



Northern Ireland
Assembly

Committee for Culture, Arts and Leisure

OFFICIAL REPORT (Hansard)

Media Protocol for Use with Arm's-length
Bodies: DCAL Briefing

7 June 2012

NORTHERN IRELAND ASSEMBLY

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Members present for all or part of the proceedings:

Miss Michelle McIlveen (Chairperson)
Mr William Irwin (Deputy Chairperson)
Mr Dominic Bradley
Mrs Brenda Hale
Mr David Hilditch
Mrs Karen McKeivitt
Mr Oliver McMullan
Mr Robin Swann

Witnesses:

Ms Deborah Brown	Department of Culture, Arts and Leisure
Ms Carol Magill	Department of Culture, Arts and Leisure
Mr Arthur Scott	Department of Culture, Arts and Leisure

The Chairperson: You are very welcome. Deborah, please introduce yourself and your colleagues? I believe that you will make an opening statement, which we will follow up with some questions.

Ms Deborah Brown (Department of Culture, Arts and Leisure): Thank you, Chair. I thank the Committee for the opportunity to brief it on the communications protocol. I am Deborah Brown, the director of finance and corporate services. I am joined today by Arthur Scott, the director of culture, and Carol Magill, our head of communications in DCAL.

Communicating the work of the Department to our stakeholders, including our taxpayers, is a matter on which the Department and the Minister place great focus. We wish to be transparent and proactive in ensuring that taxpayers understand and appreciate the role of the Department and its arm's-length bodies (ALBs).

The role of our communications office is to publicise the Department's objectives through an events programme, which it organises with several of its partners and stakeholders. The Department wishes to respond to the media proactively about its business, to ensure that the media understand our business and to answer the media questions within their timescales.

Our communications branch oversees the content of the DCAL website as well as ensuring that DCAL and its ALBs have the opportunity to contribute their relevant content to NI Direct. In addition, the communications unit offers members of the public the opportunity to engage with the social media, including YouTube, Flickr, Facebook and Twitter, where they can follow the Department's business or post their comments.

The objective of the protocol is to promote best practice in communication to ensure that the general public, through the media and other promotional activity, are fully informed about DCAL and the work of its ALBs. Protocols are nothing new. They provide a useful approach to clarifying roles and responsibilities. This protocol is designed to ensure that the general public get the information that they need and that it is accurate and up to date. For that reason, the protocol states that every effort should be made to ensure that government, which is DCAL and its arm's-length bodies, is represented in the media preferably through interviews as opposed to statements.

This approach is common in government, and some of our ALBs, such as Sport NI, were in favour of it. The ministerial advisory group on architecture in the Department has had a protocol in place since 2010 that was agreed with the present and former Ministers. The Executive have agreed an advertising protocol. Other examples of media communication protocols that are fully available online include the Association of Chief Police Officers, the Big Lottery Fund and the local authorities in England. They have theirs laid down in legislation and under its code of practice.

DCAL chose to write down its processes to ensure transparency and to record processes so that DCAL and its ALBs can see where roles and responsibilities lie and that they are clearly understood and discharged.

A very recent example of how the Department has proactively communicated with the media in conjunction with its stakeholders is the Olympic torch route. The communications branch worked with the stakeholders, including the London organising committee of the Olympic Games, and the media in the UK and Ireland to ensure that the relay was a community event that paid tribute to the torch bearers, who were chosen for their inspirational role in society.

The protocol explicitly states that ALBs are free to promote their work and business area in the media on the basis of agreed factual information. ALBs are also free to carry out communications activity relating to their specialist areas of expertise.

The draft protocol was sent to ALBs in September 2011, and comments were incorporated in a redrafted protocol in February 2012. The Minister wrote to the ALBs, enclosing the protocol and explaining that it will be supported by a communications forum, which will offer ALBs' marketing and public relations colleagues the opportunity to meet, discuss and action best practice in media relations. It is also envisaged that ongoing engagement through that forum will clarify issues and share experiences.

A date for the first meeting of the communications forum has been organised for mid-June, and it is envisaged that the forum will meet twice a year. Its focus is on assisting the ALBs and the Department to share best practice on the use of the media. The first meeting will involve a presentation on social media. Minutes of the communication forum will be published online. The focus of the forum, at a time when budgets are squeezed, will be to ensure that the skills and expertise of our ALBs is pooled and that we get as much collaborative work happening as possible.

