

# **Gendering the institutional legacies of the Northern Ireland senior civil service**

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## **Abstract**

The adverse gender outcomes associated with post-conflict power-sharing arrangements contrast starkly with the socially transformative promise of the framework peace agreements which produce them. Scholarship that has sought to analyse the adverse gender outcomes which occur on implementation has largely focused on the complexities of power-sharing institutional architecture and the role of elite political actors within it. This article makes the case for a new research direction. Parallel research in the field of post-conflict public administration indicates that the complexity of power-sharing institutional arrangements may provide increased opportunity structures for the use of bureaucratic discretion. While use of bureaucratic discretion among elite bureaucrats in Northern Ireland was found to be grounded in core public service values (O'Connor, 2015), feminist institutional analysis exposes those ostensibly benign values (neutrality, objectivity and impartiality) as distinctly gendered phenomena when mediated through the prism of gendered organisational culture (Chappell, 2002, 2006). This article considers the history and specificity of the Northern Ireland civil service and in particular its elite cohort of decision-makers – the senior civil service (SCS) – with a view to excavating the particular institutional legacies which may imbue SCS values and culture. In doing so it asks whether gendered institutional legacies have the potential to function as structural inhibitors to

formal provisions for gender equality and socially transformative policy in Northern Ireland's post-conflict dispensation.

*Keywords:* Feminist institutionalism, gender, bureaucratic discretion, representative bureaucracy, power-sharing

## Introduction

On 29 March 2017, under Section 59 of the 1998 Northern Ireland Act, the Permanent Secretary of the Northern Ireland (NI) Department of Finance and Personnel gained immediate control of NI's financial allocation. In the context of the collapse of NI's political institutions on 26 January 2016, continuity for public service provision and the allocation of funding to NI departments has fallen upon elite bureaucrats within the NI civil service (NICS). Both the NI Secretary and the then Head of the Civil Service set out the parameters within which bureaucratic decision-making would operate in the absence of an NI Executive, delimiting bureaucratic decision-making to reflect previously agreed political priorities (Executive Office of Northern Ireland, 2017). The protracted absence of an elected NI administration, against the need for continuity in public service provision, has invariably resulted in decision-making beyond the parameters of now outdated, previously agreed political priorities. At the time of writing, the High Court has been asked to determine the legitimacy of those decisions.<sup>1</sup>

The powers conferred by Section 59 represent a seismic paradigm shift in which NI's public expenditure now rests exclusively with elite bureaucrats. It is a situation in which bureaucratic discretion is acutely visible, and provides optimal circumstances for an analysis of the organisational culture and shared values which may mould and inform that discretion and the potentially gendered implications of that process.

This article uses a theoretical framework which applies key concepts from theories of representative bureaucracy, overlaid with feminist institutional analysis. It argues that bureaucratic discretion may function as an aperture through which organisational culture and shared values enter the decision-making process with highly gendered consequences. In this way, it identifies elite bureaucrats as gatekeepers to the realisation of transformative outcomes in the post-conflict period and, in particular, acknowledges the NICS and its elite cohort

<sup>1</sup> *In the matter of an application by Colin Buick for a judicial review* [2018] NIQB 43.

of decision-makers – the senior civil service (SCS) – as critical, yet hitherto under-analysed, actors in the context of post-conflict gender outcomes in NI.

The first part of this article problematises gender within the NI SCS and implicates organisational culture as a key factor in the continued under-representation of women in senior decision-making positions. The second part of the article explicates impartiality as an exemplar for how ostensibly altruistic public service values may, once infused by organisational culture, present as highly gendered phenomena in operation. The third, and final, part of the article traces the genealogies of SCS values and culture to reveal a series of gendered institutional legacies and specificities which undergird organisational culture and practice.

