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Meeting to discuss Public Appointments

S24483

Venue: Maryfield

Date: 28 October 1986

A-I SECTION
BOX
Amb. London

24483

Participants

Irish Side

British Side

Ms. E. Doyle (DFA)

Mr. R. Spence)

Ms. J. Owens) Central Secretariat

Secretariat

Mr. D. O'Ceallaigh

Ms. V. Steele

Mr. D. O'Criodain

Introduction

The meeting began at 11.00 a.m., lasted two hours and was followed by an informal lunch. The meeting was broadly in two parts, a general discussion, followed by a discussion about forthcoming vacancies, the criteria for membership of certain bodies and the exact nature of their role. The first part of the report is cast in the form of a verbatim speech taken from detailed notes.

Part I

Mr. O'Ceallaigh: We are very glad to see you. You are all very welcome. We on our side have been putting forward names for nomination to public bodies for ten months now. The last meeting we had on this subject in May was very useful. Though we have come a long way we are still learning. We would like today's discussion to cover three areas. First, we would like to review the operation of

the process up to now and look at where we stand at present. Second, we would like to put some more questions to you. Third, we would like to discuss possible nominations to individual boards.

Mr. Spence: Thank you. We, on our side, also want to take stock of how the process is working. I will be meeting Permanent Secretaries next week and will report to them the views expressed at this meeting.

Ms. Doyle: Before I begin to talk about the problems facing us, I would like to express our appreciation of the successes that have been secured so far. These successes, particularly the nomination of Dorita Field to the Standing Advisory Commission on Human Rights, have been noted in the nationalist community. So far we have submitted 25 C.V's to you. There is another one coming to you shortly. We are having difficulty getting more people to come forward. There are two reasons for this. First, there is the fact that very few of the names we put forward have secured nomination. This has been a source of considerable disappointment. In this kind of process the break in confidence occurs relatively early. Second, there is the problem of confidentiality following the leak of the letters about the Irish language to the News Letter. Many people are willing in principle to have their names put forward but are extremely worried that their doing so might become public knowledge. Non-politicians are, for obvious reasons, more worried about this than active politicians. Let me give an example. One of the people under consideration is a professional person whose clients come mainly from the loyalist community. If his name was put forward and this became public he would lose a substantial part of his practice.

Because of these two factors we need a higher rate of success than we have achieved so far. At this stage we have submitted names which cover virtually all the areas for which nominations might be required and we have also identified for you the particular bodies and areas in which we are most interested.

Mr. Spence: I am not sure if you appreciate the complexity involved in determining the composition of these bodies and drawing up the

membership. I would suggest that you have a separate meeting with Joan (Owens) to go into the problems in detail.

Ms. Doyle: I would be delighted to do this.

Mr. O'Ceallaigh: I would be grateful if I could also attend.

(It was agreed that a meeting would take place on Friday, 7 November next.)

Mr. Spence: Another problem is that we are having difficulty in selling the names you put forward to Departments. The people concerned are outside the system. Let me give an example to illustrate the difference being known can make. When I was in the Department of the Environment and a name came up for appointment with the tag "known by Maurice Hayes" accompanying it, the person would be half way to being appointed. Would it be possible for Joan and myself to meet some of the people you have put forward so that, in a sense, we could be their "referees".

Ms. Doyle: I will certainly think very carefully about that suggestion. This is a very sensitive matter. I would think that some of the people would be happy to be met, others may not be. I can see two problems. First, such a meeting may be seen by the people as resembling an interview. Also it would generate expectations. They would feel they were being close to being chosen for an appointment.

Mr. O'Ceallaigh: These meetings could only work if there was a strong likelihood that these people were going to be nominated.

Mr. Spence: That's fair. I understand your reservations. We do not necessarily want to meet them all. I would suggest half a dozen. You could choose who these should be.

Ms. Owens: Could I address the point about confidentiality? The computer in the Central Appointments Unit (CAU) only shows a person's name, address and area of interest. The details of the C.V. are kept elsewhere on file. The details are supplied to departments who

request the names of suitable candidates to fill particular vacancies.

