



CIVIL SERVICE COMMISSIONERS
FOR NORTHERN IRELAND

**CIVIL SERVICE COMMISSIONERS
FOR NORTHERN IRELAND**

RECRUITMENT CODE

June 2005

Ensuring appointment on merit and safeguarding ethics

CONTENTS

1. Foreword by the Chairperson
2. Introduction to the Code
3. Commissioners' Recruitment Principles
 - Principles
 - Commissioners' Expectations

Appendices

- Appendix A – Commissioners' Approval Processes
 - Commissioners' Role in Senior Appointments
 - Ministerial Role in Appointments
 - Exceptions to the Merit Principle
- Appendix B – Commissioners' Audit of Recruitment Policies and Practices
- Appendix C – Commissioners' Requirements for the Publication of Recruitment Information

FOREWORD

- 1.1 Civil Service Commissioners for Northern Ireland were first appointed in 1923. The Commissioners are independent of the Northern Ireland Civil Service (NICS) and are supported by staff assigned to them by the Secretary of State for Northern Ireland. Commissioners have a statutory responsibility to ensure that appointments to the NICS are made on merit, on the basis of fair and open competition. We are also required to publish and maintain a Recruitment Code. The previous Recruitment Code was first issued in 1997 and has been amended several times. After consultation, we have prepared a revised Recruitment Code which we believe will assist the NICS to recruit the best people for the posts available.
- 1.2 This Recruitment Code is different from our previous Code in that it provides a principle-based approach, rather than the more prescriptive form of guidance in the previous Code. It reflects the Commissioners' contemporary views on the various elements of the recruitment process. The new Code has been developed to take account of a changing work and social environment, the different business demands placed upon the Civil Service, and the consequent necessity for flexibility in recruitment practice.
- 1.3 Our new Code sets out how Merit should be applied using a principle-based approach. This helps to refocus and sharpen the application of Merit in ways which are appropriate to the current and future challenges facing the NICS. The Code should also be read in conjunction with Section 75 of the Northern Ireland Act 1998 which conferred certain responsibilities on public authorities, which by definition includes the Commissioners. We are fully committed to those responsibilities and will seek to ensure that they are met as we pursue our goal of upholding the principle of selection on merit on the basis of fair and open competition.
- 1.4 During the consultation period, the Commissioners received strong representations from representative bodies urging recognition of the difficulties

faced by certain groups in obtaining employment - notably those with disabilities and those with previous convictions for offences. In the context of the flexibility allowed by the new Code, the Commissioners would expect the NICS to consider how best to allow these groups to compete on merit in fair and open competition with others.

- 1.5 The Commissioners' Recruitment Code is mandatory for everyone involved in recruitment to the NICS but the principles expressed may be equally applicable across the employment sectors of Northern Ireland, whether public, private or voluntary.

- 1.6 The Commissioners would like to express their appreciation for all comments received in the consultation exercise. We firmly believe the new Code will ensure fair and open competition, will ensure that the best people are recruited for the posts available and that it will promote an effective civil service which reflects the diversity of Northern Ireland society and enjoys the trust of all its people.

Judith Eve

Judith Eve
Chairperson

The Civil Service Commissioners for Northern Ireland
5th Floor, Windsor House
Bedford Street, Belfast
BT2 7SR
Tel: 02890 549151
Fax: 02890 549414
W: www.nicscommissioners.org

SECTION 2

INTRODUCTION TO THE CODE

WHAT DO COMMISSIONERS DO?

2.1 Commissioners are appointed under the Civil Service Commissioners (Northern Ireland) Order 1999 which requires them to uphold the principle that selection for appointment to posts in the Northern Ireland Civil Service (NICS) should be on Merit on the basis of fair and open competition. Additionally, Commissioners have a responsibility to hear appeals made by existing civil servants under the Northern Ireland Civil Service Code of Ethics.

