

Section 1

Stakeholder Details

Stakeholder Name	Telephone Number		
Stakeholder Address	Stakeholder Type (Include one or more X)		
	Registered Political Party	<input type="checkbox"/>	Local Government
	Academic	<input type="checkbox"/>	Government
	Legislature	<input checked="" type="checkbox"/>	Non-Government
	Other (Please Specify)/ Member of the Public		<input type="checkbox"/>

Please provide some background information on your role as a stakeholder

(This box will expand as you type)

Clerk / Directorate General of the Northern Ireland Assembly.

Guidelines for Completion of Submissions

The Committee would ask that stakeholders submit electronic responses using this pro forma.

Stakeholders should be aware that their written evidence will be discussed by the Committee in public session and made public by the Committee by publication of its Report or other means.

Stakeholders should also be aware that if they decide to publish their submissions, the publication would not be covered by Assembly privilege in relation to the law of defamation.

Section 4

Issues (as set out in (1)-(5) of the Committee's Terms of Reference) and Questions to consider

(1) Whether the statutory link between Westminster and Northern Ireland constituencies should be removed and the implications of removing or retaining this link

What would be the advantages and disadvantages of Northern Ireland 'decoupling' from the Westminster constituency model for Assembly elections?

Please offer supporting evidence for your view on whether the link should be removed, or retained.

If your view is that the link should be removed, how many constituencies and MLAs per constituency do you envisage in the 'decoupled' system, and why?

This is not a matter which would seem to fall within my area of expertise or responsibility and I do not therefore propose to comment.

(2) The implications of the forthcoming reduction via the Parliamentary Voting System and Constituencies Act 2011, and any further reduction in the number of MLAs

What, in your view, will be the implications of the reduced number of MLAs arising from the Parliamentary Voting System and Constituencies Act 2011 (ie 16 rather than 18 constituencies)?

A further reduction in the 16 constituency scenario could arise from a decrease in the number of MLAs per constituency. What, in your view, are the implications of such a further reduction?

Do you consider that the number of MLAs per constituency should remain at 6 or decrease, and if so, for what reasons?

In parliamentary terms the key implication of the Act and any further reduction in the number of MLAs will be a **reduction in the Member time available to undertake parliamentary functions**. This is obviously of importance in a Member-led institution such as the Assembly.

The Committee will therefore wish to consider the implications of the reduced number of MLAs in terms of the capacity of the Assembly and its members to deliver the full range of functions of the Assembly and whether in reducing the number of MLAs or the number of MLAs per constituency it will have implications for specific functions.

The Interparliamentary Union¹ in its guide to parliamentary practice identify the following main functions of a legislature:

- **Parliaments legislate**- they adopt laws that govern society in a structured manner.
- **Parliaments oversee the Executive**- they monitor performance by the Executive and departments to ensure that they operate in a responsible and accountable manner.
- **Parliaments allocate financial resources to the Executive**- parliaments approve and allocate the revenue that the Executive requires to carry out the policies that it formulates and monitor spending.

I would suggest that modern legislatures have a number of further core functions, including in particular:

- **Representing the interests of the people**- in a self- assessment exercise conducted by the Assembly² in 2010 Members considered that they spend most of their time on constituency work (40-60%) and that their work in committees and in plenary was also often directed towards supporting this role. Members also ranked protecting and promoting the interests of the constituency and dealing with constituency problems as being the most important aspects of their role.
- **Advising and assisting the Executive**- this role is specifically allocated to the statutory committees of the Assembly, who in addition to scrutiny work also conduct policy inquiries to

¹ Inter-Parliamentary Union and UNESCO (2003), 'A Guide to Parliamentary Practice'.

² Barry, R. & McAteer, S. 'The Northern Ireland Assembly: An initial self-assessment'.

assist and inform Executive decision making.

- **Engaging the public in the work of the Assembly**- this can both assist the Assembly to do its work, as well as building understanding and therefore support for the role of democratic institutions.