There are good reasons why many of your candidates have been by-passed for appointments arising up to now. First, the number of appointments per year is actually quite small. Second, in the case of many vacancies the person whose term of office has expired may have served only one term. Normally we would offer such people a second term unless they have shown themselves to be unsuitable for reappointment.

Mr. O'Ceallaigh: What you have just said leads me to make another suggestion. It would be very useful to us if, when advising us of an upcoming vacancy, you gave us an indication of your provisional thinking. For example, it would help us if we knew you were planning to reappoint the existing member.

Ms. Owens: We would not be able to advise you definitively. First, officials draw up the list of prospective nominations, then Ministers consider the matter. We cannot preempt their decision. As a general principle we do apply a two-term rule. We would normally reappoint a member after one term. We would not normally do so after two.

Ms. Doyle: The fact that the people we are putting forward are seen as unknowns reflects the nature of the fundamental problem with which we are dealing. It is only by deliberately bringing into the system some people from outside that you will foster widespread support for the system itself from those who see themselves as being outsiders. If the number of vacancies arising naturally and being filled by our people is insufficient, we would be obliged to ask you to "make room" for suitable people.

Ms. Owens: It would be helpful if you could persuade people to be nominated for Categories B and C positions. (These are the two less sensitive categories of appointment. Departments consult the CAU before advising on Category B appointments. Category C appointments are normally made without reference to the CAU.) That way they could show their paces and build up a record of public service.

Ms. Doyle: We have already done this. We have also suggested sectors of service in which people are interested which would enable them to be approached for B and C appointments. By the way, we would be grateful for any feed back from you on how the people we have put forward respond to any approaches you make to them.

Ms. Owens: We are awaiting reaction on four or five vacancies for which you have given us names.

Ms. Doyle: We have put forward the names of some politicians. Their political role has been made clear on the C.V. Although I know this poses problems for you it would be a psychological boost if some of these could be appointed.

Mr. Spence: A person with a high political profile could be appointed to a major public body only if he was prepared to opt out of politics.

Ms. Doyle: Such people could be appointed to bodies which include politicians among their members such as the Education and Library Boards.

Mr. O'Ceallaigh: There are a lot of bodies on which many members are representatives of district councils. Such representatives tend to be overwhelmingly unionist. In some councils, with a unionist majority but with a significant nationalist minority, the tendency is that very few nationalists are appointed. For example, in the case of Armagh where I understand the council has the power to make around 100 nominations, very few, if any, of these go to nationalists. Could government appointments be used to counteract this phenomenon.

Mr. Spence: The constitution of the boards themselves sometimes excludes this option. You are coming close to the "proportionality" argument; that places on bodies should be allocated proportionally between the two communities. It is an argument for which I have some sympathy, but if you wish to pursue it I think you should raise it more formally at a higher level within the Conference. I can say that

where a Minister has discretion to exercise a balancing influence he does use it.

Mr. O'Ceallaigh: I think we can sum up this part of the discussion now. We on our side are becoming more aware as time goes on of how your system works. Because of this we are beginning to put forward more suitable people for appointments. We should bear in mind the underlying aim of the exercise. We are trying to persuade people who have been outside the system for a long time to recognise and participate in the institutions of government in the North. We have persuaded 26 people to put their names forward at some risk to themselves. These people are pioneers, they need the encouragement that will flow from a number of successes. We appreciate the two suggestions you have made regarding a more detailed meeting with Joan (Owens) here and possible meetings between yourselves and some of our candidates.

Ms. Doyle: I know that some of the changes in the membership of individual bodies which will take effect from January 1987 are due to be announced in December. Could I stress that we need to register successes within two to three months.

