



CIVIL SERVICE COMMISSIONERS  
FOR NORTHERN IRELAND

**ANNUAL REPORT** 2005  
2006

ENSURING  
APPOINTMENT  
ON MERIT AND  
SAFEGUARDING  
ETHICS

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## **Feedback**

Whilst this Report is a document of record it is important that it is also relevant and informative to the public. Should you have any comments regarding any aspect of the Report (e.g. content, layout, etc.) the Civil Service Commissioners would be happy to receive them. Any such comments should be sent to the following address:

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CIVIL SERVICE COMMISSIONERS  
FOR NORTHERN IRELAND

**We, Your Majesty's Civil Service  
Commissioners for Northern Ireland,  
present to Your Majesty this report  
on our work in the period from  
1 April 2005 to 31 March 2006.**

Mrs Judith M Eve CBE  
Chairperson

Mr Alan Henry

Mr Brian Carlin OBE

Mr Sid McDowell CBE

Mrs Margaret M Elliott CBE

Mr John Steele CB OBE TD DL



CIVIL SERVICE COMMISSIONERS  
FOR NORTHERN IRELAND





**Civil Service Commissioners for Northern Ireland 2005-06**

**Civil Service Commissioners  
are appointed by the Crown  
to uphold the principle that  
selection for appointment to  
posts in the Civil Service should  
be on merit on the basis of  
fair and open competition**



CIVIL SERVICE COMMISSIONERS  
FOR NORTHERN IRELAND

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# THE CIVIL SERVICE COMMISSIONERS FOR NORTHERN IRELAND

Incoming Chairperson:



**Brenda McLaughlin CBE**

Brenda McLaughlin is a graduate of Queen's University Belfast and has served as Senior Pro-Chancellor at Queen's since 2000. She is a Director of Ulster Bank and was Chair of the NI Opportunity Now Campaign for nine years. She was appointed to the Departmental Board of the Northern Ireland Office in 2001 and served for a period of five years.

Her background has been predominantly within the Health Service in Northern Ireland, having served as Vice-Chairman of the Eastern HSS Board, before being appointed Chair of S&E Belfast HSS Trust in 1993, a position she held for nine years.

A former Board Member of Business in the Community, she currently sits on the Executive Council of Action Cancer and has been on the Boards of the NI Chest Heart and Stroke Association and Extern.

Outgoing Chairperson:



**Mrs Judith M Eve CBE**, first appointed in 1993. Graduated from Queen's University, Belfast with an LLB degree in 1971 and qualified as a Barrister-at-Law in 1973. Mrs Eve was employed by Queen's University until 2002, firstly as a legal academic then as International Liaison Officer. She has served as a Mental Health and an Equal Opportunities Commissioner for Northern Ireland and as a non-executive Director of North and West Belfast Health and Social Services Trust. Currently, she is a part-time Chairman of The Appeals Service Northern Ireland, and a Board member of BIH Housing Association and of the NI Medical and Dental Training Agency. Mrs Eve was appointed Chairperson of the Northern Ireland Civil Service Commissioners in 1998. She retired from the Civil Service Commissioners on 30 April 2006.



**Mr Brian Carlin OBE**, appointed in 2002, worked for 43 years in Bombardier Shorts before retiring as Executive Vice-President in 1996. In October 1996 Mr Carlin was appointed Chairman of the Central Services Agency and served for a period of seven years. He also served on the Northern Ireland Council for Curriculum, Examinations and Assessment from 1997-2006. Mr Carlin was appointed to the Equality Commission in August 2003.

Mr Carlin acts as an Industrial Tribunal Panel Member and serves on the Board of Maydown Precision Engineering in Derry. Other interests include acting as a Trustee for the Bytes Project, the Bombardier Shorts Charitable Foundation and the Bombardier Shorts Pension Fund.



**Mrs Margaret M Elliott CBE**, appointed in 1996. Graduated from Queens University Belfast in 1973 with an LLB degree and was admitted to the Roll of Solicitors in 1976. Mrs Elliott is a partner in a firm of solicitors with its practice in Newry. She is a past President of the Law Society of Northern Ireland and until October 2004 was a non-executive Director of Northern Bank Ltd, and National Irish Bank in Dublin. She is also Chairman of the National Museums and Galleries of Northern Ireland and was a Fair Employment Commissioner until June 1999.



**Mr Alan Henry**, appointed in 2002, worked in Royal Mail for 35 years before retiring in 2003 as Head of Human Resources. He has recently been selected for appointment as a Human Rights Commissioner, was a Commissioner of the Equality Commission from 1999 to 2005 and is a former Chair of the Equality Forum. Mr Henry is a Member of the Industrial Tribunal Panel and a Lay Member of the Department of Education Schools Inspection Teams. He is also an Assessor for the National Clinical Assessment Authority. Mr Henry is currently a Human Resources consultant specialising in recruitment and selection, as well as equality and diversity.



**Mr Sid McDowell CBE**, appointed in 1999. A former trade union official and Chairman of the Northern Ireland Housing Executive and the Local Government Staff Commission, Mr McDowell is President of the Northern Ireland Association of Citizens Advice Bureaux, Vice-President of the Association for Spina Bifida and Hydrocephalus (NI) and a Board Member of Threshold, the mental health charity and Habinteg Housing Association. He is also a non-executive Director of the Northern Ireland Prison Service. In March 2006 he was appointed Chairman of the Public Service Commission.



**Mr John Steele CB OBE TD DL**, appointed in 1999. Mr Steele retired as Senior Director of the NIO (Belfast) in September 1998 having occupied the post from September 1996. Before that he was Director (Security) in the NIO since 1992, and Controller of Prisons from 1987 to 1992. He was Director of the Northern Ireland Court Service from 1982 to 1987 and before that held a variety of posts in the Northern Ireland Civil Service. He is currently Chairman of the Bryson Charitable Group and also holds a number of other voluntary posts.

## CHAIRPERSON'S FOREWORD

**I am delighted to introduce the 2005-06 Annual Report of the Civil Service Commissioners for Northern Ireland. It is opportune for me to report on the progress and successes during this past year and to look forward to beginning my first term of office with optimism and enthusiasm.**

My optimism emanates from the legacy of my predecessor, Judith Eve, who served energetically as a Commissioner, and subsequently as Chair, over a 13 year period. Judith's leadership through changing and challenging times has been exceptional. Her focus on establishing and maintaining positive relationships has created a sound platform whereby the Commissioners' priorities are widely recognised and their independence respected.

I should like to highlight some of the excellent results achieved this year under Judith's leadership.

Chief among these was the launch of the new Civil Service Commissioners' Recruitment Code in June 2005. Following a substantial consultation process on the draft Code and an Equality Impact Assessment Report, the Commissioners published a Code which reflects best practice and enables greater flexibility in recruitment practices in the NICS. I am delighted that the new Recruitment Code has been positively received by consultees.

The launch was promoted in seminars delivered, in partnership with Department of Finance and Personnel's (DFP's) Central Personnel Group, to departmental and agency personnel practitioners involved in recruitment throughout the NICS. This proved an excellent forum for promulgating the new Code and provided an opportunity for the Commissioners to meet practitioners and increase awareness of the Commissioners' role.

A new role for Commissioners in chairing all Senior Civil Service (SCS) open competitions was introduced in April 2005. This has given tremendous insight into recruitment in the NICS and provided first-hand assurances to the Commissioners of the robustness of the process, as well as some indications of the operational challenges involved in the recruitment process.

The introduction of a Communications Strategy has been an excellent tool in organising and engaging in regular and meaningful discussions with key stakeholders, particularly with the Head of the NICS, Nigel Hamilton, and his colleagues (see Section 4). A meeting with the Irish Civil Service Commissioners in October 2005

was a particular highlight of the year allowing us to discuss many areas of common ground.

The Commissioners greatly value the partnerships we have formed and the progress achieved in our equality and good relations commitments. We would like to build on these relationships as we move forward.

The Annual Progress Report and the 5 Year Review of our Equality Scheme detailing work carried out during these periods is summarised in Section 3. These reviews provided us with a valuable assessment of progress on our equality commitments and are available on our website. I am very pleased to report that the Commissioners have published a Good Relations Strategy (also Section 3) which is also available on our website. We now await with interest the Equality Commission's review of the effectiveness of section 75 and will look to see what further lessons we can take from this.

This year's audit programme has provided assurances to the Commissioners that the NICS has good practices and processes in place in relation to its recruitment policies and procedures and has provided the NICS with opportunities to improve in some areas (see Section 7).

The Commissioners welcomed DFP's proposals to review the NICS Code of Ethics which sets out the values and behaviour expected of civil servants. We look forward to working with the NICS on promulgation of a new Code next year (see Section 9).

Staff have worked hard and with commitment to achieve the objectives set at the start of the 2005/06 year and the Commissioners are grateful to them for what has been a productive period (see Appendix D - Report on the 2005-06 Business Plan).

2006/07 will be a year of considerable change for the Civil Service Commissioners with three members coming to the end of their term of office. I would like to thank my Commissioner colleagues for the healthy and proactive organisation which they have clearly worked so hard to achieve. I know I will enjoy the support of a strong, committed and diverse team through this transition period.

I hope you find this report useful and interesting. I look forward to enhancing the constructive relationships created with the Northern Ireland Civil Service and other key interests as we seek to maintain public confidence in appointments to the NICS and in the values of those who work in it.



*Brenda McLaughlin*

**BRENDA McLAUGHLIN**  
Chairperson

# AUTHORITY AND RESPONSIBILITIES OF COMMISSIONERS

**Civil Service Commissioners for the United Kingdom were first appointed in 1855, following the Northcote Trevelyan Report, to improve the efficiency of the Civil Service by ensuring that selection for appointment to posts was made on merit, in fair and open competition. The objective was to eliminate the then widespread practice of appointment of friends or family, or for favours, without regard to ability.**

Civil Service Commissioners for Northern Ireland were appointed in 1923.

Northern Ireland Commissioners currently derive their powers from prerogative Orders made by the Secretary of State. The Civil Service Commissioners (Northern Ireland) Order 1999, which is reproduced in full in Appendix A, sets out the principle that – “ ... a person shall not be appointed to a situation in the Civil Service unless.... the selection ... was made on merit on the basis of fair and open competition.”. The Order gives Commissioners the responsibility to maintain this important principle, known as ‘The Merit Principle’.

The Order provides for Commissioners to discharge their responsibilities by:

- publishing and maintaining a Recruitment Code setting out the essential principles and procedures on which recruitment to the NICS must be based;
- making General Regulations prescribing certain Exceptions to the principle of selection on merit on the basis of fair and open competition;
- approving the procedures for appointment through open competition to senior positions in the NICS;
- auditing the recruitment policies and practices followed by Departments and Agencies in making appointments to the NICS, to ensure that they meet the Commissioners’ requirements in regard to the Merit Principle; and
- requiring Departments and Agencies to publish information about their recruitment activity.

Under the terms of the Civil Service Commissioners (Northern Ireland) Order 1999, Commissioners also have the power to consider, and make decisions on, appeals to them under the Northern Ireland Civil Service Code of Ethics which is published by the Department of Finance and Personnel. The Order requires the Commissioners to publish, annually, a report on the number of appeals they received under the Code of Ethics, together with a summary of each appeal - see Section 9.

### **Section 75 responsibilities**

The Civil Service Commissioners are fully committed to fulfilling their obligations on the promotion of equality of opportunity and good relations under Section 75 of, and Schedule 9 to, the Northern Ireland Act 1998. The Commissioners' Equality Scheme and its Implementation Plan set out how they propose to fulfil those obligations and may be viewed on the Commissioners' website at [www.nicscommissioners.org](http://www.nicscommissioners.org). The Commissioners' annual progress report on the implementation of their equality and good relation duties is at Appendix E of this Report.

