



Northern Ireland
Assembly

Committee for Finance

OFFICIAL REPORT (Hansard)

Northern Ireland Civil Service Reform:
Dr Jayne Brady, Head of the Civil Service

26 June 2024

NORTHERN IRELAND ASSEMBLY

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Members present for all or part of the proceedings:

Mr Matthew O'Toole (Chairperson)
Ms Diane Forsythe (Deputy Chairperson)
Dr Steve Aiken
Mr Phillip Brett
Miss Nicola Brogan
Mr Gerry Carroll
Mr Paul Frew
Miss Deirdre Hargey
Mr Eóin Tennyson

Witnesses:

Mr Neil Gibson	Department of Finance
Ms Jill Minne	Department of Finance
Dr Jayne Brady	Head of the Northern Ireland Civil Service

The Chairperson (Mr O'Toole): I welcome Jayne Brady, the head of the Northern Ireland Civil Service (NICS); Neil Gibson, permanent secretary in the Department of Finance; and Jill Minne, director of people and organisational development (P&OD) in the Department of Finance. We very much welcome the fact that you are here and appreciate you giving up your time, because we know that your diaries are busy. We are pleased to be able to hear from you. I invite the head of the Civil Service to make some opening remarks. If Neil or Jill wish to say something, that is also perfectly in order.

Dr Jayne Brady (Head of the Northern Ireland Civil Service): Good afternoon, Chair and members. Thank you for the opportunity to meet you today. As you mentioned, I have with me Neil Gibson, permanent secretary in the Department of Finance, and Jill Minne, the strategic director of people and organisational development. We are happy to take members' questions, but I will begin by providing a strategic overview of reform and transformation and a summary of the developments to date and the proposed next steps.

I would describe where we are now as a case of "Much done but still much more to do". Members will know that my colleagues across the Civil Service and I worked intensively with the party representatives, many of whom are here today, through 2023 and earlier this year in preparation for the formation of an Executive. That work focused on a number of areas. It focused on building a shared understanding and an evidence base for the complex challenges that an incoming Executive would face. Of course, the fiscal position, whereby funding had fallen below need in Northern Ireland, was at the core of those areas. It also focused on addressing the legacy of the governance gap during the period when we had no Executive.

Members will also be familiar with the language that we adopted during that work to capture potential priorities for an Executive. They may recall the three missions: people, planet and prosperity. Those missions included addressing the structural issues in Northern Ireland by improving life opportunities and, indeed, life expectancy; increasing productivity in our economy; and tackling the opportunities and challenges of climate change. The core of our thinking and advice was that such complex multidimensional challenges simply cannot be placed in one departmental silo. That is a core aspect of reform and of the recommendations that were provided. Such challenges need a whole-government or whole-systems approach, with the Civil Service working collectively across organisational boundaries under the collective direction of the Executive.

That requires those of us in the Civil Service to challenge ourselves as officials and to be willing to change our established and familiar ways of working. Doing so requires us to build on the service's known strengths: our core ethos of public service, our commitment to evidence-driven advice and our focus on long-term outcomes and on improving the lives of the people whom we serve. It also means changing the things that we have not been good at: applying the lessons of past failures; recognising that, while we are good at writing strategies, we are perhaps sometimes less good at delivering them; and, above all, recognising the need to renew and re-equip our Civil Service with a broader range of skills to support the Executive in meeting the new challenges and opportunities ahead.

We have made a start on renewing the Civil Service, and I want to discuss two examples of that in particular. First, the Northern Ireland Civil Service Board has been reconstituted, with new terms of reference and the appointment of high-calibre non-executive members. When recruiting those members, we looked for specific skill sets that we viewed as being required for the transformation and reform of the Civil Service. The non-executive members have considerable public- and private-sector experience, commercial and business acumen and experience of public-sector reform. They provide a constructive external challenge to our work. The board oversees the Northern Ireland Civil Service collectively and contributes to the development of key analysis and advice to the Executive on our investment strategy, our people strategy and our portfolio of major capital projects.

The second example is timely. I am delighted to advise that Professor Helen McCarthy from Queen's University Belfast was appointed recently as the Executive's first Chief Scientific and Technology Adviser. Helen is an internationally recognised leader in science and technology, and her appointment means that Northern Ireland science will now have a voice at a national level and that science and technology will be put at the heart of the Executive's work.

I acknowledged earlier that there is still much more to do on agreeing a fiscal framework with the UK Government to put Northern Ireland's public finances on a sustainable footing, with a genuine fiscal floor that reflects evidence of need.

On transformation — you will hear more on that from Department of Finance colleagues later — the Minister of Finance has asked me to chair an interim transformation board, with the aim of providing advice to the Executive on investment priorities for transformation and on how best to drive delivery. The First Minister and the deputy First Minister have asked me to explore the establishment of a new reform and transformation division, which I envisage operating across the Executive Office and the Department of Finance. Central to that will be a new delivery unit to help drive delivery of the Executive's priorities. David Malcolm has been appointed as interim permanent secretary of the Executive Office, and he will assist us in taking that work forward.

Neil and Jill will want to say more about our new five-year people strategy, which aims to re-equip the Civil Service with the new skills that are needed to deliver the Executive's priorities. As the head of the Civil Service, my priority will be to renew and re-equip the service to meet the challenges set by the Executive. I look forward to reporting further progress.

That was just a quick summary, Chair. My colleagues and I will be happy to expand on any of the points that I have made.

The Chairperson (Mr O'Toole): OK, thank you very much for those opening comments, Jayne. As always, members, you should indicate to the Committee Clerk or me should you wish to come in.

I want to ask about some of the outworkings of the renewable heat incentive (RHI) inquiry. The update report was produced in March 2024. Recommendation 28 of the RHI inquiry talked about the culture of poor record-keeping in the Civil Service. Its red, amber, green (RAG) rating was green in the update report, and it is marked as "Implemented". Given some of what we heard at the COVID inquiry, I am tempted to quote from 'Who Wants To Be A Millionaire' and ask, "Is that your final answer?". Do you

really think that that has been implemented, and are you comfortable with Civil Service record-keeping, given what we heard at the COVID inquiry?

Dr Brady: We all gave evidence to the COVID inquiry and acknowledged that issues had been identified. I first appeared before this Committee in November 2021. One of the reasons why I applied to join the Civil Service was that I saw the tremendous work that the Civil Service and Ministers across the service delivered during the pandemic and the appetite for change. Notwithstanding that, of course, there are issues, and we will always have areas where we could and should have done better.

There were specific instances with record management, particularly the non-disclosure of handwritten notes. The substantive notes for meetings were provided. That was one disclosure among the tens of thousands of documents that were provided, although that does not excuse the fact that there was no provision in that instance. Actions were taken immediately to address those issues at a function delivery level but also at a technology systems level. I know that one of the areas in the RHI inquiry was looking at the use of technologies and the content management systems, and that has been explored.

One of the areas that we have pursued is the reconstitution of our information governance board, which is led by the Department of Finance. I have met the Information Commissioner and our network of senior information risk owners (SIROs) on that so that we can reconstitute the board to address the learnings that we need to take forward.

I come from a technology background, so one of the key areas for me is that, sometimes, our technology platforms work against us. I know that that formed part of one of the RHI inquiry's recommendations, including the use of systems such as Content Manager. We have now rolled out Office 365, which is a cloud-based system for modern-day record and content management. I have observed that we sometimes conflate official record management with document management, which should be two separate things. Office 365 allows us to do that and has been rolled out to 27,000 staff in the past two years. It is now available on mobile platforms where, again, some of those issues were identified. It is available on around 30% of mobile devices. We need to put in place technology and systems that act in line with the policies and processes that we have in place.

The Chairperson (Mr O'Toole): And not wipe phones.

Dr Brady: That includes mobile phones. Prior to the roll-out of Office 365, there were no firewalls to provide that cloud-based facility. That is now available on mobile phones.

The Chairperson (Mr O'Toole): Since the COVID inquiry revelations about the widespread wiping of phones by particular groups, Ministers and aides, have you, as head of the Civil Service, issued any new instruction to Executive Ministers to underline that, first, WhatsApp should not be used to do substantive government business, and, secondly, that mobile phones should not be wiped?

Dr Brady: There were guidelines in place prior to that on the use of non-official channels. Sorry; official communication, not non-official channels, which is a core part of our guidance. It is also in the guidance to advisers, Ministers and officials. We are in the process of updating those guidelines to make them policy. That will be done through the Department of Finance. Those are scheduled to be rolled out in the next number of weeks. We are happy to bring those back here once they have been updated.

My observation, having analysed many different policies and procedures, is that, on the navigation of those, while they may be on a website or, indeed, training may be provided on them, there is less assurance on the actual coherence of the ones that we need to deliver and make sure that they are implemented, so we are looking at it overall. The first task of the information governance board is the coherence of where the policies and strategies are, which ones are centralised from the Department of Finance shared service and which are to be delivered.

The Chairperson (Mr O'Toole): Are you talking about the Civil Service code or the spad code? I take that as a reasonable observation, but, four and a bit years on from the publication of the Coughlin inquiry report, the head of the Civil Service is saying that we need to tidy up the intranet a bit to make sure that guidance is visible. People listening might ask why it is not being presented as a single, coherent thing on day 1 to new Ministers and spads. Given the cost of the Coughlin inquiry, people will be a bit surprised that the guidance is buried away on an intranet somewhere.

Dr Brady: It is not buried away; the guidance is clear on the intranet. For me, the issue is the communication of that and ensuring that we do not just launch an intranet where that is embedded, repeated and reinforced. We need to move to provide that in a mechanism that is beyond the guidance, where it is a policy position and is developed in our information governance network in the Civil Service.

The Chairperson (Mr O'Toole): For people out there who do not follow these things closely, what is the substantive difference between guidance and policy from the perspective of a senior civil servant or special adviser?

Dr Brady: Guidance is provided in a framework. Policy has a performance element associated with it. Obviously, there is initial guidance. There is a centralised area at a Department of Finance shared services level and responsibility in other areas is devolved to Departments. At the moment, information governance is devolved to permanent secretaries through their responsibilities as accounting officers, but we have a network of information governance officers appointed in each Department, who are known as SIROs. Our view is that that needs to be structured more centrally, even if we do not have hard enforcement through those levers, to ensure that there is common knowledge and understanding its implications. The particular instance that was shown is that, under a public inquiry, where the rules of retention are changed, different content and retention storage need to be considered.

The Chairperson (Mr O'Toole): In summary, guidance needs to become policy, and policy needs to be communicated in a clearer, more singular way.

Dr Brady: There is a communication element, and our systems, processes and technology need to be an enabler of that as well.

The Chairperson (Mr O'Toole): In the Public Accounts Committee (PAC) report on capacity and capability — I should declare that I was a member of the PAC for part of that period — recommendation 1 states:

"Radical transformation of the NICS and addressing the array of cultural, structural and operational changes required to make it a successful organisation will only be possible with strong governance and accountability arrangements".

Are you confident that radical transformation of NICS has happened or is happening?

Dr Brady: I am confident that it is happening. I am confident that we have not yet completed that task. The steps that we put in place, which I talked about earlier, are to address the question: where is the governance and accountability? We are accountable to the public, and we are accountable through our code of ethics. We all work under the direction of our Ministers, and Committees like this are very helpful in bringing us to account.

Also, in the Civil Service, some of the structures and areas where there is no natural centralised structure to enforce those need to have a further governance vehicle. That was a core area for the reconstituted Civil Service board. We identified a number of programmatic areas that we need to focus on: the major capital project, our people transformation and the reform of the Programme for Government. Those are inherently cross-cutting. We cannot reform or change everything, so we need to focus on the areas where history, analysis or reports have shown that we have fallen short or where there are opportunities.