[Over lunch Ms. Doyle raised a number of issues regarding the general principles according to which appointments are made to boards. Speaking informally, Mr. Spence said that there was a deliberate effort to maintain a balance between the two religious communities in Northern Ireland in determining the composition of any public board but that no conscious effort was made to maintain a balance as between political affiliations. Apart from religion the main factors taken into account are candidates' age (persons over 70 were not included on the CAU'S list), geography and sex. Ms. Doyle also drew attention to the fact that seventy percent of posts are filled on the basis of recommendations of special interest organisations and she asked whether the list of interest organisations was itself kept under review with a view to ensuring that their nominations did not bring about a religious or political bias to the membership of boards. Mr. Spence replied that in many cases the role of interest groups in the appointments process was defined by statute. Fortunately most of the legislation in this area had been adopted since direct rule. Because of this, the

list of bodies was normally such as to promote balance. For example, in the area of education, where the Ulster Teachers Union would be invited to put forward suggestions, the INTO was normally invited also.

Ms. Doyle asked what measures the NIO took to try to get people into the system. Mr. Spence replied that they had circulated the parties including the SDLP and other bodies and had even advertised in the newspapers. Mr. Spence also noted that the failure of the Irish side to put forward names for the Police Authority had been a disappointment for them.

In the course of the second part of the meeting, while discussing bodies under the aegis of the Department of Health and Social Services, Mr. O'Ceallaigh noted that membership of many bodies, typically, but not only, in this field was open only to persons occupying specialist positions or with specialist qualifications. He asked whether the British side could refine further the lists of bodies with a view to highlighting those which held opportunities for a competent "lay" person to serve. The British side said that they would endeavour to do so.]

Part II - Questions regarding nominations to specific bodies

1. Standing Advisory Commission on Human Rights

The British side pointed out that the two independent members (Mrs. Brett and Mr. Girvan), whose terms of office expire in 1987, will each have served only one term and are therefore likely to be reappointed. Mr. Spence pointed out, however, that there was no upper limit on the size of the body and if we put forward an exceptional name this would have to be seriously considered.

2. Northern Ireland Economic Council

Ms. Doyle enquired about the chairmanship of this body. The term of office of the present Chairman (Sir Charles Carter) expires next year and he will have served for ten years. Mr. Spence said that he did not think that Carter would be reappointed, nor did he think that the present Vice Chairman (Professor C. Campbell) would be likely to

succeed to the post. To be considered for appointment one would have to be a very distinguished person of high calibre and would have to be acceptable to both sides of industry.

3. Ulster Savings Committee

Noting the fact that there appeared to be no fixed number of members and no fixed term of office, Ms Doyle enquired about the role of this body and the criteria for membership. She asked whether the Credit Unions who tend to be associated more with the nationalist community were invited to submit names for nomination? Mr. Spence said he understood the committee was a voluntary body for the encouragement of saving. It was an anachronism. Equivalent bodies in Great Britain had already been abolished but he would suggest to the Department of Finance and Personnel that they widen the pool of those considered for appointment.

4. Northern Ireland Housing Executive

Ms. Doyle noted that the terms of office of the Chairman (Mr. Ferguson) and one ordinary member (Ms. K. Dunlop) were due to expire next year. Mr. Spence said the present intention was to reappoint the Chairman and as Ms. Dunlop had served only one term it was likely that she would be reappointed also. Ms. Doyle noted that she understood that Mrs. Dunlop's post would be available for a new nomination.

5. Transport Bodies generally

Mr. Spence said that the relationship between the transport bodies in the North was under review currently with the object of making the entire operation more commercial. He noted that there was only one vacancy due (NI Railways Company) in the first half of next year. Ms. Doyle said that this was a field in which the minority community was very much under-represented, that two names (McClelland and Finn) had been put forward as being interested in serving in this area.

6. Review Body (Driver, Operator and Vehicle Licencing)

Ms. Doyle noted that the entire membership of this body was due for

renewal in the first half of next year. It was concerned with the haulage industry, and given the concentration of haulage companies in Armagh and Down, we could probably produce a suitable name. She asked that we be given the requirements for membership well in advance.

7. Bodies under the aegis of the Department of Agriculture.

Ms. Doyle and Mr. O'Ceallaigh drew attention to the general position whereby the Ulster Farmers Union (UFU) is much more heavily represented than the Northern Ireland Agricultural Producers Association (NIAPA). The former was seen as being identified primarily with the majority community while the latter, which represented mainly small holders west of the Bann, was seen as identified primarily with the minority. He pointed out that the UFU appeared to have a right to nominate members to many bodies but that the NIAPA had no corresponding right. The Irish side had put forward a number of names (4) from the latter body for consideration and it was important that some of these meet with success. (Informally, over lunch, Mr. Spence said that in many cases the nominating role of the UFU derived from statute. Also because it was the older and more established body and because it purported still to be the representative of all of Ulster's farmers, the UFU tended to be viewed more favourably than the NIAPA.)

