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Bill Paper

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The Executive Departments (Northern Ireland) Bill

NIAR 694-15

This paper provides background on the legislation to reduce the number of Northern Ireland Executive departments from twelve to nine. It places this legislation in the context of machinery of government changes in other jurisdictions, including attempts to make government more cohesive and outcomes focused.

Key Points

- The Executive Departments (Northern Ireland) Bill will reduce the number of Northern Ireland Executive departments from 12 to 9; the Department for Employment and Learning, the Department for Culture, Arts and Leisure and the Department of the Environment will be abolished.

- The functions of the abolished departments will be transferred to the new, restructured departments.

- The shape and size of the Northern Ireland Executive has been the subject of discussion for some time, but legislation was only brought forward following the *Fresh Start* Agreement reached in November 2015.

- The Bill is short, largely setting out the new structure. The details of the new arrangements will be contained in a subsequent Transfer of Functions Order.

- The Assembly will debate a motion on 8 December that the Bill should proceed via accelerated passage, meaning that there will be no committee stage.

Executive Summary

The Executive Departments (Northern Ireland) Bill is the culmination of discussion, going back a number of years, on the shape and size of the Northern Ireland Executive. From the St. Andrew's Agreement through to the Stormont House Agreement and most recently *A Fresh Start,* there have been commitments to examine and reform the number of government departments in Northern Ireland. There was a commitment in 2012 to abolish the Department for Employment and Learning, and reports by the Assembly and Executive Review Committee (AERC) also addressed departmental arrangements.

However, it was only in November 2015, some six months before the end of the current Assembly mandate, that legislation was introduced to reduce the number of departments from twelve to nine. Given the requirement to have the new structure in place following the May 2016 Assembly elections, the First Minister and deputy First Minister brought a motion before the Assembly that the Bill should proceed via accelerated passage, meaning that there would be no committee stage in the legislative process. In anticipation of this, on 1 December 2015, junior Ministers briefed the Committee for the Office of the First Minister and Deputy First Minister on the proposed changes. Committee members were advised at that meeting that the detail of the proposed changes would be set out in a subsequent Transfer of Functions Order. The late introduction of the Bill, Members were told, was due to the reality that only the recent agreement between the two main parties had allowed for the changes to be brought forward.

As noted above, discussion on machinery of government changes in Northern Ireland is not new and, during the current mandate, were considered in detail by the AERC, which produced a report that was debated on the floor of the Assembly.

Machinery of government changes

The term 'machinery of government' describes a variety of organisational or structural aspects of government, most commonly the number and names of government departments and ministerial portfolios.

Addressing machinery of government change raises a number of questions:

- On what principle should the work of government be divided up?

- How many departments should there be?

- What should these departments be called?

- What arrangements for political accountability for the functions of these departments should be in place?

Recent research has identified a number of factors that should be considered before undertaking significant machinery of government changes:

    a. the operational rationale for change.

    b. costs and benefits.

    c. alternatives to structural change.

    d. implementation issues.

While these were drafted with large Whitehall departments in mind, there may be some read-across to the reorganisation of government departments in Northern Ireland. Furthermore, the research recommended that governments should present a detailed business case to Parliament and ensure that relevant parliamentary committees are consulted on the changes.

Other jurisdictions, such as Sweden and Scotland, have moved towards more strategic models of government. In Sweden, government was reorganised in 1997 into a single body, ending the autonomy of individual ministries. In Scotland, a radical overhaul of the structures resulted in the termination of the long established model of a series of functional departments.

Of course, the extent to which the same can be done in Northern Ireland may potentially be constrained by the unique legislative provisions relating to the establishment and operation of government contained in the Northern Ireland Act 1998.

Contents

1   Introduction

This paper provides information on machinery of government changes in the context of the Executive Departments (Northern Ireland) Bill. It places the changes proposed by the Bill in the wider context of departmental restructuring in other jurisdictions and examines why such changes occur. It also looks at the principles and guidelines that should underpin machinery of government changes.

The size and shape of the Northern Ireland Executive has been the subject of discussion for a number of years. A commitment to the examine efficiency and value for money of aspects of the Strand One institutions[1] was contained in the St. Andrew's Agreement[2]. Furthermore, the Programme for Government 2008-11 promised to review the overall number of government departments by 2011[3].

In 2012, the Assembly & Executive Review Committee examined the issue and subsequently produced a report[4] which included areas of broad agreement and principles.

