

# **Implementing policy across national government and from national to regional to local government**

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**Paper prepared for Comhar Sustainable Development Council  
National Conference: Dublin, 2007**

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<sup>1</sup> I am grateful to my colleague Dr Richard Boyle for his comments on early drafts of this text and in particular his detailed inputs to Sections 3 and 8.

## **Introduction – policy implementation**

The detailed analysis of policy implementation is a comparatively recent phenomenon in public management studies, particularly when compared to the issues of policy formulation and evaluation. Identifying the process whereby policies are translated into action is now a rich field of inquiry, yet discovering the best methods for implementing a policy or set of policies seems as elusive as ever. Of course, while issues of political will, leadership, national and administrative culture are important variables in the success or otherwise of policy implementation, in this paper the concern is with the institutional environment for policy-making in Ireland at national and sub-national level. Also, while it is accepted that sustainable development involves a range of public and private actors, the paper focus on the public sector and how the emergence of new modes of governance within this sector can best be understood.

In terms of implementing sustainable development policy, particular challenges arise given its ‘cross-cutting’ nature. As a concept alone, sustainable development is complex and contested. While it may be argued that few policy areas cannot conceivably come within its rubric, at its core are concerns over economic development and the environment. The fact that the sustainable development emerged as a global rather than national project has determined that many of its objectives have been established outside of the control of national governments. The impetus for developed countries in particular to implement internationally agreed treaties and protocols has gathered pace and a wide variety of responses and levels of enthusiasm have been encountered<sup>2</sup>.

It is proposed here that domestic institutional arrangements and practices will have an important influence on the success or otherwise of policies deigned to promote sustainable development. The paper presents these arrangements in two parts. Part I considers the national level of government and the horizontal implementation of policy. This includes the executive, government departments, agencies, commercial enterprises and the Oireachtas. Part II is concerned with the ‘vertical’ dimension of government, stretching from national to regional to local levels. In doing so, findings from recent research on sub-national agencies are presented.

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<sup>2</sup> Lafferty, W. and Meadowcroft, J. (eds) *Implementing Sustainable Development* (Oxford: Oxford University Press, 2000)

## **1. Overview of national government and the co-ordination of policy**

National or central government in Ireland is loosely based on the Westminster and Whitehall common law tradition. The principal exceptions to that tradition are the existence of a written Constitution and a popularly elected office of President, albeit with limited powers. The parliament or *Oireachtas* is bicameral with the lower House – *Dáil Éireann* – exercising significantly more functions than the upper House – *Seanad Éireann* – which is principally concerned with legislative matters. *Dáil Éireann* elects the Cabinet of Ministers which is the key decision-making and co-ordinating body in the State.

### ***Cabinet and sub-committees***

The 1937 Constitution provides for no less than seven and no more than fifteen Ministers, each of which has responsibility for a Government Department and who must also be a member of the legislature. These Ministers meet with the *Taoiseach* to form the Cabinet, which is the sole executive authority within the State. The Government's legal adviser – the Attorney General – normally also attends Cabinet meetings along with the Chief Whip and Secretary to the Government. In addition, functions may be delegated to Ministers of State who support Ministers but who do not have an automatic seat at Cabinet. In 2007, provision was made for the appointment by the Cabinet of twenty Ministers of State, the largest number in the history of the State.

In recent years, it has become common for Cabinet Sub-committees to be established in line with the recognition of the cross-Departmental nature of many Cabinet items. While some have had a long existence (such as the Cabinet Sub-Committee on Northern Ireland and Security), the number of such committees have increased in more recent years as policy issues become more wide-ranging e.g. the Cabinet Sub-Committee on Social Inclusion or the Cabinet Sub-Committee on Decentralisation. Discussions at Cabinet Sub-Committee level are subject to rules pertaining to Cabinet confidentiality, and Sub-Committees also may receive submissions from outside groups to inform their deliberations. For example, the Sub-Committee on Housing, Infrastructure and Public Private Partnerships took evidence on several occasions from the National Roads Authority.

### ***Government Departments and policy co-ordination***

The principal organisational units for the administration of the state apparatus are government departments (and a number of related offices), staffed by civil servants. By virtue of 1924 Ministers and Secretaries Act, Ministers are 'corporations sole' for their Departments, which distinguishes their office from their person and allows for Ministers to engage in legal activities such as the signing of contracts. Ministerial responsibility primarily provides for the responsibility of ministers for the work of their departments, but it also enables parliament to focus on the work of a particular minister rather than seeking to question government as a whole. Ministerial responsibility to *Dáil Éireann* is the principal accountability link between the political and administrative spheres.

As well as the doctrine of ministerial responsibility, central government in Ireland acts according to the related doctrine of collective responsibility, thus ensuring the accountability of all Ministers for government policy to *Dáil Éireann*. Collective

responsibility implies that all members of the executive will share culpability for the policies of the Government and therefore provide Dáil Éireann with the means of holding the whole government accountable. The doctrine of collective responsibility requires that all Ministers make their colleagues aware of their plans before they make them public. It also precludes Cabinet members from speaking out about an issue before in advance of having discussed it at Cabinet.

Policy co-ordination operates to different degrees both vertically and horizontally. Ministerial responsibility provides for a classical hierarchical system of policy co-ordination within the bureaucracy, with each level of a department's structure subordinate (at least in theory) to the one above it and the staff grading structure corresponding to this. As will be detailed below, the creation of non-departmental bodies or agencies, which are autonomous but accountable to the Department provides challenges to this traditional structure. A recent development in all departments has been the establishment of a Management Advisory Committee (or MAC), which minimally consists of the Secretary-General and the senior management team in the department. The role of the MAC is to link the department's corporate strategy and objectives (below) to its daily operations and to enhance their internal co-ordination. The MAC also plays an important role in communication with the political sphere, and if Ministers cannot attend meetings, either Ministers of State or the Minister's special advisers are encouraged to do so.

The principal mechanism for horizontal or cross-departmental co-ordination is the Cabinet, where political approval is provided for cross-departmental work. As the scope of state activity has increased, greater emphasis has been placed on cross-departmental co-ordination at the administrative level, and networks now exist such as the Implementation Group of Secretaries-General (which oversees the public service modernisation agenda).

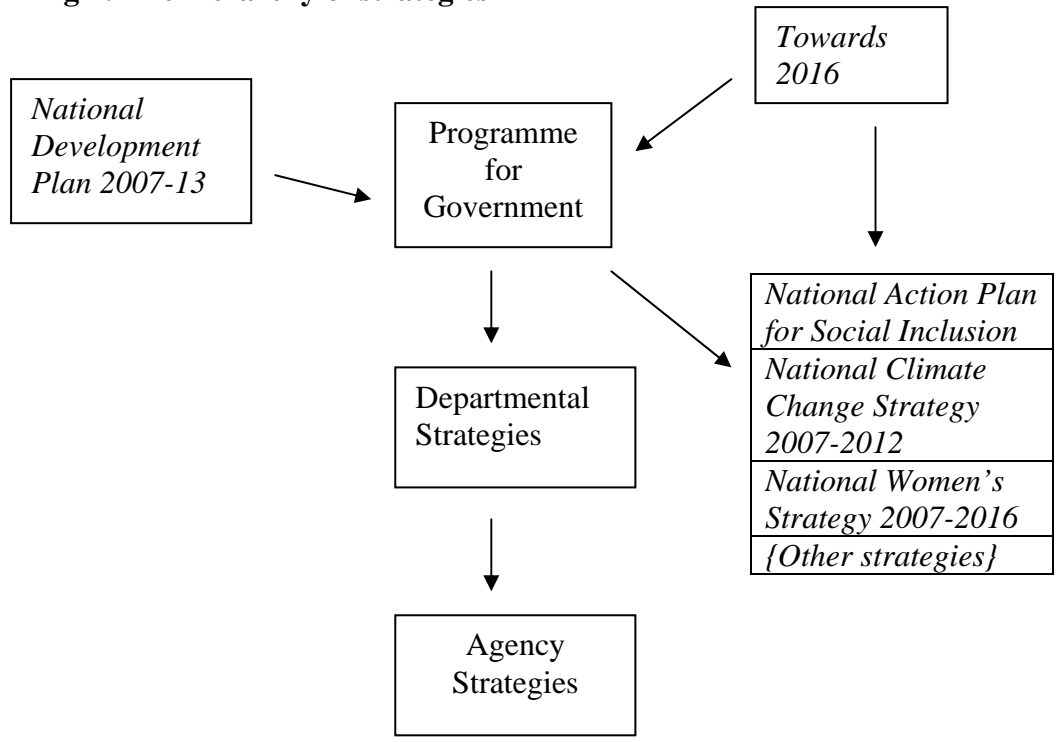
### ***Policy strategies and meta-strategies***

The last two decades have witnessed greater emphasis on market practices within the public sector in Western states, with a particular emphasis on strategic management. While plans for various policy areas are not new per se (e.g. the well-documented Programme for Economic expansion of 1958), the proliferation of 'meta-strategies' for diverse but overlapping policy areas presents challenges of co-ordination, integration and evaluation. Examples of recent meta-strategies include the National Development Plan 2007-13, the social partnership agreement *Towards 2016*, and the National Action Plan for Social Inclusion 2007-16.

