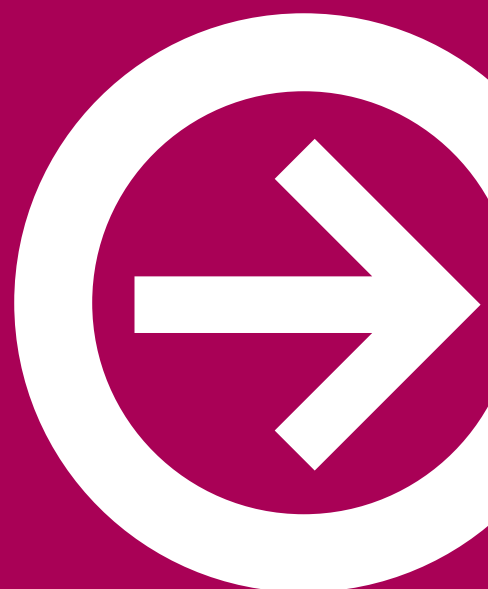


A Practical Guide to

Policy Making

in Northern Ireland



Office of the
**First Minister and
Deputy First Minister**

www.ofmdfmi.gov.uk



policy *n, pl policies* a course or principle of action adopted or proposed by a government, party, business or individual.

Foreword

The Permanent Secretaries' Group commissioned this *Practical Guide to Policy-Making* in response to the increasing demand for policy development and advice by the Northern Ireland Civil Service following devolution, and a need expressed by civil servants at all levels for more guidance on the policy development process.



Policy development is, of course, not new to the NICS or the broader public sector here: throughout our history, civil and public servants have supported Ministers in applying and shaping the policies of the Government of the day in Northern Ireland. In all policy areas, and often in difficult circumstances, the NICS and those working elsewhere in the public sector have sought to uphold the core values of professionalism, integrity and impartiality.

The context for policy development in Northern Ireland was however transformed by the Agreement and the institutions which it established. The model and process of devolved government are unique, and the policy development process is highly inclusive and transparent. There is also now much more public debate than in the past about the social and economic policy issues for which the devolved administration was and, we expect, will again be responsible.

The guide sets out some key principles of good policy-making which have been developed internationally. I hope it will help to take some of the mystique out of policy development. One of the key messages which I hope this guide will help to send out is that policy development should not be seen as the preserve of a few specialists. Those involved at the 'front line' of service delivery, whether in schools, hospitals or social security offices, have a vital role in helping to gauge what is deliverable. They have a keen awareness of what really matters to the citizen. In order to develop policies which work in practice, the guide emphasises the importance of engaging those familiar with delivery issues, and service users themselves, early in the process.

At the same time, it is important that we as public servants are fully aware of the outcomes which Government seeks to achieve for its citizens. We need to ensure that

we have and use the evidence, from Northern Ireland and elsewhere, to help analyse problems and develop effective public policy solutions.

This guide is just one of a programme of measures to improve the policy development capacity of the NICs. It will be complemented by other steps, including policy-making seminars and bulletins to help civil servants engage more effectively with the wider policy community, and by more training in policy development. We also recognise that policy development is an increasingly resource-intensive process, and we will seek to reflect this in the context of our broader programme of reform.

All of this will be a challenge, but it is one which I am confident we can meet in the years ahead. I commend this guide to all who read it, as an important contribution to our policy-making.

A handwritten signature in black ink that reads "Nigel Hamilton". The signature is written in a cursive, slightly informal style.

NIGEL HAMILTON

Head of the Northern Ireland Civil Service

Contents

	Page Number
Foreword	
Chapter 1 Introduction	1
• What does 'policy-making' mean?	1
• The need for a policy-making guide	1
• The structure of the guide	3
Chapter 2 What is good policy making?	4
• Policy making for the 21st century	5
• The ten features of good policy-making	6
• Characteristics of good policy-making	7
• A policy cycle	8
• The policy process in context	11
Chapter 3 Before you start	12
• Techniques to help with planning	13
• Project or programme start-up questions	15
• Joined-up government/cross-cutting issues	16
• The timescale for policy-making	17
Chapter 4 Where does policy originate?	18
• Programme for Government	19
• The wider context	20
• EU Policy	21
Chapter 5 Looking at the evidence	22
• Evidence-based policy-making - what evidence is available, relevant and useful?	22
• Evidence from the 'front line'	23
• What have experiences of other countries and regions been?	24
• Benchmarking	25

	Page Number
<ul style="list-style-type: none"> • Forward-looking policy-making • Conclusion • Key principles in assessing evidence 	26 27 28
Chapter 6 From desired outcomes to possible solutions	29
<ul style="list-style-type: none"> • Appraisal of options • Funding and how to secure it • Legal advice • Presentational aspects • Risk management • Engaging Ministers • Involving the Executive 	29 31 32 33 33 35 35
Chapter 7 Overarching policy issues	37
<ul style="list-style-type: none"> • The statutory equality duties • New TSN • Human Rights • Sustainable development • Impact assessments • Review of Public Administration • Regional Development Strategy 	37 38 40 41 42 43 43
Chapter 8 Engaging external stakeholders	44
<ul style="list-style-type: none"> • Consultation • Consultation with Assembly Committees • Consultation with the Civic Forum • Co-operation with the Northern Ireland Office and Whitehall Departments • North/South dimension • Northern Ireland and the European Union 	44 46 47 47 48 48

	Page Number
Chapter 9 The legislative process	49
• Timescale for development of primary legislation	51
Chapter 10 Putting it into practice and keeping it going	52
• Delivering in partnership with implementers	52
• Engaging with service users	54
• E-government	55
• Planning for implementation	56
• Effective delivery	56
Chapter 11 Review and evaluation	57
• Review	57
• Evaluation: the basic process	57
Annex A A unique context for policy-making - the institutions under the Agreement	61
Annex B Key stages in a typical policy-making process	68
Annex C Sources of evidence to support policy-making	71
Annex D Useful contacts and web links	76



Introduction

- 1.1** This document has been commissioned by the Northern Ireland Departments to provide practical guidance on the policy-making process in the devolved administration. It is aimed mainly at Northern Ireland civil servants at all levels who are involved in policy development or review, but should be of use to anyone who needs to understand the policy-making process in the region. While the guide is written mainly to deal with policies which are initiated by Ministers and departments, many of the techniques which it advocates can equally be applied by District Councils and other public sector organisations in developing their own policies.

What does 'policy-making' mean?

- 1.2** A policy is defined in the New Oxford Dictionary of English as:
"a course or principle of action adopted or proposed by a government, party, business or individual".
- Policy-making has been defined as the process by which governments translate their political vision into programmes and actions to deliver 'outcomes' - desired change in the real world.*
- 1.3** Policy can take a range of different forms, including non-intervention; regulation, for instance by licensing; or the encouragement of voluntary change, including by grant aid; as well as direct public service provision.

The need for a policy-making guide

- 1.4** The Northern Ireland Civil Service has a long history of supporting Ministers in the development of policy, whether under Direct Rule or devolution. Equally, there is considerable policy development experience and expertise in the wider public service. The advent of devolution and the institutions established by the Agreement has however considerably changed the context for policy-making in Northern Ireland. In particular, there is more opportunity - and a desire by

* Modernising Government White Paper, March 1999



Policy-making is the process by which governments translate their political vision into programmes and actions to deliver 'outcomes' - desired change in the real world.

Ministers - to design policies specifically to meet the needs of the Northern Ireland population, rather than primarily adapting policies developed in Whitehall, as was often the approach in the past under Direct Rule.

1.5 In many ways, the Agreement provides a unique context for policy-making, for example through the distinctive composition of the Executive, and Assembly Committees with a formal policy-making role. The institutions under the agreement are described in more detail in Annex A.

1.6 At the same time, the need to support and be accountable to the devolved institutions and, for example, to fulfil the statutory equality duties under Section 75 of the Northern Ireland Act 1998 is also a considerable challenge for the Civil Service and the wider public sector. The *Review of the Northern Ireland Civil Service Response to Devolution*, which reported in June 2002, identified policy-making as one of the areas where the need for development is greatest.

1.7 This guide seeks to provide a starting point to help those working on developing or reviewing policy identify what issues they need to take into account to ensure that policy is evidence-based, focused on outcomes, forward looking, 'joined up' and meets Northern Ireland requirements. The Executive agreed to take forward a number of measures aimed at strengthening the demand for and delivery of rigorous analysis to support the

development of policy within the Northern Ireland administration, and the guide forms part of that work. In doing so, it takes account of work elsewhere on good practice in policy-making.

- 1.8** The guide cannot be fully comprehensive and is not a substitute for consulting detailed guidance on aspects of the institutional framework, legislative and financial processes and statutory obligations. However, it seeks to cover the basic essentials and, by including appropriate contact details and web links (in Annex D, and throughout the text in the online version of the guide, available at www.ofmdfmni.gov.uk/policylink), sets out to make it easier to track down more specialised assistance.

The structure of the guide

- 1.9** Chapter 2 of the guide sets out some of the theory of good policy-making. The remainder of the document outlines the various steps in the policy-making process. Chapter 3 emphasises the importance of effective planning from the outset of a policy review or project. Chapter 4 looks at the key sources of policy. Chapter 5 provides guidance on how to ensure that policy is evidence-based. Chapter 6 looks at some of the internal processes which need to be undertaken in developing policy, including securing the necessary resources, while Chapter 7 considers what needs to be done to take account of overarching policy issues such as equality and New TSN. Chapter 8 considers how to engage external stakeholders. Chapter 9 explains the legislative process. Chapter 10 looks at implementing policy, emphasising the importance of ensuring that implementation and delivery issues are fully considered from the outset and continually reviewed. Chapter 11 considers review and evaluation of policy. Annex A describes the context for policy-making, with a particular emphasis on the institutions under the Agreement. Annex B provides a check-list of the main stages and, where possible, timescales involved in the development of a typical policy. Annex C suggests useful sources of evidence and expertise to support policy-making. Annex D gives web addresses and/or contact details for other guidance documents and organisations referred to throughout the guide.



What is good policy making?

- 2.1** As outlined in Chapter 1, policy-making is the process by which governments translate their political vision into programmes and actions to deliver 'outcomes' - desired change in the real world. Thus policy-making is a fundamental function of any government.
- 2.2** Government reforms in the late 1980s and early 1990s in Northern Ireland as elsewhere focused on efficiency in service delivery and on reforming management structures - *how* things were done. Policy-making as outlined in this guide is about establishing *what* needs to be done - examining the underlying rationale for and effectiveness of policies - then working out how to do it and reviewing on an ongoing basis how well the desired outcomes are being delivered. This chapter seeks to set out some of the fundamental characteristics of good policy-making.
- 2.3** The process of policy-making is not a high science, but it is difficult to do well. As in any process, there are tools and techniques that can help in doing the job more effectively. Public policy operates in an extremely wide environment. Governments have obligations to, and are answerable to, every part of civic society. Policy-making often requires a department or the administration as a whole to strike a balance among a wide range of competing interests without losing sight of the desired policy outcome.
- 2.4** Improving policy-making is not a challenge faced by the Northern Ireland Executive alone. The UK Government *Modernising Government White Paper* published in March 1999 set out a major programme of change for the public sector as a whole. The White Paper had a strong focus on improving policy-making and was followed up later in 1999 by the Cabinet Office paper *Professional Policy-Making for the 21st Century* and in 2001 by *Better Policy-Making*, produced by the Centre for Management and Policy Studies in the Cabinet Office (CMPS).

- 2.5** The devolved administrations in Scotland and Wales have also been seeking to develop their policy-making capacity. The Scottish Executive produced a report entitled *Delivering Better Policy in the Scottish Executive* in February 2002, and the National Assembly for Wales launched a *Policy Gateway* website in September 2002. These issues are faced in common with national and regional governments worldwide.

Policy-making for the 21st century

- 2.6** The world for which policies have to be developed is becoming increasingly complex, uncertain and unpredictable. Citizens are better informed, have rising expectations and are making growing demands for services tailored to their individual needs. Key policy issues, such as social need, low educational achievement and poor health, are connected and cannot be tackled effectively by departments or agencies acting individually. In addition, devolution introduces a system of government which is designed to be more joined-up and responsive than in the past, and better able to judge Northern Ireland's needs because of the shorter lines of accountability to the public.
- 2.7** At the same time, the world is increasingly inter-connected and inter-dependent. National and global events and trends can very quickly become major issues for a regional administration - for example, the Foot and Mouth disease outbreak in 2001, or rapid adoption of new information and communications technology - and a wide range of interests needs to be co-ordinated and harnessed. In parallel with these external pressures, Ministers expect a focus on solutions that work across existing organisational boundaries and on bringing about real change. Civil servants must adapt to this new, fast-moving, challenging environment if public policy is to remain credible and effective.