Paragraph 8(3) of Schedule 9 to the Northern Ireland Act 1998 also provides that "a public authority shall, before the end of the period of five years beginning with the submission of its current [Equality] Scheme, ..... review that Scheme and inform the [Equality] Commission of the outcome of the review". The purpose of the review is to allow public authorities, through a process of self-assessment, to review their approved scheme to evaluate its effectiveness in meeting the public authority's statutory duties.

The Commissioners commenced work on the review of their Scheme towards the end of 2005/06 and reported to the Equality Commission before the end of April 2006. A copy of the Review report is available from our website: [www.nicscommissioners.org](http://www.nicscommissioners.org).

A further duty laid on public authorities by section 75 is to have regard to the desirability of promoting good relations between persons of different religious belief, political opinion, or racial group. This, too, was taken forward by the Commissioners during 2005/06, culminating in the production of a Good Relations Strategy to help demonstrate their commitment to promoting good relations in carrying out their responsibility to ensure appointment on merit and safeguard ethics in the NICS. A copy of this document, too, is available from our website.

## THE RECRUITMENT CODE

**Prior to 1996, Commissioners were incorporated in the Civil Service Commission which at that time was responsible for operational recruitment into the Northern Ireland Civil Service. The Civil Service (Northern Ireland) Order 1996 split responsibility for recruitment to the NICS, giving the operational role to the Department of Finance and Personnel and awarding the Commissioners a regulatory role with power to make General Regulations “prescribing the manner by which persons shall be selected for appointment to the Civil Service”. The Commissioners duly made General Regulations and produced their first Recruitment Code in 1997.**

The Civil Service (Northern Ireland) Order 1996 and their accompanying General Regulations were overtaken by:

- the Civil Service (Northern Ireland) Order 1999;
- the Civil Service Commissioners (Northern Ireland) Order 1999;
- the Civil Service Commissioners for Northern Ireland General Regulations 1999 (now revoked); and
- the Civil Service Commissioners for Northern Ireland General Regulations 2005 (see Section 5).

The Civil Service Commissioners (Northern Ireland) Order 1999 gave Commissioners specific responsibility to uphold the principle that selection for appointment to posts in the Northern Ireland Civil Service shall be on merit on the basis of fair and open competition (the Merit Principle). Article 4(3) states that Commissioners “shall prescribe and publish a Recruitment Code on the interpretation and application of the principle of selection on merit on the basis of fair and open competition”. The Commissioners’ Recruitment Code sets out the essential principles on which recruitment to the NICS must be based and compliance with it is mandatory.

## Developments during 2005/06

### Revised Recruitment Code

The previous Recruitment Code had first been prepared in 1997 and had been amended several times. Commissioners were keen to develop a new Code which better met the changing recruitment needs of the NICS and which ensured that recruitment embraced diversity and helped make the NICS more representative of all the people of Northern Ireland.

The Commissioners carried out a considerable consultation exercise during 2004/05, before introducing a revised Code as from 20 June 2005. In keeping with the Commissioners' wish to permit more flexibility in the recruitment process, the new Code is principle-based, rather than merely prescriptive on process.

The Civil Service Commissioners (Northern Ireland) Order 1999 gives power to the Commissioners to make General Regulations prescribing certain Exceptions to the principle of selection on merit on the basis of fair and open competition. In keeping with their view that Exceptions should be an infrequent occurrence, the Commissioners took the opportunity to reflect views expressed to them during consultation on the new Code, by reducing the number of Exceptions from eight (in the 1999 General Regulations) to five, in General Regulations 2005. Section 5 of this Report provides fuller detail on these changes and the number of Exceptions approved during 2005/06.

A copy of the new Code was distributed to all who had taken part in the consultation process, as well as stakeholders and interested groups. In addition, the Department of Finance and Personnel (DFP) produced a Guidance Manual and this was launched, jointly with the Recruitment Code, through a series of seminars for practitioners to ensure that all were familiar with the new format of the Code and able to take advantage of the increased flexibility offered by it. The Commissioners welcomed the opportunity to participate in the seminars, which allowed them to explain points of issue and discuss their perception of how the Code would work in practice. They themselves found the promulgation exercise extremely helpful and would like to thank DFP for including them in the process. They feel the invitation was an acknowledgement of the complementary nature of the roles of the NICS and the Commissioners and an indication of the Department's willingness to work with the Commissioners for the benefit of the service as a whole.

# THE RECRUITMENT CODE

## The Code in practice

The Commissioners' Recruitment Code should be used in conjunction with all current Codes of Practice issued under relevant legislation e.g. the Code of Practice on Fair Employment in Northern Ireland; the Equality Commission's Code of Practice on Removing Sex Bias from Recruitment and Selection; and the Employment Code of Practice issued under the provisions of the Disability Discrimination Act 1995. Recruitment to the NICS is also governed by relevant legislation and by NICS policy commitments including, in particular, the NICS Equal Opportunities Statement and the Code of Practice on the Employment of People with Disabilities.

The Code deals only with those aspects of recruitment which are the responsibility of the Commissioners. It is not a complete guide to all requirements for recruitment to the NICS. For example, those whose responsibility it is to organise recruitment to the NICS must still ensure that they comply with all legislative requirements, while those appointed must also meet the requirements for appointment prescribed by the Department of Finance and Personnel under Article 4(2)(c) of the Civil Service (Northern Ireland) Order 1999.

The revised Code sets out four Principles which the Commissioners believe underpin the concept of recruitment on merit. These are:

1. Appointments should be made on Merit.
2. Appointment processes should be fit for purpose.
3. Appointment processes should be fair and applied with consistency.
4. Appointments should be made in an open, accountable and transparent manner.

These Principles represent the Commissioners' mandatory requirements for delivery of effective recruitment by the NICS and are supported by a guidance Section within the Code setting out how the Commissioners expect the Principles should be applied.

The principles and expectations set out in the Code are mandatory for everyone involved in recruitment to any post in the NICS. The requirements of the Code apply to all appointments whether industrial or non-industrial; temporary, fixed-term or permanent; full or part-time.

## Breaches of the Code

Audit Programmes over the years have identified relatively few breaches of the Code and indeed no breaches were found in the areas examined by the 2005/06 audit programme. The Commissioners were, however, concerned at an issue raised with them directly by a member of the public, about the method of appointment from a merit list in a volume competition for Administrative Officer.

The case centred on offers of appointment to the Water Service which, although currently part of the Department for Regional Development, is due to become an independent Government Company (GoCo) in April 2007. Persons offered appointments to the Water Service were informed that they would cease to be NI civil servants when the transition to GoCo takes place. Because of this, several people refused the offer of employment and had their names removed from the merit list in consequence.

When the matter was brought to their attention, the Commissioners were concerned about the differential treatment of successful candidates and took up the issue with the Department of Finance and Personnel.

The Commissioners welcomed the Department's agreement to reinstate those affected to the merit list and offer them appointments in the NICS.

## Commissioners Chairing Senior Civil Service Competitions

As from 1 April 2005, Commissioners have been Chairing open competitions for appointments to the Senior Civil Service, on a rotational basis – thereby replacing a long-standing practice whereby individual Commissioners, at the request of a Department, sat on open competition panels as independent assessors.

Commissioners have found that the change from sitting in an independent capacity, to Chairing all open competitions, has given them a tremendous insight into the background of recruitment to the NICS in a way their formerly independent status had never done. They are now involved in the entire process from inception and this has served to give them first-hand assurance of the robustness of the process, as well as a far greater indication of the operational challenges faced by the NICS during the recruitment process. The Commissioners believe that their involvement as Chairs of senior competitions has been a significant development which has added value to the process.

# THE RECRUITMENT CODE

## Business Planning

Commissioners attended a Business Planning day on 29 November 2005 to focus on issues affecting their work and to agree targets for their 2006/07 Business Plan, Communications Strategy and Training & Development Strategy; to progress the development of a Good Relations Strategy in line with their Section 75 good relations obligations; and to hear an assessment of their risk management strategy.

## Interaction with relevant bodies

A priority for the Commissioners during 2005/06 was the extension and strengthening of relationships with key stakeholders within the NICS; and the enhancement of the Commissioners' role with the public. Production of a Communications Strategy helped the Commissioners identify the groups and areas on which they should concentrate.

The Aims of the Strategy were to:

- raise awareness of the Civil Service Commissioners;
- extend and strengthen relationships with 'internal' and 'external' stakeholders; and
- improve the effectiveness of the Office of the Civil Service Commissioners through
  - information management;
  - communications; and
  - website.

During 2005/06, Commissioners continued to develop closer working relationships with their counterparts in Great Britain and in the Republic of Ireland (ROI). The Commission for Public Service Appointments visited the Commissioners in Belfast on 17 October 2005 while the Commissioners visited the Public Appointments Service in Dublin, on 1 December 2005. Both the Commissioners and the two ROI organisations found these meetings extremely informative and useful.



Commissioners with members of the Commission for Public Service Appointments

## THE RECRUITMENT CODE

In addition to these encounters, the Commissioners also met the Commissioner for Public Appointments for Northern Ireland, Felicity Huston, Bob Collins, Chief Commissioner of the Equality Commission for Northern Ireland and Monica McWilliams, Chief Commissioner of the Northern Ireland Human Rights Commission.



Commissioners with Monica McWilliams, Chief Commissioner, Northern Ireland Human Rights Commission

The Commissioners also maintained the system of links meetings set up in 2004 with Permanent Secretaries of Northern Ireland Departments and Chief Executives of Departmental Agencies. These meetings help the Commissioners understand in greater detail the recruitment challenges facing individual Departments as well as the NICS as a whole, and improve communication and understanding between departmental Permanent Secretaries and the Commissioners.

A contract was awarded towards the end of 2005 to re-design the Commissioners' website. The new site went 'live' on 1 April 2006 and we believe it offers a clear, simple exposition of the work of the Commissioners. Comments on the site are very welcome.

## EXCEPTIONS TO THE MERIT PRINCIPLE

**The Civil Service Commissioners (Northern Ireland) Order 1999 provides that – aside from a limited range of Exceptions permitted by the Commissioners – no one shall be appointed to a situation in the Civil Service unless the selection for appointment is made on merit on the basis of fair and open competition. The objective of permitting a limited range of Exceptions is to provide flexibility where it can be justified as necessary to meet the business needs of the NICS, and its obligations as a good employer. There must also be strong and compelling grounds why it is not reasonably practical to make the appointment in accordance with the Merit Principle.**

Responses to the extensive consultation exercise carried out during the process to revise their Recruitment Code confirmed the Commissioners' view that Exceptions to the Merit Principle should be rare. As a result, the Commissioners prepared revised General Regulations 2005 reducing the number of categories under which an exception is permissible.

As from 20 June 2005 the number of categories of exceptions to the Merit Principle has been reduced from eight to five. The circumstances under which Exceptions may now be permitted are set out in paragraph 3 of the Civil Service Commissioners for Northern Ireland General Regulations 2005 and further explained in the Recruitment Code 2005.

The permitted Exceptions for the period 1 April 2005 – 19 June 2005 were:

- (a) where a person is appointed on secondment;
- (b) where a person has previously held a situation in the Civil Service and is being considered for reinstatement or re-employment;
- (c) where a person holds a situation in another Civil Service of the Crown;
- (d) where a person is, or has recently been, employed on functions which are being, or have been, transferred to the Crown;
- (e) where a person has reached an appropriate standard in a fair and open competition for another situation in the Civil Service without securing appointment and there is a demonstrable shortage of suitable candidates for the relevant situation;

- (f) where a person has been selected for appointment under arrangements which include provision for encouragement and assistance to be given to any person who is defined as being a disabled person or as having a disability by or under any enactment relating to the employment of disabled persons;
- (g) where the appointment is justified for reasons relating to the needs of the Civil Service and the person proposed for appointment is of proven distinction;
- (h) where the person has been selected for an appointment under Government programmes to assist the unemployed and the total period of employment does not exceed 3 years.

