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Mr Heffernan's
Jaquelie



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*Second Draft - 14/01/99***1. Introduction**

- 1.1 Paragraph 34 of Strand One of the Agreement provides that "A consultative Civic Forum will be established". Section 56 of the Northern Ireland Act 1998 (which comes into force on such day as the Secretary of State by order made by statutory instrument under Section 101 shall appoint) makes provision for the Forum. (Annex A outlines the relevant extracts.)
- 1.2 At a round-table meeting with 6 of the Assembly Parties on 12 November 1998, as part of the First and Deputy First Minister's intensive consultation with Parties on those matters referred to the Assembly by the Secretary of State, it was agreed to establish a Study Group to consider all relevant aspects to the establishment of the consultative Civic Forum and to prepare a report for consideration by the First and Deputy First Ministers.
- 1.3 This report has been prepared by the Study Group comprised of one representative from 6 Parties in the NI Assembly (UUP, SDLP, SF, Alliance, PUP, NIWC) and the Support Team and Special Advisers of the Office of the First and Deputy First Ministers. (See Annex B for membership.)
- 1.4 The Study Group met in formal session on five occasions. In addition to reviewing the various submissions on the Civic Forum made to the First and Deputy First Ministers, the Study Group considered background material on a number of other civic fora.
- 1.5 In reviewing the submissions on the Civic Forum made to the First and Deputy First Ministers, members of the Study Group were mindful that these represented a fairly narrow cross-section of the Northern Ireland community. Ideally, there would be merit in the

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Office of the First and Deputy First Ministers initiating a consultation process that would seek to engage those sections of the community less inclined to proactively make written submissions. However, the Study Group was equally concerned that the establishment of the Civic Forum should be progressed expeditiously to complement the progress being made in implementing the other institutional arrangements arising from the Agreement. Given its novel nature the Civic Forum should be viewed as an evolving organisations whose role and structure can be modified and adjusted in the light of experience.

- 1.6 With the objective of ensuring that the Civic Forum would be as representative and participative as possible the Study Group considered suggestions such as the establishment of thematic panels from which membership of the Forum could be elected, or the establishment of a Civic Forum panel in each of the 18 Assembly constituencies from which membership of the Civic Forum could be drawn. However, the priority now is to establish the Civic Forum and to be in a position to operate the Forum from the date of devolution of powers to the Assembly. To achieve this it will be necessary to work alongside existing representative bodies in seeking to secure the membership of the Forum. In due course this method of securing the membership of the Forum can be reviewed, and the initial membership can specifically consider the issue of maximising the representative and participative nature of the Civic Forum.

- 1.7 In preparing this report the members of the Study Group were struck by the divergence of views on the possible role and structure of the Civic Forum. Indeed this report does not purport to necessarily be representative of the Party views of the individual members of the Study Group. What follows is intended to reflect

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the broad conclusions of the Study Group. Furthermore, the report does not seek to examine the pros and cons of the various options, nor capture the essence of every argument before recommending a particular course.

2. **Remit**

- 2.1 The overall aim of the Civic Forum should be to provide advice to the Northern Ireland Assembly on the development and performance of policy and public administration.
- 2.2 The agreement defines the remit of the Civic Forum as a consultative mechanism on social, economic and cultural issues. The temptation might be to spread the Civic Forum's work so thinly as not to address any issue in depth, and to select issues in an ad hoc way that will diminish the strategic direction and power of influence of the Civic Forum.
- 2.3 Whilst the Civic Forum may consider social, economic or cultural issues on its own initiative the potential "added value" of the Civic Forum is more likely to be achieved by both institutions formally agreeing a programme of work analogous to the policy issues being addressed by the Assembly.
- 2.4 The functions of the Civic Forum are likely to include:
 - 2.4.1 providing advice to the Assembly through a process of pilot initiatives, reports, research and reviews;
 - 2.4.2 addressing specific policy issues and bringing an "added value" dimension to bear on policy-making through

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identifying, where possible, new thinking and alternative options, ie a problem solving focus;

2.4.3 making a contribution to the emergent cross-cutting themes of Government such as sustainable development, community relations, unemployment – the so called ‘wicked problems’ whose resolution is long-term;

2.4.4 reviewing and commenting upon the ‘programmes for government’ of the Executive and input to discussions on public expenditure priorities in the context of the annual and triennial review of government expenditure;

2.4.5 promoting active citizenship and the fullest possible contribution by the community to the political process;

2.4.6 to co-operate on the possible establishment of an independent consultative forum appointed by the two Administrations (the Northern Ireland Assembly and the Republic of Ireland Government) as outlined in paragraph 19 of the Agreement.

