

**THE CIVIL SERVICE COMMISSIONERS
FOR NORTHERN IRELAND**

ANNUAL REPORT - 2002/03

Civil Service Commissioners for Northern Ireland

Annual Report 2002 - 2003

**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 2002 to 31
March 2003.**

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1. THE CIVIL SERVICE COMMISSIONERS FOR NORTHERN IRELAND

Mrs Judith M Eve, OBE, 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 as 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 is a Director of BIH Housing Association.

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 is currently a non-executive Director of Northern Bank Ltd. She is also Chairman of the National Museums and Galleries of Northern Ireland and was a Fair Employment Commissioner until June 1999. In January 1999 Mrs Elliott was appointed a non-executive Director of National Irish Bank in Dublin.

Mr Sid McDowell, CBE, appointed in 1999. From 1976 to 1994 Mr McDowell was Deputy General Secretary of the Northern Ireland Public Service Alliance. He was appointed Chairman of the Northern Ireland Housing Executive in 1995. He is Chairman of both the Local Government Staff Commission for Northern Ireland and the Rethinking Construction Centre (Northern Ireland). He is also Vice-President of the Association for Spina Bifida and Hydrocephalus (NI).

Mr John Steele, CB, OBE, TD, DL, appointed in 1999 , 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 NI Civil Service. He is currently Chairman of Bryson House the Northern Ireland Charity and also holds a number of other voluntary posts.

Mr Brian Carlin, OBE, appointed in 2002, worked for 43 years in Bombardier Shorts and retired from full time employment as Executive Vice-President in 1996. In October 1996 he was appointed Chairman of the Central Services Agency. He also serves on the Northern Ireland Council for Curriculum Examinations and Assessment, the Northern Ireland Management and Leadership Network and in August 2003 was appointed to the Equality Commission.

He acts as an Industrial Tribunal Panel Member and serves on the Board of Maydown Precision Engineering in Derry. Voluntary Sector interests include acting as a Trustee for the Bytes Project and as a Trustee of the Bombardier Shorts Charitable Foundation.

Mr Alan Henry, appointed in 2002, is Head of Human Resources at Royal Mail. He is a Commissioner of the Equality Commission and former Chair of the Equality Forum. He is a Lay Member of the Industrial Tribunals. Mr Henry is also a member of the Lord Chancellor's Advisory Committee on Lay Magistrates and a Lay Member of the Department of Education Schools Inspection Teams.

2. CHAIRPERSON'S FOREWORD

I am pleased to present our Annual Report for 2002- 2003. During the year the Commissioners have continued to develop our work programme in partnership with the Northern Ireland Civil Service. Against an ever-changing political and legislative background, we have established various working groups to review our understanding of the principles that are the foundation of our role and responsibilities, selection on merit in fair and open competition and we have examined the way in which we uphold them. This work is contributing to the development of a new Recruitment Code and to the ways in which the Commissioners work with relevant partners.

We also commenced a review of our role in relation to the NICS Code of Ethics under which we are responsible for hearing and determining appeals from civil servants. A particular concern was whether the current procedures for handling appeals are adequate and compliant with legislative requirements, including human rights. We are also concerned whether the current Code of Ethics provides potential appellants with sufficient clarification of the situations covered by the Code and the relevant procedures for handling a breach of the Code. We are in discussions with the Department of Finance and Personnel which has responsibility for the Code of Ethics. It is our intention to work closely with the Department on any revised Code which should reflect relevant legislation and provide a robust vehicle for providing assurance that the NICS acts with honesty and integrity in maintaining its political impartiality.

During the period covered by this report we have continued our programme of thematic audits. These have identified issues, which resulted in the provision by Commissioners of interpretation guidance on certain aspects of the Recruitment Code where a need for clarification was required. Section 7 of this Report highlights the key issues that were identified during the training audit.

We have been preparing for an Equality Impact Assessment of our Recruitment Code to fulfil the commitments we made in our Equality Scheme. Appendix F provides a brief report to the Equality Commission of the work undertaken in the past year.

Over the year we have continued to develop valuable working relationships with our UK and Irish counterparts. We held a strategic planning day in which some

of the UK Commissioners participated. This was a particularly useful exercise which provided us with an opportunity to look more closely at our roles and responsibilities and to prioritise our work for the coming year. We also had a very informative meeting with the Irish Commissioners in Dublin. In the past year we have established regular meetings with a sub-group of the Permanent Secretary Group which enable us to focus in detail on specific issues of mutual concern. We look forward to maintaining and improving our network of contacts and, in particular, to developing our relationships with Ministers and with Assembly members to ensure that they are aware of the Commissioners' role in relation to recruitment to the Civil Service. In Section 10 of our Report we look ahead to the priority issues to be considered by Commissioners.

It would not be possible to undertake this work without the support, effort and commitment of my fellow Commissioners and of the small staff in the Office of the Civil Service Commissioners, I should like to take this opportunity to thank them for their hard work and diligence. I should like to express the thanks of the Commissioners to Mr Nigel Hamilton, Head of the Northern Ireland Civil Service, the Permanent Secretaries, the Personnel Directors and staff in Departments and Agencies for their co-operation. We look forward to another year of successes and challenges as we continue to give assurance that appointment to the NICS is made on merit.

Judith Eve

Chairperson

3. **AUTHORITY AND RESPONSIBILITIES OF COMMISSIONERS**

Civil Service Commissioners were first appointed in 1855 to uphold the principle that selection for appointment to posts in the Civil Service should be on the basis of merit in fair and open competition. Commissioners for Northern Ireland were first appointed in 1923.