From 20 June 2005, exception categories (b), (e) and (f) no longer apply: category (f) because persons with disabilities are now protected by legislation and categories (b) and (e) because the Commissioners believe the situations their original inclusion was designed to address are no longer appropriate in today's civil service. Exception (h) has been revised to embrace Government programmes or initiatives in a more general manner rather than being specifically targeted on unemployed people.

Departments and Agencies are required by the Commissioners to publish, annually, details of all appointments made as exceptions to merit.

### **Exceptions which required Commissioners' approval during 2005/06**

Commissioners received ten requests during 2005/06 for approval to make appointments as Exceptions to the Merit Principle. This compares with 4 during 2004/05. The increased number of requests coming before the Commissioners is explained by the fact that, prior to introduction of the Recruitment Code 2005, Departments had the ability to extend secondments up to a maximum of three years, without the need to obtain Commissioner approval. The Recruitment Code 2005 reduced this period to two years, resulting in an increased number of requests.

From information provided to them, the Commissioners were content to approve eight of the ten requests received; they agreed, however, that the remaining two cases did not present the compelling circumstances necessary to enable them to approve two appointments outside of the Merit Principle.

# EXCEPTIONS TO THE MERIT PRINCIPLE

## Requests approved by the Commissioners

### Department of Finance and Personnel

The Department of Finance and Personnel (DFP) made two separate requests to the Commissioners. The first was to appoint a temporary Legal Assistant for a further year in the Departmental Solicitor's small sub-office in Londonderry in order to facilitate a career break for the permanent postholder. The second request related to the appointment of a Senior Principal Legal Officer to the Office of Law Reform in order to carry out specialised work required to take forward the Land Law reform agenda.

Based on information provided, the Commissioners agreed there were strong and compelling grounds as to why it was not reasonably practical to make both these appointments in accordance with the Merit Principle. The Department, therefore, was granted approval to make the appointments under Regulation 3(d) of the Commissioners' General Regulations 2005.

### Department of Health, Social Services and Public Safety

The Department of Health, Social Services and Public Safety (DHSSPS) made separate requests for approval to extend seven existing secondments. Six of these requests were approved by the Commissioners. Three of the approved requests involved extending secondments beyond three years (for variable periods of less than one year) in order to complete important project work. The Commissioners viewed these cases as a 'transitional' group overlapping the arrangements in their previous Recruitment Code and the initial period of implementing their new Code.

The three further cases sought Commissioners' approval to extend secondments beyond two years. Two of the requests were for extensions of three months each and one was for a period of twelve months. Once again, the primary reason for approval was to allow the existing secondees to complete project work viewed by the Department as vital.

In all six approved appointments the Commissioners considered carefully all the information provided to them. In some cases, they also sought additional information and clarification before satisfying themselves that the secondments could be extended under Regulation 3(a) of their General Regulations 2005.

## Requests not approved by the Commissioners

### Department of the Environment

The Department of the Environment sought the Commissioners' approval to appoint a Higher Professional & Technical Officer Planning Officer as an Exception to the Merit Principle. Whilst the Commissioners appreciated the point made by the Department that there was a shortage of staff at this particular grade, they nevertheless took the view that the application did not meet the requirement that the person be of proven distinction nor were the reasons submitted by the Department considered to be exceptional.

### Department of Health, Social Services and Public Safety

The Commissioners considered carefully an application from DHSSPS to extend a secondment beyond two years, for a period of twelve months. In reaching their decision to refuse the 12 month extension, the Commissioners were not satisfied that compelling business reasons had been presented to show that the individual was required to carry out a specialist role; or that the post was for a finite period of time; and/or to complete a specific piece of work.

### Overview of Exceptions in the last year

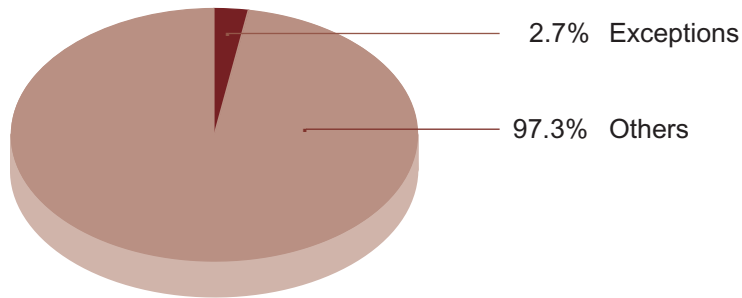
Departments and Agencies report that 24 appointments were made as Exceptions to merit during the period 1 April 2005 to 31 March 2006. Compared to 3,002 appointments made through open competition, in the same period, the Commissioners remain reassured that appointments under this provision are being made only exceptionally, as intended.

**Figure 1** shows the trends over the past three years of appointments to the Northern Ireland Civil Service made as Exceptions to merit.

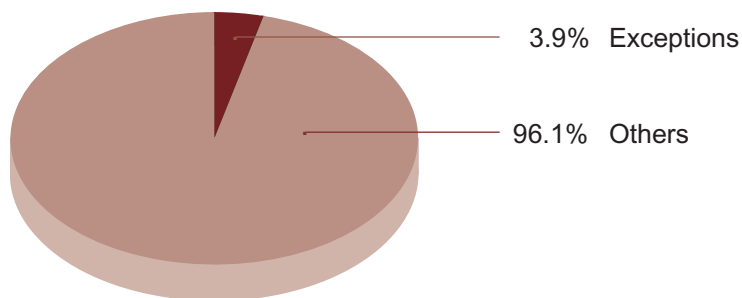
**Figure 2** shows an analysis of these appointments by category. The majority fell under category (a) which permits short-term appointments to the NICS by way of secondment.

# EXCEPTIONS TO THE MERIT PRINCIPLE

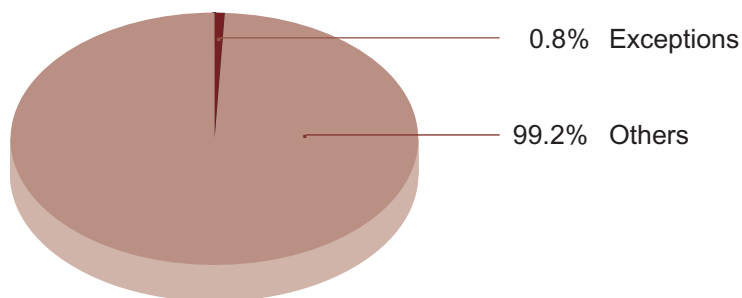
**Figure 1**  
**Exceptions to Merit**  
1 April 2003 - 31 March 2004



1 April 2004 - 31 March 2005



1 April 2005 - 31 March 2006



**Figure 2**  
**Exceptions to Merit by Category**

<b>EXCEPTION CATEGORY</b>	<b>NUMBER</b> 1 April 2003 - 31 March 2004	<b>NUMBER</b> 1 April 2004 - 31 March 2005	<b>NUMBER</b> 1 April 2005 - 31 March 2006
a. secondment	15	16	14
b. re-employment	27	29	2
c. another civil service of the Crown	7	3	1
d. transfer of functions	0	2	2
e. shortage of suitable candidates	0	0	0
f. assistance to disabled	86	85	0
g. needs of the Service	3	4	2
h. programmes to assist the long-term unemployed	0	7	3
<b>TOTAL</b>	<b>138</b>	<b>146</b>	<b>24</b>

# COMMISSIONERS' ROLE IN APPROVAL OF APPOINTMENTS TO THE SENIOR CIVIL SERVICE

## Introduction

**Through meetings with their UK counterparts, Commissioners were aware that UK Civil Service Commissioners had an active involvement, as Commissioners, in the role of chairing competitions at the most senior level. Following discussions with the Permanent Secretary Group, the Commissioners agreed to assume the role of Chair of all panels for external (open) recruitment to the Senior Civil Service, as from the beginning of April 2005. Prior to introduction of this new role, Commissioners had acted as independent assessors on panels on an invitational basis only.**

Acting as Chairperson in senior competitions ensures an independent element in the recruitment process so that the public, and those applying for appointment, can have additional assurance that the selection process is fair and equitable and that the successful candidate will be selected on merit.

We believe that this is important in the Northern Ireland context and reflects the emphasis on transparency urged in the Ouseley Report on the Northern Ireland Senior Civil Service. We are confident that this new role will give additional assurance to all concerned that the competition is fair and open.

We are pleased to report that our experiences in this new role have been positive and worthwhile. Acting as Chairperson has meant that we have become more actively involved with Departments from the earliest possible stage of the recruitment process. In the competitions held during the reporting year, the process has usually commenced with the Chairperson meeting appropriate Departmental representatives early on to familiarise him/herself with the nature of the post being advertised.

The Chairing role has been beneficial for both the Department and the Commissioners. The process should enhance confidence that the recruitment process complies with the Recruitment Code and, ultimately, that the best people are recruited to the posts available.

During the year we have shared with the NICS our experiences of chairing senior competitions. As a result, the NICS produced useful practitioner guidance in relation to senior appointments which will greatly assist those involved at the various stages of the recruitment process.



Commissioners with Mr Nigel Hamilton, Head of NICS

# COMMISSIONERS' ROLE IN APPROVAL OF APPOINTMENTS TO THE SENIOR CIVIL SERVICE

## Current Approval Procedure

Every appointment to the Senior Civil Service, whether through open competition or made as an Exception to the Merit Principle, must be approved by the Civil Service Commissioners. Officials in our Secretariat scrutinise and, if the conditions are satisfied, approve these appointments on the Commissioners' behalf. The current system involves a series of checks at each of the following stages in the recruitment process:

- pre-advertisement
- pre-interview
- post-interview
- pre-appointment.

Written approval must be obtained from the Commissioners' Office at each of these stages of appointment to the Senior Civil Service before a competition can progress. The key objectives are to ensure that the procedures followed are in accordance with the Recruitment Code and that all appointments made through open competition adhere to the Merit Principle.

During the reporting period, only two Senior Civil Service competitions were not carried out by the Northern Ireland Civil Service Recruitment Service on behalf of Departments and Agencies. In each of these competitions, an external recruitment agency was used. Both posts - a Director of Finance & Regulations and a Director of Operations - were appointments to the Water Service.

## Experience of Recruitment through Open Competition over the year

Departments and Agencies have continued to fill a wide range of vacancies for senior positions through open competition, from administrative to professional and specialist posts.

### **Quality Assurance of the work of the Secretariat in the Office of the Civil Service Commissioners**

Commissioners conduct an annual audit of the approval process for appointments to the Senior Civil Service to ensure that officers in their Secretariat exercise properly this delegated authority. During the period of this report, twenty-one appointments were made to the Senior Civil Service by way of open competition. The Commissioners were satisfied with the thoroughness of the procedures carried out in approving all twenty-one appointments.

### **Summary of Senior Recruitment through Open Competition**

Details of appointments made to the Senior Civil Service following open competition are given in Figures 3, 3(a) and 3(b) overleaf.