When it came to the recruitment of non-exec members, I purposely went out to recruit people with a particular skill set to lead those areas. For example, our perm sec for major capital projects was formerly a merchant banker from Morgan Stanley who established the British Business Bank as chief commercial officer and chief operating officer. He has significant commercial governance experience. He now chairs a subcommittee for the investment strategy for Northern Ireland (ISNI) and its major capital projects, and goes through the recommendations in depth. My concern was that the attendance of officials at a board without that central governance and challenge function would not provide those facilities. Much progress has been made in that regard.

On our people strategy, we appointed an individual with a private-sector background from an organisation called Novartis. She was the chief people officer there for 20 years. That is an organisation of 120,000 people, with a \$50 billion-plus revenue. She led the transformation of that

service. She also led the transformation from a prescribing base function with a pharmaceutical client base to a patient-centred approach. She leads a subgroup on people transformation.

The third appointee is a pre-eminent economist across these islands from the public sector who has been involved in public-sector reform. She has chaired the Economic and Social Research Institute (ESRI) committee in the South of Ireland and advised the Scottish Government.

The third strand that I talked about is how we drive forward reform and the Programme for Government. Obviously, we need an Executive to be in place to drive those areas. We have also made much progress in those areas.

Those are some of the key structures. It will be for Ministers to decide — we operate under their direction — what is necessary but not sufficient in itself because it has no political legitimacy. Some of the areas are beyond political input, such as some of our HR aspects of delivery, but many of them are, such as HR policy and, obviously, the Programme for Government. The First Minister and deputy First Minister and the Finance Minister have asked me to look at what hard levers and structures can be put in place. Part of that is about looking at the reform and transformation division. The nature of that encapsulates some of the areas in the memorandum of understanding (MOU) between Departments. It creates hard structures, such as the fiscal framework, sustainability, and the transformation board. The Minister of Finance asked to chair that. It also concerns the £235 million of funding, which you will hear about later.

The Chairperson (Mr O'Toole): We may even ask for a feel for some of that.

Dr Brady: That provides a route to transformation. Some of what you talked about earlier is about culture. How do we encourage a different way of thinking and working? Some of it requires soft communication, but some of it requires hard levers.

The Chairperson (Mr O'Toole): As you said, there is interaction between the political and the official. In terms of cultural shift, it is probably not a great sign that a Statutory Committee had to chase the First Minister and deputy First Minister's office to get agreement on the head of the Civil Service giving us evidence. Is that fair?

Dr Brady: I would not say that that is fair. However, at no point did FM or DFM say that I should not attend: they have never restricted my attendance at any event. I know that their diaries are busy, and I apologise if that impression was given to you, Chair, but there was no inference from my engagement with them that they did not want me to attend this meeting. I think that they welcome the opportunity for me to attend.

The Chairperson (Mr O'Toole): I am glad that you are here.

You mentioned the Programme for Government. Clearly, it will be critical. The test of the Civil Service and the Executive will be the delivery of a Programme for Government. However, first of all, we need to see a Programme for Government. When will we see it?

Dr Brady: Obviously, the decisions on issuing the Programme for Government are, in the first instance, for FM and DFM —

The Chairperson (Mr O'Toole): Is there a draft Programme for Government at the minute?

Dr Brady: — and for the Executive. As discussed earlier, we did much of the work on areas of the Programme for Government in advance of an Executive being formed, and many of you were in the room with me.

The Chairperson (Mr O'Toole): I was not in the room, strangely enough. I was not invited for some reason. Anyway, go on ahead; I am being facetious.

Dr Brady: It was with the parties that intended to form an Executive.

The Chairperson (Mr O'Toole): Exactly, yes. I am being facetious.

Dr Brady: I briefed you on the main —.

The Chairperson (Mr O'Toole): You did.

Dr Brady: Those aspects looked towards stabilisation, initially. There was also an acknowledgement of areas that were identified, such as the collapse of services and the governance gap. In addition, there were areas that required action, such as agreeing public-sector pay awards and the information that was provided, and the unsustainability of the fiscal package that the UK Government were outlining because of the cliff edge. Again, substantive progress has been made to mitigate the implication from 2026-27, and the language has been provided in those areas. There is very substantive agreement on the 124%, albeit there is a need for a discussion on where that actually is on being delivered. Also, there is agreement for that to be backdated, not from the first day of this financial year but from when the Executive were restored. Significant areas were identified.

My second piece of advice — again, this is my advice for the Executive; it is for Ministers to decide — is on the need for transformation. Largely due to underfunding and also because of their nature, the funding packages did not provide any availability for many of our services to deliver long-term sustainable transformation. That talks to the input that the Ministers have asked me to look at on reform and transformation. Health made up 41% of our Budget in 2011 and 51% last year, yet our waiting lists and the services that we offer are deteriorating. Fifty per cent of the Education budget is for special educational needs, yet we spend less per individual. In Justice, there are reform elements. What are the elements of transformation and reform that need to be looked at and what funding needs to be provided? On the long-term aspects that I talked about earlier, there are structural issues that I would advise addressing.

That is input and advice. We have provided the information and data. Much work has been done by Ministers on exploring that, but, obviously, the Ministers, as they take their seats around the table, follow a d'Hondt process and want their own input in areas. I am confident that much work has been done and that we have sufficient information, but, of course, that is for my Ministers and the Executive to decide.

The Chairperson (Mr O'Toole): It is important to acknowledge that you and your colleagues have been working on the structure of stabilisation, transformation and long-term reform, including during the time when we did not have an Executive. Specifically in relation to the current status of a Programme for Government, is there a draft Programme for Government, even if it has not been signed off by the Executive? Is there a document on someone's hard drive somewhere entitled, "Draft PFG"?

Dr Brady: We have been working with the Ministers on the elements that they require to be considered as part of that. That is under FM and dFM and is for Executive Ministers to provide.

The Chairperson (Mr O'Toole): Am I to understand that there is a Programme for Government but it has not been agreed, that there is a draft document but it has not been signed off or that there are elements of a draft document that have not been signed off? Which of those is it?

Dr Brady: You will appreciate that it is for Ministers to give that information to you.

The Chairperson (Mr O'Toole): Sure, and, obviously, it is my job to ask these questions.

Dr Brady: It is their privilege. I can give you my assurance that there has been substantive analysis. One of the points that were defined earlier was the evidence base for this. Reform and transformation are key areas that we need to deliver on in the reports. Are we informed on whether we are making any difference? One of the key areas that FM and DFM have asked me to look at is that delivery unit. If we say that we are prioritising something, how do we know that we ever did get the change if we are saying that the Budget is being aligned to that? Also, we have done work with the Northern Ireland Statistics and Research Agency (NISRA) to make sure that we build in all of the significant work that was done in the outcomes framework but build that in with a data lens to show where we can deliver that. There is a lot of significant work that shows that in each constituency and by section 75 group, so all that data can be evidenced now. That goes back over a number of years, so there is an evidence-based perspective that can assist in knowing whether we have delivered or not and in looking at the longer-term aspirations that we need to keep our eye to.

The Chairperson (Mr O'Toole): That is useful to know, and it brings me to my next question. Way back in 2021, when you probably felt a lot younger and less stressed than you do now —

Dr Brady: It is the best job in the world.

The Chairperson (Mr O'Toole): — you said:

"Our plans must amount to more than a set of abstract, long-term ambitions".

Implicit in that is that previous documents have been relatively abstract or had long-term ambitions. Will this Programme for Government, whatever form it is in at the minute, have clear targets that the public can judge the Executive against? Will it say, for example, that our target for waiting lists for orthopaedic operations will be at a certain point by 2027 or something along those lines for another example?

Dr Brady: Those will be political decisions.

The Chairperson (Mr O'Toole): OK. Clearly, you think that it should be like that, given that you said that it should be specific rather than abstract.

Dr Brady: Yes. The framework is provided so that they can —. FM and DFM have spoken and are collectively engaged in that core aspect of delivering the prosperity agenda, but we need to tackle the things that need to be done first, starting with what matters most.

When I look at the Executive, I see that much has been achieved, including a Budget, a public-sector pay award, an interim fiscal framework and a legislative programme. The missing part from our section 20 commitments is that overall Programme for Government.

The Chairperson (Mr O'Toole): Finally from me before I open it up to others, are you, as the head of the Civil Service, comfortable with June monitoring happening in the pre-election period? Have you given any advice on that one way or the other?

Dr Brady: I will perhaps ask my colleague in the Department of Finance to answer that, because that advice comes from the Finance permanent secretary. I provided advice to the First Minister and deputy First Minister on the pre-election period and the Programme for Government in respect of launching new policies and development. Advice was published. Again, the Scottish Government aligned with that and did not release a Programme for Government on the same basis. There are the principles on the conduct of business, one of which is that business should continue as usual, where that is required. There is risk-based judgement call needed in some areas. We sought advice on the consultation and the need for an equality impact assessment (EQIA) on the Budget outcomes. The conclusion was that that should progress, because of consequences of not having the full EQIA to make a judgement on the Budget. The other actor is communications and announcements, with officials being used to promote potential areas from an official position.

The Minister's position on monitoring will have been advised by Neil.

Mr Neil Gibson (Department of Finance): Yes. Our Minister has written a statement to the effect that she is content to see June monitoring progress, given the severe implications

The Chairperson (Mr O'Toole): Is that the advice that you gave?

Mr Gibson: Yes, it is. I am, personally, entirely comfortable with that, given the significant sums of money that are at stake and the significant implications of potentially not meeting or coming within our Budget this year.

The Chairperson (Mr O'Toole): It could be literally 24 hours or 48 hours of a difference. There will be a week's difference between doing it and not doing it. Is it genuinely plausible that the consequences will be doom-laden if we do not do June monitoring before next Friday?

Mr Gibson: When the advice was provided, that window could have been longer than a week. Thinking about it as a matter of days perhaps provides a slightly different lens. When the advice was provided, the risk was that there could be a longer gap between the two, and we would have to rename it, obviously, because it would not be June monitoring then.

The Chairperson (Mr O'Toole): Clearly, in terms of business as usual, my understanding is that, because a Main Estimate has not been laid in Westminster, that is an anomalous position in which to do June monitoring. The Department and the Minister are therefore carrying a degree of risk by doing it. Does that not imply that it is not business as usual, because you are not doing it with a Main Estimate? The Minister and the Department are bearing a degree of risk, so, by definition, it is not business as usual.

Mr Gibson: Yes. There certainly is a balance of risk to be taken here. We must consider the fact that there has not been confirmation of the precise amount of funding available because of the UK election. That figure has not been confirmed to us, but we expect to get it relatively soon.

I go back to the point that each Department is making difficult decisions, providing advice to their Ministers and writing frequently to say, "We need clarity on what funding we have available". It is a balance of risk, but you are right to point out that, without confirmation of that number, there is an element of risk, with which I am very comfortable.

The Chairperson (Mr O'Toole): I can understand that, in a substantive financial sense, because you can be pretty confident that the Main Estimate will be laid, and you and your teams already know, broadly, what the quantum will be. That is a technical legal risk, but it is not the same as being completely business as usual. Inherently, there is a political judgement involved. That, to me, brings it into the realm of the political, particularly when you are announcing significant uplifts in funding that Departments know they will get anyway. Making such announcements with bells and whistles asks significant questions about the observation of a pre-election period, given that it could be the difference of 24 hours. I personally think that that is not a sustainable position.

I will now open it up to colleagues.

Ms Forsythe: Thank you all for being here. I appreciate your taking the time and for being so open and frank.