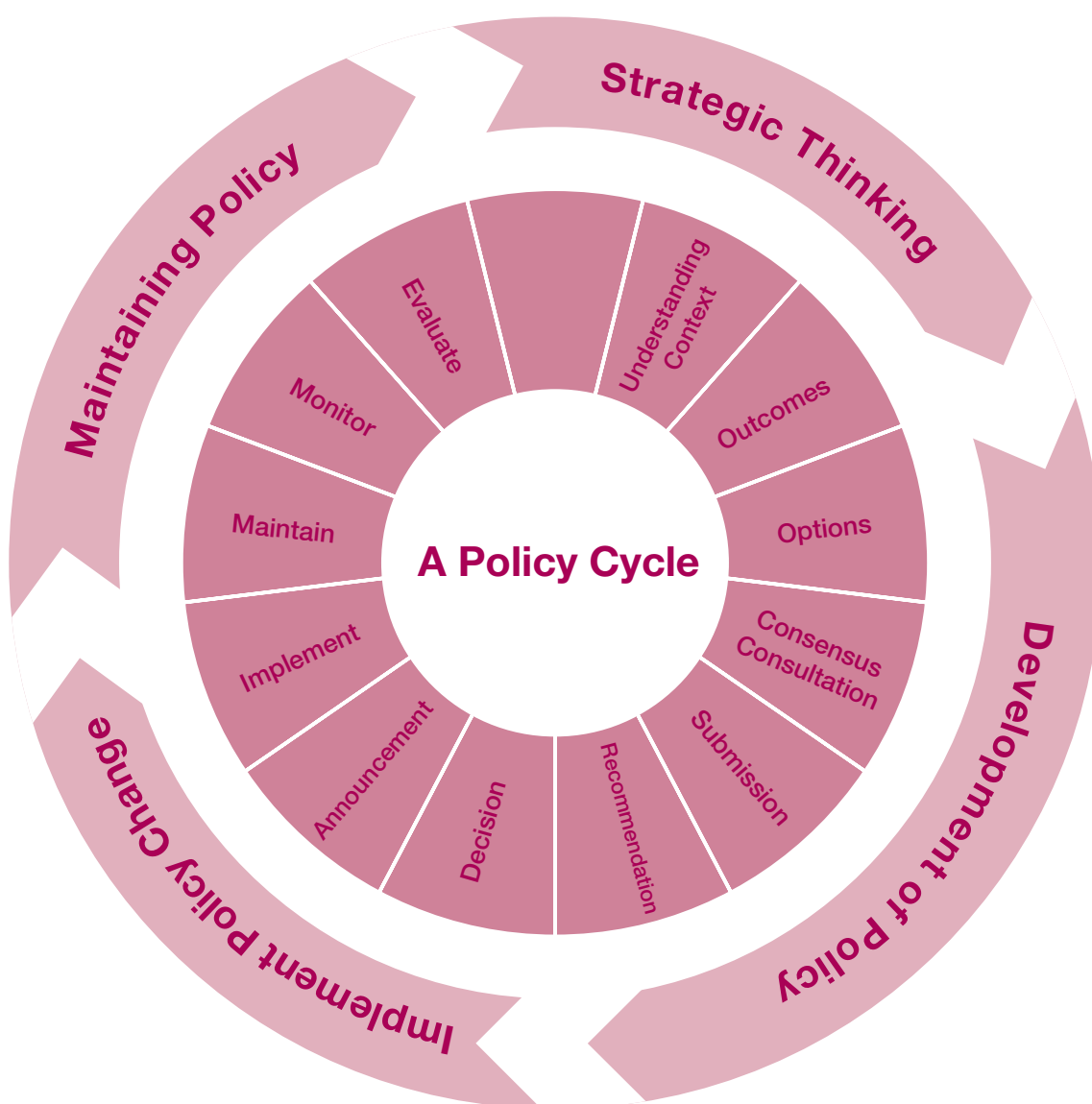
Figure 2.1 - The ten features of good policy-making

<p>1. FORWARD LOOKING The policy-making process clearly defines outcomes that the policy is designed to achieve. Where appropriate, it takes a long-term view based on statistical trends and informed predictions of social, political, economic and cultural trends, for at least five years into the future of the likely effect and impact of the policy. The following points demonstrate a forward looking approach:</p> <ul style="list-style-type: none"> • a statement of intended outcomes is prepared at an early stage; • contingency or scenario planning; • taking into account the Executive's long-term strategy; and • use of the Foresight programme (details at http://www.foresight.gov.uk/) and/or other forecasting work. <p>2. OUTWARD LOOKING The policy-making process takes account of influencing factors in the regional, national, European and international situation; and draws on experience in other regions and countries. The following points demonstrate an outward looking approach:</p> <ul style="list-style-type: none"> • makes use of OECD, EU mechanisms, etc; • looks at how other countries have dealt with the issue; and • recognises variation within Northern Ireland. <p>3. INNOVATIVE, FLEXIBLE AND CREATIVE The policy-making process is flexible and innovative, questioning established ways of dealing with things, encouraging new and creative ideas; and, where appropriate, making established ways work better. Wherever possible, the process is open to comments and suggestions of others. Risks are identified and actively managed. The following points demonstrate an innovative, flexible and creative approach:</p> <ul style="list-style-type: none"> • uses alternatives to the usual ways of working (brainstorming sessions etc); • defines success in terms of outcomes already identified; • consciously assesses and manages risk; • takes steps to create management structures which promote new ideas and effective team working; and • brings in people from outside into the policy team. 	<p>4. EVIDENCE-BASED The advice and decisions of policy makers are based upon the best available evidence from a wide range of sources; all key stakeholders are involved at an early stage and through the policy's development. All relevant evidence, including that from specialists, is available in an accessible and meaningful form to policy-makers. Key points of an evidence-based approach to policy-making include:</p> <ul style="list-style-type: none"> • reviews existing research; • commissions new research; • consults relevant experts and/or uses internal and external consultants; and • considers a range of properly costed and appraised options. <p>5. INCLUSIVE The policy-making process takes account of the impact on and/or meets the needs of all people directly or indirectly affected by the policy; and involves key stakeholders directly. An inclusive approach may include the following aspects:</p> <ul style="list-style-type: none"> • consults those responsible for service delivery/implementation; • consults those at the receiving end or otherwise affected by the policy; • carries out an impact assessment; and • seeks feedback on policy from recipients and front line deliverers. <p>6. JOINED UP The process takes a holistic view; looking beyond institutional boundaries to the administration's strategic objectives and seeks to establish the ethical, moral and legal base for policy. There is consideration of the appropriate management and organisational structures needed to deliver cross-cutting objectives. The following points demonstrate a joined-up approach to policy-making:</p> <ul style="list-style-type: none"> • cross cutting objectives clearly defined at the outset; • joint working arrangements with other departments clearly defined and well understood; • barriers to effective joining up clearly identified with a strategy to overcome them; and • implementation considered part of the policy making process. 	<p>7. LEARNS LESSONS Learns from experience of what works and what does not. A learning approach to policy development includes the following aspects:</p> <ul style="list-style-type: none"> • information on lessons learned and good practice disseminated. • account available of what was done by policy-makers as a result of lessons learned; and • clear distinction drawn between failure of the policy to impact on the problem it was intended to resolve and managerial/operational failures of implementation. <p>8. COMMUNICATION The policy-making process considers how policy will be communicated with the public. The following contribute to effective communication of policy:</p> <ul style="list-style-type: none"> • communications/presentation strategy prepared and implemented; and • Executive Information Service involved from an early stage. <p>9. EVALUATION Systematic evaluation of the effectiveness of policy is built into the policy-making process. Approaches to policy-making that demonstrate a commitment to evaluation include:</p> <ul style="list-style-type: none"> • clearly defined purpose for the evaluation set at outset; • success criteria defined; • means of evaluation built into the policy-making process from the outset; and • use of pilots to influence final outcomes. <p>10. REVIEW Existing/established policy is constantly reviewed to ensure it is really dealing with problems it was designed to solve, taking account of associated effects elsewhere. Aspects of a reviewing approach to policy-making include:</p> <ul style="list-style-type: none"> • ongoing review programme in place with a range of meaningful performance measures; • mechanisms to allow service deliverers/customers to provide feedback direct to policy-makers set up; and • redundant or failing policies scrapped.
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Characteristics of good policy-making

- 2.8** Figure 2.1 sets out 10 features which policy-making needs to display if it is to respond effectively to challenges of the kind outlined earlier in this chapter. In summary, policy-making needs to be forward looking; outward looking; innovative, flexible and creative; evidence-based; inclusive; joined up; to learn lessons from experience; to be communicated effectively; and to incorporate ongoing evaluation and review.
- 2.9** The ten features set out in Figure 2.1 overlap and need to be considered collectively. Taken together they reflect the type of analysis which needs to be applied in any given area. Alongside this, it is helpful to consider the stages of the process. It is possible to illustrate the policy process in an easily understood form as a cycle as shown in Figure 2.2, recognising that this approach is designed to assist in understanding the key concepts which underpin policy-making.
- 2.10** The key point which is highlighted by depicting policy-making as a cycle is that policy-makers rarely, if ever, start from a clean sheet. In any policy area it should be possible to define the administration's existing policy, which in many cases will be not to intervene. The need to review or develop a new policy should be identified through monitoring and evaluation of existing policy.
- 2.11** Figures 2.1 and 2.2 set out the analyses and process which policy-makers need to apply. For policy making to be fully effective, civil servants involved in policy development not only need all the 'traditional' attributes (knowledge of relevant law and practice, understanding of key stakeholders' views, ability to design implementation systems), but they must also understand the context within which they (and the policy) have to work. This means understanding not only the way organisations' structures, processes and culture can influence policy-making, but also understanding Ministers' priorities and the way policies will work out in practice.

Figure 2.2 - A policy cycle



- 2.12** Fuller understanding of the broad context within which policy works should help policy-makers both when thinking about possible approaches to tackling a given problem and when they come to consider putting a particular solution into effect.
- 2.13** As already mentioned in the Introduction, whilst organisational and management changes in the late 1980s and early 1990s emphasised the separation of policy-making and policy implementation, more recent good practice in policy-making demands that they be reintegrated into a single, seamless, flexible process. Under devolution, this is especially so given the relatively direct accountability of Ministers for service delivery - and the Assembly's expectation that it should be able to hold Ministers, their civil servants and others more closely involved in service provision to account.
- 2.14** The *Review of the Northern Ireland Civil Service Response to Devolution* identified a number of factors that would characterise high performance policy development:

Internally

- policy development is directly related to Executive priorities and the Programme for Government;
- departments have strong, forward looking and creative policy development capability;
- a professional approach is adopted with effective management of policy as a process through each stage;
- external ideas and expertise are utilised and encouraged from the outset not just through formal consultation but by developing a strong 'policy community';
- policies straddle departmental boundaries by sharing goals and visions with less emphasis on organisational constraints; and
- complex political and other relationships are managed proactively.



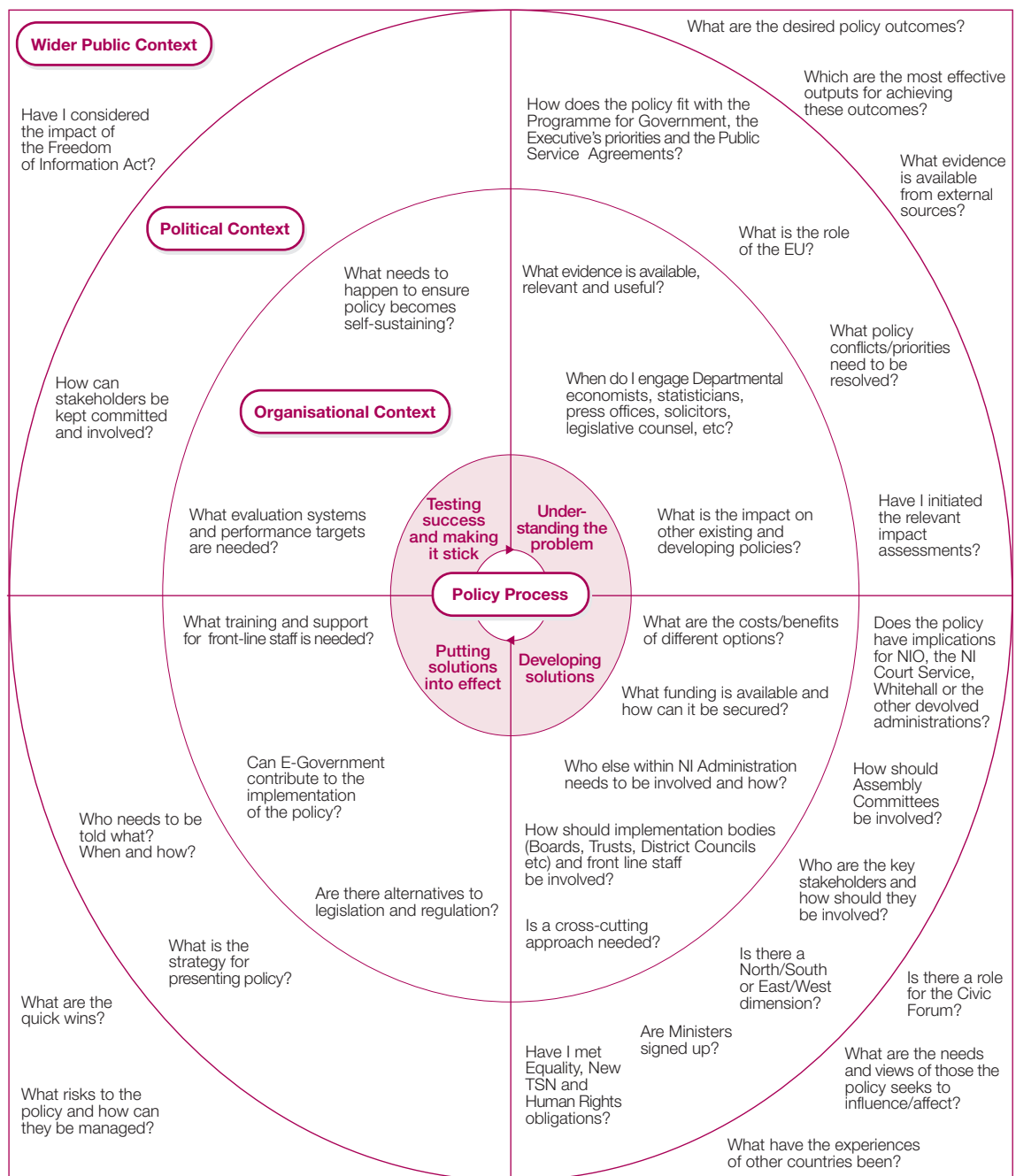
In summary, policy-making needs to be forward looking; outward looking; innovative, flexible and creative; evidence-based; inclusive; joined up; to learn lessons from experience; to be communicated effectively; and to incorporate ongoing evaluation and review.

Externally

- the policy agenda is tailored to Northern Ireland circumstances and makes a real difference; and
- people feel that they have the opportunity to contribute to, and influence, policy development.

