

File (Civic Forum)

SUBMISSION TO THE FIRST MINISTER/DEPUTY FIRST MINISTER ON THE CIVIC FORUM – SUGGESTED OUTLINE

- Issue:**
- (1) A summary of the various submissions received by the First Minister/Deputy First Minister and an analysis of the common themes.
 - (2) Options for the First Minister/Deputy First Minister to take matters forward.
- Action:**
- (1) For consideration.
 - (2) For decision.
- Timing:**
- (1) Routine. Not immediately pressing.
 - (2) Immediate. For consideration before Thursday's round-table session with Parties.

1. Background

- ◆ brief description of where we are and how we have got here (paper to the Parties in August, external submissions, statements to the Assembly, etc.)

2. Submissions to the First Minister/Deputy First Minister

- ◆ synopsis of proposals by the Parties, the community/voluntary sector, business interests, the Churches, etc – Appendix A.
- ◆ a distillation of the main themes (membership, funding, modus operandi, etc) and the extent to which there is common ground – Appendix B.

3. Next Steps

- ◆ options for ways in which the First Minister/Deputy First Minister might take matters forward, thinking ahead to Thursday's meeting
 - Support Team draft a report for First Minister/Deputy First Ministers' consideration, with a view to putting to Assembly
 - ad hoc working group (similar to the one on training etc.) and Support Team/Special Advisers review submissions to date and draft a report for First Minister/Deputy first Ministers' consideration and referral to Assembly

- as for options immediately above, but report put out for wider consultation before finalising by First Minister/Deputy First Minister and referral to Assembly
- others?
- ◆ pros and cons in each case
- ◆ summary and recommendations for consideration and discussion on Thursday.

4. Conclusion

REPORT ON THE VARIOUS SUBMISSIONS MADE TO THE FIRST AND DEPUTY FIRST MINISTERS ON THE CIVIC FORUM AND AN OUTLINE OF WHAT STEPS COULD NOW BE TAKEN TO ESTABLISH THE CIVIC FORUM

1. BACKGROUND

- 1.1 A range of individuals, organisations and networks have written to the First and Deputy First Ministers over the past 3 months setting out their views on the establishment of the Civic Forum. This has ranged from an individual in Aughnacloy writing to nominate himself for the Forum to a series of consultative exercises facilitated by bodies such as the Northern Ireland Council for Voluntary Action (NICVA) and New Agenda.
- 1.2 The Civic Forum was briefly discussed at the 14 September meeting of the Assembly within the context of the First and Deputy First Ministers' Interim Report on Matters referred by the Secretary of State. A summary of the views expressed by Parties in the Assembly that day and written comments subsequently received (Northern Ireland Women's Coalition and Sinn Féin) are outlined in Annex A.
- 1.3 In all cases submissions have been acknowledged with a commitment that all views would be taken into account by the First and Deputy First Ministers.

- 1.4 **Annex B** outlines the key points of each submission made to date.
- 1.5 One organisation, New Agenda, not only facilitated a consultation exercise, but have submitted a proposal to co-operate with the Office of the First and Deputy First Ministers in facilitating further debate on the Civic Forum throughout the community, culminating with a seminar in December/January, see **Annex C** (The First and Deputy First Ministers will wish to consider and respond to this offer of assistance).

2. **VIEWS EXPRESSED TO DATE**

- 2.1 No-one would seek to claim that the views expressed to date are in some way representative of the wider community. The sectors specified in the Agreement in connection with the Civic Forum (business, trade union and voluntary sectors) are clearly keen to make a contribution, hence bodies such as the CBI, NICVA, NIC/ICTU feature prominently in the submissions.
- 2.2 Accepting the limited nature of the consultation to date, I have outlined below, under various headings, the convergence of views that have been expressed to date in relation to the establishment and operation of the Civic Forum.