### **Problematising gender and SCS**

While fair employment legislation and affirmative action policies are considered to have largely eliminated the religious differential at senior grades in the SCS, gender imbalance remains as the last ‘glaring discrepancy’ within the service (Carmichael & Knox, 2004, p. 610). Nowhere is this discrepancy starker perhaps than among the most elite of all bureaucrats: NI’s permanent secretaries. In almost 100 years of its existence the NICS has had a total of 4 female permanent secretaries, with 2 of those being appointed in 2018 (Johnstone, 2017). While the homogeneity of NI’s elite bureaucrats may be the most visible indicator of a continuing ‘gender’ problem, it is symptomatic of a deeper, systemic issue.

In 2002 an independent review of appointment and promotion procedures for the SCS in NI found that the numbers of women and Catholics were disproportionately higher in the lower grades while disproportionately lower in more senior grades (Ouseley, 2002, p. 19). The report’s findings are significant in three ways. In the first instance, it indicates vertical segregation within the NICS. Secondly, it cautions against the consideration of women as a homogeneous category of analysis but, by contrast, indicates that intersecting forms of discrimination may be a distinct feature of women’s historical under-representation in the higher grades of the SCS. Finally, clustering of women in lower grades suggests that while women have been able to access the NICS through its recruitment policies, obstacles to career progression have been located within the service. This implicates as problematic those measures designed to give effect to gender-neutral ‘merit’-based promotion.

In the interim the NICS has embarked upon a sustained effort to address the SCS gender differential. NICS actions to this effect have included, *inter alia*, the extension of arrangements for flexible working, the establishment of a SCS women's network, formal mentoring opportunities for women, and the appointment of a service-wide (grade 2) diversity champion to oversee a network of champions across the service and the provision of specialised training in respect of prejudicial attitudes and stereotypes (Ballantine et al., 2016, p. 2).

Indeed, NICS efforts have not been without success: women now comprise 37.3 per cent of the SCS compared to 11.3 per cent in 2000 (Northern Ireland Statistics and Research Agency, 2017). Nevertheless at 37.3 per cent, SCS gender composition continues to compare unfavourably with the service-wide figure of 50.6 per cent. This was highlighted most starkly by an NICS gender review in 2013, which revealed that of the 47 SCS staff at grade 3 and above, only 4 (10.1 per cent) were female (Department of Finance and Personnel, 2015).

Recent research conducted by Ballantine et al. (2016) further affirms that, although improved, the situation of women within the SCS remains problematic. Ballantine revealed a 'gender capture' of key decision-making positions within the SCS, with men holding 72.3 per cent of executive grades. In addition to continued vertical segregation, Ballantine et al. also found evidence of horizontal segregation, with women more likely to occupy senior positions in those departments and work streams which aligned with gender stereotypes (Ballantine et al., 2016, p. 21).

Gendered organisational culture may function iteratively as both a causal factor and as a consequence of women's under-representation from senior decision-making roles. Feminist institutional analysis implicates informal rules, such as those which regulate workplace culture, in the preservation of the gender status quo. Informal rules may function as exclusionary mechanisms and as sites of resistance to reform efforts in periods of institutional change (Chappell & Mackay, 2017, p. 32).

Kanter's 1977 seminal work on men and women in organisations illustrates that when women do break into organisations in numbers at subcritical mass, they are more likely to be assimilated – replicating rather than unsettling dominant culture, norms and practices. Kanter argues that women are positioned to disrupt and reorient a gendered organisational culture only when a tipping point has been achieved. The continued under-representation of women in SCS in general, but

from the senior/executive grades in particular, when overlaid with Kanter's view, would suggest that women are not yet positioned to disrupt gendered organisational culture.

While NICS interventions have succeeded in increasing gender equality in the NICS as a whole, and at SCS entry-level grades, positive change to organisational culture is considered more likely to result from the increased presence of senior executive women as opposed to greater levels of gender equality at lower grades (Dolan, 2000).

## **Gendering the values and culture of the NICS**

The entry point for the analysis which follows is grounded in the presumption that organisational culture is perpetuated by group adherence to a set of shared values. Values are, of themselves, benign constructs until given meaning. In this regard, this section examines the concept of impartiality expounded in the NICS code of ethics as a shared value and as an example of how seemingly altruistic bureaucratic values may function as structural inhibitors to gender equality when operationalised.

