

REPORT OF

THE PEOPLETALK EXPLORATORY ENCOUNTER organised at the request of

THE GALWAY COUNTY PEOPLETALK JURY.

and with the participation of

- An Garda Síochána,
- The Department of Social Protection,
- Galway County Council,
- The Health Services Executive,
- Údarás na Gaeltachta.
-

PART I - BACKGROUND AND PROCESS.

[Compiled by Edmond Grace SJ, Director, PeopleTalk.]

PeopleTalk is an initiative of the Jesuits in Ireland, which seeks to rebuild trust in public life and to give citizens a say in public sector reform. The objectives of PeopleTalk have been endorsed by all political groupings in Dáil Éireann.

The Galway County PeopleTalk Jury was established at the invitation of Galway County Council in a Resolution of 25 February, 2013:

Galway County Council invite PeopleTalk to set up a Citizens' Jury in the County of Galway to develop practical proposals for public sector reform for a two-year period, with six-monthly reports to Galway County Council.

The Exploratory Encounter process was put in place by the Facilitator of the Galway County PeopleTalk Jury, Edmond Grace SJ, in response to a request from the Jury for a dialogue process with 'front line' staff in different Government agencies working in the County. After initial discussions with the then County Manager, Martina Moloney, a framework for this process was agreed as follows:

- The participants in this envisaged encounter would be nominated by their respective managers or agencies.
- The purpose of this session would be twofold –
 - i. to provide an initial exploration of areas of overlap and
 - ii. to open up, from the perspective of public servants,

issues relating to interagency collaboration.

- The session would be framed around four questions –
 - i. In what aspects of your work do you engage with other agencies or are you aware of the need to so engage?
 - ii. In what ways do you find your engagement with other agencies satisfactory?
 - iii. In what ways do you find that engagement unsatisfactory?
 - iv. What, in your view, are the barriers to improved collaboration between agencies?
- The suggested exploratory session would make the Jury better informed in their Conversation with agency managers; this would make the Conversation more productive.

Based on this agreed framework, the Jury Facilitator then approached four other agencies in addition to the County Council:

- An Garda Síochána
- The Department of Social Protection □ The Health Services Executive □ Údarás na Gaeltachta.

All five agencies nominated two officials to participate in the Exploratory Encounter process.

- An Garda Síochána
Nominating manager: Chief Superintendent Tom Curley, Galway Division.
Participants:
Sgt. Peadar Ryan, Galway City.
Sgt. Tom Horkan, Ballinasloe.
- Galway County Council
Nominating manager: Michael Owens, County Secretary. Participants:
Kieran Coyne, Administrative Officer,
Community, Enterprise & Economic Development Unit.
Margaret Jordan, Administrative Officer, Housing Unit.
- Department of Social Protection:
Nominating manager: Eoin Brown. PO, Divisional Manager – West.
Participants:
Karen Lynch, SW Local Office Manager, Galway .
Séamus Mahon, Case Officer, Tuam.
- Health Services Executive:
Nominating manager: John Hennessy, National Director of Primary Care.
Participants:
John McLoughlin, Primary Care Social Worker, Galway City, Mary Heffernan, District Nurse, Tuam.

- Udarás na Gaeltachta.
Nominating manager: Tadhg Ó Conghaile, Connaught/Leinster Regional Manager.
Participants:
Aisling NíDhochartaigh, Community Development Department, Galway.
Éamonn Ó h-Éanaigh, Community Development Department, Galway.

The group of ten nominated participants, referred to as the Exploratory Encounter Panel, met on two occasions – 24 July and 25 September. The following nominated participants were present at both sessions: Aisling NíDhochartaigh, Kieran Coyne, Tom Horkan, Margaret Jordan, Karen Lynch, John McLoughlin, Séamus Mahon and Peadar Ryan - with apologies from Mary Heffernan and Éamonn Ó h-Éanaigh. These sessions were facilitated by Edmond Grace SJ, Director of PeopleTalk. At the second of these sessions four members of the Galway County PeopleTalk Jury – Kathy Eastwood, Christy O’Carroll, Mary O’Shea and Marjorie White were present as observers. The statement which follows is the outcome of the deliberations of the nominated participants.

PART II - EXPLORATORY ENCOUNTER PANEL STATEMENT

- 25 September, 2014.

I. The Work Of The Public Servant At Ground Level.

1. Every public servant has to work within clear limits set by elected bodies, including local councils, national parliament and the E.U.. In dealing with members of the public their task is to seek information which will determine whether or not a particular person has a right to a particular entitlement. They have no say in deciding what the criteria are or what the entitlements are. Their task is to find out the facts in a particular case and to apply the criteria.
2. This task entails a certain degree of assessment, because entitlements are abused and part of their job is to ensure that abuse is kept to a minimum. This means that the public servant will always to some degree be guarded in their attitude.
3. If a decision is favourable to the person concerned, they have obtained no less than their rights, and the official responsible has done no more than their duty. If it is unfavourable, hopes are inevitably dashed and the natural human reaction is one of deprivation and protest. It is part of a public servant’s job to treat the protester in a respectful manner.
4. The way people respond to an unfavourable decision can differ greatly depending on the individual receiving the news and depending on how the news is delivered. Often a person being given an unfavourable decision accepts the decision if it is explained in detail. It is important to communicate in a respectful way the limited scope of the official’s decisionmaking power.

II. Issues of concern

5. While the complexity of government agencies and structures is an unavoidable reality, we do come across situations which make our work as public servants more complicated than it need be and which can result in citizens being frustrated and discouraged. For some of the most vulnerable people, the process of seeking their rights can be too complicated.

a) Data Protection.