3. RELATIONSHIP BETWEEN THE FORUM AND THE ASSEMBLY

- 3.1 Virtually all the submissions stressed that the Forum should be complementary to the Assembly; that the democratic primacy lies with the elected representatives and that the Forum will fail if it behaves, or is perceived to behave, in a manner that is in competition with the Assembly. It was stressed that the Forum had no legislative, executive or administrative role; rather it will be a consultative body and should not be viewed as a second chamber (House of Lords or Senate) to the Assembly.
- 3.2 Given the formative stage of the Assembly and the complexity of issues that need to be tackled by the Assembly it was acknowledged that the Forum should seek to assist the Assembly in every way possible. This includes the recognition of a “two-way street”, whereby the Forum would not sit in judgement of the Assembly ie “a populist loud hailer”, rather the Forum could assist in preparing public opinion for the difficult decisions that the Assembly will inevitably be required to take viz public expenditure priorities and a negotiated programme of government.
- 3.3 There should be a close working relationship between the Assembly and the Forum. Examples suggested included the Assembly asking the Forum to comment on draft legislation; the Assembly commissioning the Forum to examine a small number of key policy

issues; the Assembly formally debating reports submitted by the Forum; Ministers being prepared to give formal responses to issues/queries raised by the Forum; and the Assembly Committees and the Forum working collaboratively.

- 3.4 The range of comments expressed above should go some way to expel the reservations held by some political activists that the proposed Civic Forum is an attempt to boost civic society at the expense of elected representatives. (Note a recent exchange of views in the Irish Times between Mr Steven King, adviser to Mr John Taylor MP and Mr John Woods, Co-ordinator of New Agenda) see Annex D.

4. REPRESENTATION

- 4.1 The Agreement states that the Forum “will comprise of the business, trade union and voluntary sectors and such other sectors as agreed by the First Minister and Deputy First Minister.” Given that there are over 5,000 registered voluntary and community groups; 10,000 private companies and 40 trade unions in Northern Ireland, it will be difficult to agree upon a model of representation that will attract widespread endorsement.
- 4.2 A number of submissions have identified the limitation of the generic terms business, trade union and voluntary sector. The list below is by

no means exhaustive, but it identifies other sectors/sub groups within the community which have been explicitly cited for inclusion in the various submissions:

- Churches
- Farmers
- Rural Groups
- Youth (40% of NI population under 25)
- Community Groups
- Women's Groups (51% of NI population is female)
- People with Disabilities (17.4% of NI population)
- Ethnic Groups
- Public Sector Employees
- Elected representatives/political nominees
- Victims
- Former prisoners.

4.3 One approach would be to run with the generic terms – business, trade unions and voluntary sector and identify suitable ‘umbrella’ organisations in the respective sectors to assist the First and Deputy First Ministers in agreeing on the representation to the Forum.

Bodies who view themselves in this sectoral nominating role not surprisingly favour this approach. Hence, some suggest that farming interests could be classified under business; rural interests could be classified under voluntary and a new sectoral category – churches –

could also be given nominating rights, thus enabling the First and Deputy First Ministers to adopt the generic sectoral classifications of business, trade union, voluntary sector and churches.

4.4 Potentially one of the most divisive issues could be the decision to involve members of political parties (elected representatives or party nominees in the Forum). Some commentators take the quasi legal interpretation of the Agreement document that by specifying the business, trade union and voluntary sectors this deliberately signals that the Forum should be a non-party political body. Others, eg the Institute of Directors, welcome the potential involvement of elected representatives/party nominees within the Forum. This is a matter which the First and Deputy First Ministers will wish to give careful consideration to.

4.5 Many of the submissions stress the need to achieve a balanced representation of members. Invariably this will necessitate the publication of guidelines for the selection of representatives, as stipulated in the Agreement. The key criterion identified through the consultation exercises to date include:

- Gender proofed (at least 40% of either gender)
- Perceived community background/religious belief
- Geographic spread across Northern Ireland
- Age

- Socio-economic background
- Sexual orientation
- Groups representing the elderly
- Cultural Groups (Orange Order, GAA, Irish Language, Ulster Scots)
- Environmental Groups
- The most marginalised in society
- The academic community.

