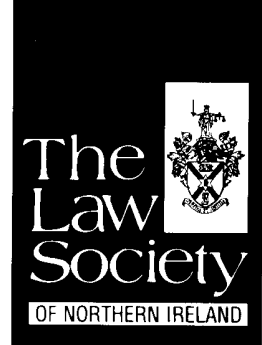


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Your ref:

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31<sup>st</sup> July 2008

*JCS*  
Tony Canavan  
Civic Forum Review Team  
5<sup>th</sup> Floor Lesley House  
25 Wellington Place  
Belfast  
BT1 6GD

Dear *Canavan*

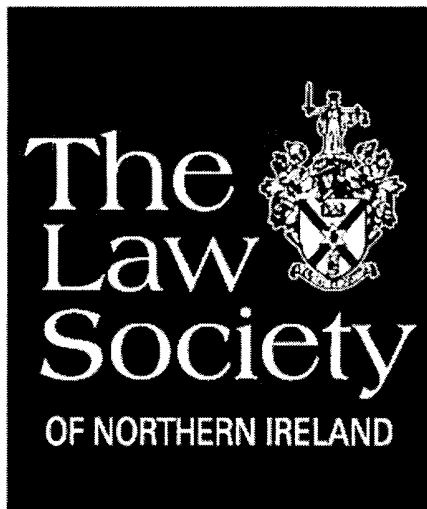
Please find enclosed the response of the Law Society of Northern Ireland to the Office of First and deputy First Minister's Review of the Civic Forum. If there is anything else I can be of assistance with please do not hesitate to contact me.

Yours Sincerely

*Alan Hunter*

ALAN HUNTER  
Chief Executive

Enc.



## **Civic Forum Review**

### **Response of the Law Society of Northern Ireland**

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## **RESPONSE OF THE LAW SOCIETY OF NORTHERN IRELAND**

The Law Society is the professional body established by Royal Charter and invested with statutory functions in relation to solicitors (primarily under the Solicitors (NI) Order 1976, as amended). The functions of the Law Society are to regulate responsibly and in the public interest the solicitors' profession in Northern Ireland and to represent solicitors interests.

The Law Society represents some 2,200 solicitors working in some 550 firms based in over 74 geographical locations throughout Northern Ireland. Members of the Society represent private clients in legal matters. This makes the Society uniquely placed to comment on policy and law reform proposals.

The Society welcomes the opportunity to contribute to the review of the Civic Forum, and hopes the Review Group will find our contribution of assistance as they take forward the review. The decision as to whether the Civic Forum should be re-established is a political decision upon which the Society takes no view. In this submission the Society will attempt to assist the Review Group by providing our view on how Government can engage with civic society and on what powers, responsibilities and duties a Civic Forum, if established, should have.

### **1. What do you consider would be the best way for Government to engage with and consult civic society?**

1.1 The Society considers that there are a wide range of mechanisms available for Government to engage with civic society and that Government should take full advantage of all mechanisms open to it. The Society would stress that no one mechanism should be used to the exclusion of others.

- 1.2 The Society considers that the establishment of a structured body such as the Civic Forum might in certain circumstances be an appropriate mechanism for Government to engage with and consult civic society. Such a body should be appropriately structured and composed with powers to conduct its own research and consult with the general public and other actors in civic society.
  
- 1.3 The establishment of such a body should not prevent Government from taking advantage of other mechanisms for engaging with civic society. The most common mechanism by which Government engages with civic society is through public consultation exercises, whereby Government asks for the views of specific actors in society on a specific policy or law reform proposal. The Society considers that whatever provision is made for Government to engage with civic society through a body such as the Civic Forum, this should not deter Government from engaging with civic society through public consultation or any other mechanism. A body such as the Civic Forum may provide a synopsis of the views in civil society generally. However public consultation on policy and law reform initiatives in accordance with customary guidance must continue to be carried out to ensure Government is fully informed when taking forward policy or law reform initiatives.
  
- 1.4 Many representative and specialist bodies exist in society who can provide Government with specialist and valuable advice on policy and law reform proposals. The Law Society itself through its membership is uniquely placed to comment on policy and law reform initiatives, particularly in relation to justice matters. The Society anticipates that if it were to become a member of any Civic Forum, its membership would not prevent Government from consulting with it in relation to specific issues within the Society's expertise.

**2. What do you consider were the main strengths and achievements of the (1999-2002) Civic Forum as originally constituted?**

2.1 The Society notes the achievements of the Civic Forum in establishing sub groups with responsibility for specific areas. The Society also notes the proactive work of the Civic Forum and its sub groups in carrying out research and, in the case of two of the sub groups, publishing their findings in report form. This type of work can produce valuable information which can contribute greatly to the debate on the issue.

**3. What, in your opinion, were the main weaknesses of the original Civic Forum and how might they be remedied?**

3.1 For a Civic Forum to be effective at representing the interests of civic society it must be reflective of all sectors of civic society. The Society notes that the report of the First Minister (Designate) and deputy First Minister issued on the 15 February 1999 identified ten sectors from which membership of the forum were to be drawn. The identification of sectors, whilst obviously intended to ensure the membership of the Civic Forum was inclusive, had the effect that organisations who did not fit neatly into one of the identified sectors, such as professional associations, were effectively excluded from membership.

