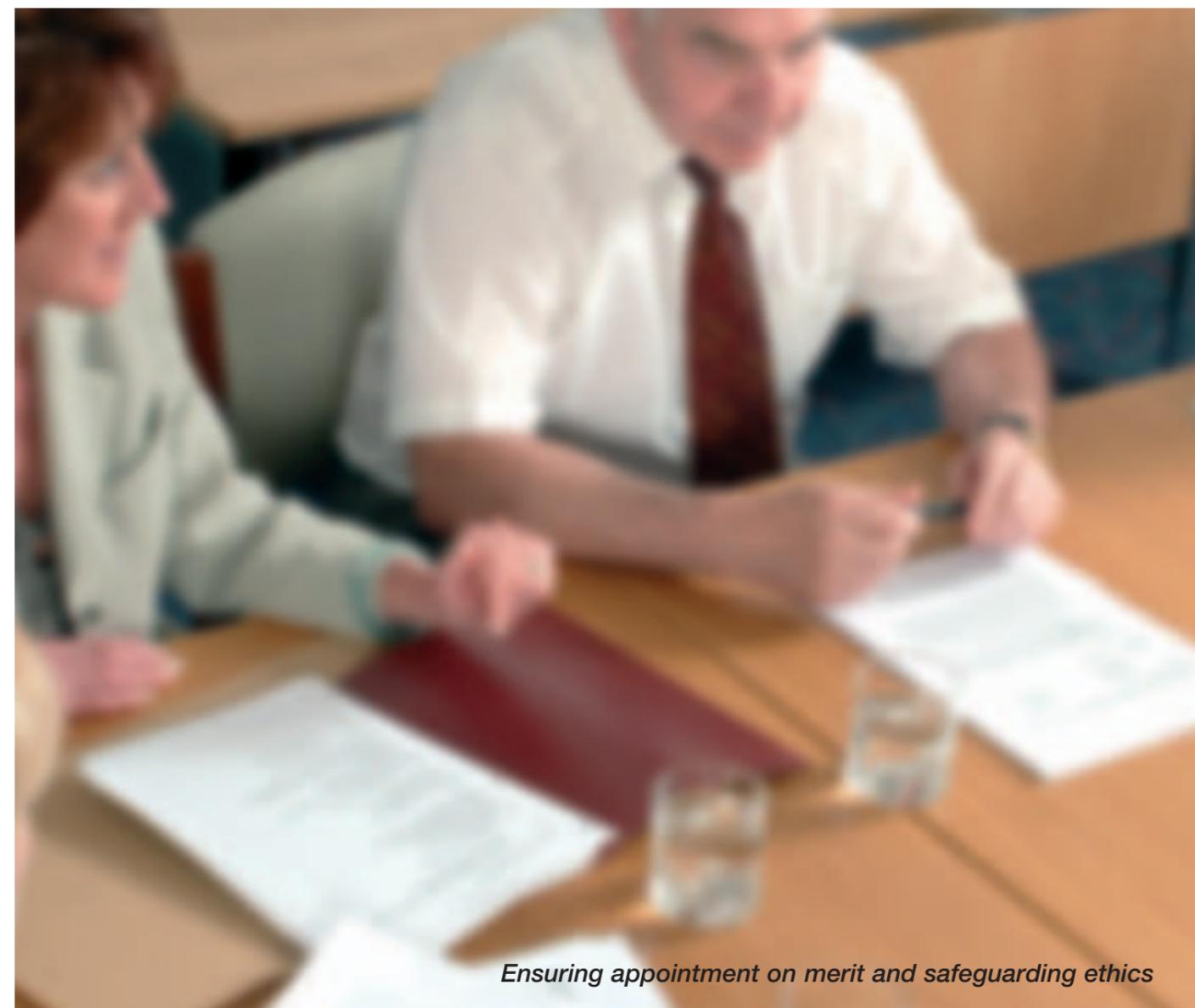




CIVIL SERVICE COMMISSIONERS
FOR NORTHERN IRELAND

ANNUAL REPORT 2003/2004

CIVIL SERVICE COMMISSIONERS FOR NORTHERN IRELAND



Ensuring appointment on merit and safeguarding ethics

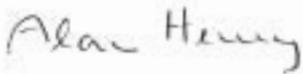
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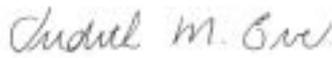
CIVIL SERVICE COMMISSIONERS
FOR NORTHERN IRELAND

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**We, Your Majesty's Civil
Service Commissioners for
Northern Ireland, present to
Your Majesty this report on
our work in the period from
1 April 2003 to March 2004.**



Mr Alan Henry



Mrs Judith M Eve, OBE
Chairperson



Mr Sid McDowell, CBE



Mr Brian Carlin, OBE



Mr John Steele, CB, OBE, TD, DL



Mrs Margaret M Elliott, CBE

CSC NI

CIVIL SERVICE COMMISSIONERS
FOR NORTHERN IRELAND

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Civil Service Commissioners are appointed by the Crown to uphold the principle that selection for appointment to posts in the Civil Service should be on merit on the basis of fair and open competition.