DISCHARGING OF COMMISSIONERS' ROLES AND RESPONSIBILITIES

2.2 The Commissioners discharge their statutory responsibilities for recruitment by

- maintaining the principle of selection on Merit on the basis of fair and open competition in relation to selection for appointment;
- making General Regulations, in which they prescribe the circumstances in which the Merit Principle shall not apply;
- publishing and maintaining a Recruitment Code on the interpretation and application of the Merit Principle;
- auditing recruitment policies and practices followed in making appointments to the Civil Service to establish whether the Recruitment Code is being observed ;
- requiring the publication of such information as they may specify relating to recruitment and to the use of permitted exceptions to the Merit Principle;
- promoting equality of opportunity and good relations duties under Section 75 of the Northern Ireland Act 1998 involving consultation with Section 75 umbrella groups and with other organisations and individuals; and
- conducting seminars and other information events to promote the role of the Commissioners, improve understanding of the Merit Principle and open

new channels whereby those interested in the Commissioners' areas of responsibility can offer additional information and feedback.

- 2.3** Commissioners contribute to the development of an effective and impartial Civil Service by carrying out the duties imposed on them by the 1999 Order. These provide assurance to the public that appointments to the NICS are made on Merit. If appointments are made on Merit, it should follow that the Civil Service has selected from those available the best persons for the jobs and the duties of the jobs consequently will be carried out more effectively.
- 2.4** The Commissioners do not make appointments themselves. Selection and appointment of staff is the responsibility of the NICS Recruitment Service and individual Departments. The Commissioners' Recruitment Code sets out the essential principles on which recruitment to the NICS must be based. Commissioners participated previously in Senior Civil Service open recruitment competitions as independent assessors, giving them the opportunity to see the provisions of their Recruitment Code in operation. Coinciding with the introduction of this Code, Commissioners have adopted a formal role as Chairs of selection panels for external competitions for appointments to the Senior Civil Service. The approval of Commissioners continues to be required for all appointments made to the Senior Civil Service through open competition – see Paragraph 2.10.
- 2.5** Under Article 5 of the Civil Service Commissioners (Northern Ireland) Order 1999 the Commissioners also have responsibility to hear appeals to them by civil servants under the NICS Code of Ethics. The Commissioners publish in their Annual Report the number of appeals they receive each year under the Code of Ethics, together with a summary of the nature of such appeals.

WHO ARE THE CIVIL SERVICE COMMISSIONERS?

- 2.6** Civil Service Commissioners for Northern Ireland were first appointed by Royal Warrant in 1923. All are independent of the NICS and bring to the job wide

experience from the public, private and voluntary sectors. The current Commissioners have different backgrounds, careers and interests and none is a serving member of the Civil Service. This diversity helps them to provide insight into how the NICS can best serve the public.

RECRUITMENT CODE

- 2.7** Commissioners are accountable for assuring public confidence in the process of recruitment into the NICS. They do this by publishing a Recruitment Code on the interpretation and application of the Merit Principle. The Code applies to appointments made other than by internal transfer or promotion and compliance with it is mandatory for all individuals and/or bodies involved in the selection process for appointment to the NICS.
- 2.8** It is the Commissioners' intention that their Code will contribute to the development of best practice in the field of recruitment and selection. It reflects, but does not replace, relevant employment legislation (e.g. such as that affecting the disabled, or the long-term unemployed, etc.). All appointments made under this Code must also comply with that legislation as well as the NICS requirements for appointment prescribed by the Department of Finance and Personnel under Article 4(2)(c) of the Civil Service (Northern Ireland) Order 1999.

EXCEPTIONS TO THE MERIT PRINCIPLE

- 2.9** Article 4(2) of the Civil Service Commissioners (Northern Ireland) Order 1999 states that 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. The Commissioners' objective in permitting 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. The Commissioners believe that Exceptions to the Merit Principle should be

rare and that there must be strong and compelling grounds as to why it is not reasonably practical to make the appointment in question in accordance with the Merit Principle. The number of Exception categories has been reduced from those fixed in 1999. New arrangements are set out in Appendix A.