Commissioners derive their responsibilities 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 – declares 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 of maintaining this important principle known as ‘the merit principle’.

The Order provides for Commissioners to discharge their responsibilities by:

- making General Regulations;
- publishing and maintaining a Recruitment Code setting out the essential principles and procedures on which recruitment to the NICS must be based;
- approving certain exceptions to the recruitment principle of selection on merit on the basis of fair and open competition, as provided for in the General Regulations;
- approving the procedures for appointments through open competition to senior positions in the NICS;
- auditing recruitment policies and practices followed by Departments and Agencies in making appointments to the NICS; and
- requiring Departments and Agencies to publish information about their recruitment activity.

Under the Order the Commissioners may also consider and determine appeals made to them under the NICS Code of Ethics which is published by the Department of Finance and Personnel. The Order requires Commissioners to publish an annual report on the number of appeals made to them under the Code of Ethics together with summary information as to the nature of such appeals; - see Section 9.

Commissioners were content to endorse a request from the Office of the First and Deputy First Minister to amend their Order to provide that the appointment of Special Advisers shall terminate when their appointing authorities cease to hold office. The previous provisions would have meant that, if restoration of devolved government occurred before an election, the restored First Minister and Deputy First Minister, and the Northern Ireland Ministers, would be denied the services of advisers during the election period. The Civil Service Commissioners (Amendment) Order in Council 2003 brought the period of employment of Northern Ireland advisers into line with that of Whitehall advisers.

4. THE RECRUITMENT CODE

Article 4(3) of the Civil Service Commissioners (NI) Order 1999 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 Code, which was first published in July 1997, sets out the essential principles on which recruitment to the NICS must be based and protects the reputation and standards of the NICS.

Last year the Commissioners produced interpretation guidance on aspects of the Code which the auditors had highlighted as requiring clarification and where there appeared to be uncertainty among practitioners. The guidance was intended to be helpful in clarifying the Commissioners’ requirements; we will be very interested to receive feedback on its practical application. We have received presentations from the Social Security Agency and the Recruitment Service which provided us with some very useful information on the business issues facing the NICS and the range of ideas for future recruitment.

The Code in Practice

The Commissioners’ Recruitment Code should be used in conjunction with all current Codes of Practice issued under relevant equality 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 Commissioners are preparing to undertake a full equality impact assessment of the Recruitment Code under our Section 75 obligations. It is our intention to produce a revised Code after this assessment has been completed.

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 undertaking recruitment to the NICS must 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 Code consists of:-

- a prescription of how the principle of selection on merit on the basis of fair and open competition is to be applied at each stage of the recruitment process, from the determination and use of job criteria through to retention of records of the recruitment process;
- an outline of the circumstances in which appointments may be made, other than on the basis of selection on merit (i.e. limited exceptions where the merit principle does not apply), with details of the circumstances where Commissioners' prior approval of such appointments is required;
- the arrangements for obtaining Commissioners' approval for all appointments to senior grades through open competition (including those constituting exceptions to the merit principle);
- guidance on consulting with Ministers in cases where they have a particular interest in open competitions for posts in the Senior Civil Service;
- details of the scope of the Commissioners' audit of recruitment policies and practices within the NICS. The audit programme, which commenced in April 1998 establishes whether the requirements of the General Regulations and Recruitment Code are being observed.
- details of the recruitment-related information the Commissioners require each recruiting organisation to publish.

The principles and procedures set out in the Code are mandatory for all those involved in recruitment to any post within the Civil Service. The requirements of the Code apply to all appointments both non-industrial and industrial, whether temporary, fixed term or permanent, full or part time. Commissioners are pleased to note that their recruitment audits have confirmed that Departments and Agencies are aware of and follow the requirements of the Code.

Breaches of the Code

The thematic audits have identified relatively few breaches of the Code. There was, however, one breach, highlighted by a Department, which concerned

Commissioners. This Department had advertised a permanent post with no indication in the advertisement or job information that a secondment opportunity might be possible and yet had agreed to offer the successful candidate a secondment opportunity. Commissioners asked the Department to provide proposals to remedy the breach. After a protracted period the individual had to forego the secondment opportunity and agreed to accept the original terms of the permanent appointment.

Recent issues in respect of the Code

In the light of the EC Directive on Fixed Term Working, effective from July 2002, we have received several new requests from Departments in relation to fixed-term appointments -

- (1) Renewal of fixed-term appointments beyond the tenure of what was advertised originally.
- (2) Conversion of a fixed-term appointment to permanency.
- (3) Clarification of the status of a fixed-term employee successful on an internal trawl or promotion board.

As a result of the EC Directive the Commissioners issued a memo to all departments withdrawing their original instruction which set out conditions to be met to allow the conversion to permanency of fixed term appointments. Following the changes in legislation departments were advised that they should satisfy themselves that they were meeting the requirements of the legislation and that they no longer needed to refer to the Commissioners. Commissioners were concerned about consistency of approach in relation to fixed term appointments and liaised with the Central Personnel Group who advised that they intend to issue a guidance circular to all departments on fixed term appointments generally.

A Flexible Approach

It is important that the Commissioners' Recruitment Code reflects the changing needs of the Northern Ireland Civil Service. To ensure that this happens the Commissioners have continued their meetings with senior management in the NICS and representatives from the main operational recruitment body – Recruitment

Service - to discuss issues of concern and to keep up to date with developments in recruitment and selection. Over the past year we have had regular meetings with the Head of the Service and members of the Permanent Secretary Group to discuss specific issues relating to the recruitment process. The discussions were very focussed and informative and we hope to continue these helpful exchanges over the next year.