# COMMISSIONERS' ROLE IN APPROVAL OF APPOINTMENTS TO THE SENIOR CIVIL SERVICE

**Figure 3**  
**Approved appointments to the Senior Civil Service**  
1 April 2005 - 31 March 2006

Department	Job Title	Applicants			Appointments		
		Male	Female	Total	Male	Female	Internal/ External Candidate(s)
Agriculture	Chief Agricultural Economist	3	0	3	1	0	Internal
	Deputy Secretary	9	1	10	1	0	Internal
	Deputy Chief Executive Officer, Agri-Food & Bio Sciences Institute (3 posts)	13	0	13	3	0	All Internal
Culture, Arts & Leisure	Permanent Secretary	16	8	24	1	0	Internal
	Chief Executive, Ordnance Survey NI	7	0	7	1	0	External
Education	Assistant Chief Inspector	5	4	9	0	1	Internal
Environment	Director of Natural Heritage	9	1	10	1	0	Internal
Health, Social Services & Public Safety	Chief Nursing Officer	6	2	8	1	0	External
Finance and Personnel	Assistant Solicitor, Departmental Solicitor's Office	7	6	13	1	0	Internal
	Registrar General & Chief Executive, NI Statistics & Research Agency	1	1	2	1	0	Internal
Regional Development	Director of Finance & Regulation – Water Service	19	1	20	1	0	External
	Director of Operations – Water Service	15	1	16	1	0	External
Northern Ireland Office	Head of Financial Services Division	27	8	35	0	1	Internal
Crown Prosecutions Service	Assistant Director (4 Posts)	13	12	25	1	3	All Internal
	Senior Assistant Director – Regional Prosecutor	3	1	4	1	0	Internal
	Senior Assistant Director – Finance & Resources	13	0	13	1	0	Internal
<b>TOTALS</b>		166	46	212	16	5	17 Internal 4 External

**Figure 3(a)****Community Background**

1 April 2005 - 31 March 2006

Applicants				Appointments			
Protestant	Roman Catholic	Not Determined	Total	Protestant	Roman Catholic	Not Determined	Total
105	87	20	212	11	9	1	21

**Figure 3(b)****Approved Appointments to Senior Civil Service via Open Competition**

1 April 2003 - 31 March 2006

Period	Total	Gender		Community Background		
		Male	Female	Protestant	Roman Catholic	Not Determined
1 April 2003 – 31 March 2004	24	15	9	9	13	2
1 April 2004 – 31 March 2005	25	14	11	18	7	0
1 April 2005 – 31 March 2006	21	16	5	11	9	1

# COMMISSIONERS' AUDIT OF NICS RECRUITMENT POLICIES AND PRACTICE

**Article 4(4) of the Civil Service Commissioners (Northern Ireland) Order 1999 requires the Commissioners to audit recruitment policies and practices within the NICS to establish whether the Recruitment Code is being observed.**

## Approach to Audit

External auditors, appointed under contract following a tendering process, perform audits on behalf of the Commissioners. A thematic approach is generally taken to the audit methodology focussing on gathering information at two levels:

**LEVEL ONE:** An assessment of policies, procedures and stated practices in relation to an identified theme(s), against the Recruitment Code. This information is gathered in a number of ways including: one to one discussions with NICS Recruitment staff; written documentation relating to policy or procedure and cross-departmental discussion groups; and

**LEVEL TWO:** A review of a sample of competition files relevant to the identified theme to ascertain issues of compliance in relation to that theme and also in terms of general compliance with all aspects of the Recruitment Code.

In addition, full compliance audits are undertaken to examine how recruitment policies and practices in specific Departments align with the requirements of the Recruitment Code.

In this report we present the key findings from two audits outstanding from 2004/05 and two audits programmed for 2005/06. A further audit examining feedback requests from the recruitment process, also programmed for 2005/2006, was not completed within the period of this report. We will report on it in our next Annual Report.

## Audit Programme 2004/05

### (1) Appointment of Disabled Candidates

The auditors found in the Departments and Agencies selected for this audit, that disabled candidates were treated in a fair and equitable manner

throughout the recruitment process. Without exception, each Department and Agency was found to have demonstrated a willingness to provide reasonable adjustments for candidates applying for positions, attending interviews and/or aptitude testing and, ultimately, placing candidates into suitable employment within the service. Procedures relating to the recruitment of disabled candidates were well established, known to staff in personnel divisions and recruitment points and were in keeping with the Recruitment Code and wider legislation. No areas of direct non-compliance were observed.

## Recommendations

The Commissioners made the following best practice recommendations which they believe should be considered by DFP's Central Personnel Group (CPG), Departments and Agencies:

- **Documentation:** standard NICS application forms and related documentation could be incorporated into a user-friendly booklet to produce a definitive guide to best practice in the recruitment of disabled staff.
- **Promoting Reasonable adjustments:** more indication should be given in the Information Packs as to the assistance that may be available to disabled candidates, e.g. additional time in aptitude tests for dyslexic candidates.
- **Statistical Data:** the NICS should examine its mechanisms for collating and analysing data so that the data can be interpreted meaningfully. Documentation needs to inform candidates that if a disability is declared on the Application Form then it should also be declared on the Monitoring Form.
- **Access to Information:** Some Departments had great difficulty compiling the data requested by the auditors. It is recommended that Departments with effective recording systems assist and train those whose systems are less effective.
- **Administration:** To ensure that administrative mistakes are kept to the minimum all administrative staff should receive adequate disability awareness training.

# COMMISSIONERS' AUDIT OF NICS RECRUITMENT POLICIES AND PRACTICE

## The Way Forward

The Commissioners understand that Central Personnel Group is considering how best the findings from the audit can be used to demonstrate the NICS' commitment to disabled candidates as they advance the diversity agenda. One positive outcome has been the appointment by DFP of a dedicated Disability Officer within NICS Recruitment Service.

## (2) Compliance Audit of the Department of Finance and Personnel

Commissioners were pleased to note the auditors' conclusion that DFP was broadly compliant with the requirements of the Recruitment Code. They were particularly impressed by the auditors' findings in the following areas of compliance and best practice:

- All staff were aware of the Commissioners' Recruitment Code and all have direct access to a copy of the Code.
- Staff were fully aware of the importance of training for those involved in the recruitment process in general and the training of panel members in Equal Opportunities and criterion based interviewing, in particular.
- A number of improvements had been made since the previous audit, including introduction of the use of formal documentation for the interview process.
- A standard application form for Non-Industrial casual employment is in use for the recruitment of sandwich placement students which can be separated into one section for personal details and a second for responses to criterion based questions. The auditors viewed this as an important development in the standardisation of applications and preservation of the identity of candidates.
- Members of the recruitment team had a number of years experience and were knowledgeable and trained in policies and procedures relating to the recruitment process.
- The Personnel Division team had a good working relationship with business units within DFP and Recruitment Service. Queries were generally handled in a timely and efficient manner and there was no evidence of slippage of recruitment timetables in the Division.

## Issues of Concern

The Commissioners were, however, concerned at the following findings of the audit:

### Closing date for applications

The auditors reported a number of instances where application forms had been issued after the closing date; and candidates were given up to an additional two weeks to return the forms. The Commissioners strongly endorse the auditors' recommendation that a formal agreed written procedure be put in place to reduce the risks associated with acceptance of application forms after the date of closure. The procedure should also confirm the level of grade with the authority to make such a decision.

In the rare circumstances where the closing date of a competition is adjusted for a particular reason or candidate, the Commissioners firmly believe that steps must be taken to publicise that extension to ensure fairness and openness for all potential candidates.

### Equal Opportunities Statement

There were some instances where an Equal Opportunities Statement was not included within advertisements. Commissioners asked subsequently for an assurance that an Equal Opportunities Statement is incorporated in all advertisements placed on the Recruitment Service website; in Job Centres; and in publications, as appropriate.

### Sandwich Student Posts

Due to an oversight, there had been instances where sandwich student vacancies had not appeared in all Job Centres throughout Northern Ireland. Commissioners emphasised to the Department that care should be taken to ensure as wide a dissemination as practicable for such opportunities.

# COMMISSIONERS' AUDIT OF NICS RECRUITMENT POLICIES AND PRACTICE

## Audit Programme 2005/06

### (1) Compliance Audit of the Department for Regional Development

Once again the Commissioners were pleased to note the auditors' conclusion that DRD was broadly compliant with the requirements of the Recruitment Code. Water Service and Roads Service had last been audited in 1999 as part of an audit of DOE recruitment policies and practices. The Commissioners were pleased to note there had been marked improvements in these Agencies in a number of areas, such as establishing and implementing monitoring systems. It was also noted that Water Service showed evidence of significant improvements in recruitment practice following reorganisation and centralisation of recruitment processes in October 2004.

There were, however, some areas of non-compliance with the Recruitment Code on which the Commissioners expressed concern:

#### Closing date for applications

As in DFP, the auditors reported a number of instances where application forms had been accepted after the closing date and there was no supporting documentation on file to explain the rationale for accepting the late applications. The Commissioners agreed strongly with the auditors' recommendation that recruitment units should have in place a written procedure setting out their approach to acceptance of applications after the specified closing date; and that the units apply that approach to closing dates consistently and fairly.

Commissioners emphasised again, as they had to DFP, that in the rare circumstances where the closing date of a competition is adjusted for a particular reason or candidate, steps must be taken to publicise the extension in order to ensure fairness and openness for all potential candidates.

#### Equal Opportunities Monitoring Information

The auditors found variations in application of the NICS policy relating to Equal Opportunities monitoring information, both within some units and across the Department. There was evidence that the policy was contravened in one competition when a candidate was allowed to progress to interview without having returned the necessary completed monitoring form.

Commissioners asked for assurance that all DRD recruitment units will correctly and consistently apply the NICS policy on the completion of Equal Opportunities monitoring information.

### **Student Placement Posts**

Commissioners noted evidence that student placements were advertised mainly through the two Northern Ireland Universities. They emphasised to DRD, as they had to DFP, that care should be taken to ensure as wide a dissemination as practicable for such opportunities.

### **Recording of Information by Panel Members**

The auditors identified instances of insufficient or incorrect information being recorded by panel members at sifting and interviewing stages of the recruitment process. The Commissioners strongly supported the recommendation that Panels should record both their decisions, and the reasons for those decisions, when sifting and/or shortlisting applications. At interview stage, each panel member should record his/her individual assessment of candidates on candidate assessment forms, in addition to the overall panel agreed score.

### **(2) Thematic Audit on the use of external consultants/agencies to recruit NICS employees; and the utilisation of agency workers within the NICS**

From initial research undertaken by the auditors, it became evident that there were few and limited occasions when the NICS had used consultants or recruitment agencies to recruit either temporary or permanent NICS employees. The audit, therefore, focused primarily on how the NICS had utilised agency workers.

The Commissioners were pleased to note that as from 1 March 2005 Central Procurement Division had awarded a centralised contract for the engagement of temporary agency workers to the NICS. They consider this a significant step in centralising the operational procedures.

# COMMISSIONERS' AUDIT OF NICS RECRUITMENT POLICIES AND PRACTICE

The Commissioners, however, expressed some concerns at findings regarding the utilisation of agency workers within the NICS. In particular, Commissioners were disappointed to note there was no central policy on the use of agency workers and that some agency workers had been engaged in Civil Service work for a considerable period of time. They are keen, therefore, that the following recommendations be taken forward:

- that Central Personnel Group urgently addresses the absence of any central policy on the use of agency employees, taking account of advice given by the Departmental Solicitor's Office;
- that the NICS develops a policy to cap the length of time agency workers can be engaged;
- that a standard engagement policy is established for all Departments and Agencies setting out the formal stages to be addressed before a decision is taken to engage agency staff;
- that an assessment is conducted to ascertain the extent of the incidence of agency workers employed in excess of 1 year in the NICS and the associated risks; and
- that all NICS Departments unite, where feasible, under an operating protocol in conjunction with the Supplies and Services Division of Central Procurement Division, or other such body.

## The Way Forward

A letter has been issued to the Director of Personnel, Central Personnel Group seeking action to address these recommendations. The Commissioners will seek progress reports through Central Personnel Group as to how the recommendations have been addressed.