I have a few questions on governance and the need for Civil Service transformation. You spoke of the Civil Service working under the direction of Ministers. Does the pay scale set a different scene, and has it, potentially, embedded a different culture? I put in a question for written answer to the Finance Minister on the salary points, and she replied with figures as at March 2023, at which point, excluding arm's-length bodies (ALBs), we had 65 civil servants in Northern Ireland employed on a salary point higher than our Ministers and 12 on a higher salary point than the First Minister and deputy First Minister. Is that an appropriate structure? Is it because of long service? Is it something that you would consider reviewing?

Dr Brady: I will maybe bring Jill and Neil in on the broader policy position but it was clear that the RHI inquiry made recommendations that, in some areas, we should have a capability that is outside standard pay scales. Some recruits into the Civil Service have taken pay cuts because of their desire to be in the Civil Service.

We are playing in a competitive market, and we need to ensure that we have the best people with the most correct skill sets. In some of our professional areas, such as veterinary, we have had difficulty in recruiting. That is particularly the case in digital transformation. When we talk about transformation, I see that as a core tenet of the reform position of how we present our services, which will deliver significant value. Also, we are contracting out significantly to external organisations for the delivery of that.

My view is that we need to build that competency into our service, and we need to have the best people to do that. Of course, that needs to be measured against what is affordable in those areas, but, ultimately, it may be an area where, if we do not have those skill sets, we can have significant errors.

The pay scales and reviews are, by their nature, aspects that are set by the Department of Finance, but they are also areas that are engaged in by trade union representatives. Jill, you maybe want to say something.

Ms Jill Minne (Department of Finance): The setting of a pay scale is done completely through a job evaluation process. The pay rate is set for the job, not for an individual. An individual will then go up through a scale, assuming that they have achieved satisfactory service, but there is a process for that. The pay award is set annually and is applied to all pay scales.

We are doing a substantial piece of work on developing a pay strategy. That would be a key strand of our new five-year people strategy. That has looked at benchmarking against other jurisdictions and organisations, where the Northern Ireland Civil Service sits against others, and gathering evidence on the areas that may need looking at. That could mean that we have a flatter pay structure and scaling. It could be that we look at our whole employee value proposition.

Actually, in many cases, the Senior Civil Service (SCS) salary points are certainly lower than those in the private sector but also lower than in other jurisdictions and in some arm's-length bodies. The key thing is that we need to gather the evidence for that. If we are going to do a wholesale review on that pay strategy, which we are looking at, all aspects of it, including potential gender pay gaps etc, will be wrapped up in a whole evidence-based approach, with options around that.

We also really want to look at a whole piece of work on the workforce model of the Civil Service. Essentially, how do we use our pay bill? Are we the right shape and size? That is a piece of work that has already started but is certainly a big strand of the people strategy.

Mr Gibson: To add to that and to orientate it to the earlier questions, when Jayne spoke of that whole-system approach, that is one of the reasons why it operates under that memorandum of understanding and across the Executive Office and Department of Finance, because the pay strategy is critical across the Civil Service.

In many Committee sessions, we have heard about areas that are struggling to recruit. A review of our pay strategy, conditions and total reward is just as much a part of the transformation as the fund that we will talk about later, fiscal frameworks, budget sustainability or capital plans. There is a family of change in transformation, and hopefully, the Committee can take reassurance that we are not just responding to the very relevant question but the more strategic one, which is how can we attract the quantum and quality of civil servants that we need for the transformation journey we are on. Many of our civil servants will look at the training and support available to equip them for the new jobs that will come on stream to meet the challenges.

Ms Forsythe: I am sure you appreciate my point that, if a Minister has a dozen people on a higher salary point, there will be a perceived culture about who runs the Department.

Mr Gibson: Absolutely. People in some Departments have thousands of staff reporting to them. Again, as has been mentioned, if that were benchmarked against other organisations, it would not be a competitive salary. You raise the right question, which is about the overall pay and salary strategy.

Ms Forsythe: Thank you. Neil will be aware that I also sit on the Public Accounts Committee, so I make that declaration. Jayne, what is your role in holding accounting officers to account? When something happens, the Audit Office reports on the issue and the accounting officers come to the PAC. Is there a role for you to take issues forward? In the past few months, I have found the same issues coming before the PAC as when I worked for the Audit Office 20 years ago. Is there a role for you in the recommendations?

Dr Brady: Yes. One of the Public Accounts Committee's recommendations was about the role of the head of the Civil Service and the aspects it being a central role that holds accounting officers to account. With the current structure's constitution, accounting officers are responsible to the Assembly, and they are fully accountable. They are under the direction of the Ministers, and I manage their performance and management areas.

I am not an accounting officer. I have no formal accounting officer role, and that speaks to the direction and, I understand, limitations that come with the role, but it also reflects the constitutional position created by the Belfast/Good Friday Agreement, where Ministers are fully responsible for their departmental areas and anything cross-cutting is the responsibility of the Executive. However, it is not good enough to say, "That is difficult, and that is the law and constitution". Various responses have been given to the PAC, but the question is this: how do we find a way in our framework to strengthen and provide those levers? A key aspect is that the PAC report, the major capital report and the people strategy to keep building capacity are the work of the Civil Service Board. We need to recognise and respect the accounting officer's responsibility but also provide frameworks, support and governance, and we have established those subgroups with external scrutiny and external jobs of work. It is not just about turning up at the next board; it is driven by programmes of work.

We are lucky to have significantly skilled and committed non-executive support. For example, for two of the positions that you referenced earlier, one of the PAC report's recommendations was about capability and the need to look externally. We have appointed an external panel, which Jill can reference, for our people transformation. Jill's attendance to the people perspective in those major capital projects is on the skills that we need and who needs to be brought into those areas, and that has to be embedded.

In my view, we have to report our work programme from the board. It is from the top down because we need to deliver, it needs to get better and the issues are well articulated and well known. We need to find structures within the governance frameworks that we have, acknowledging and respecting those but finding ways to move it forward.

Ms Forsythe: It is great to hear that, because there was a silo approach and nowhere to go. The same issues were coming up time and again.

My final question is, perhaps, more for Neil, but I will ask it anyway. The Committee is looking at accelerated passage for the Budget (No. 2) Bill. Do you know how many and which Departments would be in line to exceed their 65% Vote on Account if we were not to grant accelerated passage?

Dr Brady: Do you know, Neil?

Mr Gibson: You may well be passing it to someone else who does not know.

No. That is always difficult to predict because money demands come in different ways. For example, significant farm payments come at a particular time in the year; they come in September. Therefore, you can never predict which Departments will be affected. It is not an immediate concern for us, and we believe that the time frame to achieve Royal Assent will void that being a concern. We keep it under constant review. We have had to deal with that before, but it is difficult to make such a prediction, and I would get caught out if I did. There can be all sorts of unforeseens. The time at which you demand the cash is not as straightforward as simply looking at your budget, because it does not have a linear path. However, it is not an immediate concern for the Department.

I will go back to your previous question, if I may. Apologies. I want to reinforce Jayne's point that, although there are constitutional issues that, of course, are outside my area for comment, more can be done, and we are doing better. The recent launch of the one-year people plan was subtly but importantly different. We had a good discussion and debate at the NICS Board, but the requirements to drive forward that people agenda was taken collectively by the accounting officer group. Each of us did our own video and introduced it to our staff, with a collective responsibility to drive improvements. We had agreed at the previous board how we would take that forward, and those videos were launched. Each Department, with its own accounting officer, of course, had agreed a set of common principles about what we would do on the people agenda. We are making progress through that collective approach.

Ms Forsythe: Thank you.

Mr Brett: Thank you for your presentation. It has been six months. Are you glad to have Ministers back, Jayne?

Dr Brady: I am delighted to have Ministers back.

Mr Brett: Where are we with the Executive Office (TEO) permanent secretary?

Dr Brady: We have appointed an interim permanent secretary, a very experienced grade 3 —

Mr Brett: Who is that?

Dr Brady: David Malcolm, whom I referenced in my opening remarks. David will play a substantive role in reform and transformation and in the delivery aspects of the unit.

Mr Brett: That is on an interim basis.

Dr Brady: Yes. As part of the process that we followed previously, we looked towards innovating in some areas. We modelled some of the Whitehall processes in terms of observed areas, and we had the permanent secretary from Scotland sitting on the board. It was a new structure and we made a substantive appointment to that role. That was Ian Snowdon in the Department for the Economy. The second candidate withdrew from that process, so we had to move to an interim process. The process for the substantive appointment is under way, but we are taking learnings from that process. Jill and Catherine Shannon are supporting me in feeding those areas in.

Mr Brett: I want to follow up on the point that the Chair made in relation to the wiping of ministerial messages during and after the pandemic. Is it your view that it was standard procedure for Ministers to wipe WhatsApp messages?

Dr Brady: The guidance under a public inquiry is that there should be retention of information of anything that can support an inquiry. The retention policy should have been changed on the basis of the Inquiries Act, which has a statutory impact.

Mr Brett: So it was standard practice for Ministers to delete, in line with policy, or was it against policy?

Dr Brady: It was in line with the special environment, which was the public inquiry. The information should have been retained.

Mr Brett: I am reading a headline from the 'Belfast Telegraph' from December, where the then and current Justice Minister — Minister Long — said:

"Wiping WhatsApp pandemic messages was 'standard policy'".

Is it your view that it was "standard policy"?

Dr Brady: The removal of information that should not be recorded as part of the official record. If it is the official record, the guidance and the ministerial code, as well as the Civil Service guidance, is that you should put that into the official record. There was a different view on what the official record was, particularly under public inquiries, where all information is relevant. That was the relevancy of information.

At a departmental level and at a SIRO level, that was not clearly understood. There was information provided, but giving effect to it — that you are now a separate condition where normal policies may need to be set aside — talks to the central governance perspective of actually being able to direct Departments to do different things and, I guess, a knowledge in the service of what the requirements were under the statutory requirements of a public inquiry where all information should be retained.

Mr Brett: That was communicated to Ministers and their civil servants quite quickly when a public inquiry was announced: is that right?

Dr Brady: It was written communication to me in, I think, my first couple of weeks in office, and there was then legal advice. The perspective that we had that lots of things can be communicated via written communication was given effect within Departments, and the communication that we need to address is that disconnect between what should be retained and that retention policy. That is the discussion that we had with the Information Commissioner: how we make sure that that network, the keeping of the official record, is an area that officials own, it is in the Public Record Office, and the differentiation between the standard process and the requirement under a statutory public inquiry.

Mr Brett: Where does the responsibility fall for those Ministers who decided to delete their messages in spite of your official communication? Does that responsibility fall with the civil servants who may allow that to happen, or does the buck stop with the Minister who decided to delete the messages?

Dr Brady: Obviously, there is advice provided to Ministers in keeping the official record, and there is advice provided to officials on the retention of that. That is where the key learnings are. There are many different areas of advice. On the definition of what was an official record, I think that there was a broad understanding that the official record was the areas that were used for decision-making. The specification of relevance was not defined by the public inquiry until later. It was not defined at the start of the public inquiry. However, in the provisions of caution, it would have been pertinent to retain

all information. The official keepers of the public record are officials. We define the retention policy. We are updating the Executive Office retention policy. That will come to the Assembly for scrutiny and to be agreed.

The Chairperson (Mr O'Toole): I am still slightly confused about this.

Dr Aiken: Wait until I ask questions.

The Chairperson (Mr O'Toole): It is not clear to me whether wiping messages wholesale, which is what happened, including records of key ministerial and Executive decisions, was in line with Executive policy or NICS guidance when the pandemic was happening in 2020 and 2021. I am afraid that I am none the wiser as to whether that is the case. Perhaps a question on that will emerge.

Dr Aiken: Thanks very much indeed for your evidence so far, Jayne, Neil and Jill. There are a couple of things. First of all, the Northern Ireland Civil Service code of ethics governs all aspects of how you conduct your business. That is correct, is it not?

Dr Brady: Yes.