In our next report we hope to provide a progress update on our draft revised Recruitment Code. We will formally launch consultation on the draft revised Code at a seminar early in 2004.

Copies of the current Code, together with advice and information regarding its contents and interpretation, are available from the Office of the Civil Service Commissioners.

5. EXCEPTIONS TO THE MERIT PRINCIPLE

The Civil Service Commissioners Order (Northern Ireland) 1999 lays down that – apart from a limited range of exceptions – a person shall not be appointed to a situation in the Civil Service unless the selection for appointment was 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.

The exceptions are presently under review, however, the current permitted exceptions are:

- (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 a public service;
- (d) where the person is, or has recently been, employed on functions which had been or were being transferred to the Crown; -
- (e) where the person had 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 given to any person who is defined under the Disability Discrimination Act (1995) 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 long term unemployed and the total period of service does not exceed 3 years.

The Recruitment Code provides further guidance to Departments and Agencies on their remit and authority in making appointments using the above exceptions. They are required to publish annually details of appointments made as an exception to merit. The Commissioners have also stipulated the circumstances in which Departments and Agencies must seek and obtain the Commissioners' approval to appoint an individual as an exception to merit.

Exceptions which required Commissioners' approval

During the period to which this report relates the Commissioners received requests seeking approval for eight appointments to be made as exceptions to the merit principle. All eight appointments related to the need for the Department of Finance and Personnel to urgently employ temporary legal assistants in order to address unavoidable work pressures.

The Commissioners considered carefully the information presented to them and approved these appointments, which were justified for exceptional reasons relating to the business needs of the Northern Ireland Civil Service .

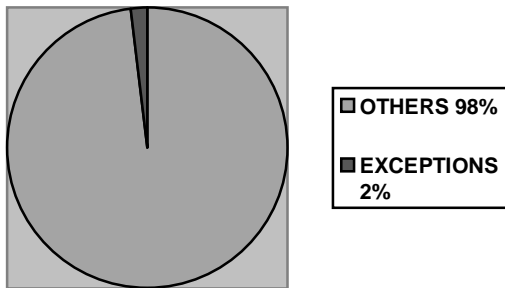
Overview of exceptions in the last year

Departments and Agencies have reported that in the period from 1 April 2002 to 31 March 2003, 416 appointments were made as exceptions to merit. 218 of these appointments were made to the Youth Justice Agency and were necessary to allow individuals to remain employed on functions which were transferred to the Crown. Functions transferring to the Crown occur rarely and we remain re-assured 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.

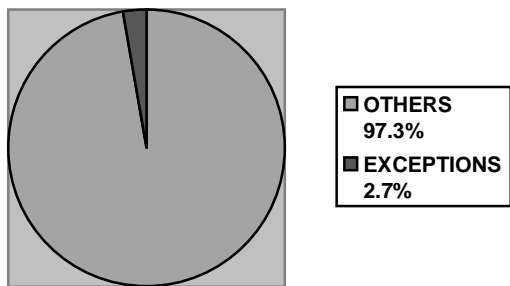
Figure 2 shows an analysis of these appointments by category. Disregarding the appointments made to the Youth Justice Agency the majority of the remainder fell under category (b) - the re-appointment of former civil servants, all of whom were originally selected on merit through fair and open competition.

Figure 1 – EXCEPTIONS TO MERIT

1st April 2000 - 31st March 2001



1st April 2001 – 31st March 2002



1st April 2002 – 31 March 2003

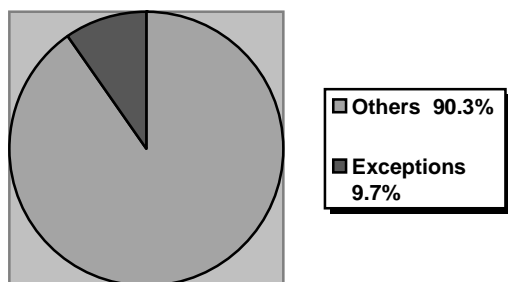


Figure 2 **Exceptions to merit by category**

Exception Category	Number 1 April 2000 – 31 March 2001	Number 1 April 2001– 31 March 2002	Number 1 April 2002– 31 March 2003
a. secondment	11	15	31
b. re-employment	63	31	83
c. public service	20	8	7
d. transfer of functions	3	3	218
e. shortage of suitable candidates	0	0	0
f. assistance to disabled	29	65	68
g. needs of the Service	2	7	8
h. long-term unemployed programmes	12	2	1
TOTAL	140	131	416

6. APPROVAL OF APPOINTMENTS TO THE SENIOR CIVIL SERVICE

Introduction

In last year's Report we acknowledged the Review of the Appointment and Promotion Procedures for the Senior Civil Service(SCS) which, at that time, had recently been published. The Commissioners' found the Review to be interesting particularly the recommendations that the existing SCS core competencies should be reviewed and that there should be a presumption in favour of SCS vacancies being filled by open recruitment.

As the merit principle is inextricably linked to the competencies required for posts the Commissioners are keen to ensure that the revised SCS competencies will provide an effective mechanism for determining the most meritorious candidates. The Commissioners are aware of the need for the NICS to balance the opportunity for career development of its staff with the attraction of new talent into the organisation. We would, however, encourage the use of open competition to reinforce the principle of appointment on merit.