Furthermore, the creation and publication of a post-election 'programme for government' setting out what the executive wishes to achieve during the course of its lifetime (a maximum of five years) has become commonplace, particularly with the advent of coalition government as a norm. The programme for government will take cognisance of existing policy and meta-strategies but assumes primacy in relation to the work of government departments. As per the Public Service Management Act, 1997, all Departments must prepare a three year 'Statement of Strategy' within 6 months of a new Minister assuming office. These Statements of Strategy combine to implement the programme for government, as well as other commitments. In order to ensure that the objectives of the Programme are being met, Ministers and senior civil

servants meet at least annually with the Department of the Taoiseach to review progress in each Department against the Programme for Government.

**Fig 1: The hierarchy of strategies**



## 2. From government to governance

In response to international economic crises in the late 1970s and early 1980s, and inspired by new-right economic theories and values based on increasing efficiency, public administrations in developed states have been subjected to considerable reforms over the last twenty years. The principal trend in these processes has been the shift from a centralised and consolidated public sector, towards a decentralised, structurally devolved and specialised one, in which greater emphasis is placed on managerialism. This has resulted in the separation of policy design, implementation and evaluation and a disaggregation of public administration. As the nature and structure of the state has changed, so too have the boundaries (insofar as they ever existed) between public, private and the ‘third’ sector become more fluid. In response, *governance* has rapidly emerged as the term used to describe both the multi-faceted nature and structure of the modern decision-making process<sup>3</sup>.

### *The changing nature of governing in Ireland*

While different models for understanding policy-making are frequently proposed, the most enduring contemporary typologies for understanding the mode of governance within the state are those of hierarchy, market and networks (Table 1).

#### *Hierarchy*

The classic Weberian bureaucratic system is often characterised as a hierarchical one. In a hierarchical organisational arrangement, there is deference to authority and control is exercised in a ‘top-down’ manner through systematic planning and the use of standards and routine oversight mechanisms. Uniformity of norms and values are also defining characteristics of hierarchical arrangements.

#### *Market*

In governance arrangements based on market principles, governments opt to reduce transaction costs and avoid delays. It does so by encouraging competition between a multiplicity of actors for influence over the allocation of resources. Incentives are introduced to encourage competition for the achievement of goals and actors are free to exit the arrangement at any time. In market arrangements governments do not attempt to interfere with ‘the invisible hand of the market’.

#### *Networks*

Networks have emerged as a theory of governance (and management) designed to offer a means of solving policy problems and that existed between hierarchy and market-based approaches. While networks resemble markets insofar as they are multi-actor and relying on their voluntary (but incentive-based) involvement, they also reflect hierarchies in that the actors’ integration and co-ordination is supported by a centralising mechanism (government in many cases). In network-type governance arrangements, emphasis is placed on trust and reciprocity.

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<sup>3</sup> Rhodes, R. *Understanding Governance: Policy Networks, Governance, Reflexivity and Accountability* (Buckingham: Open University Press, 1997); Pierre and Peters *Governance, Politics and the State* (Basingstoke, Macmillan, 2000); Kooiman, J. *Governing as Governance* (London: Sage, 2003)

Table 1: Modes of Governance<sup>4</sup>

	<b>Hierarchy</b>	<b>Market</b>	<b>Network</b>
<b>Base of interaction</b>	<b>Authority and dominance</b>	<b>Exchange and competition</b>	<b>Cooperation and solidarity</b>
<b>Purpose</b>	<b>Consciously designed and controlled goals</b>	<b>Spontaneously created results</b>	<b>Consciously designed purposes or spontaneously created results</b>
<b>Guidance, control and evaluation</b>	<b>Top down norms and standards, routines, supervision, inspection, intervention</b>	<b>Supply and demand, pricing mechanisms, self-interest, profit and loss as evaluation, courts, the ‘invisible hand of the market’</b>	<b>Shared values, analysis of common problems, consensus, loyalty, reciprocity, trust, informal evaluation, reputation</b>
<b>Role of government</b>	<b>Top-down rule-making and steering; dependent actors are controlled by rules</b>	<b>Creator and guardian of markets; purchaser of goods; actors are independent</b>	<b>Network enabler, network manager and network participant</b>
<b>Theoretical basis</b>	<b>Weberian bureaucracy</b>	<b>Neo-institutional economics</b>	<b>Network theory</b>

Network governance has provided the basis for many innovative institutional and functional arrangements in Irish public policy-making, and the participative democracy model which has accompanied it has penetrated policy-making at all levels (developments at sub-national level will be considered below). At the national level, the most visible expression of network governance has been social partnership.

### ***Social Partnership***

With its origins in the economic doldrums of the 1980s, social partnership is a form of corporatist bargaining which now encompasses social as well as economic issues. The ‘social partners’ consist of umbrella organisations for the various ‘pillars’ of the agreement - trade unions, employers groups, farming interests and the ‘community and voluntary’ or NGO sector, with the government acting in a partner / facilitator role. Social partners are encouraged to adopt a ‘problem-solving approach’ and to pursue common goals. The original triennial agreements have been replaced in 2006 with a ten-year agreement (*Towards 2016: Ten year framework partnership agreement 2006-15*). Rooted in the understanding that further economic advances were not possible without addressing deeper social issues, *Towards 2016* proposes to provide a greater coherence between the State’s social policies and all aspects of economic development, including environmental sustainability.

The agreement emphasises the need for ‘the development of effective networks across, public, voluntary and private sectors’ for the implementation of policy and

<sup>4</sup> Adapted from McGauran, A-M.; Verhoest, K. and Humphreys, P. *The Corporate Governance of Agencies in Ireland: Non-Commercial National Agencies* (Institute of Public Administration: Committee for Public Management Research Report No. 6, 2005), p. 163

commits the government to consulting with social partners in a meaningful way (p.73). In terms of the institutions to be used in the implementation of the agreement, the principal mechanism is a high-level *Steering Group* comprising of representatives from each pillar. It reviews progress on the agreements' objectives and their co-ordination across government and at local level. A wide range of committees and working groups focusing on developing different aspects of the agreement and with social partnership representation also exist, such as the Rural Development Forum, the National Childcare Co-ordinating Committee and the National Women's Strategy Co-ordinating Committee. The agreement identifies the City and County Development Board as the vehicle for 'supporting a more integrated approach to service delivery at local level' (p.76). Another key mechanism established under the agreement is the National Implementation Body, which seeks to contribute to a stable economic environment by intervening in any industrial relations disputes. Annual progress reports are published which measure progress across the breadth of issues in *Towards 2016*<sup>5</sup> and an annual plenary meeting takes place chaired by the Taoiseach.

### ***State and Market: PPPs, contracting-out and service delivery***

As the boundaries between the state and the marketplace are increasingly blurred, new modes of service delivery have emerged. Chief amongst them are public private partnerships (PPPs) and the contracting out of state services to private sector operators. The term PPP has different connotations and applications and can range from concession-based tolling of large infrastructure projects, to joint ownership of capital investments, to managing small state-owned facilities.

Public private partnerships have emerged as a means of service delivery as the diversity and complexity of tasks the State is required to undertake increases, and new sources of funding are required. In Ireland, PPPs involve co-operation and joint management of projects and a sharing of financial responsibility and risk between the state and the company involved. One of the principal reasons for the swift emergence of PPPs in Ireland was the reduction in transfers from the EU structural and cohesion funds led and the consequent need to source alternative sources of funding for the delivery of large and small infrastructure projects.

Theoretically, PPPs can be developed to deliver on any aspect of policy traditionally in the domain of government – from environmental protection to tourism. Comparatively, Ireland has proved to be particularly adept at engaging in PPPs, and a report published in 2007 found that Ireland had become a leading practitioner in the use of PPPs in a short period of time, particularly in relation to transport, waste and waste water treatment, education and housing<sup>6</sup>.

