

MACHINERY OF GOVERNMENT

A. THE PRESENT ORGANISATION OF DEPARTMENTS

1. The departmental pattern of Northern Ireland at the introduction of Direct Rule was one of 9 departments:

Department of the Prime Minister	Cabinet Secretariat, Government Information Service.
Ministry of Finance	Treasury Division, Civil Service Management Division, Works Division etc.
Ministry of Home Affairs	Police, administration of justice, treatment of offenders and child care, fire services, road safety etc.
Ministry of Health and Social Services	Labour affairs, social security, health and welfare.
Ministry of Education	
Ministry of Agriculture	
Ministry of Commerce	
Ministry of Development	Planning, housing, roads, transport, local government, conservation.
Ministry of Community Relations	

2. This pattern has existed, save for the creation of the new Ministry of Community Relations, since the reorganisation of 1965, in which the old Ministries of Labour and National Insurance and of Health and Local Government became the new Ministries of Health and Social Services and of Development, and functions were reshuffled as between Departments.

3. At the time of Direct Rule, the Cabinet consisted of the Heads of these 9 Departments (with the Prime Minister doubling as Minister of Home Affairs) and 5 others of whom 1 (the Leader of the Senate) had no departmental responsibilities, 2 (Ministers of State at the Department of the Prime Minister and at the Ministry of Finance) had loose connections with Departments, and 2 (Ministers of State at the Ministries of Home Affairs and Development) had substantial departmental responsibilities.

4. Two points may be made about the existing organisational pattern.

- a. It included both "one subject" departments (eg Education and Agriculture) and "multiple subject" departments (eg Development and Health and Social Services).
- b. Some Departments were clearly more substantial than others, in terms of size of budget, numbers of senior and other staff, range and complexity of problems, and political importance (although not all of these factors necessarily correspond).

B. PRINCIPLES FOR FURTHER ORGANISATION

5. In considering the organisation of Departments under an Executive, account must be taken of the inevitable disruption and temporary loss of efficiency caused by any substantial reorganisation. An incoming Executive would have to weigh any longer term political and organisational advantages to be derived from reorganisation against the risk of some at least temporary deterioration in the government machine as an instrument for carrying out its policies. It is also relevant (see D. below) that a reorganisation involves legislative steps.

6. An ideal pattern of Departments would be one which would meet all the following criteria:

- a. Bearing in mind that all members of the Executive will have the same status, it would provide for Departments of roughly equal political "weight".
- b. It would place roughly equal burdens of administrative responsibility upon the most senior officials, and particularly upon the Permanent Secretaries of Departments.
- c. It would group together, under a single political and a single administrative Head, all those functions of government which ought to be considered and dealt with together, which necessarily inter-relate, which make demands on the same kinds of expertise, and which - if divided between Departments -

would require endless inter-departmental consultation. But this criterion may conflict with criteria a. and b. above.

C. POSSIBLE PATTERNS BASED ON THESE PRINCIPLES

7. Under the Constitution Act, a very large part of the responsibilities of the Ministry of Home Affairs will be "reserved" to the Secretary of State and the Northern Ireland Office. The residual functions (such things as child care, road safety, fire services, motor taxation and law reform) are a miscellaneous bunch which could not constitute a viable department on their own. This will inevitably involve a redistribution of functions and a reduction of one in the number of departments to 8.

8. The Ministry of Community Relations is much smaller than any other department. If, for any reason, the Executive decided it did not wish to maintain it as a separate department (and this raises political and presentational issues), its functions could either be transferred to a special Office or Unit within another department (and this might well be the Department of the Executive), or re-allocated, with each department accepting responsibility for the pursuit of community relations' aims and objectives within its own field.

9. The following alternative courses are set out as a basis for discussion.

10. To leave the pattern basically as it is, subject only to the disappearance of the Ministry of Home Affairs.

8 Portfolios: Departments of the Executive, Finance, Home and Health, Education, Agriculture, Commerce, Development, Community Relations.

11. To go for a comparatively few large "federal" departments.

5 Portfolios: Department of the Executive (including Community Relations Office), Department of Finance, Department of Production (Agriculture and Commerce),

Department of Home and Health (Health and Personal Social Services, Home Affairs Social Functions, Labour Affairs, Education), Department of Environment (Development Works, Home Affairs Environmental Functions).