We have recently commissioned an audit on the recruitment policies and practices being followed in senior appointments. This audit will be reported on in our next Annual Report.

CURRENT APPROVAL PROCEDURE

Every appointment to the Senior Civil Service, whether made through open competition or as an exception to the merit principle, must be approved by the Civil Service Commissioners for Northern Ireland. Officials in our Secretariat scrutinise and, if the conditions are satisfied, approve these appointments on our 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

During the reporting period all recruitment to the Senior Civil Service has been carried out by the Northern Ireland Civil Service Recruitment Service on behalf of Departments and Agencies. Written approval must be obtained from our office at each stage before a competition can progress. The key objective of the approval process is to ensure that procedures being followed

are in accordance with the Commissioners' Recruitment Code and to ensure that all SCS appointments made through open competition adhere to the merit principle. As a result of the recent audit on senior appointments we will be reviewing the current procedures in order to maximise the value of our role in the senior appointments process.

EXPERIENCE OF RECRUITMENT THROUGH OPEN COMPETITION OVER THE YEAR

Departments and Agencies have continued to fill a consistent number of vacancies for senior positions, through open competition. These have ranged from administrative to professional and specialist posts. Two Permanent Secretary appointments were also made via open recruitment and for the first time the Head of the Northern Ireland Civil Service was appointed following success in an open competition. As expected there was a high level of public and Ministerial interest in this position. The Commissioners were, therefore, disappointed to note that Ministerial endorsement of the lead candidate was unduly delayed. The Commissioners are considering whether to stipulate a timescale for such decisions in the Ministerial Guidance section of the Recruitment Code.

QUALITY ASSURANCE OF THE WORK OF THE SECRETARIAT IN THE OFFICE OF THE CIVIL SERVICE COMMISSIONERS

Commissioners conduct an annual audit of the Senior Civil Service approval process to ensure that officers in our secretariat are exercising properly this delegated authority. During the period of this report, seventeen appointments were made to the Senior Civil Service following open competition. We are satisfied with the thoroughness of the procedures that were carried out in approving all seventeen appointments.

SUMMARY OF SENIOR RECRUITMENT THROUGH OPEN COMPETITION

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

Figure 3 Approved appointments to the Senior Civil Service
1 April 2002 - 31 March 2003

Department	Job Title	Applicants			Appointments		
		Male	Female	Total	Male	Female	Internal/ External Candidate
Health, Social Services & Public Safety	Deputy Chief Medical Officer	6	3	9	1	0	External
	Director of Secondary Care	6	3	9	1	0	External
Agriculture and Rural Development	Chief Veterinary Officer	3	0	3	1	0	Internal
	Chief Scientific Officer	10	0	10	1	0	Internal
	Deputy Chief Veterinary Officer	9	1	10	1	1	1 Internal 1 External
	Permanent Secretary	12	2	14	1	0	Internal
Regional Development	Director of Customer Services – Water Service	44	8	52	1	0	Internal
	Director of Development – Water Service	12	0	12	1	0	Internal
Education	Assistant Chief Inspector	5	3	8	1	0	Internal
Environment	Chief Executive DVTA	33	3	36	1	0	Internal
	Director of Built Heritage	8	2	10	1	0	Internal
	Permanent Secretary	17	2	19	1	0	Internal
	Director of Professional Services Planning Services	7	1	8	1	0	Internal
Finance and Personnel	Director of Law Reform	7	9	16	1*	1	1 Internal 1 External
	Director of Procurement	12	0	12	1	0	Internal
	Chief Executive Register of Titles	3	1	4	0	1	Internal
Office of First Minister and Deputy First Minister	Deputy Director of Communications	9	0	9	1	0	Internal
	Head of NICS	8	0	8	1	0	Internal
TOTAL		211	38	249	17	3	

Community Background:

Applicants				Appointments			
Protestant	Roman Catholic	Not Determined	Total	Protestant	Roman Catholic	Not Determined	Total
138	100	11	249	15	4	1	20

* This appointment was made in December 2001. A further appointment, however, was made during the reporting year.

Figure 3(a)

Approved Appointments to Senior Civil Service

1 April 1999 - 31 March 2002

Period	Total	Gender		Community Background		
		Male	Female	Protestant	Roman Catholic	Not Determined
1 April 2000 - 31 March 2001	13	9	4	8	4	1
1 April 2001- 31 March 2002	19	14	5	13	5	1
1 April 2002 – 31 March 2003	20	17	3	15	4	1

7. AUDIT OF RECRUITMENT POLICIES AND PRACTICES IN THE NORTHERN IRELAND CIVIL SERVICE

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, perform audits on behalf of the Commissioners. Our previous Annual Report detailed the introduction of a new thematic approach to the audit methodology. The thematic approach focuses 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 different 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.

During the period to which this Annual Report relates the Commissioners agreed that a comprehensive audit should be undertaken in relation to a fundamental element of the recruitment process; i.e. the training of panel members for recruitment interviewing for external competitions.

MAIN FINDINGS

Provision of Training and Content

Generally the training being delivered appears to meet the basic requirements and spirit of the Recruitment Code. The Commissioners, however, would like Departments to consider improvements in relation to:-

- distinguishing the different selection procedures followed for external recruitment and internal promotion;
- greater reference to the Role of the Civil Service Commissioners in open recruitment, in particular, more detail in relation to the principles and procedures outlined in the Recruitment Code.

