

## Second National Action Plan under the Open Government Partnership Initiative

### *A Submission by the Citizens Information Board - September 2016*

#### **Introduction**

The Citizens Information Board (CIB) welcomes the opportunity to make a submission to the Department of Public Expenditure and Reform on the second National Action Plan under the Open Government Partnership initiative. The Action Plan is another important milestone in enhancing civic engagement and promoting active citizenship. The National Action Plan 2014-2016 was an important and necessary step towards greater openness by Government and facilitating better engagement with civil society. The emphasis on building on best practice internationally is an important one. The challenges identified in the first Action Plan – improving public services; increasing public integrity; more effectively managing public resources; creating safer communities; and increasing corporate accountability remain valid and relevant. The second Action Plan can also build on the *Principles/Guidance for Public Consultation* which has already been put in place by the Department as well as on a more citizen-centred approach to FOI legislation.

The CIB has over the years regularly highlighted the need for stronger consultation and feedback mechanisms in order to ensure that the views and perspectives of citizens form an integral part of policies at planning and implementation stage. In this regard, our delivery service – the national network of Citizens Information Services (CIS), the Citizens Information Phone Service (CIPS), the Money Advice and Budgeting Service (MABS), the National Advocacy Service for People with Disabilities (NAS) and the Sign Language Interpreting Service (SLIS) – provide a rich source of data on citizens' experiences of accessing social services and engaging with government agencies in the process.<sup>1</sup> Many of the users of these services can be said to be somewhat on the margins – unemployed people, low income workers, people with disabilities, non-EU migrants and Travellers.

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<sup>1</sup> Citizens Information Services and other CIB supported services deal with over 600,000 callers and over a million queries annually on all aspects of public service provision and related rights and entitlements. Drawing on feedback from these services, the CIB compiles social policy reports and submissions on an ongoing basis based on this feedback.

## **Action Plan Components Identified**

The three central aims of the Action Plan identified – increased citizen engagement, increased transparency and open data, and strengthened governance and accountability – are important and relevant. The CIB identifies the following as key components of open government.

- 1) Meaningful citizen participation
- 2) A more devolved local government
- 3) Inter-agency collaboration
- 4) Optimising the role of the community and voluntary sector as a bridge between the citizen and the State
- 5) Access to information

### ***Meaningful citizen participation***

The central importance of citizen participation has been emphasised in the Action Plan and it has long been widely acknowledged that effective citizen participation<sup>2</sup> is the key to public services understanding the needs and expectations of their wide range of users.

The Ombudsman has stated that governments should seek to encourage citizens to engage in public debate, provide input, and make contributions that lead to more responsive, innovative and effective governance.<sup>3</sup> The CIB has made the point over the years that consultation with citizens should be meaningful and has noted the essential difference between consultation and participation.<sup>4</sup> Those who are consulted offer their opinions which are taken into account more or less by those making the decisions while those who participate share directly in the decision-making process and the outcomes. The picture that emerges from CIB supported services is that the main emphasis in the consultation process to date has tended to be from a provider rather than a user perspective and that there is a clear need for a more organic engagement with individuals and groups.

Participation is an ongoing process (as distinct from one-off consultations) and real participation by target groups requires investment in time, energy and commitment by government. Good participation practice recognises social, cultural and biographical diversity and develops diverse and appropriate mechanisms to ensure that people from diverse backgrounds are effectively included. All individuals and groups are enabled to

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<sup>2</sup>Citizen participation is understood as the process through which all stakeholders influence and share control over priority setting, policy-making, resource allocations and outputs. It is a key component in ensuring long-term sustainability, transparency and accountability, and in doing so, enhances the effectiveness of policies and programmes.

