

PROGRESS REPORT TO THE EQUALITY COMMISSION FOR NORTHERN IRELAND ON THE IMPLEMENTATION OF THE SECTION 75 STATUTORY DUTIES

1 APRIL 2006 – 31 MARCH 2007

Executive Summary

The Civil Service Commissioners for Northern Ireland are committed to ensuring that equality of opportunity and good relations are promoted in all areas of their work in line with our duties under Section 75 of the Northern Ireland Act 1998.

The development in 2005 of the principle-based Recruitment Code has enabled the Commissioners to set out their expectations in terms of best practice in the course of recruitment to the Northern Ireland Civil Service (NICS). Compliance with the Commissioners' Code is mandatory for all Departments and Agencies making appointments to the NICS. Commissioners believe that the principle-based Recruitment Code ensures fair and open competition and that all aspects of selection processes are underpinned by a real commitment to equality of opportunity. The revised Code sets out 4 principles which underpin the concept of recruitment on merit and requires the NICS to demonstrate, to a greater extent, proactive efforts to comply with such principles.

Audit role

A key aspect of the Commissioners' statutory role is to audit recruitment policies and practices followed by Departments and Agencies in making appointments to the NICS, to ensure that they satisfy the Commissioners' requirements in regard to the Merit Principle. The Commissioners' Recruitment Code holds that 'Merit embraces issues of diversity, inclusivity and equality of opportunity, and recruitment processes should fully embrace these concepts.' The Commissioners, in considering audit topics, seek to identify opportunities where they can influence the NICS to better promote equality of opportunity and good relations.

The audit programme for 2006-07 included:

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

Management of merit lists in volume competitions

This audit concentrated on revisiting the findings of an audit undertaken in 2002 to examine the extent to which findings and recommendations had been implemented by the NICS.

The audit was a useful mechanism to seek assurance that recommendations had been implemented and there was evidence of improvement in the fairness of treatment of candidates on merit lists, particularly within Recruitment Service which carries out most of the NICS recruitment competitions. However, the audit highlighted remaining issues which needed to be addressed.

In seeking to influence the NICS and ensure that these audit recommendations are implemented, the Commissioners' primary concern is to ensure that a fair, consistent and transparent process is used for all candidates selected for appointment to posts in the NICS.

Attracting Candidates Audit

In undertaking this audit, Commissioners were keen to examine the extent to which the NICS had satisfied Commissioners' expectations in seeking to attract candidates to apply for posts in the Civil Service. The terms of reference, detailed below, were designed to gain an understanding of the priorities and strategies the NICS had in place to help promote diversity and equality of opportunity in recruitment.

The Terms of Reference were as follows:

1. Review with NICS priorities and practice for achieving diversity in recruitment based upon policy set out in document of June 2005, "Recruitment Policy and Procedures Manual – Section 1, Strategic Context for Recruitment and Selection in the NICS".
2. In particular:-
 - Review with NICS the priority areas for changing applicant mix and the statistical basis underpinning these priorities.
 - Review the use of statistical data in considering diversity issues as set out in section 1 of the above manual.
 - Review the policy initiatives developed or being developed by NICS on a corporate basis and effectiveness in achieving diversity in applicant profiles.
 - Audit the application of "Outreach Measures" set out in section 1 of the manual and assess effectiveness in furthering the Merit Principle.
 - Undertake some high level benchmarking against comparable bodies, in particular the Cabinet Office in the HCS.
 - Comment on any potential additional opportunities in this area.

The report on this audit was not finalised within this reporting period and will be covered in next year's annual Section 75 progress report to the Equality Commission. Commissioners expect that the audit findings and recommendations will provide them with a platform from which to discuss and use their influence with the NICS to ensure that diversity and outreach strategies are being proactively implemented in attracting candidates to apply for positions in the NICS. This will help to ensure that there is equality of opportunity for applicants so that appointments can be made on merit from the widest possible pool.

Good Relations Strategy

On 27 April 2006 the Commissioners published a Good Relations Strategy setting out their commitment to the promotion of Good Relations. The Commissioners believe they have an important on-going role in helping to address any under-representation in the NICS by encouraging the use of positive messages to attract candidates from under-represented sectors to respond to civil service recruitment competitions (see also attracting candidates audit covered above). There is a changing pattern of under representation and we need to be constantly vigilant that one under representation is not replaced by another.