Commitment to Training

The audit indicates that it is generally recognized that all panel members must be trained before participating in a selection competition. However both trainers and Personnel highlighted some difficulty in meeting this demand. There can be a reluctance by staff to act as panel members due to the time commitment required both for training and the selection process itself.

Commissioners would hope that senior staff take a lead in recognising the importance of appropriate selection training and that this commitment permeates throughout Departments.

Competency of Panel Members

The auditors identified the following practices in relation to panel members' performance in their role:

- limited note-taking with independent scoring being done on memory;
- evidence of evaluative rather than factual notes being recorded, eg "good response", "satisfactory";

Our expectation is that Departments will address these inappropriate practices in the delivery of future training so that they are eradicated.

Compliance with the Recruitment Code

Throughout the thematic audit the auditors were mindful of issues relating to general compliance with all aspects of the Recruitment Code. Inadequate maintenance of systems and poor record keeping were the main issues identified.

ACTION PLAN

The Commissioners have liaised with the Director of Central Personnel Group, Department of Finance and Personnel, with a view to agreeing remedial action to address required improvements. A plan has been agreed to ensure that NICS Departments take an effective approach when training candidates for recruitment interviewing. Further, the Commissioners consider it is an imperative that those involved in recruitment to the NICS receive timely training which has been quality assured. They also believe that there may be value in ensuring that training, in this highly important responsibility, leads ultimately to a formal accreditation in the longer term. The NICS is currently considering this idea.

FUTURE AUDITS

We are currently considering the findings of a recently completed audit which focused on appointments to the Northern Ireland Senior Civil Service. We are pleased to note that, overall, the auditors found a high degree of compliance with our Recruitment Code in relation to such appointments. Nevertheless some improvements to the current processes have been recommended to which we will give further consideration in the

coming months. We look forward to progressing these improvements. Further details on this audit will be included in our next Annual Report.

In liaison with Departmental Permanent Secretaries we will shortly be agreeing the next programme of thematic audits which we hope will be beneficial to all involved in the recruitment process.

8. REQUIREMENT FOR PUBLICATION OF RECRUITMENT INFORMATION

Under the Civil Service Commissioners (NI) Order 1999 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.

What we require from recruitment points in the various Departments and Agencies

Our Recruitment Code stipulates that this information, as a minimum, must comprise:-

- 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 by way of exceptions to the merit principle;
- statistical summaries of all recruitment activity during the relevant period, including analyses by gender, community background and disability.

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

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

Summary Information

While more detailed information is available in the NICS Recruitment Service Annual Report, summaries are provided in Figure 4, broken down to compare both the main types of appointments made and the category of vacancies concerned

FIGURE 4 – APPOINTMENTS BY TYPE

1 APRIL 2002 – 31 MARCH 2003

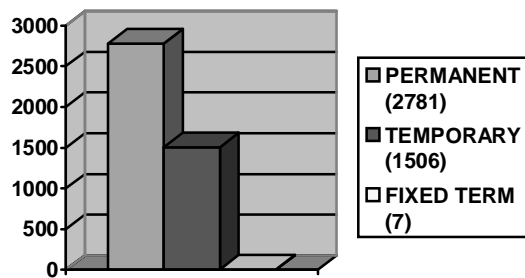


Figure 4(a)

**Recruitment by job category
1 April 2002 - 31 March 2003**

Job Category*	Number of Applications	Number of Appointments
General Service Grades	17,321	3,187
Secretarial Grades	0	8
Scientific Grades	576	112
Technology Grades	207	36
Legal Grades	20	0
Computer Grades	520	75
Other Prof & Tech Grades	4,079	585
Centralised Services Grades	746	86
Industrial Grades	1,575	205
Total	25,044	4,294
*See Appendix E for examples of jobs in each job category		

Figure 4(b)

Appointments by job category

1 April 2000 - 31 March 2002

Job Category*	Number of Appointments 1 April 2000 – 31 March 2001	Number of Appointments 1 April 2001 – 31 March 2002	Number of Appointments 1 April 2002 – 31 March 2003
General Service Grades	6,103	3795	3,187
Secretarial Grades	13	15	8
Scientific Grades	79	138	112
Technology Grades	128	145	36
Legal Grades	3	5	0
Computer Grades	39	76	75
Other Prof & Tech Grades	511	438	585
Centralised Services Grades	76	98	86
Industrial Grades	100	198	205
Total	7,052	4908	4,294
*See Appendix E for examples of jobs in each job category			

9. APPEALS UNDER THE NORTHERN IRELAND CIVIL SERVICE CODE OF ETHICS

As in previous years we report on our responsibility to hear and determine appeals under the Northern Ireland Civil Service Code of Ethics. Commissioners, under the terms of the Civil Service Commissioners (NI) Order 1999, have been assigned the role of providing an independent appeals mechanism for NI 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, we have determined that appeals will be dealt with by at least two, but usually three, Civil Service Commissioners. The Commissioners are independent of the NI Civil Service and therefore have no vested interest in the issues within the compass of these appeals.

We reported last year that we had hoped to produce a revised guidance leaflet for appellants but have been unable to do so as we are still awaiting the completion of amendments to the NICS Code of Ethics which is currently under review by the Department of Finance and Personnel. . The Commissioners have been examining the current draft Code and their role in the light of the Public Disclosure Act 1998. It is their intention to meet with the NICS to discuss some suggested amendments to the current draft which would, in the Commissioners' view, make the Code of Ethics a more robust document.

