

Political and Administrative Context

OVERVIEW OF THE IRISH ADMINISTRATIVE AND POLITICAL SYSTEMS

The Irish state consists of 4.8 million people employing a system of representative parliamentary democracy. It achieved partial independence from Great Britain in 1922 to become the Irish Free State (Northern Ireland opted to remain fully within British jurisdiction) and was formally named a Republic in 1948. Ireland joined the European Union in 1973. It has a legal tradition based on the public interest model with its roots in the English common law system. Irish law (including administrative law) draws on a combination of the 1937 Constitution, EU law, statute law and judicial decisions.

Bunreacht na hÉireann—the Constitution of Ireland—provides for a liberal form of democracy with judicial, legislative and executive powers allocated to different institutions of the state. Judicial power is administered through the national court system, with the Supreme Court at its apex as the final court of appeal. The legislative power of State is granted to the *Oireachtas*—comprising a President and a national parliament. The President—*Uachtarán na hÉireann*—is directly elected every 7 years as Head of State but the office has no executive power and is confined to largely ceremonial duties. The national parliament is a bicameral legislature with the Lower House—Dáil Éireann—comprised of 158 directly elected representatives, and the Upper House—Seanad Éireann—comprised of 60 indirectly elected Senators.

In line with the Westminster model which heavily influenced its creation, the Lower House elects from amongst its membership a *Taoiseach* (Prime Minister) and up to 14 Ministers, who, along with a small number of other officeholders, form the Cabinet or Government. Each Government Minister is responsible for at least one ministry, known as Departments, and there are no limits to the number of Departments a Government can create or a Minister hold. The Constitution grants the Cabinet, which meets weekly, the State's executive power and provides the Taoiseach with considerable veto and agenda-setting powers. Although not provided for in the Constitution, with the approval of the Cabinet a Taoiseach may also appoint up to 15 Ministers of State, also known as 'junior' Ministers, who do not attend Cabinet unless required. A system of elected but relatively weak local government also exists, primarily funded through central revenues.

In 2008, the OECD published a seminal review of the Irish administrative system (OECD 2008). It usefully presented a graphical depiction of the Irish state's politico-administrative structure service as follows: Figure 2.1 makes an important distinction between *civil service* staff—that is, those staff working in the core organs of state (including the parliament, government, courts and auditor's office)—and the broader *public service*, which includes staff working in the health, policing, education and other sectors of the state bureaucracy. The bulk of the civil service consists of those staff who work in government departments, and who are charged with (amongst other things) policy development and Ministerial advice. As it is at the core of the administrative system, the civil service also oversees and coordinates the work of other sectors of the administration, including the local government system, but political power is firmly centred on the Cabinet and the office of the Taoiseach. The OECD's graphic somewhat fudged the large population of state agencies (referred to as 'public agencies and bodies'), which, although comprising less than 10% of the public service personnel, adds considerable complexity to the administrative system.

Politically, the Irish political party system is not characterised by a typical left-right dichotomy, instead containing a relatively low degree of ideological differentiation when compared with European norms. Electoral support has tended to cluster to the centre-right with support for left parties being traditionally lower than European averages (Mair and Marsh 2004). As Fig. 2.2 identifies, the traditional two largest parties—centre-right Fianna Fáil and Fine Gael—have dominated Irish

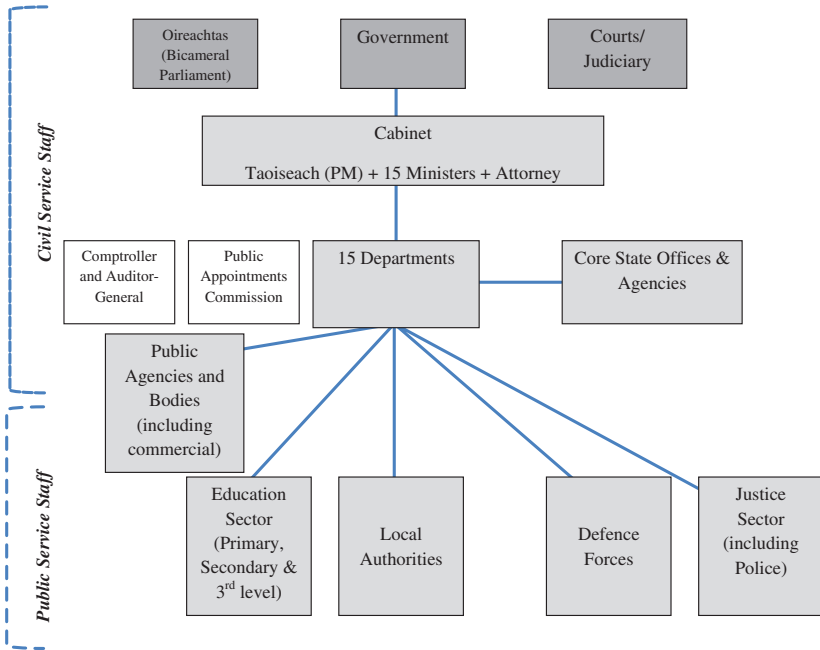


Fig. 2.1 OECD representation of Irish politico-administration system. *Source* Adapted from OECD (2008, p. 65)

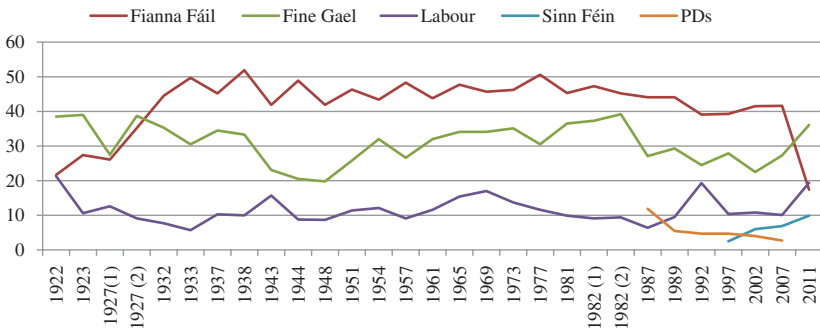


Fig. 2.2 Main Irish political parties 1922–2011, by percentage of first preference votes at elections. *Source* (Coakley 2010, p. 440, author's additions)

politics since 1922,¹ with the social democratic Labour Party maintaining its status as the third largest party until 2011. Left-wing Sinn Féin has developed its position since 1997, though it has yet to hold executive office. The liberal Progressive Democrats (PDs) had a major impact on Irish politics between their creation in 1985 and dissolution in 2009.

The relatively narrow ideological spectrum has made overt debate on policy values and objectives difficult in Ireland (Hardiman 2012). However, it has also facilitated a considerable degree of agreement amongst the largest government-forming parties about national economic policy in particular, which since the 1960s has emphasised market conformity, enhancing competitiveness and ‘getting the state out of the way’ of private enterprise. Prior to 2011, the efficacy or role of the administrative system rarely featured as an election issue, or took a prominent place in party manifestos.