### ***Impartiality***

The NICS code of ethics sets out the framework within which civil servants work and the values and standards of behaviour they are expected to uphold. The code calls for a commitment to four core values: integrity, honesty, objectivity and impartiality. As such, it is taken to represent a contractual arrangement between employer and employee (Northern Ireland Civil Service Commissioners, n.d.).

Within the NICS code impartiality is delineated in an applied context:

You must: carry out your responsibilities in a way that is fair, just and equitable and reflects the civil service commitment to equality and diversity...

You must not: act in a way that unjustifiably favours or discriminates against particular individuals or interests.

An understanding of equality, then, forms a central plank of 'impartiality' as an applied value. However, those actions which might be required to give effect to the NICS commitment to equality constitute deeply contested legal and political terrain.

Equality is not a static legal principle; rather it is a dynamic and live environment imbued by political and moral discourses (Fredman, 2011). An appropriate diagnostic or litmus test for models of equality in operation presents by virtue of how affirmative action is understood and operationalised.

Equality-of-opportunity models seek to equalise starting points, holding that once structural barriers have been removed or offset, then the 'equality' obligation has been discharged and merit must act as the arbiter thereafter. While the Belfast (Good Friday) Agreement (GFA) and Section 75 of the 1998 Northern Ireland Act are clear in conferring a positive obligation to promote 'equality of opportunity', equality of opportunity itself may have 'timid' or 'robust' applications. Smith & McLaughlin (2010) identify 'timid' presentations of the model which are minimalist, light touch and process-orientated, whereas 'robust' interpretations are expansive, focusing on the use of affirmative action to impact outcomes. Even within the formal prescription of 'equality of opportunity', then, bureaucratic discretion plays a critical role.

A review of gender in the NICS in 2013, led by the Department of Finance and Personnel, set out an approach to affirmative action in respect of workforce compositional imbalance:

The NICS established approach on affirmative action has been to use 'positive action advertising' to encourage applications from under-represented groups. Encouraging applications does not mean any advantage will be conferred upon the underrepresented group; appointment will still be strictly on merit. (Department of Finance and Personnel, 2015)

The NICS operationalisation of affirmative action evinces an understanding of equality which is blind to extant institutional bias against women and minority groups within the NICS itself and, as such, cannot be responsive to them. Secondly, the recognition of historic structural discrimination, as an antecedent to conflict, requires redistributive public policy in the post-conflict period and the presence of internal advocates to formulate it.

This observation is affirmed by Chappell's cross-jurisdictional study of Westminster-style systems (2002, p. 86), which found the UK most resistant to the 'femocrat strategy': the entry of feminists into public administration roles in an effort to influence public policymaking through an explicitly feminist perspective. In the UK, continued

adherence to a strong neutrality norm proved irreconcilable with internal advocacy, perceiving such action as bias.

### **A history of the NICS and its gendered institutional legacies**

In the century of its existence the NICS has been carried in the slipstream of NI's political tumult and, as such, yields a rich tapestry of institutional change, revealing complex and intersecting institutional legacies. In this way, it is archetypal for Mahoney & Thelen's (2010) paradigm of institutional change as messy, dynamic and overlapping in nature. Notwithstanding this, three distinct temporal phases can be discerned in the evolution of the NICS, with each having moulded and shaped the service in different ways, providing key insights into contemporaneous structure and practice.

Carmichael (2002) usefully categorises these phases as Devolution 1 (1921–72), Direct Rule (1972–99) and Devolution Plus (1999 onwards). This article, however, identifies the post-1999 period as post-agreement, in the acknowledgement that the particular dynamics and drivers arising from the GFA have momentum and jurisdiction beyond the wider UK constitutional process of devolution.

#### ***Devolution 1 (1921–72)***

This period is significant in contributing to a gendered understanding of NICS organisational culture in two ways. In the first instance, formative relationships established between the new NI state and its constitutionally distinct public administration – the NICS with Whitehall and Westminster – provide evidence of a gendered NI exceptionalism. Of further significance is a dominant narrative of the period which framed institutionalised discrimination in the new NI state firmly in the discourse of ethno-nationalism. In reality, however, exclusion from decision-making power was much more likely to be mediated by the intersection of sect, class and gender.