## FUTURE AUDITS

The Commissioners have agreed the following programme of audits for their next reporting cycle:

### 2006/07 Audit Programme

- Audit 1 The management of merit lists in volume competitions; and
- Audit 2 Attracting candidates to apply for NICS posts.

A 3rd audit had been projected for 2006/07 to address how the revised Recruitment Code was being implemented by the NICS. However, on reflection, it was decided such an audit was too soon after introduction of the Code and, arguably, too wide in scope. It could deliver only a very sparse picture and not the detail Commissioners would prefer. It was therefore decided to monitor through specific themes against the Principles in the Recruitment Code. This will present a more comprehensive depiction of implementation of the Code for each area under consideration. The Commissioners decided that an audit on the methods used to attract candidates to apply for posts in the NICS (Audit (2) above) would address a major theme running through the Principles.

The Commissioners look forward to the positive outcomes they believe will follow from each of these audits.

# REQUIREMENT TO PUBLISH RECRUITMENT INFORMATION

**Under the Civil Service Commissioners (Northern Ireland) Order 1999, Commissioners may require the publication of ‘such information as they may specify’ relating to recruitment and the use of permitted Exceptions to the principle of selection on merit on the basis of fair and open competition.**

## What Commissioners require from recruitment points in the various Departments and Agencies

The Recruitment Code stipulates that the information must comprise, as a minimum:

- A statement that systems are in place to ensure that selection for appointment is made in accordance with the Recruitment Code.
- A statement that recruitment policies and practices are subject to regular internal monitoring.
- Details of the appointments made under Regulation 3 of the Commissioners’ General Regulations 2005.
- Statistical summaries, in a format which the Commissioners may specify, of all recruitment activity during the relevant period, including analyses by gender, community background, disability and race and any other categories covered by Section 75 of the Northern Ireland Act 1998 as appropriate.
- Any plans and/or activities taken in the reporting year to encourage under-represented groups.
- Any output from the reported plans/activities.

The method of publication is at the discretion of the recruiting body. Some Agencies, e.g. the Social Security and the Child Support Agencies, include recruitment sections in their Annual Reports, whereas other Departments and Agencies include their information in NICS Recruitment Service’s Annual Report.

Placing this information in the public domain improves the accountability of Departments and Agencies in regard to their recruitment practices.

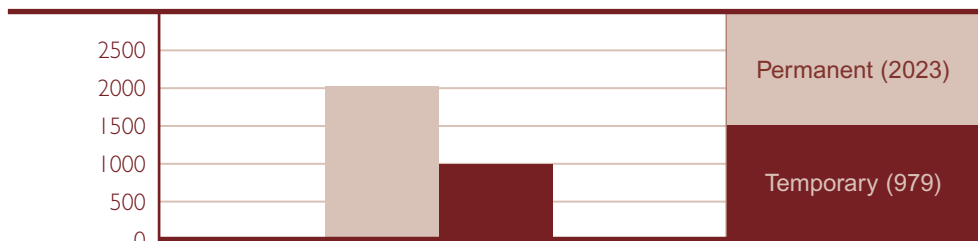
## Summary Information

Whilst more detailed information is available in the NICS Recruitment Service Annual Report, summaries are provided in Figures 4, 4(a) and 4(b) below, broken down to compare both the main types of appointments made and the category of vacancies concerned.

**Figure 4**

### Appointment by Type

1 April 2005 - 31 March 2006



**Figure 4(a)**

### Recruitment by Job Category

1 April 2005 – 31 March 2006

Job Categories*	Number of Applications	Number of Appointments
General Service Grades	8,034	2,069
Secretarial Grades	0	0
Scientific Grades	827	149
Technology Grades	251	52
Legal Grades	220	51
Computer Grades	173	30
Other Professional & Technical Grades	4,926	396
Centralised Services Grades	693	94
Industrial Grades	1,111	161
<b>TOTAL</b>	<b>16,235</b>	<b>3,002</b>

\* See Appendix F for examples of jobs in each job category

## REQUIREMENT TO PUBLISH RECRUITMENT INFORMATION

**Figure 4(b)**  
**Appointments by Job Category**  
1 April 2003 – 31 March 2006

Job Categories*	Number of Appointments 1 April 2003 – 31 March 2004	Number of Appointments 1 April 2004 – 31 March 2005	Number of Appointments 1 April 2005 – 31 March 2006
General Service Grades	3,480	2,580	2,069
Secretarial Grades	11	6	0
Scientific Grades	190	250	149
Technology Grades	118	148	52
Legal Grades	36	33	51
Computer Grades	81	66	30
Other Prof & Tech Grades	732	393	396
Centralised Services Grades	111	164	94
Industrial Grades	182	114	161
<b>TOTAL</b>	<b>4,941</b>	<b>3,754</b>	<b>3,002</b>

\* See Appendix F for examples of jobs in each job category

The Recruitment Code 2005 added two further categories of information to be published. These are:

- (e) any plans and/or activities taken in the reporting year to encourage under-represented groups; and
- (f) any output from the reported activity.

DFP have provided the following response to these categories:

### OUTREACH STRATEGY

As part of our ongoing Outreach Strategy, the Northern Ireland Civil Service has re-opened contacts with many communities of interest to identify a range of new, more proactive measures to encourage under-represented groups to take up careers in the NICS. The NICS is currently working with representatives from NI's minority ethnic communities and disability groups to identify proactive measures that will encourage more applications from these communities and remove barriers to their retention and progression within the Service.



## **EQUALITY AND DIVERSITY PLANNING**

The NICS has entered into a new partnership with the EU-funded 'Diversity Works' programme. Through the Central Personnel Group of DFP, the NICS is the programme's public sector partner, in this initiative designed to pilot new approaches to helping Northern Ireland employers manage diversity better. A comprehensive review of NICS corporate personnel policies and procedures is under way now, and will result in a rolling equality and diversity action plan which will enable the Service to be confident that it has identified and is addressing the most important challenges it faces in the field, as an employer.

## **DIVERSITY AWARENESS TRAINING**

The Northern Ireland Civil Service has just contracted with a partnership of local companies to develop an innovative and impactful new training solution which will help promote the day-to-day benefits of diversity in the workplace and equip staff with the practical skills they need to challenge inappropriate behaviour across the desk and over the counter. This will help make NICS workplaces better for everyone – staff, public, and recruits from more diverse backgrounds, alike.

### **Comment**

The Commissioners are mindful that the revised Recruitment Code only came into operation on 20 June 2005 and will be interested to see the progress made on these initiatives by the end of 2006/07.

# APPEALS UNDER THE NORTHERN IRELAND CIVIL SERVICE CODE OF ETHICS

**This section reports on the Commissioners' responsibility to hear and determine appeals under the Northern Ireland Civil Service Code of Ethics. The Civil Service Commissioners (Northern Ireland) Order 1999 assigns Commissioners the role of providing an independent appeals mechanism for Northern Ireland civil servants under the NICS Code of Ethics. The Code of Ethics sets out the constitutional framework within which civil servants work and the values they are expected to uphold.**

To ensure that those making appeals have full confidence in the independence of the appeals process, Commissioners have determined that appeals will be dealt with by at least two, but usually three, Commissioners. The Commissioners are independent of the NICS and therefore have no vested interest in issues arising from these appeals.

For some time, there has been recognition within the NICS that the Code of Ethics required review. To inform the review process, DFP commissioned the Northern Ireland Statistics and Research Agency (NISRA) to provide information on staff knowledge of, and attitude to, the current Code of Ethics. During 2005-06, the NICS carried out questionnaires and discussion group sessions with staff on

- their awareness of the NI Code of Ethics;
- the relevance of behaviours and values in the NICS; and
- staff awareness of the reporting mechanisms and appeals procedures.

Following these, the Department of Finance and Personnel, at the end of January 2006, consulted staff on a revised NICS Code of Ethics. A consultation paper on a revised Civil Service Code was issued by the Cabinet Office, for the Home Civil Service, at about the same time.

The Commissioners replied to these initiatives, welcoming their content and approach. They particularly welcomed the fact that the NICS revision mirrored the Cabinet Office draft Code; and that the Scottish and Welsh Offices were expected to follow suit. This should ensure common core values and a consistent approach for all United Kingdom civil servants.

The Commissioners believe that the amended style, including the description of core values and behaviours of civil servants, will be a positive factor in emphasising the role of an impartial civil service and will enhance how civil servants feel about the value of their work and the contribution it and they make to national life.

### **Appeals – 2005/2006**

No appeals were received during the period of this report. The Commissioners remain concerned that, as became apparent through the consultation exercise carried out by NISRA on behalf of DFP, civil servants do not appear to be fully aware of the appeals mechanism relating to the Code of Ethics. Of significance to the Commissioners in the proposal for a revised Code was the range of options presented for handling concerns or complaints and, in particular, the availability of an option for complainants to raise issues directly with the Commissioners.

That has not been an option up to now and is one for which the Commissioners are much in favour. They look forward to seeing the finalised NICS Code of Ethics and will work closely with the Department of Finance and Personnel to ensure it is implemented to optimum effect.

## LOOKING AHEAD

**One of the most significant factors for the Civil Service Commissioners during 2006/07 will be the change in membership. The Chairperson, Judith Eve, ended her term of Office on 30 April 2006 and three members will come to the end of their term of Office during the year. The new Chair, Brenda McLaughlin, was appointed from 11 May 2006, a further new Commissioner, Ruth Laird, as from 1 June 2006; and two more, Dame Joan Harbison and Alan Lennon will be appointed as from 1 December.**

While this transition will no doubt present some challenges, it offers the Civil Service Commissioners the opportunity to introduce fresh thinking and diversity into their important role and responsibilities in relation to recruitment to the NICS. The Commissioners are looking forward to establishing their new team and will be focusing on a planned induction process to ensure that new members attain the necessary skills, knowledge and experience to quickly adapt to their new role.

### Relationships with others

The Communications Strategy will be a key tool in the induction process and in effectively maintaining and enhancing the very productive relationship with the NICS and the UK and Irish Commissioners. The now well established and very useful 'links' meetings with Permanent Secretaries of individual Departments will continue over the next year and the Commissioners will also work to establish relationships with Ministers and other relevant parties interested in their work.

The possible return of the Northern Ireland Assembly may have implications for the Commissioners. Currently, the Civil Service Commissioners Office is sponsored and resourced by the Northern Ireland Office to preserve independence from the Northern Ireland Civil Service. Responsibility for the Commissioners could pass to a devolved administration and any developments to this end will be closely monitored.

The prospect of a return to devolution in the autumn requires a constant state of readiness in terms of maintaining key relationships in the NICS. The Commissioners' Communications Strategy 2006/07 is an important tool in raising the Commissioners' role and profile and has as one of its aims "to promote public confidence in recruitment to the NICS". The Commissioners believe that this is best achieved through compliance with the Recruitment Code, which is regularly audited by the Commissioners, and implementation of the Good Relations Strategy.

The Good Relations Strategy of the Civil Service Commissioners for Northern Ireland has been put in place at a time when there are many positive points to make about the opportunities to develop good relations in Northern Ireland. "A Shared Future" identified reconciliation, tolerance and mutual trust as vital principles in a Good Relations Strategy. A civil service which is free of religious, political and racial bias or tensions will work for the benefit of all sections of the community and be highly valued and respected in return. The Commissioners believe that they have a key role to play in ensuring that the NICS exemplifies these attributes through fair and open recruitment policies and practices. The Commissioners believe that their influence is helping to create a civil service which broadly reflects the diversity of the community it serves and that good relations will be fostered by open and impartial transaction of public services.