We require a decision to include or delete this paragraph.

3 Membership

3.1 The Civic Forum should consist of 60 members drawn from four strands of the community:

- business - 15 members
- trade union - 15 members
- voluntary/community - 15 members
- others - 15 members

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3.2 Business: The Chamber of Commerce, the Institute of Directors, the Confederation of British Industry, the Federation of Small Businesses, the Ulster Farmers' Union and the Northern Ireland Agricultural Producers' Association should be invited to form a consortium for the purposes of nominating 15 representatives. The consortium would take responsibility for reaching agreement on how the allocation of 15 places should most appropriately be allocated from their membership organisations commensurate with scope of membership etc.

3.3 Trade Unions: The Northern Ireland Committee of the Irish Congress of Trade Unions should be invited to nominate 15 representatives from the trade union movement.

3.4 Voluntary/Community Sector: The Northern Ireland Council for Voluntary Action, the Rural Community Network, the Northern Ireland Council on Disability and the Women's Resource Development Agency should be invited to form a consortium for the purposes of nominating 15 representatives. In making their nominations the voluntary/community consortium should adopt a predisposition to nominating individuals who have direct experience of issues related to poverty and marginalisation.

3.5 The nominations from the voluntary/community sector should comprise representatives from the following:

- women's groups - 3
- people with disabilities - 3
- youth - 3
- older people - 2
- ethnic minorities - 2
- environmentalist groups - 2

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3.6 Others: The Agreement specifies that the Civic Forum will comprise representatives of the business, trade union and voluntary sectors and such other sectors as agreed by the First and Deputy First Ministers. Representatives from the following sub-sectors of the community will comprise the fourth strand of the Civic Forum membership, namely:

- **Churches**: A consortium of the churches in Northern Ireland should be invited to nominate 6 representatives.
- **Culture, Arts and Sports**: The Cultural Traditions Group of the Northern Ireland Community Relations Council should be invited to nominate 5 individuals broadly representative of the main cultural, artistic and sporting traditions in the community.
- **Healing divisions**: The Northern Ireland Community Relations Council should be invited to nominate 4 individuals who have made a significant contribution to healing divisions within the community.

4. **Guidelines for Selection**

4.1 All nominations to the Civic Forum should be processed within the context of Section 24(1) of the Northern Ireland Act 1998 (see Annex C), the Peach requirements on public appointments and Policy Appraisal and Fair Treatment (PAFT) guidelines. The guidelines for selection should apply to all nominating bodies and should consist of the following:

- a gender balance
- community background balance

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- geographic spread throughout Northern Ireland
- diversity of skills, expertise and experiences
- disqualification for anyone holding more than one public appointment
- agreement that elected representatives would not allow their names to go forward for recommendation.

4.2 The various nominating bodies should have responsibility for ensuring that procedures and selection guidelines are properly adhered to before nominations are made. The First and Deputy First Ministers reserve the right to ensure that the Civic Forum is as broadly representative of the community as possible.

5. **Tenure of Office**

5.1 Members should serve for a typical period of 3 years and a maximum of two consecutive terms (see 5.2 below for exceptions to this).

5.2 The initial membership should retire on a rotational basis to ensure continuity, ie one-third retire at the end of two years membership, one-third at the end of three years membership and one-third at the end of four years membership.

5.3 Casual vacancies will be filled by the respective nominating bodies.

6. **Chairperson**

6.1 For the first three years of the Civic Forum a Chairperson shall be appointed by a process of public appointment. Representatives from the various nominating bodies will form a consortium to oversee the selection of a chairperson, with final approval resting

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with the First and Deputy First Ministers. At the end of the three year period, the membership of the Civic Forum may continue to appoint an external chairperson or decide to appoint a chairperson from within its membership.

- 6.2 A vice-chairperson(s) will be appointed by the membership of the Civic Forum.