While devolution offered potential for divergence from the UK norm, it remained nevertheless latent in that the desire of local agents to maintain the constitutional link at all costs encouraged a 'remarkable conformity' – an approach characterised as 'parity with particularity' (Carmichael 2002, p. 183).

While parity with particularity is an undoubtedly apt description, the application of a gender lens to the particularity exposes a distinctly gendered nature to NICS exceptionalism. While Whitehall removed the prohibition on the employment of married women in 1946, an

absolute prohibition continued in NI until 1968. A partial relaxation was employed between 1968 and 1975, whereby women were required to resign upon marriage but could be re-employed in a temporary capacity (Ministry of Commerce, 1968–75). The effect of this policy was to effectively confine women to lower grades and disenfranchise them from decision-making positions for almost thirty years after corresponding provisions had been removed in Britain.

The dominant narrative in respect of scholarship on the period 1921–72 evinces unanimity in respect of the existence of a ‘consistent and irrefutable pattern of deliberate discrimination against Catholics in electoral practices, public employment, policing, public housing and regional policy respectively’ (Whyte, 1983). Indeed, the unchecked abuse of power in the delivery of public services played a significant part in the demise of the northern state (Knox 2010, p. 7).

The dominant discourse of the period, however, is one which locates discrimination firmly within the sectarian frame of ethno-national identity. With a few notable exceptions (see Rooney, 2007), the narrative is blind to the intersection of gender, class and sect.

### ***Direct Rule (1972–99)***

Continuing discrimination and escalating civil conflict forced the intervention of the British Government in 1972, culminating in the imposition of Direct Rule from Westminster. The gendered impact on NICS organisational culture and values is considered here in terms of an atrophy in NICS policy development capacity and evidence of a continuing legacy of women’s marginalisation.

Policy created in the context of Direct Rule was largely generated at Whitehall, with the extent of any subsequent adaptation determined and operationalised by NI elite bureaucrats alone:

We didn’t do much policy in Northern Ireland because we didn’t have to. Policy was something that arrived from Westminster and the job, not to oversimplify it, was scoring out ‘England and Wales’ and inserting ‘Northern Ireland’ in a policy paper or a piece of legislation. (Knox, 2009, p. 3)

Hence, one of the critiques to have emerged in the context of later transition to devolved government in 1999 has been articulated as a lack of policy development capacity, a competence said to have atrophied as a consequence of Direct Rule (Birrell, 2009; Carmichael

& Knox, 2004). Women and men experience conflict differently and have very different needs in the post-conflict period (Chinkin, 2003). A direct and gendered consequence of this atrophy may manifest in an inability to identify and formulate policy interventions responsive to the specific post-conflict needs of women, as distinct from a wider UK gender agenda.

The pattern of women's marginalisation is further replicated within the NICS itself. Carmichael & Knox's assertion of 'an implicit, if not explicit policy that discouraged the advancement of women, especially when married' affirms the informal legacy of the marriage bar in the service (2004, p. 608). In 1985 women comprised a mere 2.8 per cent of the SCS, rising to 5.7 per cent in 1993 (Birrell, 2009).

The chronic under-representation of women in the SCS, however, remained largely unproblematised in the political discourse of 'fair employment', which framed workplace equality in NI firmly along the lines of religious identity. The absence of gender from workforce composition data for the purposes of NI Fair Employment Monitoring obligations (until obligations arising from 1989 Fair Employment Act) served to render invisible the historical discrimination of women as women within the SCS and the intersectionality of exclusion from decision-making power by confluence of class, sect and gender – in this way, adeptly illustrating how historical narratives of conflict may be punctuated with silences which serve to expunge the lived realities of women.