In March 2015, the First Minister outlined the proposed restructuring in a statement to the Assembly in which he stated that legislation would soon be brought forward to give effect to the changes[5]. However, it was not until the '*Fresh Start'* Agreement of November 2015 that OFMdFM was in a position to bring forward concrete legislative proposals before the Assembly:

Extract from *A Fresh Start*

1.3 Departmental Restructuring and Reduction in the Number of MLAs: Reducing from 12 to nine departments cuts the number of ministers, special advisers, permanent secretaries and central management and support functions. From May 2016, this will provide better co-ordinated and more efficient services[6].

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[1] The democratic institutions in Northern Ireland, as outlined in the Belfast Agreement.

[2] St. Andrew's Agreement, October 2006, www.nio.gov.uk/st_andrews_agreement.pdf

[3] For a fuller discussion on the background to earlier commitments to reform the departmental structure, see the Assembly & Executive Review Committee report *Reduction in the number of Northern Ireland departments*: http://www.niassembly.gov.uk/assembly-business/committees/assembly-and-executive-review/reports/review-of-the-number-of-members-of-the-northern-ireland-legislative-assembly-and-of-the-reduction-in-the-number-of-northern-ireland-departments/

[4] Assembly & Executive Review Committee, Reduction in the Number of Northern Ireland Departments, 2012: http://www.niassembly.gov.uk/assembly-business/committees/assembly-and-executive-review/reports/review-of-the-number-of-members-of-the-northern-ireland-legislative-assembly-and-of-the-reduction-in-the-number-of-northern-ireland-departments/

[5] http://aims.niassembly.gov.uk/officialreport/report.aspx?&eveDate=2015/03/02&docID=226152

[6] *A Fresh Start* – text of the Agreement: http://www.northernireland.gov.uk/a-fresh-start-stormont-agreement.pdf

2   Machinery of Government changes

The term 'machinery of government' describes a variety of organisational or structural aspects of government, most commonly the number and names of government departments and ministerial portfolios. Modern attempts to define how government could best be structured date back to the Haldane Committee in 1918, which recommended that the UK Government should be organised according to the services to be performed, for example separate ministries for health, education, health etc.

Addressing machinery of government change raises a number of questions:

- On what principle should the work of government be divided up?

- How many departments should there be?

- What should these departments be called?

- What arrangements for political accountability for the functions of these departments should be in place?

There appear to be no agreed right answers to these questions and it has been argued that, if there is an 'iron law' regarding machinery of government change, it is that 'political convenience will override any other consideration'[7].

The machinery of government examples identified in this paper are contingent on a range of factors particular to each jurisdiction. The arrangements in Scotland and Wales reflect attempts of recently established modern administrations to move from more traditional arrangements, albeit within the constraints imposed by legislation. The extent to which the same can be done in Northern Ireland is constrained by the unique legislative provisions relating to the establishment and operation of government contained in the Northern Ireland Act 1998.

Why undertake machinery of government changes?

There are five main reasons why governments might undertake organisational change:

- Enabling a clearer focus on areas of government priority

- Promoting greater coordination between policy areas

- Achieving broader political objectives

- Achieving greater levels of efficiency in the public sector

- Taking action to address underperforming departments

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[7] Jordan G (1994) The British Administrative System: Principles versus Practice

Table 1: Drivers for change in machinery of government

Driver for Change	Comment
Enabling a clearer focus on areas of government priority	Structures of government change over time as new and emerging policy areas rise to prominence at the expense of others
Promoting greater coordination between policy areas	For example, departments can be merged to deliver a more coordinated approach to complex policy areas. This is a move away from departmental 'silos' towards a more joined-up approach. However, there are drawbacks to this; a large department containing a large number of discrete functions may still contain strong internal silos, which can prove resistant to change and difficult to coordinate
Achieving broader political objectives	This could reflect the dynamics within Cabinet, for example ministerial reshuffles. An Institute for Government study looked at UK machinery of government changes and found that almost half (48%) were attributable to political influences, 29% were driven by service delivery concerns and the remaining 23% were linked to policy decisions.
Achieving greater levels of efficiency in the public sector	This is driven largely by the desire for savings in public finances. Larger but fewer departments result in economies of scale i.e. combining back-office support services, regional offices and call centres previously delivered across multiple separate departments.
Taking action to address underperforming departments	A department that has failed in service delivery may be abolished and a new department with the same functions could be established (albeit with a new leadership team). In doing so, the Government appears to have taken decisive action to address a problem, whether real or perceived.
Source: KPMG 'Machinery of Government: current arrangements of Australian Government', April 2012	

Assembly and Executive Review Committee report

In 2012, the Assembly and Executive Review Committee published its report *Reduction in the Number of Northern Ireland Departments[8]*.