5. SELECTION

5.1 Based on 4.3 above the key sectoral bodies suggest the following approach to selection of membership.

Voluntary/Community Nominated by the Northern Ireland Council for Voluntary Action (NICVA)

Trade Union Nominated by the Northern Ireland Committee of the Irish Congress of Trade Unions (NIC/ICTU)

Business Nominated by a collaboration between the Confederation of British Industry, the Institute of Directors and the Chamber of Commerce.

Churches

Via a process of consultation with the Churches.

Others

Some additional seats set aside for direct nomination by the First and Deputy First Ministers to redress any imbalances/gaps.

5.2 On the assumption that the First and Deputy First Ministers will publish guidelines for the selection of representatives to the Forum the above approach has a number of attractions; it would enable the Civic Forum to be established fairly quickly; and it would place the onus on the 'umbrella' organisations to achieve a broad representation. Whilst it will not be favoured by all interested parties it holds out the possibility of achieving the maximum possible consensus within a short period of time. Furthermore, as the Civic Forum evolves the process of selection of membership could be revisited in the light of experience.

5.3 A number of submissions suggesting that nomination rights be given to key sectoral umbrella organisations were keen to stress that whereas members should be drawn from the sectoral groups, they should be free to operate as individuals chosen for their broader qualities and capacities to articulate the 'interests of the greater good'.

- 5.4 If the First and Deputy First Ministers conclude that the above model is too restrictive some sensitivity will be required in explaining the reasons why NICVA, NIC/ICTU, CBI/IOD/CofC and the churches are not being asked to undertake a nominating role on behalf of their respective sectors. One would want to avoid a situation whereby a key 'umbrella' body felt alienated from the process to the extent that it decided not to co-operate with the Forum.
- 5.5 A variation of the nomination model in 5.1 above would be to give nomination rights to additional sectoral bodies (eg youth, elderly, ethnic minorities). A further variant would be to give nomination rights to several sectoral bodies, asking them to nominate more individuals than there are places available who would then be interviewed by a selection body (made up of the sectoral bodies) whose job it would be to select the full membership of the Forum on the basis of merit, while achieving an overall balance within the Forum.
- 5.6 The submissions made to date have suggested a number of models that could be adopted in the selection of representatives to the Forum. I outline these models briefly below.
- 5.7 **Election:** At one level this has the clear advantage of being democratic. Yet there are a number of disadvantages to this approach. It would be logistically very difficult and expensive to

organise an election to the Civic Forum; who for example would be eligible for inclusion on a register of electors? This approach could easily be perceived as a threat to the Assembly which itself derives its legitimacy from the fact that it is elected. An election could easily take on a party political favour or a sectarian favour. Furthermore, balance and diversity could easily be sacrificed by an electoral procedure.

5.8 **Electoral Panels:** The Northern Ireland Women's Coalition favour an electoral panel approach. This entails the establishment of sectoral panels who would be tasked to organise elections within their respective sectors. The Women's Coalition are keen to involve more than the 3 sectors cited in the Agreement hence they have suggested the following electoral panels:

- Cultural and educational panel
- Youth affairs panel
- Industrial and commercial panel
- Labour panel
- Community representation panel
- Administrative panel.

5.9 This model could prove to be quite torturous and acrimonious, for example, who would select the actual membership of the various panels (presumably the First and Deputy First Ministers) and would

existing bodies such as the CBI, NICVA and the NIC/ICTU refuse to co-operate in what they would view as a direct snub to their representative role?

5.10 **An Appointment System:** This would entail an open recruitment process whereby the First and Deputy First Ministers would publish selection guidelines and membership specifications and advertise for nominations. This would be followed by a shortlist process, interview and appointment on merit. The disadvantages are that this would be quite a laborious process, and even if the best principles of Peach were used the likelihood is that the Forum would be viewed as a giant quango appointed by government rather than civil society itself.

