

The Changing Public Service Landscape

Abstract: This article by Sue Westcott discusses some of the changes in government policy since the election of the Coalition Government and the implications of local decision making for public services. These changes in turn will change the type of sources that will be relevant to legal information work relating to public policy.

Keywords: government; local government; public services

The Coalition Government came into power in May 2010 and over the last three years has made a number of significant changes to the way public services are delivered. They have also changed who makes decisions about those services and other aspects of our public life. Most of the significant changes are now being. This paper focuses on changes some of which will affect the whole of the UK; others will only impact on parts of the UK where there are devolved powers in Scotland, Wales and Northern Ireland.

The Coalition Government, formed by the Conservative and the Liberal Democrat Parties, in itself has led to a different way of working for government. The basis of the Coalition is an agreement¹ which sets out specifically what the Government will do over the 5 years of this Parliament. This is somewhat different from when a single party is elected to power with their manifesto as a basis to govern. The Coalition Agreement is a much clearer statement of intent and many of the major policy changes that have been enacted are based on that agreement. The agreement also sets out how policy decisions will be made so that both Parties have a clear role in that decision making. It reflects both Parties' approach to public policy, which in turn is reflected in the changes they have made to public services:

- An overarching aim of reducing the national deficit and improving growth in the UK economy.
- The removal of unnecessary bureaucracy to free up citizens and business and increase efficiency in public services.
- A commitment to transparency in public spending and access to government collected data to enable citizens to hold public services to account.
- Decisions are made as locally as possible by those most affected or those who provide services.

At the same time many of those in Government, both politicians and officials, accept that it is not possible to govern in the ways it once was. People these days receive many messages about how they should live their lives from a very wide variety of sources, especially in the age of 24 hour news, social media and globalisation. People

now have to be persuaded in different ways to change their behaviour – direct legislation and regulation tend not to be so effective as they once would. An example of this is the current debate around plain packaging of cigarettes to reduce the impact of branding or the possible setting of a minimum unit price for alcohol. This is based on a growing evidence base that people can be persuaded to change their behaviours by “nudging” them towards the desired choice – other examples include the current FireKills campaign run by the Department for Communities and Local Government to get people to check their smoke alarms when they put the clocks forward or back each year.²

DEFICIT REDUCTION, GROWTH AND “RED TAPE”

The Coalition Government came together with a shared aim to tackle the problems in the UK economy. Firstly the deficit reduction relies on reducing public spending and improving efficiency in public services. This has resulted in the closure, merger and transformation of a number of public bodies such as the Audit Commission and Regional Development Agencies and the reduction in the size of central government departments. Their statutory responsibilities will either have been absorbed into other bodies or abolished, or as in the case of the Audit Commission replaced with a completely different model of service delivery.³ A key information challenge for those working in organisations that are closing, merging or gaining a new statutory status is to ensure that data and records are properly managed through out the changes.

Another way of reducing costs includes the transformation of transactional public services to digital by default and the reduction of much of central government monitoring of local government and some data collection. Information on the Digital by Default can be found in the Government's Digital Strategy published in November 2012, with each Government Department publishing how it will deliver their services digitally, whilst addressing any issues which may arise from those who use public services, but may have limited access to digital services.⁴ An example of the Government addressing this

issue through investment is the Department of Culture, Media and Sport programme to deliver improved broadband access across the Country.⁵ Since 2010, Government has reduced the number of data sets that local authorities need to collect for central government by 56, to reduce the burden on Authorities. Government is encouraging local authorities to publish this data to enable local people to see how their services are being delivered, and enable comparisons between local authorities.⁶

It has also resulted in less money being made available to public services, although less so in Health and Education where there has been protection of budgets. This inevitably means that there is more need for those working in public services to deliver more efficiently and many have done so by sharing back office services, sharing buildings and co-operative purchasing, whilst protecting front line services. All organisations however have to prioritise and make choices about how they provide services to citizens in a difficult financial climate and this is often not popular with those most immediately affected. Many public services have a responsibility to consult before making these changes, and it is notable that many of the examples of judicial reviews of decisions have focused on the degree to which a council has consulted properly, rather than the decision made per se. Examples of where local people have argued that consultation has been inadequate include the introduction of largely outsourced services in the London Borough of Barnet⁷ and the closure of libraries in Gloucestershire and Somerset.⁸

Stimulating growth has had an impact on how public money is distributed and how decisions on spending are made. The Government has set up 39 Local Enterprise Partnerships in England, each covering a locally defined economic area. Each has a board made up of local business leaders, leaders of local authorities and other stakeholders. Their purpose is to develop the economic strategy for their local area and increasingly they are responsible for taking decisions on how funding available to stimulate growth is used in their area. At the moment they administer the Growing Places Fund, but following the Heseltine Report **“No Stone Unturned”**⁹, they may in future have access to a wider pot of cross government funding. The Partnerships are currently developing their governance and their strategies to take on this responsibility.

