

CIVIL SERVICE COMMISSIONERS FOR NORTHERN IRELAND

**REPORT OF THE EQUALITY IMPACT ASSESSMENT
ON
THEIR NEW RECRUITMENT CODE**

JUNE 2005

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GLOSSARY

- DFP Department of Finance and Personnel
NICS Northern Ireland Civil Service
NIO Northern Ireland Office

Executive Summary

1. This report presents the findings of the consultation process conducted by the Civil Service Commissioners on their proposed revised Recruitment Code in compliance with the Civil Service Commissioners' Equality Scheme.
2. A major consultation exercise on a draft revised Recruitment Code was launched at a seminar at the end of March 2004. This was followed by a series of focus group and public meetings attended by representatives of the civil and public services, as well as Section 75 interest groups, at various locations throughout Northern Ireland.
3. The feedback and observations obtained from the various meetings were, on the whole primarily practitioners' perspectives on the content of the Recruitment Code rather than a community view of the Code's impact on equality of opportunity, fairness, openness and selection on merit. Generally there was support for the principle-based approach in the revised Recruitment Code but also a recognition that it would require consistent underpinning guidance and procedures to make it work effectively. All feedback was analysed and, where practicable, suggestions for amendments were incorporated into a further draft of the revised Recruitment Code. A consultation on the Equality Impact Assessment (EQIA) on the revised Recruitment Code commenced on 17 January 2005.
4. It was clear from the outcome of the EQIA consultation process that there were no strong opinions or evidence to indicate that the revised Recruitment Code, proposed by the Commissioners, would cause adverse impact on any of the Section 75 groups. Concerns principally were in relation to desired amendments to the content of the Recruitment Code and the future need to ensure that it is monitored and reviewed periodically. Support was also expressed for the

extension of current Commissioner monitoring arrangements to include more of the Section 75 groups.

5. The following identifies the key findings from the feedback resulting from the EQIA consultation on the Recruitment Code and the associated action taken.

Key Findings	Action
Some consultees raised concerns about the NICS not collecting data on <u>all</u> Section 75 groups.	The NICS has given a commitment to further develop its collection of recruitment monitoring information and is currently awaiting guidance from the Equality Commission in relation to the extension of Section 75 monitoring. Commissioners will continue to seek regular updates on how this initiative is progressing.
It was suggested that Commissioners should include an additional Principle giving an explicit commitment to equality.	Commissioners decided that equality of opportunity is integral to all four of the Principles in their new Code and, therefore, a principle on equality per se is unnecessary.
Commissioners received strong representation 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.	As a result of these comments the Chairperson has inserted a positive statement in the Foreword to the Code confirming that the Commissioners expect the NICS to consider how best to allow these groups to compete on merit in fair and open competition with others.
Whilst consultees welcomed the acknowledgement in the Code that there is much need for improvement in representation from applicants with a disability and/or minority ethnic background, the Code does not set measurable targets or timescales.	Commissioners decided not to include such targets since the desired improvement is very much dependant on NICS recruitment policies and recruitment opportunities which are under the control of the NICS.
Disability Action welcomed the removal of the Exception in relation to candidates with disabilities and Commissioners' recognition that measures to meet the needs of disabled applicants are obligations under the DDA 1995.	Commissioners continue to fully support this approach. steps have already been taken through the audit programme to assess the present arrangements for candidates with disabilities.

Key Findings	Action
<p>Support was expressed for the Commissioners' recognition that competitive recruitment processes may unfairly disadvantage people with disabilities who are in supported employment.</p>	<p>The exception to the Merit Principle, whereby provision is made for appointments in the context of a particular Government programme or initiative has been extended to allow Departments which employ people in supported employment programmes, to appoint these people to the NICS should they wish to do so, adapting the principles of the Code as appropriate.</p>
<p>A view was expressed that the narrow focus of accepting only Government programmes or initiatives in order to address under representation was inflexible and that initiatives from whatever source should be considered.</p>	<p>Commissioners decided to retain the position that only Government programmes and initiatives should be accepted as this should ensure consistency and fairness.</p>
<p>The NICS expressed the view that the removal of the Exception for re-instatement could have adverse impact on women, however minimal, as the majority of persons reinstated are women.</p> <p>No further representation was received through the consultation exercise on this issue.</p>	<p>Commissioners fundamentally believe that Exceptions to the Merit Principle should be rare and that Departments must justify why it is not reasonably practical to make the appointment in question in accordance with the Merit Principle. They believe that there must exist strong and compelling grounds to depart from the Merit Principle. The findings of a recent Commissioners' audit of this Exception demonstrated that often there were not strong and compelling grounds for re-instatement and that some civil servants were perceiving reinstatement as a right.</p> <p>The Commissioners have decided to remove this Exception on the grounds that that the need to re-appoint or re-instate an individual could still be accommodated under the Exception - "where the</p>