The committee agreed the following 'Areas of Commonality' on how Northern Ireland government departments could be organised:

> 1) Retain, in its substantive form, the current Department of Health; the current Department of Justice; and the current Department of Education;
>
> 2) Create a new Department of the Economy;

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[8] http://www.niassembly.gov.uk/globalassets/documents/reports/assem_exec_review/nia_3411_15.pdf

3) Create a new combined Department of Agriculture, Environment and Rural Development;

4) Create a new Department for Urban and Social Development or a new Department of Communities/Communities and Social Welfare/Community, Housing and Local Government Department;

5) Revise/Reform OFMDFM.

However, the report stated that "these do not represent an exhaustive list of broad reorganisations and cannot, therefore, be taken as a set of recommendations"[9].

In addition, the report highlighted six principles that it said should underpin any future reorganisation:

- Non-overlap– no two Departments or their Agencies should have the same authority to act in the same circumstance.

- Span of control – involves grouping functions in manageable organisational sizes and tailoring the workload to the capacity of the Minister and their chief officials.

- Administrative efficiency– should be subject to a full cost-benefit analysis to assess cash-releasing savings in administrative functions.

- Planned and timely decisions to establish new departmental structures.

- Final decisions and arrangements for new departmental structures to be consistent with final RPA (Review of Public Administration) changes.

- Customer-facing – services should be grouped and organised with the intention of providing a better service to the public.

After devolution – what changed?

In Scotland, Wales and Northern Ireland, consideration of the new structures was able to draw on the existing structures in place pre-devolution, as a basis for the organisation of devolved government. In Scotland, five main departments increased to seven. In Wales, "the Welsh Assembly Government was set up as a corporate entity and this was readily adapted to the Welsh office structure and sub-divisions with extensions for a policy office and secretariat"[10]. The Northern Ireland Office had six departments which became eleven after devolution. However, there was a departure from the traditional Westminster model taken in Scotland and Wales, but not in Northern Ireland and it has been observed that:

A significant difference between Scotland and Wales on the one hand, and Northern Ireland on the other, was the decision in Scotland and Wales not to adopt Whitehall

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[9] As above

[10] Derek Birrell, *Comparing Devolved Governance*, p.131, Palgrave Macmillan, 2012

style departments, self-standing with their own finance and personnel functions and dedicated ministers. The decision to avoid creating 'ministries' was taken so that the alignment of ministerial responsibilities was not coterminous with department functions. Welsh ministers were not paired with a department but expected to work across structures and avoid compartmentalisation. The disjunction between departmental organisation and ministerial portfolios was a deliberate attempt to prevent a close linkage between departments and ministers, and not just an incidental consequence of using the territorial office structure in Scotland and Wales.

The chosen configuration was anticipated to achieve joined up decisions, coherence and to counter departmentalism and to stop ministerial 'silos'. In Northern Ireland, however, the Whitehall model of ministerial departments, which had existed with the old Stormont Parliament prior to 1971, continued after the Good Friday Agreement. The Agreement meant the sharing of ministers and departments between four parties and the acceptance of the likelihood of departments becoming totally identified with individual ministers[11].

The Scottish experience

The Scottish Government has undergone a radical overhaul in recent years, beginning with the arrival of the Scottish National Party (SNP) in government in 2007. The report '*Governments for the Future: Building the Strategic and Agile State – Developing strategic agility*' summarised the transformation which was delivered in large part by Sir John Elvidge. Sir John had been working on plans to re-design the structure of the Scottish Government in the years prior to 2007:

Elvidge and his team did work to identify a potential operating model for (a minority government, as the SNP was at that time) and performed an analysis of the extent to which the SNP manifesto could be delivered, offering that to the SNP leadership. He then invited the SNP leadership to consider a radical redesign of the internal structure of the government, involving the termination of the long established model of a series of functional departments (ministries).

In a thirty minute meeting, the SNP leadership provided its full support…This was a major organisational breakthrough, enabling a more collaborative and 'whole of Government' policy making to emerge. In the new administration, former heads of departments were redeployed into a smaller number of Director General roles, focused primarily on shared responsibility for the whole of government performance. Forty-five…Directorates would implement policies and constitute the highest level of functional unit of organisation. The five Director Generals would each oversee one of the government's broad strategic objectives, such as a Safer Scotland or Smarter Scotland, integrating the contributions of all parts of the civil service rather than only directing (and acting as advocates for) a particular department, as they used to do…[12]

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[11] Derek Birrell, *Comparing Devolved Governance*, p.131, Palgrave Macmillan, 2012
[12] http://www.sitra.fi/julkaisut/Selvityksiä-sarja/Selvityksia80.pdf

In 2008, Sir John, then Permanent Secretary of the Scottish Government, gave evidence to the House of Commons Justice Committee during its enquiry on devolution. His answers provide an insight into the rationale behind the reorganisation of Government:

Julie Morgan: Are there any other ways in which the Civil Service has changed since 1999?