1. The Civil Service Commissioners for Northern Ireland



Mrs Judith M Eve

OBE

First appointed in 1993, graduated from Queen's University, Belfast in 1971 with an LLB degree and qualified as a Barrister-at-Law in 1973. Mrs Eve was employed by Queen's University until 2002, firstly as a legal academic then as International Liaison Officer. She has served as a Mental Health and as an Equal Opportunities Commissioner for Northern Ireland and as a non-executive Director of North and West Belfast Health and Social Services Trust. Currently, she is a part-time Chairman of The Appeals Service Northern Ireland, and a Director of BIH Housing Association. Mrs Eve was appointed Chairperson of the Northern Ireland Civil Service Commissioners in 1998.



Mrs Margaret M Elliott

CBE

Appointed in 1996, graduated from Queen's University Belfast in 1973 with an LLB degree and was admitted to the Roll of Solicitors in 1976. Mrs Elliott is a partner in a firm of solicitors with its practice in Newry. She is a past President of the Law Society of Northern Ireland and currently a non-executive Director of Northern Bank Ltd. She is also Chairman of the National Museums and Galleries of Northern Ireland and was a Fair Employment Commissioner until June 1999. In January 1999, Mrs Elliott was appointed a non-executive Director of National Irish Bank in Dublin.



Mr Sid McDowell

CBE

Appointed in 1999. Mr McDowell was Deputy General Secretary of the Northern Ireland Public Service Alliance from 1976 to 1994 and Chairman of the Northern Ireland Housing Executive from 1995 - 2004. He is Chairman of both the Local Government Staff Commission for Northern Ireland and the Rethinking Construction Centre (Northern Ireland). He is President of the Northern Ireland Association of Citizens Advice Bureaux, Vice-President of the Association for Spina Bifida and Hydrocephalus (NI) and a member of the Management Board of Threshold, the mental health charity. Mr McDowell is also a non-executive Director of AssetCo.



Mr John Steele

CB OBE TD DL

Appointed in 1999. Mr Steele retired as Senior Director of the NIO (Belfast) in September 1998 having occupied the post from September 1996. Before that he was Director (Security) in the NIO from 1992, and Controller of Prisons from 1987 to 1992. He was Director of the Northern Ireland Court Service from 1982 to 1987 and before that held a variety of posts in the Northern Ireland Civil Service. He is currently Chairman of Bryson House the Northern Ireland Charity and also holds a number of other voluntary posts.



Mr Brian Carlin

OBE

Appointed in 2002, worked for 43 years in Bombardier Shorts before retiring in 1996 as Executive Vice-President. In October 1996 Mr Carlin was appointed Chairman of the Central Services Agency and served for a period of seven years. He also serves on the Northern Ireland Council for Curriculum, Examinations and Assessment and the Northern Ireland Management Council and Leadership Network. Mr Carlin was appointed to the Equality Commission in August 2003.

Mr Carlin acts as an Industrial Tribunal Panel Member and serves on the Board of Maydown Precision Engineering in Derry. Other Voluntary Sector interests include acting as a Trustee for the Bytes Project and as a Trustee of the Bombardier Shorts Charitable Foundation. Mr Carlin was recently elected a trustee of the Bombardier Shorts Pension Fund.



Mr Alan Henry

Appointed in 2002. Worked in Royal Mail for 35 years before retiring in 2003 as Head of Human Resources. He has been a Commissioner of the Equality Commission since 1999 and is former Chair of the Equality Forum. He is a Member of the Industrial Tribunals Panels. Mr Henry is also a member of the Lord Chancellor's Advisory Committee on Lay Magistrates and a Member of the Department of Education Schools Inspection Teams. He is also an Assessor for the National Clinical Assessment Authority. Mr Henry is currently a Human Resources consultant specialising in recruitment and selection, as well as equality and diversity.

2. Chairperson's Foreword

The year 2003-2004 has been one of exceptional activity. The Commissioners decided to review their current Recruitment Code for appointments to the Northern Ireland Civil Service to ensure that it embodied best practice and met the changing recruitment needs of the NICS. As the Commissioners have statutory responsibility for upholding the principle of selection for appointment on Merit on the basis of fair and open competition, consideration of the Merit Principle and analysis of its application internationally formed a major part of the work. The draft revised Code differs considerably from the current Code as it is principle-based, rather than prescriptive.

A major consultation exercise on the draft revised Code was launched at a seminar at the end of March 2004 followed by a series of small focus groups representing civil and public servants, as well as Section 75 interest groups, at various locations around Northern Ireland. We look forward to the outcome of our consultation exercise and to the finalisation of the new principle-based Recruitment Code effective from Spring 2005.

In the context of the public consultation we produced an information leaflet about the Commissioners and their responsibilities, for wide distribution throughout Northern Ireland and also launched a new logo to reflect a more contemporary image for the Commissioners. Appendix D provides a brief report to the Equality Commission of the work undertaken in the past year on implementation of equality and good relations duties under Section 75 of the Northern Ireland Act 1998.

During the year 2003-2004 the Commissioners developed further their links with departments in the Northern Ireland Civil Service through meetings with individual Permanent Secretaries to learn about the challenges facing each department, particularly relating to recruitment. We liaised regularly with our counterparts in Dublin and London and our last visit to the UK Commissioners was particularly beneficial in sharing experiences of our role and responsibilities. We look forward to continuing to raise the profile and work of the Commissioners through meetings with other interested parties.