### ***Post GFA (1999–2017)***

This section discusses the gendered impact of the NICS transition to power-sharing with reference to increased opportunity structures for the use of bureaucratic decision-making, and considers also the gendered implications of the inability, as a result of intermittent collapse, to forge ahead with a distinct NI policy agenda.

NI's post-agreement institutional infrastructure is firmly grounded in power-sharing. As such, NI's institutional arrangements are carefully crafted to ensure that 'political power is shared by rival cultures on a proportional basis in the executive, the legislature and public employment. Each cultural community enjoys rights of veto and autonomy' (McGarry & O'Leary, 1995, p. 509).

Scholars posit that in Westminster-type majoritarian systems of government the discretion exercised by officials in decision-making is internally moderated by clear ideological direction by ministers and the inculcation of a suite of bureaucratic values which reflect the

public interest through social equity (Dolan, 2000). The NI Executive, however, is comprised of ministers holding opposing ideological positions, thereby impeding the transmission of a singular ideological direction to officials. In addition, the high threshold for formal decision-making in conjunction with the ability of political elites to deploy vetoes, when set against the need to ensure continuity of public service provision, may provide fertile ground for the increased use of informal bureaucratic decision-making processes as alternatives to gridlock. In the context of adherence to bureaucratic values, which have the potential to be gendered when filtered through the prism (a gendered organisational culture and gendered institutional legacies), then increased use of bureaucratic discretion may, in theory, mitigate against the socially transformative, redistributive agenda elaborated in the GFA, where women by virtue of their extant inequality would have most to gain.

One common feature of complex power-sharing institutional arrangements is found in their vulnerability to intermittent collapse. This is certainly true of the NI experience, where institutions have collapsed or been suspended on five occasions since 1999. The intermittent nature of government is considered to have stymied the development of a new and distinct policy agenda for NI (Carmichael & Knox, 2004, p. 608).

A cursory look at the number of Legislative Consent Motions (LCMs) provides a blunt, yet effective, litmus test in this regard. By agreeing an LCM, the NI Assembly (NIA) agrees to cede its primacy to legislate on a devolved matter to Westminster. LCMs, by the very definition of devolution, are envisaged as a device of exceptionality; however, the number and nature of LCMs agreed by the NIA in its 2011–16 term would suggest that, rather than exceptionality, the use of LCMs reflects the routine, with a total of forty-eight LCMs agreed in this time (NIA, n.d.). Minutes of the NIA Justice Committee reveal that, in providing a recommendation for a LCM in respect of urgent compliance with a European Court of Human Rights judgment on DNA retention (*S and Marper v UK*), the option of emergency NIA legislation under ‘accelerated passage’ – which can pass through all assembly stages in as little as ten days – had not been considered by officials (NIA Committee for Justice, 2010). The inability to forge a distinct policy agenda for NI has the consequence that the particular post-conflict needs of women in NI, as distinct from wider UK gender policy, are likely to remain unmet.

## **The gendered specificity of the NICS**

The gendered history of the NICS, considered in the previous section, suggests that the distinctiveness of the NICS, reflected in the moniker of ‘a place apart’ (Rose, 1971), might be captured through reviewing its autonomy, politicisation, selective reform and insular nature – each with its own implications for gender equality within the service, and with the potential to impact the policy crafted by it.

### ***Autonomy***

The Direct Rule era undoubtedly provides a rare opportunity to analyse bureaucratic autonomy without the cloak of democracy which usually shrouds elite bureaucrat decision-making. It is unsurprising then that scholarship identifies bureaucratic autonomy as symptomatic of Direct Rule. The position of the SCS as a powerful entity during the period is succinctly captured by Morison & Livingstone (1995, p. 154):

the comparatively small number of these officials and their relative public invisibility has accentuated the idea of government by an elite, a sense captured by the notion that all important decisions are taken in six key dining rooms in North Down.

Less scholarly attention has been devoted to the specific mechanisms through which SCS autonomy may have been operationalised and where we might look for its distinctive footprint in the decision-making process. A first step in this regard is the acknowledgment that while autonomy was indeed amplified under Direct Rule, it was nevertheless a ‘bounded’ autonomy. SCS autonomy existed as circumscribed within the parameters of parity, financial constraints and the overarching political priorities of the NI Office (NIO).