Sir John Elvidge: We have changed structurally, although I never think that structural change is the most important part of changes. We went through one phase of moulding our structure more closely around the portfolios of individual Cabinet ministers. That phase one would probably be placed in time from 2001 through to 2007. We have recently been through another phase of change where we have made structural changes to emphasise the need for people to work together a cross the organisation. We have moved away from having a structure of departments that mirrors the way in which Whitehall is organised to moving our more self-contained units of business one level down to our…directorates and redefining the roles of those whose role was previously as a head of department so that their individual roles run right across the organisation and they are each responsible for driving one of the strategic themes of the new government.

Julie Morgan: That is a change that has been brought in by the SNP Government?

Sir John Elvidge: It is a change which evolved naturally from our thinking about the organisation and which aligned very well with the SNP's own thinking about the way in which they wanted to conduct their government. We had a very early discussion about whether they would support a radical change in the organisation of that nature and they were happy to do that[13].

Of course, radical changes such as the one undertaken in Scotland may not be easily transferrable to the Northern Ireland context, but it nevertheless provides an example of a more integrated, cohesive approach to policy formulation and implementation.

Excerpt from Civil Service World[14]:

In Scotland and Wales, politicians empowered by devolution came to believe that the systems of government they'd inherited had deep-seated structural flaws. Their solutions saw a reduction in the number of departments, and the introduction of a more flexible approach to government. In 2007, Scotland completely scrapped its rigid departmental system, replacing it with a series of directorates that focus on particular outcomes, and operate without their own HR, finance and back-office functions. Wales has also restructured its departments over the years, under successive permanent secretaries…

Sir John Elvidge was head of the Scottish Civil Service in 2007 and led the programme to restructure its executive. He explains that in any restructuring process, "you undoubtedly do get attachments to existing structures, and there's no doubt that it is hard for [party] leaders to make structural changes against the will of the powerful and experienced members of their cabinets"…

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[13] http://www.publications.parliament.uk/pa/cm200809/cmselect/cmjust/529/529ii.pdf
[14] Downsizing Stormont: http://www.civilserviceworld.com/articles/feature/downsizing-stormont

> Elvidge agrees that restructuring "certainly does have an effect on morale": where departments are merged, he says, the effect tends to be negative. However, "if you're pulling functions out of larger units, it can have a positive effect on people who feel that their function is enjoying greater significance". In Scotland, restructuring "had a huge positive boost on morale; it energised the organisation very powerfully because it's more of an all-in-it-together approach".

Arrangements in other European jurisdictions - Flanders and Sweden

Flanders

The current Government of Flanders provides an example of arrangements in which ministers' political responsibilities span functions within a number of departments. As the Flemish government is a coalition, this means that the political responsibility for the functions within one department may lie not only with more than one minister but with ministers from different political parties (e.g. Culture youth sport and media, which is one of the 13 'homogenous policy domains', is the responsibility of four ministers belonging to three different parties). The current Flemish regions machinery of government arrangements are the result of an administrative reform program dating back over a decade and, it is perhaps worth noting, include well developed advisory and consultative mechanisms to support ministers in meeting their responsibilities for policy making with the specific domains for which they are responsible[15].

Sweden

Sweden provides an example of a government seeking to strategically address policy issues. Of course, the particular system of government within which the Northern Ireland Executive operates needs to be borne in mind, when attempting to make comparisons with other models:

> Sweden has been systematically developing its central government operating model and practices for the last three decades…In 1996 it was recognised that the government was divided into sectors – political objectives were rarely translated into policies in the ministries and had minimal impact on the policies pursued by non-political staff…Cross-ministerial co-operation was weak.

> In order to overcome these weaknesses, the Swedish government was reorganised in 1997 into a single body, ending the autonomy of individual ministries; it was a way to provide a comprehensive, flexible, and efficient operating model that would enable the government to competently realise their political agendas.

> In addition to the ministries, each central agency reports legally to the government as a whole, rather than operate under the jurisdiction of one particular ministry as they had in the past…[16].