### **Issues of interest**

Commissioners will continue to show a strong interest in the NICS Government Reform programme, in particular the project to outsource personnel functions. They will consider, as the e-HR programme emerges, the implications any change to the delivery of recruitment functions may have on the NICS' ability to adhere to the principles of the Recruitment Code.

Commissioners will watch with interest the development of a new Code of Ethics for the NICS. They will willingly assist with its dissemination and implementation and look forward to carrying out any new role assigned to them by a revised Code of Ethics.

## LOOKING AHEAD

Over the past two years, Commissioners have been monitoring various attempts to address matters in the civil service through Private Members Bills and are watching for progress on the Civil Service Bill published for consultation by the Cabinet Office in November 2004. One key item of interest, which has been the subject of a judicial review judgement in Northern Ireland, is the exclusion of non-UK nationals from appointment to certain posts in the NICS. In the context of their Good Relations Strategy, the Commissioners have a continuing interest in this matter and in any legislation proposals impacting on it.

Commissioners also note two recent High Court judgements – one on employment rights in the NICS acquired by long-term temporary staff; and the other on reinstatement in the NICS following political activity. The Commissioners will consider in the coming year what implications these may have for them and for their General Regulations which prescribe categories of exceptions to appointments on merit based on fair and open competition.

# APPENDIX A



## ORDER OF THE SECRETARY OF STATE

### CIVIL SERVICE COMMISSIONERS (NORTHERN IRELAND) ORDER 1999

In exercise of the powers conferred on me by Letters Patent of Her Majesty dated 20 December 1973 and of all other powers enabling me in that behalf, I hereby make the following Order:-

#### Title and commencement

1. This Order may be cited as the Civil Service Commissioners (Northern Ireland) Order 1999 and shall come into operation forthwith.

#### Interpretation

2. (1) The Interpretation Act (Northern Ireland) 1954<sup>(a)</sup> shall apply to this Order as if this Order were an enactment, and for the purposes of that Act, as applied by this paragraph, the 1996 Order shall be deemed to be an enactment revoked by this Order.

(2) Without prejudice to paragraph (1), any reference in an instrument or other document to a provision of the 1996 Order to which there is a corresponding provision in this Order shall be construed as a reference to that corresponding provision in this Order.

- (3) In this Order, except where otherwise expressly provided -

“the 1996 Order” means the Civil Service (Northern Ireland) Order 1996<sup>(b)</sup>;

“appointed to a situation in the Civil Service” means appointed to a situation in the Civil Service, other than by promotion or transfer from within the Civil Service, where that promotion or transfer was not made following competition for the situation open to applicants from within and without the Civil Service and “appointment to any situation in the Senior Civil Service” shall be construed accordingly;

"civil servant" means any person serving in a situation in the Civil Service;

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(a) 1954 c. 33 (NI).

(b) The 1996 Order was printed in the Belfast Gazette on 20 December 1996.

## APPENDIX A

"the Civil Service" means the Northern Ireland Civil Service;

"the Code of Ethics" means a Code of Ethics made under Article 4(2)(b) of the Civil Service (Northern Ireland) Order 1999;

"the Commissioners" means the persons for the time being appointed by Her Majesty to be Civil Service Commissioners for Northern Ireland;

"the Department" means the Department of Finance and Personnel;

"enactment" has the meaning assigned to it by Section 1(b) of the Interpretation Act (Northern Ireland) 1954.

(4) In this Order any reference to the New Northern Ireland Assembly shall, after the coming into operation of Parts II and III of the Northern Ireland Act 1998, be construed as a reference to the Northern Ireland Assembly.

### Selection on merit

3. (1) Except as otherwise expressly provided by or under this Order, a person shall not be appointed to a situation in the Civil Service unless:
  - (a) the selection of that person for appointment was made on merit on the basis of fair and open competition; and
  - (b) the person appointed satisfies such requirements for appointment as may be prescribed by the Department under Article 4(2)(c) of the Civil Service (Northern Ireland) Order 1999.
- (2) Paragraph (1)(a) shall not apply where an appointment is made to a situation in the Civil Service:
  - (a) directly by Her Majesty; or
  - (b) subject to paragraph (4), by any relevant member for the purpose only of providing advice to him during a period terminating on or before the date on which the relevant member ceases to hold office<sup>(a)</sup>

---

(a) As amended by the Civil Service Commissioners (Amendment) (Northern Ireland) Order in Council 2003.

(3) In paragraphs (2)(b) and (4) “relevant member” means any of the following persons, that is to say -

- (a) the Presiding Officer of the New Northern Ireland Assembly;
- (b) the First Minister or Deputy First Minister; or
- (c) any other member of the Executive Committee of that Assembly.

(4) The First Minister and the Deputy First Minister may each appoint up to three persons to hold, at any one time, a situation under paragraph (2)(b) and any other relevant member may appoint one person to hold, at any one time, such a situation.

(5) The terms and conditions of employment of any appointment under paragraph (2)(b) shall be in accordance with such terms and conditions of employment as shall be prescribed by the Department of Finance and Personnel in regulations or directions.

## Functions of the Commissioners

4. (1) The Commissioners shall maintain the principle of selection on merit on the basis of fair and open competition in relation to selection for appointment.  
  
(2) Without prejudice to Article 3(2), the Commissioners may, with the approval of the Secretary of State, prescribe, in General Regulations, or by directions, the circumstances in which the principle of selection on merit on the basis of fair and open competition shall not apply.  
  
(3) The Commissioners shall prescribe and publish a recruitment code on the interpretation and application of the principle of selection on merit on the basis of fair and open competition, including the circumstances in which any exceptions to that principle prescribed by the Commissioners, in pursuance of General Regulations or directions made under paragraph (2), may be exercised.

## APPENDIX A

(4) The Commissioners shall audit recruitment policies and practices followed in making appointments to situations in the Civil Service to establish whether the recruitment code is being observed.

(5) The Commissioners may require the publication of such information as they may specify relating to recruitment and to the use of permitted exceptions to the principle of selection on merit on the basis of fair and open competition.

### Appeals under the Code of Ethics

5. (1) The Commissioners may consider and determine appeals to them by a civil servant under the Code of Ethics.

(2) For the purposes of paragraph (1), the Commissioners may -

- (a) regulate their own procedure;
- (b) require the parties to any appeal or to any investigation occasioned by an appeal to provide such information and other assistance as the Commissioners think necessary or appropriate; and
- (c) make recommendations.

(3) The Commissioners -

- (a) shall publish annually a report of the number of appeals made to them under the Code of Ethics together with summary information as to the nature of such appeals; and
- (b) may make such other reports on appeals to them under the Code of Ethics as they think fit.

### The Commissioners' approval for appointment

6. Other than an appointment referred to in Article 3(2), no appointment shall be made to any situation in the Senior Civil Service, or to any situation prescribed by General Regulations or by directions for the purposes of this Article by the Commissioners with the approval of the Secretary of State, without the written approval of the Commissioners, whose decision shall be final.

## Exercise of the Commissioners' functions

7. (1) The functions of the Commissioners may be exercised by any one or more than one of the Commissioners and references to the Commissioners shall be construed accordingly.
- (2) The Secretary of State may assign officers to act as secretary and deputy secretary to the Commissioners and shall afford to the Commissioners such assistance as they may reasonably require for the discharge of their functions.
- (3) The Commissioners may, in relation to such matters, and such extent as they may specify, authorise their secretary, deputy secretary or any other person to act on their behalf.
- (4) A Commissioner may be paid such remuneration and allowances as the Secretary of State may determine.

**Northern Ireland Office**  
**2 March 1999**

**Marjorie Mowlam**  
**One of Her Majesty's**  
**Principal Secretaries of State**

## APPENDIX A

### EXPLANATORY NOTE

(This note is not part of the Order)

This Order lays down the functions of the Civil Service Commissioners for Northern Ireland ("the Commissioners"). Under section 36(1) of the Northern Ireland Constitution Act 1973, any appointment to the office of Civil Service Commissioner for Northern Ireland shall be by Her Majesty.

The principal provisions of this Order are:-

1. **Article 3** provides that, apart from permitted exceptions, all appointments to the Northern Ireland Civil Service ("the Civil Service") shall be made on merit on the basis of fair and open competition (the "merit principle").
2. **Article 4** provides for the Commissioners to maintain the merit principle, to prescribe exceptions to it, and to prescribe and publish a recruitment code on the interpretation of the merit principle. This Article also provides for the Commissioners to audit recruitment to the Civil Service, and to require the publication of information on Civil Service recruitment.
3. **Article 5** provides for Commissioners to consider and determine appeals to them by a civil servant under the Code of Ethics.
4. **Article 6** provides that no appointment shall be made to the Senior Civil Service, or such other situations in the Civil Service as the Commissioners may prescribe, without the approval of the Commissioners.
5. **Article 7** allows any function of the Commissioners to be exercised by one or more of the Commissioners and allows the Commissioners, in relation to such matters as they may specify, to authorise any person to act on their behalf. The Article also requires the Secretary of State to make provision to support the work of the Commissioners.

## APPENDIX B

### CIVIL SERVICE COMMISSIONERS FOR NORTHERN IRELAND

#### GENERAL REGULATIONS 2005

The Civil Service Commissioners for Northern Ireland (“the Commissioners”) in exercise of their powers under the terms of Articles 4(2) and 6 of the Civil Service Commissioners (Northern Ireland) Order 1999 (“the Order”), and with the approval of the Secretary of State, hereby make the following Regulations.

#### Citation and commencement

1. These Regulations may be cited as the Civil Service Commissioners for Northern Ireland General Regulations 2005 and shall come into operation on 20th June 2005.

#### Preliminary

2. (1) These Regulations prescribe the exceptions to the principle of selection on merit on the basis of fair and open competition (“the Merit Principle”).

(2) In these Regulations, “secondment” means a voluntary and temporary transfer from a permanent employer for a fixed period which does not sever the employment relationship of the person seconded with the permanent employer.

#### Exceptions to the Merit Principle

3. Subject to any conditions which the Commissioners may specify in a recruitment code, the Merit Principle shall not apply to an appointment to a situation in the Civil Service:-
  - (a) where the person is appointed on secondment;
  - (b) where the person to be appointed holds a situation in another Civil Service of the Crown;
  - (c) where the person to be appointed is, or has recently been, employed on functions which have been or are being transferred to the Crown;

## APPENDIX B

(d) where the person to be appointed is of proven distinction and exceptional reasons relating to the needs of the Civil Service provide justification for the appointment;

(e) where the person has been selected for an appointment under Government programmes or initiatives.

### **Commissioners' approval for appointment**

4. No appointment to a situation in the Civil Service under regulation 3(d) shall be made without the written approval of the Commissioners.

### **Revocation**

5. The Civil Service Commissioners for Northern Ireland General Regulations 1999 are hereby revoked.

**Dated this 27th day of May 2005**

**JUDITH EVE (Chairperson)**

**MARGARET ELLIOTT**

**SIDNEY McDOWELL**

**JOHN STEELE**

**BRIAN CARLIN**

**ALAN HENRY**

**Civil Service Commissioners for Northern Ireland**

**The Secretary of State hereby approves the foregoing Regulations.**

**PETER HAIN**

**One of Her Majesty's**

**Principal Secretaries of State**

**Dated this 7 day of June 2005**

## APPENDIX C

### CIVIL SERVICE COMMISSIONERS FOR NORTHERN IRELAND GENERAL REGULATIONS 1999

The Civil Service Commissioners for Northern Ireland ("the Commissioners") in exercise of their powers under the terms of Article 4(2) of the Civil Service Commissioners (Northern Ireland) Order 1999 ("the Order"), and with the approval of the Secretary of State, hereby make the following Regulations.

