

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

**1 APRIL 2005 – 31 MARCH 2006**

**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 their secretariat to implementing the Equality Scheme and taking forward the Section 75 duties.

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

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

The following is evidence of progress made against two key targets which the Commissioners had established for the 2005-2006 business year:

**Target 1: To launch and implement the Commissioners' new Recruitment Code by 31 July 2005**

Following a thorough review of their Recruitment Code, which included extensive consultation, the Commissioners completed an Equality impact Assessment on their revised Recruitment Code. Letters were issued to specific bodies providing details of how the Commissioners had addressed any issues or concerns raised during the consultation period.

A report detailing the results of the EQIA was published on 6 July 2005 and notices were also placed in the local papers confirming that an EQIA report on the revised Recruitment Code was available. The EQIA report itself was placed on the Commissioners' website.

The Commissioners welcomed the feedback received during the consultation exercise and where practicable, suggestions for amendments were incorporated into the revised Code. The EQIA consultation process has also heightened the Community's awareness of the role and remit of the Commissioners. They are pleased to note that their new Recruitment Code is viewed positively and that there has been no evidence to indicate that it will cause any adverse impact on any of the Section 75 groups.

### **Target 2: To produce a Good Relations Strategy by 30 April 2006**

The Commissioners made a commitment in the Equality Scheme to produce a Good Relations Strategy and they were delighted to publish a Strategy on 27 April 2006. The strategy document can be viewed on the Commissioners' website.

Commissioners believe that the strategy document will help demonstrate their commitment to promoting good relations when carrying out their responsibilities to ensure appointments on merit and to safeguard ethics in the Northern Ireland Civil Service (NICS).

The Commissioners are committed to the promotion of good relations and recognise the importance of embracing diversity and attracting candidates to apply to the civil service through outreach activities. They will continue to use their influence with the NICS and the many other interest groups in the promotion of good relations and equality.

### **Key 2006-2007 Targets**

- To monitor implementation of the new Recruitment Code;
- To address relevant actions arising from the five year review of the Commissioners' Equality Scheme;

- To prepare progress reports on the implementation of the equality and good relations duties under Section 75 for the period 1 April 05 – 31 March 06; and
- To take forward the Commissioners' Good Relations Strategy and enhance relationships with Section 75 representative groups.

### **Direct Resourcing of Section 75 work during 2005–06**

Implementation of the Commissioners' Equality duties is undertaken within existing resources. During 2005-06 the following resources were utilized to undertake Section 75 responsibilities.

<b>Year</b>	<b>Commissioners , Fees</b>	<b>Full Time Equivalent Staff</b>	<b>Trainin g</b>	<b>Activities/ Consultancy / Publications</b>	<b>£'s</b>
2005/0 6	£900	£3,870	£1,785	£1,800	£8,35 5

### **Section 2: Screening & Equality Impact Assessment (EQIA)**

#### **Appointment on merit on the basis of fair and open competition**

In July 2005 the Commissioners issued an EQIA report in relation to their revised Recruitment Code.

#### **Appeals by civil servants under the NICS Code of Ethics**

Initial analysis of the Commissioners' second statutory role persuaded them that this should not be the subject of a full EQIA and should be screened out for the purposes of section 75 groups. A copy of the screening assessment was forwarded to the Equality Commission.

The Code of Ethics is owned by the NICS. It sets out the respective duties and responsibilities of Ministers and civil servants and provides a complaints process for the latter where any civil servant believes they have been asked to act in breach of the Code. If procedures internal to the NICS are not resolved satisfactorily, a civil servant may appeal to the Commissioners.

The purpose of screening is to determine if a policy or action has an impact or is likely to have a significant impact on equality of opportunity for any of the section 75 equality categories. The appeal procedure is available equally to all Northern Ireland civil servants but has been used on just one occasion over the period of the Equality Scheme. There is no evidence to suggest that the absence of appeals by civil servants under the Code of Ethics is due to the fact that the Commissioners are the appellant body or that the appeal process is not accessible on the same basis to any civil servant.

### **Section 3: Training**

The Commissioners and staff continue to remain focused on relevant timely training in order to ensure that their Section 75 statutory duties are effectively implemented. During the reporting year the Commissioners and senior members of the secretariat availed of training provided by the Equality Commission in relation to disability awareness. In July 2005, the Secretary to the Commissioners also attended a Masterclass organised by the NICS which focused on Section 75 of the NI Act. Those attending found the training events to be informative and beneficial.

The Commissioners' Training and Development Strategy emphasises the Commissioners' commitment to ensuring that all staff will continue to receive equality awareness training as appropriate. This will be included as part of the induction programme for the new Chairperson, new Commissioners and new staff as appropriate.

### **Section 4: Communication**

The Commissioners report annually in their Annual Report and on their website details of the progress made in relation to the implementation of the equality and good relations duties.

During 2005-06 the Commissioners implemented their Communications Strategy and this has resulted in an increased awareness of the Commissioners' role.

In autumn 2005 they met with their Irish counterparts, the Commission for Public Service Appointments, when common

areas of interest were discussed including Diversity within the Civil Service. Commissioners continued to meet on a regular basis with key senior personnel within the NICS to discuss and promote strategic and operational areas of interest.

During the year the Commissioners carried out a review of their Publication Scheme. Summary minutes of the Commissioners' business meetings are now available and therefore matters relating to Section 75 are recorded for public information. A review of the Equality Scheme Implementation Plan is undertaken by the Commissioners at alternate business meetings.

The Commissioners wrote to key stakeholders and Section 75 representative groups informing them that they had produced a Good Relations Strategy and that it is accessible via their website.