As well as PPPs, services can be 'contracted-out' for delivery by private providers subject to signed agreements. Examples of such contracting out are particular evident at the local level where local authorities have agreements with contractors for waste disposal and car parking management. A variety of contractual agreements can exist, from concessions (where the contractor pays a set fee) to a sharing of revenue earned by the contractor.

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<sup>5</sup> See [www.taoiseach.gov.ie/index.asp?locID=231&docID=-1](http://www.taoiseach.gov.ie/index.asp?locID=231&docID=-1)

<sup>6</sup> Deloitte Research *Closing the Infrastructure Gap: The role of public-private partnerships* (Deloitte: 2007)



The development of new methods for service delivery demonstrates the ability of the State to adapt to changing circumstances, including the sourcing of new revenue sources. However, the need for adequate accountability mechanisms to protect the State's liability in relation to PPPs has also been raised by the Committee of Public Accounts<sup>7</sup>.

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<sup>7</sup> Dáil Éireann Committee of Public Accounts *First Interim Report, 2007 Access to the Private Element of Public Private Partnerships – An International Comparison* (March 2007)

### 3. Managing cross-cutting issues: the key challenges

As already discusses, the difficult policy issues that government need to tackle, including sustainable development, do not lend themselves to easy answers that can neatly be partitioned between different organisations. Complex policy issues tend to outstrip conventional patterns of thought, require organisational supports that transcend institutionally defined policy fields, and increase the need for integration as much as coordination.

#### *The challenge of implementation*

First it is important to understand why ‘whole-of-government’ issues might at times seem less important than internal issues. This may be for a variety of reasons<sup>8</sup> such as:

- Bureaucratic turf wars – individual organisations may claim the right to precedence or priority in terms of addressing an issue, on the basis of precedent or previous established practice.
- Incentives that privilege internal issues, such as business plans giving priority to actions within a clearly defined sphere of activity within the responsibility of a particular organisation.
- Lack of understanding of other stakeholders perspectives, due to limited knowledge of different perspectives and limited engagement with other stakeholders.
- No culture of support for cross working, rather an emphasis on getting things done within the organisation and looking on cross working as a distraction from the main job at hand.
- The marginalisation of cross cutting champions, through ensuring that they have limited power or opportunities to shape practice and thinking within organisations.
- The reality that some so called ‘partnerships’ may not be real, but partnerships in name only to give the appearance of change whilst in practice maintaining the status quo.

In spite of these disincentives, there are a variety of means whereby cross-cutting issues can be developed as norms in national policy.

#### *Integrating cross-cutting issues into strategic plans*

The preparation of the strategic plans of government departments and agencies presents an opportunity for sustainable development as a cross-cutting theme to be reflected in the priority activities at the national level. A previous review of departmental strategic plans<sup>9</sup> indicated that it is common for departments to highlight specific cross-cutting issues and to identify and list other departments and agencies involved in the management of such issues. However, few plans take the further step of outlining how they will develop co-operative efforts, other than in the most basic terms, for example through listing inter-departmental committees they are involved in.

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<sup>8</sup> T. Bovaird (2006), *Developing a whole of government approach*, presentation to IPA roundtable, 17<sup>th</sup> October

<sup>9</sup> R. Boyle and S. Fleming (2000), *The Role of Strategy Statements*, Committee for Public Management Research Report No. 2, Dublin: Institute of Public Administration

The most informative strategic plans identify specific issues, detail the other agencies involved, and give a sense of how the issues are to be addressed. They also outline the implications for objectives and strategies generally.

### ***Structural and cultural barriers to effective integration***

As highlighted under the challenge of implementation above, probably the two main barriers to effective management of cross-cutting issues are the structural and cultural barriers. With regard to structures, the separation of work into vertical ‘silos’ and the associated accountability arrangements in the public service militate against or limit the possibilities of cross-cutting working, both in terms of policy formulation and implementation. Culturally, individuals become acclimatised to working in their own sphere of activity, and departmental traditions and culture remain a strong influence.

The question is how to overcome such problems. A number of techniques have been developed to help organisations work horizontally<sup>10</sup>:

- Cross-cutting targets
- Pooled budgets
- Cross-cutting and co-ordinating policy and delivery units
- Allocating ministers ‘horizontal’ portfolios
- Remodelling departments around outcomes
- Reforming corporate governance structures for senior civil servants
- Using the core executive to override departmentalism

Addressing the three ‘T’s’ can be of help here – information, incentives and integration<sup>11</sup>. Regarding information, the gathering and use of cross cutting performance information can lead to improved results. An example from America illustrates this point. Several American cities, inspired by its success in Baltimore, are engaging with a technology enabled management approach called CitiStat.<sup>12</sup> The mayor of the city has a database of indicators established that tracks performance against his or her political priorities, such as reducing lead levels in children’s blood from traffic fumes. The mayor then holds regular meetings with city managers to discuss these data and their trends. The mayor persistently questions managers about problems and strategies to deal with these problems. Specific targets, assignments and deadlines are given to address issues raised. In these cases, it is the production of the cross cutting outcome information, combined with the active use of this information in real time that makes the difference

In the case of incentives, the issue is trying to create a set of incentives that encourage public servants to act in support of and giving priority to whole of government issues. Financial incentives are clearly vital. International and national experience suggests that setting aside even relatively small sums of money in budgets for whole of

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<sup>10</sup> G. Lodge and S. Kalitowski (2007), *Innovations in Government*, London: Institute for Public Policy Research

<sup>11</sup> This section is a re-working of a section of a chapter entitled “Implications for public services: issues of democracy and governance” by R. Boyle, in M. Callanan (ed) (2007), *Ireland 2022*, Dublin: Institute of Public Administration

<sup>12</sup> L. J. Henderson (2003), *The Baltimore CitiStat Program*, Washington D. C.: IBM Endowment for the Business of Government

government priorities can motivate significant action and is a route that should be made more use of here. This has been done in some countries by setting aside money that is drawn down by government bodies on the condition that they work together to tackle particular problems in a coordinated fashion. Leverage funding works well at local level to source additional financing for integrated actions at local level, as the experience of the RAPID programme attests (Fitzpatrick Associates, 2006). Developing incentives in the performance management and human resource systems can also facilitate a whole of government perspective. Here, explicitly building in whole of government priority targets can help overcome a ‘silo’ mentality. So too can the presence of high level cross cutting champions. In all, what is needed is a more rigorous incentive system, particularly using budgets to shape action.

With regard to integration, the issue at question is the need for integrated thinking and practice at three levels: across departments and agencies nationally; across local level bodies; and between national and local levels. Inter departmental committees are an example at national level. So too is the recent practice in some countries of reducing the number of agencies by incorporating the functions back into government departments or by amalgamating agencies. Structurally, Finland has made significant strides in integrating central government to focus on core cross-cutting issues<sup>13</sup>. Four policy cross-cutting programmes were identified in 2004 and each assigned a lead coordination minister from the most relevant government department and a number of other cabinet ministers. These ministers are supported by civil service teams headed by a dedicated programme director. The Prime Ministers Office is responsible for overall co-ordination, supported by a programme management steering committee made up of the policy directors. Ministerial policy forums are used to bring ministers together periodically to assess direction and impact.

#### ***How are cross-cutting issues evaluated?***

A common problem is that individual organisations evaluate their own ‘part’ of a cross-cutting issue, with the result that the sum of the parts does not equal the whole. An incomplete picture is arrived at, and possibilities to address issues such as overlap or poor co-ordination missed. Lessons from international practice and early Irish experience would suggest a number of steps to improve the evaluation of cross-cutting issues<sup>14</sup>:

- *Selection of a limited number of topics for evaluation* – the identification and inclusion in an evaluation programme of a limited number of evaluations specifically established to address cross-cutting issues.
- *Political engagement/oversight* – ministerial involvement or parliamentary scrutiny can give prioritisation to the reviews.
- *Link to the wider budgetary process* – it is helpful if the cross-cutting evaluations are clearly linked to expenditure decisions made as part of the budgetary process.

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<sup>13</sup> Lodge and Kalitowski, op. cit.