COMMISSIONERS' STATUTORY ROLE IN APPOINTMENTS TO THE SENIOR CIVIL SERVICE THROUGH OPEN COMPETITIONS

2.10 Article 6 of the Civil Service Commissioners (Northern Ireland) Order 1999 provides that no appointment shall be made through open competition to any situation in the Senior Civil Service without the written approval of the Commissioners. The Commissioners have a detailed approval process which must be followed for all open recruitment leading to appointment to a senior post. This approval role extends also to any appointment to the Senior Civil Service made as an Exception to the Merit Principle.

MONITORING THE APPLICATION OF MERIT

2.11 Article 4(4) of the Civil Service Commissioners (Northern Ireland) Order 1999 requires Commissioners to audit recruitment policies and practices within the NICS to ensure that the Recruitment Code is being observed. This audit function is a key mechanism to assure adherence to the Merit Principle. Audit programmes are carried out annually and focus on issues which provide information on how the Merit Principle is being interpreted and applied.

2.12 Whilst assurance of adherence to the Merit Principle is the key purpose of the audit process, the outcomes provide a basis for discussions between the Commissioners and senior representatives of the NICS to help determine future arrangements for adherence to the Merit Principle and the supporting principles in the Recruitment Code. Audits are conducted by independent experts appointed following a tendering process. In conducting the programme, the auditors seek to:

- provide assurance of departmental adherence to the Merit Principle, identifying any faults, but also providing advice on good practice and opportunities for improvement;
- work with the NICS to minimise any disruption associated with the audit programme; and
- communicate information and findings in an open and consultative way during the audit.

2.13 The Commissioners advise the NICS of the outcomes of each audit and agree with, senior management, follow-up and review arrangements to monitor implementation of the recommendations.

2.14 Findings from the audits are published in the Commissioners' Annual Report.

MINISTERIAL ROLE IN APPOINTMENTS

2.15 Ministers may have an interest in the filling of certain posts in the Senior Civil Service. Those interests must be accommodated within a system which ensures that individual appointments are made on the basis of Merit, free from personal or political partiality so that the appointees may serve Ministers of different political backgrounds. Commissioners have provided separate guidance on consulting with Ministers at Appendix A to this Code. This approach is designed to provide safeguards for all those involved in appointments where Ministers have an interest.

SECTION 3

COMMISSIONERS' RECRUITMENT PRINCIPLES

3.1 The Commissioners have identified four Principles which they believe underpin the concept of recruitment on the basis of Merit. It is intended that these Principles should form the basis of the NICS' approach to recruitment policy and practice. The Principles represent the Commissioners' expectations for delivery of effective recruitment by the NICS.

3.2 Although it is for the NICS to establish the appropriate means to apply the Principles in practice, some guidance has been set out to illustrate the Commissioners' views on the application of their recruitment Principles. Each Principle is set out below, together with a brief explanation.

PRINCIPLE 1 - Appointments should be made on Merit

- Merit has been and remains the core Principle on which appointments must be made. The Commissioners believe that operation of the Merit Principle is critically important to an effective Civil Service.
- This accords with the Civil Service Commissioners (NI) Order 1999 which gives the Commissioners responsibility for maintaining the Merit Principle that "..... a person shall not be appointed to ... the Civil Service unless the selection was made on the basis of merit in fair and open competition."
- Merit embraces issues of diversity, inclusivity and equality of opportunity, and recruitment processes should fully embrace these concepts.

PRINCIPLE 2 - Appointment processes should be fit for purpose

- All recruitment processes and practices adopted by the NICS should be consistent with the Merit Principle and commensurate with best practice. The Commissioners welcome and support innovative, dynamic approaches to ensuring that appointment processes deliver against the Merit Principle.
- This extends to all aspects of recruitment including defining job and person specifications, advertising the vacancy and the assessment mechanisms used.
- The Commissioners believe that excellence in recruitment policy, management and practice is a business benefit and sits with the NICS vision of being a leading edge organisation. At the same time it is recognised that processes must operate in an efficient manner.