As a way of understanding SCS autonomy as circumscribed, Schattschneider’s view of power presents as a particularly compelling one. Schattschneider acknowledges that within all democratic governments, elected officials may only prioritise a small number of issues for attention at any given time; this ‘prioritisation’ occurs at the expense of other competing issues.

‘Organisation is the mobilisation of bias. Some issues are organised into politics while others are organised out’ (Schattschneider, 1975, p. 69). While true of all democracies, it is a scenario which is particularly

salient in the context of Direct Rule, against the backdrop of the competing priorities upon NIO ministers. The autonomy or power of the NICS then existed, and arguably still rests, in their ability to select and frame those issues which make it to the ministers' desks and on to the political agenda.

Schattschneider's logic provides further affirmation of the SCS as gatekeepers to the socially transformative and redistributive policy necessary for gender equality. In the context of a socially conservative, elite male cohort guided by bureaucratic values which inhibit internal advocacy, and against the backdrop of an extant conflict in which identity is reified along ethno-national cleavages, it is reasonable to assume that de-prioritisation and non-decisions may be equally, if not more, determinant than formal policy in understanding adverse gender outcomes in NI.

### ***Politicisation***

The NICS has traditionally operated under a much higher degree of politicisation than its home civil service counterparts. The politicisation of the service exists at both a structural and operational level, both with distinct and gendered implications for policy. The changing structure and remit of the NICS reflect its vulnerability to political exigencies of the day whereas, in operational terms, politicisation is reflected in an informal 'conflict management' role for elite bureaucrats.

Under administrative arrangements for the establishment of the NIO, the Head of the NICS became the second permanent under-secretary in the NIO. This formal hybridity, while ostensibly aimed at cohesion, had the effect of co-opting the NICS as the delivery vehicle for the NIO's political strategy. The NIO political project was aimed at the reorientation of British government policy in NI: 'changing from an exclusively military response to a form of containment/rapprochement which recognised the inextricable links between security issues and other political, economic and social matters' (Carmichael & Knox, 2004, p. 598). A key element of this project was the 'Hearts and Minds' strategy: an approach which sought to consolidate the centre ground by 'wooing non-republican Catholics, supporting moderate Nationalist politics in the form of the Social Democratic and Labour Party (SDLP), and stemming the electoral endorsement of Sinn Féin' (Carmichael & Knox, 2004, p. 598). Where even 'routine' policy was recognised as having purpose in pursuit of the wider NIO political strategy, it is extremely unlikely that women

living in Loyalist and Republican areas of high deprivation would have benefited from any political strategy to consolidate the centre ground.

While the formal political role assigned to NI's SCS is a distinctive feature of Direct Rule, O'Connor (2015) detects the operation of a 'conflict management norm' in the contemporaneous approach of elite bureaucrats to the formulation and presentation of policy within power-sharing structures at local government. This would suggest that the dynamics of power-sharing may also foster a more political role, albeit an informal rather than formally codified one.

This concept of a conflict management norm is problematic for gender equality at both a conceptual and practical level. The GFA envisages a process of conflict *resolution*, with social transformation necessary to remove structural inequalities as antecedents to conflict. Conflict *management*, by contrast, implies that a continuation of conflict is of itself unproblematic so long as it is 'managed' within government. As such, it is an approach which is unperturbed by continuing structural and gendered inequalities.

The prerequisite of unanimity in all formal decision-making between ideologically opposed ethno-national elites may have conferred, by default, an informal obligation upon elite bureaucrats to avoid deadlock and inertia through the presentation and framing of policy in ways which maximise the prospect of political consensus between the elite parties. It is reasonable to assume that, in keeping with O'Connor's (2015) findings at local government level, a similar 'conflict management' dynamic may be present in the NICS's administration of power-sharing at a regional level. The preparation and presentation of policy in respect of the distribution of public resources which would maximise elite consensus is likely to be very different to the redistributive policy necessary for gender equality and social transformation.