While more recent years have witnessed greater fragmentation of the political party system, as Table 2.1 identifies, Irish governments since 1932 have been led by either Fianna Fáil-led (alone, or always with at

Table 2.1 The parties in power 1922–2016 (Fianna Fáil-led governments in grey)

1922 – 32	Cumann na nGaedheal (later Fine Gael)
1932 – 48	Fianna Fáil
1948 – 51	1 st Inter-party Govt. (all non Fianna Fáil parties)
1951 – 54	Fianna Fáil
1954 – 57	2 nd Inter-party Govt. (all non Fianna Fáil parties)
1957 – 73	Fianna Fáil
1973 – 77	Fine Gael / Labour Party
1977 – 81	Fianna Fáil
1981 – 82	Fine Gael / Labour Party
1982 – 82	Fianna Fáil
1982 – 87	Fine Gael / Labour Party
1987 – 89	Fianna Fáil
1989 – 92	Fianna Fáil / Progressive Democrats
1992 – 94	Fianna Fáil / Labour Party
1994 – 97	Fine Gael / Labour Party / Democratic Left
1997 – 07	Fianna Fáil / Progressive Democrats
2007 – 11	Fianna Fáil / Progressive Democrats / Green Party
2011– 16	Fine Gael / Labour Party
2016 -	Fine Gael / Independents

least one smaller party from 1989) or by Fine Gael–Labour Party coalitions (with or without smaller parties). That Fianna Fáil and Fine Gael could never coalesce to form a government played a major role in Irish parliamentary politics operating ‘winner takes all’ adversarial politics for many decades, a system that afforded non-government parties little ability to influence the executive agenda in parliament (MacCarthaigh 2005).

Despite lengthy periods of single-party rule (mainly by Fianna Fáil) for the early decades of the state’s existence, such governments became less frequent from the early 1970s and since 1989 Ireland has been governed by a succession of increasingly diverse coalitions. These changes have influenced the shape and role of the state administration. As policy priorities shifted in line with agreements between coalition partners, organisational change became increasingly common, with public organisations emerging, closing, merging and splitting with increased frequency. Taking four periods in the state’s evolution between 1922 and 2010, Table 2.2 identifies a consistent increase in not only the average number of public organisations in existence, but also the number of change ‘events’ per year.

Table 2.2 State development and organisational change events 1922–2010

<i>Period</i>	<i>1922–1950</i>	<i>1951–1970</i>	<i>1971–1990</i>	<i>1991–2010</i>
Type of government	Single party dominant	Alteration between single-party and coalition governments	Alteration between single-party and coalition governments	Coalition government dominant
Average no. of public organizations in existence per year (including Ministerial Departments)	88	146	204	285
Average no. of organisational change events ^a per year	5	5	9	17

^aThe events under consideration here are organisational Births, Secessions, Absorptions, Mergers, Replacements, Nationalizations, Privatizations and Death. See also Hardiman et al. (2016) (www.isad.ie).

Source Adapted from MacCarthaigh (2012b, p. 805)

The changing electoral fortunes of Irish political parties since independence have been the subject of numerous academic works (Gallagher and Marsh 2007, 2011; Murphy 2016). However, much less attention has been given to the parallel evolution of the state's administrative system. For the remainder of this chapter, it is necessary to present in some detail the development of that system, and particularly the civil service, as well as efforts to engage in public sector reform.

REFORM OF THE IRISH PUBLIC SERVICE FROM INDEPENDENCE TO 1990

Following the achievement of independence in 1922, the organisation of the Irish system of public administration changed little for several decades, and operated in a manner heavily informed by Weberian-style principles, most prominently the use of formal hierarchies and rule-based management. The core features of the inherited Whitehall administrative model were readily identifiable. These included an apolitical and generalist administration, with permanent tenure for staff selected on merit through open competition, institutionalised through the creation of the independent Civil Service Commissioners in 1926. As in Britain, the civil service was at the heart of the wider public sector bureaucracy, which included local authorities and a range of non-departmental bodies and agencies. And at the heart of the civil service was the powerful Department of Finance, which controlled the terms and conditions of public service employment.

However, while the Westminster/Whitehall model of government was retained in Ireland post-independence, contrary to popular perception the administrative system was not unaffected by the transfer of powers from London to the new Irish Free State. The detailed analysis by Maguire of the independence period and subsequent decade argues convincingly that 'the belief that the new State simply inherited a thoroughly modernized and reformed civil service...can be refuted' (2008, p. 227). Prior to independence, the British administrative system in Ireland had become extremely complex, expensive and unaccountable. It had also proved resistant to Whitehall reforms. Working alongside the Irish offices of British Government Departments were a large number of autonomous national and local public bodies which were weakly coordinated from Dublin Castle (the central point of British rule in Ireland), with considerable overlap, duplication and corruption. With the

introduction of self-rule, the administrative system was subsumed under 11 new ‘Departments’ in 1922, involving a large number of organisational absorptions and closures.

Rather than continuity, therefore, Maguire points to the ‘rapid purge of the personnel of the senior ranks of the civil service, paralleled by an even greater exodus through voluntary retirements’, and finds that ‘the civil service was also reorganised into a centralised and hierarchical structure of departments under [Department of Finance] control and answerable to politicians’ (2008, p. 227). He notes that whether that model was appropriate for the new State was not considered by the new government. The civil service also continued with a hierarchical system of grades which provided for mobility points across organisations, as well as for distinguishing between process-type tasks and policy formulation. This system of grades provided for a linear system for allocation of authority and delegation of tasks, but also embedded deference to hierarchy.

The key piece of legislation which provided the new basis for political-administrative relations was the 1924 Ministers and Secretaries Act. The Act determined that the parliament would have no direct constitutional linkage with the civil service in respect of policy matters. Rather, civil servants in each government ‘department’ would act in the name of and be accountable to their respective Minister, who has been granted executive power by the Oireachtas. The single but significant exception to this was the requirement of Secretaries-General in their capacity as ‘accounting officers’ to appear before the Committee of Public Accounts to answer for their stewardship of those public funds under their control. The principal function of the Act was to provide a legal basis for the minister to be the only source of authority in relation to a government department. It also provided that the minister in charge of a department would have a legal personality known as a ‘corporation sole’, thus allowing the officeholder to sign contracts, or sue and be sued as a corporate entity rather than as an individual. In simple terms, the Act ensured that there would be no legal distinction between a Minister and his or her Department.