Many of our ALBs are already doing this. For example, the Arts Council has collaborated with Libraries NI on the promotion of "One Book Day". The Minister and the Department are keen to focus on such approaches as examples of best practice. After all, it is vital that we use all our resources to ensure that everyone here has the chance to engage in our vibrant culture, use our libraries, get involved in sport or visit a museum. It is only by working together that we can protect and promote our cultural and sporting offerings.

The World Police and Fire Games, and the Armagh Observatory and Planetarium did not raise any issues of concern about the protocol. Libraries NI has indicated that it is content with the majority of the principles outlined in the protocol and has made some very helpful comments, which we hope to incorporate. The Arts Council raised concerns that the protocol could be construed as an attempt at media management. However, I assure the Committee that that is definitely not its purpose. Northern Ireland Screen has requested a meeting with officials to ascertain how DCAL proposes to apply the protocol to it, given that it is ALB-funded and is answerable to two sponsoring Departments. A meeting is being arranged to accommodate that request. The Northern Ireland Museums Council had a few queries about the practical application of the protocol, and we have responded to those.

We have not yet received a formal response from Sport NI or National Museums Northern Ireland (NMNI). However, in conversations with colleagues from Sport NI, they indicated that they are broadly content with the principles. They would like a little bit more clarification on the arm's-length relationship, but they are very supportive of the branding aspect. The chairperson of the NMNI has

not yet formally responded, but work is ongoing internally in the organisation, and there has been some dialogue with officials. The chairperson has indicated that the NMNI is committed to co-operative communications with the Department.

What all such protocols have in common is that they are live documents, and we are very content to engage with our ALBs to make changes and to review the document in order to enhance and improve communication. The communications forum will provide the opportunity for us to share views and take comments on board.

The Committee has been provided with a copy of the draft protocol, and we are content to take questions.

The Chairperson: Thank you very much, Deborah. Is this or a similar protocol being applied across all the other Departments?

Ms D Brown: No. We are not aware of a protocol such as this having been applied in any other Departments. I am aware that the DHSSPS has some planning, monitoring and alert arrangements to support the flow of information, but it does not have a protocol, and, as I say, no other Department has a protocol.

The Chairperson: Did a particular incident prompt the application of this protocol? It obviously came out of the blue.

Ms D Brown: We wanted to make sure that everybody understood their role and responsibility and what to do in certain situations. This is us trying to be helpful. There were some issues around branding. The Minister is keen to ensure that the DCAL brand is used so that taxpayers can see where their money is being spent. We are very clear that we do not expect ALBs to incur any additional expenditure or to go back retrospectively on any of the branding. However, moving forward, taxpayers should be able to see that their money has gone into some of those projects and programmes across the board. So, branding was of particular relevance to us.

The Chairperson: You say that the Arts Council raised a query and felt that this is media management. I suppose that you could also say that it looks like a mechanism for the Minister to gag ALBs. In advance of the protocol being drafted, were there any discussions with ALBs, or did this come as a total surprise to them?

Ms D Brown: There were discussions with some ALBs on the issue. That is what has driven our drafting the protocol. Some ALBs were looking for guidance on what to do in certain circumstances. That was the driver, along with the Minister's requirement on branding. That is where it came from. Drafts were issued in September 2011, which were followed up with a revision in February. So, there were some conversations. As I say, we will be organising a communications forum — I think that it is scheduled for the middle of June — so that we can share best practice on a number of issues around communication, including the protocol.

Mr Swann: Thanks for your presentation. The Chairperson asked why this was initiated, but who initiated it? Who requested it?

Ms D Brown: The Minister.

Mr Swann: Paragraph 3.2 of the protocol answers that. It states:

"The Minister should be given the opportunity to lead on all key events/announcements."

Deborah, on a number of occasions, you used the word "transparent", and you said that that was the reason why the document has been brought forward. I refer you to paragraph 2.4 of the protocol, which states:

"In a circumstance where agreement cannot be reached the Department will decide how and issue/event will be handled."

That does not sound transparent in any shape or form in relation to the ALBs. An ALB may have a certain media approach that it wants to take, but in the protocol, the Department is saying that it does

not matter what the ALB's opinion is; if the Department does not agree, it will take control. That is not transparency.

Ms D Brown: To be honest Mr Swann, I think that that is your interpretation of what is written on that page. There has to be some sort of hierarchy in any situation, so that someone can take a decision. In all our dealings with our ALBs, we always listen to them and take on board what they say. Ultimately, there has to be a decision-maker.

Mr Swann: So, that interpretation is correct.