	person to be appointed is of proven distinction and exceptional reasons relating to the needs of the Civil Service provide justification for the appointment”.
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6. The following identifies the key findings from the EQIA on the revised Recruitment Code in relation to the Section 75 groups.

Section 75 Category	Findings
Religious Belief	Community background monitoring data on applicants and appointees provides a positive indication that equality of opportunity is being effectively promoted in relation to the Protestant and Roman Catholic sections of the community. EQIA did not identify that the revised Recruitment Code would cause any adverse impact.
Political Opinion	No monitoring data is available although NICS acknowledge the need to further develop monitoring information. EQIA did not identify that the revised Recruitment Code would cause any adverse impact.
Racial Group	There is a need to continue to develop affirmative action measures, including outreach to make known opportunities for employment, to further promote equality of opportunity for those from an ethnic minority background. Commissioners believe the revised Recruitment Code will positively assist under-representation.
Age	The profile of applicants aligns with what would be anticipated in relation to the particular jobs advertised. Upper age limits need to be kept under review. EQIA did not identify that the revised Recruitment Code would cause any adverse impact.
Marital status	The marital status profile of the NICS workforce indicates the likelihood that equality of opportunity is being promoted between those of differing marital status. EQIA did not identify that the revised Recruitment Code would cause any adverse impact.
Sexual orientation	The indications from data obtained in a survey of all staff indicate that further action,

	including outreach to make known opportunities for employment, may be necessary to further promote equality of opportunity between people of differing sexual orientation. Commissioners believe the revised Recruitment Code will positively assist under-representation.
Men and Women	Monitoring data on applicants and appointees provides a positive indication that equality of opportunity is being effectively promoted in relation to men and women. EQIA did not identify that the revised Recruitment Code would cause any adverse impact.
Disability	There is a need to continue to develop affirmative action measures, including outreach to make known opportunities for employment, to further promote equality of opportunity for those with a disability. Commissioners and Section 75 representatives believe that the revised Recruitment Code will positively assist under-representation.
Dependants	The indications from data obtained in a survey of all staff show a fairly even split between those staff with, and those without, dependants. This indicates the likelihood that equality of opportunity is being effectively promoted between the two groups. EQIA did not identify that the revised Recruitment Code would cause any adverse impact.

7. The revised Recruitment Code has been produced by the Commissioners with a determination to ensure and enhance equality of opportunity for all individuals, including those in any of the Section 75 categories. Application of the revised Code will oppose and prevent any form of unlawful discrimination, direct or indirect, active or passive. All candidates must be treated fairly, to a consistent standard, and in a consistent manner.

8. The Code allows the NICS to adopt initiatives that will ensure employment opportunities are accessible across the community. It permits the promotion of targeted interventions to address under-

representation, where these are necessary and appropriate. Transparency of recruitment processes will continue to be improved and the Commissioners will expect to see open and active communication on the recruitment processes to be adopted.

9. The Commissioners welcomed and gave careful consideration to all information provided and representations made to them during the consultation exercises. They are pleased to note that their new Recruitment Code is viewed positively and that there is no evidence to indicate that it will cause adverse impact on any of the Section 75 groups.

SECTION 1

INTRODUCTION

1.1 Section 75 of the Northern Ireland Act 1998 requires the Civil Service Commissioners for Northern Ireland in carrying out their functions relating to Northern Ireland, to have due regard to the need to promote equality of opportunity:

- between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation;
- between men and women generally;
- between persons with a disability and persons without; and
- between persons with dependants and persons without.

1.2 In addition the Commissioners are required, in carrying out their functions relating to Northern Ireland, to have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group. In doing so, the Commissioners recognise that the promotion of equality of opportunity, fairness and openness are major factors in the development of good relations and that this has a special relevance not only to our own responsibilities and functions but also in the working relationships with all Northern Ireland Departments.