2.15 Figure 2.3 overleaf illustrates how the policy process fits within the broader context in which it operates in Northern Ireland. The remainder of the guide is intended to help put the theory set out in this chapter into practice.

Figure 2.3 - The policy process in context



Before you start

- 3.1** Before embarking on any policy programme or project, it is important to give adequate consideration to how it will be managed and resourced. Some aspects of the policy-making process are very time-consuming, and effective planning is essential. For example, it is important to take a realistic view of timescales for consideration of policy proposals by Ministers, especially where a policy needs to be considered by the Executive. The recommended period for a public consultation exercise, especially one involving an Equality Impact Assessment, is 12 weeks. And when legislation is required to implement a policy, this can add considerably to the time taken from initial idea to implementation. It is very easy to underestimate the time and effort which will be required to introduce a new policy or review an existing one, and inadequate planning can lead to failure to deliver.
- 3.2** It is also necessary to consider carefully what resources will be required. This relates not only to the branch or team responsible for the programme but also to the potential involvement of professional advisers such as statisticians, economists or lawyers. Such specialists need to be alerted early so that their work programmes can take proper account of the department's needs. It is important to ensure that implementation issues are integrated into policy development from the start.
- 3.3** It is also important to identify information requirements. Good policy-making will be based on evidence setting out what the need is and potentially evidence surrounding how best to intervene to meet the need also. This is particularly important when policies come forward for consideration by the Executive, which must decide among a wide range of competing priorities for funding from a limited budget. The Executive has agreed that it should be provided with the appropriate supporting analysis, including economic analysis, before endorsing policy proposals and decisions. It is therefore important that all policy papers coming before the Executive address this issue explicitly, and that those working on policy development anticipate this need early on and arrange for the necessary information to be gathered.

Techniques to help with planning

- 3.4** A range of techniques is available which can assist with the planning of policy work. For example, **programme and project management** (PPM) has a track record of delivering the achievement of pre-determined goals within time and cost constraints. It does so by providing a number of techniques to translate strategies and policies into organisational capability. While the approach was originally developed for use in IT projects, it can be very usefully adapted for application in policy work.
- 3.5** Essentially project management requires you to be clear about what you are trying to achieve, the key milestones and target dates and the major work elements which together form the project. Too often policies fail to meet the needs of customers (such as Ministers) in one of the above ways because insufficient time has been spent planning the work.
- 3.6** PPM has the following advantages:
- clarity on what is to be achieved - policy outcomes;
 - an all through process from policy to delivery;
 - senior managers are active leaders;
 - proper allocation of responsibility;
 - plans, timescales and milestones are clear; and
 - effective risk management.
- 3.7** Training in programme management for policy staff and in policy-making techniques more generally is offered by the Centre for Management and Policy Studies in the Cabinet Office (CMPS), and local training programmes are under development. It is well worthwhile for those who will be working on policy reviews and projects to undertake such training in advance or early in their involvement in the project.



Some aspects of the policy-making process are very time-consuming, and effective planning is essential.

3.8 To minimise the risk of a policy project failing to deliver on time and on budget, it is advisable to establish a project team to take it forward. In this way, those involved in the project have more control over their priorities and can focus clearly on delivering on time. It is also good practice to establish a Project Board at senior level to ensure that the project keeps on schedule and to help resolve issues outside the direct influence of the project team. Where legislation is required, it is essential that the necessary resources are also put in place to carry this work forward, usually by the establishment of a Bill team.

3.9 Figure 3.1 sets out some programme or project start-up questions which help in mapping out the various steps that need to be completed in a policy programme or project, taking as the starting point the vision which it is setting out to achieve. These questions should be of use to policy-makers embarking on a project on any scale.

Figure 3.1 - Project or programme start-up questions

1. What is our vision?
2. Who are the stakeholders?
3. What outcomes do the priority stakeholders want?
4. What mechanisms, systems, processes and changes does the vision suggest?
5. What's the scope of this initiative? What are we prepared to do?
6. What are the success criteria?
7. What are the pre-conditions of success?
8. What are we going to have to produce?
9. Who needs to participate in the project?
10. What do we need from others?
11. How big are these things?
12. What sequence do they need to be done in?
13. What resources do we have available?
14. What assumptions are we making?
15. What are the constraints?
16. What are the barriers to success?
17. What are the likely consequences and side-effects of our success?
18. Who/what is likely to be disadvantaged by our success?
19. What are they likely to do that would cause problems?
20. What is the likely probability and impact of each risk?
21. What should we do to reduce the probability and/or impact?
22. What contingency arrangements do we need?
23. What's the plan?

Joined-up government/cross-cutting issues

3.10 The need to achieve cross-cutting outcomes presents a major challenge to policy-makers. Actions of one Northern Ireland department can have a major impact on others. Policy-makers from related policy areas in different departments should keep each other informed and consulted, both formally and informally, about developments of common interest from an early stage, in order to help promote joined-up outcomes for the citizen. Policy-making must be built around shared goals, not around organisational structures or existing functions. This is most likely to be achieved, as recommended in the *Review of the NI Civil Service Response to Devolution*, by a project approach to promoting joined up policy-making and implementation, with the following characteristics:

- involve key departments;
- specific terms of reference linked to outcomes;
- responsible for the development of policy and implementation;
- rigorous implementation dates and a fixed shelf life;
- senior responsible owner;
- project planning, monitoring and control methods;
- ring fenced funding where possible;
- clearly identified responsibilities for all staff involved;
- only meeting as a group when absolutely necessary and using alternative communication methods; and
- regular review of performance.

3.11 But joining up is not just about shared approaches to cross-cutting issues. Horizontal joining up between organisations needs to be supplemented by better co-ordination among policy staff *within* departments and by better 'vertical' joining up with service deliverers and those who implement policy. It is not an end in itself but should be undertaken where it adds value.

- 3.12** Common reasons for not joining up include incompatible IT systems, differences of culture and organisational structure and lack of time. All of these are real barriers to successful joining up that require sustained effort to overcome.

The timescale for policy-making

- 3.13** The overall timescale for development and implementation varies depending on a range of factors, including the urgency or political priority of the issue, whether legislation is required and the methodology adopted. The diagram at Annex B shows the key stages which need to be completed in a typical policy review and, where possible, gives an indication of required timescales. However, it is important to note that every policy development exercise is likely to have its own distinctive characteristics. For example, in some cases, policy development may have to be taken forward urgently and stages of the process which would normally take weeks have to be taken forward in days (usually involving redeployment of staff), or omitted. The timescales set out at Annex B are intended to be typical of planned policy development. It should be noted that the policy development process is considerably longer when legislation is required: the passage of legislation can add up to a further 18 months to the overall process from when the policy is established, although with careful planning and consultation arrangements this can be substantially reduced.
- 3.14** In general, the principle should also apply that the effort put into the policy-making process should be proportionate to the scale and importance of the policy which is being developed, and in particular the level of public funds involved.

Where does policy originate?

- 4.1** This chapter looks at the various sources of policy-making in Northern Ireland, with a specific focus on the Programme for Government, and stresses the importance of awareness of the wider context for policy-making. It also considers how to take forward cross-cutting policy-making and achieve joined-up government, and looks at the impact of EU policy on Northern Ireland.
- 4.2** The traditional constitutional framework of policy-making suggests that politicians make policy and public servants implement it. In practice, this offers a limited understanding of policy-making, which fails to recognise the many competing factors which shape the way policy is formulated, implemented and evaluated.
- 4.3** Devolution gives the Northern Ireland administration a much greater capacity to make both policy and law than existed under direct rule. Devolution has provided both the opportunity and the demand from politicians and the public for policies designed specifically for Northern Ireland's needs. Furthermore, the institutions under the Agreement provide a context for policy-making which is unique, certainly within these islands.
- 4.4** Policies can come from various sources: Ministers, party manifestos, Assembly Committees, international commitments of the UK Government, EU Directives, pressure for change from professionals within a particular part of the public service, research evidence, public opinion and lobbying from the voluntary and community sector, as well as from the planned review of existing policies. Often, the pressure for change will come from several of these sources at once, and it is rare for civil servants working on the detailed development of a policy to start with a completely blank sheet. Most policy reviews or policy development projects, however, are likely to be initiated by, or have their initiation agreed with, Ministers.

Programme for Government

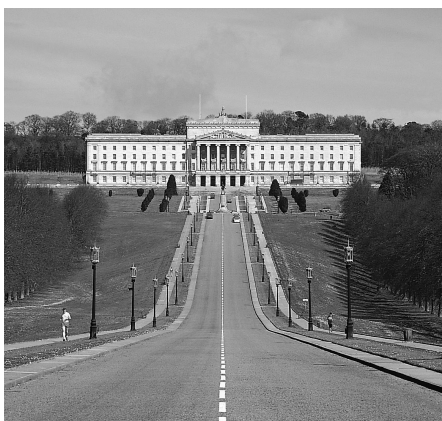
- 4.5** In the Agreement, in order to create effective government of Northern Ireland, it was agreed that:

"The Executive Committee will seek to agree each year, and review as necessary, a programme incorporating an agreed budget linked to policies and programmes, subject to approval by the Assembly, after scrutiny in Assembly Committees, on a cross-community basis."

- 4.6** The Programme for Government is the Executive's contract with the people of Northern Ireland. It sets out the Executive's strategic aims and priorities for the years ahead and explains how the Executive will work with the Assembly and with others to achieve these aims and make progress on its priorities. The Programme for Government is reviewed and rolled forward every year in line with the requirement in the Agreement.

- 4.7** The Programme for Government and the Budget are closely linked. The Programme's priorities drive the Executive's decisions on the allocation of financial resources, and the Programme for Government and Budget are developed and consulted on together. The actions identified in the Programme are supported by the allocations which are presented in the Budget document.

- 4.8** The Programme for Government also includes Public Service Agreements (PSAs) for each of the eleven departments. Public Service Agreements are an important aspect of the Programme for Government and demonstrate the Executive's commitment to greater openness and accountability. They set out the key outcomes and targets that each department is seeking to deliver with the resources voted to it by the Assembly. The PSAs allow the Executive to develop and present clear links between public funds and the achievement of agreed outcomes at both Executive and departmental level. They are supported by Service Delivery Agreements, again at departmental level, which illustrate how each department will achieve the Executive's Programme for Government commitments and its own PSA targets.



The Programme for Government is the Executive's contract with the people of Northern Ireland. It sets out the Executive's strategic aims and priorities for the years ahead and explains how the Executive will work with the Assembly and with others to achieve these aims and make progress on its priorities.

Photo courtesy of Northern Ireland Tourist Board.

4.9 The Programme for Government and PSAs set the context for policy-making in the devolved administration. A key starting point in the development of a new policy, or the review of an existing policy, is therefore the extent to which the issue and the associated policy is consistent with the overall direction of the Programme for Government.

The wider context

4.10 As well as ensuring that policy is developed in a way which is consistent with the Programme for Government, it is important to take account of developments elsewhere, for example in UK or Irish Government policy in relevant areas. It is also important to keep abreast of developments internationally and arising from research in your policy area: Chapter 5 and Annex C provide more guidance on sources of evidence to support policy-making.

4.11 In addition to policies which are developed on a planned basis emanating from identified need, there are occasions on which new policy initiatives arise from unexpected or uncontrollable sources. Examples could include:

- a Court judgment altering pre-existing policy;
- implications of the passage of EU legislation requiring transposition in

- Northern Ireland or of legislation elsewhere in the UK which has side-effects on NI legislation; and
- events which require a policy response, often beginning with a review of existing policy in light of what has happened (eg agriculture policies post-Foot and Mouth Disease; public safety policy after a major train crash, etc)

EU policy

- 4.12** EU policies and legislation impact on a wide range of matters in Northern Ireland: according to one estimate, 80 per cent of policies in the Programme for Government and up to 60 per cent of all legislation. There are a number of ways in which the EU is able to change or influence the law in member states: through Regulations, Directives and Decisions, all of which are to some extent binding; Recommendations and Opinions, which state views of the European Commission or European Council; and case law which results from decisions taken by the European Court of Justice. The design of EU Structural Funds programmes can also have an important influence on policy-making at member state and regional level.
- 4.13** It is therefore very important to keep in touch with EU policy development in your policy area and to consider as early as possible the potential implications of implementation. More information on EU policies and policy-making is available on the [Foreign and Commonwealth Office website](#).
- 4.14** As this chapter has highlighted, Government does not control all of the ways in which new policy initiatives may develop. There is a need to scan the environment to ensure surprises are avoided as far as is possible and potential connections are identified.

Looking at the evidence

- 5.1** This chapter looks at the various sources of evidence for the development of policy. These include professional advisers within the Civil Service, statistics and research published by the NI administration and official sources elsewhere, and academic research. But one of the key messages of this chapter and of the guide in general is the importance of using evidence from the 'front line' of service delivery, both from potential customers and from those directly involved in service management and provision.
- 5.2** It is also helpful to bear in mind that looking at evidence has two primary purposes - to help identify and clarify the problem which is being addressed; and to help identify potential solutions. In order to achieve the latter, it is unlikely to be sufficient to look at evidence from Northern Ireland alone.

Evidence-based policy making - What evidence is available, relevant and useful?

- 5.3** It is crucial that policy decisions should be based on sound evidence. Good quality policy-making depends on high quality information, derived from a variety of sources - expert knowledge; existing local, national and international research; existing statistics; stakeholder consultation; evaluation of previous policies; new research, if appropriate; or secondary sources, including the internet. To be as effective as possible, evidence needs to be provided by, and/or be interpreted by, experts in the field working closely with policy makers. The first port of call is likely to be professional advisers within the NI Civil Service: for example, statisticians, economists, medical officers, inspectors, scientists, and social researchers. These professionals should know what relevant published statistics are available and be in touch with the latest research evidence and best practice internationally in the relevant policy areas. They can also advise on commissioning new research and generally point policy-makers in the right direction.