Current Appeals – 2002/2003

There were only two approaches to the Commissioners during the period of this report. The first case concerned a civil servant who alleged that his Department had acted unlawfully by deciding to make legal representation at an Industrial Tribunal conditional upon this particular appellant's acceptance of the outcome of an internal disciplinary decision. The Commissioners decided that this case did not fall within the parameters of the Code of Ethics because it was not within the Commissioners' jurisdiction to decide if a Department has acted lawfully.

The second approach was from a civil servant who was in dispute with his Department over his Annual Report markings dating back some ten years. While

the Commissioners had some concerns over the way in which the individual's case had been handled by the Department, they were satisfied by the detail of the information provided by that Department, that the individual had been encouraged to appeal his Report through normal Departmental procedures which he refused to follow. The Commissioners concluded that the substance of this appeal did not fall within the parameters of the NICS Code of Ethics since this was deemed an internal management matter more appropriately addressed by the department.

The Commissioners are still concerned that civil servants do not appear to be fully aware of the appeals mechanism relating to the Code of Ethics. We are working closely with the NICS to ensure that any revised Code meets the legislative requirements and will clarify for all civil servants the procedures for pursuing breaches of the Code of Ethics. The Commissioners will be reviewing their own procedures in the light of any new Code of Ethics.

10. LOOKING AHEAD

In the year ahead we will be looking at our role against the current political climate, any new relevant legislation and the need for the Civil Service Commissioners to keep abreast of new developments in the field of recruitment and selection.

Equality Impact Assessment

In line with our obligations under Section 75 of the Northern Ireland Act we will continue to promote equality and good relations in all aspects of our work. We will be organising a seminar early in 2004 where we will formally launch consultation on a draft revised Recruitment Code. We are looking forward to learning from other organisations involved in recruitment and to hearing comments on our revised Code. The consultation exercise will help us to undertake a full equality impact assessment of our revised Code and provide us with an opportunity to meet with various interested groups over the next year.

Developing the Role of the Commissioners – Away Day – Working Groups

The Commissioners took an opportunity during the past year to take time out to examine our role, responsibilities and relationships. We have been working in small groups to consider the key issues of Merit, roles and responsibilities and our role in the Code of Ethics. In relation to Merit we have been considering why we have the concept of merit, how it is to be achieved and how we can develop an interpretation of merit which is unambiguous, inclusive and allows free participation in the process of public administration by all sections of the community. The sub-group looking at roles and responsibilities has considered, amongst other issues, our role in approving appointments to the Senior Civil Service and our relationships with Ministers and others. The third sub-group looking at the NICS Code of Ethics has been liaising with the Department of Finance and Personnel and has made several suggestions for improvement to the Code as currently drafted. In the light of a revised Code of Ethics the Commissioners have been considering possible changes to the Commissioners' procedures for handling appeals.

Our deliberations in these three key areas are ongoing but we hope to be able to report the final outcomes in next year's Annual Report.

Devolution Issues

As the government considers the possibility of further devolution of responsibilities from Westminster to the local Assembly, the Commissioners will be working to clarify their relationship with the Northern Ireland Office, which is a UK Exchequer Department and therefore falls under the authority of the UK, as opposed to the Northern Ireland, Commissioners. We are currently a reserved matter which has enhanced our independence from the Northern Ireland Civil Service and from the Northern Ireland Executive. As the political arena develops and changes over the year ahead, we will need to consider afresh our position in relation to the devolved administration.

Maintaining Relationships

Representatives from the UK Civil Service Commissioners were involved in our Away Day and we exchanged some valuable information and experiences. We also met with our counterparts in Dublin and we hope to be able to offer advice to them during their transition from an operational recruitment organisation to a regulatory body, thus creating a model similar to our own. We will continue to maintain good relationships with senior management in the Northern Ireland Civil Service and, in particular, we look forward to establishing links with the Permanent Secretaries of individual Departments.

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(a) 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 (b);

"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;

"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;

(a) 1954 c. 33 (NI).

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

"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 next dissolution of the New Northern Ireland Assembly.
- (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.
- (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 to 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

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

The Civil Service Commissioners (Amendment) (Northern Ireland) Order in Council 2003

At the Court at Buckingham Palace

The 8th day of May 2003

Present,

The Queens Most excellent Majesty In Council

WHEREAS by the Civil Service Commissioners (Northern Ireland) Order 1999 **(a)** provision was made relating to the functions of the Civil Service Commissioners for Northern Ireland and the appointment of persons to situations in the Northern Ireland Civil Service:

AND WHEREAS it is expedient to make further provision for the Northern Ireland Civil Service in relation to those matters;

NOW THEREFORE, Her Majesty is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

Title and commencement

1. This Order may be cited as the Civil Service Commissioners (Amendment) (Northern Ireland) Order in Council 2003 and shall come into operation forthwith.

Interpretation

2. (1) The Interpretation Act (Northern Ireland) 1954 **(b)** shall apply to this Order as if it were an enactment within the meaning of section 1(b) of that Act.

(2) In this Order expressions which are also used in the Civil Service Commissioners (Northern Ireland) Order 1999 (“the principal Order”) shall have the same meaning as in that Order.

Amendment of the principal Order

3. In Article 3(2)(b) of the principal Order for the words “next dissolution of the New Northern Ireland Assembly” there shall be substituted “date on which the relevant member ceases to hold office”.

