

# GOOD RELATIONS STRATEGY

## FOREWORD

This is an opportune time for the Good Relations Strategy of the Civil Service Commissioners for Northern Ireland to be prepared. The strategy is being put in place at a time when there are many positive points to make about the opportunities to develop good relations in Northern Ireland.

“A Shared Future” identifies reconciliation, tolerance and mutual trust as vital principles in a Good Relations Strategy. A civil service which is free of religious, political and racial bias or tensions will work for the benefit of all sections of the community and be highly valued and respected in return. The Commissioners believe that they have a key role to play in ensuring that the Northern Ireland Civil Service exemplifies these attributes through fair and open recruitment policies and practices.

Launching the Equality Commission’s 15<sup>th</sup> Annual Monitoring Report, Chief Commissioner, Bob Collins commented that the imbalance between Protestant and Roman Catholic participation in the overall workforce which was evident in the early nineties has largely disappeared. This is very welcome progress. The Civil Service Commissioners believe that they have an important ongoing role in helping to address any pockets of under-representation which remain in the NICS by encouraging the use of positive messages to attract candidates from under-represented sectors in civil service recruitment competitions.

There will be a number of changes in the composition of the Commissioners over the next twelve months. This provides an opportunity to build on experiences to date and bring fresh attitudes and opinions to bear on promoting good relations. The Commissioners believe that their influence is helping to create a civil service

which broadly reflects the diversity of the community it serves and that good relations will be fostered by open and impartial transaction of public services.

## 1. Introduction and background

- 1.1 The Civil Service Commissioners for Northern Ireland are a public authority for the purposes of section 75 of the Northern Ireland Act 1998. In June 2001, the Commissioners published an Equality Scheme detailing how they proposed to fulfil their equality of opportunity duties under section 75.
- 1.2 Section 75 also requires public authorities to “**have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group**”. This document sets out how the Commissioners seek to achieve this in carrying out their functions.
- 1.3 Civil Service Commissioners are appointed by the Queen and have a regulatory role of overseeing recruitment to the Northern Ireland Civil Service (NICS). Their statutory responsibility is to uphold the principle that selection for appointment to posts in the NICS should be on merit on the basis of fair and open competition.
- 1.4 The Commissioners believe that openness, fairness and merit are vital elements in promoting good relations. Due to the nature of their role, the Commissioners do not focus their promotional activity on particular groups. Rather, such activity is designed to ensure that openness, fairness and merit apply equally to everyone who seeks appointment to the NICS. In this way, the Commissioners aim to ensure that there is public confidence in the civil service, that it is achieving diversity in the composition of its workforce and that it is a best practice organisation so far as its recruitment policies and processes are concerned. The Commissioners seek to influence those directly involved in recruiting

people to the NICS and, where appropriate, encourage the use of positive action to address under-representation.

1.5 Various factors have affected the role of the Commissioners since they were first appointed in 1923. Perhaps the most significant changes have been that the Commissioners –

- are now all independent of the NICS, the former practice whereby a number of Permanent Secretaries of Northern Ireland Government Departments acted as Commissioners having ceased in 1998;
- since April 2002, have been appointed through open competition;
- have been separated since 1997 from the recruitment arm of the Department of Finance and Personnel, thus clarifying their regulatory remit in overseeing appointments to the NICS; and
- since April 2005, chair all panels for appointment to the Senior Civil Service when such posts are being filled through open competition.

## **2. Strategy to promote good relations – the policy**

2.1 The Commissioners' strategy to promote good relations consists of 3 main strands which are developed in section 4 below –

- carrying out their statutory responsibilities in a totally objective manner and in a context which emphasises accessibility, diversity, equality of opportunity, fairness, transparency and merit;
- building constructive relationships with those involved in designing and operating recruitment policies and practices on behalf of the NICS;
- appreciating the expectations and concerns of people interested in applying for jobs in the NICS and of stakeholder groups representing their interests.

### **3. Statutory responsibilities and activities**

3.1 In order to uphold the fundamental principle of ensuring that selection for appointment to the NICS is on merit on the basis of fair and open competition, the Commissioners have been given the following responsibilities under the Civil Service Commissioners (Northern Ireland) Order 1999:

- publishing and maintaining a Recruitment Code;
- auditing recruitment policies and practices;
- prescribing circumstances in which the principle of selection on merit in fair and open competition need not apply;
- requiring publication of information relating to recruitment and the use of permitted exceptions to the principle of selection on merit.