1.3 The Commissioners are fully committed to the fulfilment of their Section 75 obligations in all areas of their functions, powers and duties relating to Northern Ireland. We ensure that effective implementation of these obligations is supported with the necessary resources in terms of

people, time and finance and we communicate to and train our staff on the requirements of the Section 75 obligations and how these can be efficiently implemented.

- 1.4** The purpose of this document is to publish the results of the Equality Impact Assessment. In line with step six of the Equality Commission's "Practical Guidance on Equality Impact Assessment" it includes our decisions in relation to the content of the Commissioners' new Recruitment Code as a result of the Equality Impact Assessment,

SECTION 2

BACKGROUND TO AUTHORITY AND ROLE OF THE CIVIL SERVICE COMMISSIONERS

- 2.1** Civil Service Commissioners for Northern Ireland were first appointed in 1923. The Civil Service Commissioners for Northern Ireland are a regulatory body, appointed to uphold the principle that selection for appointment to the Northern Ireland Civil Service (NICS) should be on merit, on the basis of fair and open competition. A process of reform initiated by the Civil Service (Northern Ireland) Order 1996 made significant changes in the responsibilities of the Commissioners.
- 2.2** The 1996 Order removed the Commissioners' operational role in recruitment to the NICS. This Order was revoked in 1999 when two new Orders were made -
- the Civil Service (Northern Ireland) Order 1999 which separated the functions of the Commissioners from those of the Department of Finance and Personnel (DFP). Under the terms of the Order, the responsibility for providing support and assistance to the Commissioners transferred from DFP to the Northern Ireland Office (NIO); and
 - the Civil Service Commissioners (Northern Ireland) Order 1999.
- 2.3** The constitution of the Commissioners also changed in 1996, emphasising their independence and objectivity. None of the current Commissioners is a serving civil servant. The present Commissioners reflect the diversity in the population and bring a range of capabilities and expertise to their role and responsibilities. In exercising their statutory responsibilities, Commissioners eagerly strive to promote and achieve equality of opportunity, openness and good relations. Two of the current Commissioners are also members of the Equality

Commission. . Further details on the present Commissioners can be found at Appendix 1.

- 2.4** All Commissioner appointments are now made by way of open competition. These changes strengthen the Commissioners' independence from the Civil Service and emphasise their role as custodians of the principle that appointments to the NICS should be on merit on the basis of fair and open competition.

Discharging of Commissioners' Role and Responsibilities

- 2.5** In respect of members of the public interested in applying for posts in the NICS, the Commissioners therefore have a clear duty to ensure that appointments are made on merit in fair and open competition. The Commissioners recognise that they have a wide range of stakeholders, including the general public, who have both direct and indirect interest in their work. They are also aware that the public wish to see a civil service which has a reputation for integrity, honesty, effective customer service, accountability and efficiency; and which reflects the diversity in our society.
- 2.6** The Commissioners firmly believe that these hallmarks can be achieved by consistent adherence to, and application of, fair and open recruitment processes and procedures, leading to the appointment of the best people from all parts of society to carry out particular jobs.
- 2.7** To this end the Commissioners discharge their responsibilities to the public in a number of ways, including:
- publication and maintenance of a Recruitment Code which sets out the Commissioners' remit, objectives and views on the Merit Principle. The Recruitment Code is subject to extensive public consultation;

- making General Regulations, where they describe the circumstances in which the Merit Principle shall not apply;
- publication of an Annual Report outlining statistical information on appointments to the NICS;
- conduct of audits against the Commissioners' Code and publication of results within and outside the NICS;
- implementation of equality and good relations' duties under Section 75 of the Northern Ireland Act 1998 involving consultation with Section 75 umbrella groups and across other organisations and individuals; and
- conduct of seminars and other information events to promote the role of the Commissioners and improve understanding of the Merit Principle and to open new channels whereby those interested in the Commissioners' areas of responsibility can offer additional input and feedback.