Ms D Brown: I will let Carol answer that question.

Mr Swann: No. I am sorry but you said that that was my interpretation, so I want to clarify. If an arm's length body does not agree with the Department, the "hierarchy", as you described it, is the Department, and it will say what happens.

Ms D Brown: The Department is the funder. Carol may want to say more on that

Ms Carol Magill (Department of Culture, Arts and Leisure): To clarify; we do not want a situation in which the media moves back and forth between an ALB and the Department when they are looking for a response to a query. Sometimes, queries are not straightforward, and I suppose that that line was put in to make sure that we get an answer to media queries and service those with responses in a practical way. It is a very practical direction.

Mr Swann: Does the direction not actually say that the Department will issue press releases on behalf of ALBs?

Ms D Brown: Definitely not.

Mr Swann: That is what it means, Deborah.

Ms D Brown: In my eyes, that is not what that says. However, I will have a look at the phrasing.

The Chairperson: It looks as though someone has control issues.

Mr Swann: To me, it is about control.

Ms D Brown: I will let Arthur add to that.

Mr Arthur Scott (Department of Culture, Arts and Leisure): The protocol writes down formally what has been practiced for many years between the Department and its ALBs. There is a high level of interaction and co-operation with the ALBs, and in my experience in DCAL — it is somewhat limited and is coming up on three years — those principles have never been an issue. There is an ongoing relationship between the sponsoring branches and the ALBs, and issues arise. If there is a breaking news story at 4.00 pm, the aim is to get the information out quickly and answer the question.

The principle is there if it has to be used. Having sponsored the Arts Council and Northern Ireland Screen I have not had to rely on that principle —

Mr Swann: That is because this protocol is not in place. When it comes into place, will it become enforceable?

Mr Scott: What I am saying is that those principles were around. They are now formalised and written down, and if such an issue arises, people will know how it should be addressed. Such issues were probably addressed in the past, but the principles for doing so were not written down.

Mr Swann: We are moving into a stage in which ALBs will be reviewed and cuts will be made to their funding over the next budgetary period. Could the protocol be perceived as the Department's way of managing an ALB, so that it will not criticise the Department in the media and so that the Department will have control over what it says?

Mr Scott: I would not accept that. If you look back to the last comprehensive spending review (CSR) period, the Arts Council mounted a public campaign to lobby for funding for the arts, which was at odds with the decisions of the Department. That demonstrates the independence and arm's-length principle of that body and the role it has to provide information about the value of public funding for the arts.

Mr Swann: Will that independence be maintained with paragraph 2.4 in place? Will the Department be happy for an ALB to criticise it and allow such press statements to go out.

Mr Scott: I think that Deborah outlined in her opening remarks that this is not an attempt to gag the ALBs or force them not to publicise information on their areas of specialist expertise. That is what they are in place to do.

Mr Swann: I am sorry; I was specifically asking about the review of ALBs and funding reductions.

Mr Scott: I will have to ask Deborah to deal with the funding reductions and the review of ALBs.

Mr Swann: How will that be managed under the protocol? Paragraph 6.1 states:

"Issues which are likely to result in negative coverage will be shared".

Will you explain how that sharing process will work?

Ms Magill: I am sorry, it is simply a case that when you say "negative coverage" —

Mr Swann: I am quoting your document.

Ms Magill: It may not even be a criticism of the Department; it could be in response to something that happens very quickly. In that case, we would like to share information to ensure that what is given to the media is factually correct. Paragraph 2.5 states that ALBs are free to promote their work in the business area in the media on the basis of agreed factual information, and ALBs are free to carry out media activity relating to their specialist area of expertise. The purpose of the protocol is to share the information, ensure that it is factually accurate and that the media gets responses within reasonable deadlines.

Mr Swann: Again, are the agreed lines referred to in paragraph 2.2 departmental lines?

Ms Magill: I am sorry?

Mr Swann: The protocol states that issues will be shared between relevant organisations:

"in advance of media approaches and lines agreed (see 2.2.)".

If there is negative coverage, will the Department agree the lines being used?

Ms D Brown: We will mutually agree the lines used.

Mr Swann: You say you would mutually agree; but, if you cannot mutually agree, to go back to section 2.4, the Department will tell the ALBs what those lines are going to be.

Ms D Brown: I am not so sure that we can always tell an ALB what to do; what we are saying —

Mr Swann: You "will decide", is the phrasing, I think.

Ms D Brown: Yes, we will advise.