It also forms part of the argument about the need to reduce the burden of bureaucracy on business. An innovative example of this is the changes made in the Growth and Infrastructure Act which allow individuals to give up some of their employment rights in certain types of small companies in return for shared ownership of the company. The Cabinet Office has set up a series of “red tape” challenges across government departments to look at various policy areas which are thought to inhibit business and growth, where policy officials and other stakeholders look at regulations systematically and challenge

whether the regulations need to remain in place.¹⁰ A current example looks at simplifying Legal Services. A recent example is where the Insolvency Service has identified ways of reducing the costs of complaints in insolvency cases, which in turn will result in £30 million worth of savings for consumers a year.¹¹

The Government has also placed a “one in, one out” obligation on Whitehall departments when they are creating new regulations. Members of the public have been invited to contact government departments with suggestions of specific regulations which could be removed. The role of the department is then to consider the case and consult other interested parties. Another example is the National Planning Policy Framework¹² where over 1,000 pages of planning guidance have been reduced to 50. The burden of planning costs has also been reduced by the use of Local Development Orders in Enterprise Zones which ensure that prospective companies know what development will and will not be allowed in a specific area before they decide to invest.¹³

One other significant change is the introduction of the Welfare Reform Act, and the changes resulting from the introduction of Universal Credit. This is a major change to the provision of benefits and implementation is still in its early stages. It will impact on families, Local Authorities, landlords and the voluntary sector, as well as the Department of Work and Pensions. As individual benefits are brought together in one system, with the simultaneous approach to ensuring that moving into work is always worthwhile, there will obviously be very wide changes in the rules relating to this public service.¹⁴

LOCALISM AND LOCAL DECISION MAKING

Both Coalition partners have a commitment to much greater local decision making and this can be seen in two of the other major pieces of legislation passed. The idea is that those most affected by a decision know best what choices should be made. The aim is remove power from Central Government and pass it to local communities and stakeholders. In some cases power will pass to the Local Authority, but in other cases the idea is that many more local groups make the decisions.

The first example of this is the major move from the provision of health services in an area by a larger public authority (Primary Care Trusts) to GP led Clinical Commissioning Groups which have been set up as a result of the Health and Social Care Act 2012.¹⁵ These are now operational and beginning to place contracts with local providers such as hospitals for services for their patients. Provision of other services which it makes sense to purchase nationally will still be purchased at national level. This means that local doctors have much more of a role in determining which services to invest in, reflecting the health needs of their particular population

and the type of care they want to provide. An example might be a decision to provide more care within the local community to avoid hospitalisation. Once again these changes are in the very early stage of being operational.

The Localism Act¹⁶ also makes provision for much greater local decision making. A major example is that of the “General Power of Competence” that has been given to local authorities. The intention of this is to free local government up to decide on issues without checking with Whitehall for permission, unleashing their creativity and their ability to work in partnership with other organisations.

The legislation also makes provision for local planning authorities to create Local Area Plans setting out planning priorities for their area, and the introduction of Neighbourhood Plans.¹⁷ The idea of the Neighbourhood plan is that if communities have a clearer say in how their area develops, there is less likely to be automatic opposition and developers will have a clear idea of what will be allowed in a particular area. The Neighbourhood Plan has to operate within the Local Plan, where one has been agreed. So far three neighbourhoods have completed the process of adopting a neighbourhood plan, with more in the pipe line.¹⁸

The Localism Act also introduced three other Community Rights.¹⁹ These relate to the right to have a community asset assigned to them, such as a pub or a village hall (The Community Right to Bid), the right to take on a public service if they believe that they can deliver it more efficiently to meet local needs (The Community Right to Challenge) and the Community Right to Build, where a community can decide to develop housing itself where it feels it is needed. We are beginning to see examples of all three as communities decide to take on responsibility for the delivery of public services and resources.

TRANSPARENCY AND OPEN DATA

The coalition Government has made a clear commitment to transparency and open data. The idea is that as citizens, businesses and users of public services we have the right to information to inform our opinions and to hold our leaders to account. The Secretary of State for Communities and Local Government is a strong advocate of “sunlight being the best disinfectant”.²⁰ Every government department and every local authority now has to publish details of contracts let and spending over (£500 for local authorities and the Department of Communities and Local Government, £25,000 for other central Government Departments) so that citizens can see who a public body has contracted with, for how much and what public funds have been spent on. The idea is that citizens and other interested parties can ask questions, or make decisions on who they vote for, to hold individuals and organisations to account.