We received prior notification in 2003-2004 of a Generic Grade 5 competition to appoint to a number of posts in the Senior Civil Service. All Commissioners participated as independent selection panel members in stages of the process. We will be interested in the evaluation of this pilot exercise which may have implications for the content of our Recruitment Code and for NICS procedures in relation to appointments to the Senior Civil Service.

We have commenced discussions with the Civil Service in relation to their review of the existing NICS Code of Ethics governing the values and behaviour of civil servants. We wish to contribute to the development of a more robust Code of Ethics and to develop appropriate guidance for civil servants who wish to make an appeal to the Commissioners under that Code. The eventual launch of a new Code of Ethics should provide an opportunity to promote widely the existence and purpose of such a Code and to offer assurance to the public and to civil servants of the Commissioners' role to ensure that the NICS maintains the highest level of integrity and standards of conduct.

The Commissioners noted with interest the recommendations by the Committee on Standards in Public Life (formerly the Wicks Committee) in its Ninth Report, on promotion of the Code of Ethics by departments and a proposed enhancement of the role of the UK Commissioners. In its response, the Government accepted many of the recommendations in the Report. The Civil Service Bill, published on 5 January 2004 by the Public Administration Committee of the House of Commons, contains proposals to give the UK Civil Service Commissioners power to investigate, on their own initiative, alleged breaches of the Code of Conduct. We will watch the Bill's progress with interest although note that it has not currently secured support for Second Reading.

We have continued our programme of thematic audits across departments of the NICS, looking at aspects of recruitment practice. As in previous years, these have raised interesting issues as discussed in Section 7. We include some examples of best practice which we hope will be considered by all Northern Ireland Civil Service recruiting points. This section also outlines the themes that we intend to audit in the year 2004-2005.

It would not be possible to undertake this range of work without the support, diligence and commitment of my fellow Commissioners and of staff in the Office of the Civil Service Commissioners. I should like to take this opportunity to acknowledge their input and to thank them. I should also like to express my thanks to Mr Nigel Hamilton, Head of the Northern Ireland Civil Service, and all Permanent Secretaries, Personnel Directors and staff in the Northern Ireland Departments and Agencies, for their co-operation throughout the year.



JUDITH EVE
Chairperson

3. Authority and responsibilities of the Civil Service Commissioners for Northern Ireland

Civil Service Commissioners for the United Kingdom were first appointed in 1855 to improve the efficiency of the Civil Service by ensuring that selection for appointment to posts was made on merit, in fair and open competition. The objective was to eliminate the, then, not uncommon practice of appointment of friends and/or family, or for favours, without regard to ability.

Civil Service Commissioners for Northern Ireland were appointed in 1923. Northern Ireland Commissioners currently derive their powers from prerogative Orders made by the Secretary of State. The Civil Service Commissioners (Northern Ireland) Order 1999, which is reproduced in full in Appendix A, sets out the principle that - "... a person shall not be appointed to a situation in the Civil Service unless... the selection ... was made on merit on the basis of fair and open competition.". The Order gives Commissioners the responsibility to maintain this important principle, known as "The Merit Principle".

The Order provides for Commissioners to discharge their responsibilities by:

- making General Regulations;
- publishing and maintaining a Recruitment Code setting out the essential principles and procedures on which recruitment to the NICS must be based;
- approving certain Exceptions to the principle of selection on merit on the basis of fair and open competition, as set out in the General Regulations;
- approving the procedures for appointment through open competition to senior positions in the NICS;
- auditing the recruitment policies and practices followed by Departments and Agencies in making appointments to the NICS, to ensure that they meet the Commissioners' requirements in regard to the Merit Principle; and
- requiring Departments and Agencies to publish information about their recruitment activity.

Under the terms of the Civil Service Commissioners (Northern Ireland) Order 1999, Commissioners also have the power to consider, and make decisions on, appeals to them under the Northern Ireland Civil Service Code of Ethics which is published by the Department of Finance and Personnel. The Order requires the Commissioners to publish, annually, a report on the number of appeals they received under the Code of Ethics, together with a summary of each appeal: - see Section 9.

Section 75 responsibilities

The Civil Service Commissioners are fully committed to fulfilment of their obligations on the promotion of equality of opportunity and good relations required under Section 75 and Schedule 9 to the Northern Ireland Act 1998. The Commissioners' Equality Scheme and its Implementation Plan set out how they propose to fulfil those obligations and may be viewed on the Commissioners' website at **www.nicscommissioners.org** The Commissioners' annual progress report on their implementation of the equality and good relations duties is shown at Appendix D.

4. The Recruitment Code

Prior to 1996, Commissioners were incorporated in the Civil Service Commission which at that time was responsible for operational recruitment into the Northern Ireland Civil Service. The Civil Service (Northern Ireland) Order 1996 took away the operational role, which is now carried out by the Recruitment Service of the Department of Finance and Personnel and various other recruitment points within the civil service, and gave power to the Commissioners to make General Regulations “prescribing the manner by which persons shall be selected for appointment to the Civil Service”. The Commissioners duly made General Regulations and produced their first Recruitment Code in 1997.