SECTION 3

BACKGROUND TO REVIEW OF THE RECRUITMENT CODE

- 3.1** The Commissioners are required to prescribe and publish a recruitment code. The purpose of the Code is to interpret and apply the principle of selection on merit on the basis of fair and open competition. The previous Recruitment Code was published in 1997.
- 3.2** The revised Recruitment Code which was the subject of the EQIA has been developed following a wide consultation process from March to August 2004. This process together with input by practitioners, the public and interested organisations, issues identified through audit programmes and the experience of Commissioners as panel members in recruitment competitions, has supported the adoption of a new principle-based approach in the new Code.
- 3.3** The previous Code laid down a set of essential standards for various aspects of a recruitment exercise. This revised version is not a complete guide to every factor affecting recruitment to the NICS but instead promotes best practice and compliance within relevant legislation. The intention is to provide a flexible framework based on the Commissioners' recruitment principles in relation to selection on merit on the basis of fair and open competition.
- 3.4** The principle-based approach allows flexibility in the application of merit without diluting the principle itself. The Commissioners have set out, under each principle, supporting evidence of the principle in practice. The NICS has produced a set of operational procedures which give effect to the core principles expressed in this Code. It is intended that this approach will maintain and enhance consistency, fairness, transparency, accountability and diversity in recruitment practices across the NICS.

What is the aim, objective or purpose of the Recruitment Code?

- 3.5** Commissioners are accountable, by law, to the Northern Ireland public for upholding the principle that appointments to the NICS should be on merit on the basis of fair and open competition (the Merit Principle). They do this by means of a number of statutory responsibilities, including 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.

Who defines the Recruitment Code?

- 3.6** Article 4(3) of the Civil Service Commissioners (Northern Ireland) Order 1999 states that:

“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.”

As a result of this statutory obligation the Commissioners have reviewed and revised the Recruitment Code.

Who implements the Recruitment Code?

- 3.7** Compliance with the Code is mandatory on every person or organisation with any involvement in the making of appointments, through open competition, to the NICS.

What outcomes do the Commissioners want to achieve with the Recruitment Code, and for whom ?

- 3.8** It is the Commissioners' intention that the Code will contribute to the development of best practice in the field of recruitment and selection. Commissioners contribute to the development of an effective and impartial civil service by carrying out the duties imposed on them by the Order. These provide assurance to the public that appointments to the NICS are made on Merit. If the appointment is made fairly and openly on Merit, the civil service will have selected from those available the best person for the job, that job consequently will be effectively and efficiently done and the standard of service expected by the public will be met.

Who are the main stakeholders?

- 3.9** Those mostly affected by the Recruitment Code are:
- (a) eligible candidates from all sections of the Northern Ireland community and beyond;
 - (b) NICS staff (including senior management) involved in formulating and maintaining policies and procedures in relation to NICS recruitment;
 - (c) NICS staff representatives;
 - (d) NICS Recruitment Service; and
 - (e) Departmental and Agency staff directly involved in recruitment activity.

What outcomes would other stakeholders want from application of the Recruitment Code?

- 3.10** (a) The public at large would like assurance that the Recruitment Code provides a demonstrably fair and proper basis for selection of one individual rather than another in any recruitment process;
- (b) The public, including existing civil servants would like the Recruitment Code to ensure that the appointments' process is inclusive and without prejudice; they would wish to see continuous improvement in services through consistent selection of the best people for available jobs and that the constitution of the NICS reflects the diversity in Northern Ireland's population of working age;
- (c) Departments and Agencies secure the best people for particular jobs leading to a diverse civil service providing efficient and effective services;
- (d) The Recruitment Code is sufficiently flexible to allow innovative and creative recruitment initiatives to meet the business needs of the NICS.

What factors/forces could contribute to or detract from the outcome?

- 3.11** a) Compliance with the Code is mandatory – constant application of its principles will have positive impacts. The Commissioners' audit function will be used to ensure that NICS recruitment policies and practices comply with the Recruitment Code and best practice;
- (b) The Commissioners will consult with representatives of the Section 75 categories and address any concerns or barriers identified;

- (c) The Commissioners will consider carefully, on its merits, each application made to them to appoint as an Exception to the Merit Principle, to ensure that the spirit as well as the letter of the Recruitment Code is being followed;
- (d) The Commissioners will look for consistency between recruitment practices and procedures, and the principles in the Recruitment Code. They will expect to see appropriate, adequate and timely guidance to NICS Recruitment points and to see this guidance consistently applied;
- (e) The Commissioners will wish to see that everyone involved in the recruitment process will receive regular training to a consistent standard.

How do the Commissioners interface with and relate to other bodies in the implementation of the Recruitment Code?

- 3.12** The Commissioners will work closely with the NICS in developing the robust guidance and procedures which are consistent with the Recruitment Code.

The Commissioners will meet regularly with Permanent Secretaries and other relevant senior NICS staff to discuss solutions to any practical and/or operational difficulties.