In view of the nature of their regulatory role in upholding the Merit Principle, the Commissioners have no direct promotional role in regard to participation by the community in competitions for appointments to the NICS. Rather, they seek to influence the NICS to encourage diversity and equality of opportunity through their recruitment practices. This is inherent in the Commissioners' Recruitment Code. The Good Relations Strategy explains that any promotional activities undertaken by Commissioners need to be focused equally towards everyone who seeks appointment to the NICS rather than on particular groups. 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 insofar as its recruitment policies and processes are concerned. The Commissioners believe that openness, fairness and merit in recruitment to the NICS are vital elements in promoting Good Relations within the service and confidence in it by the wider community.

The Commissioners' Strategy to promote good relations consists of 3 main strands:

- 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.

The Strategy sets out key actions in a number of areas (further details provided in Section 1, Target 2) which have been monitored in-year and already there has been

progress. An end of year progress report was published on the Commissioners' website on 2 April 2007.

Initiatives planned in 2007/08

Attracting Candidates Audit

Commissioners will consider the auditors' recommendations regarding attracting candidates and work with the NICS to secure their commitment to implementing an agreed action plan to improve activities to increase diversity within NICS recruitment.

Implementation of 2007-08 Audit Programme

The audit programme for this year will (i) revisit previous audit action plans to quality assure their implementation and the impact, if any, of good practice/improvement recommendations; and (ii) examine the Commissioners' expectations in relation to selection and assessment methods. Both of these audits will identify any areas of non-compliance with the Commissioners' Recruitment Code and make recommendations for improvement, as appropriate.

Implementation of the Good Relations Strategy

The Commissioners have decided that their Good Relations Strategy, which is intended as a 3-year backdrop to their business activities, will be refined and rolled forward each year. Commissioners will therefore do this in the course of the next 12 months.

Implementation of the Disability Action Plan

The Commissioners submitted their Disability Action Plan to the Equality Commission and published it on their website, in June 2007. Commissioners are committed to implementing, monitoring and reviewing progress against the action plan.

Section 1: Strategic Implementation of the Section 75 Duties

Senior management involvement

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

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

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

The following is evidence of progress made against two key targets which the Commissioners had established for the 2006-2007 business year:

Target 1: To monitor implementation of the new Recruitment Code

Following the introduction of the new Recruitment Code in June 2005, the Commissioners programmed an audit to be carried during 2006/07 to examine Principle 1 of the Code, i.e. Appointments should be made on Merit, and to examine how the NICS has satisfied Commissioners' expectations in relation to seeking to attract candidates to apply for positions in the Civil Service. Details of the terms of reference for this audit are provided on page 3. Although this audit has still to be finalised, Commissioners were interested to note the initial findings which indicated that further work is required to take forward and embed diversity within NICS recruitment policy and procedures. Commissioners will, therefore, offer their support to assist the NICS to develop a plan and strategy to address the issues once the audit is finalised.

Target 2: To take forward the Commissioners' Good Relations Strategy and enhance relationships with Section 75 representative groups

Commissioners believe that publication of their Good Relations Strategy helped to demonstrate their commitment to promoting good relations within the scope of their remit to uphold the Merit Principle and to consider appeals from Civil Servants under the Code of Ethics.

Commissioners are fully committed to the promotion of good relations and seek to influence the NICS to encourage diversity and equality of opportunity through their recruitment practices. During the reporting year the Commissioners have continued to use their influence with the Head of the Civil Service, Permanent Secretaries and other senior NICS representatives. They have consulted with them regarding their policies and goals relating to recruitment in order to gain, among other things, an appreciation of diversity issues and outreach measures. The NICS shared the contents of the Article 55 report with the Commissioners which highlighted progress and areas which need to be addressed.

Progress reports on audit recommendations

Commissioners have sought progress reports from the NICS on the implementation of audit recommendations. The Appointment of Disabled Candidates audit identified no areas of direct non-compliance which was a very positive indicator of good processes and practices. There were a number of best practice recommendations on which the Commissioners sought an up-date during the year. This will be re-visited as part of this year's audit programme.

Good Relations Strategy – Outputs

Some of the key activities during 2006-07 which helped promote good relations were:

- The effective induction and training of a new Chairperson and 3 Commissioners to carry out their new roles including the Commissioners' duties under Section 75 and bring new thinking and a challenge role to a wide range of issues;
- The continued development of productive relationships with officials in the NICS through meeting with Permanent Secretaries Group (PSG), PSG Sub-Group and Central Personnel Group. A new tier of meetings has been introduced with the Director of Personnel, Central Personnel Group which has enabled more meaningful engagement on strategic issues. For example, discussions have resulted in the agreement to remove a restriction on internal candidates with poor attendance records applying for open competitions. Work is about to commence on developing further guidance for interviewing panels on the use of competencies in shortlisting and assessment tools for SCS recruitment;
- The agreement, with the NICS and the Commissioners' auditors, on a new approach to auditing against the principle-based Recruitment Code;
- The audit on attracting candidates to the NICS (see above) using the new approach;
- The amendment of the Recruitment Code and introduction of 2007 General Regulations to introduce a new exception to facilitate the re-instatement of former Civil Servants following a period of parliamentary candidature or membership;
- The launch of the Commissioners' new website which is now more accessible and includes a wider range of publications and more regular updates on the Commissioners' work;
- The joint launch, with the NICS, of the new Code of Ethics.