Whatever the suitability of the system adopted, the core administrative structures of the State, and principally the civil service, subsequently evolved quite slowly and in many instances remained structurally unchanged for decades (Barrington 1980; Hardiman and MacCarthaigh 2010; MacCarthaigh 2012b). While a number of Boards, Commissions

and other arm's length-type organisations survived the transfer to self-rule, and a number of new bodies were created incrementally every year post 1922, for the first few decades of independence, ministerial departments consolidated their role as the central focus of policy and administrative action.²

There was little by way of calls for administrative reform prior to the 1960s, with one exception. Following the election of the first Fianna Fáil-led government in 1932, the Brennan Commission (chaired by a former Secretary-General from the Department of Finance, Joseph Brennan) was created to, amongst other things '...inquire into and report on the recruitment and organisation of the civil service with special reference to the arrangements for ensuring efficiency in working...' (Fanning 1978, p. 241). However, the final report published in 1935 was 'highly conservative' and more concerned with issues such as retirement ages and the principle of arbitration, than the functioning and organisation of the service (Lee 1989, p. 196). It found the organisation of the administrative system to be satisfactory, with no reform needed. It would be another generation before the issue of public service organisation would be taken seriously again by an Irish government.

The period of post-War reconstruction across Europe coincided with new ideas about the need for greater use of management planning techniques within the government. In Ireland, a recognition that the economy needed to undertake a fundamental shift from one blanketed with protectionist policies to a more open internationally focused one, as well as the allied desire to join the nascent European Economic Community (EEC), led to a period of economic and social change. And by the late 1960s, senior civil servants had come to believe that their growing policy development role should be more clearly demarcated and that the more routine tasks of implementing ministerial initiatives should be hived off elsewhere. In this context, and having also created a 'Committee on the Constitution' to review the 1937 Constitution, the Fianna Fáil government established a 'Public Services Organisation Review Group' in 1966, under the chairmanship of Liam Devlin. Its mandate was as follows:

Having regard to the growing responsibilities of Government, to examine and report on the organisation of the Departments of State... including the appropriate distribution of functions as between both Departments themselves and Departments and other bodies. (Public Services Organisation Review Group 1969, p. 3)

Its final report was a substantial one, replete with criticisms and proposals for widespread reform of the service, based on two underlying principles:

1. a greater emphasis on policy-making, as distinction from administration and
2. the need for greater integration and coordination across the public service.

The proposal to separate policy-making from administrative duties echoed a central recommendation of the British Committee on the Civil Service (or Fulton Committee) which had finally reported in 1968, a year before Devlin's report was published. The Devlin Report proposed to achieve this by means of the division of each Government Department along policy development and execution lines. The policy-making core of the Department (the *Aireacht*) would assume responsibility for strategy, subject to the Minister and Government's approval. The remainder of the Department would be concerned with policy implementation, organised as executive agencies. The report also recommended the establishment of a new Department to focus on the work of the public service. In the event, a Department of Public Service was created by a new government in 1973. However, although Devlin's report was officially welcomed by government, its many recommendations never achieved sustained political follow-through (Stapleton 1991). Indeed, Lee commented that 'many civil servants and politicians devoutly wished to see Devlin buried' (1989, p. 548). Combined with political disinterest³ and wider economic problems, the thrust of the report's ambitions petered out and the Department of the Public Service was eventually re-absorbed into the Department of Finance in 1987 (below) having expended much energy on industrial relations issues rather than public service reform.

In 1983, a new Fine Gael-Labour Party administration established the 'National Planning Board' to develop a new national economic plan. Titled *Building on Reality*, the plan made a commitment to widespread institutional reform in the public sector and ultimately led to a government policy proposal *Serving the Country Better*, published in 1985. *Serving the Country Better* envisaged the introduction of a management system based on corporate planning ideas, including the personal responsibility of bureaucrats for results, costs and service quality. The enabling legislation was stalled by the acute economic crisis of the

period, however, and the proposals never entered parliament for debate. A major initiative during this government's term of office, however, was the creation of the Top Level Appointments Committee (TLAC), which ended the process of appointment to top civil service positions on the basis of seniority, replacing it with a merit-based system using competitive interviews.

What public service reforms did occur in the years after were largely incremental and uncoordinated, dominated by an emphasis on controlling expenditure and personnel numbers, including a recruitment embargo in 1987. As noted, the Department of Public Service was merged back into the Department of Finance in 1987, and during 1989/1990 over 1000 civil servants were decentralised to regional centres in an effort to boost regional development. An 'Efficiency Audit Group' was created in 1989 to survey the practices of government departments and to recommend methods for improving efficiencies with a view to cost savings. By 1990, and in contrast with other Anglophone states such as Britain and New Zealand which had experienced sweeping managerial public service reforms during the 1980s (cf. Boston 1987), respectively, Ireland was a reform laggard.

Furthermore, alongside the core civil service departments, there now existed a panoply of public organisations that had added to the size and complexity of the bureaucracy. In large part, this development had been facilitated by the Whitehall administrative model with its emphasis on the public interest and pragmatic administrative action, and a common law tradition. In contrast with the continental European *Rechtsstaat* administrative systems, which rely on extensively codified administrative law as the basis for bureaucratic action (Pollitt and Bouckaert 2004, pp. 52–54), the Whitehall public interest tradition allows for a wide variety of organisational forms to meet particular political or administrative needs. There was a steady incremental increase in the number of such bodies created in Ireland over the 1922–1990 period, ranging from large state-owned commercial enterprises (O'Donovan 1949; FitzGerald 1961) to small national advisory boards and commissions (Leon 1963). The population of over 200 agencies in existence by 1990 was diverse, with names such as Council, Commission, Board, Authority, Agency and Body used interchangeably but giving no indication as to the powers, accountability, funding or relationship to central government departments these organisations had (MacCarthaigh 2012d).

1990–2008: THE EMERGENCE OF PUBLIC MANAGEMENT REFORMS

Despite sharing many features of constitutional design and political-administrative culture with other English-speaking countries, Ireland was distinctive in not being a conspicuous follower of the managerialist New Public Management (NPM) reform movement. In large part, this arose from the lack of ideological debates over the role and organisation of the public service from within the political party system. As noted above, there had been some attempts from the late 1960s to introduce private sector management ideas to the civil service and to reform structures so as to separate policy design from routine administration (Stapleton 1991). But it was not until 1990 that there is clear evidence of NPM ideas concerning market-like incentives and performance measurement washing up on Irish shores. Collins and Cradden argue that a fusion of neo-liberal economics, increased international competition, an end of protectionist policies and the need for social and economic regeneration contributed to NPM garnering favour amongst Irish political and administrative elites, ‘albeit a version with a uniquely Irish flavour’ (2007, p. 27).

The issue of performance-related pay first emerged in 1990 for some senior civil service grades. In 1991, separate administrative budgets were introduced in most government departments with a view to increasing the flexibility and accountability of line managers. Prompted by EU Structural and Cohesion funding opportunities, 5-year multi-annual capital programmes were introduced for most Departments. And with a surge in Irish economic performance during the early 1990s, the impetus for more systemic administrative reform to support economic growth gathered pace (Hardiman and MacCarthaigh 2010). This was primarily negotiated by government with the public service unions as part of the triennial ‘social partnership’ pay-tax agreements which commenced in 1987 and involved trade unions, business organisations and civil society associations (Hardiman 2006). The EU also played a role in this development not alone through greater interchange of ideas between civil servants, but also through the promotion of standard programme evaluation and regulatory practices across member states. Ireland’s integration into the European project was intensified following ratification of the Maastricht Treaty in 1992, with the state committed to the Single European Market and European Monetary Union.