Dr Aiken: OK. I have two questions: one is about HR, and one is about record-keeping. I think that, when I was the Chair of the Committee, you were in front of us, Jayne, in November or December 2021. We talked about lessons identified, because we realised that no lessons had been learned from the renewable heat incentive inquiry by that stage. It was clear then that there were significant issues to do with record-keeping, the management of records, the effective keeping of minutes and the retaining of all records that went through. I think that that was clear to every person in the Civil Service and, indeed, across the Northern Ireland Government at that stage. Indeed, I have reviewed the evidence that you gave at that session, and you were categorical that, on your watch, that would not happen.

In 2022, the Assembly went down after the election, and all the Ministers handed in all their IT equipment and other equipment. It is clear from the evidence that was given to the COVID inquiry that some of those systems were wiped and subject to a factory reset, but quite a few of those factory resets were done by the Civil Service itself — people you were responsible for. Could you explain how that happened?

Dr Brady: Yes. We were here in, I think, November 2021 to discuss the recommendations from the RHI inquiry, which, in the analysis, were multifaceted. I know that the Department of Finance has come back, and I think that, on 35 of the 42 recommendations, there has been substantive progress, and of course —

The Chairperson (Mr O'Toole): One of the recommendations is around record-keeping.

Dr Brady: One area was the use of platforms and technologies. We discussed earlier the integrated roll-out of Microsoft Office 365, which removes some of those areas, and the use of information governance and the information governance board. Clearly, there are areas in which we will learn further lessons about information and record-keeping from the pandemic response. We will need to factor that learning into the future processes.

On the point about some of the notes that were perceived to be missing, some of that is in the context of it being a public inquiry. We provided all the minutes of Executive meetings. Some people kept handwritten notes, but that was not a consistent process. There should be a consistent process for anything handwritten that you are going to keep. If you agree a formal record, it is my view that there needs to be a process whereby the Executive agree which of the handwritten notes are kept. For example, logbooks were taken from heads of Departments, as well as various written notes. One written note of a meeting was not provided, which is unfortunate. That was not part of the official record; it was a handwritten note, and, in the context of the official record of the Civil Service, would not have been pertinent. Obviously, however, it is pertinent in a legislative public inquiry.

To possibly address the Chair's question, if your mobile phone is returned, the position is that it is the responsibility of the individual to make sure that the information from it is stored in the official record and that decisions are captured. It is the individuals' responsibility to make sure that that is

established. That would have been their responsibility under the guidelines that they signed up for, the ministerial code. Our officials keep those official records. There is a definition of the official —.

Dr Aiken: I will quickly interject there. In the evidence that you gave to the COVID inquiry, it says that Civil Service IT staff wiped phones and iPads. Under whose direction did they do that?

Dr Brady: Perhaps I can explain that process. When devices are handed in, there is a responsibility that official records should be stored on the official record. The obligation for that is on each individual. In a scenario in which there is a statutory public inquiry, the definition of "relevant" changes from being just the official record to include all things. The inquiry made that decision. On that basis, all information was relevant. In my view, it was the responsibility of the senior information risk owner officials to retain information and inform and make it clear that all information should be restored. In the Department of Finance, standard procedure outside the context of a public inquiry is that, if a device is received, it is reset; that is in line with policy. The position in this case is that we were not in normal conditions and different rules applied.

Dr Aiken: I am confused again. You came in front of the Committee to talk about RHI. One of the big things that came out of the RHI inquiry was the issue of retention of information and record-keeping. You are responsible for the Civil Service. One of the most significant things that have happened to this nation in decades is COVID. You were head of the Northern Ireland Civil Service during COVID. We had a situation whereby phones and information were given in and were wiped. You used the words "accountable" and "responsible" several times. Somebody has to be held accountable and responsible for that. Who is it? Please, tell me who.

Dr Brady: I will qualify what I said. Individuals are responsible for giving in information. The accountable officer — the permanent secretary in each Department — is responsible for giving effect to the information governance. They — the senior information risk owner — have the responsibility to ensure that all information is retained.

Dr Aiken: Has anyone been disciplined?

Dr Brady: Obviously, we will not comment on any specific areas of the inquiry. We need to respect the recommendations that have come from the inquiry and give the inquiry respect as it comes out with its findings. We are engaging with the inquiry.

Dr Aiken: To go back, we had you in front of the Committee to talk about RHI. One of the key recommendations that came out of RHI was about the retention of information. One thing we talked about was the cultural change that was needed throughout the Civil Service, particularly in relation to record-keeping, minutes and everything else. The first time that we needed to keep minutes, records and all the rest of it, we failed.

Dr Brady: We kept many, many minutes. The Executive Office provided tens of thousands of documents, and devices that came in after I took office were retained and not reset, but I acknowledge that there was inconsistency and that the direction of accountability in our processes is not clear. Information accountability comes from the perm sec. Individual accountability for someone adding to the official record comes from the individual. There are too many areas where, by an act of omission or of purpose, you have no clear direction on who is accountable. I know that that is not a satisfactory response —

Dr Aiken: It is not.

Dr Brady: — but that is the reality of the governance structures. It probably speaks to the points that Ms Forsythe made about single accountability and who has that responsibility, but much was provided. All the minutes of the Executive meetings were provided. There was much information — Neil may want to talk about the processes in his Department — but, ultimately, we need a more structured approach to this at a service level.

Mr Gibson: Yes. We are certainly looking at that. I want to be clear and, as an accounting officer, to speak up. As Jayne said, DOF has responsibility for providing hardware to Departments, but there is each accounting officer, and the information that is held on the devices — laptops, phones or whatever — is the responsibility of the individual. It is important that each of us puts correct information on the public record.

Having dealt with a lot of the staff, who were under the most extraordinary pressure during COVID, the idea that we would look for a route to say that somebody was doing something —. As the accounting officer in DOF, I am responsible for the data. It is my responsibility to ensure that all members of my team are fully trained so that they store the official record, but think about what they were going through at that time. Having trawled through the records that we have provided to the inquiry — tens of thousands of minutes and documents — I want to put on record that the staff have worked tirelessly to try to reach the standards of record-keeping that we all aspire to.

A few documents have been missed, and that is regrettable, but there is no automatic downloading of every piece of information. The policy was clear that each individual was responsible for the data that they held on their devices. At that time, we were in a world that nobody recognised, and the use of devices was different from what it had been prior to that. I was not here at the time, and it is a world that I can only imagine, but I have seen some of the aftermath. I do not accept the idea that there was that thought process, but, to be clear, Steve, it is my responsibility to ensure that the Department of Finance holds the records that the policy requires us to hold.

Dr Aiken: Thank you, Neil. I am glad that somebody has said, "I am responsible and accountable" for something. Thank you for that. It does not fill with joy those of us on the Committee and the previous Committee who went through the saga of TRIM and everything else.

I will move on to HR. You will be aware from the COVID inquiry of the remarks by Hugh Widdis about a Minister whom I appointed. When you read those minutes, you see, regardless of the circumstances, a senior civil servant who was trying to undermine our system of government and, in particular, the then Health Minister, Robin Swann, who was doing a remarkably difficult job at a difficult time. The fact that a senior civil servant could write something along those lines and not be challenged and disciplined leads one to ask — sorry, Chair.

The Chairperson (Mr O'Toole): Mr Widdis is not here to answer questions.

Dr Aiken: This is the public record.

The Chairperson (Mr O'Toole): You are putting your spin on it, which you are entitled to do, but we have to be careful. Mr Widdis is not here to answer questions, Steve, so I ask you to frame any question you ask in a way that it relates to general HR policy.

Dr Aiken: OK. I am happy to read into the record of this discussion the record of the COVID inquiry of what he said. Bear in mind that it is on the record. We have ascertained that we have no details of any disciplinary action being taken for the moving or losing of data or the erasing of phones, but we have an example of a senior civil servant who tried to undermine a Minister and who has been promoted.

The Chairperson (Mr O'Toole): I have to say, Steve, I do not think it appropriate to ask questions about the actions of a specific official in that context. I can ask the officials whether they want to comment in general terms. I give a lot of leeway to members, but this is not the appropriate forum to pursue questions about individuals. I am happy for members to do that via their own channels. Do the officials want to make a general response?

Dr Brady: I will make a general response: obviously I will not discuss any of the specifics of those issues.

I am clear that the impartiality of the Civil Service is the core tenet of our delivery. I am very confident in my senior civil servants and all civil servants. I would also say that — Neil and I are new to the Civil Service — I have never seen individuals work harder than I have in the public service, and I have spent all my days in the private sector. You point out that there may be issues that have gone wrong and on which we could have done better. However, in the absence of the Executive, those people — particularly in the Health Department and Minister Swann but also across the service — stepped up. I have never found civil servants wanting in doing that.

Where we make mistakes, it is right that we are publicly scrutinised. I, as head of the Civil Service, am responsible for leading, and I take that very seriously. It is a privilege to do my role. I acknowledge that there are areas of accountability where we have not succeeded. In this case, the impartiality, in my view, is very clear, but, obviously, we will not discuss the specifics of any issue, Dr Aiken.

The Chairperson (Mr O'Toole): I should have said that I am happy for people to be robust. I am robust myself, and I want us to be able to speak freely, but we have to be careful in relation to individuals.

Mr Tennyson: Thanks to you all for your answers so far. I want to go back to the run-up to this meeting. Dr Brady, your role is different from that of your predecessors in that you do not have permanent secretary or accounting officer responsibilities at TEO. Why, then, was it necessary for you to seek the approval of the First Minister and deputy First Minister to give evidence here today?

Dr Brady: I do not think that the head of the Civil Service ever had an accounting officer role. There was always an accounting officer in the Department, so that is not a change to the status. However, I act under the direction and control of the First Minister and deputy First Minister, in the same way that all officials act under direction and control. That is a principle of my office. I provide advice, but Ministers decide, and I am here representing the First Minister and deputy First Minister in that regard.

Mr Tennyson: That is helpful. It was discussed previously, so I thought it was good to give you an opportunity to respond to that.

I turn to record-keeping, very briefly. It has been discussed in some depth already, and I do not want to dwell on it. First, I want to say that I accept and respect the really high-pressure situation that so many officials were working in. I am a bit more forgiving and see that scribbling a handwritten note of a very tense meeting is not easy and will not always be done perfectly. I give complete credence to that. However, there is one specific example where 13 different versions of a minute of a meeting were produced and the substance of the first draft of the minute was different from the final draft. Given that this was an issue in the RHI inquiry and recently in the COVID inquiry, is there, in your view, a cultural issue in record-keeping whereby officials feel that they might need to protect their Ministers in some circumstances?

Dr Brady: Thank you for the question. No, that is not my view. Civil servants, whatever division they come from, are impartial and serve all Ministers. The fact that there were 13 different versions speaks to content management versus document storage. Our content management system is TRIM, which has been mentioned. Of those 13 different versions, three or four were created before the meeting actually started, so the metadata is stored in each different version. There were maybe two versions where material was changed. The minutes of the meeting were abridged, and there is discussion as to whether it was right to abridge them. Different judgments could be made on that.

On the 13 different versions, it was not that someone was reviewing and sending those out; this was metadata that was storing the variants of those systems. For me, we should not be using content management as our document storage system. That is a legacy platform. We should be using Office 365 and Microsoft Word. It should be stored centrally. We should not be capturing meta versions of that. The fact that those versions were found and shared with the inquiry shows the level of transparency. That should have happened earlier, along with all the different things that we have said. I appreciate your recognition, Mr Tennyson, of the Civil Service's efforts. That will, of course, factor into our response to the recommendations from the inquiry. We have already started to look at the learnings and the areas where, in the immediate term, we need to address performance.

Mr Tennyson: Impartiality is a core tenet of the Civil Service. However, on the flip side of record-keeping, it is also important to have internal debate, innovation and creativity. Has any of the focus on record-keeping, as important as that is, perhaps stifled the internal culture of debate in Departments?