The Commissioners will chair selection panels for senior competitions on an ongoing basis to provide independence and to experience the Recruitment Code in action during all stages of a recruitment competition.

The Commissioners will periodically review the effectiveness of the Recruitment Code by obtaining feedback through various methods

from the main stakeholders which will include representatives of the Section 75 categories.

Are there any groups which might be expected to benefit from the intended outcomes but which do not?

3.13 The new Recruitment Code has been developed to take account of a changing work and social environment. The Commissioners have given considerable thought to the Merit Principle and its application in today's world. It is intended that the Recruitment Code will maintain and enhance consistency, fairness, transparency, accountability and diversity in recruitment practices across the NICS.

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

SECTION 4

DATA COLLECTION AND CONSULTATION

Data Collection

4.1 In conducting the Equality Impact Assessment, the Civil Service Commissioners for Northern Ireland took into account data and research findings from the following sources:

- Data on the compositional profiles of applicants and appointees and the NICS workforce collected by the NICS for the purpose of monitoring;
- Information obtained from a major consultation exercise on a draft of the revised Recruitment Code including information obtained from a series of focus group meetings attended by representatives of the civil and public services, as well as Section 75 interest groups, at various locations throughout Northern Ireland;
- The Report on the Independent Review of the Appointment and Promotion procedures for the Senior Civil Service of the Northern Ireland Civil Service;
- The Article 55 Review Report providing analyses and commentary on the extent of fair participation by Protestant and Roman Catholic sections of the community in the NICS workforce;
- Various Codes of Practice of the Equality Commission; and
- The Recruitment Code and practices of our UK and Irish counterparts.

- 4.2** In order to comply with the Fair Employment (Amendment) Regulations (Northern Ireland) 2002, the NICS completes returns to the Equality Commission which are reviews of employment practices to ensure fair participation among the Protestant and Roman Catholic communities.
- 4.3** The NICS collects monitoring data from applicants in respect of their community background, gender, age, ethnic origin and whether they have a disability. It does not collect data in respect of marital status, dependents, sexual orientation or political opinion.
- 4.4** Summary information on the gender and community background of applicants and appointees for the 3 year period ending 31 March 2003 is set out in Table 1 of Appendix 2. Individual competitions are monitored by the NICS once they are closed. Such monitoring consistently shows that in the vast majority of competitions (over 93%) there are no significant imbalances in the success rates of men and women and of Protestants and Roman Catholics.
- 4.5** In terms of other equal opportunities groups, monitoring information shows that across all recruitment competitions, the proportion of applicants from those with a minority ethnic background or a disability is low. Typically, less than 1% of applicants are from an ethnic minority background; while those declaring a disability account for around 3%. Tables 2 and 3 of Appendix 2 give the NICS workforce profile as at January 2003 of staff with a declared disability and staff with a minority ethnic background. The Civil Service Commissioners concur with the NICS's view that there is room for improvement particularly in encouraging applications from those with a minority ethnic background and from people with a disability. They also agree that there is room for improvement in more specifically targeted areas such as the Senior Civil Service from women and Roman Catholics and the administrative entry levels from men and Protestants.

- 4.6** The age profile of applicants shows that the majority are in the under-30 age group. This profile is considered reasonable by the NICS given that many of the jobs advertised are at entry-level and would be expected to draw applications mainly from the younger economically active population. However, as Table 4 in Appendix 2 shows, applications are received from all age groups. The conclusion reached is that the age range of applicants is broadly that which would be anticipated in relation to the jobs being advertised.
- 4.7** Monitoring data on the marital status of applicants is not currently collected. However, consideration of the marital status of the workforce (Table 5, Appendix 2) indicates that having a particular marital status is not likely to result in adverse impact in terms of obtaining employment in the NICS.
- 4.8** Monitoring data on dependants, sexual orientation and political opinion is not currently collected from applicants. However, data from a workforce survey indicates that around half of staff have dependants which indicates that having or not having dependants is unlikely to have adverse impact. Data from that survey shows that around 98% of staff are heterosexual indicating that action may be necessary to further promote equality of opportunity for those whose sexual orientation is other than heterosexual.

