



**CIVIL SERVICE COMMISSIONERS  
FOR NORTHERN IRELAND**

**NORTHERN IRELAND CIVIL SERVICE  
CODE OF ETHICS**

**CIVIL SERVICE COMMISSIONERS'  
CORE GUIDANCE**

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## 1. Introduction

This guidance sets out the process that the Civil Service Commissioners for Northern Ireland (the Commissioners) will follow when considering appeals from existing civil servants under the Northern Ireland Civil Service (NICS) Code of Ethics. It is not exhaustive. Issues raised under the Code can be wide-ranging and require a flexible approach.

Reference may also be made to two further Guidance documents issued by the Commissioners:

- NICS Code of Ethics: Guidance for Appellants

This is written to assist existing civil servants who are considering bringing an appeal to Commissioners.

- NICS Code of Ethics: Guidance for Departments

This is written to advise Departments on the appeals process and the possible outcomes.

These two Guides are supplementary to the Core Guidance. Where a subject has been fully described in one of the two Guides it may not be repeated here.

## **2. The role of the Commissioners in hearing appeals under the NICS Code of Ethics**

The NICS Code of Ethics sets out the core values of the Civil Service and gives illustrations of the standards of behaviour expected from existing civil servants. It also explains the duty placed upon departments to make existing civil servants aware of the Code and its values. Departments must consider concerns raised by existing civil servants under the Code and must ensure that existing civil servants are not penalised for raising such concerns.

The Civil Service Commissioners (Northern Ireland) Order 1999 outlines the functions of the Commissioners when hearing appeals by an existing civil servant under the Code of Ethics:

### *Article 5 Paragraph (2)*

*The Commissioners may –*

- (a) regulate their own procedure;*
- (b) require parties to any appeal or to any investigation occasioned by an appeal to provide such information and other assistance as the Commissioners think necessary or appropriate; and*
- (c) make recommendations.*

### *Article 5 Paragraph (3)*

*The Commissioners –*

- (a) shall publish annually a report of the number of appeals made to them under the Code of Ethics together with summary information as to the nature of such appeals; and*
- (b) may make such reports on appeals to them under the Code of Ethics as they think fit.*

### 3. Some Definitions

In this Guidance and in the two further Guidance documents produced by the Commissioners - 'The NICS Code of Ethics: Guidance for Appellants' and 'The NICS Code of Ethics: Guidance for Departments' the following words are intended to have the meaning set out below:

**Concern** Any issue raised by an existing civil servant which he/she considers to relate to the values and standards of behaviour described in the NICS Code of Ethics. When raising a concern the existing civil servant must state how they consider their concern relates to the NICS Code of Ethics.

A concern is different from a grievance which usually relates to a human resources management issue and is not covered by the provisions of the Code – see *Section 4*.

**Appeal** A concern that is brought to the Civil Service Commissioners to investigate and which is accepted by the Commissioners as fitting the criteria described in the Code.

**Department** The organisation that employs existing civil servants who are under contract subject to terms set out in the NICS HR Handbook and therefore subject to the NICS Code of Ethics. This can include Arms Length Bodies, Executive Agency etc.

#### **4. Why are human resources issues not covered by the NICS Code of Ethics?**

The NICS Code of Ethics states that the Civil Service core values:

*support good government and ensure the highest possible standards in all that the Civil Service does. This in turn helps the Civil Service to gain and retain the respect of Ministers, the Assembly, the public and its customers.*

Thus the NICS Code of Ethics is concerned with the out-ward-facing roles of existing civil servants rather than their internal relations. There will therefore be a public interest dimension to a concern raised under the Code.

It will be noted that Departments will usually have their own mission and values statements that explain the standards expected in relations between existing civil servants. In addition, the relationship between an existing civil servant and their employing department will be subject to employment legislation and Departments will usually have grievance procedures in place to deal with such matters. These are inward facing relationships and in the ordinary course of events they do not have a public interest dimension.