A study visit by a group of senior Irish civil servants to examine the radical public service reforms undertaken in New Zealand and Australia culminated in the launch of a new programme for reform in 1994 known as the ‘Strategic Management Initiative’ (SMI). As with New Zealand, where the reform impetus had emerged from within the civil service, the objectives of the SMI were expected to begin within the Irish civil service and eventually radiate out across the wider public service. At its core, the SMI was concerned with NPM ideas around enhanced productivity through managerial flexibility, as well as greater public accountability of the administrative system. It was endorsed and enthusiastically launched by then Taoiseach Albert Reynolds, whose Department assumed responsibility for public service reform. However, to soften its managerial tone and ensure a public service distinctiveness, the SMI was soon relabelled as the *Public Service Modernisation Programme*. It provided a blueprint for public management reforms across the constituent parts of the public service.

With a change of government a few months later, his successor as Taoiseach appointed a party colleague as ‘Minister of State with responsibility for the Strategic Management Initiative’. Government departments published their first ever 3-year statements of strategy in 1995. A ‘Coordinating Group of Secretaries-General’ was created with a mandate to oversee and direct the Initiative and report to the government on its progress. This group was responsible for producing the report which informed the civil service-specific reform process—*Delivering Better Government: A Programme of Change for the Irish Civil Service* (DBG). DBG was based on six themes: Openness, Transparency and Accountability; Quality Customer Service; Regulatory Reform; Human Resource Management; Financial Management and Information Systems Management. A range of initiatives were unveiled under the banner of DBG, including legislation to provide for Freedom of Information and improving the scrutiny powers available to parliamentary committees, a ‘Quality Customer Service Initiative’, a (financial) Management Information Framework, a Performance Management and Development System (PMDS) and a single online portal for many public services.

In respect of political-administrative relations, a significant development was the promulgation of the 1997 Public Service Management Act. The Act sought to address the perceived shortcomings of the 1924 Ministers and Secretaries Act (and subsequent amending Acts), which vested all authority for running (what were in many cases now very large)

Departments in the Minister. With a view to giving more autonomy to top civil servants for managing the performance of their Departments, the legislation sought to separate Ministerial responsibility for policy objectives and results from the advisory and managerial roles of Secretaries-General in their achievement. Ministers would remain ultimately accountable to parliament as per Westminster-style convention, but the Act envisaged the traditional role of senior civil servants as anonymous policy advisers being transformed arising from the legal delegation of functions to them (from Ministers), greater use of performance management tools (including dismissals) and increased public accountability of officials. As well as making the role of Secretaries-General more explicit, the Act also legislated for the appointment of political ('special') advisers and provided in law for strategy statements to be produced by Departments every 3 years, or within 6 months of a new Minister's appointment. The legislation also provided for annual reports by Departments, with the first series published in 1999. The legislation did not fully resolve the issue of the accountability of Secretaries-General, however. The issue was the subject of a subsequent report of a high-level *Working Group on the Accountability of Secretaries-General and Accounting Officers* (known as the Mullarkey Report after its chair), established by the government in 2000.

Although the SMI and offspring DBG programmes were important milestones in the evolution of the Irish public service, enthusiasm for their implementation receded as the century drew to a close. As with the Devlin report, the level of political interest and engagement in the reform programme waned over time and public service reform was increasingly linked to pay negotiations (Hardiman and MacCarthaigh 2011). Reflecting on its demise, one former Secretary-General interviewed on the subject recalled that 'the SMI offered a cascading model of reform [but] it became excessively infused with the social partnership process' (157). Implementation of the various initiatives was also hampered by the perennial problem of responsibility being divided between the two central government departments—Finance and Taoiseach—who had different perspectives on the scale and purpose of reform initiatives. A commissioned review of the SMI programme published in 2002 gave a relatively modest affirmation of its achievements, concluding that 'the civil service in 2002 is a more effective organisation than it was a decade earlier', but that the programme was far from complete (PA Consulting Group 2002, p. 1).

The objectives of the SMI were soon overtaken by pressure for better terms and condition within the public service as the economy continued to grow. Following the PA Consulting review, and as part of the social partnership process, two reports were published (in 2002 and 2007) which ‘benchmarked’ public service pay against private sector equivalents. As a result of these reviews, public sector pay improved considerably for most categories of public service employment, though the process used to determine the large increases in 2002 was never published (Donovan and Murphy 2013, pp. 129–130). With attempts to establish comparability proving notoriously contentious, the relative gap (or pay premium) between public and private sector workers almost doubled from 14 to 26% between 2003 and 2006 alone (Kelly et al. 2009), adding considerably to the public service paybill.

The pay increases were to be awarded on the basis of verified performance improvements, and a system of ‘Performance Verification Groups’ was created to monitor, evaluate and report on workplace productivity. In practice, however, the correlations were weak and pay increases were uniformly awarded. In seeking to modernise HR processes generally during this period, much energy was expended trying to more closely align the Performance Management and Development System introduced in 2000 with HR processes (including promotions, salary increments and dismissals), but the absence of serious sanctions for underperformance remained problematic. A special report by the Comptroller and Auditor-General on public service performance published in 2007 suggested that ‘while [reform] initiatives have been co-ordinated, the achievement of results has been incremental and institution specific’ (Office of the Comptroller and Auditor-General 2007, pp. 23–25). The Office also proposed that the next phase of the modernisation agenda required a ‘stronger and more measurable set of targets for improvement’ as well as ‘a more coherent and integrated vision supported by specified modernisation objectives’.

The process of modernisation was undermined by the unexpected if not bizarre announcement in a Budget speech by the Minister for Finance in 2003 of a major programme of civil service relocation or ‘decentralisation’. With a target of moving over 10,000 civil servants out of Dublin to locations throughout the state by 2007, the absence of any prior consultation or publicity for the initiative meant progress was exceptionally slow with targets never achieved, and the programme eventually abandoned. A report published in 2012 found that the programme

had damaged the civil service, including a ‘haemorrhaging’ of corporate knowledge, considerable staff turnover and resulting in major costs accrued to the exchequer (Department of Public Expenditure and Reform 2012, pp. 151–152).

By 2006, public service reform in Ireland consisted of a set of poorly integrated initiatives and the size of the administrative system itself had expanded quite dramatically. As Fig. 2.3 below identifies, the number of state agencies had steadily increased over several decades, with various reform efforts doing little to address this growth. The increase accelerated rapidly after 1990 and peaked at just over 350 organisations in 2008 (MacCarthaigh 2012a, c). There was, however, a very tenuous relationship between the rapid increase in agency numbers and the SMI-inspired reform measures during this period.