### ***Selective reform***

The distinctiveness of the NICS can also be evinced in the bespoke approach to the modernisation and management reforms which have characterised and indeed radically reformed the home civil service. UK public sector reforms from the 1980s onwards, when analysed collectively, are taken to reflect a paradigm shift in public administration among OECD countries towards New Public Management (NPM). NPM is characterised by a shift to the delivery of public services through a business model and on a competitive basis for the provision of public services awarded by contract (Hood, 1995).

While NI has not been immune to reform, it has been described as ‘partial, delayed and selective’ (Carmichael, 2002, p. 184). While the NICS has, by and large, embraced the NPM approach to reform as the dominant paradigm, it has been considerably less inclined towards Whitehall’s policy of external appointments to the SCS. This may have had the positive effect of insulating NICS public service values and ethos; however, it has arguably had the gendered consequence of inhibiting the expedited change to organisational culture which can occur by senior female appointments (Dolan, 2000).

A recent open recruitment drive in local press for permanent secretaries indicates a shift in NICS position regarding external recruitment (Johnstone, 2017). While this may appear positive given the potential for senior external women to impact disproportionately on organisational culture values, Chappell’s analysis of the ‘femocrat strategy’ sounds a note of caution. Women with high levels of public service motivation (i.e. senior NGO women) are unlikely to remain in bureaucracies where they are prevented from exercising an internal advocacy function (Chappell, 2002). While NICS bureaucratic values remain hostile to internal advocacy, external recruitment exercises for senior posts may prove disproportionately attractive to private sector applicants, which in turn may pose a challenge to the service’s strong public service ethos.

Whereas institutional reform in the context of policing and justice agencies was clearly delineated in the GFA, reform of the NICS features as an opaque reference in the subsequent programme for government.

Unlike the GFA provisions for institutional reform, which are firmly grounded in specific human rights obligations and training, NICS reform is dislocated from the peace process and located firmly within the domain of administrative efficiency. As such, there is no requirement that the reform process be rights-based and no obligation that NICS reform should seek to address the legacy of conflict or antecedent inequalities.

The Review of Public Administration envisaged reform ‘consistent with the arrangements and principles of the Belfast Agreement’ (Office of the First and Deputy First Minister, 2002). When operationalised, however, compatibility with the GFA was interpreted to relate to the *structures* of the new administration, with no attention as to the applicability of the *values* of the framework agreement.

A review of the NICS response to devolution, commissioned in 2001, devotes a chapter to ‘cultural issues’ within the NICS. Of note is

the fact that while external consultees overwhelmingly identified culture as the biggest challenge for the NICS, the SCS itself ‘considered that the core values and culture of impartiality and integrity remained appropriate’ (Office of the First and Deputy First Minister, 2001, p. 4). A striking feature of the review is the fact that values are assessed solely in terms of their capacity to administrate devolution with reference to the delivery of efficiency and effectiveness alone. The absence of any criteria grounded in social justice or conflict transformation locates the review firmly in the conceptual terrain of private sector reform.

As a result of differing trajectories of institutional reform post GFA, NICS values have been relatively insulated from the root and branch rights-based reform which may have identified gender as problematic, both compositionally and in respect of post-conflict policy.

### ***The NICS as cloistered***

The NICS’s insular nature is reflected in a comparatively higher rate of career service overlaid with a comparatively lower rate of workforce mobility when set against other civil service jurisdictions. In this context, gendered internal values, culture and norms remain undiluted by external perspectives.

Greer et al. (2015) used data drawn from *Dod’s Civil Service Companion 2012–2013* to compare and contrast biographical profiles of elite bureaucrats (director grades and above) across the devolved institutions and Whitehall. The results are striking in illustrating NI’s insular distinctiveness: 73 per cent of NI senior officials are deemed ‘insiders’ – that is, those with more than a seven-year tenure; 63 per cent had spent their total career in the NICS, in comparison to 57 per cent of Scottish SCS and 55 per cent of Welsh SCS; 68 per cent of the NI SCS had never worked in another civil service jurisdiction in the UK.

