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How Stormont can work better

The Assembly and Executive are not delivering for the people of Northern Ireland, as shown in our many social, economic and public service challenges. A new report from independent think tank Pivotal suggests structural changes that could help improve the workings of the institutions.

Government in Northern Ireland has been beset with stalemates, dysfunction and collapses. Public services are under immense pressure, the economy is weak, and health waiting lists remain unacceptably long.

In recent years there have been repeated calls for reform of the Stormont institutions in the hope that changes to structures could make government more stable and effective. These calls have grown more frequent in the past year.

In response to this Pivotal, the independent think tank focused on Northern Ireland, has brought forward a series of suggestions about how politics and government could work better.

Improving the institutions: suggested reforms to the Northern Ireland Assembly and Executive is published today [Monday, 15 June]. It considers several suggestions for reform made in recent years, across various reports, party policy documents and public conversations – and includes direct input from people who have worked at the heart of Stormont.

Pivotal conducted ten anonymised interviews with former Ministers, MLAs, SpAds and senior officials. While opinions on the details sometimes differed, there was a broad consensus that certain structural changes could bring improvements to Stormont.

Where this report differs from others is that it does not look at removing the veto on Executive formation since, in Pivotal's view, there is not yet sufficient consensus about such a significant change.

The research suggests changes that could help address some of the main problems with the functioning of current structures, including that poor relationships within the Executive block progress, difficult decisions are delayed

or ignored, ministers rarely table legislation, and the Assembly often focuses on debating issues over which it has no control rather than areas it can affect.

MLAs don't spend enough time on fundamental matters like the scrutiny of government legislation. Too much energy is spent in unproductive ways and not enough goes towards actions that could improve day-to-day life, with the necessary compromise and collaboration required.

Any Stormont reforms will need broad support if they are to be agreed. Pivotal's report aims to create discussion and momentum towards positive change, providing a number of ideas for tangible improvements.

As important as any structural change is a transformation in culture in the Assembly and Executive. Constructive working relationships, a sense of goodwill, and shared ownership and action are needed to make the institutions here work, no matter how they are set up.

The result of the research and interviews is eight suggestions for changes to the workings of the Executive and Assembly, each of which adheres to the principles of the Belfast/Good Friday Agreement (B/GFA). Four of the suggested reforms concern the Assembly and four concern the Executive.

Suggested reforms to the Assembly:

1. **The introduction of Bill Committees** – Committee schedules are busy and scrutiny of legislation can be poor. Ad hoc committees to work on each piece of legislation could rebalance workloads and improve the quality of new laws.
2. **Increased resourcing of the Official Opposition** – the Official Opposition is a new feature at Stormont, and has made an impression, but it is run on very limited resources. More support could increase the Opposition's effectiveness, and so contribute to improved decision-making. This might encourage parties to join the Opposition rather than take up roles in the Executive.
3. **Changing the Assembly Business Diary** – too much time is spent on non-binding motions about issues Stormont cannot affect. Limiting these would leave more time for more productive work.
4. **Changing the election of the Speaker** – shifting from a cross-community vote to a two-thirds majority would make it much harder for a single party to block the election of a Speaker. This could allow the Assembly to sit without an Executive, showing it is the "prime source of authority".

Suggested reforms to the Executive:

5. Changes to use of D'Hondt process for allocating ministerial and committee roles

- a. **Incorporating Justice into the D'Hondt process** rather than it being subject to a cross-community vote. Currently the appointment of the Justice Minister stands apart from other ministerial portfolios. Normalising this process, while it could be controversial, would signal a more mature politics.
 - b. **Running D'Hondt as a single process** – having a single process to determine ministers and committee chairs and deputies would allow smaller parties to have more options for important roles. It could further boost the Official Opposition if parties chose to take Committee roles rather than Executive positions.
 - c. **Setting a threshold for inclusion in D'Hondt for Executive roles** – a minimum threshold for parties to be eligible to receive a ministerial position could lead to a smaller and more streamlined Executive, and also boost the Official Opposition.
6. **The use of Executive sub-committees** – tricky, cross-cutting matters of Executive business could be worked through by a smaller group of ministers before going before the whole Executive.
 7. **Enforcing the three-meeting rule on Executive business** – this rule, which means any issue a minister wants to bring to the Executive can only be sidelined for three meetings, is currently not enforced, meaning major issues can be blocked by the First and deputy First Minister.
 8. **Reinforcing the importance of the Programme for Government, budget and legislative programme** – these should be the three pillars of any government mandate. The PfG should be comprehensive and published quickly, budgets should be tied closely to the PfG's aims, and the legislative programme should be aimed at meeting the desired outcomes.