Indeed, while the use of agencies to separate policy from administrative roles is well documented as part of NPM-inspired reforms, in the Irish case bespoke agencies were the preferred option for new areas of public service provision and regulation, as well as to serve patronage politics (though board appointments). Figure 2.4 identifies this increase in the number of organisational ‘births’, compared with the relatively small number of organisations being created through ‘secession’ from their

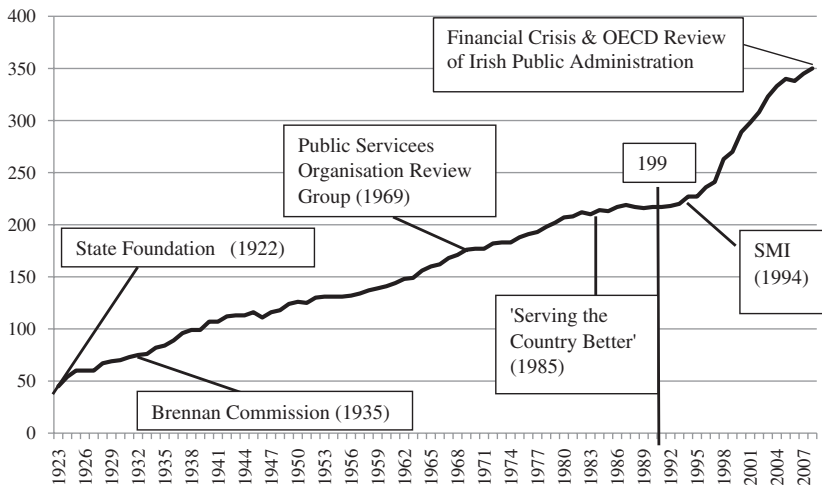


Fig. 2.3 Agencies in Ireland 1922–2008 (per year) and key reform events. *Source* Hardiman et al. (2016), www.isad.ie

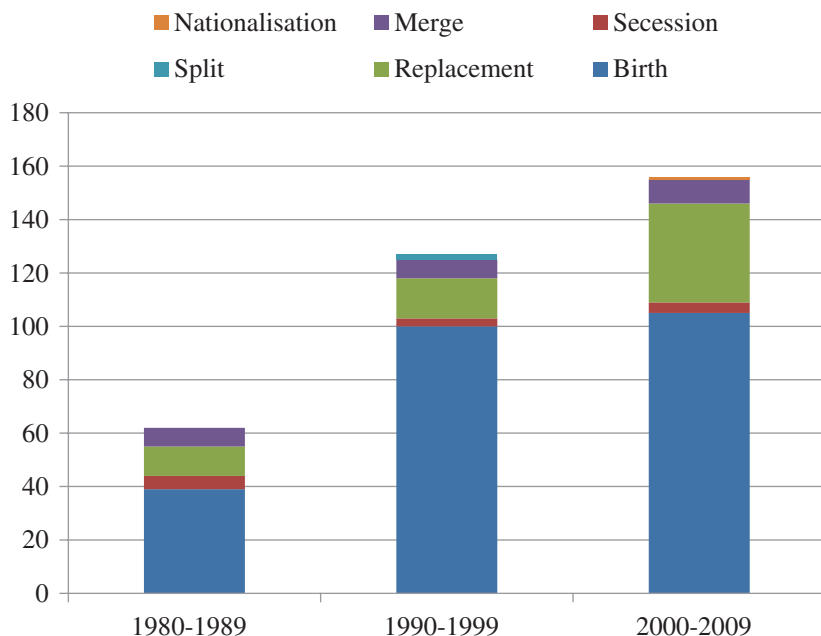


Fig. 2.4 Form of agency births, 1980–2010. *Source* Hardiman et al. (2016), www.isad.ie

parent Departments. Analyses of the Irish agency population also confirmed that while many agencies were given autonomy over how they pursued their objectives, their discretion over personnel and funding was tightly controlled (McGauran et al. 2005; Verhoest et al. 2010).

As well as organisational proliferation, there had been a commensurate increase in the number of public servants over the period, from c. 200,000 in 1990 to over 300,000 by 2006.

More dramatically, between 2000 and 2008 alone, the numbers working in the Public Service had increased by 30% (DPER 2014, p. 5). The parallel expansion in the paybill had sharply increased the state's annual budget. In the context of growing public criticism of the size, cost and performance of the administrative system, Taoiseach Bertie Ahern announced in Autumn 2006 that the government would invite the Organisation for Economic Cooperation and Development (OECD) to undertake a system-wide review of the Irish bureaucracy, benchmark

it against comparator states and make recommendations for the future direction of public service reform.

The OECD Review

Originally estimated to be published within a year of the review's commencement, the OECD's findings were not published until April 2008, some 18 months after their announcement. By this time, a General Election had been held which saw Fianna Fáil and the Progressive Democrats retain their hold on government office, but this time in coalition with the Green Party. The delay in the OECD report's publication was in part due to an underestimation by the organisation of the complexity of the task in hand, given that it was their first ever state-wide review. The report's title, *Ireland: Toward an Integrated Public Service*, pointed to the fragmented nature of the system in both organisational and policy terms. The report suggested that since the early 1990s, 'Ireland has significantly advanced along a "New Public Management" continuum' (2008, p. 18). What this continuum consisted of or where it went were not specified, but the lengthy report noted that the SMI had begun the process of shifting the Irish public service from one 'that focused largely on controlling inputs such as funds and personnel, rather than focusing on performance and results' (2008, p. 23). In its assessment, the SMI had also been primarily about putting processes in place; a new era of reform was now needed which focused on outcomes and outputs, and primarily behavioural rather than institutional change.

The main body of the report identified four 'challenges', each with a series of associated reforms which can be summarised as follows:

- *Ensuring capacity*: Greater integration of HRM systems to ease mobility between the various sectors of the public service; greater devolution of responsibility; creation of a Senior Public Service to foster whole-of-government approaches to policy problems; reaffirmation of public service values.
- *Motivating performance*: Better use of the budgetary process to enhance fiscal performance and resource allocation; more focus on results through performance-oriented management and budgeting; use of 'performance dialogues' between different parts of the service, particularly department and their agencies.

- *A citizen-centred approach*: A renewed focus on service quality; greater use of e-government and more integrated online services; fostering trust in government through greater openness in government.
- *Strengthening governance*: Greater emphasis on integrating different parts of the public service to provide more policy coherence; a focus on longer-term policy needs; greater clarity in relation to the role of 'the Centre' (i.e. the Departments of Finance and Taoiseach) in setting the strategic agenda for the public service; clarity in accountability relationships between agencies and parent departments, and a review of the use of agencies across government; local authorities to be 'responsibilised' and granted more autonomy and authority.