If the number of MLAs reduce, in order to sustain effectiveness it will be necessary to **identify new approaches which maximise the contribution of Members to key parliamentary roles and enable Members' time to be utilised to greatest effect**. This is likely to require significant reform to current arrangements and careful consideration by Members in relation to balancing their various roles and prioritising the work that they undertake.

(3) The reduced number of MLAs required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained, consistent with the safeguards on inclusivity.

What size of an Assembly is required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained?

Are there comparable arrangements elsewhere which the Assembly and Executive Review Committee could usefully consider?

What factors should the Committee take into account when deciding on the size of the Assembly?

Factors to be taken into account

The size of the Assembly is only one, though an important one, of many institutional factors in determining whether the roles and functions of the Assembly as described in section 2 can be delivered effectively. Other such factors include the powers of the Assembly and its committees, representativeness of the committee system, parliamentary procedures, the resources available to the legislature, relationship between the parliament and the Executive, etc.

There are additionally a range of organisational and management issues such as how business is organised and conducted, how proceedings are communicated and reported, the level and type of support available to Members and committees, the quality of external support for parliamentary scrutiny and the level of engagement by key stakeholders with the legislature, which will also impact on performance.

In relation to the size of the Assembly, as well as thinking about the capacity to deliver the full range of roles previously discussed, it is important that consideration should also be given to the scope of matters in relation to which these roles are delivered. Following devolution of policing and justice the Assembly is responsible for considering the full range of devolved matters, including, uniquely amongst the devolved legislatures, in relation to social security. This will be unaffected by any decision in relation to the number of departments but may be affected by decisions currently under discussion about the further devolution of powers of taxation, most notably corporation tax.

The Assembly is still a developing institution and the Committee may wish to seek to future proof its recommendations, both in terms of the Assembly and the number of departments, against what would seem to be a likelihood of increased devolution of functions. The Committee may also wish to consider whether other possibilities, such as the desire for the Assembly to work with the Executive to be more influential and have more profile on an international stage, would have any implications for its recommendations.

The population of Northern Ireland is also a relevant factor, most particularly in relation to the representation role.

There is no obvious optimal size for the Assembly and the judgement for the committee is likely to involve ensuring that the combination of solutions it proposes in terms of the number of Members, how the Assembly organises itself, the procedures and systems that it adopts, the resources and expertise available to support Members, etc., enhances and support effectiveness.

A particular issue for consideration, which the Committee has rightly identified is the importance of an effective committee system in unicameral parliamentary systems. This is dealt with in more detail under Section 4, but maximising the contribution made by Members to scrutiny, policy and legislative development through the committee system is likely to be of the utmost importance in sustaining Assembly performance.

The Interparliamentary Union³ has established a framework for self-assessment in democratic parliaments. **The Union identified the need for parliaments to be representative, transparent, accessible and effective at local, national and international level** and the Committee may wish to consider when it has developed its overall recommendations the extent to which the proposals will enhance or diminish these features.

Reform elsewhere

The Committee may wish to consider the report of the House of Commons Reform Committee⁴ in 2009 and the recommendations which sought amongst other things, and in the context of real world politics and constraints such as recognising the right of the government to progress its priorities, to enhance the House's control of its agenda and procedures, the collective power of the chamber, transparency of decision making and the ability of the public to influence proceedings. Key recommendations of the Select Committee, many of which have been subsequently implemented included:

Committees

- Proportional allocation of seats
- Smaller select committees
- Rapid selection of committee membership after elections

House

- Establishment of Business Committee and backbench Business Committee
- Establishing slots for debate of backbench motions

Public Involvement

- Working towards an e-petitions system and enabling the public to ensure an issue is debated
- Opening up the legislative process

It is noticeable that a number of these innovations are already provided for in the Assembly,

³ Inter-Parliamentary Union (2008) 'Evaluating Parliaments: a self assessment toolkit for parliaments'.