(a) printed in the Belfast Gazette on 12 March 1999

(b) 1954 c 33(NI)

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;
 - (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

- 3. 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

OCSC BRANCH PLAN - 2002/03**Function of Branch**

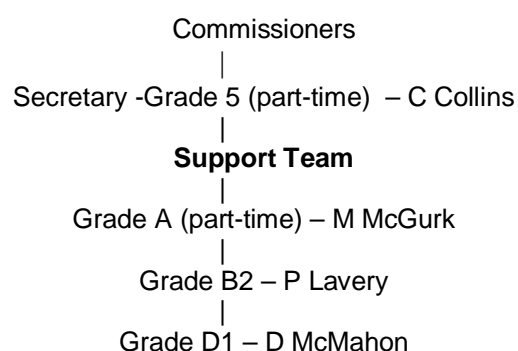
OCSC (Office of the Civil Service Commissioners) supports the Civil Service Commissioners for Northern Ireland, who are responsible for ensuring that appointments to the NICS are made on merit in fair and open competition.

Branch work programme

OCSC'S work programme for 2002/03 is set out overleaf.

Branch organisation and resources

The organisation and compliment of OCSC at the start of financial year 2002/03 is illustrated below.



The budget allocations for OCSC are agreed as follows:

Item	Allocation
Commissioners' Fees	£29k
Audit Contract	£30k
Staff	£94k
Accommodation ,Overheads ,Training	£ 60k
Total	£213k

POLICY/STAKEHOLDERS	
<p>To provide support to the Civil Service Commissioners for Northern Ireland by:</p> <ul style="list-style-type: none"> • Review of Commissioners' Recruitment Code • Production of Commissioners' Annual Report • Commissioners' Audit Programme • Providing support and advice to the Commissioners • Approval of SCS appointments • Implementation of the Commissioners' Equality Scheme • Progression of decisions on Code of Ethics appeals 	<p>To secure adequate r economic running c Commissioners with th 21 £</p>
PEOPLE	INT
<p>Develop OCSC staff in line with our business aims and objectives by:</p> <ul style="list-style-type: none"> • Producing Branch training plan • Arranging Commissioners' development programme • Applying the Equality scheme principles to our policies and practices • Identifying ways of improving communication upwards • Performing 95% of Performance Appraisal Interviews within 5 working days of the end of the period • Preparong Forward Job Plans within 15 working days of the new reporting year 	<p>Improve the way in whi</p> <ul style="list-style-type: none"> • Improving communi • Improving communi • Developing the Con • Achieving 100% of • Supporting and dev • Providing timely sti targets • Building effective bodies

OCSC Work Programme for 2002/03

Deliverables	Activity	Due Date	Current Status At 31 March 2003
Commissioners' Recruitment Code	Identify amendments to Sections 1-4 of Code	Ongoing	Ongoing
	Finalise and clear amendments with Commissioners and other relevant bodies	As required	Ongoing
	Issue amendments	As required	Ongoing
Commissioners' Annual Report	Agree report format and content	1 Apr 02	Completed
	Draft report	30 Jun 02	Completed
	Obtain stats from all Northern Ireland Departments	31 Aug 02	Completed
	Finalise report	30 Sept 02	Completed
	Publish and distribute report	31 Oct 02	Completed
Support and advice to Commissioners	Provide all relevant support required for Commissioners' meetings	Produce papers 1 week in advance of meeting; respond to comments/requests within 1 day of receipt	Ongoing
Approval of Senior Civil Service Appointments	Consider and make a decision on all open competition appointments to the Senior Civil Service	To complete documentation within 2 working days of receipt for each stage of the competition	Ongoing
Commissioners' Audit Programme	To undertake agreed thematic audits	31 March 2003	Completed
Implementation of the Equality Scheme	Progress targets detailed in Equality Scheme	Ongoing	Ongoing
	Produce Progress Report	30 June 2002	Completed

	<p>on Implementation of Scheme</p> <p>Produce and issue consultative information document to all relevant interested parties</p> <p>Analyse results from the above consultative process</p>	<p>31 October 2002</p> <p>28 February 2003</p>	<p>Completed</p> <p>Completed</p>
Decisions on Code of Ethics Appeals	Consider all information relevant to the appeal	As required and within 1 month of all relevant information being received	Ongoing
Commissioners' Website	To ensure that the website access and layout is more user friendly	31 March 2003	Completed
Effective Relationships	To build/maintain effective relationships with NICS Departments and all other relevant Commissions and bodies	Ongoing	Ongoing
Forward Job and Personal Development Plans	Create, agree and review Plans for all OCSC Staff	Ongoing	Completed

APPENDIX E

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	Management Trainee, 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, Farmworkers, Labourers, Fish Farm Assistants

APPENDIX F

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

1 APRIL 2002 – 31 MARCH 2003

Section 1: Strategic Implementation of the Section 75 Equality Duties

The Civil Service Commissioners remain committed to ensuring equality of opportunity and good relations is maintained in performing their statutory functions. Progress against the targets as stated in their Equality Scheme are reviewed by the Commissioners at each of their routine business meetings. The fulfilment of Section 75 responsibilities has been identified as a key area for the Commissioners and each member of their support staff.

In progressing their Equality targets the Commission has obtained a greater appreciation of the vast amount of work required to enable equality to permeate policy making whilst maintaining and promoting good relationships in the process. To this end the Commission has recently decided to employ additional staff in order that the forthcoming EQIA on the Recruitment Code can be undertaken in an effective and meaningful way.