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[15] http://www.niassembly.gov.uk/globalassets/documents/reports/assem_exec_review/nia_3411_15.pdf
[16] Sitra, *Governments for the Future: Building the Strategic and Agile State*, August 2014

Impact of machinery of government changes

The Institute for Government (IfG) has looked at the issue of machinery of government changes in the context of Whitehall and the impact of these changes on government effectiveness. It is important to reiterate that comparing huge Whitehall departments with devolved departments should be approached with caution, but some of the IfG's findings might have broad read-across to the Northern Ireland context:

1. The prime minister should only pursue restructuring after extensive discussions and following production of a business case assessing:

a. the operational rationale for change. Changes are rarely a success when undertaken primarily for political signalling or party management purposes.

b. costs and benefits. Even if decisions are made quickly, it is possible to assess major costs such as possible salary equalisation and IT costs.

c. alternatives to structural change. There are non-structural remedies to many problems.

d. implementation issues. It is necessary to consult with those who have led changes previously – and then employ these individuals to lead implementation, wherever possible.

2. Both government and opposition parties should promote more considered decision-making in future restructuring:

a. government should publish and lay before Parliament the full business case, ideally before or when Transfer of Functions are laid.

b. government should allow time for relevant select committees…to scrutinise changes (in joint hearings where multiple departments are affected), before changes take (e)ffect.

c. government should allow a parliamentary debate and vote on any substantial change…[17]

How much does it cost to change the machinery of government?

In 2010 the National Audit Office (NAO) produced a report on reorganising central government in Whitehall, with a particular focus on arm's length bodies. As part of its report the NAO examined the costings around 51 government reorganisations in the period 2005 -2009. The NAO recommended that:

- There should be a single team in government with oversight and advance warning of all government reorganisations

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[17] Institute for Government, *Reshaping Government*, March 2015:
http://www.instituteforgovernment.org.uk/sites/default/files/publications/Reshaping-Government-final.pdf

- For announcements of significant reorganisations, a statement should be presented to Parliament, quantifying expected costs, demonstrating how benefits justify these costs and showing how both will be measured and controlled

- Intended benefits should be stated in specific measurable terms that enable their later achievement (or otherwise) to be demonstrated

- The planned and actual costs of reorganisations should be separately identified within financial accounting systems so costs can be managed and subsequently reported

- A breakdown of planned and actual costs and financial benefits of every significant central government reorganisation should be reported to Parliament in the organisation's annual report in the year the reorganisation is announced

- Each body at the heart of a central government reorganisation should share with the Cabinet Office an analysis of lessons learned within two years of the date of the reorganisation[18]

Regarding future machinery of government changes within the Executive, the then Minister of Finance told the Assembly in October 2009 that "reducing the number of Departments from 11 to six would save tens of millions of pounds per annum on an on-going basis"[19]. It is unclear, however, how this estimate was arrived at.

In its review of departmental arrangements, the AERC came to the following conclusions:

e) Following discussion on the issues of costs, savings and the impact on employment, the Committee concluded that it is important that proposed reorganisations are fully costed in advance, on the basis of a plan detailing proposed changes, with a clear statement of intended benefits and estimates of both predicted savings and costs, so that decisions can be made based on such evidence.

f) Any proposed reorganisation should be preceded by considerations on any impact on equality, again to inform decisions.

g) It is important that the costs of any reorganisation are minimised and that savings are achieved without impacting on front line services and are restricted to reductions in administration[20].

A previous research paper prepared by RaISe considered the potential savings of reducing the number of Northern Ireland Executive departments and noted that 'The

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[18] https://www.nao.org.uk/report/reorganising-central-government/
[19] Official Report 6 October 2009, available online at:
http://www.niassembly.gov.uk/record/reports2009/091006.htm#AQO168/10
[20] Review of the Number of Members of the Northern Ireland Legislative Assembly and of the Reduction in the Number of Northern Ireland Departments. Part 2 – Reduction in the Number of Northern Ireland Departments:
http://www.niassembly.gov.uk/globalassets/documents/reports/assem_exec_review/nia_3411_15.pdf

NICS (Northern Ireland Civil Service) may have some advantages over their Whitehall counterparts when it comes to reorganisation. Some functions are already delivered as shared services, such as HRConnect, IT Assist and Account NI, for example '. Whilst factors such as these may make machinery of government changes more straightforward and less costly, the paper also noted that 'On the other hand, the fact that some back-office functions are already shared may undermine further the potential for reorganisation to deliver savings. In addition, if the changes require contracts with the shared services partner organisations to be renegotiated, there could be costs in varying those contracts'[21].