- 5.4** A list of likely sources of information and expertise on evidence to support policy-making is at Annex C. The list covers internal Government sources, government-funded independent bodies and non-Governmental organisations. In addition to this general list, in each policy area there is likely to be a range of organisations with a particular interest in the policy field, some of which may commission or have access to information of particular importance or relevance.

Evidence from the 'front line'

- 5.5** However, evidence is not something that is only generated by external research. In any policy area there is a great deal of important evidence held by both front-line managers and staff in departments, agencies, Boards, schools, hospitals, etc, and the citizen, customer or consumer to whom the policy is directed. Very often these groups will have a clearer idea than the policy makers about what the problems are, why the situation is as it is and why previous initiatives did or did not work. They are also well placed to advise on how a new policy can be put into practice on the ground and what pitfalls need to be avoided. Gathering that evidence through interviews, surveys or focus groups can provide a very valuable input to the policy making process and can often be done much more quickly than more conventional research. It may well also help to avoid expensive mistakes later.
- 5.6** In addition, it is important to consider implementation of policy from the outset. It is often easier to implement change when those directly affected understand the reason for it and have some sense of engagement or ownership over the nature of the change or the way it is to be introduced. This provides another set of reasons for considering engaging with the staff and customers involved in the area affected by the policy initiative.

What have experiences of other countries and regions been?

- 5.7** It is helpful to use international comparisons as part of the wider evidence base. This can contribute very positively to the policy-making process, in particular helping to guide policy-makers to new solutions to problems and new mechanisms for implementing policy and improving public service delivery. It can also provide useful evidence of what works in practice and what does not work. It is of course important to take account of social, economic and institutional differences which may require adjustment to policy solutions that work elsewhere to meet Northern Ireland circumstances.
- 5.8** It is not always necessary to look very far afield for policy comparisons as, for example, other parts of the United Kingdom and Ireland can provide some good examples. Other useful places to look for relevant policy comparisons include the Australian states, Canadian provinces and New Zealand, which are interesting from a Northern Ireland perspective because they have long experience of operating in a similar institutional framework. For example, the development of the Strategic Investment Board established as part of the Reinvestment and Reform Initiative has been influenced by the existence of a similar organisation in Ontario.
- 5.9** There is a range of factors which can be helpful in identifying possible countries or regions elsewhere from which to learn: for example, regions which have successfully addressed similar social or economic issues, or which have geographical similarities to Northern Ireland. *Regional Trends*, published by the Office for National Statistics, includes tables of key indicators across a range of policy areas comparing all the regions in the European Union, which may help in identifying appropriate comparator regions.
- 5.10** It is important in many areas of public service to understand the importance of factors such as settlement patterns and population density in determining what types of provision are appropriate and where we might learn lessons from

elsewhere. For example, Northern Ireland is sparsely populated by comparison with England, but its population density is around the European average and approximately twice that in the Republic of Ireland or in Scotland. Parts of Europe with broadly similar population densities to Northern Ireland include Wales, Denmark, parts of France and Germany and North West Spain. Identifying appropriate comparators will, however, depend on your own policy area.

- 5.11** When looking at international comparators, it is important to do so objectively. Officially published material tells the story which the promoters of a policy or project wish to tell publicly. It is important to explore beyond that: to find out what criticisms are made as well as ways in which arrangements are successful; to find out the views of service users as well as providers; to find out the extent to which a policy has actually achieved its intended outcome and whether there have been any unintended or unforeseen drawbacks or benefits; and to explore potentially crucial differences in context which might mean that a policy which was successful elsewhere would not work in Northern Ireland. Face-to-face contact will reveal more than looking at a website alone, but given the costs associated with study visits, it is essential to do adequate research in advance to be sure that a comparator is really relevant.

Benchmarking

- 5.12** International and inter-regional comparisons are also important for benchmarking Northern Ireland's performance against that of other regions. *Regional Trends* provides statistical comparisons among the regions of the UK of a wide range of indicators across most policy areas. It also includes tables of key indicators comparing all the regions in the European Union.
- 5.13** However, caution must be used in making comparisons: for example, Northern Ireland's population is the youngest of any region in the EU, with 22% of the



It is important in most areas of policy-making to take a view at least 5 to 10 years into the future.

population aged under 15 in 2001, compared to an EU average of 17.1%. This is in itself an important factor for policy makers to bear in mind, but it can also distort other comparisons: for example, it can make some health comparisons appear more favourable than they are.

Forward-looking policy-making

5.14 Ensuring that policy-making is forward-looking is important for a number of reasons. Firstly, it must be based on a long-term strategy, aimed at achieving defined intended outcomes. The Programme for Government and Public Service Agreements set out targets mainly within the next 3 years, but it is important in most areas of policy-making to take a view at least 5 to 10 years into the future. Indeed, in many cases, policy decisions taken now will have implications well beyond even this time horizon. For example, the educational experience of school children now will have an impact on the skills of the workforce until the 2060s! Policy-makers in all areas should therefore have in mind the top-level strategic vision and goals to which they are contributing.

5.15 It is also important when developing policy to ensure that it is sufficiently robust to deal with change in the outside world, whether predicted or unpredictable. There are some specific techniques designed to assist policy-makers in thinking about future challenges. For example, contingency or

scenario planning can be used to provide a structure for considering how policy-makers need to respond if the world develops in various possible ways in the future. The UK Government Foresight programme has developed a range of scenarios, *Foresight Futures 2020*, which are available for organisations, whether in the public, private or voluntary sectors, to use in developing their future strategies. The point of such an exercise is not to predict the future but to help determine what should be priorities for the organisation under **any** of the possible scenarios.

- 5.16** Forward-looking policy-making also needs to take a long-term view based on statistical trends and informed predictions of social, political, economic and cultural trends, for at least five years into the future of the likely effect and impact of the policy. NISRA produces a range of statistics such as population projections which are helpful in this regard.

Conclusion

- 5.17** Figure 5.1 sets out a number of key questions to address in assessing evidence requirements to assist policy-making. The questions are primarily relevant to consideration of external research evidence but can be adapted for other types of evidence.

Figure 5.1 - Key principles in assessing evidence

Some key issues that you need to think through before deciding whether to use a piece of evidence are set out below. Policy-makers will need to consider drawing on specialist expertise and knowledge to help assess evidence (e.g. advice from researchers, statisticians and economists).

Is it relevant?

- Does the study address the key policy issues and questions?
- Is it appropriate to use evidence collected in a different context? i.e. How far can results of local or national studies inform a regional policy? Is the social, cultural and economic context for an overseas study similar to that in Northern Ireland?
- Was the study undertaken recently - have things changed since it was done? (NB This does not mean that research evidence can be ignored just because it is old - in some policy areas, research can remain relevant for a long time.)
- Does the study clearly identify implications for policy and/or practice?

Is it good quality?

- Are the research methods used appropriate to the key questions being asked?
- Does the study consider the issues from a range of perspectives e.g. involving service users/other stakeholders?
- Has the study been conducted properly - is there information on how the methods were implemented e.g. response rates for surveys?
- Does the individual or organisation which undertook the study have previous experience of research on the issue and/or the methods used?
- Has the study been undertaken, commissioned or funded by individuals or organisations with views or vested interests which may favour particular conclusions?

6

From desired outcomes to possible solutions

- 6.1** This chapter looks at some of the key internal processes which need to be undertaken in developing policy.
- 6.2** Having weighed up the available evidence, it should be possible to start developing a broad outline of what policy interventions, if any, might be appropriate to address the issues you are dealing with. Where possible, you should develop a range of options, including costings. Management of risk is also a key consideration.
- 6.3** It continues to be important to keep professional advisers and others within your department involved in policy development as you move from initial consideration of the evidence towards formulating policy solutions. At the very least, all those disciplines within your department with an interest should be copied into key papers at a senior level to keep them informed and involved. However, it is likely that you will also need to keep them engaged in a more proactive way, for example through a Project Board.

Appraisal of options

- 6.4** Consideration of alternative options is an important part of the policy making process. It is about identifying the range of possible courses of action, and comparing their relative merits, including the costs, benefits and risks that are associated with them, in order to inform selection of the best policy implementation option. This often involves an option appraisal, also known as an 'economic appraisal'.
- 6.5** Substantial guidance is available on option appraisal in *The Northern Ireland Practical Guide to the Green Book*. This is consistent with the *Green Book*, the Treasury's authoritative guide to appraisal and evaluation, but is more detailed and tailored to Northern Ireland's circumstances.

6.6 Option appraisal is a flexible tool and needs to be tailored to the circumstances. However, a typical appraisal will cover the following steps:

- **establish the policy need** - Identify target populations, quantify problems/demands to be addressed, show how policy intervention will contribute to strategic aims;
- **define the policy objectives** - broadly enough that a range of policy options can be identified. Measurable targets should normally be developed, to provide for detailed appraisal and subsequent measurement of the policy's success;
- **identify and describe the policy options** - a "status quo" or "do minimum" baseline option and a suitably wide range of alternative policy options for consideration;
- **detail the costs, benefits, risks and other relevant impacts** - for each policy option. Consider screening and impact assessment requirements;
- **spell out the funding implications, including the relative priorities for funding** - particularly important when appraising a policy with several components, some of which could be taken forward in advance of others;
- **summarise the findings and recommend the preferred policy option** - comparing the relative merits of each option in turn; and
- **make recommendations for managing, monitoring and evaluating the policy.**

6.7 Plans for option appraisal should be considered early in the policy making process. It may be appropriate to conduct an initial appraisal and then develop it or re-visit it at various stages, e.g. following consultation. Specialist advice may be required - departmental economists can advise on the design and conduct of option appraisals, and can assist with other forms of economic analysis such as relevant economic research.

Funding and how to secure it

- 6.8** Ensuring any necessary resources are available is key to making policy happen. When developing a policy you must always be aware of the cost implications of policy implementation and the need to achieve best value for money. Where policies do not involve significant public expenditure, there may still be implementation costs for the administration and compliance costs for individuals and organisations, which need to be considered and justified.
- 6.9** The project planning process described in Chapter 3 will help you to judge whether you have the necessary resources to support the development of policy. However, the cost of the policy implementation can often be many times more than the cost of the internal resources.
- 6.10** Departments' Finance Divisions are the first port of call for advice on financing policy solutions. They should be involved in policy development at the earliest possible stage and kept up to date throughout the process. Early engagement with DFP through the Departmental Finance Division is in turn important, given DFP's approval role in relation to new or contentious proposals. The key point, however, is that the business case for a policy must stand up in its own terms. Funding should follow policy, rather than policy being skewed, for example, by the availability of funding from external sources. If a policy is decided to be of sufficient priority by departmental Ministers and subsequently by the Executive on the basis of the evidence, the resources will be found. Conversely, as there will never be sufficient funding to do everything that is desirable, Ministers and in turn the Executive need to be in a position to take strategic decisions about policy priorities (involving both new and existing policies). That could mean ending existing activities which are no longer necessary in order to allow new priorities to be taken forward.
- 6.11** It is important for policy staff to be aware that there is no automatic read-across from additional funding allocations made in England to comparable programmes in Northern Ireland. While additional funds come to the Northern Ireland block



Ensuring any necessary resources are available is key to making policy happen. When developing a policy you must always be aware of the cost implications of policy implementation and the need to achieve best value for money.

under the 'Barnett formula', the Executive, (or, under Direct Rule, the Secretary of State) determines the allocation of the overall budget on the basis of the competing priorities from all the departments, in tandem with the development of the Programme for Government. Nonetheless, in many cases there will be a public expectation that the Northern Ireland administration will respond to funding increases or new programmes in England. It is therefore important to keep in touch with counterpart Whitehall Departments to monitor their policy developments and assess how to respond.

Legal advice

- 6.12** As your policy-making process proceeds, it becomes important to start thinking about whether there is sufficient legislative basis for the policy solutions you are considering and you need to engage in dialogue with Departmental solicitors. Departmental solicitors will also be able to advise on any human rights or EU aspects which you have identified. If you are considering establishing a new body as part of the implementation of your policy, solicitors can advise on the options for establishing the body and their involvement will be important throughout that process. If legislation is required, it is important to engage too with the Office of the Legislative Counsel. Further guidance on the legislative process is in Chapter 9.

Presentational aspects

6.13 Communication of government policy should not be regarded as an afterthought but should be an integral part of policy development. Often in the past, insufficient emphasis has been placed by civil servants involved in policy development on the communications strategy that every important initiative or decision will require. Policy staff should naturally think about communication aspects and involve the Executive Information Service early enough in the process to contribute substantively. Policy and the handling plans for its communication should be developed in parallel rather than sequentially. The following points should assist planning in this area: communication should:

- be planned from the start of the policy process and tackled as an issue throughout;
- be based on a sound awareness of the political and wider context within which the policy is being developed;
- be focused on what is likely to be of greatest public interest, highlighting the policy proposal and resulting likely criticisms;
- target relevant audiences and make use of a range of media and formats in order to reach those audiences; and
- involve all those who will have a part to play in presenting policy - Ministers, policy makers, press officers and service deliverers/implementers.

Risk management

6.14 Risk has been defined as uncertainty of outcome, whether positive opportunity or negative threat, of actions and events. In recent years handling risk has become increasingly central to the business of government, which uses the language of risk to cover:

- **direct threats**, such as the events of 11 September 2001;
- **disruption**, such as from industrial action or IT failures;

- **safety issues**, such as in relation to BSE or road safety;
- **delivery risks**, in relation to a challenging public service agenda;
- **transfer of risk to the private sector** in capital projects and service delivery;
- **public sector innovation** - taking calculated risks that might deliver high rewards; and
- **risk of damage to government's reputation**, which can harm its ability to carry out its programme.