Nevertheless the Commissioners recognise that it is not always easy to make this clear cut distinction between a human resources management issue and a concern under the NICS Code of Ethics. Situations which primarily touch on an individual's employment may in certain circumstances also have a public interest aspect. However, we will require to be satisfied that there is a demonstrable and significant public interest relating to any individual human resources grievance before we consider an appeal under the NICS Code of Ethics.



## **5. The approach of the Commissioners to the investigation of appeals**

The Commissioners aim to ensure that these procedures adhere to best practice among organisations discharging similar functions. The procedures have been formulated with particular regard to the British and Irish Ombudsman Association's (BIOA) 'Guide to Principles of Good Complaint Handling' and The British Standards Institute's 'Whistleblowing Arrangements Code of Practice PAS (1998:2008)'.

In formulating their approach the Commissioners have sought to follow the BIOA's seven principles of good complaint handling:

- Clarity of purpose
- Accessibility
- Flexibility
- Openness and Transparency
- Proportionality
- Efficiency
- Quality Outcomes

## **6. Factors which Commissioners will consider before taking an appeal**

In determining whether a concern should be accepted as satisfying the criteria to be taken forward as an appeal Commissioners will look at the following in particular:

- (a) confirmation that your appeal arises from the fact that you are an existing civil servant;
- (b) confirmation from your department or agency that all the necessary internal procedures set in place for handling matters of concern under the Code of Ethics have been properly exhausted or, alternatively, consideration of your reasons for appealing directly to the Commissioners;
- (c) confirmation that the appeal has been received within the specified time limits including consideration of any extenuating circumstances if the appeal is received outside the time limits; and
- (d) an evaluation of the nature of the appeal to confirm that it is a matter which falls within the parameters of the Code of Ethics. Further information may be sought from you if necessary.

## **7. Exercising the responsibilities of the Commissioners under the NICS Code of Ethics**

The responsibilities of the Commissioners under the NICS Code of Ethics may be delegated by the Commissioners to one or more Commissioners or to a member of the Secretariat.

The Commissioners may also ask outside experts to assist in dealing with an appeal.

The investigation and decision making processes on individual appeals may vary as the Commissioners will seek to apply a process most suitable to the facts of each particular case. Listed below are a number of common stages of the process together with an indication of who will usually be acting for the Commissioners at these stages.

<b>Stage of process</b>	<b>Commissioners representative(s)</b>
Enquiries and queries	Secretariat – Phone 028 90523599
Receipt of concern	Secretariat
Requests for more information if validity of concern is not clear	Secretariat
Acceptance of a concern as an appeal	Commissioner or group* of Commissioners
Decision on methodology of appeal investigation	Commissioner or group of Commissioners supported by the Secretariat
Investigation of an appeal	Commissioner or group of Commissioners supported by the Secretariat and outside experts if required
Decision on appeal and recommendations	Commissioner or group of Commissioners
Notification of appeal outcome and recommendations	Commissioner or Secretariat on behalf of Commissioners
Monitoring of Commissioners' recommendations	Commissioners supported by the Secretariat
General notification of appeal outcome	Commissioners in their Annual Report

\* group relates to two or more Commissioners

## **8. Service standards (times)**

The Commissioners will aim to deal with all enquiries and concerns in a timely manner.

Given the wide variety of circumstances that can give rise to an appeal it is not possible to give a precise timetable setting out when an appeal will be investigated and determined. However, the Commissioners will in the first instance seek to establish good and regular communications with those seeking to bring an appeal and subsequently with departments or agencies with a view to keeping all parties informed of the progress of an investigation.

The Commissioners will at all times provide appellants and departments with a firm indication of when the next stage of an investigation will take place. When seeking information the Commissioners will provide target dates by which a response is required.

Where an existing civil servant wishing to bring an appeal and the relevant departments are awaiting a response from the Commissioners, they will receive a target date for that response. If the Commissioners are not able to respond within the timescale indicated a revised date will be provided.

The intended response time standards for significant stages of the process to which the Commissioners will aim to work are set out below:

### **(a) Acknowledging a concern**

All concerns will to be acknowledged within 3 working days of receipt.