6. The purpose of data protection is to ensure that ease of communication, which is a feature of information and communication technology, is not used to breach the right of citizens to have confidential information protected. However, an exclusive concern with confidentiality has led to the isolation of data and of government agencies from each other, rendering it difficult to share information in order to work together for the common good. Agencies need to work within data protection parameters and these parameters will always be in need of review.

b. A solvable problem

7. There are at least three situations where this barrier to effective collaboration has been overcome. Firstly, in relation to the Fair Deal Scheme for the elderly in nursing homes, it is possible for the H.S.E. to obtain a person's P.P.S. number from the Department of Social Protection. Secondly, the Revenue Commissioners can now gain access to details of a person's Social Welfare Payments. The third example relates to crimes against children, where extensive information can now be exchanged. In these examples this sharing of information between agencies can take place without the consent of the person concerned.

c. Citizens in need.

8. There are circumstances where an inability on the part of public servants to share details about a particular citizen can be disheartening for the citizen concerned. For instance, when a citizen comes to a public agency to seek some entitlement, they are required to give personal details, in effect to tell their story. This is always a story of need and deprivation and it is never easy for them to tell it. These stories are rightly treated as confidential and they cannot be disclosed to third parties.
9. It is quite usual for someone in this kind of situation to have to approach more than one government agency. Under current data protection law, often they must tell their story over again from the beginning. When they protest that they have already given their details to another public official they have to be told that no one has any option in this matter.
10. The confidentiality of personal files is there to protect the dignity of citizens, so that they won't be humiliated by publication of their own private details. In the above cases, the same details are going to be known by a number of agencies anyway, so no confidence is being broken with regard to their content, if they were shared. This is particularly true if any sharing of information would depend on the consent of the person concerned. Furthermore, respect for confidentiality is still required of the officials concerned.
11. Having to tell their story of need and deprivation repeatedly places a formidable and quite unnecessary barrier in the way of seeking their rights. We, as public servants, find it

disquieting that we are required, as part of our work, to treat people in this manner when their personal situation is already difficult enough. It would be a very simple matter give citizens a right of waive confidentiality over a personal file in one agency with a view to making it accessible to an official nominated by them in another.

d. Duplication of effort.

12. Public service depends on information and the work of compiling information requires considerable resources. When one branch of public service is entitled to compile information, which is already accessible to another, it makes no sense they be required to compile that information from a zero starting point, when that information is already available to another agency. For instance, when the Gardaí are required to set up a senior citizens' register, they must seek out the necessary information by going around the area house by house, instead of starting with information already available to other agencies.

e. Fraudulent behaviour.

13. At times in the course of our work we come across evidence that individuals are defrauding other state agencies of much needed public resources. If we were private citizens in possession of this information we would have the right to make it available to the relevant authorities. We would even be encouraged by state-funded advertising campaigns to do so.

f. Not everything should be confidential.

14. If a car is badly parked and the owner needs to be contacted, the Gardaí have access to that information, but they cannot give it out. Not every bit of information about everyone is confidential, but data protection seems to take this position as a starting point.

b) Losing sight of the bigger picture.

g. Budget protection

15. Responsible management requires that spending be kept under close scrutiny, but that scrutiny can become so focused that it can lose sight of the wider picture and give rise to unnecessary costs. For instance, if a carer becomes ill, there is no system in place to deal with the health implications for the one who is being cared for. Typically they end up in an Accident and Emergency Unit which can be overcrowded and which is, after all, for emergencies. Arranging for them to be placed in a nursing home would be less traumatic and more respectful for the person concerned and less wasteful of the time and resources of A&E units. Budget protection can look well from the perspective of management but can be very undermining for those at ground level who need resources.
16. Sheer lack of financial resources has a disabling effect on public services and those resources would be more effectively used if there was some mechanism for the different Government Departments to examine the implications of each other's budgets. Officials working at ground level can see these implications as they work out in particular situations, but they are not in a position to gather all the data.

17. There is also a significant imbalance between the allocation of resources to crisis management rather than prevention. The amount of money spent on treatment for the last few days of people's lives is much greater than that spent on health promotion. With vulnerable families, money spent on crisis intervention is far greater than education, which would lessen the need for intervention. The same is true of the amount spent on alcohol treatment as distinct from hospital care because of alcohol related illness.

h. Measuring 'competencies.'

18. Public service is not just about solving problems; it is also about preventing them. This second aspect of public service is often done in informal ways which build trust between citizen and state. In determining the competence of a person for a job, it is possible to measure – and reward – the work of intervention and problem solving. It is not so easy to measure – or reward – the work of prevention, say, with anti-social adolescents or with parents who need help in coping. Success in this work results in 'nothing happening' – nothing, that is, which poses a problem. The only reward in the measurement of competencies is promotion. There is little reward or recognition for those at ground level who do their work well but who do not want promotion.

i. Side-stepping feedback.

19. Everyone knows that feedback is valuable and that those who call for feedback look good. Often, however, management asks for feedback by posing questions which are designed to exclude unwanted answers.

j. Fear of litigation.

20. One huge constraint on public service, particularly the County Council and the HSE, is fear of litigation. A great deal of effort and scarce resources go into avoiding legal claims to the detriment of the common good.

Panel Members.

Kieran Coyne.

Mary Heffernan.

Tom Horkan.

Margaret Jordan.

Karen Lynch.

Séamus Mahon.

John McLoughlin.

Aisling NíDhochartaigh.

Éamonn Ó h-Éanaigh. Peadar

Ryan.

25 September, 2014.