⁴ House of Commons Reform Committee (2009) 'Rebuilding the House', 12 November 2009.

which perhaps highlights the importance of sustaining the strengths of new parliamentary institutions, such as the Assembly, whilst of course rightly seeking to make further improvements.

(4) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly in delivering its key functions, including in particular, proposals to ensure a robust and effective committee system

Please indicate what you would propose to change in the current arrangements to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly.

In particular, what changes would you propose to ensure a robust and effective committee system?

Current performance

In 2010 a project team of the Assembly conducted a self-assessment⁵, which involved an assessment of the activity and outputs of the Assembly and its committees, as well as consultation with Members and their staff. The assessment identified that the Assembly and its Members were very productive and in the period May 2007- July 2010, held 1,679 committee meetings, produced 141 committee reports, debated 788 motions, asked 31,583 written questions and received answers to 1,870 oral questions. By the end of the mandate the Assembly had passed 69 Bills (including 3 Private Members' Bills) to which it made 913 amendments. In addition, Members will have considered and sought to address many thousands of constituency problems.

The views of Assembly Members interviewed as part of the self-assessment were generally positive in relation to the operation of the Assembly, with Members recognising that the Assembly was still relatively young and therefore still developing. In general, Members viewed the Assembly as being an improvement on direct rule, transparent, with committees which are reasonably effective and improving legislative scrutiny. The assessment did of course identify areas such as access to information, use of technology and scrutiny of budget and expenditure which require action to improve overall effectiveness.

I have highlighted the results of this work for two reasons. Firstly, to **record the very significant representative, scrutiny, policy and legislative work conducted by Members and the challenges in seeking to sustain this going forward and secondly to highlight the type of issue which may need to be considered in seeking to maintain effectiveness.**

For example, how can we ensure that the transparency brought to the institutions through questions or by committees which largely meet in public and often away from parliament buildings, is maintained or indeed even enhanced? In this regard, it is notable that direct interaction with Members has a significant impact on how positively the public view political representatives. Also, how can the Assembly ensure that members who might be considered to be "backbenchers" are able to have issues of importance to them and their constituents debated and addressed? How can financial scrutiny be improved without unnecessarily delaying required approvals?

⁵ Barry, R. & McAteer, S. 'The Northern Ireland Assembly: An initial self-assessment'.

Since the assessment, work has been ongoing to improve performance, with, for example:

- New procedures put in place to support the development of Private Members' Bills, resulting in a continued high level of interest and commitment among Members.
- Detailed work has been undertaken by the Finance and Personnel Committee to develop, with agreement of the Executive, processes to improve financial scrutiny.
- The Procedures Committee has established a range of options to enable committees to respond to cross-cutting issues and pilots of innovations such as committee rapporteurs are being undertaken.
- Efforts to improve the specialist knowledge available to Members, including in the area of financial scrutiny, are also being actively progressed and a Legislative Strengthening Trust has been established.
- The Speaker has been actively encouraging an early announcement of the legislative programme to facilitate more timely and effective legislative scrutiny and ensure business and sittings of the Assembly are manageable and consistent.

The Committee may wish to consider what further action is required in these areas to maximise the contribution made by Members. One suggestion that I would make, based on the experience of other parliaments, is that **investing in the continuing professional development of Members, and indeed staff, has the potential to make a significant contribution to effectiveness**, particularly in a relatively young institution such as the Assembly. I would strongly support the development of specific plans to support Members in fulfilling effectively their various parliamentary roles. The National Assembly for Wales has, for example, recently invested in the establishment of a Professional Development Team to support professional development for Assembly Members and their staff.