#### Preliminary

1. (1) These Regulations may be cited as the "Civil Service Commissioners for Northern Ireland General Regulations 1999" and shall come into operation forthwith.  
  
(2) These Regulations prescribe the exceptions to the principle of selection on merit on the basis of fair and open competition ("the Merit Principle").  
  
(3) In these Regulations, "secondment" means a voluntary and temporary transfer from a permanent employer for a fixed period which does not sever the employment relationship of the person seconded with the permanent employer.

#### Exceptions to the Merit Principle

2. Subject to any conditions which the Commissioners may specify in a recruitment code, the Merit Principle shall not apply to an appointment to a situation in the Civil Service:-
  - (a) where the person is appointed on secondment;
  - (b) where the person has previously held a situation in the Civil Service and is being considered for reinstatement or re-employment;
  - (c) where the person holds a situation in another Civil Service of the Crown;

## APPENDIX C

- (d) where the person is, or has recently been, employed on functions which have been or are being transferred to the Crown;
- (e) where the person has reached an appropriate standard in a fair and open competition for another situation in the Civil Service without securing appointment and there is a demonstrable shortage of suitable candidates for the relevant situation;
- (f) where the person has been selected for appointment under arrangements which include provision for encouragement and assistance to be given to any person who is defined as being a disabled person or as having a disability by or under any enactment relating to the employment of disabled persons;
- (g) where the appointment is justified for exceptional reasons relating to the needs of the Civil Service, and the person proposed for appointment is of proven distinction; or
- (h) where the person has been selected for an appointment under Government programmes to assist the unemployed and the total period of employment does not exceed 3 years.

### **Revocation**

All General Regulations previously made by the Commissioners are hereby revoked.

**Dated this 29th day of June 1999.**

**JUDITH EVE (Chairperson)**

**IAN DOHERTY**

**MARY DONNELLY**

**MARGARET ELLIOTT**

**SIDNEY McDOWELL**

**JOHN STEELE**

**Civil Service Commissioners for Northern Ireland**

**The Secretary of State hereby approves the foregoing Regulations.**

**MARJORIE MOWLAM**

**One of Her Majesty's  
Principal Secretaries of State**

## APPENDIX D

### OFFICE OF THE CIVIL SERVICE COMMISSIONERS FOR NORTHERN IRELAND

#### BUSINESS PLAN – 2005/06

##### Function of OCSC

The Office of the Civil Service Commissioners for Northern Ireland supports the Civil Service Commissioners for Northern Ireland, who are responsible for ensuring that appointments to the Northern Ireland Civil Service are made on merit in fair and open competition.

##### Office Organisation and Resources 2005/06

	<b>Commissioners</b>
	<b>Secretary - Grade 5 (part-time)</b> Jim McKeown
	<b>Deputy Secretary – Grade A (part-time)</b> Joanne Dowling
	<b>Grade B1 (on loan)</b> Ena McKnight
	<b>Grade B2</b> Paul Lavery
	<b>Grade D1</b> Helen McLarnon
	<b>Grade D1 (part-time)</b> Mae Hamilton

##### Agreed Budget Allocation for OCSC 2005/06

ITEM	ALLOCATION (£)
Commissioners' Fees	60k
Audit Contract	40k
Staff	142k
Accommodation and Overheads	68k
Training	3k
<b>TOTAL</b>	<b>315k</b>

##### Office work programme

OCSC's work programme for 2005/06 and progress against targets are set out overleaf.

# APPENDIX D

## BUSINESS PLAN 2005/06

Objectives	Targets	Progress Against Targets
To promote public confidence in recruitment to the NICS	Raise profile of the Commissioners' roles and responsibilities through a Communications Strategy	Achieved. Presentation of Commissioners' role at two seminars for HR practitioners; Visits to Personnel Directors/ Establishment Officers; article published in e-Politix
	To ensure appointments are made on merit	Achieved. Commissioners chairing all SCS competitions from 1/04/05; audit programme completed
	To ensure exceptions to the merit principle comply with the Code	Achieved
To provide timely responses to queries from the public and ministers	To ensure that accurate and timely advice is given to the public and ministers	Achieved
To provide timely advice to NICS Departments/NIO	To ensure that accurate and timely advice is given to Departments /NIO on interpretation of the Code/remit of Commissioners	Achieved
To approve SCS appointments within specified timescales	To ensure that the SCS recruitment process meets the requirements of the New Recruitment Code	Achieved
	To ensure that SCS approvals are completed in the agreed timescale for each stage	Achieved
To progress Code of Ethics appeals with minimum delay	Identify any issues arising, and contribute to the revised NICS Code of Ethics	Achieved. Provided comments to the consultation on the draft NICS Code of Ethics and the UK Civil Service Code
	Process all new appeals in line with agreed procedures	No new appeals received
	Prepare revised appellant leaflet	Awaiting NICS revised Code. Objective carried forward to 2006/07

Objectives	Targets	Progress Against Targets
To promote equality of opportunity and good relation duties under Section 75 of the Northern Ireland Act 1998	To launch and Implement the new Recruitment Code	Achieved
	To revise/review the Commissioners' Equality Scheme by 31 March 2006	Awaiting guidance from the Equality Commission
	Prepare 2004-05 report on implementation of the Equality Scheme by 31 March 2006	Achieved June 2005
	Good Relations Strategy	Achieved
To demonstrate our commitment to freedom of information	To maintain and review Publication Scheme	Achieved
To ensure the Commissioners have effective support and advice to enable the achievement of their statutory role and responsibilities	To ensure that all necessary support and advice is provided to Commissioners accurately and within appropriate timescales	Achieved
	To develop good working relationships with senior management of NICS/NIO/Ministers/ other Commissioners etc	Achieved
To effectively and efficiently manage the Commissioners' meetings with the support of the secretariat	Provide papers at least one week in advance of meeting	Achieved
	Provide responses to queries within one day of receipt where all information is available	Achieved
	Prepare draft minutes of meetings within one week	Achieved
To produce an Annual Report on time	Publish and distribute report by 30 June	Achieved on 17 August 2005

## APPENDIX D

Objectives	Targets	Progress Against Targets
To complete an agreed Audit Programme	To ensure that reports are completed by agreed timescales	Achieved
	Each audit report reviewed within one week of receipt	Achieved
	To prepare papers for Commissioners on issues arising from the audits as required	Achieved
	To identify and implement any action required as a result of agreed audit recommendations within agreed timescale	Achieved
To continually review processes for improvement including electronic records management	To review SCS approval process in light of the new Recruitment Code	Under review
	Identify any process which needs to be developed/reviewed as appropriate	Achieved
	To develop branch records to make best use of OASIS by 31 March 2006	Achieved
To monitor and report on exceptions to the merit principle	To ensure compliance with the exceptions to the merit principle	Achieved
	Monitor and report exceptions to the merit principle in the Annual Report	Achieved
Maintain a minimum of 6 Commissioners	To agree and implement a succession plan to ensure the appointment of a new Chairperson and 3 new Commissioners within the designated timetable	Achieved
Maintain staff levels required for the effective discharge of the Commissioners' functions	To maintain appropriate staffing levels within the secretariat	Achieved

Objectives	Targets	Progress Against Targets
To deploy and manage resources to secure good value for money	To live within our budget set for the financial year	Achieved
	Measure actual spends against forecast	Achieved
To provide effective strategic leadership and direction to the OCSC secretariat	To manage and implement the 2005/06 Business Plan	Achieved
	Establish FJP within 15 working days of new reporting year	Achieved
	All staff understand their individual contribution	Achieved
	To induct new staff and agree PDP within 2 months	N/A
	Perform 95% of PAIs within 5 working days of the end of the agreed period	Achieved
	Establish an agreed 2006/07 Business Plan by 1 April 2006	Achieved
To provide continuous professional development for the Commissioners	To continue to provide appropriate development plans for Commissioners	Achieved
	To ensure implementation of the Training and Development Plan	Achieved
	To ensure that networking opportunities are maximised	Achieved
To maintain a well managed, trained and motivated secretariat	Implementation of Training and Development Plan	Achieved
	To ensure completion of PDPs within 15 working days of 1 April 2006	Achieved

## APPENDIX E

### PROGRESS REPORT TO THE EQUALITY COMMISSION ON IMPLEMENTATION OF THE EQUALITY AND GOOD RELATIONS DUTIES UNDER SECTION 75 OF THE NORTHERN IRELAND ACT 1998

1 APRIL 2005 – 31 MARCH 2006

#### Section 1: Strategic Implementation of the Section 75 Duties

##### Senior management involvement

All Commissioners are involved in ensuring that commitments under Section 75 and their Equality Scheme are met. As they are not a corporate body, it is important to ensure that there is a shared understanding and commitment on the part of their secretariat to implementing the Equality Scheme and taking forward the Section 75 duties.

Targets and objectives stipulated within the Equality Scheme were incorporated into the Commissioners' annual Business Plans. This led to the formation of associated objectives and tasks for all staff within the secretariat. These are detailed within Forward Job Plans and are reflected within the performance management system.

Section 75 is now a standing agenda item at Commissioners' meetings. The introduction of a quarterly position paper (linked to the quarterly review of the Business Plan and the Communications Strategy) on the implementation of the Equality Scheme has become an effective tool in maintaining momentum and focus on the implementation plan and making the Equality Scheme commitments an integral part of the Commissioners' functions.

The following is evidence of progress made against two key targets which the Commissioners had established for the 2005-2006 business year:

**Target 1:** To launch and implement the Commissioners' new Recruitment Code by 31 July 2005.

Following a thorough review of their Recruitment Code, which included extensive consultation, the Commissioners completed an Equality Impact Assessment on their revised Recruitment Code. Letters were issued to specific bodies providing details of how the Commissioners had addressed any issues or concerns raised during the consultation period.

A report detailing the results of the EQIA was published on 6 July 2005 and notices were also placed in the local papers confirming that an EQIA report on the revised Recruitment Code was available. The EQIA report itself was placed on the Commissioners' website.

The Commissioners welcomed the feedback received during the consultation exercise and, where practicable, suggestions for amendments were incorporated into the revised Code. The EQIA consultation process has also heightened the Community's awareness of the role and remit of the Commissioners. They are pleased to note that their new Recruitment Code is viewed positively and that there has been no evidence to indicate that it will cause any adverse impact on any of the Section 75 groups.

**Target 2:** To produce a Good Relations Strategy by 30 April 2006.

The Commissioners made a commitment in the Equality Scheme to produce a Good Relations Strategy and they were delighted to publish a Strategy on 27 April 2006. The strategy document can be viewed on the Commissioners' website.

Commissioners believe that the strategy document will help demonstrate their commitment to promoting good relations when carrying out their responsibilities to ensure appointments on merit and to safeguard ethics in the Northern Ireland Civil Service (NICS).

The Commissioners are committed to the promotion of good relations and recognise the importance of embracing diversity and attracting candidates to apply to the civil service through outreach activities. They will continue to use their influence with the NICS and the many other interest groups in the promotion of good relations and equality.

### **Key 2006-2007 Targets**

- To monitor implementation of the new Recruitment Code;
- To address relevant actions arising from the five year review of the Commissioners' Equality Scheme;
- To prepare progress reports on the implementation of the equality and good relations duties under Section 75 for the period 1 April 05 – 31 March 06; and
- To take forward the Commissioners' Good Relations Strategy and enhance relationships with Section 75 representative groups.

## APPENDIX E

### Direct Resourcing of Section 75 work during 2005–06

Implementation of the Commissioners' Equality duties is undertaken within existing resources. During 2005-06 the following resources were utilised to undertake Section 75 responsibilities.