Narrowing the focus to examine the NI top team by work experience, 63.16 per cent had come from other government departments, 5.26 per cent from government agencies and 5.26 per cent from local government, while none had come from the private sector, NGOs or professions (Greer et al., 2015).

The Oxbridge system is recognised as having historically played a key role in the socialisation of senior civil servants (Savage, 1996; Silberman, 1993, p. 37). The NI SCS, by contrast, departs significantly from the UK average in this regard. Only 11 per cent of NI’s SCS had

attended Oxbridge in comparison to a UK SCS average of 50 per cent (Greer et al., 2015). That is not to say, however, that the SCS in NI is more broadly representative, or has been impervious to the reach of elite academic institutions. By contrast, NI's own elite academic institutions have longitudinally supplied many of the most senior and influential officials in the NICS (Oliver, 1978).

Greer et al. (2015, p. 39) note that while shared educational experience may improve coherence, it may at the same time reduce diversity by contributing to a shared culture and set of personal networks. A notable feature of those personal networks is their exclusively male, competitive and elite nature – the quintessential ‘old boys network’.

The exclusionary dynamics which can accompany shared values are aptly attested to by Maurice Hayes, who, reflecting upon his experience as a Catholic in the SCS, concludes that his sense of ‘difference’ was least likely to present overtly in religion or politics, but rather was experienced on the basis of ‘the friendships people had formed at school, the games they played, where they holidayed, what newspapers they read, the ordinary staple of daily converse’ (Hayes, 1995, p. 8). Hayes’ account of how he experienced ‘difference’ on the basis of minority status resonates strongly with Ballantine’s contemporary evidence of the continued existence of informal male networks within the SCS and of their exclusionary impact on women (Ballantine et al., 2016).

The SCS as relatively cloistered from the UK Civil Service infrastructure, together with the existence of a longitudinal relationship with elite academic institutions at its highest levels, provides further evidence in support of a distinct gender analysis of the nexus between SCS organisational culture and the decision-making process.

## **Conclusion**

The evidence considered here undoubtedly affirms the view of the SCS as ‘critical actors’ or gatekeepers in the delivery of socially transformative policy outcomes.

A forward research agenda might usefully consider how senior civil servants understand and apply core NICS values. Values emerge here as particularly salient from the perspective of their resilience and capacity for reorientation. Attention to history and context reveals a suite of organisational values which have remained largely insulated

from reform and which, when operationalised, regard equality as symmetrical treatment. As such, core NICS values as understood and operationalised may be insufficient to respond to a historical legacy of structural discrimination and gender inequality.

Notwithstanding resilience as a distinct feature of SCS culture, the meaning that individual bureaucrats may attach to values presents here as variable over time and space. For instance, the prohibition on the employment of married women was considered compatible with the meritocratic recruitment in NI for almost thirty years after Whitehall had abandoned the practice. This offers the prospect that it may be possible to reorient values but also that distinct, contextually specific values may be inculcated that reflect the post-conflict context.

Empirical research would usefully consider the significance of power-sharing, and in particular the operation of a conflict management norm, as a driver for stability and continuity. The history and specificity of the NICS attest to an organisation which values stability as a necessary aspect of governance, providing a bulwark to the exigencies of NI's political and constitutional flux. Stability, however, has come at the cost of maintaining uneven power distribution. This may be a significant and hitherto under-analysed factor in post-conflict governance, where conversely the stability and legitimacy of the post-conflict dispensation may in fact require active redistribution in the context of antecedent inequalities.

The absence of the NICS from the extensive programme of institutional reform specified by the 1998 GFA is identified here as a critical juncture in having divorced NICS reform from the trajectory of institutional reform prescribed for policing and criminal justice agencies, more typical of transitional justice models and grounded in human rights and equality. Further empirical research might examine the implications of path dependence and whether the location of NICS institutional reform within the wider devolution paradigm functions as a structural inhibitor to the type of 'transformative' public administration required to unlock the gender equality central to the GFA's socially transformative promise.

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