Dr Brady: I do not think so. There may be a view, which I heard when I came in and we have heard around this table, that inquiries have the chilling effect of stifling innovation and risk-taking. That is a concern for me and the service overall. If we move and do anything new, there will always be elements where we could have done better or should have improved or where we are doing something wrong. Those are necessary aspects of risk when you are in a different environment. My concern is that always focusing on the aspects where we did not do so well and not counterbalancing that by looking at the areas where we supported the delivery of change can create a feeling of inertia. We, as leaders, need to provide the framework and platform to do those things. You will hear that from the interim transformation board as well.

There is an acknowledgement that we have to drive things forward and do new things. In order to ask, "Is there an area where we can allow some more creativity?", which you talked about, there has to be a different approach. That has to happen with the right record-keeping, of course, and while

maintaining our accounting officer and governance responsibilities. Do we need to have discussions about the fact that, if we make innovative bets, some of them will not be successful? It is about understanding and communicating to our stakeholders that, because we want to move beyond the status quo, there will be areas where we may need to tolerate a high level of risk and, indeed, failure.

Mr Gibson: It is a really important question and, I will be honest, I also wrestle with it. Heaven forbid that anyone should have to transcribe or write down everything that I say or think.

The Chairperson (Mr O'Toole): Someone is doing it right now, Neil. *[Laughter.]*

Mr Gibson: My staff would be here for weeks if everything had to be transcribed. You made an important and serious point, which is that a lot of discussion and debate — even argument and disagreement — must take place as you try to find the right way forward, test out things and find out if they work. Those things do not always happen in that type of meeting, but good record-keeping is certainly a skill in itself. I give credit to those who do it so well — there are many of them across the service — and record what are clear actions and what is a clear decision, particularly to those who have to listen to someone like me who can be verbose and talk a lot before getting to their point.

There is a serious issue about stifling debate. If we craft everything by asking, "Would I want this to be recorded in a precise way?", there is the risk of that, and we are all mindful of it. I am clear with my team that we still need to have frank and open exchanges and not run a truncated version of meetings for fear of the transcript. That comes down to very good record-keeping and having skilled people involved in doing it. There has been a lot of talk of AI and its potential role in helping us with record-keeping. It is important to think about just how differently those reports can read, years later, when you come back to scrutinise them. I will give a little shout-out here for the quality of our many good record keepers. It is quite a skill.

Mr Tennyson: That is helpful. Thank you.

I will move on to the PAC's report on capacity and capability. One of the issues that it touched on was performance management. I appreciate, Dr Brady, that that was before your time. The Public Accounts Committee noted that only 19 of almost 20,000 officials had their performance rated as "unsatisfactory". Either the Civil Service's performance was remarkable or that is completely inaccurate. Is that credible? What steps have been taken to improve performance management in the service?

Dr Brady: Thank you, Mr Tennyson. I will make some comments, and Jill may come in. We presented on the one-year and five-year people strategy that we are developing. They are the fundamentals of how we do performance management. There are systems in place. There is a binary system, where a person's performance is deemed either acceptable or not acceptable. That is a fairly nuclear option. With perm sec colleagues, I have moved beyond that binary system to reward people whose performance is exceptional, although, obviously, there is a grading structure that does not allow you to give financial incentives for that. We need a clear direction to move towards differentiating between those. We have had some marginal improvements. We are building it into our overall initial approach, but it is about how we move beyond that mechanism.

Ms Minne: Everybody refers to the two-box system, if you like, which definitely creates a difficult binary when it comes to how many people were deemed to be "unsatisfactory". However, actually, the performance management policy, which was reviewed in 2019, allows for considerably more options. Line managers can give warnings at various stages for underperformance.

The whole premise of a performance management culture is about improving performance. I take your point about the numbers, given the size of the Civil Service. There is a lot more to it than "satisfactory" or "unsatisfactory". There are written warnings that can be given throughout, targets for improvement, improvement plans that can be put in place, toolkits for line managers and training on all that. Nevertheless, we need to give more attention to it. Considerable work has been done on it as part of the new people strategy. We have benchmarked it against other jurisdictions and organisations and looked at best practice policies. We spoke to the behavioural science people, because it might be that there is nothing wrong with the policy — if there is not, what is it? It might be that we need to do more to embed those behaviours and policies into the culture. It is a big piece of work. The numbers have gone up but not by as much as you might think, relative to the fact that we have 24,000 staff.

Mr Gibson: Jill is absolutely right. We talked about pay strategy earlier. Part of the whole ethos of creating a P&OD division, as distinct from the operational HR area, is so that it can focus exactly on more strategic reviews of our policy framework in order to make more substantive changes.

I want to make a small personal remark. We have to think about how we do performance review and performance management. In any of the previous roles that I worked in, it would have been odd that we would have such asymmetrical categories as "satisfactory" or "unsatisfactory". In my role, I will very strongly advise the Minister that future performance management needs to call out exceptional performance as much as substandard performance. It is very hard to create a culture of striving for better when all you do is focus on when people are not at the right standard. While that is important, we need to do both ends of it.

Mr Tennyson: I have a final question, which is about June monitoring. For the record, I share the view that has been expressed that it is routine business and that it should proceed. Can you give us some insight about how, if June monitoring were to proceed in the pre-election period, the outcome would be communicated in a way that upholds impartiality? For example, would it be through departmental allocations rather than announcements of particular policies? How would it work in practice?

Mr Gibson: We would have to be particularly careful about the guidelines on communications. It will partly come down to the timing, but there certainly are issues with the practicalities of assigning the amount and how you communicate the allocation. In treating those two things distinctly, I have been focusing more on making sure that we get through the mechanics of the advice that is required, and, whenever a meeting may be called, we will then think about the appropriate advice to give under the guidelines on how to communicate the decisions. It may not follow what has been done previously, because we have to be mindful of the pre-election guidance, but you are quite right to draw attention to the fact that the process of the Executive meeting to discuss the numbers is distinct from the communication of their decision.

The Chairperson (Mr O'Toole): The monitoring round is obviously not going to happen in June now, is it? There will not be an Executive meeting tomorrow, will there?

Dr Brady: I am sure that there will not be one tomorrow, but that is not to say that there will not be one —

The Chairperson (Mr O'Toole): On Friday, Saturday or Sunday? June ends on Sunday at midnight.

Dr Brady: It will be for the FM and DFM to decide on an agenda.

The Chairperson (Mr O'Toole): Is there still a possibility of an Executive meeting on Friday?

Dr Brady: Not that I am aware of. That is not my understanding.

The Chairperson (Mr O'Toole): OK. It will not be June monitoring, so calling it "June monitoring" is a bad thing.

Mr Frew: I want to be clear on that. If there is no Executive meeting, there will be no June monitoring round.

Dr Brady: That is not to say it might not happen next week.

Miss Hargey: July monitoring.

Dr Brady: The agenda is for the First Minister and deputy First Minister. I understand the request is there from the Finance Minister.

Mr Gibson: It will take a meeting to make the decision.

Dr Brady: It requires Executive approval.

Mr Frew: With regards to the Audit Office recommendations of November 2020, point 1.4 states:

"To further enhance accountability, all senior civil service staff should have capacity and capability related objectives in their annual performance expectations, along with measurable targets."

Have any of you three seen any of those measurable targets in the annual performance expectations?

Mr Gibson: Jill will want to speak to this. Bigger reform of how we might monitor performance is happening, but, certainly, from my perspective, with the Senior Civil Service reporting to me, we have a particular and tailored conversation each year about what those targets might be. For some, it is easy to think of quantified targets; you can think quite easily of certain mechanical tasks that are required. For others, it is rather different; it is about developing a policy under corporate objectives. I would say that it is predominantly a qualitative assessment for most of the staff at the very senior level who I have reporting to me, but each individual has their own set of targets agreed by their line manager.

Ms Minne: There was a review. We have started with the Senior Civil Service performance management framework: their personal development plan (PDP) and personal performance agreement (PPA). That is set out in a structure whereby you have to set out what you achieved last year against certain things that you said you were going to achieve. You have to be clear about what you are proposing to achieve the following year and about any development requirements that you need for that. It is split into things that are specific to your own job, but then there are corporate and capacity- and capability-type things around what you are going to do as a result of that.

Our plan had been to roll it out further than the SCS, and we have not done that yet. We should wait until we do the full review of the performance management before we roll that out. However, there was a conscious decision that it would start with the Senior Civil Service, and that is where it has started. Jayne talked about the changes that she brought in. We followed that up from an HR perspective, putting out a template. For example, record-keeping is in everybody's now, so there are areas where we put things in that are a must do.

Mr Frew: Obviously, it is all to do with enhanced accountability. Is there a target or measure in it about the information flow from the Civil Service to scrutiny Committees?

Mr Gibson: It is a good question. I am thinking of the ones that I have reviewed, or my end-of-year to you, and I am not aware that I have that in it. I will take that away as a suggestion.

Mr Frew: I asked that question because in the RHI report — all three volumes of it — one of the findings was:

"In relation to briefings linked to the NI RHI SL1, the ETI Committee was provided by DETI Energy Division officials with incomplete and inaccurate information about the RHI scheme; among other admissions, information was not included about risks that DETI had been made aware of by Ofgem ... The Inquiry finds that the ETI Committee was not provided with sufficient/adequate information to permit the ETI Committee to effectively discharge its scrutiny function."

I am sure you will all agree that that is an important function in the governance set-up of this country. Is there anything in the annual performance expectations, along with measurable targets, that actually measures the information flow from the Senior Civil Service to scrutiny Committees such as this one? We have had failings in this Committee since February. Only a couple of hours ago, my colleague Deborah Erskine had to give off wrath to Department of Infrastructure officials because of the information flow to that Committee. It does not bode well for the governance of this country when scrutiny Committees are treated with contempt.

Mr Gibson: I want to respond to that. That certainly is not my intention, and I apologise to the Committee if there has been any delay in getting you the information that you seek. An extraordinary volume of information is required, and we are doing our best to meet that requirement. However, I take your point very seriously, and, if you permit me, I will come back formally on it. I am trying to think about the best way to measure that to make sure that it happens. Whether we take the view of the Committee as to whether you or I feel well served on that, ultimately, it is my responsibility that you get the material and that you get it in good time. Whilst I would certainly look to my officials, I would take on that question personally to make sure that you get what you need, when you need it. If you feel that you are being underserved, I will do my very best to improve on that.

Mr Frew: I really thank you for that.

Dr Brady: I want to come in as well, Mr Frew. I am also disappointed that you feel that way. When I review with colleagues across the Departments, we look at the business plan and the people survey, but there may be areas from a consistency approach that could be looked at in the business planning process. We officially call out records management, we call out the corporate objective, and, specifically for this year, we have called out the one-year people strategy. Those are the areas to explore — what are the cross-cutting things that we need to make sure that everyone is focused on and held account to on?

Ms Minne: Absolutely. The other thing is that providing transparent information to Ministers, and all that kind of thing, is very clearly set out in the code of ethics. The code of ethics is updated annually and has just been updated again — literally just this month. We are now planning to make sure that a reminder of the code of ethics goes out to everybody every six months and that it is built into all induction programmes and into Senior Civil Service and other training and development. That will be a reminder of what we actually mean by the code.

Mr Frew: To touch on Eóin's point about minute-taking and written notes to help and complement minutes, I get that you do not want to catalogue every brainstorming session, because I would be all over the place — a bit like you, Neil. It is actually good and healthy that you would brainstorm like that until you come to a considered and collective view in an Executive. There has to be breathing space. Note-taking should be a skill and should account for that brainstorming. My issue, though, is about when notes do exist and the very big failures that we have had with regard to the COVID inquiry. The notes of the first Executive meeting after the Bobby Storey funeral went missing. Seven attempts were made to secure the minutes from 2 July 2020. How come, then, those same minutes — those notes that were missing — all of a sudden mysteriously appeared the very day that module 2C of the inquiry was scheduled? Jayne, can you walk me through what actually took place there? What did you live through whenever you found out that those notes were missing, and can you tell the Committee what happened on the day you were told that those minutes did exist?