The Civil Service (Northern Ireland) Order 1996 and the General Regulations were overtaken in time by the Civil Service (Northern Ireland) Order 1999, the Civil Service Commissioners (Northern Ireland) Order 1999 and the Civil Service Commissioners for Northern Ireland General Regulations 1999. The Civil Service Commissioners (Northern Ireland) Order 1999 gave Commissioners specific responsibility to uphold the principle that selection for appointment to posts in the Northern Ireland Civil Service shall be on merit on the basis of fair and open competition (the Merit Principle). Article 4(3) states that Commissioners “shall prescribe and publish a Recruitment Code on the interpretation and application of the principle of selection on merit on the basis of fair and open competition”. The Commissioners’ Recruitment Code sets out the essential principles on which recruitment to the NICS must be based and protects the reputation and standards of the NICS.

The Code in practice

The Commissioners' Recruitment Code should be used in conjunction with all current Codes of Practice issued under relevant legislation e.g. the Code of Practice on Fair Employment in Northern Ireland; the Equality Commission's Code of Practice on Removing Sex Bias from Recruitment and Selection; and the Employment Code of Practice issued under the provisions of the Disability Discrimination Act 1995. Recruitment to the NICS is also governed by relevant legislation and by NICS policy commitments including, in particular, the NICS Equal Opportunities Statement and the Code of Practice on the Employment of People with Disabilities.

The Code deals only with those aspects of recruitment which are the responsibility of the Commissioners. It is not a complete guide to all requirements for recruitment to the NICS. For example, those undertaking recruitment to the NICS must still ensure that they comply with all legislative requirements, while those appointed must also meet the requirements for appointment prescribed by the Department of Finance and Personnel under Article 4(2)(c) of the Civil Service (Northern Ireland) Order 1999.

The Code currently consists of:

- a prescription of how the principle of selection on merit on the basis of fair and open competition is to be applied at each stage of the recruitment process, from determination and use of job criteria through to retention of records;
- an outline of the circumstances in which appointments may be made, other than on the basis of selection on merit (i.e. limited Exceptions where the Merit Principle does not need to apply), with details of the circumstances where Commissioners' prior approval of such appointments is required;
- the arrangements for obtaining Commissioners' approval for all appointments to senior grades made through open competition (including those constituting Exceptions to the Merit Principle);
- guidance on consulting with Ministers in cases where they have a particular interest in open competitions for posts in the Senior Civil Service;

- details of the scope of the Commissioners' audit of recruitment policies and practices within the NICS. The Audit Programme, which started in April 1998, establishes whether the requirements of the General Regulations and the Recruitment Code are being observed; and
- details of the recruitment-related information the Commissioners require each recruiting organisation to publish.

The principles and procedures set out in the Code are mandatory for everyone involved in recruitment to any post in the NICS. The requirements of the Code apply to all appointments whether industrial or non-industrial; temporary, fixed-term or permanent; full or part-time.

Breaches of the Code

Audit Programmes over the years have identified relatively few breaches of the Code. There were no specific breaches in 2003-04 and Commissioners continue to be pleased that their recruitment audits confirm that departments and agencies are well aware of the requirements of the Code.

Developments during 2003-04

The current Recruitment Code is now seven years old and has been amended several times. During 2003-04, the Commissioners took the opportunity to re-consider their role and responsibilities under the 1999 Order and, in particular, the Code. They established closer working relationships with their counterparts in Great Britain and in Ireland, learning from experiences in those jurisdictions; they also carried out extensive research about the approach to Merit and its application in Europe, Canada, Australia and New Zealand.

As a result of their deliberations, the Commissioners came to the conclusion that their current Recruitment Code is no longer in step with today's changing political, social and economic environment. It is also, they believe, overly prescriptive and does not permit the NICS to take advantage of modern developments in the area of best recruitment practices. For all these reasons the Commissioners decided to prepare a revised Recruitment Code. A draft revised Code was launched for consultation on 30 March 2004 at the Hilton Hotel, Belfast.



Minister of State, Mr Ian Pearson, at the launch of the draft Recruitment Code.



Left to right: Sid McDowell, John Steele, Judith Eve (Chairperson, CSCNI), Sir Joseph Pilling (Permanent Under Secretary, NIO), Margaret Elliot, Brian Carlin and Alan Henry at the launch.

The Minister of State, Mr Ian Pearson, gave the opening address at the launch. Key speakers were Dame Rennie Fritchie, Commissioner for Public Appointments Northern Ireland; Mr John Hunter, Permanent Secretary of the Department of Finance and Personnel; and Mrs Judith Eve, Chairperson of the Northern Ireland Commissioners. The launch was attended by senior figures in the public, private and voluntary sectors.

The period set aside for consultation on the revised Recruitment Code ended on 31 August 2004. It is the Commissioners' aim to have the new Code introduced and implemented as from 1 April 2005.