#### *The Recruitment Code*

3.2 The Commissioners regard their Code as vital for promoting public confidence in the process of recruitment to the NICS. The Code applies to all appointments made other than by internal promotion or transfer, and compliance with it is mandatory for everyone involved in the selection process for appointment to the NICS. In the three year period to December 2001, 61% of NICS posts were filled through open recruitment compared to 39% filled through internal promotion<sup>1</sup>.

3.3 The Commissioners believe that the Code contributes to the development of best practice in recruitment and selection policies and processes. It does not replace but reflects and complements relevant legislation upholding fairness and tackling discrimination in employment practices. The Code respects and encourages diversity and the Commissioners wish

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<sup>1</sup> Department of Finance and Personnel – Equality Impact Assessment : Developing Policy on Recruitment to the Northern Ireland Civil Service (September 2005)

to see a civil service in Northern Ireland which is representative of the population, thereby commanding public support and confidence.

3.4 The Commissioners published a new Recruitment Code in June 2005 following an extensive consultation process. The Code establishes four key principles to be followed in the recruitment and selection process and sets out the Commissioners expectations as to how each of these principles will be applied. The principles are –

- appointments should be made on merit;
- appointments should be fit for purpose;
- appointment processes should be fair and applied with consistency;
- appointments should be made in an open, accountable and transparent manner.

The code is available on the commissioners' website – [www.nicscommissioners.org](http://www.nicscommissioners.org).

#### *Auditing recruitment policies and practices*

3.5 The core purpose of the audit process is to assess how the principles and expectations in the Commissioners' Code are applied in the recruitment practices of the NICS. The NICS must cooperate with all audits undertaken by or on behalf of the Commissioners and any contracts or arrangements with parties outside of the NICS for recruitment services must include a requirement for the external provider to do so.

3.6 Over the past few years, the Commissioners have adjusted their approach to audit from a pure compliance exercise in specific Departments to auditing various themes across the NICS. With the publication of their new Code, NICS recruitment policies and practices will be audited against the principles and expectations set out in it, providing an even greater opportunity to ensure that audits are undertaken, and their findings and

recommendations implemented, with the clear goal of sharing knowledge and best practice.

*Prescribing circumstances in which the principle of selection on merit in fair and open competition does not apply*

3.7 Part of the Commissioners' remit is to specify situations where the principle of selection on merit in fair and open competition need not apply. During the consultation process on their new Code, this area generated a number of comments. The Commissioners agreed with views expressed that exceptions to the principle of appointment on merit should be rare and, accordingly, they reduced the number of categories from eight to five. The current categories are –

- appointment on secondment;
- transfers of persons into the NICS where the person holds a situation in another civil service of the Crown;
- transfers of persons into the NICS where the person is employed on functions being transferred to the Crown;
- where the person to be appointed is of proven distinction and there are exceptional reasons, justified by the needs of the NICS;
- appointments made under Government initiatives or programmes.

*Requiring publication of information relating to recruitment*

3.8 The Recruitment Code specifies the minimum information which the Commissioners require to be published in relation to all appointments to the NICS. The Commissioners believe that the availability of up-to-date information is vital to increasing public confidence since it enhances communication and transparency.

#### 4. Strategy to promote good relations – the steps

##### Strand 1 – the Commissioners' statutory responsibilities

###### *Public awareness*

4.1 The Commissioners decided that a number of steps should be taken to create greater public awareness of who they are and what their role is. This process commenced with

- a public consultation exercise in 2004-05 to review and revise their existing Recruitment Code;
- publication of an explanatory leaflet which is now included in every candidate information pack; and
- preparation of a Communications Strategy for 2005-06 and beyond.

The consultation process in particular brought the Commissioners face to face with various groups and individuals with an interest in appointments to, and the composition of, the NICS.

4.2 During 2005-06, the Commissioners decided to publish a summary of the minutes of their meetings on their website in order to give greater insight into their business activities. It is their intention to enhance the website by supplementing the information already available and making it more user friendly.

4.3 **Key actions for this strategy, therefore, are to:**

- monitor the impact of the new Recruitment Code on recruitment practices to the NICS and amend it, when necessary;
- publicise changes in 2006-07 to the current complement of Commissioners and revise the explanatory information leaflet sent to applicants for appointment to the NICS to reflect these changes;

- continue to review information published on the Commissioners' website.