3   The legislative basis for the Northern Ireland Executive departments

Strand One of the Belfast (Good Friday) Agreement provides the broad outline for the design of the Executive, including the posts of First Minister and Deputy Minister and the allocation of Ministerial posts according to the D'Hondt formula. The Northern Ireland Act 1998 and the Departments (Northern Ireland) Order 1999 (the 1999 Order) gave legal effect to the relevant aspects of the Agreement.

Table 1: Section 17 of the Northern Ireland Act 1998[22]

17 Ministerial offices

(1) The First Minister and the deputy First Minister acting jointly may at any time, and shall where subsection (2) applies, determine—
(a) the number of Ministerial offices to be held by Northern Ireland Ministers; and
(b) the functions to be exercisable by the holder of each such office.

(2) This subsection applies where provision is made by an Act of the Assembly for establishing a new Northern Ireland department or dissolving an existing one.
(3) In making a determination under subsection (1), the First Minister and the deputy First Minister shall ensure that the functions exercisable by those in charge of the different Northern Ireland departments existing at the date of the determination are exercisable by the holders of different Ministerial offices.
(4) The number of Ministerial offices shall not exceed 10 or such greater number as the Secretary of State may by order provide.
(5) A determination under subsection (1) shall not have effect unless it is approved by a resolution of the Assembly passed with cross-community support.

The 1999 Order states:

8. – (1) The First Minister and deputy First Minister acting jointly may by order –

(a) assign to any department; or

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[21] Northern Ireland Assembly Briefing Note, 'Reducing the number of departments: possible savings', NIAR 271-11
[22] http://www.legislation.gov.uk/ukpga/1998/47/section/17

(b) transfer to any department from any other department, such functions as appear to them to be appropriate for such assignment or transfer[23].

4   1999 – 2015: a period of minimal change

The Assembly first approved departmental structures on 18 January 1999[24] and the number and titles of those departments on 16 February 1999[25]. Ministers were nominated on 29 November 1999[26]. The departmental structure has altered little in the intervening years. There was originally a Department of Higher and Further Education, Training and Employment, but this was changed to the Department for Employment and Learning in 2001[27].

Transfer of Functions Orders have reassigned various roles and responsibilities between departments and their agencies, but until 2010 the overall structure of government in Northern Ireland remained unchanged. The Department of Justice was created in 2010, largely involving a direct transfer of existing functions from the Northern Ireland Office. The Department of Justice (Northern Ireland) Act 2010 created the new department and the 1999 Order was amended accordingly.

5   Ministerial allocation since 1999 and scenario under the new departments

If the D'Hondt procedure to fill eight Ministerial posts (the posts of First Minister and deputy First Minister are not included in the D'Hondt procedure) was re-run using party strengths after the 2011 election, the allocation would be as follows:

- DUP: 3

- Sinn Féin: 3

- UUP: 1

- SDLP: 1

This assumes that the post of Justice Minister will fall under the D'Hondt procedure, as provided for in the Northern Ireland (Miscellaneous Provisions) Act 2014, rather than election by cross-community vote[28].