Of these, three could be put in place ahead of next year's election: increased resourcing of the Official Opposition, enforcement of the three-meeting rule on Executive business, and reinforcing the prime importance of the PfG, budget and legislative programme. The others would need more detailed discussion before agreement could be reached.

More details on each of these suggestions are in the second half of this press release.

Pivotal's report deliberately set aside any consideration about changing the single party veto on Executive formation which allows one of the two main parties to collapse the Executive or to prevent it being formed.

The veto has a significant impact on the way the institutions operate. However, the lack of consensus between all the major parties on this issue means any changes are unlikely to be agreed at this stage. Instead, Pivotal chose to focus its attention on other possibilities for reform.

Ann Watt, Director of Pivotal, said: "This is a crucial time for politics in Northern Ireland. Public services are struggling, finances are tight, and there are many significant social and economic challenges that need to be addressed.

"In recent years, decision-making from the Executive and Assembly has been inadequate in dealing with the nature and scale of these challenges.

"As a result, there have been many calls for reform at Stormont. The question, however, is what those reforms should look like. Any such reforms would need broad political support.

"The suggestions we are bringing forward today all have the potential to make important improvements to local political structures. They should help kick-start discussions about what a new Stormont can look like and help drive changes forward.

"Of course, adjusting the structures of the Assembly and Executive is not a cure all for local political failings. We hear repeatedly that some of the biggest problems in Stormont today are cultural. It is important for MLAs and ministers of different stripes to have good working relationships and at present this is often not the case.

"Some matters of culture, such as poor working relationships, could be helped by changes to the institutions to encourage more collaboration. The fact that parties in the Executive might have hugely differing opinions on many issues of policy and politics does not mean government here cannot work well.

"During our research we repeatedly encountered the point that, during the Paisley/McGuinness and Robinson/McGuinness governments, relationships between ministers were much better and many more compromises and paths forwards were reached.

“Strong leadership is vital, and a shift in culture at Stormont is obviously needed – but for the Assembly and Executive to work in the best possible way will require changes on several fronts.

“The suggestions made in this report indicate ways the institutions themselves could be altered to be more productive, and to encourage ministers and MLAs to build compromises and reach agreements.

“Institutions that work better can lead to longer-term sustainability in public services and other areas of policy that can help local people and make a difference to their lives.”

SUGGESTED REFORMS:

Pivotal’s research led to eight suggestions for reform that could make Stormont work better:

1. Bill Committees

Separate ad hoc committees would be set up to scrutinise legislation. Currently, this scrutiny is usually provided by the relevant departmental committee.

One interviewee said statutory committees are the “engine house of the Assembly”, but are overworked at the minute, with an inadequate amount of time to properly fulfil their duties. Some interviewees criticised the quality of their oversight. Some MLAs don’t set aside party allegiances, committees sometimes behave like “lobby groups” for certain industries, and the questioning of witnesses by committees can be poor.

One of the results is inadequate work on the details of bills. Ad hoc bill committees, established after a Bill’s Second Stage, would focus exclusively on the bill in question, and leave statutory committees to work on the actions and strategies of their respective departments and ministers.

Clear rules of procedure would need to be established to avoid overlapping duties between statutory and bill committees.

As with many of the matters discussed in this report, working culture also has a significant effect. The relationships between MLAs in committees can be strained and they can often be unwilling to set aside party allegiances. A more constructive culture based on scrutiny would also improve the committee process.

2. Resourcing the Official Opposition

While the Official Opposition does get some financial support, it is significantly under-resourced, especially as its central function is to hold the Executive – supported in its work by a Civil Service of around 24,000 people – to account.

More support could improve opposition scrutiny and encourage more parties to join the Official Opposition rather than take an Executive ministry. Currently there is a significant imbalance between the Official Opposition and the Executive, with one party of eight MLAs in the former and four parties with 76 MLAs in the latter. A larger, broader opposition could transform the dynamics of the Assembly.