The letter or e-mail of acknowledgment will indicate a timetable for the next or subsequent stages of the consideration of the concern.

### **(b) Acceptance, rejection or clarification of a concern as an appeal**

Within 20 working days of the receipt of a concern the Commissioners will provide an initial response. Possible outcomes are:

- 1) Request for more information where this would assist in determining whether the concern should be accepted or rejected.
- 2) Request for information as to whether the concern has been raised internally and, if so, what was the outcome.
- 3) Concern not accepted as an appeal and the reason for non-acceptance explained e.g. the issue does not appear to be one

under the NICS Code of Ethics or the appellant is not an existing civil servant.

4) Concern accepted as an appeal.

**(c) Investigation of an appeal**

This is the stage of the process where it is most difficult to be precise about the timetable. The Commissioners may need to go back to the existing civil servant bringing the appeal and the department several times to seek further information in order to assist its understanding of the facts of the case.

However, as a rule, the aim is that this stage of the process should be accomplished within 20 working days and the target dates provided to appellants and departments should reflect this.

It should be noted that where the investigation produces evidence of criminal activity, this will be passed on to the appropriate authorities, including, where appropriate the Police Service of Northern Ireland.

**(d) Decision**

The decision on an appeal should be made and communicated to the appellant and the department within 20 days of completion of the last stage of the investigation.

**(e) Appeal against the Commissioners' findings**

There is no appeal against the decision of the Commissioners in a NICS Code of Ethics appeals case. In those circumstances Commissioners will decline to enter into a protracted correspondence with a department or the existing civil servant about the decision, particularly where the parties have been given an opportunity to comment on the factual accuracy of the preliminary determination of facts.

## **9. Service Standards (behaviours)**

The Commissioners will strive to treat all existing civil servants and members of the public according to the highest standards of behaviour, which will include:

- 1) Politeness
- 2) Efficiency – adhering to the standards established by the Commission
- 3) Openness – being pro-active in providing relevant information
- 4) Fairness – providing the same high standards to all without favour or discrimination
- 5) Honesty – stating the facts of a situation clearly
- 6) Clarity – communicating in ways that are easy to understand

## **10. Publication of Reports on Appeals**

The Commissioners will include in their Annual Report an account of the number of appeals that have been considered that year together with summary information relating to those appeals. Commissioners may decide to report separately on a particular case, for example, to convey best practice lessons or where a department or agency decline to accept a recommendation arising from our findings. Wherever possible, this will be done in a way that does not disclose the identity of those involved in the case. Commissioners may also report on the number of concerns dealt with within Departments which have not been forwarded to Commissioners.



## **11. Reviews of service**

The Commissioners will undertake periodic reviews of the levels of service they provide in discharging their statutory duties in relation to appeals under the Code of Ethics.

The timing of a review will be determined by a number of factors, including: the volume of appeals received; any developing trends; any perceived barriers to accessibility; any perceived inadequacies in the quality of service; and any significant change in the regulatory landscape in which the Commissioners operate. There will be at least one review every five years i.e. at least one review within the term of service of each Chairperson of the Commissioners. The form of review will be determined at the time.

Active consideration will be given to seeking the views of participants in the appeal process: both appellants and departments.

## **12. Vexatious and unreasonable concerns**

The Commissioners are committed to providing an efficient and responsive appeal process under the NICS Code of Ethics.

The Commissioners recognise a responsibility to all appellants and potential appellants. However vexatious and unreasonable requests can have the effect of reducing the Commissioners' ability to provide an appropriate standard of service to all, by commanding a disproportionate share of resources. Accordingly the Commissioners will not accept concerns which they consider, in all the circumstances of the case, to be vexatious or unreasonable.

Factors which will determine whether a concern is viewed as vexatious and unreasonable will depend upon all the facts of the case but some of the factors that may be significant in reaching this judgment include:

- Whether the concern has the effect of harassing the Commissioners or Secretariat or of causing distress.
- Whether the concern appears designed to cause disruption or lacks any serious purpose or value.
- Whether investigating an appeal would impose a significant burden on the Commissioners out of proportion to the alleged breach of the Code.