

# SUMMARY REPORT OF THE OCSC REVIEW OF THE CIVIL SERVICE COMMISSIONERS' EQUALITY SCHEME DATED 16 JUNE 2022

## Introduction

1. The Civil Service Commissioners for Northern Ireland are regarded as a public authority for the purposes of *Section 75 of the Northern Ireland Act 1998*, by virtue of the fact that the Commissioners are a listed authority at Schedule 3 of the Public Services Ombudsman Act (NI) 2016.
2. Under Schedule 9 of the Northern Ireland Act 1998, designated public authorities are required to submit an equality scheme to the Commission. An equality scheme is a statement of the public authority's commitment to fulfilling its Section 75 statutory duties and describes arrangements that a public authority has set-up and which it is obliged to apply and follow as a means of fulfilling the duties imposed on it by Section 75(1) and (2). i.e. the duties to have:
  - due regard to the need to promote equality of opportunity, and
  - regard to the desirability of promoting good relations.
3. Public authorities are obliged to review their schemes periodically:

*"A public authority shall, before the end of the period of five years beginning with the submission of its current scheme, or the latest review of that scheme under this sub-paragraph, whichever is later, review that scheme and inform the [Equality] Commission of the outcome of the review." (Northern Ireland Act 1998, Schedule 9, paragraph 8(3))*

4. This means that:
  - the first review must be done within 5 years of a public authority's current equality scheme being submitted to the Commission for approval;
  - further reviews must be done periodically after that, with a later review being done within 5 years of a previous review; and
  - the Commission must be informed about the outcome of each review.

## The Review

5. The Secretariat had conducted a review of the Commissioners' Equality Scheme dated 25 July 2012. The previous review of the scheme occurred in December 2016. The Secretariat is content that the scheme is an effective scheme that assists Commissioners to fully comply with their Section 75 duties. The Scheme reflects the size, scale and nature of the Commissioners' statutory remit with regard to regulating recruitment to the NICS and hearing appeals under the NICS Code of Ethics.
6. Equality Commission guidance on conducting a 5 year review of an equality scheme advises that the Commission is provided with a summary of the main findings of the review in relation to:

- how the scheme's implementation has benefitted individuals within the Section 75 groups
- how leaders within the authority are engaged in the scheme's implementation
- challenges and how they have been overcome
- lessons learned, and
- good practice.

### **How the scheme's implementation has benefitted individuals within the Section 75 groups**

7. The Commissioners' commitment to issues of diversity, inclusivity and equality of opportunity are regarded as central to the Merit Principle and are embedded within the Recruitment Principles which reflects Commissioners' commitment to fulfilling their obligations to promote equality and good relations.
8. The Commissioners' Recruitment Code must be adhered to by everyone involved in open recruitment and selection to the NICS. It is the Commissioners' firm view that adhering to the Code will ensure:
  - appointments to the NICS are made on merit, on the basis of fair and open competition;
  - the best people are recruited for the posts available;
  - the NICS's workforce reflects the diversity of Northern Ireland society; and
  - the promotion of equality and good relations.
9. Appointments to the NICS must be made in line with the expectations set out in the Commissioners' Recruitment Code. Commissioners have a duty to audit NICS Recruitment policies and practices followed in making appointments to the NICS to establish whether the Recruitment Code is being observed. Commissioners do so by developing an annual Audit Plan. Implementation of the plan is monitored and reported upon at each quarterly business meeting.
10. The statutory duty placed upon Commissioners to ensure that the principle of selection on merit on the basis of fair and open competition is maintained can best be discharged by Commissioners chairing all open SCS competitions.
11. Commissioners are committed to continuing to work in close partnership with all key stakeholders to uphold the Merit principle and promote public confidence in NICS recruitment. Commissioners also seek to influence and encourage the NI Civil Service to take proactive measures to promote equality of opportunity and good relations throughout all stages of the recruitment process.
12. Commissioners have a particular interest engaging with the NICS in relation to diversity and inclusion activities to ensure that, where possible, barriers to recruitment are identified and strategies are developed to address such barriers. Commissioners and representatives of NICS HR established the Recruitment and

Selection Transformation Group in December 2021, primarily in response to recommendation 3.4 of the NIAO's Report on Capacity and Capability in the NICS. The group facilitates formalised discussions on how best Commissioners can support the NICS transformation agenda in creating pathways to employment within the NICS for people with disabilities and other disadvantaged groups. In addition, Commissioners and the Secretariat regularly engage with the NICS Diversity and Inclusion team on matters of mutual interest.

13. Throughout the past year, Commissioners have engaged positively with NICSHR and have amended their Recruitment Code to facilitate and support a number of initiatives aimed at making the NICS an exemplar employer in relation to the Disability at Work Strategy. The proposed changes will also benefit other disadvantaged groups within society as the NICS develops its programmes.
14. Changes to the Recruitment Code, which are soon to be published, include the following:
  - The insertion of a positive statement:-  
“Commissioners support the application of positive actions to promote equality of opportunity for people with disabilities who may otherwise have difficulty gaining access to employment in the NICS. They welcome the fact that the effect of the Disability Discrimination Act 1995 is to ensure that the appointment of persons with a disability to situations in the Northern Ireland Civil Service is in accordance with the merit principle.”
  - Amendments to Regulation 3(e) – Where the person has been selected for an appointment under the government programmes and initiatives.
15. All amendments to the Recruitment Code have been equality screened to assess whether or not the proposed amendment(s) will have any adverse impact on any of the Section 75 categories.
16. Through the promulgation of the Recruitment Code and auditing compliance with the Code in line with the Commissioners' Equality Scheme commitments all individuals within the section 75 groups should benefit.
17. At a corporate level the Commissioners' Business Plans have a standing objective to fulfil all statutory equality responsibilities and encourage the NICS to promote diversity, equality and good relations via the recruitment process.