Increased support could comprise a dedicated research team, more direct funding, pay rises for senior figures such as Leader of the Opposition, or some combination of all of these. Ultimately a stronger Official Opposition could open up more detailed policy discussions and encourage more holding of the Executive to account for its delivery.

3. Changing the Assembly Business Diary

By restricting the number of non-binding Private Members' Motions debated in the chamber, MLAs would have more time to hold the Executive to account and focus their actions on business that directly affects Northern Ireland. This extra time would also ease pressure in other areas, such as the rush to fulfil committee duties.

The feeling that MLAs spend too much time debating areas fully outside of their control, such as foreign policy, has grown in recent times. These sentiments received strong support among Pivotal interviewees, who accused MLAs of “peacocking” and “theatrics”, with one saying that “the politician who says a lot but doesn’t change much is the one who’s more likely to get elected in Northern Ireland”.

Non-binding motions can be valuable and still have a role in any legislature, but by restricting their frequency the Assembly could achieve a much better balance in its work.

Some MLAs, however, might be opposed to limits placed on what they are able to debate, especially if these issues are important to their constituents.

4. Election of the Speaker

Electing the Speaker by a two-thirds majority rather than through a cross-community vote would make it much harder for a single party to hold up the formation of the Assembly. It would also allow the Assembly to sit without an

Executive. At present, because the two largest parties have such control over the election of the Speaker, they can stop the Assembly from sitting.

Meanwhile, electing the Speaker via blind ballot would bring local structures in line with London and Dublin.

Overall this would make clear that the Executive sits at the pleasure of the Assembly – which, as set out in the B/GFA, is intended as the “prime source of authority” – and not the other way round.

However, if the Assembly were to sit without an Executive the number of Private Members’ Bills would likely rise considerably, and concerns already exist about the pressure PMBs already place on stretched budgets.

5. Changes to the D’Hondt process for allocating ministerial and committee roles

The D’Hondt formula is the process whereby parties that achieve a sufficient number of seats in Assembly elections can choose ministerial posts and, later, committee positions. **Altering the details of this process could improve the functioning of the institutions.**

(a) Incorporating Justice into D’Hondt

Instead of the Justice Minister being selected by a cross-community vote, this position could be a normal part of the D’Hondt formula, like other ministerial posts. This means any party eligible for the ministry could take the portfolio – as yet, no nationalist has ever held the position.

Such a change would not be without its challenges. The idea of Justice Ministers from certain parties would be anathema to some people. At the same time, the nature of local politics has changed a lot since the B/GFA and **this change could help normalise both the system of government and the position of Justice Minister itself.**

(b) Run D’Hondt as one process

Currently D’Hondt runs twice, once for ministers (excluding the Executive Office and the Justice ministry) and again for committee chairs and deputy chairs. **By folding this into one process, smaller parties would have the opportunity to forgo a department and instead choose a prominent committee role.**

Smaller parties would also have more options overall as currently the entire D’Hondt process begins anew when committee roles are determined, favouring the larger parties.

Running a single process would also act as incentive for smaller parties entitled to Executive positions to join an Official Opposition instead – and, in doing so, provide the opposition with committee roles that can help them improve scrutiny and accountability.

The overall effect of any such changes, however, would depend entirely on election results and parties' subsequent choices.

(c) Executive formation threshold

The D'Hondt formula decides how many parties qualify for an Executive position, as well as how many picks parties have during the D'Hondt process and the order in which those picks occur.

However, if a dedicated minimum threshold for seats was set to decide whether or not a party could enter the Executive – such as 12 or 15, with the figure possibly reviewed at the start of new Assembly terms – this could reduce the number of parties entitled to ministerial positions. In the view of several interviewees, **a smaller Executive could improve relations and efficiency, because negotiations between two or three parties are much more straightforward than those between four or five. It would also tighten the concept of joint accountability within the Executive.**

This would also allow more parties to enter the Official Opposition and hold the Executive to account, therefore creating a better government/opposition balance within the Assembly. Risks include that any threshold could be seen as artificial. Some interviewees questioned whether a smaller Executive would be more effective.

6. Executive sub-committees

Finding consensus within the Executive is difficult. While ministers can make decisions affecting their department, anything considered significant, controversial or cross-cutting must be brought to the Executive for approval. Due to the different or conflicting perspectives around the Executive table, important policies often get stuck.