Year	Commissioners' Fees	Full Time Equivalent Staff	Training	Activities/ Consultancy/ Publications	£s
2005/06	£900	£3,870	£1,785	£1,800	£8,355

### Section 2: Screening & Equality Impact Assessment (EQIA)

#### Appointment on merit on the basis of fair and open competition

In July 2005 the Commissioners issued an EQIA report in relation to their revised Recruitment Code.

#### Appeals by civil servants under the NICS Code of Ethics

Initial analysis of the Commissioners' second statutory role persuaded them that this should not be the subject of a full EQIA and should be screened out for the purposes of section 75 groups. A copy of the screening assessment was forwarded to the Equality Commission.

The Code of Ethics is owned by the NICS. It sets out the respective duties and responsibilities of Ministers and civil servants and provides a complaints process for the latter where any civil servant believes they have been asked to act in breach of the Code. If procedures internal to the NICS are not resolved satisfactorily, a civil servant may appeal to the Commissioners.

The purpose of screening is to determine if a policy or action has an impact or is likely to have a significant impact on equality of opportunity for any of the section 75 equality categories. The appeal procedure is available equally to all Northern Ireland civil servants but has been used on just one occasion over the period of the Equality Scheme. There is no evidence to suggest that the absence of appeals by civil servants under the Code of Ethics is due to the fact that the Commissioners are the appellant body or that the appeal process is not accessible on the same basis to any civil servant.

### **Section 3: Training**

The Commissioners and staff continue to remain focused on relevant timely training in order to ensure that their Section 75 statutory duties are effectively implemented. During the reporting year the Commissioners and senior members of the secretariat availed of training provided by the Equality Commission in relation to disability awareness. In July 2005, the Secretary to the Commissioners also attended a Masterclass organised by the NICS which focused on Section 75 of the NI Act. Those attending found the training events to be informative and beneficial.

The Commissioners' Training and Development Strategy emphasises the Commissioners' commitment to ensuring that all staff will continue to receive equality awareness training as appropriate. This will be included as part of the induction programme for the new Chairperson, new Commissioners and new staff as appropriate.

### **Section 4: Communication**

The Commissioners report annually in their Annual Report and on their website details of the progress made in relation to the implementation of the equality and good relations duties.

During 2005-06 the Commissioners implemented their Communications Strategy and this has resulted in an increased awareness of the Commissioners' role.

In autumn 2005 they met with their Irish counterparts, the Commission for Public Service Appointments, when common areas of interest were discussed including Diversity within the Civil Service. Commissioners continued to meet on a regular basis with key senior personnel within the NICS to discuss and promote strategic and operational areas of interest.

During the year the Commissioners carried out a review of their Publication Scheme. Summary minutes of the Commissioners' business meetings are now available and therefore matters relating to Section 75 are recorded for public information. A review of the Equality Scheme Implementation Plan is undertaken by the Commissioners at alternate business meetings.

## APPENDIX E

The Commissioners wrote to key stakeholders and Section 75 representative groups informing them that they had produced a Good Relations Strategy and that it is accessible via their website.

A new website has been constructed which is more user friendly and should enhance access to information in relation to how the Commissioners implement their Section 75 statutory duties.

### **Section 5: Data Collection & Analysis**

The Commissioners rely on the Department of Finance and Personnel in relation to providing recruitment monitoring and statistical information in regard to the composition of the NICS and applications for recruitment competitions. The Commissioners have noted with interest the commitments made by DFP in meeting its obligation to have due regard to the promotion of equality of opportunity contained in Section 75 of the Northern Ireland Act 1998. In particular, they support the need to further develop recruitment monitoring information in relation to a number of the Section 75 Groups.

In undertaking an EQIA of their revised Recruitment Code, the Commissioners formally consulted with the nine equality categories in order to obtain relevant data or information.

Commissioners review annually all statistical information provided to them by the NICS in relation to individuals making applications for appointments and candidates successful in obtaining an appointment. Appropriate action will be taken to ensure that the principles of the Recruitment Code have been maintained.

In taking forward their Good Relations Strategy, Commissioners will ascertain from Section 75 Representative Groups any concerns they may have on the effectiveness of the Recruitment Code.

### **Section 6: Information Provision, Access to Information and Services**

All publications are available in alternative formats if desired. An information leaflet detailing the roles and responsibilities of the Civil Service Commissioners is issued by the NICS to each applicant seeking a job in the NICS. During the reporting year Commissioners reviewed their Publication

Scheme and as a result additional information about their work is available to the public; e.g. summary minutes of meetings.

A new website has been created for the Commissioners which has been designed to comply with (Cabinet Office) recommendations on website accessibility.

### **Section 7: Complaints**

The Civil Service Commissioners for Northern Ireland have a complaints procedure. Where a person believes that he/she has been directly affected by a failure of the Commissioners to comply with the Equality Scheme, he/she should, in the first instance, bring the complaint to the attention of the Office of the Civil Service Commissioners for Northern Ireland. The Commissioners aim to respond within one month.

No Section 75 complaints have been received during the reporting year and there are no ongoing complaints.

### **Section 8: Scheme Timetable**

The Equality Scheme Implementation Plan is under constant review to ensure that the Equality Scheme commitments are progressed.

### **EQIA of Commissioners' Recruitment Code**

The EQIA on the Commissioners' Recruitment Code was completed and the outcome published in July 2005.

As a result, a new Recruitment Code has been developed which the Commissioners believe will maintain and enhance consistency, fairness, transparency, accountability and diversity in recruitment practices across the NICS. The vast majority of consultees endorsed the Commissioners' view that appointments to the NICS under exceptions to the merit principle should be kept to a minimum. The Commissioners proposed, and consultees agreed to, a reduction in the number of categories of exceptions.

## APPENDIX E

It was clear from the outcome of the EQIA consultation process that there were no strong opinions or evidence to indicate that the revised Recruitment Code, proposed by the Commissioners, would cause adverse impact on any of the Section 75 groups. Concerns principally were in relation to desired amendments to the content of the Recruitment Code and the future need to ensure that it is monitored and reviewed periodically.

The Code allows the NICS to adopt initiatives which will ensure that employment opportunities are accessible across the community. It permits the promotion of targeted interventions to address under-representation, where these are necessary and appropriate. Transparency of recruitment processes will continue to be improved and Commissioners will expect to see the adoption of open and active communication on recruitment processes.

Commissioners believe, therefore, that application of the Code will prevent any form of unlawful discrimination, direct or indirect, active or passive. They also believe that it provides a vital benchmark against which any selection process adopted and the manner in which it is applied can be measured to ensure equality, fairness and openness. It is the Commissioners' view, therefore, that the Code will operate to the benefit of all Section 75 groups.

### **EQIA of Commissioners' Appeals Function**

In October 2005 the commitment to undertake an EQIA of the Commissioners' appeals function under the NICS Code of Ethics was reviewed by the Commissioners following a screening assessment exercise. The assessment indicated that an EQIA of the appeal function was inappropriate as there would be no differential adverse impact in relation to it.

### **Five Year Review of Equality Scheme**

A complete review of the implementation of the Civil Service Commissioners' Equality Scheme was completed during the reporting year, in line with the guidance and template report provided by the Equality Commission.

The Report to the Equality Commission proposed a review of the Commissioners' Equality Scheme in the light of feedback from the Commission. This review will include a new implementation timetable.

## Section 9: Consultation, Participation and Engagement

The Commissioners have a very clearly defined statutory remit which revolves around two main roles. During the 2004-2005 reporting year the Commissioners consulted extensively with the public and representative groups in relation to their proposed revised Recruitment Code. As the Commissioners' remit is very narrow there was no requirement to consult or engage further with representative groups on new equality assessments during the 2005-2006 reporting year. The Commissioners however took this opportunity to meet the new Chief Equality Commissioner and Human Rights Commissioner, and also to review the effectiveness of the consultation carried out during 2004-2005. The following conclusions were reached by the Commissioners and will be borne in mind in future consultations.

Written consultation and focus group meetings produced the most effective and constructive comments and views. Public meetings, despite appropriate advertising were extremely poorly attended and were therefore least effective bearing in mind the resources required to run them. Focus groups were effective but representation at them was relatively narrow, the vast majority of attendees being HR practitioners from the NICS.

Those individuals or organisations genuinely affected or interested in the work of the Civil Service Commissioners did make the effort to communicate their views and comments in a way which suited all parties. The Commissioners believe, however, that presently there is no strong, widespread public interest in the role and remit of the Civil Service Commissioners and that the public's interest is generally more focused on health, education and environmental issues.

No means of consultation has been identified which was preferred by particular section 75 categories. As mentioned above, the vast majority of consultees had no interest in the subject. A further group – due mainly to resource constraints – indicated that they had to prioritise consultation processes and respond accordingly, while a third, small group of around 20 stakeholders responded in writing.

## APPENDIX E

### Section 10: The Good Relations Duty

As mentioned above, during the reporting year, the Commissioners developed a Good Relations Strategy which has recently been published. The Commissioners believe that the strategy is being put in place at an opportune time when there are many positive points to make about the opportunities to develop good relations in Northern Ireland.

The strategy document identifies key actions which the Commissioners intend to take forward during forthcoming years. A sample of these key actions is as follows:

- consult with the NICS regarding their present policies and goals relating to recruitment in order to gain, among other things, an appreciation of any areas of under-representation;
- keep under review numbers appointed to the NICS under exceptions to the merit principle and for what reasons;
- identify and, where appropriate, encourage the use of positive messages to attract candidates from under-represented groups to apply for appointments to the NICS;
- publish the Commissioners' Communications Strategy to identify those groups with whom constructive relationships are being nurtured; and
- monitor the impact of the new Recruitment Code on recruitment practices to the NICS and amend it, when necessary.

Key stakeholders have been made aware of the Strategy and that it is available at [www.nicscommissioners.org](http://www.nicscommissioners.org).

### Section 11: Additional Comments on Mainstreaming

The Commissioners are fully committed to ensuring equality of opportunity and good relations in all aspects of their work. As custodians of the "Merit Principle" in relation to NICS appointments, the Commissioners and their secretariat are very focused on ensuring equality, diversity and inclusivity.

There will be a number of changes in the composition of the Commissioners over the next twelve months. This provides an opportunity to build on experiences to date and bring fresh attitudes and opinions to bear on promoting good relations. The Commissioners believe that their influence is helping to create a civil service which broadly reflects the diversity of the community it serves and that good relations will be fostered by open and impartial transaction of public services.



Sid McDowell, Alan Henry, John Steele and Brian Carlin

## APPENDIX F

### OCCUPATIONAL GROUPS FOR RECRUITMENT PURPOSES

For recruitment purposes there are 8 occupational groups. Examples of grades within these groups are as follows:-

Occupational Group	Example Grades
General Service Grades	Graduate Recruitment, Administrative Officer, Administrative Assistant
Secretarial Grades	Typist
Scientific Grades	Scientific Officer, Fisheries Officer, Fuel Technologist, Microbiologist
Technology Grades	Graduate Trainee Quantity Surveyor, Electrical Engineer, Architect, Trainee Civil Engineering Assistant, Tracer
Legal Grades	Legal Assistant, Law Clerk
Computer Grades	Programmer, Programmer Analyst, Systems Analyst
Other Professional & Departmental Grades	Graduate Trainee Valuer, Inspector of Schools, Nursing Officer, Statisticians, Vehicle Inspectors, Veterinary Officers
Centralised Services Grades	Cleaner, Messenger, Security Guard, Telephonist, Laboratory Attendant
Industrial Grades	Road Workers, Industrial Technicians, Porters, Farm Workers, Labourers, Fish Farm Assistants



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**5TH FLOOR  
WINDSOR HOUSE  
BEDFORD STREET  
BELFAST  
BT2 7SR**