<sup>14</sup> R. Boyle (2006), *Cross departmental expenditure reviews: lessons from the pilot exercises*, Committee for Public Management Research Discussion Paper No. 34, Dublin: Institute of Public Administration

- *Resourcing the evaluations* – cross-cutting evaluations, by their nature, are often large scale and tend to need significant resources, both in terms of personnel and budget.
- *Clear terms of reference* – while each evaluation will have its own specifics, there are a number of issues that most evaluations would be expected to address:
  - Identify common agreed objectives, results and strategies
  - Map the existing expenditure levels and trends in expenditure
  - Outline the structures and processes used to manage and report on expenditure
  - Assess the efficiency and effectiveness of contributory programmes and the extent to which information is being used to track and improve performance
  - Make recommendations as to the development of future performance indicators and information requirements
  - Make recommendations as to absolute and relative shifts in expenditure in order to achieve desired outcomes.

#### **4. State Agencies, State Enterprises and policy implementation**

As noted above, the movement of the modern state over the last two decades has been overwhelmingly towards structural devolution and specialisation. As evidence of this in Ireland, the proliferation of new regulatory, oversight and policy implementing institutions is one of the most striking features of contemporary Irish governance, and coincides with a breakdown of traditional structures and hierarchies in both public and private spheres. In this section, a distinction is drawn between non-commercial *state agencies* and *state enterprises* which have an explicitly commercial role, but which are also called on to fulfil non-commercial tasks.

##### ***The role of agencies in policy formulation and implementation***

Agencies are public service entities that exist outside of normal civil service departmental structures but which are accountable to the Oireachtas either directly or indirectly through government. Ireland has a long history of using agencies to perform tasks. The oldest agencies currently existing in Ireland date from the 1700s when the Registry of Deeds, the Commissioners of Irish Lights, and the Royal Irish Academy were established. A small number of agencies, such as the Geological Survey, the Valuation Office, the National Museums, Library and Gallery, were set up in the 1800s, followed by a 'wave' of agencification in the 1890s, with the establishment of the local authorities. The establishment of the Irish Free State also led to an increase in the number of agencies, although the number of agencies set up per decade remained relatively constant from the 1920s to the 1970s. Also, the establishment of agencies during this period was ad hoc, and not the result of any ideological or strategic view of what functional areas the State should remove itself from.

Since 1980, almost 400 agencies have been established at national and sub-national levels (below), many specifically designed for the purposes of policy implementation. There was particularly strong growth in the number of agencies since 1990 with over 60% of national agencies<sup>15</sup> and 80% of sub-national agencies<sup>16</sup> identifying their establishment as occurring since then. Classifying these organisations has proven to be problematic, given the mixture of legal status, ownership and financing arrangements. However, one significant feature is the strong emergence of agencies concerned with regulatory issues as the State seeks to perform its core tasks in new ways. Various other reasons have been outlined for the proliferation of agencies in recent years, the most common being:

##### ***- Economic/efficiency reasons***

The pressure to increase the productivity and efficiency of public sector administrations has encouraged the 'contracting out' of state services to specialist public bodies, which offers opportunities for more efficient use of resources. The logic of this belief is that an autonomous agency can act in a more entrepreneurial manner than if it were constrained

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<sup>15</sup> McGauran, A-M.; Verhoest, K. and Humphreys, P. *The Corporate Governance of Agencies in Ireland: Non-Commercial National Agencies* (Institute of Public Administration: Committee for Public Management Research Report No. 6, 2005)

<sup>16</sup> MacCarthaigh, M. *The Corporate Governance of Regional and Local Public Service Bodies in Ireland* (Institute of Public Administration: Committee for Public Management Research Report No. 8, 2007)

- *Changing expectations in society*

Public demands for better services has resulted in the creation of new bodies which are viewed as delivering on or meeting these demands more easily than, for example, a government department.

- *Political reasons*

Removing policy programmes from central government can demonstrate a political commitment to a cause or policy, and can provide greater independence from government. In this way, agencies can provide political credibility. However, experience suggests that public bodies involved in politically sensitive issues tend to attract above average attention from the media<sup>17</sup>.

- *Specialisation*

The need for specialist skills and technical expertise may result in the establishment of a new organisation that can employ personnel without having to adhere to traditional civil service structures. For example, they allow managers the freedom to exercise their full competencies, and provide for clearer lines of accountability than in a large multi-function organisation like a government Department.

While agencies are an attractive institutional response to problems of increasing complexity and specialisation, their establishment is not without consequence. For example, there is increasing international evidence that the establishment of agencies fosters difficulties in relation to overall national policy coherence, as well as issues of democratic legitimacy and accountability. In Ireland, while the State has demonstrated a commendable ability to establish new structures in response to different needs, it has been less successful in recognising when their existence is no longer necessary. A study of national agencies undertaken by the IPA found that almost one quarter of them (23%) saw their primary role as providing advice, with only 15% stating that their principal duty was to implement policy. Many agencies currently in existence are reincarnations of previously established bodies but perform different tasks to those originally envisaged, and the proliferation of agencies has naturally led to new challenges for Departments and the core executive concerning the management and co-ordination of agencies. A forthcoming review by the OECD of governance structures in Ireland should provide direction in this regard.

In Ireland, there does not appear to be any relationship between the size of a Department's budget, or its number of staff, and the number of agencies under its remit. The departments with the most agencies under their remit include Justice, Equality and Law Reform; Education and Science and Enterprise, Trade and Employment. The establishment of the Health Services Executive within the Department of Health and Children resulted in the abolition and merger of over 20 agencies into one unified structure. Ensuring the effectiveness of policy implementation through agencies requires departments to engage in various forms of oversight, ranging from service level agreements to regular monitoring and evaluating based on indicators, reporting and financial and non-financial audits.

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<sup>17</sup> Hogwood, B; Judge, D. and McVicar, M. "Agencies and Accountability" in Rhodes, R. (ed.) *Transforming British Government: Volume I: Changing Institutions* (Basingstoke: Macmillan, 2000)

### ***State enterprises and public service obligations***

As well, as non-commercial state agencies, it is important to recognise the role of commercial state enterprises in the implementation of national policy. In 1927 the first of the ‘state-sponsored bodies’ - the Electricity Supply Board and the Agricultural Credit Corporation (later called the ACC Bank) – were established by statute. Today state enterprises are more likely to be incorporated under the companies acts. Unlike other commercial bodies, many state enterprises are obliged to undertake ‘public service obligations’, involving the provision of free or subsidised services to certain areas or social groups.

For complex national policy issues such as sustainable development, state enterprises inevitably have a role to play given their large presence in the energy and transport sectors. Implementing policy across state enterprises is difficult given the range of market-areas in which they operate as well as the mixed ownership structure. It is interesting to note that in Ireland, ownership of each state enterprise is, in the main, divided between the Department of Finance and another line department. In other OECD states, there have been greater moves towards the centralising of ownership policy either within a single Ministry or through a specialist shareholder agency<sup>18</sup>. The production of aggregate reports detailing the achievement of financial targets and public service obligations by such enterprises is also facilitated by this.

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<sup>18</sup> OECD *Corporate Governance of State-Owned Enterprises* (Paris: OECD, 2005), pp.41-68.



## 5. Principles and politics of policy implementation

There are several schools of thought concerning the implementation of policy and more specifically, the implementation of sustainable development. For example, the OECD has established a checklist of themes which it believes is required for implementation of sustainable development policy:

- A common understanding of sustainable development
- Clear commitment and leadership
- Specific institutional mechanisms to steer integration
- Effective stakeholder involvement
- Efficient knowledge management<sup>19</sup>

Developing this issue, Lafferty proposes that sustainable development entails a unique set of policy objectives, many of which fall outside the traditional parameters of policy implementation theory and analysis<sup>20</sup>. Drawing on work by Sabatier, he identifies some issues which are critical to successful policy implementation. These can be summarised as:

- Clear and consistent goals
- An adequate theory of causality
- Legal incentives
- Engaged and competent ‘implementors’ who apply their ‘unavoidable assessments’ to the advantage of the goals in question
- Support from organised interest groups
- Stable socioeconomic and political conditions<sup>21</sup>

Others argue for attention to be better focused on particular issues that contribute to successful implementation. For example, in order to achieve the complex and varied policy goals of sustainable development, O’Toole argues that there is a need for learning and institutions of learning to be brought to bear on the development of policy implementation<sup>22</sup>. In the context of an on going debate about the nature of effective implementation, it is important to also consider the trajectory of modern government.