PRINCIPLE 3 - Appointment processes should be fair and applied with consistency

- The Commissioners oppose wholly any form of unlawful discrimination, direct or indirect, active or passive. It is expected that the NICS will adopt a vigorous approach to ensuring that this does not arise.
- The NICS has an obligation to treat candidates fairly, to a consistent standard and in a consistent manner. Selection processes and the manner in which they are applied must be demonstrably fair and underpinned by real commitment to equality of opportunity.

PRINCIPLE 4 - Appointments should be made in an open, accountable and transparent manner

- The Commissioners wish to see confidence within the community at large, including special interest groups and candidates, in recruitment processes for appointments to the NICS.
- They believe firmly that confidence is enhanced by the transparency and openness of the manner with which the NICS deals with candidates at all stages of the recruitment process. This includes open and active communication on the process to be adopted, the basis for assessment and comprehensive feedback.

COMMISSIONERS' EXPECTATIONS

3.3 The Commissioners are committed to the concept of a principle-based Recruitment Code. The guidance set out below offers insight into their expectations of how the Principles should be applied.

3.4 The guidance is grouped under a number of headings. Each statement represents an expectation of what should happen in practice and illustrates the types of areas the Commissioners will seek to review in discussions with senior management and practitioners in the NICS and through their Audit programme.

Attracting Candidates

3.5 Attracting a balanced pool of candidates of the calibre to meet the needs of the NICS is central to an effective Merit Principle. The Commissioners expect to see evidence of an active approach to implementation of the Merit Principle through

- measures to help ensure that those applying for posts in the NICS reflect the diversity within the community.

- action taken, as appropriate, to identify and address barriers to broad appeal across the community.
- measures to ensure that career opportunities in the NICS are understood by, and appeal to, a wide spectrum of the community.
- employment policies and practices which are developed and promoted to advance an agenda for diversity and inclusivity.
- clear decisions on the appropriateness of the approach adopted in any recruitment competition, including explicit consideration given to opportunities and/or measures to promote or remove possible barriers to diversity, as part of competition planning.
- initiatives to ensure that opportunities are accessible across the community, including by people with disabilities.
- targeted measures, as necessary and appropriate, to address under-representation.
- the use of external agencies where they can provide added value and deliver benefit to the selection process. Where external agencies are used, there should be a clear definition of their role in the process, for which the NICS remains accountable, and a clear understanding by the agencies of the Commissioners' Code.

Advertising

3.6 The Commissioners are obliged by law to ensure that recruitment is made through fair and open competition. The advertising of vacancies is a key area where the Commissioners seek assurance. Expected practice includes

- open communication of vacancies to afford equality of opportunity and encourage and promote diversity and inclusivity.
- clear decisions, with supporting documentation, on the use of advertising channels which are appropriate to the vacancy under consideration and appropriate to all applicants.
- advertising and briefing materials which are accessible, free from bias and correspond with both the job and person specifications and the assessment process to be followed.

Selection Processes, including Job and Person Specifications

3.7 The selection process used and the manner in which it is deployed in practice is an important dimension of the Merit Principle. The Commissioners expect to find practices which include

- an active emphasis on ensuring that adverse impact issues are considered and addressed, as appropriate, in advance of competitions.
- job specifications and person specifications which are considered and endorsed by appropriate sponsors at the earliest stage and reflected consistently throughout the selection process.
- selection criteria which are clear and derived from a real focus on the job requirements. Such criteria should also promote principles of equality of opportunity, inclusivity and diversity.
- use of documentation which complies with legislation, is free from bias or poor practice and which demonstrates a consistent approach throughout the selection process.

- use of assessment mechanisms which comply with requirements on fairness and are free from bias; are in line with good practice; and are appropriate to the demands and level of the post concerned.
- appointments to positions made on an order of merit basis, including those competitions which result in more than a single appointment.