## **How leaders within the authority are engaged in the scheme's implementation**

18. Commissioners attach particular significance to issues of diversity, inclusivity and equality of opportunity which are central to the Merit Principle and embedded within the Recruitment Principles.
19. Commissioners seek to influence and encourage the NI Civil Service to take proactive measures to promote equality of opportunity and good relations throughout all stages of the recruitment process particularly through their "Article 6" authorisation process which is a key element in the Commissioners' approval for all appointments to the Senior Civil Service.
20. Commissioners equality screen all policy decisions and consult on them as deemed appropriate, taking action if required to mitigate against any adverse impact. Given the nature of Commissioners' responsibilities, policy decisions tend to be advantageous to Section 75 groups.
21. Job descriptions and performance plans for the CSCNI staff refer to their responsibilities in relation to the discharge of the Section 75 statutory duties and implementation of the Equality Scheme. Targets relating to equality duties and responsibilities are included in forward job plans which are reviewed bi-annually.
22. Staff attend training aimed at raising their awareness of the CSCNI's statutory duties and attend seminars, training courses and virtual training events, as appropriate, to ensure they are kept informed about any developments in relation to Equality legislation, case law, policy advice and best practice. Some of this is provided by the ECNI.
23. Due to the ongoing effects of the Covid-19 pandemic throughout 2020 and 2021 and the restrictions imposed, face-to-face engagement and training opportunities were necessarily limited. However, Commissioners and the Secretariat took advantage of virtual training sessions and workshops made available throughout the year by the Equality Commission, the NICS, the NIO and the UK Civil Service.
24. The effective discharge of Section 75 statutory duties is reviewed annually through the annual performance reviews of Commissioners and the Secretariat staff.
25. Commissioners' commitment to promoting equality of opportunity and good relations is demonstrated through their proactive engagement activity, policy review and training undertaken over the years. This includes training sessions provided by the ECNI, engagement meetings with Equality Commission Commissioners and engagement meetings with a number of stakeholders representing Section 75 groups. More recently, Commissioners attended the 2 day Harkin International Disability Employment Summit which included presentations, showcases, panel discussions and workshops under an overarching theme of 'Disability: Shaping, Growing and Driving Economic Change'.

26. The Civil Service Commissioners (NI) Order 1999 and the Commissioners' Recruitment Code require NICS Departments and Agencies to publish a wide range of information and statistical summaries regarding recruitment to the NICS. Amongst other things, Commissioners require the following information to be published:

- statistical summaries, in a format which the Commissioners may specify, of all recruitment activity during the publication period, including analyses by all categories covered by Section 75 of the Northern Ireland Act 1998;
- any actions or initiatives undertaken in the reporting year to attract candidates, and advance a recruitment- related agenda for diversity, inclusivity and equality of opportunity and which specifically target areas of under representation; and
- a report on the outcomes as a result of any such actions or initiatives.

27. The Commissioners' Equality Scheme, Equality Scheme Action Plan and Disability Action Plan are reviewed annually and an annual progress report in relation to Statutory Equality and Good Relations duties is submitted to ECNI in August each year.

### **Challenges and how they have been overcome**

28. The turnover of CSCNI staff has presented challenges in maintaining corporate knowledge of the Commissioners' Equality Scheme. These challenges are addressed by the provision of a comprehensive induction process that places a particular emphasis on the Section 75 equality duties and signposts relevant guidance both internal and external. Commissioners are reminded of their Equality and Disability commitments during Commissioners' Business Meetings and at their Annual Business Planning Meeting, thus ensuring a good understanding of both the Commissioners' and Secretariat's Equality and Disability responsibilities and objectives.

29. The Covid-19 pandemic has without a doubt posed a challenge not only in curtailing the opportunities for engagement and face to face training but also in relation to how the team worked together and communicated with each other. In March 2020 along with the rest of the UK, Commissioners and the Secretariat adapted to working from home. Both Commissioners and the Secretariat met and communicated online, while continuing to provide an efficient and effective service.

30. In November 2020, the Northern Ireland Audit Office (NIAO) published its report on Capacity and Capability in the NICS. Commissioners' role in recruitment and selection was mentioned in the recommendations contained in the Report, which was then scrutinised by the Public Accounts Committee. The Committee's findings were published on 20 May 2021, recommending that Commissioners "explore with the NICS how best they can support the delivery of change and transformation in recruitment and selection processes and other related areas" and suggesting that "Commissioners should exercise their role more strategically"

which may require changes to be made to the legislative framework which governs Commissioners' work. Commissioners felt this recommendation could best be achieved by working closely with NICSHR and together they formed the Recruitment and Selection Transformation Group which meets at least quarterly to further the Recruitment and Selection transformation agenda within the NICS to the benefit of all section 75 groups throughout Northern Ireland.

### **Lessons learned and Good practice**

31. The Commissioners and Secretariat aim to keep abreast of issues and developments that may impact on the delivery of the Commissioners' Statutory duties by subscribing to the ECNI's Newsletters and attending ECNI and other related training. They further schedule and attend an annual bespoke Section 75 awareness raising session, provided by ECNI staff, which focuses on recruitment and selection and other workplace issues. Commissioners have prioritised and organised an Equality and Disability Awareness and Update session to be delivered by the Equality Commission in September 2022.
32. Commissioners also meet with Equality Commission Commissioners periodically to discuss issues of mutual interest. In discharging their statutory remit in relation to the protection of the Merit Principle Commissioners hold engagement meetings with stakeholders such as the Equality Commission and Disability Action.
33. Commissioners report on their activity each year in their Annual Report.