### ***Alternative views on the trajectory of government***

Reflecting work on other Western states by Peters<sup>23</sup>, it may be argued that there are two schools of thought concerning the development of policy implementation in Ireland. On the one hand, it is proposed that the traditional hierarchical ‘command and control’ model no longer encapsulates the manner of policy implementation in Ireland. Instead, new modes of governance have emerged which encourage collaboration and a partnership approach to government. In this model, central

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<sup>19</sup> OECD *Improving policy coherence and integration for sustainable development: A checklist* (Paris: PUMA Policy Brief, October 2002)

<sup>20</sup> Lafferty, W. M ‘Introduction: form and function in governance for sustainable development’ in Lafferty, W.M. (ed.) *Governance for Sustainable Development: The challenge of adapting form to function* (Cheltenham: Edward Elgar, 2004), pp.1-31

<sup>21</sup> Ibid. p.10

<sup>22</sup> O’Toole, L. ‘Implementation theory and the challenge of sustainable development: the transformative role of learning’ in Lafferty, W.M. (ed.) *Governance for Sustainable Development: The challenge of adapting form to function* (Cheltenham: Edward Elgar, 2004), pp.32-60

<sup>23</sup> Peters, B. G. *Alternative Futures for Public Administration* (Paper presented at IPA National Conference: Dublin, 2006)

government acts as facilitator, is concerned with ‘steering’ rather than ‘rowing’ and seeks not to impose rules but instead provides the parameters for policy-making.

Alternatively, it is proposed that while the nature of government has changed, the ‘shadow of hierarchy’ still informs much of the decision-making process and that more than ever, governments need to assume greater control over policy implementation. In this scenario, the expanding role of government and its institutions also necessitates a greater strategic approach to policy, and the use of effective mechanisms for evaluating performance, including indicators and benchmarks. While there is more emphasis on strategy and strategic thinking, pressures for short-term responses are increasing also. In part, this is driven by dwindling political tolerance for delay, and pressure to exert instant responses from the public administration. Hierarchy therefore creates incentives for co-operation.

In fact, it is possible to argue that both forms of governance are co-existing and that the essence of good governance and policy implementation will combine both. In order to manage both requires public servants to become greater ‘networkers’ whilst simultaneously upholding core public service values in the management of projects and services. Some recent developments affecting policy implementation across national government are worthy of consideration in this regard – Regulatory Impact Analysis, parliamentary accountability and Freedom of Information.

### ***Regulation and Regulatory Impact Analysis***

One of the most significant developments in the developed world has been the tendency of governments towards regulation as a method of governance and service delivery. The establishment of regulatory agencies for policy areas ranging from telecommunications to financial trading has been a defining feature of contemporary Irish governance, and the EU has played a role in encouraging the substitution of hard law in favour of regulated frameworks for action. Regulatory Impact Analysis is of particular import in this respect, and provides a mechanism for increasing awareness of the impact of policies designed to achieve sustainable development.

Regulatory Impact Analysis (RIA) involves a detailed assessment of the impacts and likely side effects and costs of regulation and involves consultation with stakeholders and citizens. Its purpose is not to substitute decision-making, but to help inform policy decisions. For cross-sectoral issues such as sustainable development, RIA obliges state actors to engage with the potential costs and consequences of implementing policies and to consider how best to prepare for that work. Integrated impact assessment was introduced by the European Commission in 2002, and, as of 2005, all major EU Commission legislative and policy-defining proposals have been subject to impact assessment. Impact assessments are now compulsory in most EU member states. The OECD recommended the introduction of ‘Regulatory Impact Analysis’ in its 2001 report on regulatory reform in Ireland. The Government followed this up with an action programme which included a White Paper on Regulatory Reform, and a draft RIA model was developed in 2001. The 2004 White Paper *Regulating Better* gave a commitment to piloting RIA, which happened in five

Departments/Offices and covered a range of projects involving primary, secondary and EU legislation on social and economic issues<sup>24</sup>.

Amongst other things, RIA helps to develop a more structured and explicit focus on the objectives behind regulations and to clarify the intentions of legislation. It also helped to identify alternative options for achieving a policy goal and resulted in better analysis and quantification of costs. A key aspect of RIA is the importance of consultation with stakeholders and an earlier consideration of enforcement and compliance costs. In Ireland, a two-phase approach to RIA has been adopted – a *screening* RIA and a *full* RIA. The former is applied to all primary legislation involving changes to the regulatory framework, significant statutory instruments and draft EU Directives and Regulations. A full RIA is to be conducted where the screening RIA suggests there will be significant impacts. Although in its infancy in Ireland, RIA offers great potential for ex ante quantification and assessment of policy – issues that of particular importance for the whole of government approach required for sustainable development policies.

### ***The role of the Oireachtas and parliamentary accountability***

A frequently underappreciated factor in policy-making in Ireland is the role of parliament in formulating and approving binding issues of public policy. MacCarthaigh argues that the oversight role of Dáil Éireann in particular has been undermined by the growth of non-parliamentary bodies concerned with the accountability of various aspects of the political and administrative arenas<sup>25</sup>. This has implications for the democratic legitimacy of decision-making, particularly as other institutions have emerged as important agenda-setting forums, including the EU and social partnership arrangements.

While not traditionally viewed as a ‘policy-initiating’ legislature, several recent developments offer the potential to enhance the role of members of the Oireachtas in national policy. In the first instance, the establishment of the Houses of the Oireachtas Commission has allowed the Houses to develop their role in the context of three-year (rather than annual) financial packages. As part of the reforms initiated by the Commission, a new dedicated research division within the Oireachtas offers members greater scope for developing their knowledge of national and international policy issues. Furthermore, in 2006 a new initiative was announced whereby government departments would produce ‘output statements’ which could be used by Oireachtas committees in their oversight of the public service. The first iterations of these statements were produced in 2007. In terms of cross-cutting issues such as sustainable development, it is important that there is clarity concerning which parliamentary committee will take responsibility for overseeing its progress.

### ***Public access to information***

As noted above, participatory democracy is now an established feature of Irish governance at local and national level and manifests itself both formally and informally. Behind the emphasis on participatory democracy supplementing traditional representative modes of democratic engagement lies the belief that developing and encouraging civic engagement increases levels of confidence and trust

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<sup>24</sup> For more information on the RIA pilots, please see CPMR Discussion Paper No.31 by Richard Boyle, titled ‘Regulatory Impact Analysis: Lessons from the Pilot Exercise’ (2005)

<sup>25</sup> MacCarthaigh, M. *Accountability in Irish Parliamentary Politics* (Dublin: IPA, 2005)

in modern states. As part of this trend and in line with developments in many other OECD states, Ireland adopted a Freedom of Information regime allowing for public access to documents produced in the course of public policy making. The Act provided for three new rights for citizens:

- 1) A right of access to records held by public bodies
- 2) A right to have personal information amended if incorrect
- 3) A right to be given reasons for decisions that affect the individual

Freedom of Information has had a profound impact on the nature of policy-making in Ireland, and in particular the quality of record keeping. Whether it improves the quality of decisions taken is less easily ascertained and there are concerns that it can promote defensiveness within the public sphere when it is used to find fault rather than its original intention of transparency in decision-making.

Having considered the institutions of government at the national level, and some of the emerging trends in Irish governance, the ‘vertical’ dimension of government between the national and sub-national levels are now considered.

## 6. Governance structures at the sub-national level

### *Local Authorities*

Apart from central government, the only other level of elected government in Ireland is local government. The principal institutions of Irish local government are the county, city, borough, and town councils, which are structured as follow:

- 29 county councils and 5 city councils covering the entire state territory. Both have a similar range of functions and are designated in law as the ‘primary units of local government in Ireland’<sup>26</sup>.
- 5 borough councils (Kilkenny, Drogheda, Clonmel, Sligo and Wexford). Their status arises from their historical self-governing charters, and within their boundaries they perform many of the same functions as city and county councils. However, in some functional areas the county council in which the borough council is situated will have final responsibility
- 75 town councils. Under the Local Government Act 2001, town councils are principally concerned with promoting the community interest and some planning and housing functions within the town boundary areas. Only 13% of the population live in the town and borough council areas.

When compared to municipal structures in other countries, the county and city councils are rather large units, covering relatively large populations of people. Local authorities in virtually all OECD countries have a much lower population base than is the case in Ireland. Also, a defining feature of Irish local government is the lack of local taxation for domestic properties or related services, and the level of control exerted by central government over local authority finance and policy. In terms of function, comparatively speaking Irish local authorities are considered to possess a relatively narrow range of functions. Local authorities in many other countries provide services which in Ireland are provided either by central government departments or national agencies – for example in the areas of social service provision or education. Nevertheless local government in Ireland is responsible for delivery of a number of essential services including:

- Social housing;
- Roads and transportation;
- Water supply and treatment, sewerage;
- Physical planning and development control;
- Environmental protection and waste management;
- Fire services and civil defence;
- Local libraries, parks, museums, theatres, cultural facilities and recreational facilities;
- Coordination of public services at local level<sup>27</sup>.