Training

3.8 The Commissioners regard appropriate training for those involved in recruitment as fundamental to ensuring adherence to their four Principles. In practice, the Commissioners expect

- training to cover not only the structure of the process, but also the skills of those involved and the recruitment context, including equality issues, disability awareness and any current and forthcoming legislation.
- arrangements to be in place to ensure that appropriate training is available and delivered on a timely basis.
- that up-to-date training is delivered to an appropriate, consistent standard. This includes training on the role and function of the Commissioners.
- to see evidence that appropriate training has been received by each panel member participating in a recruitment competition.
- that the effectiveness of training is monitored and evaluated and follow-up action taken on an ongoing basis.

Management Arrangements

3.9 The Commissioners recognise that management arrangements for recruitment in general, and for specific competitions, will demonstrate how effectively their Code is being applied. Therefore, the Commissioners expect to find evidence of

- measures to ensure that policies and practices comply with legislation and are consistent with the Merit Principle.
- adequate controls in place to ensure that appropriate processes are adopted and delivered.
- measures to ensure that the people involved in the process are the appropriate ones, at the appropriate level, and that the process for their involvement is understood.
- Senior management involvement in ongoing monitoring of the effectiveness of NICS recruitment policies, including issues of equality, diversity and adverse impact.
- initiatives to follow up outcomes of ongoing monitoring, evaluation and assessment of the effectiveness of recruitment policies.
- regular review and evaluation of the effectiveness of assessment processes.

Documentation

3.10 Within competitions, Commissioners will seek evidence of arrangements aimed at

- ensuring proper completion and retention of all records, clearly supporting each stage of the process.

- ensuring that documentation and its use is available and accessible to the Commissioners' auditors.

Communication

3.11 Commissioners will seek assurance that arrangements are in place to

- ensure that the appointment process is not subject to undue delay, with reasons for any delay recorded.
- ensure there is a commitment for open, timely and effective communication to candidates, including clear and meaningful feedback when requested by candidates.
- allow panel members to raise concerns they may have about any aspect of a process.
- ensure that enquiries and/or complaints are dealt with in an efficient, timely manner.

APPENDICES

APPENDIX A

COMMISSIONERS' APPROVAL PROCESSES

INTRODUCTION

A.1 Certain appointments require the Commissioners' written approval. These fall into two main areas:

- Appointments to the Senior Civil Service, including appointments to the Senior Civil Service where Ministers have declared an interest; and
- Certain appointments made as Exceptions to Merit.

APPOINTMENTS TO POSTS IN THE SENIOR CIVIL SERVICE

A.2 Article 6 of the Civil Service Commissioners (Northern Ireland) Order 1999 sets out that no appointment may be made to any post in the Senior Civil Service filled through open competition (or those made under the Exceptions below) without the written approval of the Commissioners, whose decision shall be final.

MINISTERIAL ROLE IN THE PROCESS FOR APPOINTMENTS TO THE CIVIL SERVICE

A.3 This section sets out guidance on Ministerial involvement in cases where Ministers may have an interest in the filling of a small number of posts in the Senior Civil Service.

A.4 When it has been established that the filling of a Senior Civil Service post attracts Ministerial interest, the Department must provide to Commissioners the rationale behind that interest and must obtain Commissioners' agreement

prior to the start of a competition. (Examples of the types of posts likely to be a focus for Ministerial interest are Head of the Northern Ireland Civil Service and Permanent Secretaries and other Senior Civil Service posts where the postholder will be expected to work directly with the Minister).

A.5 Ministerial interest must be accommodated within a system which ensures that individual appointments are made on the basis of Merit, free from personal or political partiality so that the appointee is able to continue to serve Ministers of different political backgrounds. The Recruitment Code is designed to provide these safeguards, and applies to all appointments to the Civil Service, within the context of the following guidance.

A.6 The extent and nature of Ministerial interest must be established by the relevant Department before planning of the competition for a particular post begins. If the post is designated for Ministerial interest, the competition must be discussed with the Minister at the outset. If the Minister chooses he/she may discuss and agree the following:

- planning of the recruitment exercise;
- development of recruitment literature including the advertisement(s), selection criteria, job and person specifications;
- endorsement of the lead candidate.