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[23] the Departments (Northern Ireland) Order 1999
[24] http://archive.niassembly.gov.uk/record/reports/990118.htm#2
[25] As above
[26] http://archive.niassembly.gov.uk/record/reports/991129.htm
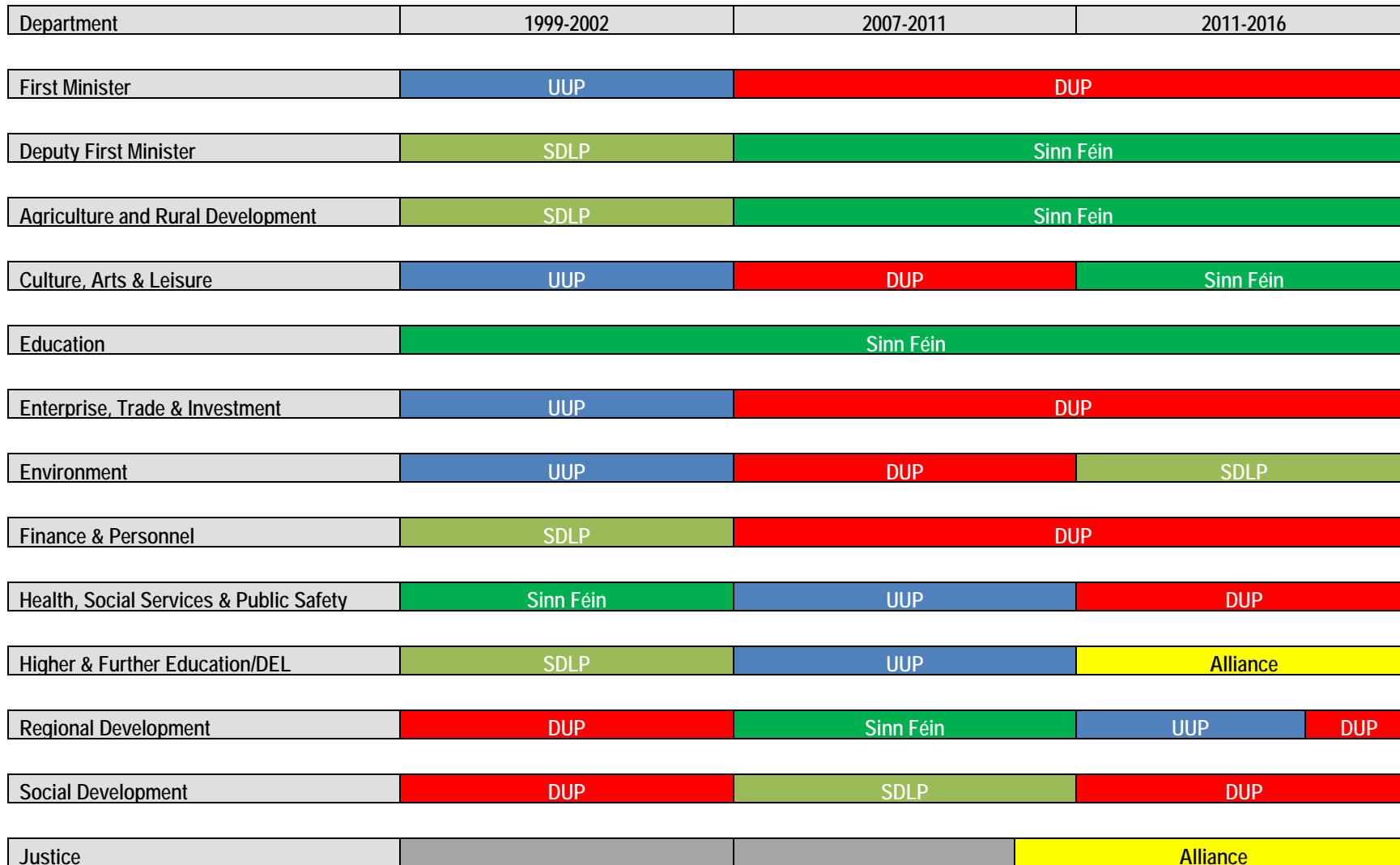[27] The Department was originally established as the Department of Higher and Further Education, Training and Employment under the Departments (Northern Ireland) Order 1999 (No 283 N.I.1) with its functions set out in the Departments (Transfer of Functions and Assignments) Order 1999 (No. 481) and the Departments (Transfer of Functions) Order (Northern Ireland 2006 (No.192). It was, however, renamed as the Department for Employment and Learning under the Department for Employment and Learning Act (Northern Ireland) 2001
[28] See the 2014 Act and accompanying explanatory memorandum for detail on the post of the Justice Minister.

Figure 1 overleaf shows which party has occupied each Ministry since the first mandate in 1998. There was a period of suspension from October 2002 to May 2007. In September 2015 the Ulster Unionist Party's Minister resigned from the Executive (it had held the post of Regional Development). The DUP, as the next party in line under the D'Hondt procedure, filled this post.

Figure 1: Northern Ireland Executive - Ministerial allocation since 1999

Department	1999-2002	2007-2011	2011-2016
First Minister	UUP	DUP	
Deputy First Minister	SDLP	Sinn Féin	
Agriculture and Rural Development	SDLP	Sinn Fein	
Culture, Arts & Leisure	UUP	DUP	Sinn Féin
Education	Sinn Féin		
Enterprise, Trade & Investment	UUP	DUP	
Environment	UUP	DUP	SDLP
Finance & Personnel	SDLP	DUP	
Health, Social Services & Public Safety	Sinn Féin	UUP	DUP
Higher & Further Education/DEL	SDLP	UUP	Alliance
Regional Development	DUP	Sinn Féin	UUP / DUP
Social Development	DUP	SDLP	DUP
Justice			Alliance

6   The Bill

The Executive Departments (Northern Ireland) Bill will abolish three of the existing twelve departments and reassign the functions of the three former departments into the remaining nine restructured (and some renamed) departments. The Bill consists of three clauses and two schedules.