Copies of the current Code and the draft revised Code can be obtained from the Office of the Civil Service Commissioners or from the website: **www.nicscommissioners.org**

5. Exceptions to the Merit Principle

The Civil Service Commissioners (Northern Ireland) Order 1999 lays down that – apart from a limited range of exceptions – a person shall not be appointed to a situation in the Civil Service unless the selection for appointment is made on merit on the basis of fair and open competition. The objective of permitting a limited range of exceptions is to provide flexibility where it can be justified as necessary to meet the business needs of the NICS, and its obligations as a good employer. There must also be strong and compelling grounds why it is not reasonably practical to make the appointment in accordance with the Merit Principle.

As part of the ongoing exercise to revise the Recruitment Code, Exceptions are presently under review. Commissioners expect the consultation exercise on the revised Code to provide them with feedback on the use of Exceptions to the Merit Principle. However, the current permitted Exceptions are:

- (a) where the person is appointed on secondment;
- (b) where the person has previously held a situation in the Civil Service and is being considered for reinstatement or re-employment;
- (c) where the person holds a situation in another Civil Service of the Crown;
- (d) where the person is, or has recently been, employed on functions which had been or were being transferred to the Crown;
- (e) where the person has reached an appropriate standard in a fair and open competition for another situation in the Civil Service without securing appointment and there is a demonstrable shortage of suitable candidates for the relevant situation;

- (f) where the person has been selected for appointment under arrangements which include provision for encouragement and assistance to any person who is defined under the Disability Discrimination Act (1995) as being a disabled person or as having a disability by or under any enactment relating to the employment of disabled persons;
- (g) where the appointment is justified for exceptional reasons relating to the needs of the Civil Service, and the person proposed for appointment is of proven distinction; or
- (h) where the person has been selected for an appointment under Government programmes to assist the long term unemployed and the total period of service does not exceed 3 years.

The Recruitment Code provides further guidance to Departments and Agencies on their remit and authority in making appointments using the above Exceptions. They are required to publish, annually, details of appointments made as an exception to merit. The Commissioners have also stipulated the circumstances in which Departments and Agencies must seek and obtain Commissioners' approval to appoint an individual as an Exception to merit.

Exceptions which required Commissioners' approval

During the period of this report, Commissioners received four requests for approval to make appointments as exceptions to the Merit Principle. As a result of information provided to them the Commissioners were content to approve two of the requests on the basis that the appointments could be justified for exceptional reasons relating to the business needs of the Northern Ireland Civil Service. These appointments, therefore, were made under category (g) of the current permitted Exceptions.

Two requests were refused. The first was a Departmental request to appoint approximately 38 retired civil servants to act as selection panel members on internal promotion boards. Whilst they fully understood the business difficulties being experienced by the Department, Commissioners considered there were not sufficiently compelling grounds and exceptional reasons for making the appointments as exceptions to the Merit Principle.

The second request refused by the Commissioners was one to re-instate a Senior Civil Servant. The individual had resigned from the Northern Ireland Civil Service to take up a self employed position but three months after resignation had requested to return to the Northern Ireland Civil Service. Following careful consideration of all the information provided to them, the Commissioners decided there were not strong and compelling enough grounds as to why it was not reasonably practical to make the appointment in accordance with the Merit Principle. The applicant challenged the Commissioners' decision in January 2004. The case was duly considered by the Ombudsman, who reported in August 2004 that he had concluded there was no evidence of maladministration on the part of the Commissioners in their handling of the application for re-instatement.

Overview of exceptions in the last year

Departments and Agencies have reported that 138 appointments were made as Exceptions to merit during the period 1 April 2003 to 31 March 2004. Comparing this with 4,937 appointments made through open competition, the Commissioners remain re-assured that appointments under this provision are being made only exceptionally, as intended.

Figure 1 shows the trends over the past three years of appointments to the Northern Ireland Civil Service made as Exceptions to merit.

Figure 2 shows an analysis of these appointments by category. The majority fell under category (f) – an arrangement which includes a provision for encouragement and assistance to any person defined as disabled under the Disability Discrimination Act (1995).

Figure 1 - Exceptions to Merit

1 April 2001 - 31 March 2002



1 April 2002 - 31 March 2003



1 April 2003 - 31 March 2004



Figure 2 - Exceptions to Merit by category

| EXCEPTION CATEGORY | NUMBER 1 APRIL 2001- 31 MARCH 2002 | NUMBER 1 APRIL 2002- 31 MARCH 2003 | NUMBER 1 APRIL 2003- 31 MARCH 2004 |
|---|--|--|--|
| a. secondment | 15 | 31 | 15 |
| b. re-employment | 31 | 83 | 27 |
| c. another Civil Service of the crown | 8 | 7 | 7 |
| d. transfer of functions | 3 | 218 | 0 |
| e. shortage of suitable candidates | 0 | 0 | 0 |
| f. assistance to disabled | 65 | 68 | 86 |
| g. needs of the Service | 7 | 8 | 3 |
| h. programmes to assist the long-term unemployed | 2 | 1 | 0 |
| TOTAL | 131 | 416 | 138 |



6. Commissioners' role in approving appointments to the Senior Civil Service

Introduction

During the reporting year the Commissioners were involved in the NICS initiative of running a generic competition from which various appointments will be made to the Senior Civil Service. They were interested to learn of the volume of interest in these appointments, with over 600 applications being received. As appointments arising from the competition were not approved in the year under report, details are not included in Figure 3 but will be included in the next Annual Report. This has been a pilot exercise and Commissioners look forward to the learning of the outcome of the evaluation of the process.