If Ministerial endorsement of the lead candidate is required this must be identified in the job information.

A.7 After the conclusion of the selection process and before proceeding to the next stage, the Minister may also choose to meet the lead candidate after the selection panel has agreed that candidate.

- A.8** In line with the selection process for posts in the Senior Civil Service, all relevant documentation must be referred to the Commissioners for approval before referral to the Minister. If an appointment is subject to formal endorsement by the Minister, he/she must decide whether he/she wishes to endorse the appointment before promulgation. Commissioners' final approval must be sought after the Minister has endorsed the lead candidate.
- A.9** The candidate recommended for appointment must be the one placed first in order of merit by the selection panel. The Minister may not require the appointment to be offered outside of merit order. Only that candidate will be approved by the Commissioners for appointment, unless he/she turns down the offer of appointment. In that event, the position may be offered in order of merit to reserve candidates considered suitable for appointment, but only after Ministerial endorsement and Commissioner approval have been obtained.
- A.10** In the event that a Minister decides not to endorse the appointment of a lead candidate, the Minister must record in writing his/her justification for not accepting the lead candidate and the current competition must be terminated. If an appointment is still required to be made, a fresh competition with new criteria must be initiated.

EXCEPTIONS TO APPOINTMENT ON MERIT IN FAIR AND OPEN COMPETITION

- A.11** As with any principle, there will be specific circumstances where Exceptions are justified to meet the business needs of the NICS **and** where there exist strong and compelling grounds to depart from the principle. Exceptions to the Merit Principle should be rare and Departments must justify why it is not reasonably practicable to make the appointment in question in accordance with the Merit Principle. Under Article 4(2) of the Civil Service Commissioners (Northern Ireland) Order 1999 the Commissioners may, with the approval of the Secretary of State, prescribe such Exceptions in general regulations or by directions. New Regulations have been made to coincide with the publication of this Code.

A.12 In considering the application of Exceptions to the Merit Principle, Departments should bear in mind their continuing obligation to ensure compliance with relevant employment and equality legislation, when carrying out their selection and appointment procedures. Regard should be paid to the potential for unfair treatment of those who are not given the opportunity to be considered for the appointment in question.

CATEGORIES OF EXCEPTIONS TO APPOINTMENT ON MERIT IN FAIR AND OPEN COMPETITION

A.13 Regulation 3 of the General Regulations 2005 permits appointments to be made other than in accordance with the Merit Principle in the following circumstances:

- (a) Appointment on secondment;
- (b) Transfers of persons into the NICS where the person holds a situation in another Civil Service of the Crown;
- (c) Transfers of persons into the NICS where the person is employed on functions being transferred to the Crown;
- (d) Where the person to be appointed is of proven distinction and there are exceptional reasons, justified by the needs of the NICS; and
- (e) Appointments made under Government initiatives/programmes.
- (f) Where the person has previously held a situation in the Civil Service and has been considered for reinstatement [*Commissioners' General Regulations 2007, with effect from 1 February 2007*]

A.14 Appointments within the above categories may be made only in the circumstances described in this Code.

A.15 When a Department makes an appointment under one of the categories at paragraph A.13, the circumstances and the reasons must be clearly recorded.

INWARD SECONDMENTS

- A.16** For the purposes of this Exception, “secondment” means a voluntary transfer from a permanent employer for a fixed period which does not sever the employment relationship of the person seconded with the permanent employer.
- A.17** It is possible to select a person for appointment on inward secondment on the basis of the Merit Principle, that is, where the option of secondment has been offered to candidates in an open competition. Secondments in any other circumstances can only be made in accordance with the provisions set out below. Observance of these provisions will be subject to scrutiny in the course of the Commissioners’ audit of recruitment practices.
- A.18** A person may be seconded to a post in the NICS, otherwise than on the basis of the Merit Principle, where
- (i) the secondment is arranged :
 - (a) by approaching a number of suitable organisations and inviting them to nominate individuals for consideration, after which those nominated must be considered fairly and selected on Merit; or
 - (b) by participation in an exchange scheme with a specific organisation or group of organisations; or
 - (c) by identification of a specific individual for a post requiring specific skills and knowledge; and
 - (ii) the secondee is formally assessed as being capable of undertaking effectively the duties of the post he or she has been selected to fill, and records are kept as to how that assessment has been made.
- A.19** A secondment made under Regulation 3(a) (that is, not made through open competition) must be a short term arrangement and normally should not last longer than 2 years. In exceptional circumstances, the Department may, with Commissioner approval, extend the secondment beyond 2 years. Extension