6.15 Risk management involves identifying, assessing and judging risks, assigning ownership, taking actions to mitigate or anticipate them, and monitoring and reviewing progress. Good risk management helps reduce hazard, and builds confidence to innovate. The report *Risk: Improving government's capability to handle risk and uncertainty*, published by the Prime Minister's Strategy Unit in November 2002, makes a range of recommendations which apply as much in Northern Ireland as elsewhere. The key points which those involved in policy development here need to take into account are:

- systematic, explicit consideration of risk should be firmly embedded in core decision-making processes (covering policy-making, planning and delivery), for example by using project management techniques as outlined in Chapter 3;
- government should enhance its capacity to identify and handle strategic risks, with improved horizon scanning, resilience building, contingency planning and crisis management;
- risk handling should be supported by best practice, guidance and skills development - organised around a risk "standard";
- departments and agencies should make earning and maintaining public trust a priority in order to help them advise the public about risks they may face. There should be more openness and transparency, wider engagement of stakeholders and the public, wider availability of choice and more use of "arm's-length" bodies such as the Food Standards

Agency to provide advice on risk decisions. Underpinning principles for handling and communicating on risk to the public should be established; and

- Ministers and senior officials should take a clear lead in handling risk in their departments - driving forward improvements, making key risk judgements, and setting a culture which supports well judged risk taking and innovation.

Engaging Ministers

- 6.16** This guide has already noted that Ministers are likely to be engaged in initiating or agreeing the initiation of policy work. As the policy process develops, it is essential to give Ministers regular updates on progress, highlighting in particular the key issues for decision and retaining a focus on the overall progress of the policy project. In preparing papers, it is helpful to consult with Ministers' special advisers from the outset.

Involving the Executive

- 6.17** As the development of a policy initiative proceeds a department needs to help fulfil its Minister's duty under the Ministerial Code. In this regard and in relation to policy initiatives, the following are examples of matters that should be brought to the Executive for prioritisation, consideration and agreement:
- significant policy issues which cut across the responsibilities of two or more Ministers;
 - issues on which it is desirable that the Executive should adopt a common position;
 - matters involving conflict with, or not provided for within, the priorities and actions contained in the Programme for Government; and

- all primary and secondary legislation proposed to be presented to the Assembly.

This list is not exhaustive and Executive Secretariat in OFMDFM will advise on proposals to table issues in any other categories. Departments should refer to the Ministerial Code for fuller guidance on the matters which are to be brought to the Executive.

- 6.18** Any issue which has particular implications for the Minister's constituency should also be brought to the Executive for consideration as should any other significant policy issue or proposed decision which is novel or contentious, or is of particular importance or interest to the public.
- 6.19** The views of the Executive should be sought at an early stage and to ensure that sufficient time is allowed for an Executive paper to obtain timely approval and circulation to the Executive, departments should allow for a 4-week period in their planning timetable for this stage of the policy-making process. It may facilitate the subsequent handling of such papers to share early drafts of Executive papers with other interested departments and the First Minister and Deputy First Minister. It is also useful to include in any Executive paper details of consultations with other Ministers and how the outcomes of such consultations have been reflected in the paper.



Overarching policy issues

- 7.1** This Chapter outlines a number of the overarching policy issues and commitments of the administration and suggests how they can be taken into account in developing a policy. These issues include Equality, New Targeting Social Need and Human Rights. The Chapter also covers proofing policies in terms of aspects such as their environmental, health and rural impacts, and refers briefly to the Review of Public Administration.
- 7.2** The key consideration here is to ensure that the approach to policy development is holistic in approach. In other words, that as the policy is being developed through the steps set out in this guide, consideration is being given **at the same time** to the equality, New TSN and human rights implications and that the overall impact assessment process is an integral part of the development of the policy and not a last-minute add-on.

The statutory equality duties

- 7.3** Section 75 of the Northern Ireland Act 1998 requires public authorities, in carrying out their functions relating to Northern Ireland, to have due regard to the need to promote equality of opportunity between:
- persons of different religious belief, political opinion, racial group, age, marital status, or sexual orientation;
 - men and women generally;
 - persons with a disability and persons without; and
 - persons with dependants (ie people with caring responsibilities) and persons without.
- 7.4** Without prejudice to the above obligation, public authorities, in carrying out their functions relating to Northern Ireland, are also required to have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group.

7.5 The Act also requires public authorities to prepare Equality Schemes stating how they propose to fulfil these duties. In February/March 2001 the Equality Commission approved the Equality Schemes of each of the eleven government departments. The core of all Schemes, in terms of the duty to have due regard to the promotion of equality of opportunity and regard to the promotion of good relations, is the Equality Impact Assessment (EQIA) of policies. However, *not all* policies or proposals for legislation require an EQIA. A policy does not require an EQIA if it has been *screened out* at an early stage of policy development by answering the four screening questions set down by the Equality Commission on page 36 of its Guide to the statutory duties (and reproduced in all departmental Equality Schemes). A note should be kept of the reasoning behind such assessment. Where an EQIA is required, the Equality Commission has issued helpful Practical Guidance on Equality Impact Assessment. Each Department has equality personnel who can advise on these issues.

7.6 It is **essential** that there is a statement in *all* Executive papers covering:

- a summary of the outcome of an EQIA; or
- if an EQIA has not yet been carried out, when it will be done; or
- a statement that it is the Minister's view that there are no equality issues and a brief explanation as to the reasoning behind this view. It may be useful to refer to the screening criteria mentioned in paragraph 7.5 in this statement.

New TSN

7.7 New Targeting Social Need (New TSN) requires all Government departments and relevant agencies to tackle social need and social exclusion by targeting efforts and available resources on people, groups and areas in greatest objective social need. The policy has three complementary elements: tackling unemployment and increasing employability; tackling inequality in other policy areas such as health, housing and education; and Promoting Social Inclusion (PSI). Overall the

approach to the promotion of New TSN is one of mainstreaming - the aim is to facilitate total integration of New TSN into the policy and programme development of all departments.

- 7.8** One way in which a policy might be designed in order to promote New TSN might be to give priority to areas experiencing multiple deprivation or to phase rollout of a policy giving priority to the most disadvantaged areas first. The NISRA paper *Measures of Deprivation in Northern Ireland* (July 2001) sets out a range of indicators of deprivation at ward level (often referred to as the Noble indicators), including a Multiple Deprivation Measure. These can help in identifying areas where resources need to be targeted. It is important to use an appropriate measure - the Multiple Deprivation Measure covers a range of types of need, not all of which might be relevant if a policy is only concerned with one group such as, for example, children. In some cases, your department may have more specific information available to help identify need in your own context or at a more detailed level than ward level - for example, levels of entitlement to Free School Meals at school level.
- 7.9** It is unlikely to be sufficient, however, simply to prioritise provision purely on the basis of indicators of social need. This usually needs to be combined with some form of audit of existing provision, and of need/demand in terms purely of the policy area itself. So for example, prioritisation of new public transport provision might be based on a combination of indicators at local level, including: social need; levels of car ownership; demand for travel; traffic congestion/resulting time savings; and adequacy and quality of existing provision. At the very least, social need should always be a 'tie-breaker' if the merits of two competing proposals are otherwise equal.
- 7.10** It is **essential** that there is a statement in *all* papers to the Executive making it clear how New TSN is being addressed, and setting out:
- confirmation that the proposed policy has been examined to determine the extent to which New TSN applies;



One way in which a policy might be designed in order to promote New TSN might be to give priority to areas experiencing multiple deprivation or to phase rollout of a policy giving priority to the most disadvantaged areas first.

- an explanation of how efforts and available resources will be targeted to ensure the delivery of New TSN objectives; or
- a statement that it is the Minister's view that New TSN does not apply to the policy and a brief explanation as to the reasoning behind this view.

7.11 The Executive's New TSN Policy together with details of how each department is implementing New TSN are set out in "Making it Work: the New TSN Action Plans Report". This can be accessed, along with the other New TSN relevant documents, on the [New TSN web site](#).

Human Rights

7.12 With the introduction of the Human Rights Act 1998 on 2 October 2000 and the establishment of the Northern Ireland Human Rights Commission on 1 March 1999, the rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) are now incorporated into domestic law. For the first time, individuals who consider that their Convention rights have been breached will be able to seek redress in the courts in Northern Ireland instead of having to incur the cost and delay of taking a case to the European Court of Human Rights in Strasbourg.

- 7.13** This will have a significant impact on the work of the NI departments. Everyone in a department, or an agency, or in a public body, will need to be aware of the effect the ECHR might have on their work. If your job has an impact on the rights of individuals, you will need to bear in mind the need to comply with the Convention. You will need to be aware of the possibility of your decisions, or decisions taken by Ministers acting on your advice, being challenged on ECHR grounds.
- 7.14** Where necessary, existing legislation must be examined to identify provisions which might not be compatible with the ECHR and future policy and legislation developed taking account of the ECHR, the Human Rights Act and the Northern Ireland Act. There must be a statement that the human rights implications of the proposed policy/legislation have been assessed and that the Minister is satisfied that the proposals are compatible with Convention Rights as incorporated by the Human Rights Act 1998. If such a statement cannot be made then there has to be an explanation.
- 7.15** Detailed information is available on the Human Rights web site in the 'Guidance' Section and in particular "The Human Rights Act 1998 Guidance for Northern Ireland Departments". Each Department also has a designated 'Human Rights contact'. You are encouraged to seek further advice, particularly from departmental solicitors.

Sustainable development

- 7.16** International agreement on promoting sustainable development was reached at the United Nations Conference on Environment and Development (the Earth Summit) in Rio de Janeiro in 1992. In its Programme for Government, the Executive endorsed the principles of sustainable development, which are aimed at ensuring that society and the economy develop in ways that meet the needs of the present without compromising the ability of future generations to meet their own needs. This involves effective protection of the environment and the

prudent use of natural resources, with at the same time high and stable levels of economic growth. Promoting Sustainable Living - A Discussion Paper on Proposals for a Sustainable Development Strategy for Northern Ireland was published by the DoE in 2002.

Impact assessments

- 7.17** All policies need to be proofed or have their impact assessed against a wide range of criteria. All policies where screening indicates that it is necessary need to undergo Equality Impact Assessment under Section 75 of the Northern Ireland Act 1998. Proofing is also necessary in relation to New TSN and Human Rights, and there are requirements introduced either by the Executive or as a result of UK Government or international obligations for environmental, rural, regulatory and health impact assessments. Sustainability assessment is also likely to be a requirement in the future.
- 7.18** OFMDFM has developed an Integrated Impact Assessment tool (IIA) to help policy makers undertake the various impact assessment processes and provide a structured format for the presentation of their results. This tool is now available for piloting by departments, with a view to refining it for full introduction by early 2004. The tool, which is available on the OFMDFM 'Policy Link' website, also includes links to detailed guidance on the various forms of impact assessment.

Review of Public Administration

- 7.19** A major Review of Public Administration (RPA) was launched by the Executive to develop a system of public administration which fully meets the needs of the people in Northern Ireland. The review will examine the existing arrangements for the accountability, administration and delivery of public services in Northern Ireland, and bring forward options for reform. If you are considering establishing a new public body to support the delivery of your policy, you should consult the RPA team.

Regional Development Strategy

- 7.20** The Regional Development Strategy for Northern Ireland 2025 provides an overarching statutory strategic planning framework to address a range of economic, social, environmental and community issues, which are relevant to delivering the objectives of achieving sustainable development and social cohesion in Northern Ireland. Importantly, it provides a framework within which choices can be made on key decisions about the infrastructural development of Northern Ireland. Regional Planning and Transportation Division of the Department for Regional Development will provide any additional guidance and advice as necessary.



Engaging external stakeholders

- 8.1** This Chapter emphasises the importance of engaging external stakeholders at the right times and in the right ways. It looks firstly at consultation in general and then at the arrangements for consultation with other institutions of Government.

Consultation

- 8.2** Consultation is at the heart of the Executive's commitment to openness and inclusivity. It is firmly embedded in the culture of the public service in Northern Ireland and is particularly important in the context of the statutory duties on equality and good relations under Section 75 of the Northern Ireland Act 1998.
- 8.3** Consultation is not an end in itself. The most fundamental reason for consulting in formulating policy is to help develop solutions which will work and gain acceptance in practice. Early informal consultation with key stakeholders and in particular those involved in front-line service delivery and service users, as outlined in Chapter 5 and covered further in Chapter 10, is therefore of key importance. Proceeding with no or token consultation may appear to save time in the short term, especially in a context of limited resources, but it can result in problems later. For example, correspondence campaigns due to lack of buy-in to the policy from key opinion-formers; Assembly questions and debates where Ministers have to be very much on the defensive; or policies which simply do not work effectively and have to be put right, possibly at considerable expense.
- 8.4** In preparing this guide, we sought views from a number of those who are frequently consulted by Government, for example from business, trade unions and the voluntary and community sector. It was clear that, while such organisations feel that it is vital that they are consulted, there is some 'consultation fatigue' in the community at present, particularly in relation to written consultation exercises. It is important to publish written consultation documents when policy development is reasonably well advanced and you have reasonably firm proposals or a range of worked up options on which to consult.

Equality issues should be considered early, and it is a requirement under Section 75 to publish your draft Equality Impact Assessment for consultation. It is good practice to do so at this stage as part of your consultation document, rather than separately later.

8.5 The minimum period for a formal consultation exercise is 8 weeks; 12 weeks is the standard period. Depending on the importance and likely impact of your policy, you should normally consider holding some seminars or organising other alternative channels for consultation during this period to help individuals and organisations in the wider community in formulating their responses. It is important to bear in mind the requirements of groups which may have special needs and be prepared to make available key documents in alternative formats, such as braille, large print or alternative languages. Further guidance on formal consultation under Section 75 will be set out in a *Guide to Consultation Methods for Northern Ireland Public Authorities*, currently being developed by the Office of the First Minister and Deputy First Minister.

8.6 However, the complaints of consultation fatigue reinforce the need for targeted and more proactive consultation with key stakeholders at an earlier stage. That should help to build greater consensus around policy proposals when they are subject to formal consultation. Some stakeholders, for example in the voluntary or private sectors, may be able to help find innovative policy solutions, for example involving partnership approaches to service delivery, which would not be achievable by the public sector alone. In order to help plan informal consultation, it is good practice to undertake a stakeholder analysis exercise early in any policy project, based on the question "Who or what is likely to be affected by this initiative?". It is important to remember that there are both internal and external stakeholders and that they can be affected directly, in predictable ways, or indirectly, in ways that may be less predictable.