#### *Recruitment Code and audit*

- 4.4 The development of a new principle-based Code has enabled the Commissioners to set out their expectation of what should happen as best practice in the course of recruitment to the NICS. They believe that the new Code will ensure
- fair and open competition;
  - that the best people are recruited; and
  - continuing commitment to an effective civil service which enjoys the trust of the public.
- 4.5 The principles in the Code are intended to allow the NICS sufficient flexibility to
- ❖ attract a balanced pool of applicants which reflects the diversity within the community;
  - ❖ increase accessibility or overcome barriers which might prevent people from applying for opportunities in the NICS; and, where appropriate
  - ❖ use targeted measures to address under-representation.
- 4.6 The Commissioners wish to see appointment processes which are fair and consistently applied, underpinned by real commitment to equality of opportunity. They believe that the confidence of the community at large, including special interest groups and candidates, will be enhanced by recruitment processes which are demonstrably open and transparent at all stages.

4.7 With effect from April 2006, the Commissioners intend to adjust their approach to audit to take account of the new principle-based Code.

4.8 **Key actions for this strategy are to:**

- consult with the NICS regarding their present policies and goals relating to recruitment in order to gain, among other things, an appreciation of any areas of under-representation;
- identify areas for audit to ensure that NICS policies and goals are being achieved and that areas of under-representation are addressed.

*Exceptions to the merit principle*

4.9 By reducing the number of categories of appointment to the NICS otherwise than on merit, the Commissioners are endorsing their own views and those of the vast majority of respondents during the consultation exercise on the new Code, namely, that appointments by exception should be kept to a minimum. Details of all such appointments are published each year in the Commissioners' Annual Report.

4.10 All civil servants are disqualified from election to the Northern Ireland Assembly, the Westminster Parliament and the European Parliament. This is consistent with the ethos of a politically neutral civil service which effectively discharges its functions on behalf of successive governments of different political persuasions.

4.11 The general rule which applies to civil servants wishing to stand for elections is that they will first resign from the civil service. Arrangements regarding their reinstatement if they are not elected or after they cease to be a member of the Northern Ireland Assembly or Parliament are currently subject to judicial review. An applicant is contesting through the courts the

absence of an automatic right to reinstatement rather than reinstatement being at the discretion of their former employing Department.

**4.12 Key actions for this strategy are to:**

- keep under review numbers appointed to the NICS under exceptions to the merit principle;
- keep under review the various categories of exception to assess their continuing relevance;
- consider introducing an exception to allow appropriate reinstatement arrangements in relation to political activity in light of the eventual judgement of the Court of Appeal in the case currently being litigated.

*Publication of information*

4.13 The Commissioners have set out in their Recruitment Code the minimum information relating to recruitment to the NICS which they expect to see published. This includes statements by the NICS that systems are in place to ensure that appointments are made in accordance with the Code and that recruitment policies and practices are subject to regular internal monitoring. Statistical summaries of all recruitment activity during a publication period are required to be shown, including analyses by gender, community background, disability and race. The Department of Finance and Personnel's Recruitment Service publishes this information in an Annual Report.

4.14 The Commissioners also publish an Annual Report on their own activity. This explains how they have carried out their statutory remit and provides information on those matters requiring their approval, in particular, appointments to the Senior Civil Service and under exceptions to the merit principle.

**4.15 Key actions for this strategy are to:**

- keep under review the information published by the NICS to assess its continuing relevance;
- continue to publish in the Commissioners' Annual Report information on appointments under exceptions to the principle of appointment on merit and to identify any concerns the Commissioners may have in relation to use of the exceptions.

Strand 2 – Building constructive relationships

4.16 The Commissioners believe that an understanding of the interests of various stakeholders is essential to creating a civil service which is representative of, and enjoys the trust of, the whole community. Regular meetings with Permanent Secretaries of Northern Ireland Departments individually and as a group ensure that both the Commissioners' role and the issues facing a changing civil service are clearly understood. The outcomes of audit reports are discussed and plans for implementing recommendations arising from them are agreed, including the promulgation of best practice activity.

4.17 The Commissioners have initiated regular meetings with key interest groups such as the Equality Commission and Human Rights Commission and also have periodic meetings with their UK and Irish counterparts to discuss matters of mutual interest. We also intend to continue regular consultation with organisations representing the various section 75 groups to facilitate the identification of any issues or concerns relating to NICS recruitment practices. The Commissioners will continue to encourage a regular dialogue with trade unions.

**4.18 Key actions for this strategy are to:**

- publish the Commissioners' Communications Strategy to identify those groups with whom constructive relationships are being nurtured;
- evaluate on an ongoing basis through the Commissioners' experience of chairing recruitment panels the NICS process for appointment to the Senior Civil Service by way of open competition and to publish information on such appointments in their Annual Report;
- seek continuous improvement of NICS recruitment policies and practices through dialogue with the NICS and Permanent Secretaries.