More generally, the report advocated a network approach to problem-solving (pointing to the existing social partnership process as a useful base for such development), with departments identifying their core competencies and functions and delivering non-core activities through such means as shared services and contracting out. Wider use of policy evaluations and the introduction of performance-based accountability structures were also prominent recommendations of the report and were to reappear in the context of later crisis-era reform efforts.

In response to the report's publication, the government established a nine-member Task Force (with members drawn from the public and private sectors) to consider how best to implement the OECD recommendations and develop an 'Action Plan for the Public Service of the 21st Century'. The Task Force reported in November 2008. Titled '*Transforming Public Services: Citizen centred – performance focused*', the report followed the key themes of the OECD review and made recommendations in relation to a number of substantive areas for all public service organisations, including motivating performance, deepening citizen engagement, strengthening governance and leadership. The report also paid particular attention to shared services, e-government and state agencies, before setting out a strategy for implementation. As the title suggested, the report argued for focus on citizen and business users of public services, and greater emphasis and measurement of performance at all levels. To achieve this, some of the reforms recommended included:

- all public bodies to provide an integrated annual report that contained both budgetary and performance information;

- greater use of performance assessments to address individual cases of underperformance and recognise high performance; and
- creation of a ‘Central Programme Office’ to manage these tasks and develop a government performance management handbook.

A major innovation in the report was the proposal to move to a ‘unified’ public service workforce, in which new arrangements and measures would be introduced to facilitate redeployment of employees across the public service. The Task Force also recommended ‘significant devolution of authority and responsibility between the different levels of Government’ as well as between Departments and agencies. Specifically in relation to agencies, the Task Force proposed that new governance and performance frameworks be agreed with parent Departments and that ‘performance dialogue’ replace input-focused engagements. The Task Force also recommended the public service create additional information and participation channels such as customer panels, surveys and other means of engaging with citizens.

In respect of implementing its proposals, a centrepiece reform was that a new Cabinet Committee, chaired by the Taoiseach, be created to oversee and drive the reform programme. In addition, an Annual Report on the ‘State of the Public Service’ would be prepared to facilitate greater coherence of the transformation programme across the public service and ‘enhance accountability to the Oireachtas and to the public’. The report of the Task Force was, however, published as the Irish economy was in freefall arising from the banking crisis that had culminated in a controversial state banking guarantee a few weeks previously (below). Public service reform was quickly superseded by the imperative for public service cutbacks. The menu of reform ideas raised by the OECD and Task Force reports were set aside, but were to re-emerge in later years in the context of a crisis-inspired administrative reform agenda.

THE CRISIS UNFOLDS: FROM REFORM TO CUTBACKS

The period of substantial economic growth in Ireland that began in the 1990s—popularly referred to as the ‘Celtic Tiger’—came to a dramatic halt in 2008 with a series of inter-related crises. These are identified by Donovan and Murphy (2013) as the initial property market crisis, the subsequent banking and parallel fiscal crises and finally the financial crisis

faced by the state. Given that across a number of economic measures the previous year had been one of the best in the state's history—unemployment practically non-existent, growth at 5% and government debt-to-GDP ratio at a historic low of 25%—the consequences of these combined crises were particularly dramatic.

The combined domestic Irish crises followed from the wider international financial crisis which began with the sub-prime financial market crash in the USA in 2007 (Whelan 2013). The Irish economy, and the government, had become increasingly dependent on the construction industry since the early 2000s, and with the sudden collapse in property purchasing during 2008, international investors grew concerned about the exposure of Irish banks to property investment loans. As a result, Irish banks were frozen out of international private financial markets. In late September 2008, 2 weeks after the collapse of Lehman Brothers in the USA and with the Irish property bubble burst wide open as developers were suddenly unable to repay their bank loans, the largest Irish financial institutions sought emergency government assistance. The outcome, made in the belief that the problem was one of liquidity rather than an underlying solvency issue (which it was) and in an effort to avoid a banking collapse (Cardiff 2016), was a controversial 2-year state guarantee of all existing and future liabilities of the domestic Irish banks. This rescue was designed to provide stability but undertaken on behalf of the taxpayer without the full scale of the banks' liabilities being clear.

The costs of the bank 'bailout' greatly worsened the developing fiscal crisis in Ireland, which was already struggling to deal with the loss of construction-related revenues and rising social welfare demands. An IMF report of June 2012 reported that:

Iceland and Ireland... feature among the ten costliest banking crises in terms of overall increase in public debt, with public debt in both cases increasing by more than 70 percent of GDP within four years. In terms of output losses, the ongoing crises in Ireland and Latvia are among the ten costliest banking crises since the 1970s, with output losses exceeding 100 percent in both cases. Ireland holds the undesirable position of being the only country currently undergoing a banking crisis that features among the top-ten of costliest banking crises along all three dimensions, making it the costliest banking crisis in advanced economies since at least the Great Depression. And the crisis in Ireland is still ongoing. (Laeven and Valencia 2012, pp. 20–21)

And so from late 2008 Irish governments had to engage in a series of contractionary or austerity budgets that only ended with the budget for 2015 published in Autumn 2014. With a rapidly deteriorating fiscal and economic situation, including a 50% increase in unemployment between December 2007 and October 2008, Budget 2009 was moved forward from its usual time of presentation in the first week in December to mid-October. As well as providing for immediate cuts to capital and current budgets, an Annex to the Budget identified a series of agency closures, totalling 39 organisations. From 2008 onwards, and for the first time in the state's history, the population of agencies experienced a period of year-on-year contraction. The Budget also initiated a review of the civil service relocation programme announced in 2002, ultimately leading to its abandonment.

In the aftermath of that Budget, the government appointed a prominent academic economist, Colm McCarthy, to lead a 'Special Group on Public Service Numbers and Expenditure Programmes'. McCarthy (who had chaired a similar group in the mid-1980s) and his team spent the period from September to December 2008 examining material from Departments, who had been asked by the Department of Finance to come up with detailed accounts of how their annual grants being spent. For the first half of 2009, the Special Group met with senior officials from all government departments to probe their spending and to seek efficiencies and savings. The process was court-like, with Departments having to justify and defend their expenditure decisions. This stock-taking exercise was invaluable, presenting a fine-grained account of how public money was being spent, and uncovering practices of limited, inefficient and in some cases dubious value that had accumulated over time across the public service. In his final report published in July 2009, McCarthy recommended cuts amounting to some €5 billion and a reduction of 17,000 in the public service headcount (approximately 5% of staff). Portrayed as excessive if not extreme at the time, by 2014 the adjustment measures implemented exceeded €20 billion and there had been a reduction of almost 32,000 personnel, or 10% of the state administration.