8.7 One innovative approach which has been used in Northern Ireland for "whole systems" consultation and planning is the "Future Search" methodology. This approach, which has been used in particular by DCAL, brings 60 to 80



The most fundamental reason for consulting in formulating policy is to help develop solutions which will work and gain acceptance in practice.

participants with diverse interests together over a two to three day period to develop a common agenda for action.

Consultation with Assembly Committees

8.8

The role of departmental Assembly Committees is a very distinctive aspect of the policy-making process under devolution in Northern Ireland. More detail on the role of the Committees is set out in Annex A. In formulating policy, Ministers and departments should develop an open, transparent and inclusive approach to their departmental Assembly Committee, and take account of the Committee's views. Ministers and departments should regularly advise their Committee of major issues under consideration in the department and include the Committee in any public consultation exercise. The Committee should be advised of emerging issues and forthcoming policy reviews at an early stage so that it has the opportunity to contribute to policy formulation in advance of public consultation if it so wishes, or indeed to plan its work programme so that it can support policy work being undertaken by the Department. Further advice on the role of Committees in the policy-making and legislative processes will be contained in the *Departmental Guidance on Relationships with Committees*.

Consultation with the Civic Forum

- 8.9** The Civic Forum is keen to engage with the administration, particularly on cross-cutting strategic issues. The Forum agrees its annual work programme with the Office of the First Minister and Deputy First Minister. If you have an issue on which you wish to consult the Forum, it is helpful to give notice as far in advance as possible to the Forum's Secretariat.

Co-operation with the Northern Ireland Office and Whitehall Departments

- 8.10** In developing a policy initiative departments will need to consider if the proposed policy, and any supporting legislation, has implications for the responsibilities of the Northern Ireland Office or other Whitehall departments. Where this is the case consultation and liaison arrangements should be put in place:
- to alert the NIO or the appropriate Whitehall department as soon as practicable to relevant developments affecting their areas of responsibility, wherever possible prior to publication; and
 - to give appropriate consideration to their views.
- 8.11** Early engagement is also required with the NIO where the consideration of legislation by the Assembly requires the Secretary of State's consent, for example if a Bill contains a provision which deals with a reserved matter. The Northern Ireland Court Service should also be consulted if new offences and penalties are contemplated in legislation. An agreed framework for working arrangements on matters of mutual interest is contained in the Concordat between the Northern Ireland Office and the Northern Ireland Executive.
- 8.12** There may also be occasions when the policy under consideration is cross-cutting in nature involving both reserved or excepted matters and transferred matters. For example, the control and eradication of drug abuse, benefit and

other fraud will require co-ordination and agreement across both administrations to ensure coherent policy development and effective administrative action. Sometimes this will lead to measures dealing with transferred matters being included in Westminster legislation. This requires the Assembly's agreement under the Memorandum of Understanding.

North/South dimension

- 8.13** It is also prudent to consider if a proposed policy, and any supporting legislation, has implications for the North-South Ministerial Council (NSMC). The areas of co-operation are highlighted in Annex A and it would be good practice to make early contact with the NSMC Secretariat to discuss any possible areas of duplication or policy conflict.

Northern Ireland and the European Union

- 8.14** Centrally, the European Policy and Co-ordination Unit of OFMDFM undertakes liaison with the Cabinet Office and the Foreign and Commonwealth Office on EU matters, and develops and co-ordinates a strategy on the EU for the Executive as a whole. DFP European Division has the lead role on Structural Funds issues. Familiarity with the EU institutions and the way they operate is also of value for other departments. Direct relationships with appropriate sections of EU institutions can be facilitated through the Office of the Northern Ireland Executive in Brussels. The Office can assist departments to keep abreast of EU issues and provide early warning of new developments which might affect them. This will enable departments to get involved with their Whitehall counterparts at an early stage of discussions.

The legislative process

- 9.1** Many new or revised policies require the passage of legislation in order to give departments and others a legal basis for action. The legislative process is complex: the "Primary Legislative Guidance" sets out over 60 steps which must be followed, even after the policy has been agreed, in developing a Bill and getting it onto the statute book. Because legislation is a time-consuming process (it can take up to 18 months from policy agreement to Royal Assent), it is important to get it right and in particular to consider all the implementation issues fully.
- 9.2** When considering any proposed changes of policy that may require legislation, the guidance requires departments to consult widely with interested groups both inside and outside government. Consultees will include, for example, Assembly Departmental Committees, the Human Rights and Equality Commissions and may also include consultation on an Equality Impact Assessment as provided for by departmental Equality Schemes.
- 9.3** When the policy proposals for primary legislation have been formulated the departmental Minister will present these to the Executive for endorsement. This is in line with the Ministerial Code (paragraph 3.5) which requires Ministers to bring to the Executive all significant proposed policy initiatives including all primary and subordinate legislation to be debated in the Assembly.
- 9.4** Later in the process when a Bill has been drafted and cleared by the Executive it may be used for a public consultation exercise. During the formal passage of the Bill, MLAs have the opportunity to question the responsible Minister on the policy. In any event departmental Committees will normally expect to be afforded the opportunity of pre-legislative scrutiny of a Bill before its introduction to the Assembly. In addition there are opportunities throughout the Assembly process for Members to examine and debate the policy that the Bill would implement and to table amendments to the Bill.
- 9.5** For subordinate legislation, again the policy implications have to be carefully assessed from the outset and this can also lead to public consultation.

Human rights and equality considerations also must be considered and, like primary legislation, the departmental Committee will have an opportunity to consider the policy at an early stage. The Executive only becomes involved in a small number of policy papers relating to subordinate rules. These are Rules that are subject to affirmative or confirmatory resolution which, because of their Assembly procedure, have a higher profile than the majority of rules.

9.6 Detailed guidance on the actions required from policy consideration through the various legislative stages in the Assembly is contained in:

- "Primary Legislation Guidance"
- "Subordinate Legislation Guidance"
- "Subordinate Legislation Guidance - Red Book"
- Distribution lists for departmental publications and consultation documents

9.7 Guidance on the legislative process is also available from departmental Legislation Liaison Officers and from the Legislation Progress Unit in Machinery of Government Division in OFMDFM.

9.8 The key stages of the legislative process and approximate associated timescales are set out in Figure 9.1.

Figure 9.1 - Timescale for development of primary legislation

Stage	Time required (in months)	Comment
A. Scoping		Identification of potential requirement, resourcing, planning
B. Policy development		Including impact assessments up to clearance by Minister
C. Policy consultation clearance	1	With Committee and Executive
D. Policy consultation	3	
E. Policy finalisation		Including impact assessments and clearance with Minister
F. Policy clearance	1	With Committee and Executive
G. Legislation drafting	4 (say)	Including preparation of instructions to Office of the Legislative Council
H. Legislation clearance	1	With Executive
I. Legislation consultation	3	Including pre-legislative scrutiny with Committee
J. Legislation finalisation		Including clearance with Minister
K. Bill: clearance	1	With Executive
L. Bill: introduction	} 1	Including clearance by the Speaker and (if appropriate) Secretary of State
M. Bill: second stage		
N. Bill: committee stage	3 (say)	6 week minimum but add time for extension, report print, etc. (Can be extended by a further 2-3 months if it coincides with the Assembly's summer recess)
O. Bill: consideration stage	} 1	
P. Bill: further consideration stage		
Q. Bill: final stage	} 2	Including clearance by Attorney General (6 weeks from Final Stage)
R. Bill: royal assent		
S. Act: operative date		Westminster convention is 2 months minimum.
(Note: the following stages only apply if subordinate legislation is appropriate, in which case stages T to V can be carried out in advance of the operative date of the Act)		
T. Subordinate policy development and consultation		At least SL 1 (a letter advising of the proposal for a Statutory Regulation) to Committee, but public consultation if required
U. Subordinate policy clearance		With Executive if affirmative or confirmatory procedure
V. Subordinate drafting		
W. Subordinate (making), printing & laying		
X. Subordinate affirmation (if applicable)		Allow sufficient time between laying and debate
Y. Subordinate operative date		Allow 21 days from laying if negative procedure
Z. Subordinate confirmation (if applicable)		

Putting it into practice and keeping it going

Delivering in partnership with implementers

- 10.1** As already highlighted in Chapters 4, 5 and 8, it is crucial that implementation and delivery issues are fully considered from the outset of the policy-making process and continually reviewed. In particular, it is vital to engage meaningfully with those who will be responsible for implementation and delivery. This Chapter sets out in more detail some of the ways in which this can be achieved, especially moving towards implementing a new or revised policy.
- 10.2** As well as formal and informal consultation throughout policy development, there needs to be early dialogue at a senior level between the department and delivery bodies such as Boards, NDPBs or District Councils in planning for implementation. It is likely that these bodies will need to agree their arrangements for implementing a new or revised policy at Board or Council level. This is important in terms of ensuring that delivery bodies give due priority to a policy and to securing the interest and ownership of Councillors or Board members. It is helpful to use opportunities such as Ministerial speeches, meetings with and visits to delivery bodies to assist with this.
- 10.3** Dialogue between departments and delivery bodies should proceed on the basis of 'no surprises'. There should be early discussion about the resource implications of delivering a new policy, and it is important to be realistic about these on both sides.
- 10.4** It is not sufficient to rely on communication in writing alone between departments and delivery bodies on the arrangements for delivering policy. While formal letters and clear guidance documents are important for setting clear policy objectives, groundrules, etc, a department should also be prepared to follow these up with early and regular meetings in order to clarify any points on which there is doubt before any problems arise. Where a policy is being applied by locally-based delivery bodies across Northern Ireland, it may be helpful to establish an implementation group or arrange seminars so that practical solutions to problems can be explored as they arise, and to promote consistency in the implementation of policy.

- 10.5** Piloting policies before adopting them more widely can be very helpful: in identifying issues which arise in delivery; in gauging the responses of service users; and in assessing how well they are likely to achieve their intended outcomes in practice.
- 10.6** Where a policy is cross-cutting in nature, it may be desirable to use partnership arrangements to plan its delivery at local level, for example bringing officers from relevant statutory bodies in different sectors together with voluntary or community sector representatives. In any such structures, it is important to have clear lines of accountability. It is likely that one statutory body will need to take the lead role in terms of providing secretariat support and as the main channel for resources.
- 10.7** It is also important to establish from the outset what information delivery bodies or the department need to collect in order to monitor and evaluate the effectiveness of policy. The data collected should be based as closely as possible on the outcomes sought from the policy, and should include baseline data against which the impact of the policy will be judged in due course. Monitoring data which are simply activity measures can lead to misdirection of effort.
- 10.8** If guidance on the implementation of policy needs to be revised on an ongoing basis in order to improve delivery, that should be done. However, it is important to bear in mind that the statutory basis for delivery of many policies comes through primary or secondary legislation. Amending these if they are not right first time is cumbersome, time-consuming, expensive and may be politically embarrassing for Ministers, and it is particularly important to consult on them proactively at draft stage with delivery bodies and those at the front line of delivery.



Front line staff and those receiving public services have an invaluable role to play in formulating and shaping policy direction, and providing feedback on how effectively the policy objective is met in terms of meeting the needs of service users.

Engaging with service users

- 10.9** It is vital too that consideration continues to be given to how the implementation of a measure will impact upon those to whom the policy is directed. A key role for departments is to maintain close contact with both front-line users and their social partner representatives throughout both the policy- making and post-implementation stages. Policy-making must be viewed as a cyclical process, requiring periodic re-evaluation, rather than one which terminates upon policy formulation.
- 10.10** Front line staff and those receiving public services have an invaluable role to play in formulating and shaping policy direction, and providing feedback on how effectively the policy objective is met in terms of meeting the needs of service users. The adoption of a whole systems approach towards policy development allows for the incorporation of a wide range of perspectives from front-line staff, service users and key stakeholders. In this way both users and front-line staff can provide evidence of the implementation, effectiveness and robustness of policies.
- 10.11** In taking forward policy it is vital to be continually mindful of the purpose of the policy, those likely to be affected and how it will impact upon the targeted groupings. There is a need to monitor the outcome that a policy is achieving against that which it set out to achieve. Through the evaluation of implementation account can be taken of any

unforeseen and unintended consequences. Qualitative evidence such as from customer satisfaction surveys, comments and complaints received can be just as important as quantitative data.

E-government

- 10.12** Alongside measures of customer satisfaction, it is also important to consider how services can be offered to maximise choice and convenience. One element of this is through e-government. One of the key principles of the e-government strategy is that transactions with government should be simplified for the citizen, who should not need to know how government is organised in order to transact his or her business. Where more than one part of government is involved in completing a transaction or series of transactions, consideration should be given to joining services together in a way that is invisible to the citizen and which provides a better, 'joined-up' service.
- 10.13** Consideration should be given to using technology to improve the availability of government services at times and in places that are more convenient to the citizen, eg at home, or through trusted third parties such as the Post Office, banks or Citizens' Advice Bureaux, or in one-stop government shops. Departments should increasingly be looking to improve choice in the way in which the citizen can access government services. Access might be via telephone contact centre, online via the internet or across a counter, but perhaps not one solely dedicated to a particular department. The potential for using technology should be a key criterion in all policy reviews.

Planning for implementation

- 10.14** In moving towards implementation, it is important to continue with a planned approach as outlined in Chapter 3. Project plans need to be regularly reviewed and rolled forward, and this needs to be done in liaison with delivery bodies.
- 10.15** It is also important to keep reviewing the presentation strategies for policies. As implementation approaches, there needs to be a clear focus on explaining to the public what, in practical terms, new policies will mean for them. It can be very helpful to target intermediary agencies from which people obtain information about public services, such as libraries, post offices and doctors' surgeries, as well as using the media. And it is vital that those who provide the first point of contact for the public with a service affected by a policy change know about, understand and can explain its implications well in advance.