3.2 The Society notes the definition of civil/civic society provided by the London School of Economics Centre for Civil Society:

*“ Civil society refers to the arena of uncoerced collective action around shared interests, purposes and values. In theory, its institutional forms are distinct from those of the state, family and market, though in practice, the boundaries between state, civil society, family and market are often complex, blurred and negotiated. Civil society commonly embraces a diversity of spaces, actors and institutional forms, varying in their degree of formality, autonomy and power. Civil societies are often populated by organizations such as registered charities, development non-governmental organizations, community groups, women's organizations, faith-based organizations, professional associations, trade*

*unions, self-help groups, social movements, business associations, coalitions and advocacy groups.* “.

In particular we note the inclusion of ‘professional associations’ in the list of organisations populating civil society.

3.3 Law Societies throughout the world play a positive role in representing the views of those interacting with the law in all its manifestations. Law Societies and the legal professions further play a positive role in defending the rule of law and promoting the human rights of all members of society. We therefore see no reason why a category for professional associations should not have been included in the original membership of the Civic Forum and believe such a category should be included in the next Civic Forum.

3.4 The Law Society has been engaging with the Northern Ireland Assembly since re-establishment on a number of issues of both particular concern and of public interest. The Society considers that the inclusion of itself and other professional associations in the membership of the Civic Forum would strengthen the Forum and enhance its effectiveness and ability to provide an authoritative record of the views of civic society.

**4. To what extent do you think the sectors included in the original Civic Forum remain representative of civic society? Who do you think should be represented on a new Forum and what should be the balance between different sectors?**

4.1 We would refer you to our answer to question (3) and again would reiterate the need to review the current identified ‘sectors’ to ensure the inclusion of all organisations that populate civic society.

**5. Do you consider that an alternative model of social partnership might provide a suitable example for a new Forum? If so, what type of model would you propose and why?**

5.1 The Society notes the ambiguity which underlies the term 'social partnership'. We would refer the Review Group to a report of the Scottish Government entitled 'Partnership Working: European Social Partnership Models' available at <http://www.scotland.gov.uk/Resource/Doc/25954/0028681.pdf>. This report contains useful information on the different models of Social Partnership operating throughout Europe.

## **6. What should be the role and remit of the new Forum? What types of issues might form the basis of its work programme and how should they be prioritised?**

6.1 The consultation document highlights the debate over whether the role of the Civic Forum should be to act as a body available for the OFMdfM to consult at their discretion, or whether it should exist to provide a mechanism for participative democracy. In considering the role of the Civic Forum, the Review Group will wish to consider whether a Civic Forum with the role of responding to requests from the OFMdfM would have a sufficient workload to justify the expense and very existence of the Forum. The decision as to whether the Civic Forum should have powers to raise issues with the OFMdfM will greatly determine the extent of influence the Forum has upon the policy and law reform process. This is a political decision that the Society takes no view upon though advises that much consideration is given to.

6.2 The Society considers justice issues should form part of the work programme of the Civic Forum. The Society is aware of current discussions regarding the prospective devolution of policing and justice powers to the Northern Ireland Assembly, which the Society takes no position upon. The Society however notes the creation of Ad-hoc Committees by the Assembly established to respond to Government proposals contained in the Sex Offenders (NI) Order 2007 and Criminal Justice Order 2007. The Society also notes the increasing attention amongst the general public and civic society given to justice issues. The Society considers that whether the devolution of policing and justice powers to the Northern Ireland Assembly occurs or not, it is important that the Northern Ireland Assembly is aware of the opinions of civic society on a range of justice issues.

We therefore believe justice issues should form part of the Civic Forum's work programme.

## **7. What should be the relationship between a new Forum and the First Minister and deputy First Minister, and the Assembly?**

7.1 The Society considers that the relationship between the Forum and OFMdFM should be one of mutual respect.

7.2 The Society notes that the National Economic and Social Forum (NESF) in the Republic of Ireland, count members of the Oireachtas amongst its membership. This arrangement is considered a strength of the NESF which facilitates discussion between the Oireachtas and the NESF.

## **8. What suggestions would you make for the organisation of a new Forum in terms of:**

- **Membership - including numbers, sectoral representation, processes for selecting members and filling vacancies, term of office and expenses/remuneration;**
- **Chairperson - including appointment process, role and remit, and expenses/remuneration.**
- **Structure and operation – including format and frequency of meetings, staffing, accommodation, budget and legal status.**

8.1 The Society considers the process for selecting members should be transparent, open and equitable. The current size of the membership is considered appropriate. We refer you to our answer to question 3 relating to the identified sectors.

8.2 The Chair should be appointed by and be properly accountable to the membership of the Forum. This will ensure that they are properly representing the views of the membership in their representations to the OFMdFM and the Assembly.

8.3 The Civic Forum should set its own agenda, processes and work plan once its powers and roles are decided. The Civic Forum should have offices and be supported by a small secretariat proportionate to the needs of civic society.

**9. How might a new Forum interact with other consultative fora within Northern Ireland to avoid duplication?**

9.1 The Civic Forum should publish their work plan and may wish to establish a business committee to plan and develop structured communications with other consultative fora.

**10. How should a new Forum interact with bodies representative of civic society outside Northern Ireland?**

10.1 The Civic Forum should establish formal contacts with bodies representative of civic society outside of Northern Ireland to identify examples of best practice in other jurisdictions.