Consultation

- 4.9** A major consultation exercise on our draft revised Recruitment Code was launched at a seminar at the end of March 2004. Advertisements were placed in the three main regional newspapers announcing a series of focus group and public meetings at various locations throughout Northern Ireland. These notices also informed the public that the consultation draft of the Recruitment Code could be accessed via the Commissioners' website. The focus groups were attended by representatives of the civil and public services, as well as Section 75 interest groups. Appendix 3 provides further details on these meetings.
- 4.10** Following the major consultation exercise an Equality Impact Assessment was prepared and made available for distribution to the public on 17 January 2005. The EQIA was distributed to over 200 key representative bodies including those representing the Section 75 groups. An invitation to meet and discuss the Recruitment Code and/or EQIA at a suitable time and venue was offered.
- 4.11** Written responses to both consultations were received from key stakeholders and statutory agencies. Some 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 - also met with the Commissioners. The Commissioners have given consideration to all issues raised prior to the publication of this report.

SECTION 5

KEY FINDINGS

- 5.1 The findings from the data collection, research and the consultation exercises in relation to all nine equality categories are set out below:

Section 75 Category	Findings
Religious Belief	Community background monitoring data on applicants and appointees provides a positive indication that equality of opportunity is being effectively promoted in relation to the Protestant and Roman Catholic sections of the community. EQIA did not identify that the revised Recruitment Code would cause any adverse impact.
Political Opinion	No monitoring data is available although NICS acknowledge a need to further develop monitoring information which will be developed in accordance with ECNI guidance. EQIA did not identify that the revised Recruitment Code would cause any adverse impact.
Racial Groups	There is a need to continue to develop affirmative action measures, including outreach to make known opportunities for employment, to further promote equality of opportunity for those from an ethnic minority background. Commissioners believe that the revised Recruitment Code will positively assist under-representation.
Age	The profile of applicants aligns with what would be anticipated in relation to the particular jobs advertised. Upper age limits need to be kept under review. EQIA did not identify that the revised Recruitment Code would cause any adverse impact.
Marital status	The marital status profile of the NICS workforce indicates the likelihood that equality of opportunity is being promoted between those of differing marital status. EQIA did not identify that the revised Recruitment Code would cause any adverse impact.

Section 75 Category	Findings
Sexual orientation	The indications from data obtained in a survey of all staff are that further action, including outreach to make known opportunities for employment, may be necessary to further promote equality of opportunity between people of differing sexual orientation. . Commissioners believe that the revised Recruitment Code will positively assist under-representation.
Men and Women	Monitoring data on applicants and appointees provides a positive indication that equality of opportunity is being effectively promoted in relation to men and women. EQIA did not identify that the revised Recruitment Code would cause any adverse impact.
Disability	There is a need to continue to develop affirmative action measures, including outreach to make known opportunities for employment, to further promote equality of opportunity for those with a disability. Commissioners and Section 75 representatives agree that the revised Recruitment Code will positively assist under-representation.
Dependants	The indications from data obtained in a survey of all staff show a fairly even split between those staff with, and those without, dependants. This indicates the likelihood that equality of opportunity is being effectively promoted between the two groups. EQIA did not identify that the revised Recruitment Code would cause any adverse impact.

SECTION 6

CONCLUSION

- 6.1** The Civil Service Commissioners have carefully considered the available data and the findings from both consultation exercises. They have endorsed the actions as set out in the Executive Summary of this report. Commissioners believe that the implementation of their new Recruitment Code will not result in any adverse impact on any of the nine equality categories.
- 6.2** It is the Commissioners' intention that their Recruitment 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. All appointments made under the Code must also comply with the legislation as well as the NICS requirements for appointment, prescribed by DFP under the Article 4(2)(c) of the Civil Service (Northern Ireland) Order 1999.
- 6.3** The revised Recruitment Code has been produced by the Commissioners with a determination to ensure and enhance equality of opportunity for all individuals including those in any of the Section 75 categories. Application of the revised Code will oppose and prevent any form of unlawful discrimination, direct or indirect, active or passive. All candidates must be treated fairly, to a consistent standard, and in a consistent manner.
- 6.4** The Code allows the NICS to adopt initiatives which will ensure that employment opportunities are accessible across the community. It permits the promotion of targeted interventions to address under-representation, where these are necessary and appropriate. Transparency of recruitment processes will continue to be improved and Commissioners will expect to see the adoption of open and active communication on recruitment processes.

