

Submission from



Northern Ireland

on

REVIEW OF PUBLIC ADMINISTRATION:

February 2004

Introduction

UNISON is responding to this review on behalf of our 30,000 + members. Their work crosses many public sector organisations, the community and voluntary sectors, and contracted-out service providers. The majority are women, and low paid. The majority also use and value public services from positions of multiple disadvantage in this society.

Terms of Reference

UNISON previously raised two issues of crucial concern:

- (a) the implication that the Review would breach subsidiarity by seeking to determine which public services should be directly delivered. There has been some movement on this. However, the section on delivery of services (page 41) asks which functions/services should be or not be delivered by the public sector. This is ambiguous; it should be made clear that this refers to the definition of 'public ' services, not the means of delivery.
- (b) Specific assurances for employees on transfer, protection, procedures and compensation. There is still nothing substantive on this. Paragraph 5.12 (page 30) is of no merit; 'change management' is not the issue. There should be specific proposals and assurances in respect of:
 - Protection of conditions of employment
 - The use of 'Staff Commission' mechanisms to ensure fairness in transfers and appointments to new posts
 - Terms of compensation and severance which reflect the current statutory position in N Ireland, i.e. the Crombie Code, applicable to all
 - A working TUPE principle, reflecting the aspirations of the DTI in consultation for applicability to administrative re-organisation. There should also be consideration of the training and re-skilling issues in any proposals for change.

Executive Competence

All matters in this review should be for evaluation and decision by a fully functioning Executive, as indicated in the ministerial preface. Partial or full implementation by Direct Rule Ministers on performance to date is no substitute.

Model of Public Service

The underlying philosophy of this review appears to be consumerist, not the delivery of public services to active and empowered citizens.

The objective of the Review should be to identify the critical individual transactions with citizens, and produce solutions which raise the quality and value of those transactions.

Public services should be 'gift relationships' which strengthen society by avoiding the essential exploitation and alienation characteristic of the market economy. They should strengthen citizens' sense of self-worth, dignity and respect, and their belief in personal and social change to underpin the dynamics of the peace process.

They should emphasise reciprocity and shared obligations, including the rights and dignity of workers. UNISON support the Rights in Community Care Campaign with a number of organisations working for the rights of elders. Its Charter offers a useful model for the Review.

RICC STATEMENT OF PRINCIPLES

1. That individuals and their carers have rights and entitlements to community care services which should be driven by their needs rather than by financial imperatives.
2. That the question of individual choice should be central to the delivery of community care services. Such choice should involve genuine participation in decision making on the delivery of services by the individual requiring support and the provision of all decisions of entitlements and services in writing.
3. That individuals should have the right to independent advocacy and where appropriate have access to independent advocacy.
4. That information on community care policies and practices should be made publicly available and expressed in a clear and straightforward written form which can be readily understood.
5. That the rights of workers providing community care services should be respected and protected. Providers of such services should be given full legal recognition and in particular that their entitlement to full, proper and adequate remuneration for their work should be guaranteed.
6. That community care policies should be delivered in a way that does not discriminate on grounds of gender, age, racial group, disability, sexual orientation, religious belief, political opinion, marital status, or due to having dependants.

The model and concept of public service in the review should have Equality and Human Rights principles integrated, not assessment 'add-ons' as they stand in the current document. Options should also be tested for improvement in outcomes given eg the number of appallingly poor outcomes on some of the key health, education and poverty indicators in this society.

Partnership in public service provision

The Review should learn from workplace partnerships that have involved users and communities. Examples include UNISON's work with the Royal Hospitals and the Belfast Education Board.

Contracted-out Services

The Review fails to take account of the widespread delivery of services through contracted-out/privatised models, mostly on contracts that were let before Section 75 and the recommendations of the 2001 Procurement Review. These contracts perpetuate high levels of inequality, low pay, and consequent poverty. Clear standards for public service delivery in the Review process should lead to recommendations for their return in-house if a new model of public administration is to have credibility.

Review Questions

Question 1 and 2 (Characteristics of public administration)

All factors listed are relevant. The model of public service in this paper; the protection of workers rights; the improvement of critical outcomes; and sustainability should be added to the assessment criteria.