Mr Swann: I think that that is the gagging order you are referring to, Chair.

The Chairperson: I think there is a little bit of micromanaging going on.

Mr Swann: I think there is a lot of micromanaging.

Mr D Bradley: After 10 months, have any of the ALBs agreed to this yet?

Ms D Brown: We have not issued the final document. We are going through a process with the communications forum later this month, and we will —

Mr D Bradley: I thought that you sent them the draft protocol in September 2011 and got reactions back? I do not see any reference to any of them having accepted it or agreed to it.

Ms D Brown: We have received comments from them and we are going to update the protocol accordingly, and the opportunity —

Mr D Bradley: So, after 10 months, no one has indicated their acceptance of it or agreement to it?

Ms D Brown: No, but I would say that we work together, and as Arthur has outlined, this is it written down, but it has been operating in practice.

Mr D Bradley: When do you expect the process to be finished?

Ms D Brown: I would hope that it will be finished after the next communication forum and once this has formally gone through some of the ALB boards that have not discussed it yet —

Mr D Bradley: When is the next communications forum?

Ms D Brown: It is scheduled for the middle of the month.

Mr D Bradley: When?

Ms D Brown: The middle of June. The middle of this month.

Mr D Bradley: So, you will keep us updated on this?

Ms D Brown: Yes, absolutely.

The Chairperson: Was it intended that this would be made public?

Ms D Brown: I do not know if any decision was taken to not make it public.

Mr D Bradley: You would have to ask the Minister first.

Mr Swann: The fact is that it was leaked, Chair.

The Chairperson: The fact that it is in the public domain and that there has been no agreement or otherwise on it suggests that perhaps it was not designed to be made public at this stage.

Ms D Brown: It would have been preferable for us to have had those conversations with the ALBs and the Department before it got into the media, of course —

The Chairperson: That is obviously a clear breach of the protocol.

Mr Irwin: Does the protocol not go against the ethos of those organisations that are at arm's length from the Department?

Ms D Brown: No, it is no different to lottery funding or what you expect to see lottery funding being branded on any of the programmes or the projects that are happening on that. It is not dissimilar from what other funders would expect their funded organisations to do.

Mr Irwin: Paragraph 2.5 states that ALBs:

"are free to promote their work and business area in the media on the basis of agreed factual information."

Is that factual information agreed with the Department?

Ms D Brown: Well —

Mr Irwin: I mean, they are not free to do it.

Ms D Brown: Their business plans and so on are approved by our Minister, so if they are in line with that, then there are no issues.

Mr Irwin: It states that they:

"are free to promote their work and business".

Do they have to agree that with the Department first; is that what you are saying?

Ms D Brown: They do not have to agree it with the Department first if it is factually correct and it is in line with whatever has been agreed through the business planning process with the Minister.

Mr Irwin: They would not be promoting something that was not factually correct. That would seem to be very foolish. It would seem logical that they would not promote something that was not factually correct.

Ms D Brown: There have been instances of things not being factually correct.

Mrs Hale: Deborah, you talked about transparency to the taxpayer. Given that DCAL has the smallest budget, how much will implementing this protocol cost the taxpayer?

Ms D Brown: I do not think that it should cost the taxpayer any additional money. In fact, we would like to think that it will save money because it is pooling resources.

Mrs Hale: Are you confident that there really will not be any added cost?

Ms D Brown: There may be a small additional cost for the branding, but we do not see it as being huge. For example, we had some discussions with Libraries NI about how it could minimise the cost of having the DCAL brand put on its projects or programmes.

Mrs Hale: So, might we lose some money from Libraries NI to go towards the cost of implementing this?

Ms D Brown: I think that it is going to be very limited.

Mrs Hale: OK; thank you.

The Chairperson: There are no other questions. Thank you very much for coming this afternoon. Obviously, I assume that you will keep us informed of the outworkings of the communications forum and of any decisions that are taken as a result of that.

Mr Swann: Chair, may I just ask a question. Will compliance with this protocol be a factor in any shape or form in the review of ALBs?

Ms D Brown: I would not have thought so. We have much bigger issues to look at in the review of ALBs, which is about their functions, how they are conducting themselves, performance and value for money. So, this protocol will be a very small element of that.

Mr Swann: Could it play a part?

Ms D Brown: I really cannot see it being a big issue in the ALB review.

Mr Swann: You cannot see it being a big issue, but it could be —

Ms D Brown: No.

The Chairperson: OK. Thank you very much.

Ms D Brown: Thank you.