Dr Brady: Thank you, Mr Frew. I acknowledge that there were very significant issues, and I can give you some of the framework for those areas, but also that this is part of discussions that we are having with the public inquiry, which needs to be respected and given space to come out with its recommendations. I was aware of the missing notes when I attended the inquiry, when Clair Dobbin KC spoke about them. I was then contemporaneously informed of the previous requests on the Thursday, or perhaps on the Friday morning, when the KC spoke again. As you are aware, we instigated an independent inquiry led by an independent KC as part of that process.

A couple of points of clarification: those were not the minutes of the meeting.

Mr Frew: The notes?

Dr Brady: Yes. All the minutes of the meeting were provided when the first request was made to the offices, and they were provided in whole. There were some that were missing. There were further requests for those minutes. The investigation has progressed. We have given the findings. We have passed them to the inquiry — I spoke to the inquiry yesterday regarding that. It will obviously come through with recommendations.

You talked about having helpful notes and minutes. One of the findings was that we do not have a consistent approach, if we keep an official record of a meeting — if Ministers are in a setting and we have an official record and a note — and that is taken, and then further notes are made of that, to what status they have and what our approach is for that further written information. Again, we talked about the fact that those notes are discoverable under a public inquiry. So, that is the area that we need to explore. Where is our consistency of approach in delivering that?

From my analysis of the inquiry's findings, there was no differentiation between any of the notes that were provided. One of them was pertinent to a specific meeting, but it was not that they were treated any differently from other minutes of that meeting.

Mr Frew: So, where were they? Where were those notes, for which seven attempts were made by the inquiry to obtain them? Where were they sitting?

Dr Brady: As I said, we have given the report to the public inquiry, and it will make that information available. It would not be appropriate for me to go into the detail of those areas. The view that I have received is that they were kept according to the normal standard process and procedure, but, again, I will leave the inquiry to reflect that and publish its findings.

Mr Frew: You said a couple of times that there would be a higher threshold for a public inquiry. However, that is not necessarily strictly true when you think of freedom of information (FOI) requests. When you ask for freedom of information on all documentation, those types of notes would be included in that.

Dr Brady: Well, actually, they would not, because they came under a policy under development in an Executive process. Obviously, Ministers need to have a space to have discussions within the confines of that. There are a number of different areas that breach the threshold above FOI. Those include anything that is politically sensitive; anything that is internationally regarded; or those that form part of a policy that is under development. There are specific areas that are carved out, with that different threshold that was then made.

Mr Frew: I stand corrected. Thank you.

You commissioned an independent technical analysis of the 44 mobile devices that were handed back. How many of those came from Ministers and how many came from civil servants?

Dr Brady: They were all from Ministers.

Mr Frew: They were all from Ministers?

Dr Brady: Yes.

Mr Frew: Your submission to the COVID inquiry states that:

"There were 24 devices across the NICS that were not retrieved ...due to them being reset before either being reallocated or destroyed".

You say that there was a conflict: the policy was that all of the information on those phones should have been retained; however, section 3 of the Civil Service's mobile device security policy states that devices:

"must be returned to IT Assist for secure erasure, reloading of software, re-encryption and redeployment."

Has that policy been revised in light of that conflict, and what does it now read?

Dr Brady: Yes. Those mobile devices included tablet devices. I will go back to the advice that I provided in September along with legal advice. I stated that there was a statutory public inquiry and that its view of what is relevant information may be changed. I advised staff to retain all information and to inform information owners to make sure that those steps are in place. That was a step that was not in place. The normal policy is that, when a device is returned — because, of course, we do not keep devices forever and need to make sure that we redeploy them without there being security concerns — it is reset as per the service contract.

Mr Frew: What happens to Senior Civil Service phones and devices?

Dr Brady: All my mobile messages were provided, as were those of all civil servants generally. The process for returning a device was that, when it was handed in, it would be reset and redeployed to another Department. Obviously, we need to make sure that we get value for money from our digital devices.

Mr Frew: Was Michelle O'Neill the only person among Ministers or the Civil Service who had given back a phone with the factory reset already done?

Dr Brady: I do not have the specifics of the report in relation to that. There were different approaches in all the different areas. Some were reset prior to coming in; some were restored and retained in the Executive Office; and some were sent back for a factory reset. That is published in the report, but I do not want to mislead the Committee with any particular or specific information that I do not have the detail of.

Mr Frew: I just want to be clear on this, and then that is me finished, Chair. What takes place now when a Minister leaves office or Senior Civil Service personnel change their phones?

Dr Brady: They would have to ensure that everything is on the official record, as per the standard process. The device would, then, be returned and restored.

Mr Frew: How does it go on to the official record? Is that done electronically? Is it on a cloud? Is it in a data pack? I am not technically minded, so excuse me.

Mr Gibson: It is for the individual, through their exchange, to download or record in whatever way they determine appropriate, but it is their responsibility to make sure that the official record is recorded. When the devices are returned, they will be recycled and sent out to the system.

Mr Frew: No matter who it is, they could very easily disguise or not disclose certain emails or WhatsApp messages.

Mr Gibson: Emails will be on the email servers, but you are correct about WhatsApp messages. Of course, thinking ahead, were you to institute a policy that was different to that in which each phone was to be retained — obviously, we would have questions about value for money with that — one might imagine or suppose what would then happen to how you would have conversations. The question is this: what would we be seeking to gain here?

We are also looking to make sure that we improve and have, as Jayne mentioned earlier, a better records-management system. We are currently adding something like a million records a month to the content manager. It is becoming increasingly slow. From speaking to other jurisdictions, I know that they are shocked about how much we do put on the official record. They have a lot less. So, there is something there about what we think about as an appropriate way of storing. It is not about the data space any more but about making it an intelligible record that you can search and interrogate later.

There is an important point about making that judgement. There is a level, particularly when in a Senior Civil Service position, at which that seniority puts an onus on you to be able to determine what is appropriate for the public record. There is, at present, an element of judgement in that when you review your own messages. Does someone consider a time of a meeting or a delay to a meeting a public record or not? Each of us, including me, makes a judgement on that. We are reviewing policies, and we will look at that, but we always have to think about what we are trying to get out of that as an outcome to get the right form of the official record.

To answer your question formally, yes, we still have the policy in place that, when returned to us, they are just devices for redeployment. The information is the responsibility of the person who put the information on the device.

Miss Hargey: I have a couple of areas that I want to cover: first, the Civil Service board. It feeds into conversations that are happening at an Executive level and through all the scrutiny Committees with the pressure on our public services and what sits below that with inequality, exclusion and those hardest to reach in our society because of social and economic inequalities. It is good that the Civil Service board has non-executive members now. That breathes a bit of fresh air and brings an external approach and thinking to it. It is good that you have appointed somebody from our universities with a background in science and technology. My big area is around the rest of civil society in making sure that it is actually reflective of society, particularly those who are most vulnerable when you look at poverty and inequality rates. That includes trade unions and the third sector or community and voluntary sector. What more is going to be done with those who have that direct experience of tackling social and economic inequalities, which are becoming more entrenched? My question is around all of that.

I know that there is talk of raising prosperity. Jayne, you touched on the people, planet and prosperity piece. Can we have a bit of certainty around the inclusive growth part of that in ensuring that we not just running with the trickle-down kind of economics and the idea that a rising tide will lift all boats?

That is not the case, and, clearly, the pressure on public services is showing that it is not the case. What work is being done as part of the broader strategy to address inequality and look at a more plural economy where there is greater community ownership of these things? I think that the Civil Service board could, potentially, be a good start in having more scrutiny and oversight and making sure that it is more reflective of the communities out there.

The other point follows on from that. It is about employment in the Civil Service. What more work can we do to ensure that the Civil Service is seen as an employer of choice? As you said, you are trying to attract more people into it. Obviously, making sure that it is an attractive proposition will be critical to that. One of the big areas for me is the level of numbers of agency staff, particularly in certain front-facing Departments such as DFC. Whilst a large number of agency staff are recruited, there are issues with their quality of life. If they are working in an agency for six or seven years, that is not temporary. What are we doing to look at that to make it a more viable proposition and an employer of choice?

What more are we doing to drive the broader inclusion piece from the centre? There was a recent recruitment campaign in DFC for 2,000 AOs, and there were over 6,000 applications. That demonstrates the interest. That process was run online as a pilot to try to streamline it and speed it up as much as possible to ensure that we got people into work to do business delivery for that Department. There were some initial teething issues with that process, but it was a pilot. Given the emergence of artificial intelligence and all of that, what are we doing to ensure that those systems are robust but do not exclude those who are already excluded in society, such as women, those with disabilities, our minority ethnic community, and our working-class communities?

My other question is about structure and —.

The Chairperson (Mr O'Toole): Shall we take them one at —?

Miss Hargey: I will throw them out, and they can round them up, sure. *[Laughter.]* They are all interconnected.

The Chairperson (Mr O'Toole): It is just to make sure that they all get answered.

Miss Hargey: My other question is about structure and cross-departmental working. I sit on a couple of Committees. An issue that consistently comes up is that our approach is still too siloed. Transformation bids are coming forward. Other scrutiny Committees are trying to push to ensure that Departments work more organically together on meaningful transformation bids. What can we do with the structure to encourage that a lot more? Can we create cross-departmental teams, for example, to work on certain strands of work? Can they start to work in some of the regional hubs so that they work a lot more collectively, particularly to address areas of inequality and stuff?

Those are four broad areas.

Mr Frew: Do you have your sponsorship form there? I will fill it in now, Deirdre.

Miss Hargey: What for?

Mr Frew: Sponsorship for speaking.

Dr Brady: I will start, and then Jill will perhaps talk about some of our agency and Job Start programmes. The work that was done prior to the formation of the Executive recognised that we need to service all the people of Northern Ireland, including section 75 groups, the business sector and the community sector. The information that we have provided in our data and evidence will cover section 75. It will also cover the regional balance, so we will see levels of deprivation by region, who is affected the most, women in employment, productivity areas and economic inactivity across services. You are right: many of those have indicated poorer health outcomes; I understand that 20% is from your health determination and 80% is from other factors, many of which are social, deprivation and comorbidities as part of that. There is a broader perspective that we need to look at, but it needs to start with a data-informed approach.

On the NICS board, we have the first-level structures in place. We have appointed three perm secs, but that is not to say that that is the continuation of that. When we worked in preparation for an Executive, we were really clear on the need for stakeholder engagement. We engaged very

substantively with trade unions, the community sector and the chief executives' forum to understand their views. I anticipate, subject to a Programme for Government being agreed and going to consultation, that that will form a very significant area of how we engage with those sectors and how they can be part of that co-design and engagement perspective, which we will then look —

Miss Hargey: Sorry, just to clarify, it is about some of them having a seat at the table at the Civil Service board. The non-executive members seem to be very much private-sector-focused. You said that there is certain expertise and specialisms, but some worked for companies that were involved in the financial crash of 2008. It is about making sure that, when it comes to oversight and accountability, as you look at outcomes at the other end in terms of all the programmes of work and transformation that we need to do, the leadership and cultural piece is driven from the top. There is a huge section of our society that is not there, but, as you touched on earlier, it stepped up during the COVID pandemic and was the front face, working with a brilliant team of civil servants. I witnessed that myself. They should not be just consulted or engaged. It is about how they have a seat at the table with those other sectors. For me, it is that cultural shift at that level that is key. You might not be able to answer now, but is work being done to address that at that senior level?