Committees

Any change in the number of Members is likely to require a significant change in how business is organised and in the procedures of the Assembly if the range of roles are to be fulfilled effectively. As identified by the Committee itself this is particularly important in terms of the committee system. **It is suggested therefore that a reduction in the number of Members should result in a detailed review of the Committee system.**

Whilst the most obvious issue for consideration might be matters such as the number of Committees and the number of Members, matters on which the Committee has already received research, there are a range of other key issues of relevance to effectiveness such as:

- How to prevent committees with a wider range of functions being dominated by consideration of Executive priorities, such as, legislation?
- How to address areas of existing concern within committees which will have even more on their agenda. In particular, how to increase engagement with EU institutions and how to improve financial scrutiny?
- Will new approaches be required to enable the current very high level of "engagement" with committees, and innovative approaches to evidence gathering, to be sustained?
- To what extent does the cross-party and inclusive nature of committees need to be maintained?
- How can the Assembly deal more effectively with cross-cutting issues?

As highlighted previously, I would strongly encourage an early start being made on a review of

the committee system. It would be my view that the review should consider both statutory committees and standing committees. This would **allow consideration of whether to enable statutory committees to fulfil their roles effectively, in the context of less committees, perhaps with less members, provision needs to be made for specific committees to undertake detailed scrutiny of budget and expenditure and/or to lead on external liaison and European scrutiny.**

In addition, currently committees seem willing and able to engage directly with large numbers of stakeholders and local people are therefore able to have issues of importance to them raised at the Assembly with relative ease. If statutory committees are covering a wider range of functions, perhaps with less Members, **it may be necessary to consider new innovations within the committee system to enable the public to put the issues of importance to them on the Assembly's agenda.**

If a review of the committee system is to be undertaken, it may also be timely for the Assembly to consider **whether it would wish to enable committees of the Assembly, in line with other devolved legislatures, to have the power to make amendments directly during a committee stage.**

The inclusivity and cross-party nature of Assembly committees would seem to be valued by stakeholders and a review of the committee system may wish to consider how this can be sustained as the system changes and reforms. An issue which is perhaps worthy of consideration is whether there could be value in having differing sizes of committees depending on a committee's functions or the scope of the area of scrutiny being undertaken. Such a decision might also impact on the use of sub-committees.

In maximising the contribution to committee scrutiny made by Members with a wide range functions, there could be significant value **in enabling chairpersons of scrutiny committees to be able to focus more time to this role.** It would also seem to be worth looking again at how to minimise the number of Members who are required to fulfill multiple committee roles.

There may also be some value in considering the role of the Chairpersons' Liaison Group in informing such a review of the committee system, but also in supporting and overseeing the delivery of such a system and whether it should have a more formal role within the committee system.

Other issues

As well as matters of strategic interest, there may be an opportunity as part of the review to consider more technical issues relating to the operation of the Assembly.

(5) The reduction in the number of NI Government departments and associated re-allocation of functions which will ensure the effectiveness of the Executive functions is maintained

How many departments are required to effectively discharge the current range of devolved functions?

In broad terms, what functions should be grouped in the reduced number of departments and what factors informed your decisions on grouping functions together in a department?

This is not a matter which would seem to fall within my area of expertise or responsibility. The only comment that I would make is that a reduction in the number of departments will impact on statutory committees, though as indicated previously, the legislative and policy output for consideration by the Assembly is unlikely to be affected.

Section 5

Additional Information

Please provide any additional information which you believe will be of assistance to the Committee during the course of the Review.

When it comes to implementation of any recommendations on institutional reform careful consideration will need to be given to the organisational and financial implications for the Assembly Commission of proposed changes.

A reduction in the number of MLAs is likely to result in some direct financial savings. However, there is likely also to be a need for investment in new initiatives to ensure that in reforming the institution's effectiveness is sustained and where practical enhanced. This will be challenging in the context of a budget which is reducing in cash terms by 8.9% by 2014/2015 and a staffing complement which is reducing to 375 by 2014/2015. Further consideration of staff and financial resources to support reform objectives and to sustain performance of the Assembly will be required.