5.11 Irrespective of whatever model of selection is agreed upon, a number of the submissions placed a great deal of emphasis on the importance of ensuring that those serving on the Forum should be people of talent, energy, commitment and with a track record of having made a significant contribution in their respective sectors and to the wider society. The inference is that the attempt to achieve the broadest possible representation should not be at the expense of striving to secure the services of the best possible people. One needs to guard against the temptation of appointing someone to fill perceived gaps in the membership of the Forum (eg a young person with little civic involvement), who may subsequently struggle with the complexities

of actually ensuring that the Forum itself becomes a highly effective and respected body.

6. NUMBER OF FORUM MEMBERS

6.1 The majority of those expressing a view on the actual size of the Forum membership suggested a figure in the region of 50-60. Several submissions suggested the number 54, ie half the size of the Assembly membership.

6.2 Some were keen not to restrict the size of the Forum. Suggestions were put forward that the Forum could have a membership of 90, or an open-ended selection of members depending on the range of issues being discussed.

6.3 Irrespective of the agreed size of the Forum those making submissions envisaged individuals being co-opted to working groups/sub committees, etc, based on the expertise that they might bring to a given subject matter.

7. TENURE OF OFFICE

7.1 A number of submissions have suggested that a “person specification” be compiled to set out the range of qualities and skills required of potential Forum members.

- 7.2 Most favour a tenure of office up to 4 years, with the potential of renewal for one additional term of office. To ensure continuity it is suggested that one quarter of the membership would retire annually. (Clearly this would have to be staggered in the formative stage.)
- 7.3 In addition to covering the expenses incurred by Forum members, consideration will have to be given to paying a daily allowance to cover loss of earnings or compensation to employers. Some have suggested that absence from work to attend the Forum could be put on a statutory basis similar to those on jury service.
- 7.4 Where necessary crèche facilities should be provided.

8. **CHAIRPERSON**

- 8.1 A number of submissions stress the importance of leadership within the Forum. Invariably the appointment of a respected and competent Chairperson will be critical, as will be the appointment of one or two vice chairperson(s).
- 8.2 A number of people have suggested that the positions of chairperson and vice chairperson(s) should be rotated between the various sectors within the Forum.

8.3 The position of Chairperson may require a full-time commitment, therefore, some have suggested that a salary be paid to the Chairperson, with associated remunerations for the vice-chairperson(s).

8.4 Those who commented on the issue suggested that the chairperson and the vice chairperson(s) should be elected by the members of the Forum.

9. SECRETARIAT

9.1 The importance of appointing a competent and motivated secretariat was stressed by several submissions. Whereas most accepted that the core of the secretariat would be provided by the Northern Ireland Civil Service there was general support for the suggestion of arranging secondments from the various sectors (business, trade union, voluntary sector).

9.2 The Agreement stipulates that the First and Deputy First Minister will by agreement provide administrative support to the Forum. The draft Northern Ireland Bill has provisionally provided an annual sum in the region of £400,000 for the running of the Forum.

9.3 The core secretariat will probably consist of:

Director (Equivalent to Grade 5 in the NICS)

Secretaries to Standing Committees x 2
(Equivalent to Principal Officers in the NICS)

Information Officer x 1

Personal Secretary to the Director x 1

Secretarial/Clerical/Administrative x 3

Policy Analyst x 2

Researchers x 2

9.4 Given the rather unique and high profile nature of the post of Director of the Civic Forum; the range of skills and experiences required; and the public interest in the post, there is merit in appointing this person through an open recruitment process, attracting applications from all sectors of society. Typically, it will take 6-8 months to make an appointment of this nature, hence early agreement on the nature of this post and recruitment procedures is advised.

9.5 To optimise the use of existing resources it is envisaged that the Forum will have a close policy/research relationship with public

bodies/agencies such as the Northern Ireland Economic Council and the Northern Ireland Statistics and Research Agency (NISRA).