Dr Brady: Every board table should be reflective of society and communities. To give you an assurance, two come from the private sector and one is a public-sector person to look towards the overall reform. You are right that we need to engage and ensure that we are having all the voices, including youth voices. I had more junior officials attending the appointment process for permanent secretaries to make sure that we were reflective. I will take that on board, and we will come back to the Committee on that.

You talked about cross-departmental working. We talked about the work of the board and the work packages. The Programme for Government will instil that because those areas are required of it. Reform and transformation will be key aspects of that, as well as that delivery unit in holding it to account. There are things that you can put in the process and on paper and have cross-departmental working groups, but, as an example, the Department of Finance and the Department of Agriculture, Environment and Rural Affairs share physical offices, and that mixing on the stairways — I do not think that are any coffee rooms any more — changes a culture and ways of working. I note that Ministers now go out with other Ministers to make joint collective positions.

The interim transformation fund may have an important role, because it will allow a space, potentially with meaningful investment, to do different things in a different environment. Some of those provide an area where you can do things differently but also provide different ways of working. I am not sure that all our interdepartmental working groups are as effective as they could be in delivering that dynamism.

Miss Hargey: Particularly with the interim transformation bids, will that be an area of scrutiny to work out if it is real cross-departmental working in terms of the outcomes that you want to achieve, so that you can measure if it is an effective way of doing things or not?

Dr Brady: Aidan and Tony will be discussing that, but those are factors with scope for consideration. Is it cross-departmental and, then, is it scalable? If it has applicability as a pilot in one Department, how can it be scaled across Departments? That is one of those factors.

Regarding the pathways to jobs, we have made movement under the leadership of the Department of Finance, and Jill's leadership in particular, in graduate recruitment in some work placements and in the Job Start schemes and the pilots delivering those areas and providing guaranteed interview schemes for people with disabilities. Alternative academies have been run as well.

There were issues with the technical pilot. I guess that that is in the nature of doing pilots. Things cannot always go as straightforwardly as you want. Jill, do you want to follow up on that?

Mr Gibson: Jill, if I might, because I know about the HR matters around the practicalities of that particular campaign, which was run out of HR. Yes, we did learn valuable lessons from that. We managed to view 3,000 applications online in a week instead of 12 weeks, which was real progress. We continue to work closely with TUS colleagues. The good news is that more campaigns are coming. We have made sure that it is at the highest accessibility standards and that it is software that is used elsewhere to meet the highest standards in being easy to use and providing good guidance. However, as always when doing things in a new way, we are doing our best to learn the lessons.

Cross-departmental working really sits with me a few years into the job. It is difficult to do, partly because of the logistics and the timing. People's diaries are so extraordinarily difficult that, sometimes, it is not a lack of willingness to do it; it is just that managing the Department's business is time enough. There has been strong encouragement, certainly from my Minister and from across the piece, in being receptive to civil servants providing advice across Departments. We are working on a number of issues at the moment where we are intending to give a piece of advice to Ministers in different Departments. That advice may say that Department x recommends option a, and another Department may recommend a different option. There may not be consistency in our official advice, given that there may be different perspectives, but it does not mean that we should repeat the exercise four times. We are working on doing better at that, and we are getting strong encouragement politically to do so.

It is clear that the scale of the challenges that we face are becoming increasingly hard to put into a single Department. A necessity of the changing world is that we will have to get better at doing that.

Being a service that is reflective of those whom we serve is something that we take very seriously — I know that Jill wants to speak about that, as it is a subject that is very close to her heart — as is being part of the role to try to drive the agenda of broadening the service and the range of people whom we serve.

Ms Minne: I echo what Jayne said at the start: there is much done but still much more to do. The recent review of HR really helped, in that one section of HR is trying to drive that high-volume improvement to service delivery — speeding things up and getting the high volume — and the other arm is looking very much at designing interventions. You need both: you need the scale, but not every campaign will get to those who are furthest removed from the labour market. That is exactly what we are trying to do to open up the Civil Service. Targeting graduates is one thing. The graduate management programme is relatively new, and we are looking at placements and employability programmes for looked-after young people. We have also set up an essential skills programme for existing staff who do not have any numeracy, literacy or digital skills. Jayne mentioned Job Start. There are various employability programmes like that, particularly around disability and looked-after children.

The stats speak for themselves. We are not fully representative. We still have more work to do, but we have gone from 11% of SCS staff in 2000 being female to 45% now. The interventions are working, but we still have a way to go with disability and other areas.

Miss Hargey: The other area to pick out is social class. I know that it is not one of the section 75 groups, but there was a programme about the creative industries on Channel 4 about a month ago. Research found that 8% of those in the creative industries come from working-class backgrounds; over 60% come from middle- and upper-class backgrounds. That shows you the issue.

A presentation in the Housing Executive a few years ago looked at apprenticeships, and, again, you could track the higher-end apprenticeships. Predominantly, those were taken up by males from higher-class backgrounds, whereas apprentices in Health and Social Care (HSC) were predominantly female and working-class. If you track apprenticeships across inequality and poverty, you start to see the trends and the traction. We need to make sure that we are looking at it that way.

Ms Minne: Absolutely. We have just got agreement from our Minister on a new Civil Service apprenticeship policy. The next step will be to make sure and be very clear that that links with the good jobs and good work agenda. A report showed the way that apprenticeships go, particularly in respect of gender. It is about looking at more apprenticeships and better data and taking a deep dive into that data to assess not only whether it was a good scheme but what its impact has been. It is the same with Job Start and all of that.

Mr Gibson: I have said before at the Committee that a really strong agenda on restating the Civil Service as a career of choice is needed. I have said many times on record that one of my aspirations when I joined the service was that, when we put up those charts about the future of this place and our key clusters and key strengths, our public service should be right at the front and centre of that. It is very much the case in New Zealand, Sweden and Finland. We should have that as a strong aspiration for all our young people.

We are compiling a new A to Z of careers in the service so that people can see that there is almost no job that you can think of that we do not have in the public-sector family. However, we are rarely

spoken about as loudly as we should be as being a potential career. Therefore, telling our story and going into different recruitment areas, arenas and methods of recruiting is work for us to do. We must not talk down the size or existence of the public sector. It should be a key plank in the type of society that we are trying to deliver.

Dr Brady: I will comment on the broader perspective of bridging the skills market. I have a role as part of our people management strategy, looking towards *[Inaudible]* and where we strategically place those. Again, we have strategically moved those from the Department for Communities, which has experience in those sectors, to the skills area in the Department for the Economy. We are building the capability and knowledge of that sectoral area, and we can do that at an official level. We are purposely not transferring individuals just for career development but strategically to where we need to augment skills in order to ensure that we are delivering to address the broader directions that Ministers want us to achieve.

The Chairperson (Mr O'Toole): I have campaigned on and corresponded with Jill on the make change programme for school-leavers and graduates. I am delighted that progress has been made on that. Holding the Civil Service and its leaders robustly to account is in no way undermining the Civil Service. In fact, it is done to stress the importance of the Civil Service.

Nicola Brogan, thank you for being patient. We are waiting for Nicola.

Miss Brogan: I will be cut off in about a minute. The joys of technology and tight budgets, I believe. I might have to start again in a minute or two. Thank you, Jayne, Neil and Jill for attending the Committee and providing the briefing.

I am surprised that some seem content with the delay in the June monitoring process —.

Dr Aiken: You could not make this up. Jayne, give us more money. We need it. *[Laughter.]*

The Chairperson (Mr O'Toole): Nicola will come back in a minute. In the meantime, I had an additional question, and we will bring in Nicola as soon as she comes online. I have a point of information to ask about. In fact, I do not need to ask a question. Nicola is back online and can speak for herself.

Miss Brogan: Yes, I am back. Sorry about that; it was the worst timing. I was talking about the delay in progressing the June monitoring round. We know that all Departments are struggling financially, and there have been huge pressures on their budgets. Getting money out to the Departments as quickly as possible is important. We know that some of the proposed projects are very important, such as the Education Minister's welcome announcement about the pay and grading review for school support staff. Money should be going to those projects. We know how important they are to the education sector and workforce. How important is having a June monitoring round to provide a level of certainty now that the negotiations are open on the pay and grading review?

Mr Gibson: We have largely covered the monitoring round, to the extent that we have advised that it is for the Executive to decide when the round is held. However, you raise the important point that there is great pressure on all Departments and that they all seek clarity as soon as possible. I have nothing further to add.

Miss Brogan: If the June monitoring were to go through, would the Finance Minister make an oral statement to the Assembly to give MLAs an opportunity to ask questions about the allocations — where they are going and for what reasons etc? Is that still the plan?

Mr Gibson: As I mentioned earlier, we need to be mindful of the communication guidelines. Now that we are so close to the end of June, it would be unwise to speculate on exactly how it would be best handled.

It remains the case that the Executive will meet to discuss and determine what will happen on the basis of the recommendations brought forward. I can come back more formally on how that will be communicated once we know exactly what is going to happen.

Miss Brogan: OK. Fair enough. Deirdre covered most of what I wanted to ask about the reform of the Civil Service.

Part of the PAC report was about the number of vacancies in the Civil Service. Can you give me an update on that? What is the number of vacancies at the moment, and what are you doing to reduce that?

Mr Gibson: I will hand over to Jill in a second. I must say that part of the responsibility for the vacancies very much rests with me, in that decisions had to be taken in the absence of an Executive. A lot of that was about trying to ensure really tight budget control. Unfortunately, that meant a significant postponement of campaigns. We are only beginning to catch up now by getting our Supply division on stream. Coupled with that is the fact that we now have a very significant budget constraint, meaning that Departments have to look carefully at the vacancies that exist in the system. I do not have the updated figures on the latest count. I do not know whether you have them to hand, Jill.

Ms Minne: No, I do not have the updated figures. However, I just want to give you an assurance that we are looking at the two sides of the house, if you like. We are trying very hard to work with the Departments and the heads of profession to, for example, design apprenticeship schemes and make sure that the timing of those is prioritised. Separately but completely linked to that is the fact that my colleague Catherine Shannon and her team are working with the Departments to prioritise their vacancies, given the financial situation that we are in. I know that planning for and discussions on the high-volume campaigns are well under way with the trade unions. We are coming at it from different angles. I am sure that we can give you an update on the numbers. Neil is right: the number of vacancies has been very much dictated by having to cut our cloth accordingly.

Miss Brogan: Fair enough. Maybe the next time that you are in front of the Committee, you can update us on those figures. That is great. Thank you, Chair.

The Chairperson (Mr O'Toole): Thank you. You have been very patient.

I have a couple of final questions. First, on the confirmed facts about June monitoring or July monitoring, as it may be, there is nothing to stop a monitoring round happening via a written ministerial statement on Friday 5 July. I do not think that there is anything in legislation that would stop that happening, is there?

Mr Gibson: Not that I am aware of, but I do not want to speak out of turn, so, if you are willing, I will correspond later in writing, just so that I am sure. I do not want to speak out of turn and mislead the Committee.

The Chairperson (Mr O'Toole): OK. You can let us know whether that is correct.

Mr Frew: There is a burden of responsibility to inform the Committees within seven days. Also, the Finance Minister has to make a statement to the House.

The Chairperson (Mr O'Toole): The monitoring round can still happen even if there is not an oral ministerial statement to the House. That is important to say. In an ideal world, there is one, but we are in a pre-election period, and that has consequences too. It is not a decision for me. I am not in the Executive, and I do not have that influence.