In Section 7 of this Report, details are provided of an audit commissioned to examine the recruitment policies and practices being followed by the NICS in making senior appointments. Events have overtaken some of the recommendations arising from that audit but Commissioners remain committed to revisiting the recommendations whenever the final version of the revised Recruitment Code has been agreed.

During a meeting with their UK counterparts the Commissioners were interested to learn that the UK Commissioners chair (as opposed to acting as members of) Selection Panels for the most senior Civil Service Appointments. They subsequently explored with the NICS the possibility of a similar role being undertaken by the Northern Ireland Civil Service Commissioners and both have agreed in principle to its implementation.

Current approval procedure

Every appointment to the Senior Civil Service, whether made through open competition or as an Exception to the Merit Principle, must be approved by the Civil Service Commissioners for Northern Ireland. Officials in their Secretariat scrutinise and, if the conditions are satisfied, approve these appointments on the Commissioners' behalf. The current system involves a series of checks at each of the following stages in the recruitment process:

- pre-advertisement
- pre-interview
- post-interview
- pre-appointment

During the reporting period, only one Senior Civil Service competition was not carried out by the Northern Ireland Civil Service Recruitment Service on behalf of Departments and Agencies. In that one case, an external recruitment agency was used to recruit a Chief Executive for the Water Service.

Written approval must be obtained from the Commissioners' office at each of the above stages of appointments to the Senior Civil Service before a competition can progress. The key objective of the approval process is to ensure that procedures being followed are in accordance with the Commissioners' Recruitment Code and to ensure that all SCS appointments made through open competition adhere to the Merit Principle.

Experience of recruitment through open competition over the year

Departments and Agencies have continued to fill a consistent number of vacancies for senior positions through open competition. These have ranged from administrative to professional and specialist posts.

Quality assurance of the work of the Secretariat in the Office of the Civil Service Commissioners

Commissioners conduct an annual audit of the approval process for appointments to the Senior Civil Service to ensure that officers in their Secretariat exercise properly this delegated authority. During the period of this report, twenty-four appointments were made to the Senior Civil Service following open competition. Commissioners were satisfied with the thoroughness of the procedures carried out in approving all twenty-four appointments.

Summary of senior recruitment through open competition

Details of appointments made to the Senior Civil Service following open competition are given in Figures 3 & 3(a).

**Figure 3 - Approved appointments to the Senior Civil Service
1 April 2003 - 31 March 2004**

| JOB TITLE | APPLICANTS | | | APPOINTMENTS | | |
|---|------------|-----------|------------|--------------|----------|---------------------------------------|
| | MALE | FEMALE | TOTAL | MALE | FEMALE | INTERNAL/ EXTERNAL CANDIDATE(S) |
| HEALTH, SOCIAL SERVICES & PUBLIC SAFETY | | | | | | |
| Deputy Secretary Primary & Secondary Care | 13 | 1 | 14 | 1 | 0 | Internal |
| Chief Executive Health & Social Services Estates Agency | 5 | 1 | 6 | 1 | 0 | Internal |
| Director of Estates Development | 9 | 1 | 10 | 1 | 0 | Internal |
| REGIONAL DEVELOPMENT | | | | | | |
| Chief Executive, Water Service | 21 | 2 | 23 | 0 | 1 | External |
| EDUCATION | | | | | | |
| Head of Resource Allocation Division | 18 | 5 | 23 | 0 | 1 | Internal |
| FINANCE & PERSONNEL | | | | | | |
| Assistant Solicitor, Departmental Solicitor's Office | 9 | 10 | 19 | 0 | 1 | Internal |
| Deputy Director, Supplies & Services | 10 | 1 | 11 | 1 | 0 | Internal |
| Deputy Director, Construction & Advisory Services | 14 | 1 | 15 | 1 | 0 | External |
| Chief Executive, Business Development Services | 15 | 6 | 21 | 1 | 0 | External |
| OFFICE OF THE FIRST MINISTER AND DEPUTY FIRST MINISTER | | | | | | |
| Director of Northern Ireland Bureau, Washington | 22 | 1 | 23 | 1 | 0 | External |
| Director of e-Government Unit | 29 | 7 | 36 | 1 | 0 | External |
| EMPLOYMENT & LEARNING | | | | | | |
| Deputy Secretary - Grade 3 | 23 | 6 | 29 | 0 | 1 | Internal |
| SOCIAL DEVELOPMENT | | | | | | |
| Chief Executive, Child Support Agency | 13 | 4 | 17 | 1 | 0 | Internal |
| Director of Business Development | 12 | 0 | 12 | 1 | 0 | External |
| NORTHERN IRELAND OFFICE | | | | | | |
| Assistant Crown Solicitor | 7 | 3 | 10 | 0 | 1 | Internal |
| VARIOUS DEPARTMENTS (9 APPOINTMENTS MADE) | | | | | | |
| Public Expenditure Posts | 34 | 11 | 45 | 5 | 4 | 7 Internal 2 External |
| TOTAL | 254 | 60 | 314 | 15 | 9 | 16 Internal 8 External |