Local authorities are an integral part of national policy implementation and up to 40% of the new National Development Plan 2007-13 will be delivered by them. However, when it came to dealing with issues of local economic development and enterprise

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<sup>26</sup> Section 11, Local Government Act 2001

<sup>27</sup> See Callanan, M. and MacCarthaigh, M. ‘Municipal Reforms in Ireland’ in E. LeSage, J. Garcea and B. Dollery (eds) *Municipal Reform in Anglo-American Countries* (Edward Elgar: forthcoming 2008)

and other matters during the 1990s, the government chose to bypass local authority structures and to assign responsibilities to a range of newly established local development agencies. As per the growth of agencies at the national level, there has therefore been an explosion of bodies at the sub-national level in recent years. These bodies have formal and informal connections with local authorities and are involved in various policy areas from EU funding to education and harbours and are considered in more detail below.

### ***Regional Authorities and Assemblies***

Membership of the EU has had a strong influence in the establishment of sub-national agencies, both in terms of funding and legislation for the establishment of such bodies. The EU has also been an open advocate of subsidiarity and the devolution of functions to lower levels within member states. In order to meet requirements for the administration of EU funding, new administrative regions were created during the 1990s. Eight Regional Authorities were established in 1994 and each is indirectly elected, consisting of members from the local authorities covered by the authority. Each regional authority covers between three and six local authorities and their principal roles are to promote the co-ordination of public service provision and to monitor the delivery of EU Structural Fund assistance in the regions. The Regional Authorities are involved in many policy areas, including local development, infrastructure, environment and equality. The Authorities also have responsibility for reviewing the development plans of local authorities in their region and in adjoining regions, as well as preparing regional planning guidelines and regional economic and social strategies. Regional authorities are also charged with promoting cooperation among local authorities and other public bodies on these matters.

As well as regional authorities, another administrative layer of government was created in 1999. The country was divided into two regions according to regional authority boundaries, and each assigned a Regional Assembly for overseeing the disbursement of EU funds. The Border, Midlands and Western Regional (BMW) Assembly consists of twenty-nine elected members drawn from thirteen local authorities. The Southern and Eastern (S&E) Regional Assembly consists of forty-one elected members from the remaining city and county councils. The roles of the assemblies are to manage their Regional Operational Programmes as described under the National Development Plan. The Regional Operational Programmes for each regional assembly bring together a wide range of initiatives at both regional and local level covering such issues as regional and local infrastructure, local enterprise development, agriculture and rural development, social inclusion and childcare. They also:

- Monitor the impact of EU programmes under the National Development Plan/Community Support Framework within their region
- Promote the co-ordination of public services within the Region
- Make public bodies aware of the regional implications of their policies, plans and activities.

### ***Other local and regional bodies***

Apart from local authorities, regional authorities and regional assemblies, there are approximately 240 other bodies operating on a non-commercial basis at local and regional level in Ireland. While some, including the harbour commissions, regional fisheries boards and regional tourism development authorities are either in a process

of restructuring or have recently changed their corporate governance arrangements, many other bodies are integral to a systemic implementation of national strategies such as sustainable development. These include:

#### *City and county enterprise boards*

Enterprise boards were first established in 1993 to encourage local enterprise and entrepreneurship and achieved legal recognition as companies limited by guarantee by virtue of the Industrial Development Act, 1995. There are currently thirty-five in existence and they are managed by the Department of Enterprise, Trade and Employment. Their principal role is to help establish and thereafter support the development of employment through small enterprises by offering training, financial assistance and business advice.

#### *Partnership companies*

Partnership companies are also limited by guarantee and are involved in issues related to social inclusion and local community development. They were established during the 1991-6 period in areas of disadvantage and were heavily supported by EU funding. Today, their funding is derived through *Pobal*, a not-for-profit company that manages programmes on behalf of the Irish government and the EU, aimed at promoting social inclusion, reconciliation and equality. There are currently thirty-eight in existence and each has a board of directors drawn at local level from representatives of local authorities, the social partners, various state organisations and community and voluntary organisations active in economic and social development. Each Partnership is required to prepare a local development plan to counter disadvantage and to implement that plan. Several partnership companies operate within LEADER structures (below).

#### *LEADER groups*

LEADER<sup>28</sup> is an EU initiative designed to foster rural development at the local level and since 2002 has been supervised by the Department of Community, Rural and Gaeltacht Affairs. Today, LEADER groups are principally funded from the Exchequer, and are private companies whose work includes the marketing of goods, rural tourism and supporting small firms. Each LEADER group has a board comprising representatives of local communities, state bodies, local authorities and social partners (which includes farming interests).

#### *City and county development boards*

Following the *Report of the Task Force on the Integration of Local Government and Local Development Systems* and its recommendations of closer links between local authorities and local development bodies, City and County Development boards (CDBs) were established in 2000. The boards are comprised of representatives of local authorities staff and councillors, national bodies such as Enterprise Ireland and FÁS, the social partners, local development agencies (including those described above) and various other local non-governmental organisations and charities. The principal role of CDBs is to co-ordinate the work of the various bodies represented on the Boards in order to provide more coherent delivery of services in their respective

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<sup>28</sup> *Liasons Entre Actions de Développement de l'Économie Rurale* (Links Between Development Actions for the Rural Economy)

local authority area, and at the time of their establishment, they had a particular focus on issues of social exclusion and local development. However, CDBs are also involved in issues relating to sustainable development.

CDBs are all engaged in achieving the targets set in their ten-year strategies for 'economic, social and cultural development' which were published in 2002. Achieving recognition of policy goals in CDB strategies has been an important goal of many local and national organisations. Given their explicit recognition in several recently-published national strategies such as the *National Development Plan 2007-13, Towards 2016* and the *National Action Plan for Social Inclusion 2007-16*, CDBs will continue to be an instrumental mechanism at the sub-national level for policy implementation. A recent study undertaken by the IPA reflected the considerable discretion enjoyed by CDBs over their ability to make policy choices<sup>29</sup>.

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<sup>29</sup> MacCarthaigh, M. *The Corporate Governance of Regional and Local Public Service Bodies in Ireland* (Institute of Public Administration: Committee for Public Management Research Report No. 8, 2007), p.45



## 7. Integrating National and Sub-National government

### *Managing multi-level governance in Ireland*

A simple dichotomous understanding of local-central relations obscures the many forms of engagement between local, regional and central administrations in Ireland. These modes of engagement have become more complex as the quantity of tasks performed at sub-national level increases. The growth in functions now performed at sub-national level in Ireland has not necessarily been at the expense of central or local government but represents growing public demands for services and recognition of the importance of 'local' knowledge in the implementation of national policy. However, there are historical examples of periods of contraction at the local level as well; for example many local authority functions have been transferred to national agencies in recent years. Bodies such as the Environmental Protection Agency and the National Roads Authority have changed the institutional environment in which local authorities must operate.

The reports of the Devolution Commission established in the mid-1990s identified issues such as tourism, economic development, education and social welfare as appropriate for greater local government involvement<sup>30</sup>. It also recommended that committees at national level representative of government departments, local authorities, service providers and user groups be established to discuss policy issues related to local government.

Within sub-national government in Ireland, there are extensive formal and informal connections and activities that link local and regional bodies. A key question that arises when attempting to understand the relationship between central government and sub-national government is whether or not the relationship is a principal-agent one, common to theories of public administration, or if the principle of partnership is adopted. Recent research identifies that partnership and consultation are key concerns of government departments when communicating with local and regional bodies, and input to policy making is normally provided through formal channels (such as board members) or alternatively through 'recognised bodies' i.e. representative groups<sup>31</sup>.