<sup>3</sup> <https://www.ombudsman.gov.ie/en/About-Us/Policies-and-Strategies/Submissions-and-Proposals/Open-Government-Action-Plan/Open-Government-Action-Plan.pdf>

<sup>4</sup> See Citizens Information Board 2015 Submission on *Draft Principles/Guidance for Public Consultation* [http://www.citizensinformationboard.ie/downloads/social\\_policy/submissions2015/DPER\\_Public\\_Consultation\\_Guidelines\\_Oct2015.pdf](http://www.citizensinformationboard.ie/downloads/social_policy/submissions2015/DPER_Public_Consultation_Guidelines_Oct2015.pdf)

influence government decisions in a representational manner which enhances the concept of 'voice'.<sup>5</sup>

Meaningful citizen participation is particularly challenging when the population group is considered 'hard to reach'. For example, some people with disabilities may be hard to reach because they may have reduced capacity or communicate differently and some older people may be hard to reach because of their place of residence (e.g., a nursing home). There needs to be provision in the Action Plan identifying and addressing Impediments to participation – linguistic, cultural, social, educational and geographical. Additionally, people with disabilities, including, in particular, those with cognitive impairment, will almost certainly be left out of the citizen participation loop unless specific and targeted mechanisms are put in place.

The Action Plan needs to move beyond the use primarily of mechanisms at the lower end of the consultation scale, e.g., user surveys to mechanisms that are more organic and participatory. Other administrations, at both central and local government levels, have developed initiatives such as citizens' juries and user panels to deepen participation in service design and delivery. For example, in Canada, a 'Citizens First Service Model'<sup>6</sup> has been developed which is based upon: (a) citizens' service needs and expectations, (b) access to services, (c) service delivery, (d) perceptions of service quality and (e) citizens' priorities for development.

There would appear to be potential in Ireland to apply the concept of the 'citizens' convention/assembly' (which is being recently used on an *ad hoc* basis at national level) by establishing it as a permanent structure at both national and regional levels. This should be explored in the Action Plan.

### ***Enhancing the role of Local Government***

A strong underlying feature of Irish local government, acknowledged in a 2008 Green Paper<sup>7</sup>, is that it has a much narrower range of functions than local government in most other European states, where it often plays a role in the provision of policing, health and education. It is also the case that, in Ireland, there is a very wide range of organisations - statutory, NGO and private - involved in delivering services at regional and local levels. Services have become increasingly fragmented from the perspective of citizens as voluntary/community organisations and, more recently, private providers, have become

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<sup>5</sup> Members of an organisation (a business, a nation or any other form of human grouping), have essentially two possible responses when they perceive that the organisation is demonstrating a decrease in quality or benefit to the member: (i) They can **exit** (withdraw from the relationship); or, (ii) They can **voice** (attempt to repair or improve the relationship through communication of the complaint, grievance or proposal for change).

<sup>6</sup> <http://www.iccs-isac.org/research/citizens-first/?lang=en>

<sup>7</sup> Stronger Local Democracy – Options for Change, Department of the Environment, Heritage and Local Government, April 2008.

actively involved in frontline service delivery. The emphasis at the general policy level<sup>8</sup> on the need to co-ordinate and integrate services at the point of delivery is frequently not translated into actual practice.

The programme for Local Government Reform outlined in the First Action Plan should be continued and expedited.

Despite the existence of an extensive local administrative infrastructure, the majority of public expenditure decisions continue to be made at national level<sup>9</sup>. The OECD<sup>10</sup> has noted that responding to more complex, cross-cutting issues will require an integrated Public Service that acts increasingly through networks rather than top-down structures. The Council of Europe has stated<sup>11</sup> that Ireland does not have enough constitutional protection for local government and called on the Irish Government to implement legislation to address this deficit. The report noted that local governments “only manage a modest amount of public affairs” and that the administrative supervision of their activities by the central level remains. The Congress rapporteurs<sup>12</sup>, citing the *Putting People First Action Plan*, welcomed the fact that Ireland has made “substantial changes” in the past decade and, also, the commitment of the Irish authorities to move from an almost fully centralised system to a certain level of decentralisation. The Report however recommended to the Irish authorities that they revise their legislation in order to ensure that the subsidiarity principle is better enshrined and protected in law. This is something that the Action Plan should consider.