By then, and in line with the changing landscape for the public service, the government had already announced a 'Pensions levy' for all public servants, ranging between 5 and 10% of gross salary with an overall average of 7%. Public service pay increases agreed as part of the recently signed social partnership agreement 'Towards 2016' were

cancelled. These and other cuts to the national budget were, however, insufficient to stabilise the public finances and the government was forced to produce a Supplementary Budget in April 2009. In order to reduce public service numbers, incentivised schemes for early retirement and career breaks were introduced, as was a moratorium on recruitment and promotion across the public service. And in a largely symbolic gesture, the Taoiseach reduced the number of ‘junior’ Ministers (or Minister of State) from 20 to 15.

In October, following strong indications from the Green Party that it wished to review the original programme for government agreed with Fianna Fáil in 2007, a new programme was published. Amongst its proposals was a commitment to ‘reform the public service to enable it to meet the demands of the tasks ahead’. It emphasised that the 2008 OECD report on the Irish public service and the subsequent government report on ‘Transforming Public Services’ would provide the framework for reform. It identified a number of areas for particular focus for the remaining lifetime of the Government, including the following:

- developing an outcome-based performance culture and better use of public funds by developing an improved capacity for ex ante Cost–Benefit Analyses; greater use of value-for-money reviews and a review of the expenses system;
- a new system of performance-related pay to be introduced;
- greater mobility between sections of the public service and creation of a Senior Public Service;
- the Top Level Appointments Commission (TLAC) to be chaired by an independent representative from outside the civil service and the Commission to be constituted equally by civil service and non-civil service members;
- all senior appointments from Principal Officer (middle management) grade upwards to be opened to applicants from the private and other sectors;
- new criteria for the creation and operation of state agencies; and
- the appointment of a Chief Information Officer (CIO) to assist public sector modernisation.

In preparation for Budget 2010 in December, Departments were asked to show how they proposed to implement the report’s proposals for their organisation and, if not, to justify the case.⁴ The Irish Congress of Trade

Unions and its affiliated bodies held a one-day strike over proposed pay cuts and taxes in November but called off a subsequent strike in early December as marathon negotiations with government continued. Following government back-bench unease with a number of proposed initiatives (including a 12-day unpaid leave arrangement which would replace a straight pay cut), the Government withdrew from negotiations a week before the Budget, leading to considerable recrimination from the public service unions.

The cuts to be made in Budget 2010 were well signalled in advance, with the Government identifying the need to make adjustments of €4 billion during its failed negotiations with the trade unions. The bulk of the adjustment took the form of spending cuts rather than new taxes (other than a carbon tax). The government also received a report from the 'Review Body on Higher Remuneration in the Public Sector' in advance of the Budget. Noting that it was 'unacceptable that borrowing should be required to fund public service pay', its core recommendations featured in the Budget, principally pay reductions for senior public servants and political figures ranging from 8 to 20%. Existing performance-related bonus schemes were also formally suspended. In delivering the Budget, the Minister also revealed details of plans to reform the system of public service pensions, including a new scheme to pay a pension based on an average of career earnings rather than linked to salary at the time of retirement. Also, the minimum public service pension age was raised to 66, while the maximum retirement age was set at 70.

In March 2010, the Taoiseach announced a Cabinet reshuffle and appointed a new position of 'Minister of State with responsibility for Public Service Transformation'. As with other junior Ministries (and mirroring the creation of an equivalent portfolio in 1994 for the SMI, above), the position was designed to provide political leadership for a cross-cutting issue, in this case, one that spanned both the Departments of the Taoiseach and Finance. The appointment was of particular importance given that at the time, in the absence of the traditional social partnership structure (which had been effectively abandoned as the economic crisis deepened), and the initiation of strikes in response to public service pay cuts, there had been difficult negotiations between the Government and the Irish Congress of Trade Unions. These concerned the terms and conditions of employment of public servants and trajectory of future reforms.

A final deal titled the ‘Public Service Agreement 2010–2014’ was agreed at the Croke Park sports stadium at the end of March 2010 (see also Chap. 6). The main points of what become known as the Croke Park Agreement were as follows:

- no further public service pay cuts until at least 2014;
- significant cost-saving reform measures to be implemented across all parts of the public service;
- the extent of savings generated would be reviewed in Spring 2011 to determine any scope for the reversal of pay cuts;
- reduction in public service staff numbers;
- no compulsory redundancies but flexible redeployment arrangements to be introduced;
- creation of a unified public service labour market;
- merit-based promotion to be the norm;
- promotion and incremental progression to be based on performance;
- an industrial peace clause to be put in place.

A seminal report into the role of Department of Finance was also published around this time.⁵ The Wright Report had been commissioned by the government to examine the performance of the Department in the years prior to the crisis with a view to understanding how the conditions for the crises that emerged were allowed to develop. It presented a wide-ranging critique of the Department, including the quality of advice given to the government in the decade prior to the financial crisis of 2008, noting also weak organisational coordination within the Department. In respect of the Department’s ‘Public Service Management and Development (PSMD) Division’, the report noted that when the Public Service Management function returned to the Department in 1987 (having been removed and vested as a separate Department in 1973 on foot of the Devlin Report, above) it did not fully reintegrate, and retained a separate Secretary-General within the Department. Significantly for later events, the report noted that

Industrial relations activities and collective bargaining advice warrant such a senior level oversight; Public Service Reform warrants such oversight even more so. *But the Division needs either to integrate more fully into the Finance structure or become clearly established as a distinct entity.* [my italics] (Wright 2010, p. 37)

Commenting on public sector reform, the report continued:

Some significant strides have been made in the area of Public Service Modernisation, particularly on improved electronic and other services to the public. However progress on Public Service Modernisation generally has been very disappointing. The Department of Finance must bear its share of the responsibility for this. The Department has not prioritised Public Service Modernisation, and has devoted limited resources to the area. (Wright 2010, p. 38)

The findings of the Wright report were to be influential in the redesign of the Department of Finance the following year, and in particular the location of responsibility for public service reform.

In June, following much debate, the Irish Congress of Trade Unions ratified the terms of the Croke Park Agreement. The Government moved to set up an Implementation Body, which would oversee the reform and verify associated savings. By year end, Action Plans for implementing the reform agenda, particularly the redeployment of personnel, had been published on Departmental websites. As per the revised Programme for Government, the Top Level Appointments Committee was reconstituted with more outside members and proceeded with plans for a new Senior Public Service, encompassing initially all Secretaries-General and Assistant Secretaries in Government Departments only. A Chief Information Officer was also scheduled to be appointed to bring greater expertise to the leadership of change in the areas of e-government, data sharing and public ICT procurement.

In spite of these reforms and other cost-cutting measures, the financial crisis continued to deepen, and as Fig. 2.5 identifies, a huge deficit rapidly opened up in the public finances as demands on public services increased and revenue diminished from 2008. It would be 2015 before this deficit was finally brought under control.