When such a difficult decision reaches the Executive, or even when one is anticipated, the formation of an Executive sub-committee made up of ministers with a significant departmental interest in the issue could be convened to consider the matter and find a way forward before placing the issue in front of the whole Executive. They have been used occasionally in the past, and were widely considered successful.

Sub-committees would help the Executive find consensus on difficult issues and create a greater sense of shared ownership of policies between ministers. It may also encourage a culture of collective responsibility.

However, there is no guarantee that sub-committees would work effectively. Even in issues where some agreement is found this may still be blocked by the wider Executive.

7. Enforce the three-meeting rule on Executive business

The “three-meeting rule” states that papers proposed by a minister for discussion by the Executive cannot be blocked for more than three meetings. However, according to one interviewee “it’s never actually enforced” while another said the two main parties “just ignore” it. Executive meeting agendas are set by the First Minister and deputy First Minister.

In 2021, the Communities Minister’s proposed changes to welfare reform were blocked almost 40 times. The Agriculture, Environment and Rural Affairs Minister had his proposals for an independent Environment Agency blocked numerous times in the current mandate. This can be corrosive for Executive relationships.

Ensuring that issues cannot be blocked for discussion around the Executive table for more than three meetings would allow all ministers a greater chance to have their proposals debated among their colleagues and could drive progress forward on issues which are stuck. It would also ensure smaller parties get to have their say during meetings.

Of course, enforcement of this rule would not guarantee progress. Just because an item is on a meeting agenda does not mean any discussions will be useful, positive or reach an agreement. This is one area where poor relationships and culture are the most fundamental roadblock – although the hope is that better structures may encourage better relationships.

8. Reinforcing the importance of the Programme for Government, Budget and legislative programme

The Programme of Government (PfG) should be the cornerstone of government. The Executive’s budget should be tied to the PfG’s vision, and the legislative programme, which lists the bills ministers plan to table each year, should drive forward changes aimed at fulfilling PfG commitments.

However, in recent years getting Executive agreement on these fundamental pillars of government has proven difficult. The current Executive took over a year following restoration to publish a final PfG that, in the words of one former MLA, was “designed to answer a media question rather than a governance question.”

Since then, the Finance Minister’s multi-year Budget was rejected by Executive colleagues while one interviewee told Pivotal that the legislative programme “doesn’t seem to be grounded in reality at all”.

As with some other areas, some of the fundamental obstacles to agreeing a PfG are that different Executive parties have significantly divergent or even opposing visions for major areas of policy.

One interviewee suggested that any new Executive should be given six months to finalise a PfG and, if they fail to do so, a new Executive should be formed, and if that doesn’t work, an election called. This might add impetus but could reduce institutional stability. It would not address fundamental disagreements on policy, however.

Some contributors were sceptical even about the effect of an agreed PfG, as this would not necessarily change behaviours. One interviewee said the key to unlocking Executive “common purpose” comes from “having leaders at the top who set standards, whose behaviour can become the norm for others. We’re not getting that at the moment”. The Paisley/McGuinness and Robinson/McGuinness Executives were highlighted as having these attributes.

ENDS

Notes to Editors

Ann Watt is available for interview. To schedule a discussion, or for any other queries, contact Ryan Miller on 07789 552 340 or ryan@millercomms.co.uk

1. Pivotal is an independent think tank launched in September 2019. Pivotal aims to help improve public policy in Northern Ireland
2. Pivotal’s published reports are available [here](#)
3. Pivotal’s Board of Trustees provides oversight of its work. They are David Gavaghan (Chair); Sarah Creighton; Judith Gillespie; Rosalind Skillen; Barry Byrne; Andrew McCormick; Seamus McAleavey; Alan Whysall
4. Pivotal’s Director Ann Watt is a former senior civil servant with 25 years’ experience in public policy development and delivery. Most recently Ann was Head of the Electoral Commission in Northern Ireland (2014-2019)

5. Pivotal has received funding and in-kind support from Belfast Harbour Commissioners, The Community Foundation Northern Ireland, the Department of Foreign Affairs and Trade, The Joseph Rowntree Charitable Trust, NICVA, Queen's University Belfast, Ulster University
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