Strand 3 – Appreciating expectations and concerns

4.19 Civil Service Commissioners were appointed in the United Kingdom some 150 years ago following the Northcote-Trevelyan report, which was commissioned to address concern that the civil service had fallen into disrepute due to the then system of patronage, purchase and favour under which Ministers nominated candidates for appointment. The report recommended open competitive examination to test merit, the beginnings of the present arrangements where the Commissioners are the guardians of openness, fairness and merit in selecting people for appointment to the civil service.

4.20 In Northern Ireland, perhaps the most common expectation is that the NICS should be representative of the community it serves. In recent years, there have been substantial advances in ensuring that this expectation is met, especially in relation to the overall composition of the civil service. Where appropriate, steps are taken to address areas where there is still under-representation of certain groups. It is important that the

Commissioners have an accurate picture of expectations and perceptions. We will consider additional ways of confirming or adjusting our present appreciation of these matters.

- 4.21 In relation to this Good Relations Strategy, the Commissioners believe they have a key role in encouraging diversity through a preference for the use of open competition and actively addressing under-representation through positive messages to attract candidates from such groups as are identified.
- 4.22 For the purposes of this strategy, the Commissioners await publication by the Department of Finance and Personnel of a further report under Fair Employment (Northern Ireland) Order 1998. We shall take a particular interest in representation of Roman Catholics at Senior Civil Service level and of male Protestants at various direct entry recruitment grades. Where appropriate, the Commissioners will encourage the use of open competition and positive messages to address under-representation.
- 4.23 The NICS offers a wide range of employment opportunities. The vast majority of these are open to UK Nationals, Commonwealth Citizens, British Protected Persons and European Economic Area Nationals although there are a number of opportunities which are open only to UK Nationals.
- 4.24 European law allows national governments to classify certain posts as “public service” and it is these which are open only to UK Nationals. The duties and responsibilities of such posts are usually concerned with:
- the defence of the state;
  - maintenance of law and order;
  - administration of revenue functions;
  - the administration of justice; and
  - advice on the formulation and implementation of government policy.

- 4.25 In accordance with this strategy and to encourage diversity in attracting candidates for opportunities in the NICS, the Commissioners believe that such posts should be kept to the minimum consistent with the parameters set by European law. The Commissioners are satisfied that the NICS has a process in place whereby careful consideration is given to the classification of posts which are being considered for open advertisement. The classification of posts as public service has been considered and endorsed by the courts, most recently in a judicial review case in the High Court in Northern Ireland<sup>2</sup>. This judgement is currently the subject of an appeal.
- 4.26 The Commissioners have also monitored with interest the progress of a Private Member's Bill on this subject, the Crown Employment (Nationality) Bill. The Bill would remove the present statutory restrictions on the employment of non-UK Nationals in the civil service. This would potentially open up all civil service opportunities to applicants of any nationality although the Bill would also permit a Government Minister to exempt certain posts for this purpose. The Bill's provisions are in line with the Commissioners' preferences and would be a positive development for the purposes of this strategy.
- 4.27 There is also an expectation that the NICS will conduct its business in a manner which reflects the highest ethical standards of personal and corporate behaviour. The NICS Code of Ethics provides that civil servants should conduct themselves with integrity, objectivity, honesty and impartiality. The Commissioners act as the appellant body where a civil servant believes s/he has been asked to act unlawfully or in contravention of these standards. The Commissioners believe that they have an

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<sup>2</sup> In the matter of an application by Margaret O'Connor for judicial review – ref GIRF5203, delivered 23 February 2005

important influential voice in the revision of this Code which is being considered and in the retention of the highest possible ethical standards.

4.28 In their response to the Report by Sir Herman Ouseley on the Senior Civil Service in Northern Ireland, Ministers agreed with a recommendation that the Civil Service Commissioners should be a diverse body of people representative of the community. The Commissioners agree fully with this view, believing that this is a significant factor in meeting the expectations and concerns of stakeholders and the public generally.

4.29 **Key actions for this strategy are to:**

- continue to ensure that all external appointments to the NICS are based on merit on the basis of fair and open competition;
- To continually test our understanding of expectations and concerns;
- identify and, where appropriate, encourage the use of positive messages to attract candidates from under-represented groups to apply for appointments to the NICS;
- monitor progress in relation to the Crown Employment (Nationality) Bill;
- exhort the application of the highest ethical standards of behaviour to those working in the civil service and to make representations to the NICS regarding the potential role of the Commissioners in any revision of the Code of Ethics, especially in relation to situations where civil servants believe they are being asked to act in a manner which is unlawful or unethical.