### ***Inter-agency collaboration***

There is a strong emphasis on inter-agency collaboration in many government and departmental initiatives and on providing people with a seamless services. Within the statutory sector nationally, the broader community and voluntary sector and within the local development sector, there has been a strong emphasis in recent years on issues relating to partnership, co-ordinated services, networking, inter-agency co-operation and service integration.

Implementing this approach fully requires greater integration of resource allocation and policy-making at both national and local levels is required. While it is not clear to what extent deficiencies in inter-agency collaboration regularly highlighted in research findings are a result of organisational deficiencies or a simple lack of funding, it should be noted that difficulties arising from organisational diversity are likely to be exacerbated by inadequate

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<sup>8</sup> See *Putting People First, Action Programme for Effective Local Government*, [http://www.environ.ie/sites/default/files/publications/files/putting\\_people\\_first.pdf](http://www.environ.ie/sites/default/files/publications/files/putting_people_first.pdf)

<sup>9</sup> See O Broin, D. and Waters E. (2007), *Governing Below the Centre: Local Governance in Ireland*, TASC, Dublin.

<sup>10</sup> OECD Review of Public Services (2008) [http://www.oecd-ilibrary.org/governance/oecd-public-management-reviews-ireland-2008/executive-summary\\_9789264043268-2-en](http://www.oecd-ilibrary.org/governance/oecd-public-management-reviews-ireland-2008/executive-summary_9789264043268-2-en)

<sup>11</sup> <https://wcd.coe.int/ViewDoc.jsp?p=&id=2113703&direct=true>

<sup>12</sup> Council of Europe - Congress of Local and Regional Authorities Rapporteurs - Andris Jaunsleinis (Latvia) and Merita Jegeni Yildiz (Turkey)

funding. Systems that are well-funded (by whatever method) and are operated by a specially-designed and relatively uniform structure are more likely to provide a high-quality standardised service.

Clearly, there is a substantial difference between organisations coming together to exchange information and to network on an informal basis and organisations that are involved in joint planning and in the provision of integrated, co-ordinated services.

### ***Optimising the role of the community and voluntary sector as a bridge between the citizen and the State***

The merits of a strong partnership approach between community and voluntary organisations and the public service has long been promulgated as enabling transparency and facilitating the delivery of public services in a manner that responds optimally to citizens' needs. The community and voluntary sector serves to ensure added societal value through active citizen participation.

The proposals for partnership with the community and voluntary sector set out in the 2000 White Paper, *Supporting Voluntary Activity*, should be re-visited in the formulation of the Action Plan. It should be noted, however, that the involvement of NGOs in partnership structures may not necessarily enhance the role of all individual citizens and other participatory structures are almost certainly required for this purpose.

The White Paper on a Framework for Supporting Voluntary Activity<sup>13</sup> which remains Government policy, acknowledges that an impressive infrastructure of community and local development had been built up in Ireland and that the great strength of voluntary activity is that it emerges organically from communities. 'We have moved far beyond the attitude that statutory agencies fund voluntary organisations merely for utilitarian reasons, i.e. to provide services that the State cannot or will not deliver directly itself because of resource constraints'.

The White Paper welcomes the diversity of the sector and further states that, 'It would be wrong for Government to seek to control and be involved in every aspect of voluntary activity, but there is no doubt that it can provide an enabling framework to help this activity. Where this involves direct supports, a delicate balance must be struck between having a relatively light official involvement and maintaining proper accountability'. The White Paper acknowledges the role and potential of the sector in both delivering services and developing community capacity.