Section 2: Screening

As indicated above, the Commissioners have a very specific remit which focuses on regulating recruitment to the NICS, ensuring that appointments are made on merit in fair and open competition. The Commissioners' 'policy' is their Recruitment Code which was revised in June 2005. It sets out the essential principles on which the Commissioners believe recruitment to the NICS must be based and compliance with it is mandatory. As the Recruitment Code is still relatively new there are no plans to revisit it

at this time. The Commissioners also have the power to consider, and make decisions on, appeals to them under the NICS Code of Ethics, which is an NICS document.

Title of policy subject to screening	Was the <u>F</u>ull Screening Report or the <u>R</u>esult of initial screening issued for consultation? <i>Please enter <u>F</u> or <u>R</u></i>	Was initial screening decision changed following consultation? <u>Y</u>es/<u>N</u>o	Is policy being subject to EQIA? <u>Y</u>es/<u>N</u>o? If yes indicate year for assessment.
No policies were screened during the reporting year (see above).			

Section 3: Equality Impact Assessment (EQIA)

EQIA Timetable – April 2006 - March 2007

Title of Policy EQIA	EQIA Stage at end March 07 (Steps 1-6)	Outline adjustments to policy intended to benefit individuals, and the relevant equality & good relations categories due to be affected.
No policies were subject to EQIA during the reporting year (see above).		

Ongoing EQIA Monitoring Activities April 2006- March 2007

Title of EQIA subject to Stage 7 monitoring	Indicate if differential impacts previously identified have reduced or increased	Indicate if adverse impacts previously identified have reduced or increased
No policies were subject to Stage 7 monitoring		

2007-08 EQIA Time-table

Title of EQIAs due to be commenced during April 2007 – March 2008	Existing or New policy?	Please indicate expected timescale of Decision Making stage i.e. Stage 6
No EQIAs are due to be commenced during April 2007 – March 2008		

Section 4: Training

The Commissioners' Training and Development Strategy states their commitment that all Commissioners and staff will continue to receive awareness training as appropriate. The Commissioners and their Secretariat remain committed to receiving timely training and guidance on issues that will ensure their Section 75 statutory duties are effectively understood and implemented. During the reporting year the following training was provided:

Induction training

The Chair and 3 new Commissioners attended a series of induction sessions and were provided with a comprehensive Induction Pack which outlined the Commissioners' Section 75 responsibilities and the Commissioners' Equality Scheme, 5 year Review and Good Relations Strategy. This training was evaluated during the Commissioners' Business Planning day when they agreed their induction needs had been met. Validation of their training was evident in the robust contributions by Commissioners during discussions on the Disability Action Plan and during in-year reviews of the Equality Scheme.

Recruitment Interview Training

All Commissioners (7) attended Recruitment Interview Training which included equality considerations and an overview of the legislation. The Commissioners found the course extremely informative and have chaired all open NICS Senior Civil Service (SCS) Recruitment Competitions effectively during 2006-07. In their chairing role, the Commissioners have actively raised diversity considerations during the recruitment process e.g. attracting candidates – input into the development of candidate information packs and the placing of advertisements.

Diversity Now

The Chair and the Deputy Secretary were invited to the launch of the NICS Diversity Now Training package. Five of the Commissioners (including the Chair) and a member of the Secretariat subsequently attended a training course which increased awareness of diversity issues and their role in identifying and removing potential barriers to ensure

the promotion of a welcoming, safe working environment which encourages differences and enhances diversity in the NICS.

Masterclass

One of the Commissioners and the Deputy Secretary attended a Diversity Masterclass where Ranjit Sondhi, CBE, from the BBC Board of Governors and a lecturer at the University of Birmingham, spoke on Diversity. This Masterclass was also attended by NICS SCS personnel and was an opportunity to learn about Mr Sondhi's background in both the study and practice of cultural diversity. The session discussed various models of diversity and how best to take culturally-informed approaches to policy and services. Those attending found the events both interesting and informative.