SECTION 7

MONITORING PROCESS

- 7.1** Commissioners, in line with their statutory function, are required to audit recruitment policies and practices followed in making appointments to situations in the Civil Service to establish whether the Recruitment Code is being observed.
- 7.2** The Code contains illustrations of the Commissioners' views as to how the 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.
- 7.3** The Commissioners meet regularly with Departmental Permanent Secretaries and key representatives within DFP's Central Personnel Group. At such meetings Commissioners seek relevant feedback and information to establish whether the best people are being recruited for the posts available, including what steps are being taken to promote a civil service which reflects the diversity of Northern Ireland society.
- 7.4** Commissioners will seek confirmation regularly as to the action taken by the NICS to assist certain groups, experiencing difficulty in obtaining employment, to compete on merit in fair and open competition with others.

- 7.5** Timely updates will be sought on the progress being made by the NICS to further develop recruitment monitoring information in relation to a number of the Section 75 categories.
- 7.6** Progress reports will be sought on the ongoing work developing lawful affirmative action, including outreach to Section 75 groups where there is evidence of under-representation.
- 7.7** Commissioners will review annually all statistical information provided to them by the NICS in relation to individuals making applications for appointments and candidates successful in obtaining an appointment. Appropriate action will be taken to ensure that the principles of the Code have been maintained.
- 7.8** All staff involved in recruitment activity will receive appropriate training and guidance in relation to implementation of the new Recruitment Code.
- 7.9** Queries and concerns from key stakeholders and other organisations on any aspect of the Code will be monitored.
- 7.10** In taking forward their Good Relations Strategy the Commissioners will ascertain from Section 75 Representative Groups any concerns they may have on the effectiveness of the Recruitment Code.
- 7.11** Commissioners will seek assurances from the NICS that reasonable adjustments have been made in the recruitment process for disabled candidates.
- 7.12** Exceptions to the Merit principle should be rare and Departments must justify why it is not reasonably practical to make the appointment in question in accordance with the merit principle. There must exist strong and compelling grounds to depart from the Merit Principle. Commissioners through the introduction of the new Code have placed

tighter controls on the use of exceptions and close monitoring of exceptions will take place.

APPENDIX 1

THE CIVIL SERVICE COMMISSIONERS FOR NORTHERN IRELAND

Mrs Judith M Eve OBE, first appointed in 1993, graduated from Queen's University, Belfast in 1971 with an LLB degree 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 a Director of BIH Housing Association. Mrs Eve was appointed Chairperson of the Northern Ireland Civil Service Commissioners in 1998.

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 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, was Deputy General Secretary of the Northern Ireland Public Service Alliance from 1976 to 1994 and Chairman of the Northern Ireland Housing Executive from 1995 to 2004. He is Chairman of both the Local Government Staff Commission for Northern Ireland and the Rethinking Construction Centre (Northern Ireland). He is President of the Northern Ireland Association of Citizens Advice Bureaux, Vice-President of the Association for Spina Bifida and Hydrocephalus (NI) and a member of the Management Board of Threshold, the mental health charity. Mr McDowell is also a non-executive Director of AssetCo.

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 from 1992, and Controller of Prisons from 1987 to 1992. He was Director of the Northern Ireland Court Service from 1982 to 1987 and before that held a variety of posts in the Northern Ireland Civil Service. He is currently Chairman of Bryson House a 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 before retiring in 1996 as Executive Vice-President. In October 1996 Mr Carlin was appointed Chairman of the Central Services Agency and served for a period of seven years. He also serves on the Northern Ireland Council for Curriculum, Examinations and Assessment and the Northern Ireland Management Council and Leadership Network. Mr Carlin was appointed to the Equality Commission in August 2003.

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

Mr Alan Henry, appointed in 2002, worked for Royal Mail for 35 years before retiring in 2003 as Head of Human Resources. He has been an Equality Commissioner since 1999 and is former Chair of the Equality Forum. He is a Member of the Industrial Tribunals Panels. Mr Henry is also a member of the Lord Chancellor's Advisory Committee on Lay Magistrates and a Member of the Department of Education Schools Inspection Teams. He is also an Assessor for the National Clinical Assessment Authority. Mr Henry is currently a Human Resources consultant specialising in recruitment and selection, as well as equality and diversity.