### ***Access to information***

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[https://www.google.ie/?gws\\_rd=cr,ssl&ei=XP\\_pV6v1L4XdgAau2rm4Bg#q=White+Paper+on+Voluntary+Activity](https://www.google.ie/?gws_rd=cr,ssl&ei=XP_pV6v1L4XdgAau2rm4Bg#q=White+Paper+on+Voluntary+Activity)

It is widely acknowledged that without good quality, accessible information, it is not possible for citizens to vindicate their rights or to make valuable contributions to society or to policy-making processes. The Ombudsman has pointed out that true transparency requires that information on government activities and decisions is open, comprehensive, timely, freely available to the public, and meets basic open data standards.<sup>14</sup> Key underlying principles of information provision can be identified as *citizen-centred, putting people first, and empowerment*. Good quality and easily understood information is necessary to enable people to have control over their lives and to make appropriate choices. It is also recognised that access to information is much broader than physical access to buildings, publications and databases, important as these are in themselves. It also means dealing with barriers to access, including technological, educational and geographical factors.

While much has been done by government departments and other statutory agencies to proactively disseminate information on services and administrative procedures, the provision of seamless information continues to present significant challenges in the current fragmented benefit- by-benefit department/agency approach to services.

The complexity and fragmentation of the service delivery system, coupled with the system of service rationing that frequently exists because of budgetary constraints, mean that it can be difficult for people seeking services to be fully *au fait* with the full spectrum of entitlements. One of the functions of CIB and its delivery services<sup>15</sup> is to bridge the gap between citizens and the wide range and complexity of Government services. Frequently, the assistance that people require relates to accessing relevant information from public services.

The research literature, as well as feedback from CIB services, continues to identify groups of people who experience disadvantage in accessing information – people with literacy and/or learning difficulties, people living in poor or underdeveloped areas of high unemployment, people with disabilities, older people and people living in isolated rural areas. Although many web and information technologies are very accessible, there are some people who have difficulties in understanding the way information is organised and experience difficulty in accessing it. While the situation is fast changing, there continue to be many people for whom communications technology does not feel at all friendly or accessible and are effectively excluded from this information source.

A key information challenge is how to meet the range of needs of the public, both in terms of those who are articulate and who want maximum involvement in the management of

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<sup>14</sup> <https://www.ombudsman.gov.ie/en/About-Us/Policies-and-Strategies/Submissions-and-Proposals/Open-Government-Action-Plan/Open-Government-Action-Plan.pdf>

<sup>15</sup> Citizens Information Services (CISs), the Citizens Information Phone Service (CIPS), Money Advice and Budgeting Services (MABS), the National Advocacy Service for People with Disabilities (NAS) and the Sign Language Interpreting Service (SLIS).

their services *and* those who are marginalised, lack motivation or energy or have underdeveloped capacity.

### **Key Points for consideration in the Second National Action Plan**

The CIB believes the Action Plan can enhance significantly the implementation of a citizen-led approach to government provided that meaningful and deliverable implementation structures and related targets are included. There is broad agreement about what needs to be done to deliver more open government – the challenge is to identify meaningful and realistic deliverables over the course of the Second Action Plan.

The provisions of the First Action Plan remain valid and should continue to be implemented. The following are identified by the CIB as specific aspects that should be prioritised in the Second National Action Plan:

- Broaden the use of the ‘citizens convention/assembly’ approach to include the establishment of similar ongoing mechanisms at national and regional levels;
- Continue to proactively implement the provisions of the Local Government Reform Act 2014 with specific reference to the framework for public consultation and the related Public Participation Network;
- Identify mechanisms whereby more functions and responsibilities can be devolved to local government and how funding structures can enhance this;
- Implement the National Strategy on Children and Young People’s Participation in Decision-making;
- Implement the Decision-making (Capacity) Act 2015 in order to achieve better participation by people with disabilities and to maximise their social inclusion and citizenship;
- Continue to develop protocols for the enhancement of inter-agency collaboration at national and local levels;
- Re-invigorate and strengthen the role of the community and voluntary sector by implementing the approach set out in the 2000 White Paper, *Supporting Voluntary Activity*;
- Optimise the potential of social media as a tool for public consultation;
- Continue to minimise the need for individual citizens and organisations to have to use FOI legislation to access policy decision-making processes and related administrative information.