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

In screening their policies and functions The Civil Service Commissioners have decided that all their policies/functions will eventually be subject to an Equality Impact assessment. Annex A lists all the Commissioners' policies and functions. The Commissioners are keen to ensure that the EQIA on their Recruitment Code is undertaken successfully. In November 2002 the Commissioners devoted a day to:

- review their roles and responsibilities;
- identify their key stakeholders;
- consider a mechanism for promoting their roles and responsibilities to the agreed stakeholders.

The Commissioners identified that prior to undertaking an EQIA on the Recruitment Code, a promotional exercise was necessary to clarify their roles and responsibilities with all key stakeholders. A document was therefore produced and issued to the stakeholders clarifying the Commissioners' responsibilities and outlining the current mandatory requirements for all those involved in recruitment activity for NICS appointments. Stakeholders were invited to comment on any adverse impact the Recruitment Code may have on them or the people that they represent. They were also advised that the documentation could be produced in a format suitable to their

needs. Some stakeholders have accepted the offer of meetings. The Commissioners remain disappointed at the limited feedback which was received from stakeholders in relation to their Recruitment Code. However they empathize with responses that many organisations cannot resource themselves to address the many consultations which are ongoing at any point in time.

The Commissioners believe that this promotional exercise was necessary and beneficial prior to a review of their Recruitment Code. As a result they believe that the EQIA on the Recruitment Code will have a greater impact and that the delay in reviewing the Recruitment Code with stakeholders as a result of this exercise is justifiable.

Section 3: Training and Communication

The Commissioners will ensure that they and their secretariat will have acquired the necessary skills and knowledge to effectively perform their Section 75 responsibilities. In order that the forthcoming EQIA exercise on the Recruitment Code is effective for both the Commission and the stakeholders, all those involved will be fully developed in consultation skills.

A training plan is produced on an annual basis which includes the identified need for section 75 training. The very nature of this Commission's remit demands that the Commissioners and members of the secretariat are up to date and knowledgeable in equality and employment legislation. Seminars and workshops have been attended on a regular basis and further training has been scheduled for September 2003 in relation to legislative requirement and best practice in recruitment. It is the custom and practice to evaluate all training received.

Section 4: Data Collection & Analysis

Information in relation to NICS recruitment is available which provides quantitative details for several of the section 75 categories. The Department of Finance and Personnel has assured the Commissioners that every effort will be made to maximise the potential for gathering meaningful quantitative and qualitative data for the various section 75 categories.

Section 5: Information Provision and Access to Services

Within the past twelve months a review has been carried out of the Commissions premises to ensure that they are accessible to the disabled. All publications can be provided in alternative formats if desired. The Commissioners' website has recently been reviewed and enhancements will be made shortly to assist the partially sighted.

Section 6: Complaints

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

Section 7: Timetable

The Equality Scheme implementation timetable has been incorporated into the Commission's Business Plan. This yearly plan is initially approved by the Commissioners and progress towards achieving the objectives is reviewed by them on a quarterly basis.

It will not be feasible for the EQIA on the Recruitment Code to be effectively completed until the end of June 2004. The Commission will dedicate additional resources to this project and it remains committed that the EQIA is undertaken in a thorough and constructive manner.

Following the above EQIA the Commission will then review its role in determining appeals made to it under the NICS Code of Ethics to ensure that the Commission's remit contributes to safeguarding ethics within the NICS.

EQIA time-table for 2003-4

Title of EQIA's due to be commenced during April 2003 – March 2004	Existing or New policy?	Expected completion date of EQIA
1. EQIA on the Commissioners Recruitment Code	Existing	June 2004

Section 8: Consultation

To date the Commission has generally consulted with relevant bodies via written correspondence and meetings have been arranged when desired. During the year the Commissioners have sought information on policy review and best practice from key stakeholders including representatives from the S75 umbrella groups. The response rate has been disappointing and it is hoped that a conference planned for early 2004 will assist not only in promoting the Commissioners' role but also as another mechanism for obtaining open and constructive feedback on the Recruitment Code. We are currently liaising with the Department of Finance and Personnel in relation to the most effective approach in the review of NICS recruitment policies and how certain aspects of that review may overlap with the review of our Recruitment Code.

Section 9: Impacts and outcomes

The forthcoming review of our Recruitment Code will be the first impact assessment to be undertaken by the Commission. In doing so we will be reviewing 95% of our policies and functions. No new policies in relation to our functions were developed during the reporting period. Through implementing our statutory duties the Commission has a greater understanding of the need to fully understand diversity of needs and that all reasonable action needs to be undertaken to allow those affected to have an opportunity to input into policy development or review.

Section 10: Additional Information

The Commission has always given great importance to the need to ensure equality underpins their statutory duties in relation to appointments being made to the NICS. The production of an Equality Scheme and progressing the objectives therein has reinforced this commendable principle.

ANNEX A

COMMISSIONERS' POLICIES/FUNCTIONS

The 1999 Order provides for Commissioners to discharge their responsibilities by:

- making General Regulations which set out the circumstances in which the principle of selection on merit on the basis of fair and open competition shall not apply, (the exceptions to the merit principle)
- publishing and maintaining a Recruitment Code on the interpretation and application of the principle of selection on merit on the basis of fair and open competition;
- approving the appointments through open competition to senior positions in the NICS;
- auditing recruitment policies and procedures followed by departments and agencies in making appointments to the NICS to ensure that the Recruitment Code is being observed; and
- requiring departments and agencies to publish information 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.

The Order also provides that the Commissioners may consider and determine appeals made to them by existing civil servants under the NICS Code of Ethics. The Commissioners are required to publish an annual 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.