The following three departments will cease to exist and their functions will be transferred:

- Culture, Arts and Leisure

- Employment and Learning

- Environment

The proposed restructuring will result in the following departments:

Agriculture, Environment & Rural Development	• **DARD** (less Rivers Agency) plus • Environmental functions from DOE including regulation and excluding 'Built Heritage' from NIEA • Inland fisheries from DCAL • Policy responsibility for Sustainable Strategy
Infrastructure	• **DRD** plus • Vehicle regulation, road safety & DVA functions from DOE • Strategic planning from DOE • Rivers Agency from DARD • Inland waterways from DCAL • Crumlin Road Gaol Programme – Project management from OFMDFM • Regeneration Sites Team including responsibility for ex-MOD sites at St. Patrick's Barracks and St. Lucia from OFMDFM
Economy	• **DETI** plus • DEL functions except Employment Service
Education	• **Department of Education** plus • A range of children's services excluding child protection which remains in DHSSPS • Policy responsibility for Childcare Strategy from OFMDFM
Finance	• DFP remains unchanged • NI Direct Central Editorial Team from OFMDFM • Government Advertising Unit from OFMDFM
Health	• **DHSSPS** • Northern Ireland Fire and Rescue Service to be retained
Justice	• **DOJ** plus

	• Planning Appeals Commission and Water Appeals Commission administrative support from OFMDFM

The Executive Office	OFMDFM plus
	    • Strategic Policy and Innovation unit
	
	OFMDFM less
	    • Policy responsibility for Sustainability Strategy
	    • Management of Social Investment Fund
	    • Racial Equality – delivery of grants Programme management and monitoring responsibility for Minority Ethnic Development Fund
	    • Delivery of grants for Good Relations
	    • Policy responsibility for Older People, Active Aging Strategy. Sponsor Branch for Older People with exception of appointment of Commissioner
	    • Policy responsibility for Childcare Strategy
	    • Policy responsibility for Children and Young People. Sponsor Branch for Commissioner for Children and Young People with the exception of the appointment of the Commissioner
	    • Policy responsibility for Gender and Sexual Orientation
	    • Responsibility for Age Discrimination under Regulation 37 of the Employment Equality (Age) Regulations (NI) 2006
	    • Crumlin Road Gaol Programme – Project Management
	    • North West Sites and Strategy Team
	    • Regeneration Sites Team including responsibility for ex-MOD sites and St. Patrick's Barracks and St. Lucia
	    • Planning Appeals Commission and Water Appeals Commission administrative support
	    • NI Direct Central Editorial Team
	    • Government Advertising Unit

Communities	DSD plus
	    • DCAL functions including PRONI and excluding inland fisheries and waterways
	    • Employment Service from DEL
	    • Local Government from DOE including 'Built Heritage' from NIEA
	Functions from OFMDFM
	    • Management of the Social Investment Fund
	    • Programme management and monitoring responsibility for Minority Ethnic Development Fund
	    • Policy responsibility for Older People, Active Aging Strategy. Sponsor Branch for Commissioner for Older People with the exception of the appointment of the Commissioner

	• Policy responsibility for gender and sexual orientation
	• North West Sites and Strategy Team
	Debt advice from DETI
	Financial Capability Strategy from DETI
	Economic Inactivity Strategy from DEL

The Assembly will debate a motion on 8 December brought by First Minister and deputy First Minister that the Bill should proceed via accelerated passage (see Appendix 1), meaning that there will be no committee stage[29].

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[29] Standing Order 42 of the Northern Ireland Assembly.

Appendix 1: Extract from Standing orders of the Northern Ireland Assembly

(3) Where, exceptionally, a Bill (other than a Budget Bill) is thought to require accelerated passage, which shall exclude any Committee Stage, the member in charge of the Bill shall, before introduction of the Bill in the Assembly, explain to the appropriate committee -

(a) the reason or reasons for accelerated passage;

(b) the consequences of accelerated passage not being granted; and, if appropriate,

(c) any steps he or she has taken to minimise the future use of the accelerated passage procedure.

(4) Before Second Stage the member in charge of the Bill shall move a motion "That the …. Bill proceed under the accelerated passage procedure". In moving the motion the member shall explain to the Assembly-

(a) the reason or reasons for accelerated passage;

(b) the consequences of accelerated passage not being granted; and, if appropriate,

(c) any steps he or she has taken to minimise the future use of the accelerated passage procedure.

A motion under this order shall require cross-community support within the meaning of section 4(5) of the Northern Ireland Act 1998.