Question 3 (Changes/improvement).

There should be stronger accountability. The 'pass the parcel' approach to the issue of equality responsibility for PFI/PPP between Departments and NDPB's is a symptom of a fundamental lack of public accountability and transparency in the current system.

Question 4 (Private sector roles).

The public sector has a distinct and necessary ethos. Engagement with a private sector governed by obligations to shareholder value must not compromise this ethos. Where the private sector is used, for construction or the provision of goods and specialist services,

equality processes must apply in procurement, and links made to regeneration on construction schemes (cf. the 2001 Procurement Review).

Question 5 (Local area services)

There should be the maximum of democratic accountability. This does not equate necessarily with democratic control (cf. the use of scrutiny mechanisms). accountability; should be exercised through power-sharing and governance mechanisms similar to those in the Good Friday Agreement.

Question 6 (Partnership arrangements).

These should be enhanced, but subject to frequent internal and external audit for effectiveness. Social Partner involvement should be enhanced (cf. the effective role of trade unions in the District Peace Partnerships).

Question 7 (E-government)

In society as it stands, this will reinforce inequality in access to public services. New models of public administration can only benefit from e-government when the society itself is wired and trained (cf. the French Government's delivery of hardware, software and cable links to all homes).

Question 8 (Ministerial and democratic accountability).

This should be promoted to its maximum subject to consistent power sharing and governance rules, and systematic applications of the Equality and Human Rights duties.

Question 9 (Local Government functions)

Local Government should above all represent and champion local views and local needs.

Question 10 (NDPB's)

These need to be far more accountable and transparent in their operation where adopted

Question 11 (Executive Agencies)

These should be incorporated within the wider Civil Service for direct accountability. On a wider point, attention should be given to current work in the Welsh Assembly on producing an integrated model of public service and employment of public servants – across the entire public service.

Question 12 (Influence for Local communities)

The consultation and assessment models for Section 75 create a useful template for ensuring full involvement.

Question 13 (Promoting individual involvement and contributions)

As per question 12

Question 14 (Civic leadership and shared vision)

New models of training that reinforce the values and approach in the Public Service Model outlined earlier in this response should be instituted

Question 15 (Options/models)

There is no thorough test in the review as to how these fit with the review criteria, let alone the wider criteria we have proposed. Nor is there any form of equality, Human Rights, TSN and rurality assessment. All of the above need to be part of evaluation of models before responses are sought

Question 16 (Allocation of services)

No comment as per question 15

Question 17

Again, no comment is worthwhile given the weak level of analysis in the document.

Question 18 (amendments to corporate governance)

No comment at this stage

Question 19 (Interface with Health Reform)

UNISON has consistently sought the urgent reform of a failing health system. We welcome the indication that the commissioning/delivery split is no longer a perceived assumption. Despite the current absence of an Executive, there has been extensive consultation on health reform within our Executive framework, and proposals for new health structures, linked to an NI 'Health Plan', should be brought forward, and not delayed because of ROPA.

Question 20 (Terms of Reference/review compatibility)

See earlier comments

Question 21 (DHSSPS considerations)

As per Question 19: imperative to proceed with Health Restructuring

Equality/Human Rights/TSN/Rural Proofing

The document seeks views on 'high level' models. It is inadequate in testing them against limited criteria. To then state (7.4, page 34) that 'detailed equality assessment at this stage is impracticable' is weak, and compromises statutory duty. The implication is that we only get equality assessment when there is consultation on a final recommendation. The same comment applies to Human Rights,

TSN, and Rurality. This is totally unsatisfactory. The essence of assessment is consultation. The way forward for the Review is therefore to consult on the 5 models tested against the criteria on page 13, supplemented by the additional criteria in this response, and paralleled by an equality assessment driven by consultation, TSN analysis and preliminary assessments on Rights and Rurality. Otherwise respondents are choosing between models in a vacuum.

End

For further information contact:

**Thomas Mahaffy, Research & Policy Organiser
UNISON, Unit 4, Fortwilliam Business Park,
Dargan Rd, Belfast, BT3 9JZ.
Tel – 028 90770813
Fax – 028 90779772
Email – t.mahaffy@unison.co.uk**