Meeting with the Chief Equality Commissioner

The Commissioners invited the Chief Equality Commissioner to attend one of their business meetings and had a very valuable discussion about equality issues, the implications of the new disability duties and also age discrimination legislation.

Section 5: Communication

The Commissioners report annually on their website details of the progress made in relation to implementation of their equality and good relations duties. In addition, at the beginning of May 2006, the Commissioners published the 5-Year Review of their Equality Scheme detailing positive outcomes which have resulted from taking forward the statutory duties.

During 2006-07 the Commissioners continued to implement their Communications Strategy, increasing awareness of the newly appointed Commissioners and their role including their commitment to fulfilling their obligations under the Section 75 statutory duties.

As mentioned in the previous section, the Commissioners had a very useful meeting with the Chief Commissioner, Equality Commission when matters of mutual interest were discussed including:

- general outcomes of the 5-Year Review of Equality Schemes, and the Equality Commission's Review of the Effectiveness of Section 75;
- new disability duties and the requirement for disability action plans; and
- implications of the new age discrimination legislation.

Section 6: Data Collection & Analysis

The Commissioners rely on the Department of Finance and Personnel to provide recruitment monitoring and statistical information in regard to the composition of the NICS and applications for recruitment competitions. The Commissioners support the

need for the NICS to further develop recruitment monitoring information in relation to a number of the Section 75 Groups.

In chairing competitions for senior appointments, the Commissioners wish to be as informed as possible on diversity issues and trends relating to specific posts. During the reporting year they have liaised with the NICS with a view to ensuring that processes are enhanced to ensure that appropriate statistical information is readily available.

Section 7: Information Provision, Access to Information and Services

All publications are available in alternative formats on request. The Commissioners' website was modified during the reporting year to increase user accessibility.

Section 8: Complaints

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

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

Section 9: Consultation and Engagement

During the period April 2004 to March 2006, the Commissioners consulted and engaged extensively with the public and Section 75 representative groups in relation to the revised Recruitment Code.

Participation in the consultation was limited and public meetings were poorly attended. A conclusion drawn by the Commissioners from the consultation exercises on the revised Code was that there was no strong, widespread public interest in their role and remit and the focus of future consultation exercises should be with key stakeholders and interest groups.

The Commissioners' Recruitment Code encapsulates all major policy around the Commissioners' statutory functions. As the Recruitment Code was still relatively new no policy changes were required and therefore there was no need to consult or engage with any representative groups during the reporting year.

Section 10: The Good Relations Duty

Provide details of additional steps taken to implement or progress the good relations duty during the year. Please indicate any findings or expected outcomes from this work.

Commissioners have a clearly defined area of statutory responsibility and, of necessity, their Good Relations Strategy, published in April 2006, concentrates on general aspects of promoting good relations through encouraging diversity and inclusivity by means of the Commissioners' functions and activities.

The Good Relations Strategy consists of 3 main strands:

- Commissioners 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; and
- appreciating the expectations and concerns of people interested in applying for jobs in the NICS and of stakeholder groups representing their interests.

The Strategy sets out key action points in relation to each of these strands. The Good Relations Strategy implementation plan has been monitored in-year by the Commissioners and was reviewed in November 2006 as part of the business planning process. As a result, the Commissioners plan to revise the 3-year Strategy later in 2007. The end of year position of progress against actions was reported to the Commissioners at the end of 2006-07 and published on their website on 2 April 2007. Details of some of the key activities during 2006/07 are provided on page 8.

Commissioners believe that the Good Relations Strategy helps demonstrate their commitment to promoting good relations when carrying out their responsibilities to ensure appointment on merit and to safeguard ethics in the NICS. They recognise the importance of embracing diversity in attracting candidates to apply to the Civil Service and will continue to use their influence with the NICS and other interest groups to promote good relations and equality.

Section 11: Additional Comments

During the reporting period there have been a number of changes in the composition of the Commissioners. The appointment of a new Chair and 3 new Commissioners have enhanced the existing strong commitment to ensuring equality of opportunity and good relations in all aspects of their work.

The Commissioners are fully committed to using their influence with the NICS to encourage diversity and equality of opportunity through their recruitment practices to help create a Civil Service which broadly reflects the diversity of the community it serves.

Disability Action Plan

The Commissioners submitted their Disability Action Plan to the Equality Commission on 27 June and a copy of it is available on the website. The Commissioners believe development of the action plan and the comments received during the consultation process have enabled them to develop meaningful objectives and actions which can be implemented during the next 3 years. The Commissioners are fully committed to fulfilling their disability duties in all their functions and these will be integrated into work programmes, monitored and reported on a regular basis.