9.6 Most envisage that the Forum Secretariat will be housed in close proximity to the Assembly and/or the Executive of the Assembly. This might also include the Forum meeting in Parliament Buildings, say in the Old Senate (opposed by the DUP). However, the vast majority of submissions suggested that every effort should be made to ensure that the Forum periodically holds sessions in different venues throughout Northern Ireland, in an effort to maximise transparency and accessibility.

10. THE FORUM'S MODUS OPERANDI

10.1 Presumably the Forum will operate under the aegis of the Office of the First and Deputy First Ministers (perhaps the Department of the Executive). The body will be funded on a Grant-In-Aid basis agreed annually in the Assembly.

10.2 Consideration will have to be given to the actual terms of reference, constitution, standing orders and work programme of the Forum.

10.3 **Terms of Reference:** The Agreement states that the Forum "will act as a consultative mechanism on social, economic and cultural issues." Clearly this will have to be expanded upon, in agreement with the key

sectoral groups that will comprise the Forum. For illustrative purposes only I have outlined below an initial framework.

10.3.1 The Terms of Reference of the Consultative Civic Forum are to consider, in consultation with the wider society, the key social, economic and cultural issues facing the Northern Ireland community and to formulate a consensus on how best these challenges might be tackled.

10.3.2 The Forum will have a specific focus on:

- the development of a consensual political culture throughout the wider community on strategic, social, economic and cultural issues;
- the social, economic and cultural aspects of the programme of Government of the Northern Ireland Assembly;
- policies and proposals in relation to promoting social inclusion, Targeting Social Need, tackling long-term unemployment, healing community divisions, increasing economic competitiveness throughout the Region, improving the quality of life for all, and promoting active citizenship and participation by enabling and facilitating

the widest possible community input to consideration of the above issues.

- 10.3.3 The Forum may consider matters on its own initiative or at the request of the Northern Ireland Assembly and/or the Executive Committee of the Northern Ireland Assembly [and/or the office of the First and Deputy First Ministers/Department of the Executive].
- 10.3.4 The Forum will examine the strategic social, economic and cultural challenges and make practical proposals on measures to meet these challenges.
- 10.3.5 The Forum will review and monitor the implementation of its proposals and if necessary make further recommendations.
- 10.3.6 The Forum may invite Ministers, Public Officials and external experts to make presentations and to assist the Forum in its work programme.
- 10.3.7 The Forum will publish and submit all its reports to the Northern Ireland Assembly, Government Departments and other bodies as may be appropriate.

10.3.8 The Forum will be formally consulted on the programme of Government of the Northern Ireland Assembly, related public spending priorities and legislature proposals.

10.3.9 The Forum will respond to requests from the Northern Ireland Assembly. Likewise the Forum will receive formal responses from Ministers to its recommendations including reasons for rejecting any aspects of an opinion which are not accepted.

10.3.10 The Forum will liaise with any independent Consultative Forum that might be appointed by the North-South Ministerial Council and any similar fora that may arise within the work of the British-Irish Council.

10.4 **WORK PROGRAMME**

Many of the submissions concluded that if the Forum is to be of real value and practical use it should focus its energies on a small number of strategic themes, rather than seek to offer expert advice on all aspects of government.

10.5 A unique strength of the Forum will be its capacity to bring cross-sectoral, lateral thinking to a range of issues. The Forum will not be constrained to think along Departmental lines and will be well

equipped to tackle, what some refer to as the “wicked” problems (ie the complex policy challenges which cut across Departmental boundaries). Such an approach would complement the more departmentally focussed work of the Assembly Committees while avoiding unnecessary duplication.

- 10.6 A number of submissions stressed the need for the Forum to adopt an innovative approach to the key social, economic and cultural challenges. Some referred to this as “thinking the unthinkable”, whereby the Forum should place particular emphasis on identifying and nurturing innovation in social policy and programme delivery.
- 10.7 There may be merit in the Forum drawing up a 2-year work cycle and liaising with the Assembly on its programme of work. This should be viewed as a two-way process whereby the Assembly and the Forum could make best endeavours to compile a work programme of direct relevance to the negotiated programme of government.
- 10.8 In drawing up its work programme, the Forum will take account of the role and functions of other bodies in the social, economic and cultural areas such as the Northern Ireland Economic Council, the Community Relations Council, the Northern Ireland Statistics and Research Agency and the academic community. This will ensure that the Forum’s work programme is not duplicative of the work of other bodies.