APPENDIX 2

Table 1: Summary information on Applicants and Appointees by gender and community background – 2001 to 2003

	% Of All	Gender		Community Background		
		M	F	P	RC	ND
APPLICANTS						
General Service 2003	66%	38%	62%	40%	58%	2%
2002	80%	36%	64%	43%	55%	2%
2001	73%	37%	63%	47%	51%	2%
Non-General Service 2003	34%	68%	32%	49%	48%	3%
2002	20%	71%	29%	50%	45%	5%
2001	27%	70%	30%	51%	43%	6%
ALL APPLICANTS						
2003	100%	47%	53%	43%	54%	3%
2002	100%	44%	56%	44%	53%	3%
2001	100%	45%	55%	48%	49%	3%
APPOINTMENTS						
General Service 2003	74%	39%	61%	44%	55%	1%
2002	62%	38%	62%	44%	55%	1%
2001	87%	37%	63%	49%	47%	4%
Non-General Service 2003	26%	67%	33%	50%	48%	2%
2002	38%	67%	33%	50%	44%	6%
2001	13%	67%	33%	44%	43%	13%
ALL APPOINTMENTS						
2003	100%	46%	54%	45%	53%	2%
2002	100%	44%	56%	45%	52%	3%
2001	100%	40%	60%	48%	46%	6%

Table 2: NICS staff who declared a disability, by Grade Level at January 2003

Grade Level	Declared a Disability	
	Number	%
Grade 5+	6	2.4%
Grade 6/7	43	3.4%
DP	94	4.6%
SO	103	3.9%
EO	351	4.8%
AA/AO	533	4.6%
Industrials	117	7.1%
ALL	1247	4.7%

Table 3: NICS staff with a minority ethnic background, by Grade Level at January 2003

Grade Level	Declared a minority ethnic Background	
	Number	%
Grade 5+	1	0.4%
Grade 6/7	6	0.5%
DP	7	0.3%
SO	5	0.2%
EO	10	0.1%
AA/AO	11	0.1%
Industrials	0	0.0%
ALL	40	0.1%

Table 4: Age range of Applicants 2000 to 2002

Year	Under 25			25-34			35-49			50+		
	GS	O	All	GS	O	All	GS	O	All	GS	O	All
2002	55%	31%	43%	24%	36%	30%	16%	26%	21%	5%	7%	6%
2001	54%	30%	49%	30%	39%	32%	14%	24%	16%	2%	7%	3%
2000	57%	28%	52%	26%	41%	28%	14%	26%	16%	3%	5%	4%

Year	Under age 30			Age 30 or over		
	GS	Non-GS	All	GS	Non-GS	All
2002	70%	54%	62%	30%	46%	38%
2001	74%	54%	70%	26%	46%	30%
2000	73%	53%	70%	27%	47%	30%

Table 5: Marital Status profile of NICS

	Married (living together or separated)	Single (never married)	Widowed or Divorced	Cohabiting	Not Known
NICS	60.8%	34.6%	2.4%	0.4%	1.8%
EAP	57.9%	32.0%	4.3%	5.8%	-

EAP = Economically Active Population

APPENDIX 3

Focus Group meetings and Public meetings held during the consultation process

Date of meeting	Venue	Group(s) Represented
17 May 2004	Stormont House, Stormont	Departmental Recruitment Practitioners
18 May 2004	Stormont House, Stormont	Departmental Recruitment Practitioners
19 May 2004	Canal Court Hotel, Newry	Public Meeting
20 May 2004	Silver Birches Hotel, Omagh	Public Meeting
24 May 2004	Europa Hotel, Newry	Public Meeting
25 May 2004	Adair Arms Hotel, Ballymena	Public Meeting
26 May 2004	Tower Hotel, Londonderry	Public Meeting
27 May 2004	Ramada Hotel, Belfast	Public Meeting
7 June 2004	Europa Hotel	Public Meeting
16 November 2004	Office of the Civil Service Commissioners	Northern Ireland Public Service Alliance
14 March 2005	Office of the Civil Service Commissioners	Disability Action
16 March 2005	Office of the Civil Service Commissioners	Northern Ireland Association for the Care and Resettlement of Offenders

List of respondents to EQIA

1. **Central Personnel Group, Department of Finance and Personnel**
2. **N I Committee Irish Congress of Trade Unions**
3. **NI Association for the Care and Resettlement of Offenders**
4. **University of Ulster**
5. **Disability Action**
6. **Women's Forum Northern Ireland**
7. **Northern Ireland Council for Voluntary Action**
8. **Department for Regional Development**
9. **Department of Health Social Services and Public Safety**
10. **Department of Education**
11. **Department of Culture, Arts and Leisure**
12. **Department of Agriculture and Rural Development**