beyond 3 years will only be permitted by the Commissioners where a very short period of time is required to complete a piece of work and there are compelling reasons to demonstrate why its completion within 3 years has not been possible.

A.20 Other than appointments to the Senior Civil Service and, irrespective of grade, extensions beyond two years, Commissioners' approval is not required to make secondments under Regulation 3(a).

A.21 A person who has completed a secondment must not be re-appointed as a secondee by way of Regulation 3(a) (secondment) for a period of at least that of the secondment.

TRANSFERS INTO THE NORTHERN IRELAND CIVIL SERVICE OF PERSONS HOLDING A POST IN ANOTHER CIVIL SERVICE OF THE CROWN

A.22 This provision may be used to enable persons to be transferred to the NICS from another Civil Service of the Crown on exceptional grounds. Only those originally selected on Merit on the basis of fair and open competition may be transferred under this provision.

TRANSFERS INTO THE NORTHERN IRELAND CIVIL SERVICE WHERE FUNCTIONS ARE TRANSFERRED TO THE CROWN

A.23 This provision may be used where the function, on which a person is, or has recently been employed, is being transferred to the Crown.

APPOINTMENTS FOR EXCEPTIONAL REASONS RELATING TO THE NEEDS OF THE NICS

A.24 A person may be appointed to employment in the NICS without open competition, where

- (i) the person is of proven distinction; and

- (ii) the appointment is justified by exceptional reasons relating to the needs of the NICS.

Applications to use this Exception will be considered individually by the Commissioners, each on its merits.

A.25 Appointments under A.24 require the written approval of the Commissioners, as do all appointments of senior civil servants under A.18, A.22 and A.23.

APPOINTMENTS UNDER GOVERNMENT PROGRAMMES / INITIATIVES

A.26 From time to time, provision is made for appointments in the context of a particular Government programme or initiative. Examples are programmes to assist the unemployed or people with disabilities.

A.27 In relation to assistance to the unemployed, appointments made under the New Deal programme must be for no longer than 3 years and must not be renewed beyond the initial 3 year period, nor made permanent.

A.28 In relation to people participating in a government scheme to promote their employment, Commissioners recognise that people with disabilities in supported employment will often have difficulty in gaining employment through the normal competitive process, and that to require them to do so may unfairly disadvantage them. The Commissioners accept that Departments should be able to employ people in supported employment programmes should they wish to do so, adapting the principles of this Code, as appropriate.

A.29 The selection procedures used in determining who to appoint within the specified programmes or initiatives must be demonstrably fair and based on the requirements of the post. Records must be kept on how suitability for appointment has been assessed.

A.30 The Commissioners will determine from time to time which programmes and initiatives fall within the scope of this category.

APPOINTMENTS MADE VIA REINSTATEMENT

A.31 This provision may be used only to reinstate former civil servants following a period of parliamentary candidate or membership. Only former civil servants who resigned from the Civil Service in order to pursue parliamentary candidature or membership should be considered under this provision.
[Commissioners' General Regulations 2007, with effect from 1 February 2007]

APPENDIX B

COMMISSIONERS' AUDIT OF RECRUITMENT POLICIES AND PRACTICES

THE LEGAL POSITION

B.1 Article 4(4) of the Civil Service Commissioners (Northern Ireland) Order 1999 requires Commissioners to audit recruitment policies and practices within the NICS to establish whether the Recruitment Code is being observed. Audits are carried out by independent experts, commissioned to carry out audits on the Commissioners' behalf.