11. CONSTITUTION AND STANDING ORDERS

11.1 In consultation with the key sectoral groups, the First and Deputy First Ministers will wish to agree a suitable constitution for the Forum. This will cover issues such as:

- The purpose of the Forum.
- The membership of the Forum.
- The selection of members.
- Tenure of Office.
- Issues of accountability.
- Appointment of Chairperson, Vice-Chairperson and other office bearers.
- Meetings of the Forum.

11.2 Standing Orders should be agreed between the First and Deputy First Ministers and the initial members of the Forum. The Standing Orders will set out the structures and working arrangements of the Civic Forum providing guidance on:

- Voting procedures
- Plenary sessions
- Establishment of Standing Committees, Sub-Committees and working groups

- Establishment of an Executive Committee
- Imaginative and creative structures and processes that have the capacity to generate the fullest possible participation of people in the wider society.

12. NEXT STEPS

12.1 The First and Deputy First Ministers will wish to acknowledge the effort that has been made by a range of organisations to consult with their memberships and to submit the conclusions of their consultative exercises. It is important that this momentum is built upon and preliminary steps now taken to establish the Forum (the Northern Ireland Bill envisages the Forum being established on 1 February 1999). I have outlined below a range of steps that could now be taken to advance this matter.

12.2 A working group could be established within the Office of the First and Deputy First Ministers comprising of nominees by the First and Deputy First Ministers, special advisers and members of the Support Team.

12.3 The First and Deputy First Ministers could agree to jointly meet with a range of sectoral bodies who have made submissions. This could take the form of informal one-to-one meetings, group meetings, a dinner/luncheon discussion or a semi-structural seminar for a broad cross-section of sectoral groups (say 20).

- 12.4 On the basis of material provided in this submission and with a political steer from the First and Deputy First Ministers a report on the Civic Forum could be prepared and submitted by the First and Deputy First Ministers to the Assembly for debate, as part of the reporting back on matters referred by the Secretary of State.
- 12.5 An all-party Sub-Committee of the Assembly could be formed to work in conjunction with the Support Team and the First and Deputy First Ministers in establishing the Civic Forum.
- 12.6 The First and Deputy First Ministers could publish a consultative paper setting out their views on the role, function, and membership of the Civic Forum and issue this for consultation throughout the wider community (see below).
- 12.7 The First and Deputy First Ministers could arrange for wider consultation on the Civic Forum without publishing a report at this stage. In this regard the proposal submitted by New Agenda to undertake wider community consultation should be considered (**Annex C**). In my view this would be labour intensive, time consuming and would unlikely add any fresh thinking to the task. Invariably it would also delay the actual establishment of the Forum.

12.8 The First and Deputy First Ministers could instruct the Support Team to prepare a number of draft working papers eg

- Draft Terms of Reference of the Forum
- Draft Constitution of the Forum
- Selection guidelines for membership of the Forum.
- Person specifications for membership of the Forum and person specifications for Chairperson and Vice-Chairperson(s).

- Draft Standing Orders of the Forum
- Draft business plan of the Forum, including accommodation options, establishment costs, etc.

- Staffing arrangements for the Forum, including job descriptions etc.

12.9 There is also merit in arranging a meeting with the National Economic and Social Forum (NESF) which operates in the Republic of Ireland. In the first instance this could be advanced by arranging for the Support Team and special advisers to meet with the Secretariat and Chairperson of the NESF in Dublin.

13. CONCLUSION

The First and Deputy First Ministers are asked to provide a political steer on the various issues highlighted in this submission and to instruct the Support Team on the most appropriate steps that should

be taken now to make preparation for the establishment of the Civic Forum.

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