8. Milk Marketing Board

In response to questions, the British side offered to supply information regarding the three places on the board in the gift of the Department of Agriculture and also regarding the method of appointment of the remaining ten members.

9. Pig Production Development Committee

Ms. Doyle pointed out that pig production was of great importance in Fermanagh and that this committee was dominated by the UFU and a specific pig breeding body associated with it, the NI Landrace Pig Breeders Association. Vacancies were due to arise in 1987 and it was desirable that nominations from outside these bodies be seriously considered.

10. Fisheries Boards (Fisheries Conservancy Board and the Fishery Harbour Authority)

Ms. Doyle drew attention to the fact that vacancies were due in 1987 and asked for more information about the role of these boards and the criteria for appointment to them. Mr. Spence said that the information would be provided. Neither of the boards were high profile boards and he understood that the Harbour Authority had responsibility only for the Ports of Kilkeel and Ardglass.

11. Bodies under the aegis of the Department of Health and Social Services

Ms. Doyle reminded the British side that we had a special interest in any vacancies arising in the Health and Social Services area. She enquired specifically about the criteria for membership of three bodies on which a significant number of vacancies are due to arise in 1987. These were the Central Nursing Advisory Committee, the Central Medical Advisory Committee and the Northern Ireland Health and Social Services Training Council. Mr. Spence said that these were specialised bodies and membership was, for the most part, open only to those in senior positions in other relevant bodies or boards.

11. Education and Library Boards

Ms. Doyle said that while we were aware that there were not many vacancies due in this area it was the field in which our range and quality of candidates was strongest. Mr. Spence pointed out that the Government's scope for appointments was relatively slight, that most of the appointments were in the hands of the district councils or interest groups.

12. Queen's University Senate

Ms. Doyle noted that the entire membership of this body came up for renewal at the end of 1986 and enquired about the criteria for membership. Mr. Spence said that this was a prestige appointment and

that it would be difficult to supplant any of the existing members. Also, as far as he was aware, two of the five existing members (Mackle and Quigley) were nationalists, although he undertook to confirm whether this was, in fact, the case. He added that this was a body to which a senior SDLP politician could legitimately be appointed. Ms. Doyle agreed that such an appointment could make a significant psychological impact.

12. Harland and Wolff

Ms. Doyle pointed out that one-third of the positions on the board became vacant each year and asked about the criteria for membership. Mr. Spence replied that these were exclusively commercial appointments, mainly from the shipping industry, some based in the U.K. who were appointed mainly on the basis of how well they could promote the industry.

13. Enterprise Ulster

Ms. Doyle noted that the chairmanship and a position as an ordinary member on the board were due to become vacant in 1987. Mr. Spence said that the Chairman was elderly and was unlikely to be reappointed. The likelihood was that an existing member of the board would be promoted to the position of Chairman. Members of the board were drawn from among business people with significant financial and managerial experience and with a lot of time to spare. Meetings were frequent and the Chairman, in particular, had a heavy workload. He said that the role of Enterprise Ulster generally was under review.

14. Local Enterprise Development Units (LEDU)

Ms. Doyle remarked that while the LEDU board itself had no vacancies there might be scope for appointments to the area panels. She pointed out in particular that the western area panel had two long-standing members who might legitimately be replaced at the expiry of their present term of office. Ms. Owens said that ideally the persons seeking membership of the area panels should be from the area itself or

close to it and they should have a business and financial background. Recipients of LEDU finance were not entitled to positions on the panels.

15. Clothing Industry Training Board

Ms. Doyle pointed out that all of the positions to the Board except that of Chairman became vacant in 1987 and reminded the British side that we had put forward the name of Patricia Farren for membership.

D. O'Criodain

28 October 1986