APPLICATION

B.2 The objective of the audit process is to ensure that NICS recruitment and supporting systems are designed and operated in accordance with the Commissioners' Recruitment Code. Audits may examine any part of the recruitment systems; they may focus on individual Departments or be carried out on a cross-Departmental basis. Audit examination may include review of individual competition files.

B.3 The audit process will aim at ensuring that the recruitment and supporting systems of the NICS comply with the main principles set out in this Code as follows:

- (i) Appointments should be made on merit;
- (ii) Appointment processes should be fit for purpose;
- (iii) Appointment processes should be fair and applied with consistency; and
- (iv) Appointments should be made in an open, accountable and transparent manner.

- B.4** The Code contains illustrations of the Commissioners' views as to how these principles should be applied in practice, and assessment of their application is the core of the audit process. The Commissioners accept that NICS recruitment practices need to be able to evolve, to keep abreast of good practice in every sense and they do not wish to limit such scope by prescribing a fixed process for recruitment. As such the dynamic nature of recruitment systems are acknowledged and indeed encouraged. The key issue for the Commissioners and their audit process is that the core principles are maintained whatever the method of delivery.

AUDIT PROCEDURES

- B.5** Departments and Agencies must cooperate with all audits undertaken by or on behalf of the Commissioners, and any contracts or arrangements with parties outside of the NICS for relevant recruitment services must include a requirement for the external provider to do so. Audits will be undertaken in a professional manner, in a spirit of improvement and with the goal of sharing knowledge and best practice rather than focusing solely on compliance.
- B.6** Advance notice will be given of the intention to examine a particular area of recruitment or a specific Department/Agency. This notice will be given to the Central Personnel Group of the Department of Finance and Personnel who will advise the Commissioners' Office of the extent of their own involvement in the audit process.
- B.7** Audits will be conducted in an efficient manner and the audit steps will be set out clearly in advance of commencement. Information will be sought from Departments in advance of on-site visits and adequate elapsed time made available to enable preparation of the information with the minimum possible disruption.
- B.8** At the conclusion of an audit, the findings and recommendations will be discussed with those involved. Those under audit will also have the

opportunity to comment on audit reports in respect of matters of factual accuracy before such reports are finalised.

PUBLICATION OF AUDIT REPORTS

- B.9** The Commissioners will include an account of the audit of recruitment policies and practices in their annual report.
- B.10** Arrangements for publication of specific audit findings or reports within the NICS have been agreed with the Central Personnel Group.

APPENDIX C

COMMISSIONERS' REQUIREMENTS ON THE PUBLICATION OF RECRUITMENT INFORMATION

Introduction

- C.1** Article 4(5) of the Civil Service Commissioners (Northern Ireland) Order 1999 provides that information relating to recruitment must be published in accordance with any requirements which the Commissioners may specify in a recruitment code. This section of the Recruitment Code sets out the minimum information to be published.
- C.2** The NICS Recruitment Service should publish information on the competitions it runs and Departments and Agencies should publish information on all recruitment which they carry out. The appropriate form of publication and the publication period is a matter for determination by Commissioners. A copy of the published information should be forwarded to the Commissioners for compilation of NICS-wide information.

Minimum Information To Be Published

- C.3** The minimum information to be published is set out below. The information should relate to all appointments, including appointments which require the Commissioners' approval.
- (a) A statement that systems are in place to ensure that selection for appointment is made in accordance with the Recruitment Code.
 - (b) A statement that recruitment policies and practices are subject to regular internal monitoring.
 - (c) Details of the appointments made under Regulation 3 of the

Commissioners' General Regulations 2005 (Exceptions).

- (d) Statistical summaries, in a format which the Commissioners may specify, of all recruitment activity during the publication 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.
- (e) Any plans and/or activities taken in the reporting year to encourage under-represented groups.
- (f) Any output from the reported plans/activities.