### *Hierarchy, Networks and Stakeholders*

Networks are predicated on processes of trust and to effectively network organisations must align their organisational structures, pool resources and identify those competencies where they can add value in order to favourably influence policy<sup>32</sup>. As noted above, network governance has emerged as the dominant model for policy formulation and implementation at national level in Ireland. In a similar manner, there is increasing evidence of network governance assuming a central position at the sub-national level. The increased use of mechanisms of consultation, participation, co-operation and stakeholder involvement indicate that the trajectory of development is towards this model as opposed to any other. Figure 7.1 identifies that the

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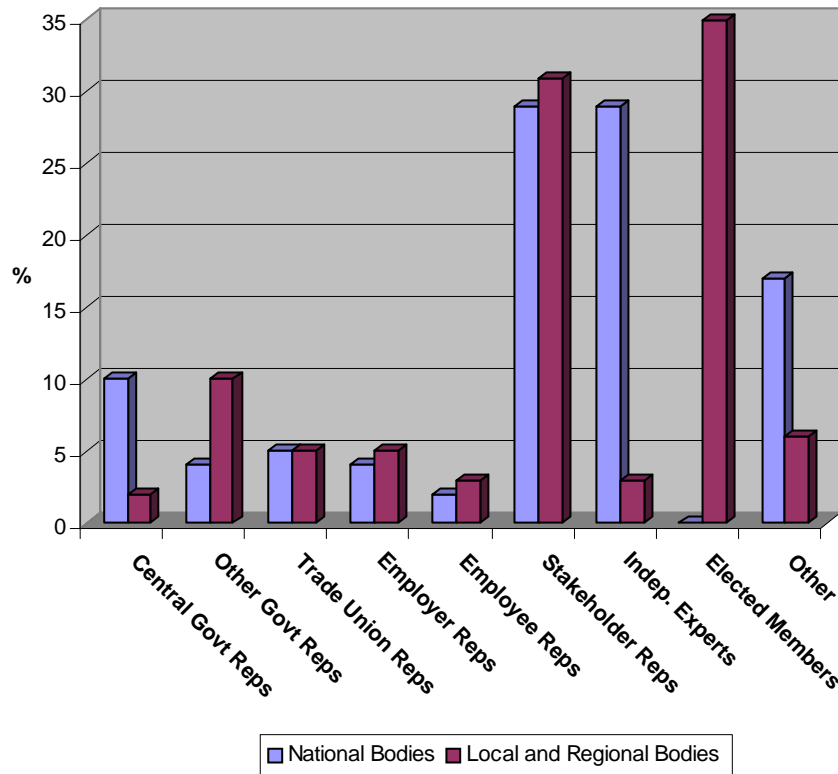
<sup>30</sup> Devolution Commission *Interim Report* (Dublin: Stationery Office, 1996), pp. 27-28; Devolution Commission *Second Report* (Dublin: Stationery Office, 1997), p. 15

<sup>31</sup> MacCarthaigh, M. *The Corporate Governance of Regional and Local Public Service Bodies in Ireland* (Institute of Public Administration: Committee for Public Management Research Report No. 8, 2007)

<sup>32</sup> Painter, C.; Isaac-Henry, K. and Rouse, J. 'Local Authorities and Non-Elected Agencies: Strategic Responses and Organisational Networks' in *Public Administration*, 75 (2), pp.228

proportion of stakeholder representatives on the boards of sub-national agencies reflects that of national agencies.

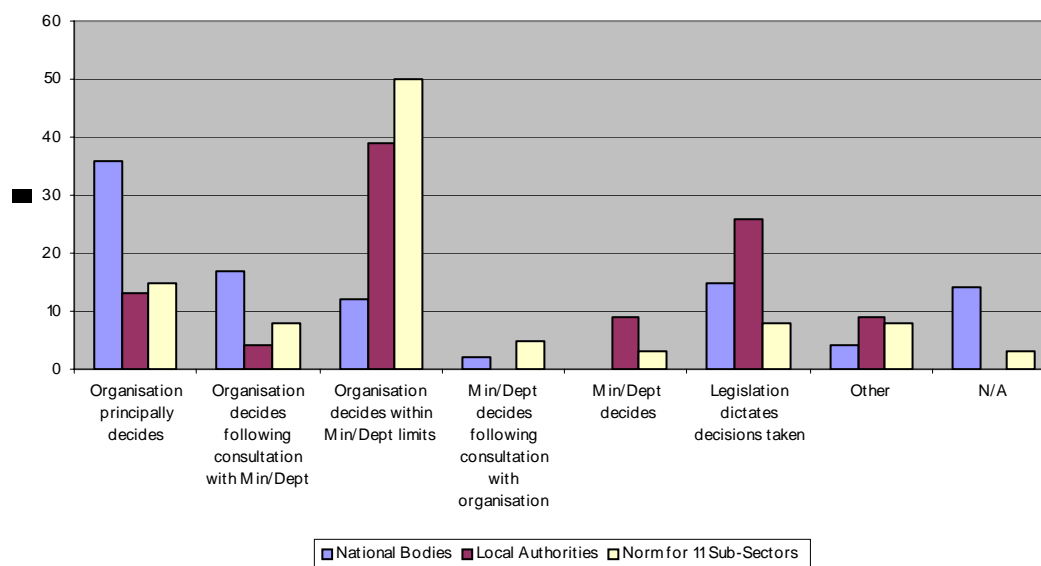
**Fig 7.1: Representation of groups on boards (%)**



However, reflecting the path-dependent nature of its historical development, important elements of the hierarchical approach to governance still feature at the sub-national level. For example, taking the issue of an agency’s autonomy to decide on the social group with which it will target its work, recent research suggests that at the national level, agencies enjoy more discretion than at the local level (Figure 7.2)<sup>33</sup>.

<sup>33</sup> MacCarthaigh, M. *The Corporate Governance of Regional and Local Public Service Bodies in Ireland* (Institute of Public Administration: Committee for Public Management Research Report No. 8, 2007), p. 44

**Fig 7.2: Can organisation decide on the target group for its actions/functions? (%)**



Many key aspects of the work of sub-national bodies (including local authorities) are centrally controlled, particularly matters related to recruitment and finance. Also, in spite of recent reforms, local authorities remain comparatively ‘weak’ in terms of their ability to act outside of limits established by central government.

### ***Achieving local and regional input into national policy***

Successful implementation requires efficient two-way processes of communication. As noted above, while central government in Ireland has several means of communicating their requirements to local government and local agencies, there is room for developing the reverse or ‘upward’ flow of information. It is proposed that this offers a means of ensuring greater coherence in policy making<sup>34</sup>.

In terms of *formal* methods of representing the voice of sub-national government at the national level, it is significant that few national agencies contain local authority representation on their boards. In fact, informal methods of communication as well as representative groups are extensively employed in communicating the concerns of sub-national organisations upwards.

Recent work on social inclusion by O’Riordáin suggests that for complex policy initiatives to be successfully across national and local government requires its recognition in the strategies and business plans of all government departments, state agencies, local authorities and CDBs<sup>35</sup>. He also suggests that the representatives of national agencies on CDBs should have responsibility for ensuring the goals of the CDB are reflected within their organisation’s work.

<sup>34</sup> Keogan, J. F. “Reform in Irish Local Government” in Callanan, M. and Keogan, J.F. *Local Government in Ireland: Inside Out* (Dublin: IPA, 2003), p.87. For analysis of this issue in relation to social inclusion, see O’Riordáin, S. *Poverty and Social Inclusion: Linking Local and National Structures* (Dublin: Combat Poverty Agency, 2006)

<sup>35</sup> O’Riordáin, S. *Poverty and Social Inclusion: Linking Local and National Structures* (Dublin: Combat Poverty Agency, 2006)

Drawing attention to initiatives elsewhere, he notes how in Holland the concept of 'diagonal coordination' has emerged as a means of realising complex and urgent projects without having to wade through existing governing and statutory frameworks. Some evidence of this thinking in Ireland is provided through attempts to create strategic development zones which could fast-track the planning process. In the context of ever-greater numbers of complex policy problems, new approaches such as these for implementing policy will be required.