Effective delivery

- 10.16** To sum up the key messages in this Chapter, effective delivery in practice depends on many things, and success depends on getting them all right:
- a few clear and consistent priorities;
 - a widely shared and understood vision;
 - policy design that takes account of implementation issues and knowledge of what works;
 - often intensive support and training for managers and front-line staff;
 - sufficient freedom for those on the ground to innovate and adapt policy to local conditions;
 - clear leadership;
 - effective management of complex technologies;
 - clear lines of accountability; and
 - quick learning.

Review and evaluation

Review

- 11.1** As outlined in Chapter 9, past experience shows that delivery of policy is rarely a one-off task. It is best understood not as a linear process - leading from policy ideas through implementation to change on the ground - but rather as a more circular process involving continuous learning, adaptation and improvement, with policy changing in response to implementation as well as vice versa. It is therefore important to undertake effective appraisal of policy options initially, and to build ongoing monitoring and review mechanisms into the delivery of policy from the outset.

Evaluation: the basic process

- 11.2** Equally, formal evaluation has a crucial role in assessing whether policies have actually met their intended objectives. To be effective, policy-making must be a learning process which involves finding out from experience what works and what does not and making sure that others can learn from it too. This means that effective ex ante evaluation or appraisal should be carried out as part of the policy development process; new policies must have evaluation of their effectiveness built in from the start; established policies must be reviewed regularly to ensure that they are still delivering the desired outcome; and the lessons learned from evaluation must be available and accessible to other policy makers. Good evaluation should be systematic, analytical, study actual effects and judge success.
- 11.3** The principal mechanism for learning lessons is through evaluation of new policies and by monitoring and regular review of existing policies. Systematic assessment of policies, programmes and projects helps to improve the design and delivery of current and future policies. It also reinforces the use of evidence in policy-making by helping policy makers find out 'what works'.
- 11.4** The evaluation process can be broken down into 10 key parts outlined in Figure 11.1. This framework should be flexible in recognition that circumstances differ within and between programmes. However, the items listed are the essential ingredients of policy or programme evaluation and will permit a consistency of approach across evaluations.

Figure 11.1 - The evaluation process

- i. **Planning an evaluation** - Programmes to be evaluated should be prioritised on the basis of importance, openness to influence and adequacy of information. Evaluation should be planned before a programme starts. It is necessary to decide what questions the evaluation will address and who should undertake it, and to ensure that the costs of evaluation are outweighed by the lessons to be learnt.
- ii. **Establish the scope and purpose of the evaluation** - This might depend on whether the objective is to identify weaknesses which need to be addressed (a process evaluation) or to assess the overall success of a programme with a view to continuing, expanding or reducing it (an outcome evaluation).
- iii. **Establish the rationale, aims and objectives of the policy or programme** - These should be clearly defined prior to programme implementation, but if not, the evaluator should determine them. Is the policy instrument the most effective to address the rationale? This stage also involves identifying indicators of need and establishing the more specific targets which underlie the objectives.
- iv. **Specify measures and indicators** - Effectiveness and efficiency measures, and input, output and outcome/impact indicators, in order to assess the value for money of policies. As far as possible, these should allow international comparisons to be made.
- v. **Establish the base case for comparison** - What would have happened if the programme had not been implemented? It may be possible to set up a control group for comparison with a group affected by the policy. Alternatively, 'before and after' comparisons can be made.
- vi. **Define assumptions** - These may involve assumed causal relationships between a policy and outcomes, or may relate to the external environment.
- vii. **Identify side effects and distribution effects** - Effects (beneficial or otherwise) beyond those originally envisaged for the policy; equality/equity impacts and impacts on voluntary activity and the voluntary sector.

Figure 11.1 - The evaluation process *continued*

- viii. **Analysis** - This will depend on whether it is a process or outcome evaluation. Both quantitative and qualitative analysis may be important. The key measure is net additional output. Cost Benefit Analysis provides a useful framework.
- ix. **Evaluation outcome** - Recommendations such as programme continuation, modification, succession or termination. This leads into reappraisal and appraisal of new proposals. Sensitivity analysis should be carried out.
- x. **Presentation and dissemination of results** -The evaluation process and outcome should be adequately documented. The report must reach senior management and be widely disseminated to staff concerned with future project design, planning, development and management.

11.5 More detail on taking forward appraisal and evaluation can be found in the *Northern Ireland Practical Guide to the Green Book*, which will replace the previous *Northern Ireland Preface to the Treasury Green Book* by the end of July 2003. A substantially revised edition of the *Treasury Green Book* itself, which provides binding guidance for Departments and executive agencies on Appraisal and Evaluation, was published in January 2003.

Annex A

A unique context for policy-making -
the institutions under the Agreement



A unique context for policy-making - the institutions under the Agreement

The Agreement

- A.1** The Agreement signed on Good Friday 1998 is a multi-stranded framework document that focuses on the establishment of new institutional, constitutional and other arrangements for taking forward the three sets of relationships: within Northern Ireland; between Northern Ireland and the Republic of Ireland; and within the British Isles.
- A.2** Much of the Agreement was given legal effect in the Northern Ireland Act 1998 with North/South Implementation Bodies being established by an international Agreement between the British and Irish Governments.

The Assembly

- A.3** The Northern Ireland Assembly was established as part of the Agreement and has 108 members. The Assembly exercises full legislative authority in respect of those matters currently within the responsibility of the 11 Northern Ireland Government Departments (including the Office of the First Minister and Deputy First Minister).

The Executive

- A.4** The First Minister and Deputy First Minister and the ten departmental Ministers comprise the Executive. Each Minister has full executive authority in his or her respective area of responsibility, within the broad Programme for Government agreed by the Executive and endorsed by the Assembly. In practical terms the Executive provides a forum for:
- seeking to agree annually, and review as necessary, a programme incorporating an agreed budget linked to policies and programmes (the Programme for Government);

- discussion and agreement on issues which cut across the responsibilities of two or more Ministers;
- prioritising Executive business and legislative proposals to be brought before the Assembly; and
- recommending a common position where necessary, for example, in dealing with external relationships.

A.5 Accordingly there is a duty on a Minister to bring to the attention of the Executive any matter which:

- has implications for the Programme for Government;
- cuts across the responsibility of two or more Ministers;
- requires agreement on prioritisation; or
- requires the adoption of a common position.

Northern Ireland Ministers

A.6 The Agreement and the Northern Ireland Act 1998 specify the duties and responsibilities of Ministers of the Northern Ireland Assembly which apply to all Members of the Executive Committee and to the two Junior Ministers in the Office of the First Minister and Deputy First Minister. Under the Agreement and under sections 16, 18 and 19 of the Act it is a condition of appointment that Ministers affirm the terms of the Pledge of Office and comply with the Code of Conduct as set out in Annex A to Strand 1 of the Agreement.

A.7 Ministers have a duty to the Assembly to account, and be held to account, for the policies, decisions, expenditure and actions of their departments, including their Agencies and Non-Departmental Public Bodies for which they are responsible.

A.8 Under the Civil Service Commissioners (Northern Ireland) Order 1999, Ministers may appoint Special Advisers: up to 3 each for the First Minister and Deputy

First Minister and one each for other Members of the Executive Committee. Ministers are expected to observe the Code of Practice on the Appointment of Special Advisers, whom they appoint personally. While Special Advisers are temporary civil servants, they have a very different role from other civil servants and need to have a particularly close working relationship with their Ministers.

Assembly Committees

- A.9** The Assembly has established ten statutory departmental Committees each with a scrutiny, policy development and consultation role in relation to its department. They have the power to:
- consider and advise on departmental budgets and annual plans within the overall budget allocation;
 - consider secondary legislation and take the Committee stage of primary legislation;
 - advise and assist Ministers in forming policy;
 - initiate inquiries and make reports;
 - call for persons and papers to assist with committee inquiries; and
 - consider and advise on matters brought to the Committee by the relevant Minister.
- A.10** A Committee of the Centre has also been established to scrutinise certain functions undertaken by the Office of the First Minister and Deputy First Minister. It has broadly the same powers as the statutory committees.
- A.11** The role of the Assembly Committees differs significantly from that of Westminster Select Committees, for example, in that they have a greater input to the development of policy and are routinely consulted about a wide range of departmental issues, rather than focusing primarily on retrospective scrutiny.

North-South Ministerial Council (NSMC)

- A.12** A North-South Ministerial Council (NSMC) has been established to develop consultation, co-operation and action on an all-island and cross border basis on matters of mutual interest within the competence of both administrations, North and South. The Agreement provided that at least 12 subject areas would be identified for co-operation through two means:
- through six agreed implementation bodies operating on a cross-border or all-island basis: Waterways Ireland; The Food Safety Promotion Board; The Trade and Business Development Body; The Special European Union Programmes Body; The Foyle, Carlingford and Irish Lights Commission; and The North-South Language Body; and
 - through existing bodies (known as Areas of Co-operation): Transport; Agriculture; Education; Health; Environment; and Tourism (through the establishment of a publicly owned company, Tourism Ireland Ltd).

British Irish Council

- A.13** A British Irish Council (BIC) has also been established to promote mutually beneficial relationships among the peoples of the United Kingdom and Ireland. The Council will exchange information, discuss, consult and use best endeavours to reach agreement on matters of mutual interest. The work programme of the British Irish Council includes Environment, Transport, Drugs, Social Inclusion, Knowledge Economy, Tourism, Health, Telemedicine and Minority and Lesser-used Languages. It is open to BIC Members to agree further issues for consideration under the work programme. Additional information on the work programme can be obtained from the Executive Secretariat, OFMDFM.

British Irish Intergovernmental Conference

- A.14** A standing British Irish Intergovernmental Conference promotes bilateral co-operation on matters of mutual interest between the British and Irish Governments.

Civic Forum

- A.15** The Agreement also provided for the establishment of a Civic Forum which acts as a consultative mechanism for civic society to input views on social, economic and cultural issues to the Assembly. The Forum comprises 60 members representing business, trade unions, the voluntary and community sectors and other interested groups in the Northern Ireland community.

The UK dimension - Whitehall Departments, Scottish Executive and Welsh Assembly Government

- A.16** Recognising the wider constitutional reform within the United Kingdom, an agreed Memorandum of Understanding (MoU) sets out the broad principles that underlie the relations between the UK Government, the Scottish Executive, the Welsh Assembly Government and the Northern Ireland Executive. It also includes provisions to establish bilateral concordats between NI departments and Whitehall counterparts.
- A.17** In particular, the MoU commits each of the participants to keeping others informed as soon as practicable of policy developments within their areas of responsibility where these may have some bearing upon the other administrations' responsibilities. This should allow administrations to make representations to one another in sufficient time for these to be fully aired and considered.

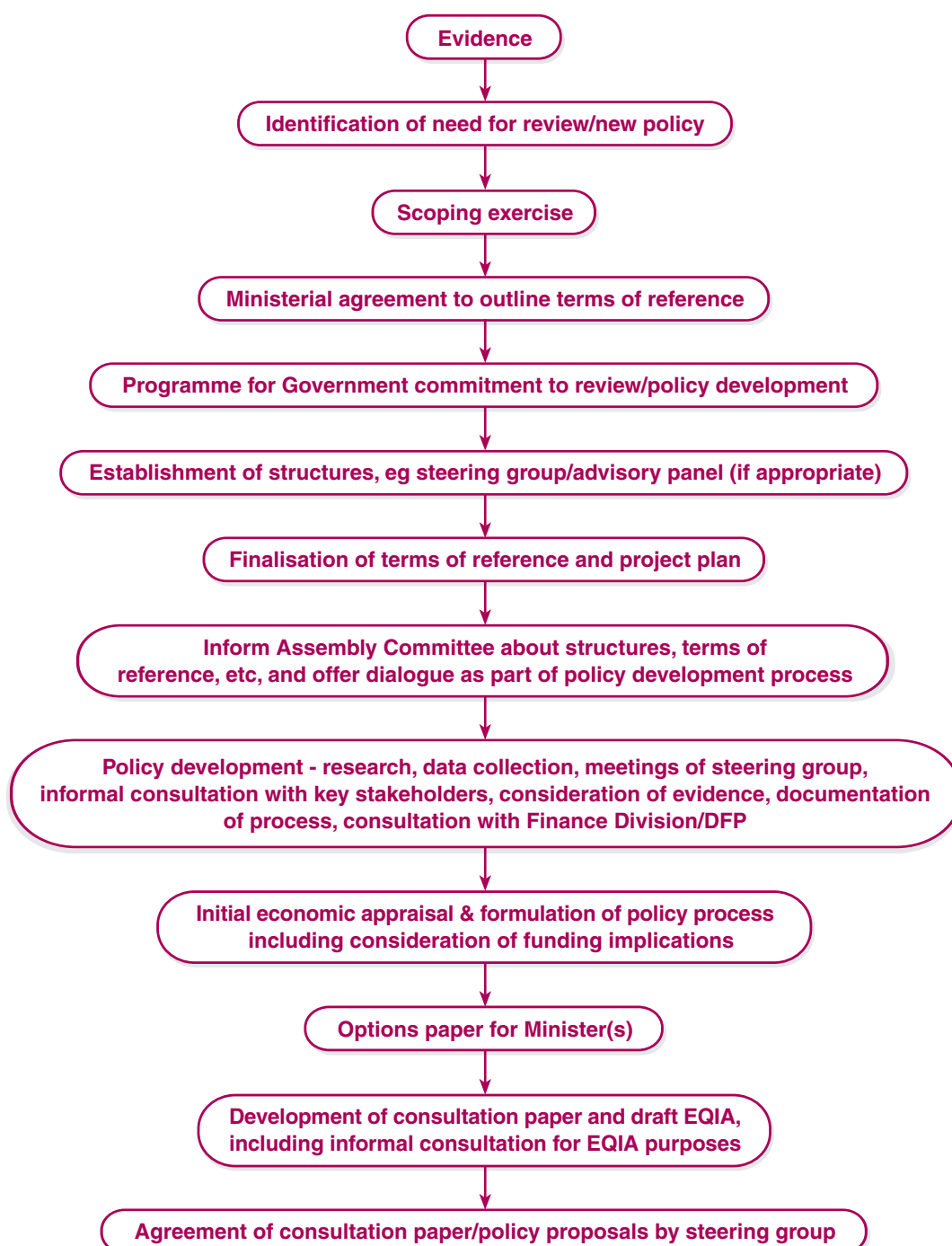
- A.18** The MoU also provides for a Joint Ministerial Committee (JMC) comprising Ministers from the UK Government and the three devolved administrations which may:
- a) consider non-devolved matters which impinge on devolved responsibilities, and vice versa;
 - b) by agreement, consider devolved matters if it is beneficial to discuss their respective treatment in the different parts of the United Kingdom;
 - c) keep the arrangements for liaison between the UK Government and the devolved administrations under review; and
 - d) consider disputes between the administrations.
- A.19** Plenary meetings of the JMC are held once a year and it also meets from time to time in various sectoral formats.
- A.20** Further information on the MoU, the JMC, and bilateral concordats can be obtained from Machinery of Government Division, OFMDFM.