12. To increase the number of departments, keeping in mind the principles suggested at B. above.

- a. Here there are obviously various possibilities. The Ministry of Community Relations could for a start be maintained as a separate department, so as to begin from a pattern from 8 Portfolios. Any increase above that figure would involve some splitting of existing departments.
- b. It would be a retrograde step to split "one subject" departments, such as Education, Agriculture or Commerce which in any case are a fairly modest size.
- c. Amongst the "multi subject" departments, Health and Social Services (which is the obvious place to receive the residual Home Affairs social functions) is the department where there is most clearly a "natural break" between one series of functions and another. The functions of its division dealing with Labour Affairs (employment, industrial training, industrial relations, manpower planning) can be compared with Department of Employment functions in Great Britain, and those of the rest of the department (health and welfare and social security) with the functions of the Department of Health and Social Security in Great Britain. Indeed, the then Economic Consultant to the Government of Northern Ireland, Professor Thomas Wilson, argued the case for a separate "Ministry of Employment and Training" as long ago as 1964.
- d. The Ministry of Finance, which is a department of middle size in Northern Ireland terms, encompasses functions carried out in Great Britain by the Treasury (Treasury Division), Civil Service Department (Civil Service Management Division) and by part of the Department of the Environment (Works Division). It therefore could not be argued that all these functions

must necessarily be carried out in Northern Ireland by a single department. Works Division would not really constitute a viable department of itself. It is also doubtful whether a Civil Service Department (as in London) would be viable administratively or politically attractive; but if those functions were associated with those of Works Division and perhaps legal services, what might be described as a Central Services Department would be a possibility.

- e. The Ministry of Development, particularly after the Macroery reorganisation, is undoubtedly a very large and powerful department in Northern Ireland terms and it is also a "multi subject" department. On the other hand, there is not as in the case of Health and Social Services, an obvious "natural break". Transport inter-relates with roads, roads with planning, planning with housing and so on. The department in its unitary form represents a formidable instrument for the co-ordination of physical development in Northern Ireland and makes an economic use of scarce professional and technical staff. Any division of the department could give rise to problems of co-ordination. On the other hand, there are undoubtedly major blocks of work within the department which, if hived off, would constitute a viable department in terms of career structures etc.

13. If all the divisions of departments discussed above were to be made, it is possible to envisage a pattern of as many as 11 departments: that is to say departments of the Executive, Finance, Central Services, Home and Health, Manpower, Education, Agriculture, Commerce, ^{1 EDA.} Community Relations, ^{AS to youth Clubs.} and two departments representing the former Ministry of Development.

D. MEANS OF CREATING NEW DEPARTMENTS

14. A mere reshuffling of functions and re-styling of departments without increase in the total number can be carried out by Transfer of Functions Order. Prior to Direct Rule this would have taken the form of an Order made by the Governor in Council and subject to negative resolution in the Northern Ireland Parliament. Its future equivalent would be:

- a. Before devolution, an Order by the Secretary of State; or
- b. after devolution, an Order by the Secretary of State, subject to negative resolution in the Assembly.

15. However, an increase in the number of departments (as when the Ministry of Community Relations was formed) required an Act of the Northern Ireland Parliament. Its future equivalent would be:

- a. Before devolution, an Order in Council under the Temporary Provisions Act, subject to Westminster approval; or
- b. after devolution, an Assembly Measure.

16. Since, by definition, an Assembly Measure could not be enacted until some time after devolution and the appointment of the Executive, it is only by Order in Council that provision could be made effective at the time of devolution. It would, of course, be possible to appoint two members of the Executive to a department, and to assign "spheres of responsibility" to each; but pending regularisation of the position by Measure, one or other would have to be the formal Head of the Department as a whole, in relation to its statutory functions and as Chairman of the Consultative Committee of the Assembly for that department.

17. These statutory restraints do not, of course, apply to the appointment of subordinates and Heads of Departments (whether as members of the Executive or otherwise) or of Executive members "without portfolio" (though subject in either case to the overall limit of 12).

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