Similarly public organisations are strongly encouraged to publish sets of data freely for re-use on their websites.²¹ This enables members of the public and others to analyse and draw conclusions about services, statistics

and other data in ways that the publishing organisation has not chosen to do so. An example of where data has been brought together is the development of location data, which pools a number of data sets enabling those searching to see what data is available from over 1000 datasets, in relation to a particular place. An example of innovation resulting from this is a phone application using Department of Transport data identifying the location of car parks for motorists to use.²² Another example is the ability to identify the type of crime which is committed in a given area or see if a property is on a flood plain. The Guardian Data blog also draws on government and other sources of open data, working with the web community to produce analysis of data in visual ways to enable discussion of public policy.²³

As well as continued use of Freedom of Information and Data Protection laws, the public are also now being given access to greater information on decision making through the opening up of council meetings through live video streaming and the use of social media during council meetings. The latest changes allow journalists and bloggers to film during meetings.²⁴

IMPLICATIONS FOR LEGAL INFORMATION

So what are the implications of all this for those working with legal information? In many cases it is much too early to tell, apart from the obvious point that this degree of change will inevitably result in the need for constant checking of the state of play of legislation as different changes come into operation. Case law will no doubt change as decisions, national and local, are challenged and determinations given.

One possible impact is that there will be many more sources of information that those working in the legal field will need to be aware of and more going on. Firstly there is more information available on organisational websites as they publish information and data relating to their decision making and service provision. There are new and more local bodies such as the Local Enterprise Partnerships and the Clinical Commissioning Groups taking decisions which will impact on business and people, with new systems of accountability and governance. Different decisions will be made from area to area, based on different information and using different methods of engagement with their communities. New forms of consultation will no doubt emerge as technology moves forward and communities become more used to working together. In summary we are continuing to look at a changing and pluralistic information world.

GOVERNMENT INFORMATION AND LIBRARY SERVICES

Although not entirely related to the substance of this article I have been asked to include some information on

the key changes that have taken place in government library and information service over the last few years. When I joined the Civil Service in the late 1990s most government departments had reasonably sized, mostly hard copy based services with larger teams of staff, and mostly doing what would now be considered traditional library work.

As with other information professionals in all sectors, our working lives and our responsibilities have changed immeasurably since then and in many ways I would suggest for the better. We have adapted positively to the increased use and proliferation of electronic sources, for both internal and external information. I am very proud that we have been at the forefront in many departments of the development of internet and intranet sites, of knowledge management tools and the development of electronic records systems. Many of my colleagues now work in teams leading Freedom of Information and Data Protection implementation in their Departments. My

own role is to work in our Strategy and Policy Team, leading on exploiting the intelligence we gain from developing our departmental relationships with local authorities, and other stakeholders. This has meant that we have moved away from working with large physical collections to being in the business of helping the Government deliver. It is also true that as government has downsized, so have our numbers. However, there is still a lot of opportunity for professional information managers to play a valued role in government departments if we continue to seize the opportunities available to us. The move to open data, increased transparency, managing information risk and developing the use of social media, along with the continuing need to help our organisations know what they need to, is a good basis for going forward.

This article represents the personal views and opinions of the author and does not necessarily represent the views of the Department of Communities and Local Government or any other body.

Footnotes

- ¹ The Coalition: Our Programme for Government. The Prime Minister's Office. 20 May 2010 <https://www.gov.uk/government/publications/the-coalition-documentation>
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- ⁷ Barnet council wins "Clear and complete" £150 million legal victory http://www.barnet.gov.uk/news/article/285/barnet_council_wins_clear_and_complete_150_million_legal_victory
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¹⁹ <https://www.gov.uk/government/policies/giving-people-more-power-over-what-happens-in-their-neighbourhood>

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²³ <http://www.guardian.co.uk/news/datablog+politics/government-data>

²⁴ Lights, Cameras, Democracy in action. Department of Communities and Local Government. June 2013. <https://www.gov.uk/government/news/lights-camera-democracy-in-action>

Biography

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Northern Ireland Legal Material Since Devolution: a Practical Guide

Abstract: Alison Lorrimer, who works at the Departmental Solicitor's Office Library in Belfast, reflects on how the sources of legal information have been affected by the changing political landscape in Northern Ireland.

Keywords: legal systems; government; legal information; Northern Ireland

INTRODUCTION

“Northern Ireland is of the United Kingdom but distinct from it”. This sentence caught my attention recently as it appeared to be an apt description of the legal system of Northern Ireland. The United Kingdom comprises England, Wales, Scotland and Northern Ireland. Articles on the legislative process and legal research in Northern Ireland have been published in previous issues of *Legal Information Management* so I intend to highlight some of the changes which have affected legal information management in practice since 1998.^{1–3}

Power was transferred to the Northern Ireland Assembly under the Northern Ireland Act 1998. Since

1998 it has become clear that devolution of political power is a continuous evolutionary process.

NORTHERN IRELAND EXECUTIVE

The current Northern Ireland Executive has twelve government departments:

- Department of Agriculture and Rural Development (<http://dardni.gov.uk/>)
- Department of Culture, Arts and Leisure (<http://www.dcalni.gov.uk/>)
- Department of Education (<http://www.deni.gov.uk/>)