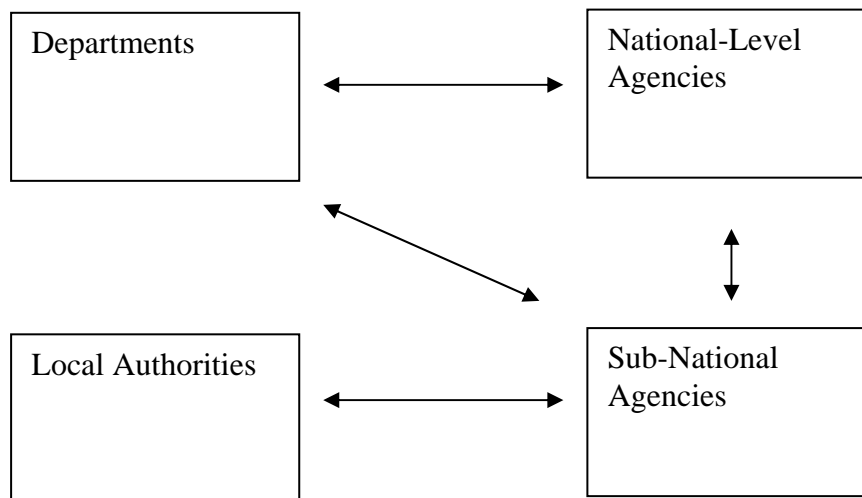
## 8. Challenges to policy implementation at sub-national level

### *The governance of local and regional organisations*

Just as the oversight of national-level agencies has become a major preoccupation of government departments, so too does the management of sub-national agencies present particular challenges. Figure 8.1 identifies the variety of relationships between:

- Local authorities and sub-national agencies
- Departments and national-level agencies
- Departments (and national-level agencies) and sub-national agencies

**Fig 8.1: National and local agency relationships**



Focussing on the last of these issues, MacCarthaigh identifies that oversight of the work of sub-national organisations in Ireland takes place through an intricate system of formal and informal communications. A survey of the formal methods of communication between local and regional agencies identifies that few organisations at local and regional level engage in monthly formal meetings with their parent departments<sup>36</sup>. Instead, other avenues of communication between local and regional bodies and their parent bodies/ministers are utilised. These include meetings without written proceedings, e-mails or phone calls and over two-thirds of sub-national agencies are involved in such contact at least once a month. However, the principal organisation at the sub-national level remains local authorities, and their role in co-ordinating national policy at the local level is key to its success.

### *Co-ordination of local and regional networks*

The range of organisations now operating at sub-national level in Ireland makes simple comprehension difficult. This is particularly the case in relation to the organisations involved in local enterprise. In the absence of a coherent split of functions between the different levels of government in Ireland, successful policy implementation becomes problematic.

<sup>36</sup> MacCarthaigh, M. *The Corporate Governance of Regional and Local Public Service Bodies in Ireland* (Institute of Public Administration: Committee for Public Management Research Report No. 8, 2007)

Somewhat ironically, approximately a third of local and regional agencies surveyed in the recent research identified above stated that their primary function was coordination. As noted above CDBs were explicitly established to engage in co-ordination of other sub-national agencies. However, a further 28% noted that the direct implementation of policy was their main function. With such a diverse range of interests, obligations and even personalities, co-ordinating the work of sub-national agencies in order to ensure national policy objectives is particularly problematic. A key issue identified by Ó Riordáin in this regard is the lack of awareness of local organisations of their role in national policy; as well as inconsistency between local and national policy priorities<sup>37</sup>. Also, between local authority/CDB areas there is the possibility of significant variation in the successful implementation of policy and its measurement.

Limited attention is given to what is often a major blockage to effective whole of government action – more effective integration between the local, regional and national levels. The balance between central control and local empowerment is vital here.

#### ***Options for improving communications between levels of government***

Criticisms of the failure of whole of government initiatives are often made at national level of the failure of the local level to see things through. At the local level, the national level is blamed for blocking local responsiveness. Such problems are often caused by the culture and mindsets of those involved. At central level, for example, many of the policy makers involved will frequently not have had any direct experience in on-the-ground delivery.

This latter point has implications for human resource management policy. The trend in some countries, such as Denmark, Finland and the UK, is for open competition for all posts including senior posts, and for decisions on promotion to senior levels to give weight to frontline service delivery experience (whether at local level, in agencies, or in the private sector) as well as policy capability. This type of mobility across the public service is made more difficult with the use of different ‘recruitment pools’, which while encouraging specialisation can serve to reinforce a silo mentality and a lack of understanding or awareness of the working of different parts of the public service.

Agencies are often cited internationally in discussions on problems with addressing whole of government issues, which is sometimes referred to as joined up government. The sheer variety of agencies can contribute to problems of coordination. What is clear is that structural change alone will not improve whole of government management. Better processes, such as cross-cutting outcome focused targets and pooled budgets are also needed. In Scotland, ministers have been allocated issues that cross departments rather than the traditional approach of linking minister’s responsibilities with particular departments. Within the public service, there is a need to develop leaders who, rather than lead individual organisations, can build and lead

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<sup>37</sup> O’Riordáin, S. *Poverty and Social Inclusion: Linking Local and National Structures* (Dublin: Combat Poverty Agency, 2006), p.42-3

partnerships focused on common goals. Collaborative leaders will also become increasingly important, particularly in the context of a decentralised civil service.

Also, users of services are increasingly demanding that public services be provided in an integrated manner, not necessarily being restricted by pre-existing organisational boundaries. Workplace processes and procedures need to be redesigned around the needs of service users. On this point, an interesting childhood development initiative is taking place in Tallaght West. It starts not with what organisations can deliver, but with the better outcomes for children that they want to achieve. Things like that children will be using fewer drugs, attend school more frequently, be less likely to be victims of bullying and experience better relationships with their parents. And they have set in place systems to try to measure if these outcomes are being achieved. This all requires collaboration by public service organisations, voluntary bodies, the private sector and the local community.

### ***Ensuring policy coherence***

In encouraging better collaboration on cross-cutting issues at the local level, a number of common themes have been identified<sup>38</sup>:

- There is strong support in principle for more integrated ways of working but that there can be difficulties in translating this into practice, with resistance occurring from service providers in areas like the sharing of service user information.
- Indications are that embedding multi-agency working requires shifts in attitudes and practice which takes time to embed and this needs to be scheduled into implementation plans.
- Explicit, formal, written arrangements for multi-agency working are an important component of successful partnership. These ensure that partners are clear about how things get done and what each is responsible for. Service-level agreements or memorandums of understanding are examples of these arrangements.
- Other indicators of success include clear leadership, involvement by senior executives from statutory bodies, a climate of trust among participants and previous experience of multi agency working.
- A support structure, in the form of information, training and other resources and a person or persons to champion necessary changes is essential to successful implementation.

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<sup>38</sup> M. Higgins (2006), *Proposals for an Implementation Structure for the Childhood Development Initiative in Tallaght West*, Dublin: Childhood Development Initiative

## Conclusions

As noted at the outset of this study, there is no simple answer to the question of how best to implement policy, not least policies concerned with complex issues of sustainable development. For implementation to be successful requires a policy to become a norm in public decision-making processes. In Ireland, this means departments, national-level agencies, state enterprises, local authorities and sub-national agencies developing their understanding of a policy that is warranted by central government to be of sufficient national importance as to merit inclusion in all future strategies and plans.

A good start has already been made in terms of the institutional environment for implementing such policies. Entities such as the CDBs, regional assemblies, social partnership groups and even Cabinet sub-committees allow for better management of whole of government issues. This paper has demonstrated that while policy implementation across national government is complicated by a rapidly changing institutional and governing environment, so too does the vertical implementation of policy require particular attention. In concluding, this paper proposes that attention be drawn to a number of issues affecting policy implementation in three arenas:

### *1) Implementation across the national level*

While network-based arrangements have altered the nature of governing in Ireland, it is important to maintain a ‘shadow of hierarchy’ to provide incentives for actors to cooperate. Thus the role of the centre remains critical in policy implementation. Also, clarity concerning policy goals should be reflected in meta- as well as sectoral strategies; such clarity will also assist in the management of agencies by departments.

### *2) Implementation at the interface between national and sub-national government*

Awareness of the different policy environments and challenges faced by actors at national and sub-national level is important is essential for multi-level governance. Greater mobility between levels of government can enhance this. Also, there is scope for greater upward feedback of ‘local’ knowledge into national policy-making.

### *3) Implementation across the sub-national level*

As the range of tasks the state is required to perform increases, clear recognition of what is appropriate for sub-national and what is better performed through national structures such as agencies is necessary. Also, the co-ordination of sub-national agencies and asserting the role of local authorities as the key driver of change at the local level is also required.

Finally, policy implementation requires a set of shared principles informing the activities of actors in a multi-level governance environment. The following are suggested:

*Clarity.* In order for policy implementation to occur, those actors at different levels of government require clarity over what the goals of the policy are and how their work complements the overall policy objective. There should also be clarity concerning the power relationships between actors and the environment in which they operate.



*Trust.* Within any network, participants must have trust in each other in order to allow for resource sharing and deference in relation to expertise in the achievement of specific tasks.

*Transparency.* Open processes of engagement and communication enhance trust and allow for win-win scenarios for actors involved in policy implementation at different levels of government.

All of the above takes place in the context of a democratic political system, and the most effective guarantee of policy implementation in such an environment is sustained political interest brought about by public concern and public pressure. In the final analysis, successful policy implementation is in effect the litmus test of democratic accountability.