7. **Members' Expenses**

- 7.1 The influence and effectiveness of the Civic Forum will be dependent upon the expertise and commitment of its members. Whilst it is not envisaged that members will be paid a per diem rate or annual fixed sum, as a general principle no member should be out of pocket as a result of obligations to the Civic Forum. Arrangements for paying travel and subsistence, any actual loss of earnings and childcare expenses will require detailed consideration, but is recommended in principle.
- 7.2 Given the likely demands on the office of chairperson it is proposed that an honorarium be paid at rates to be determined by the First and Deputy First Ministers. It is not envisaged that an honoraria be paid to the vice chairperson(s).

8. **Secretariat**

- 8.1 Administrative support will be provided under the aegis of the Office of the First and Deputy First Ministers in line with the Agreement and the provisions of the Northern Ireland Act 1998. This will comprise of an annual budget in the region of £375,000 to cover the costs of a professional secretariat, operating expenses and consultancy fees.

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- 8.2 The appointment of a skilled and committed secretariat will be critical to the successful functioning of the Civic Forum. The secretariat will be drawn from across the Northern Ireland Civil Service and individuals from other sectors.
- 8.3 The post of Director and other senior posts to be determined by the membership shall be publicly advertised and appointed through the Northern Ireland Civil Service Staff Commission in conjunction with the initial membership of the Civic Forum. In the interim the post of Director will be provided by the Office of the First and Deputy First Ministers.

9. **Working Arrangements**

- 9.1 The internal structures, working arrangements and standing orders of the Civic Forum should be determined by its membership. It is likely that the Civic Forum will work through:
- Plenary Sessions
 - a Management Committee
 - Project Teams; and
 - Ad Hoc Working Groups
- 9.2 A minimum of four plenary sessions should be held each year. Except when dealing with issues related to the internal management of the Civic Forum the plenary sessions should be held in public, including representatives from the media. The venue for plenary sessions should be determined by the Civic Forum and should include various locations throughout Northern Ireland.

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9.3 The Management Committee should be comprised of representatives from each of the sectors and should be responsible for the management of the Civic Forum and in ensuring its overall effectiveness and functioning. This role shall include:

- formally liaising with the Assembly on an agreed work programme;
- assisting the chairperson and vice chairperson(s) of the Civic Forum, in conjunction with the secretariat, in carrying out their roles.

9.4 It is envisaged that the Project Teams and Ad Hoc Working Groups will be assisted, where necessary, by outside experts. The task of these experts should be to facilitate the work of the Teams/Groups through the preparation of position papers, participation at meetings (but not voting) and where appropriate the drafting of reports or sections of reports.

9.5 In carrying out its functions, the Civic Forum should have regard to the role and functions of other bodies, in particular the work of the Assembly and the Committees therein, the Northern Ireland Economic Council, the Equality Commission and the Human Rights Commission.

10. **Conclusion**

10.1 We recommend this report to the First and Deputy First Ministers for consideration.

Civic Forum Study Group

January 1999

ANNEX A**PARAGRAPH 34 OF STRAND ONE OF THE AGREEMENT**

"34. A consultative Civic Forum will be established. It will comprise representatives of the business, trade union and voluntary sectors, and such other sectors as agreed by the First Minister and the Deputy First Minister. It will act as a consultative mechanism on social, economic and cultural issues. The First Minister and the Deputy First Minister will be agreement provide administrative support for the Civic Forum and establish guidelines for the selection of representatives to the Civic Forum."

SECTION 56 OF THE NORTHERN IRELAND ACT 1998

" 56.-(1) The First Minister and the deputy First Minister acting jointly shall make arrangements for obtaining from the Forum its views on social, economic and cultural matters.

(2) The arrangements so made shall not take effect until after they have been approved by the Assembly.

(3) The expenses of the Forum shall be defrayed as expenses of the Department of Finance and Personnel.

(4) In this section "the Forum" means the consultative Civic Forum established in pursuance of paragraph 34 of Strand One of the Belfast Agreement by the First Minister and the deputy First Minister acting jointly.

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ANNEX B

STUDY GROUP MEMBERSHIP

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ANNEX C**Section 24(1) of the Northern Ireland Act 1998**

24.-(1) A Minister or Northern Ireland department has no power to make, confirm or approve any subordinate legislation, or to do any act, so far as the legislation or act-

*Community law,
Convention rights
etc.*

- (a) is incompatible with any of the Convention rights;
- (b) is incompatible with Community law;
- (c) discriminates against a person or class of person on the ground of religious belief or political opinion;
- (c) in the case of an act, aids or incites another person to discriminate against a person or class of person on that ground; or
- (e) in the case of legislation, modifies an enactment in breach of section 7.