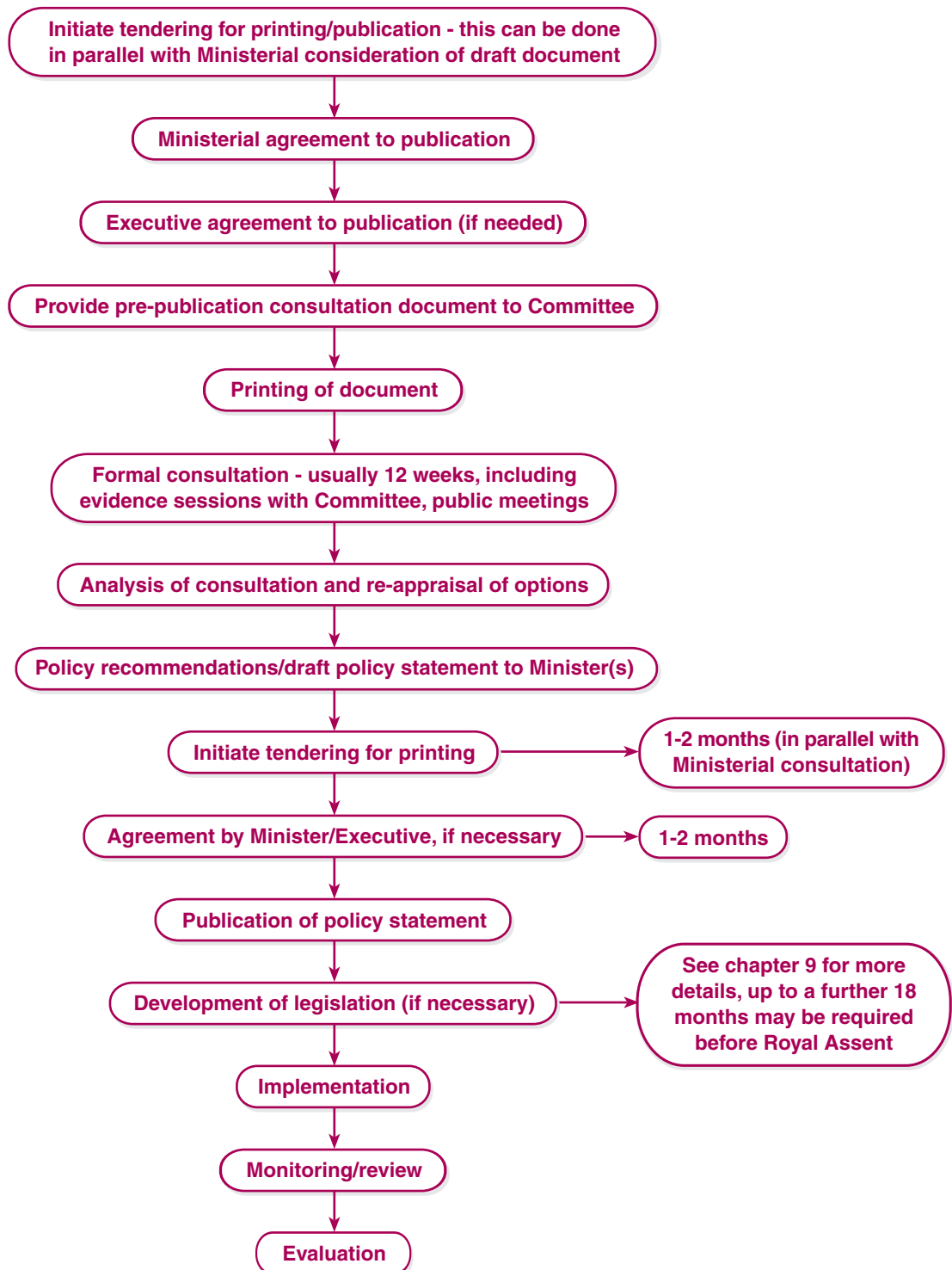
Annex B

Key stages in a typical policy-making process



Key stages in a typical policy-making process





Annex C

Sources of evidence to support
policy-making



Sources of evidence to support policy-making

- C.1** This Annex provides a range of suggested sources of evidence and expertise to support policy-making. It covers internal Government sources, government-funded independent bodies and non-Governmental organisations. It includes organisations based within Northern Ireland, at UK level, in the Republic of Ireland, and international organisations. In addition to this general list, in each policy area there is likely to be a range of organisations with a particular interest in the policy field, some of which may commission or have access to information of particular importance or relevance.

Sources within Northern Ireland

- C.2** The website of the Northern Ireland Statistics and Research Agency includes a list of statistical and research publications produced by some NI departments in recent years and, in most cases, links to online versions of the documents. Other departments publish research only on their own websites, although in general more social research than economic research is undertaken directly or published by the administration.
- C.3** The departments which display best practice in this area allocate their research budgets on a competitive basis. They decide on areas where they particularly need research to be undertaken and invite bids from the academic community accordingly. However, there is also scope for academics to bring forward proposals of their own, and the bids are prioritised on the basis of quality and policy relevance.
- C.4** The Northern Ireland Economic Council and the Northern Ireland Economic Research Centre are the main centres for economic research in Northern Ireland. These bodies are currently being merged to form a new Economic Research Institute of Northern Ireland. Other publicly-funded bodies which publish policy-relevant research, much of it available on their websites, include the Equality Commission and the General Consumer Council.



It is rarely sufficient to look only within Northern Ireland for evidence to support policy-making.

C.5 The Assembly has a considerable research capacity and, through the Committees, a role in policy-making under the Agreement. Inquiries undertaken by the Committees usually consider evidence from a wide range of witnesses and will be very relevant to future policy-making. The reports are available on the Assembly website.

UK and Irish sources

C.6 It is rarely sufficient to look only within Northern Ireland for evidence to support policy-making, but in some more specialised policy areas, there has been little or no published research undertaken in Northern Ireland. Some NI departments are therefore likely to rely heavily on research evidence undertaken at UK level or in RoI. A website entitled - Adding it Up: Evidence for Policy Choice provides some assistance in finding research evidence underpinning UK Government policies. As well as relevant Whitehall departments, the Cabinet Office Strategy Unit (formerly the Performance and Innovation Unit) has undertaken a range of policy reviews, especially on cross-cutting issues, since 1999. In addition, its Policy Hub website provides a wide range of other useful resources on good practice in policy-making. These include a set of guidance notes being developed for social researchers on methods for evaluating policies, programmes and projects, titled (*The Magenta Book*).

- C.7** The Economic and Social Research Council is the main UK research funding and training agency addressing economic and social concerns, including the effectiveness of public services and policy. The websites of the Economic and Social Research Institute and the National Economic and Social Council hold a range of research evidence from the RoI context. It may also be desirable to engage directly with relevant academics at the universities in Northern Ireland or elsewhere where there is particular expertise in your policy area.

Think tanks

- C.8** Think tanks are also influential in policy development, often internationally. The Institute for Public Policy Research has been particularly influential in the development of UK Government policy in recent years. Other influential think tanks and research institutes include Demos and the Joseph Rowntree Foundation. A comprehensive list of think tanks, with differing political outlooks, is available through Policy Hub. A Northern Ireland-based think tank is Democratic Dialogue.

International sources

- C.9** The Centre for Management and Policy Studies in the Cabinet Office (CMPS) has produced a toolkit, *Beyond the Horizon - International Comparisons in Policy-Making* which gives very useful pointers for this area of work. This is accessible through Policy Hub. It includes links to websites of international organisations such as the Organisation for Economic Co-operation and Development (OECD), research institutes and other organisations which give information about policy-making internationally in a wide range of areas. One particularly user-friendly website to which this links is The Policy Library, which aims to provide on-line access to a comprehensive range of policy and research

papers, from universities, independent research institutes and government departments. Its coverage includes resources in the UK, the wider English-speaking world, and Europe.

Sources to support forward-looking policy-making

- C.10** The Cabinet Office Strategy Unit has a Strategic Futures project, which was established to improve the ability of Government to think about, react to and potentially shape the future. Its website includes a range of resources intended to help policy-makers adopt good practice in forward-looking policy-making. It also includes reports of and papers prepared for 'Strategic Thinkers seminars' on a number of policy areas. And, as well as the scenarios mentioned at para 5.15, the Foresight programme has produced reports for a range of sectoral areas seeking to identify potential opportunities for the economy or society from new science and technologies, and considering how future science and technologies could address key future challenges for society.

Annex D

Useful contacts and web links



Useful contacts and web links

Chapter 1 - Introduction

OFMDFM 'Policy Link' Website (includes online version of this guide and a number of other resources for policy-making)

<http://www.ofmdfmni.gov.uk/policylink>

Chapter 2 - What is good policy making?

Professional Policy-Making for the 21st Century, Cabinet Office, 1999

<http://www.policyhub.gov.uk/docs/profpolicymaking.pdf>

Better Policy-Making, CMPS, 2001

<http://www.policyhub.gov.uk/docs/betterpolicymaking.pdf>

Foresight programme

<http://www.foresight.gov.uk>

Chapter 4 - Where does policy originate?

Programme for Government

<http://www.pfgni.gov.uk>

Foreign and Commonwealth Office - EU Policy-Making

<http://www.fco.gov.uk/>

Chapter 5 - Looking at the evidence

Regional trends

<http://www.statistics.gov.uk/StatBase/Product.asp?Vlnk=836&Pos=&ColRank=1&Rank=422>

Foresight

www.foresight.gov.uk

Northern Ireland Statistics and Research Agency - list of publications

<http://www.nisra.gov.uk/publications/default.asp>

Chapter 6 - From Desired Outcomes to Possible Solutions

Risk: Improving government's capability to handle risk and uncertainty, Prime Minister's Strategy Unit, 2002

<http://www.strategy.gov.uk/downloads/su/RISK/REPORT/01.HTM>

Chapter 7 - Overarching policy issues

Equality Commission "Guide to the Statutory Duties"

<http://www.equalityni.org/uploads/pdf/ACF40F8.pdf>

Equality Commission "Practical Guidance on Equality Impact Assessment"

<http://www.equalityni.org/uploads/pdf/ACF71A1.pdf>

New TSN

www.newtsnni.gov.uk

Human Rights

<http://www.ofmdfmi.gov.uk/index/equality/human-rights.htm>

Review of Public Administration

<http://www.rpani.gov.uk/>

Chapter 9 - The legislative process

Primary Legislation Guidance

<http://online.bds.nics.gov.uk/ofmdfm/mog/guidance.htm>

Subordinate Legislation Guidance

<http://online.bds.nics.gov.uk/ofmdfm/mog/guidance.htm>

Subordinate Legislation Guidance - Red Book

<http://online.bds.nics.gov.uk/ofmdfm/mog/guidance.htm>

Distribution lists for Departmental Publication and Consultation Documents

<http://online.bds.nics.gov.uk/ofmdfm/mog/guidance.htm>

Legislation Progress Unit, Machinery of Government Division, OFMDFM

<http://online.bds.nics.gov.uk/ofmdfm/mog/contact.htm>

Chapter 11 - Review and evaluation**Northern Ireland Practical Guide to the Green Book**

http://www.dfpni.gov.uk/economic_appraisal_guidance

Treasury Green Book

<http://www.hm->

[treasury.gov.uk/economic_data_and_tools/greenbook/data_greenbook_index.cfm](http://www.hm-treasury.gov.uk/economic_data_and_tools/greenbook/data_greenbook_index.cfm)

ANNEX C - Sources of evidence to support policy-making**Northern Ireland Statistics and Research Agency - List of Publications**

<http://www.nisra.gov.uk/publications/default.asp>

Economic Research Institute of Northern Ireland

<http://www.erini.ac.uk>

Equality Commission

www.equalityni.org

General Consumer Council

www.gccni.org.uk

Northern Ireland Assembly

www.niassembly.gov.uk

Strategy Unit

<http://www.strategy.gov.uk/>

Cabinet Office Policy Hub website

www.policyhub.gov.uk

Economic and Social Research Council

<http://www.esrcsocietytoday.ac.uk>

Economic and Social Research Institute

www.esri.ie

National Economic and Social Council

www.nesc.ie

Institute For Public Policy Research

www.ippr.org

Demos

www.demos.co.uk

Joseph Rowntree Foundation

www.jrf.org.uk

Democratic Dialogue

www.democraticdialogue.org

National School of Government

<http://www.nationalschool.gov.uk>

Organisation for Economic Co-operation and Development (OECD)

<http://www.oecd.org/home/>

The Policy Library

<http://www.policylibrary.com/>

Cabinet Office Strategy Unit Strategic Futures project

http://www.strategy.gov.uk/work_areas/strategic_futures/index.asp

Foresight

www.foresight.gov.uk

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