Community background:

| APPLICANTS | | | | APPOINTMENTS | | | |
|------------|----------------|----------------|-------|--------------|----------------|----------------|-------|
| Protestant | Roman Catholic | Not Determined | Total | Protestant | Roman Catholic | Not Determined | Total |
| 149 | 145 | 20 | 314 | 9 | 13 | 2 | 24 |

**Figure 3(a) - Approved appointments to the Senior Civil Service
1 April 2001 - 31 March 2004**

| PERIOD | TOTAL | GENDER | | COMMUNITY BACKGROUND | | |
|---------------------------------|-------|--------|--------|----------------------|----------------|----------------|
| | | Male | Female | Protestant | Roman Catholic | Not Determined |
| 1 April 2001 - 31 March 2002 | 19 | 14 | 5 | 13 | 5 | 1 |
| 1 April 2002 - 31 March 2003 | 19 | 16 | 3 | 14 | 4 | 1 |
| 1 April 2003 - 31 March 2004 | 24 | 15 | 9 | 9 | 13 | 2 |



7. Commissioners' audit of NICS recruitment policies and practices

Article 4(4) of the Civil Service Commissioners (Northern Ireland) Order 1999 requires the Commissioners to audit recruitment policies and practices within the NICS to establish whether the Recruitment Code is being observed.

Approach to audit

External auditors, appointed under contract, perform audits on behalf of the Commissioners. A thematic approach is taken to the audit methodology focussing on gathering information at two levels:

LEVEL ONE

An assessment of policies, procedures and stated practices in relation to an identified theme(s), against the Recruitment Code. This information is gathered in a number of ways including: one to one discussions with NICS Recruitment staff; written documentation relating to policy or procedure and cross-departmental discussion groups; and

LEVEL TWO

A review of a sample of competition files relevant to the identified theme to ascertain issues of compliance in relation to that theme and also in terms of general compliance with all aspects of the Recruitment Code.

During the period to which this Annual Report relates the Commissioners agreed that a comprehensive audit should be undertaken on the recruitment policies and practices being followed in making appointments to the Senior Civil Service.

Main findings

In general, there was a high degree of compliance with the Commissioners' Recruitment Code in relation to Senior Civil Service appointments. This was found to be due largely to the fact that a small team within Recruitment Service handled almost all of the Senior Civil Service appointments centrally. However, the auditors made the following recommendations in order to improve and enhance the appointment process for senior appointments.

Recommendations for consideration

- Further consideration should be given to the benefits of the current practice whereby applicants have to provide vast and comprehensive information on the application forms. It is recommended that the Commissioners should, in liaison with Central Personnel Group, consider and influence a more appropriate use of the Senior Civil Service competencies in senior appointments.
- Clearer definition of job specific criteria and the requirement to produce supporting indicators against such criteria.
- Greater encouragement should be given to panel members to record more detail on the reasons for the decisions taken at eligibility and shortlisting sifts.
- In order to ensure requests for feedback are more meaningful it is recommended that panel members should make more comprehensive notes on the candidates' actual response to questions.
- In cases where consultants have been used to provide additional candidate assessment material to selection panels, it is suggested that there needs to be greater understanding of the panel's and the consultants' respective roles throughout the appointment process in order to ensure a clear understanding of how any additional information will be used.

- The Commissioners should examine their process and procedures for approving senior appointments with a view to maximising the fundamental purpose of their current four stage approval procedures.
- When involved as a panel member in senior competitions, a Commissioner's participation is as an independent assessor and decisions taken by the panel are subsequently approved and signed off by the Commissioners. The auditors believe that this approach appears to present a potential conflict of interest. They recommend that the Commissioners reconsider their role as members of selection panels, perhaps looking at the role of their UK counterparts where they chair panels for Senior Civil Service appointments in their capacity as a Commissioner.
- In relation to Ministerial involvement in Senior Civil Service appointments, it is recommended that the Commissioners may wish to give some further consideration to the process by which Ministers endorse the lead candidate and, in the case of them not endorsing the lead candidate, how this squares with the Merit Principle.

Action plan

Steps have been taken to address several of these recommendations. Commissioners have been informed recently that the NICS propose to streamline the amount of written information sought on application forms, particularly in relation to the need for candidates to demonstrate in writing that they meet the core competencies of the Senior Civil Service. Generally, these competencies are not tested until the interview stage of the competition and this therefore diminishes the need for comprehensive evidence on the application form.

The Commissioners also met with the Head of the Northern Ireland Civil Service and have agreed in principle to undertake the role of Chairing panels for senior competitions in the capacity of Civil Service Commissioner.

A draft Revised Recruitment Code has been produced on which feedback has been sought through a major consultation exercise. The outcome of this consultation exercise should influence new Commissioner procedures for approving senior appointments. Commissioners also anticipate a need to address potential feedback from consultees about Ministerial involvement in senior appointments.

Future audits

At their business meeting on 23 March 2004 the Commissioners agreed the following programme of Audits for their next reporting cycle:

2004-2005 Audit Programme

Audit 1

An audit examining the processes and procedures applied by Departments when making appointments as Exceptions to the Merit Principle.