By end 2007, Irish debt-to-GDP had stood at just under 25% (€37.6 billion), having fallen rapidly over the previous two decades against a background of a favourable economic environment and budgets which tended to be in surplus. Three years later, in December 2010, it stood at over 90% (€88.6 billion) due to the large deficits emerging from the cost of the banking bailout and the need to borrow money to bridge the growing gap in national finances. Unemployment had surged from under 5% in 2007 to around 15% by end 2010, further adding to

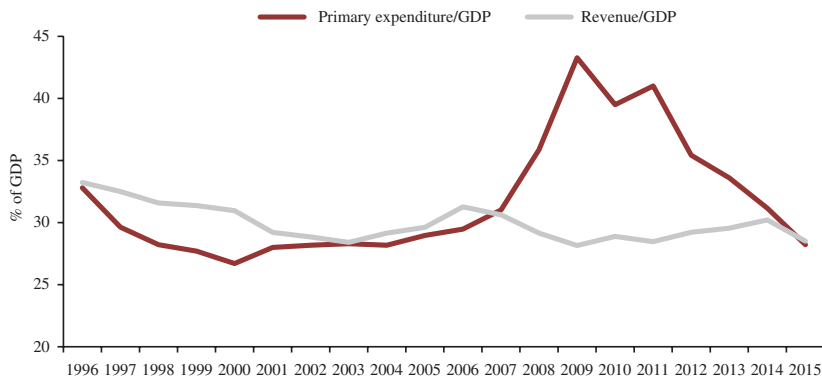


Fig. 2.5 Government revenue and primary expenditure, as % of GDP. *Source* Adapted from Irish Fiscal Advisory Council (2015) (underlying data)

pressures on the public finances and only limited by the large emigration numbers over the same period.

Notwithstanding major adjustments between 2008 and 2010, the Irish government was caught in a ‘pincer movement’ of increased bank bailout servicing costs and deteriorating public finances (Laffan 2017, p. 182). In this perilous state, which had major ramifications for the wider Eurozone, the government eventually if reluctantly agreed to a loan package in late 2010 with the ‘Troika’ of the International Monetary Fund, the European Central Bank and the European Union. Officially known as the ‘Programme of Financial Support for Ireland’, the bailout package was €85 billion in total, of which €67.5 billion was provided through the European Financial Stability Facility (€17.7bn), the European Financial Stabilisation Mechanism (€22.5bn) and the IMF (€22.5bn). The remaining €17.5 billion came from Irish national reserves (including a state pension fund).⁶ The programme agreed with the Troika had three elements:

1. further fiscal consolidation, including new taxes;
2. financial sector reforms, including recapitalisation of the Irish banks; and
3. structural reforms, including more social welfare activation measures, reductions to the minimum wage and legislation to address restrictions to trade in sectors such as the legal and medical professions (Laffan 2017).

In the event, only the first two elements were fully completed by 2013 with the plans for minimum wage reduction abandoned and little serious reform of the sheltered professions. Labour market activation measures did occur, but slowly.

The plan of economic reforms which the Government would undertake under the terms of the loan was titled the ‘National Recovery’ (or 4-year) plan. In fact, the plan was devised by officials within the Department of Finance before the Troika formally arrived in Ireland, but they were satisfied with the contents (and indeed the strategy of fiscal adjustment already underway) and approved it. A new unit was created within the Department of Finance called the External Programme Compliance Unit, with a remit to liaise with the Troika and ensure that all actions required under the Troika agreement could be monitored and accounted for.

The Plan contained seven ‘principles for expenditure reductions’. Two of these principles spoke directly to the role of the administrative system, namely that ‘the costs of delivering public services must be brought down’ and that ‘Ministers and Public Service Managers must prioritise expenditure within cash ceilings’ (Department of Finance 2010, p. 58). In terms of the public service, the Plan specified what the expected savings needed to be on the public service paybill under the terms of the Croke Park agreement. At the time, the total cost public service pay was some €16 billion, and the Plan identified that by 2014 this was to be reduced to €14.8 billion, through reducing personnel by approximately 10%, more redeployment of staff across the sectors of the public service, reform of work practices and a cut of 10% in pay as well as new pension arrangements for new personnel to the public service.

While many of these reforms reflected targets agreed earlier in the year in the Croke Park Agreement, other aspects such the recoupment of salary lost through the pensions levy introduced in 2009 were abandoned. The Plan made a number of vague statements on reform such as ‘service delivery will be reformed, refined and simplified’, but there was a clear emphasis on the introduction of shared services and performance management systems (including performance budgeting, see Chap. 7) across the public service. The final major act of the government that year, itself under increasing pressure to step down given the disastrous economic situation, was to publish another contractionary budget, for 2011. It contained many of the provisions agreed with the Troika, including a reduction in entitlements for most public service pensioners.

The year 2011 began with enormous political drama and one of the most bizarre periods in Irish political history. In January, under-fire Taoiseach Brian Cowen faced and won a Fianna Fáil party confidence motion, but a number of Ministers subsequently resigned from Cabinet, claiming they would not be contesting the next election. Already strained relations between Fianna Fáil and their coalition partners, the Green Party reached breaking point over the reallocation of their portfolios to existing Ministers, and confusion reigned for a while in the Oireachtas over who was in charge of the various departments. On 22 January, the Taoiseach announced that he would step down as leader of Fianna Fáil, but would remain as Taoiseach under the general election scheduled for early March. The following day, the Green Party leader announced that his party was withdrawing from the government, leaving Cowen at the head of a minority government of seven ministers, the absolute minimum allowed for under the Constitution. In the face of no-confidence motions in the government, a deal was agreed with the opposition parties to pass legislation necessary for the budget to proceed. On 1 February, the Taoiseach requested and received a formal dissolution of the Dáil from the President, with the general election scheduled for 25 February. This election represented not just a key moment in Irish politics and the Irish government's management of the economic crisis, but it was to also herald a new era of public sector reform that was unprecedented in both scale and scope.

NOTES

1. Fianna Fáil includes anti-Treaty Sinn Féin (1922–1923); Fine Gael includes pro-Treaty Sinn Féin (1922) and Cumann na nGaedheal (1923–1932).
2. The 1922 Irish Free State Constitution had provided for a 12 Member Cabinet, or 'Executive Council', including a President. The successor 1937 Constitution expanded the limit on the number of Cabinet Ministers to 15, including the office of the *Taoiseach*, each with an associated Department. There remains no limit on the number of Departments that may be created by Irish governments.
3. From 1979 to 1982, the Department of Public Service and the Department of Labour were brought together under one Minister. In 1982 it was again given its own Minister.
4. Cabinet files from the time accessed in 2015 identified that the Minister for Finance even raised the possibility of compulsory public service

redundancies as a possible option to achieve necessary savings, but this option was not pursued.

5. A separate series of government-sponsored reports into the sources and causes of the banking crisis were also commissioned (Regling and Watson 2010; Nyberg 2011).
6. A further sum of almost €5 billion came by way of bilateral loans from the UK (£3.8 billion), Sweden (€0.6 billion) and Denmark (€0.4 billion).

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