Secondly, I want to briefly cover the public sector transformation board. We have very patient officials outside who are waiting to give evidence on the public sector transformation board. We on the Committee were disappointed that we had to slightly winkle the information out. That goes back to what Paul Frew said. Your officials are working hard, and we do not dispute that, but, sometimes, we have to chase the information. I am not implying or suggesting that there is any malign reason for that. As an ex-civil servant, I know that, very often, those things are not done out of any ill will. Sometimes they are, but I do not think that that is the case on this occasion. We were not told about the interim public sector transformation board, but we will have the chair of that board in front of us.

How transformational will it be? Do you think that £235 million can be a transformational amount of money? Is there a risk that people will end up bidding for projects that are transformational in a narrow sense — they may be useful or they may simplify our IT process — but that are not transformational in the sense that they radically improve services? Are you convinced that it will be genuinely transformational?

Dr Brady: The quantum is £237 million. Obviously, the bids that have come in —

The Chairperson (Mr O'Toole): It is a UK Government decision.

Dr Brady: — will reference the scale of our challenges. It will not transform our health or education service. However, it is ring-fenced funding for looking towards those areas that we need to improve. A number of areas have been identified, including areas of fiscal sustainability. There have been 43 applications to the process, to start with. Thinking about transformation and how we can make things better — having that mindset — should be the job of all of us as civil servants. However, often, when you are faced with another crisis in a situation, it is about keeping the show on the road. Therefore, even though some of the projects might not be in the changing-the-world stratosphere, they can provide significant transformation at a fiscal level. Other areas look towards productivity or early intervention — things that we can do to get ahead in those areas. Obviously, there are things like multidisciplinary teams, which have been proven to be a core aspect in stemming issues in our health service and dealing with such key areas as justice provision, waiting lists and early intervention. They allow space to provide some early interventions.

I will engage with Whitehall and the UK Government on the delivery of their reform and with the Irish Government on their various vehicles of reform. Digital reform could be quite boring and everything else, but it could provide a fundamental shift in transformation. Looking forward, we are setting ourselves up as a digitally enabled economy. The message of the Civil Service is that we can compete in those areas. There is real advantage in Northern Ireland because we are not at the forefront of transformation. It is being done in many regions. We look towards Estonia and see that it has led in digital. Those are fairly well known aspects that can deliver some level of transformation.

We will look through the applications, and we are clear that they must not be business as usual. They must not fund the same things, and there is to be no displacement. That will be the bar. Officials will define those criteria to give us those levels of comfort. If it is business as usual — if it is displacement funding, and we get it from this area — that will be a disservice to the fund. There will be cultural changes across departmental working, and there will be areas where we can nudge different behaviours. We will also have engagement with some of the external funders, such as the International Fund for Ireland and PEACE PLUS. There is a vehicle by which we can use those types of funds as a lever. There are other funders that are up for achieving levels of transformation, such as the Shared Island Fund, potentially, and, again, PEACE PLUS. Those areas of transformation are fully aligned, but, often, they are outside the policy construct of the Northern Ireland Civil Service. Where we have little funding, we need to make sure that we multiply that.

The Chairperson (Mr O'Toole): I move now to the transparency and accountability of the organisation. The board is there. You are not an independent board, by definition. You are the head of the Civil Service, and you deliver it; there is a representative from the NIO, who is the UK Government representative; and there is Frances Ruane, an esteemed person but also a member of the NICS Board, so not wholly independent. Would it be worthwhile giving the Fiscal Council some responsibility in the statutes coming forward? I know that the public sector transformation board is not established on a statutory basis, but would it be worth giving the Fiscal Council the power or the role to monitor the effectiveness or otherwise of particular transformation projects and bids?

Dr Brady: You referenced the fact that it is an interim transformation board, and all board members reflect that it is interim. You are right: we have been moving rapidly and with agility as an executive to get up and running. The structures will not be agreed until we have the terms of reference, which, with the general election, will be for the incoming Government — whoever it is — to agree from a UK Government and Treasury perspective. This is the interim provision, and there will be options to look at. Some of these projects are based on innovation, so it is likely that we will need to pull on external expertise. As part of the reform and transformation unit and division, fiscal expertise will be required, as will digital expertise and scientific expertise. There will be reform of some of our key services, so expertise will be required in how to do that. From my perspective, there is not a view of how we get that external expertise. We have been working with the Government in the UK and the Government in the South. As part of the capability aspect, we are also looking at how we can provide more structured secondments. Those are areas that we will want to explore. We work very closely with the Fiscal Council.

Mr Gibson: Yes, it is a good suggestion, and the key word here is "interim". Committee members may be worried about the real urgency around this. Certainly, the Minister was keen to push it. We do not yet have any clarity that Treasury will allow us to re-profile any of the £47 million that is allocated this year. Therefore, before the UK election was called, we did not want to miss any opportunity, so we wanted to be ready for June monitoring. I am sorry to bring that up again.

Although circumstances obviously changed with the UK election being called, we still wanted to show that we had made good progress. Speaking as an accounting officer, one thing that I found really rewarding was the process of asking colleagues in the Department of Finance to submit bids for me to advise our Minister which ones would go forward from DOF. That was a really revealing process with a number of fairly small-cost projects and people beginning to think a little differently. So, I think of it as a type of proof-of-concept model, where we can look at smaller things that might be scalable but then also at more profound transformation. It made me feel a little disappointed in myself that I had not asked for that type of bid and approach from my colleagues prior to this. There is quite a good lesson for me that, even with this urgency, we brought forward a number of good ideas.

The key thing is "interim", so there will be a time for the Executive to see what comes forward and see what type of fuller board might be needed and what its terms of reference should be.

I absolutely apologise for the lack of speed in getting things done. We are operating in a very complicated space across two Departments and making sure that we move at the pace required. I apologise on behalf of officials who will be here later — of course, in this context, they will speak slightly differently from me — for the board being a little slow.

Dr Brady: Obviously, the ultimate decisions are made by the Executive, or by the Finance Minister in the first instance. We provide advice on and input into those decisions from an official perspective.

Mr Gibson: We thought it important to take that out of the normal public spending directorate (PSD) process, where we look at bids all the time. We thought it important to step outside that for something that was rather different. That is why we set up the structures in the way that we did.

The Chairperson (Mr O'Toole): Obviously, we hope that it does not undercut devolution, because the UK Government now have an implied role in some of this stuff. As a Committee, we will want to keep abreast of that, given Julie Harrison's involvement: she is a very senior UK civil servant who is inserting herself into devolved processes. I understand that that came out of the Executive restoration package, but I, personally, register a degree of caution. I will put an asterisk next to that.

This is the final question from me, I promise. I have been digging around on the word "reshuffle", which has cropped up a couple of times, including today, I think. Why are we still in a situation where, in a context of open transparent competition for Senior Civil Service roles, people are reshuffled from one permanent secretary role to another? Is that an acceptable or desirable position to be in?

Dr Brady: The position for perm secs, as with other general service officials, is that those are general grades. Those appointments and positions are up to me, as head of the Civil Service, to decide. We do not recruit to a specific role in Departments. Analysis of perm sec appointments has, I know, been provided by the Department of Finance, given that we have an ageing Senior Civil Service. We have seen significant retirements in those areas. Those people need to be replaced and accommodated. We need to fill the position beyond them. In the Department of Health, for example, during the pandemic, we had a perm sec who had been in place for more than six years. We are now looking towards a new Minister and a new perm sec in that area. My view is that reshuffling is about deciding which is the right appointment for individuals with particular skill sets. I want to give the reassurance that it is done in discussion with perm secs, but it is also done in a very meaningful way, in that we gauge which skill sets we need to put in place as well as treating it as a career development opportunity.

The Chairperson (Mr O'Toole): You mentioned the permanent secretary at Health. That is the individual whom you were talking about. I do not think that I am breaking any rules of propriety in saying that. That individual was then permanent secretary of the Department of Justice and is now the chief executive of the Education Authority. That is a rather large breadth of policy and public service delivery expertise. I do not think that anyone doubts that he is a very experienced public servant. However, one of the findings of the RHI inquiry was its emphasis on the need for greater openness and transparency and open competition. It also found that, where necessary, there should be some degree of specialisation, recognising that public-sector leadership is in itself a specialism, whatever the policy area. I think that there is something there to be looked at. I appreciate that you are operating within limitations. I am sure that this is a stress that you have to deal with, particularly Jill, and you obviously have to plan for those things, but it feels as though we are fishing from a very small pond. Of course, you are an outsider who came in, and you are having to deal with all those challenges, but I think that something needs to be refreshed.

Dr Brady: The perm sec recruitment process that we got under way last year — we talked about it earlier — was a new way of doing that process. It looked towards opening up the process. By default, all appointments to positions across the Civil Service are open. Of course, we have positions requiring professional expertise — the head of finance and the head of economics — and we provide those career pathways.

I talked earlier about the other levels in the Senior Civil Service and about the positive moving of skill sets from one Department into another Department where there is a need to augment those skills. For example, our grade 3 cohort, which I manage, all have talent biographies, so I work with them and meet them yearly. We go through their skill set and look at their policy domain and delivery domain and their aspirations for those areas. At a perm sec level, we say "OK, these are the strategic areas that we need to address in Northern Ireland to address economic inactivity as it relates to our skills provision. How do we augment those skills at a strategic level and put the right people in the right role, doing the right job?".

I want to give you reassurance. Of course, if there is a broader cohort, you have more options available, but this is done from a very purposeful perspective and in line with our policies. Indeed, we are entering new areas of working on the talent biography and the creative element.

There is another key area that I would like to see, and Jill has been working on that. We removed the moratorium on secondments shortly after I came into post. Actually, secondments are extremely useful, in my view, including when we can bring external individuals with a particular skill set into the Civil Service, even if they are here for only for two or three years in a specific domain.

There is a view that you have a job for life in your Department. Some very specialist areas, such as the Veterinary Service, require key skill sets, but having a diversity of view and different ways of thinking has, in my view, a value in itself. I think that we should have more secondments from the UK Government, the Irish Government and our arm's-length bodies. That should be done through a more a joined-up, structured approach, not in an ad hoc way. That is the area where we need to find better frameworks to do that, and Jill is leading on some of those areas.

The Chairperson (Mr O'Toole): I completely agree. I should say that Jayne and Neil are both outsiders, so we do not want to dissuade you from persuading former colleagues and friends to join the Northern Ireland Civil Service. On the subject of internal secondments, I happen to have "one that I made earlier". I submitted a question for written answer on inward secondments from the UK Home Civil Service and the ROI Civil Service. There were zero from the Irish Civil Service in the last five years and 15 from the UK Civil Service. There is work there to do, but I am glad that you want to do it.

Dr Brady: We are working on a process that is well developed in that regard.

Ms Minne: An intergovernmental working group is looking at precisely that: people in and people out. It is not just about roles but about job shadowing and placements. At the end of April 2024, 60 people had been seconded into the Civil Service and 122 had gone out. I do not know whether those numbers have changed.

A couple of the other jurisdictions have issues with their workforce numbers, in that they are in a process of reduction. They are not as ready to go as we are. We are having a meeting about that tomorrow, and I will be happy to update the Committee on that. It is a piece of work that is well in train. Jayne is 100% right: I do not think that the term "reshuffling" is correct. We have a policy of employee mobility in the SCS, which is very structured and considered.

Dr Brady: Just for reassurance, I engage with the Ministers. They do not direct me in that regard, but we discuss the impact between Departments. If there has been an impact, we make sure that action is being progressed appropriately.

The Chairperson (Mr O'Toole): OK. We have covered a lot today. We appreciate your giving us significant time. It is quite warm, unusually, in this part of the world, which has not made the experience any more fun for any of you. We are keen to be kept abreast of developments, particularly around record-keeping and the post-RHI improvements as they continue to be iterated, as well as update reports and progress reports more generally on NICS reform. I am glad that you were able to be here, and we look forward to taking evidence from you again in future. Thank you very much Jill, Jayne and Neil.