enjoy equality of opportunity, as required by Section 75 of the Northern Ireland Act 1998. Steps must be taken to ensure that the implementation process in no way conflicts with the requirements of existing equality and anti-discrimination legislation operating in Northern Ireland”. (Para. 8.10)

This wording is problematic in that it implies (however unfairly this may seem) that there is going to be a general notion of enjoyment of equality of opportunity which involves merely the avoidance of discriminatory practices. This represents a mistaken and minimalist interpretation of Section 75.

A more appropriate wording, and one which more closely follows the law would be

“Steps must be taken to identify any potential adverse impact, or opportunity for better promoting equality of opportunity across the Section 75 groups throughout the implementation phase. Where any adverse impacts are identified, alternative and/or mitigating measures will be put in place to address these impacts.”

Accountability and Participatory Democracy

Again, we would refer you to our previous submission in which we expressed concern at the fact that the original RPA had addressed the issue of accountability almost exclusively in terms of representation on public bodies. This is clearly still the case with the current paper, and we would request that the views we expressed in March 2004 about the impact of participatory democracy, civil dialogue and the empowerment of civil society in this regard be taken on board.

Equally, the document refers to the need for “partnership” working involving all the stakeholders, but again fails to acknowledge the contribution that Section 75 can make in that regard.

For example, there is a reference to the fact that:

“partnership working between local government, statutory agencies, the private and voluntary and community sectors will be a central feature of public administration, particularly within a community planning framework”. (Para. 8.21)

This would be an ideal place to outline how Section 75 can contribute toward building partnerships/developing relationships. Once again, however, the opportunity was missed.

Equality and Need

Perhaps the most disappointing aspect of the report is how the issue of equality and need is addressed. The report states that:

“The outworking of the proposed model may provide opportunities to improve access to services, particularly for those who are most vulnerable and those who live in rural areas, and provide an opportunity to address under-represented groups in public life.” (Para. 10.2)

In our view, it is imperative that the RPA does provide increased access to services for the most vulnerable groups, and it is insufficient in this regard to look for a model that “may” serve this function. Indeed, given the increased levels of inequality and social exclusion in Northern Ireland, it is clear that a central focus of the RPA must be how best to improve access to services for the most vulnerable.

The current document was issued prior to the publication of the Northern Ireland Multiple Deprivation Measures by the Northern Ireland Statistics and Research Agency, which confirm the persistent nature of disadvantage. The NISRA document provides a detailed outline of the most deprived areas of Northern

Ireland, showing again that North and West Belfast, Derry, and Strabane have the dubious title of “most deprived areas of Northern Ireland”. Equally, we would point to recent maps published by the Equality Commission (see attached) showing levels of job density in Northern Ireland as providing a necessary reference point for the RPA. Unless the RPA recognises existing spatial differentials in relation to social deprivation, job density etc, there is a likelihood that the RPA will increase and compound existing inequalities. The only way this can be avoided is by carrying out a high-level EQIA of the proposals as they are being developed.

It is wholly inadequate to wait until decisions have been made before carrying out an EQIA, and wholly inadequate to rely on a sector-by-sector EQIA. There must be an analysis of the sum of the RPA’s parts, and that can only come about by carrying out a high-level EQIA to establish answers to the following questions.

1. Will the RPA increase or decrease the differentials in job density between East and West of the Bann?
2. To what extent will the RPA affect the differentials in Catholic and Protestant employment patterns across the public sector?
3. In particular, will the current under-representation of Catholics in local government employment be increased or decreased by these proposals?
4. Which of the proposed models will have most impact on levels of Catholic employment? Will this impact be positive or negative?
5. To what extent will the RPA affect the differentials between men and women across the public sector?
6. In particular, will the RPA lead to an increase or decrease in the proportion of women making up the public sector workforce?
7. Will the RPA increase or decrease the proportion of Catholic women in the public sector?
8. Which of the proposed models will have most impact on levels of female employment? Will this impact be positive or negative?
9. What impact will the RPA have on access to services for those living within the top 50 deprived “super output areas” identified by NISRA in their May 2005 analysis?

10. What impact will the RPA have on employment levels for those living within the top 50 deprived “super output areas” identified by NISRA in their May 2005 analysis?

CAJ believes that these are fundamental issues which must be addressed before any final decisions are made on the reorganisation of public administration. Indeed, we believe that Section 75 requires these issues to be addressed.

Community safety and policing

As well as our long-standing interest and expertise in the equality debate, CAJ has worked for many years on issues of policing and criminal justice (see our website www.caj.org.uk for some of our most recent work, which includes commentaries on the District Policing Partnerships, the NI Policing Board and the Police Ombudsman's Office, as well as a forthcoming report on the devolution of criminal justice and policing powers).

As such, CAJ is particularly interested in the impact this debate will have on policing and community safety issues. In the report we could find no detailed consideration of how any proposed reorganisation of public administration will impact particularly on policing, but we know that the PSNI and other agencies have been closely following and contributing to the debate given that it will have an impact.

We presume, for example, that a reduction in the number of local councils would prompt the PSNI to restructure its DCU arrangements, which are currently tied to the existing council areas. While we have no objection in principle to this move, particularly in terms of improving financial and other efficiency within the PSNI, such a reorganisation would have implications for local police accountability. In particular, the current arrangements of District Policing Partnerships (DPPs) could well be affected. DPPs were established in the wake of the Patten recommendations precisely to bring about local police accountability, and operate on the basis of local DCU commanders and officers working with local community representatives and elected local politicians dealing with local policing issues. Any move to increase the size of council catchment areas by reducing the number of councils will have a negative effect on how “local” any such arrangements would be. We believe there is merit in maintaining these partnerships as they stand, as an increase in size of catchment area could mean that their ability to address issues of local concern and effectively hold the police to account at a local level as envisaged by Patten may be lost.

Likewise, these proposals would affect the operation of Community Safety Partnerships (CSPs), which also follow local council boundaries. CAJ, and indeed many others – not least the PSNI, the Policing Board and DPPs themselves – have argued for the current duplication and overlap of CSPs and

DPPs to be urgently addressed, and this debate could well provide the mechanism by which to do this. However, we would urge, as above, that this not be at the expense of the local dimension that these arrangements currently provide. While arguably it is for the policing and criminal justice institutions to decide how they will respond to any proposals put forward by the RPA, we would urge you to consider the “knock-on” effect these proposals might have on the above and many other structures that are currently designed around existing council boundaries.

While recognising that the discussion of the reorganisation of public administration has been ongoing and is arguably at a late stage, CAJ feels very strongly that final decisions must not be made until the full impact – both in terms of the furtherance of equality and any other knock-on effects – is properly considered. In particular, we would request that a high-level and holistic EQIA of the proposals be carried out as a matter of urgency.

Yours sincerely,

Aideen Gilmore
Research and Policy Officer