A new website has been constructed which is more user friendly and should enhance access to information in relation to how the Commissioners implement their Section 75 statutory duties.

## **Section 5: Data Collection & Analysis**

The Commissioners rely on the Department of Finance and Personnel in relation to providing recruitment monitoring and statistical information in regard to the composition of the NICS and applications for recruitment competitions. The Commissioners have noted with interest the commitments made by DFP in meeting its obligation to have due regard to the promotion of equality of opportunity contained in Section 75 of the Northern Ireland Act 1998. In particular, they support the need to further develop recruitment monitoring information in relation to a number of the Section 75 Groups.

In undertaking an EQIA of their revised Recruitment Code the Commissioners consulted formally with the nine equality categories in order to obtain relevant data or information.

Commissioners 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 Recruitment Code have been maintained.

In taking forward their Good Relations Strategy, Commissioners will ascertain from Section 75 Representative Groups any concerns they may have on the effectiveness of the Recruitment Code.

## **Section 6: Information Provision, Access to Information and Services**

All publications are available in alternative formats if desired. An information leaflet detailing the roles and responsibilities of the Civil Service Commissioners is issued by the NICS to each applicant seeking a job in the NICS. During the reporting year Commissioners reviewed their Publication Scheme and as a result additional information about their work is available to the public; e.g. summary minutes of meetings.

A new website has been created for the Commissioners which has been designed to comply with (Cabinet Office) recommendations on website accessibility.

## **Section 7: Complaints**

The Civil Service Commissioners for Northern Ireland have a complaints procedure. 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 8: Scheme Timetable**

The Equality Scheme Implementation Plan is under constant review to ensure that the Equality Scheme commitments are progressed.

## **EQIA of Commissioners' Recruitment Code**

The EQIA on the Commissioners' Recruitment Code was completed and the outcome published in July 2005.

As a result, a new Recruitment Code has been developed which the Commissioners believe will maintain and enhance consistency,

fairness, transparency, accountability and diversity in recruitment practices across the NICS. The vast majority of consultees endorsed the Commissioners' view that appointments to the NICS under exceptions to the merit principle should be kept to a minimum. The Commissioners proposed, and consultees agreed to, a reduction in the number of categories of exceptions.

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.

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.

Commissioners believe, therefore, 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 Section 75 groups.

### **EQIA of Commissioners' Appeals Function**

In October 2005 the commitment to undertake an EQIA of the Commissioners' appeals function under the NICS Code of Ethics was reviewed by the Commissioners following a screening assessment exercise. The assessment indicated that an EQIA of the appeal function was inappropriate as there would be no differential adverse impact in relation to it.

### **Five Year Review of Equality Scheme**

A complete review of the implementation of the Civil Service Commissioners' Equality Scheme was completed during the

reporting year, in line with the guidance and template report provided by the Equality Commission.

The Report to the Equality Commission proposed a review of the Commissioners' Equality Scheme in the light of feedback from the Commission. This review will include a new implementation timetable.

## **Section 9: Consultation, Participation and Engagement**

The Commissioners have a very clearly defined statutory remit which revolves around two main roles. During the 2004-2005 reporting year the Commissioners consulted extensively with the public and representative groups in relation to their proposed revised Recruitment Code. As the Commissioners' remit is very narrow there was no requirement to consult or engage further with representative groups on new equality assessments during the 2005-2006 reporting year. The Commissioners however took this opportunity to meet the new Chief Equality Commissioner and Human Rights Commissioner, and also to review the effectiveness of the consultation carried out during 2004-2005. The following conclusions were reached by the Commissioners and will be borne in mind in future consultations.

Written consultation and focus group meetings produced the most effective and constructive comments and views. Public meetings, despite appropriate advertising were extremely poorly attended and were therefore least effective bearing in mind the resources required to run them. Focus groups were effective but representation at them was relatively narrow, the vast majority of attendees being HR practitioners from the NICS.

Those individuals or organisations genuinely affected or interested in the work of the Civil Service Commissioners did make the effort to communicate their views and comments in a way which suited all parties. The Commissioners believe, however, that presently there is no strong, widespread public interest in the role and remit of the Civil Service Commissioners and that the public's interest is generally more focused on health, education and environmental issues.

No means of consultation has been identified which was preferred by particular Section 75 categories. As mentioned above, the vast

majority of consultees had no interest in the subject. A further group – due mainly to resource constraints – indicated that they had to prioritise consultation processes and respond accordingly, while a third, small group of around 20 stakeholders responded in writing.

## **Section 10: The Good Relations Duty**

As mentioned above, during the reporting year, the Commissioners developed a Good Relations Strategy which has recently been published. The Commissioners believe that the strategy is being put in place at an opportune time when there are many positive points to make about the opportunities to develop good relations in Northern Ireland.

The strategy document identifies key actions which the Commissioners intend to take forward during forthcoming years. A sample of these key actions is as follows:

- 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;
- keep under review numbers appointed to the NICS under exceptions to the merit principle and for what reasons;
- identify and, where appropriate, encourage the use of positive messages to attract candidates from under-represented groups to apply for appointments to the NICS;
- publish the Commissioners' Communications Strategy to identify those groups with whom constructive relationships are being nurtured; and
- monitor the impact of the new Recruitment Code on recruitment practices to the NICS and amend it, when necessary.

Key stakeholders have been made aware of the Strategy and that it is available at [www.nicscommissioners.org](http://www.nicscommissioners.org).

## **Section 11: Additional Comments on Mainstreaming**

The Commissioners are fully committed to ensuring equality of opportunity and good relations in all aspects of their work. As custodians of the “Merit Principle” in relation to NICS

appointments, the Commissioners and their secretariat are very focused on ensuring equality, diversity and inclusivity.

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.