Audit 2

Review of the application of merit for disabled candidates at recruitment and selection, including what reasonable adjustments are made in relation to the placement of disabled candidates.

Audit 3

A full compliance audit of recruitment policies and practices within the Department of Finance and Personnel.

The Commissioners look forward to the positive outcomes they believe will follow from these audits.



8. Requirement to publish recruitment information

Under the Civil Service Commissioners (NI) Order 1999, Commissioners may require the publication of such information as they may specify relating to recruitment and to the use of permitted Exceptions to the principle of selection on merit on the basis of fair and open competition.

What Commissioners require from recruitment points in the various Departments and Agencies

The Recruitment Code stipulates that the information must comprise, as a minimum:-

- a statement that systems are in place to ensure that selection for appointment is made in accordance with the Recruitment Code;
- a statement that recruitment policies and practices are subject to regular internal monitoring;
- details of the appointments made by way of exceptions to the Merit Principle; and
- statistical summaries of all recruitment activity during the relevant period, including analyses by gender, community background and disability.

The method of publication is at the discretion of the recruiting body. Some Agencies, e.g. the Social Security and the Child Support Agencies, have included recruitment sections in their Annual Reports, whereas other Departments and Agencies have accepted NICS Recruitment Service's offer to include their information in its Annual Report.

Placing this information in the public domain improves the accountability of Departments and Agencies in respect of their recruitment practices.

Summary information

Whilst more detailed information is available in the NICS Recruitment Service Annual Report, summaries are provided in Figures 4, 4(a) and 4(b) broken down to compare both the main types of appointments made and the category of vacancies concerned.

FIGURE 4 - APPOINTMENTS BY TYPE
1 APRIL 2003 - 31 MARCH 2004

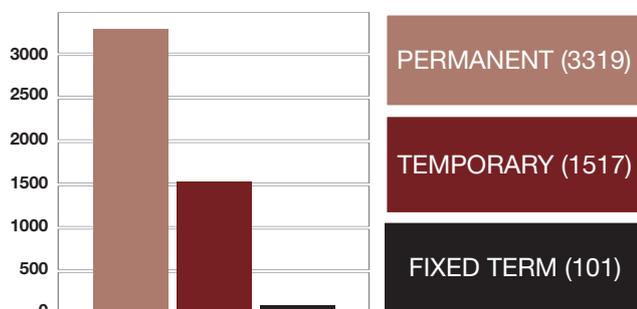


FIGURE 4(a) - RECRUITMENT BY JOB CATEGORY
1 April 2003 - 31 March 2004

| JOB CATEGORY* | NUMBER OF APPLICATIONS | NUMBER OF APPOINTMENTS |
|-----------------------------|------------------------|------------------------|
| General Service Grades | 15,467 | 3,480 |
| Secretarial Grades | 197 | 11 |
| Scientific Grades | 979 | 190 |
| Technology Grades | 564 | 118 |
| Legal Grades | 118 | 36 |
| Computer Grades | 849 | 81 |
| Other Prof & Tech Grades | 4,152 | 728 |
| Centralised Services Grades | 1,316 | 111 |
| Industrial Grades | 1,000 | 182 |
| TOTAL | 24,642 | 4,937 |

*See Appendix E for examples of jobs in each job category

FIGURE 4(b) - APPOINTMENTS BY JOB CATEGORY
1 April 2001 - 31 March 2004

| JOB CATEGORY* | NUMBER OF APPOINTMENTS 1 APRIL 2001- 31 MARCH 2002 | NUMBER OF APPOINTMENTS 1 APRIL 2002- 31 MARCH 2003 | NUMBER OF APPOINTMENTS 1 APRIL 2003- 31 MARCH 2004 |
|-----------------------------|--|--|--|
| General Service Grades | 3,795 | 3,187 | 3,480 |
| Secretarial Grades | 15 | 8 | 11 |
| Scientific Grades | 138 | 112 | 190 |
| Technology Grades | 145 | 36 | 118 |
| Legal Grades | 5 | 0 | 36 |
| Computer Grades | 76 | 75 | 81 |
| Other Prof & Tech Grades | 438 | 585 | 728 |
| Centralised Services Grades | 98 | 86 | 111 |
| Industrial Grades | 198 | 205 | 182 |
| TOTAL | 4,908 | 4,294 | 4,937 |

*See Appendix E for examples of jobs in each job category

9. Appeals under the Northern Ireland Civil Service Code of Ethics

As in previous years the Commissioners report on their responsibility to hear and determine appeals under the Northern Ireland Civil Service Code of Ethics. Commissioners, under the terms of the Civil Service Commissioners (NI) Order 1999, have been assigned the role of providing an independent appeals mechanism for NI civil servants under the NICS Code of Ethics. The Code of Ethics sets out the constitutional framework within which civil servants work and the values they are expected to uphold.

To ensure that those making appeals have full confidence in the independence of the appeals process, Commissioners have determined that appeals will be dealt with by at least two, but usually three, Civil Service Commissioners. The Commissioners are independent of the Northern Ireland Civil Service and therefore have no vested interest in issues arising from these appeals.

During 2003-04 a number of Commissioners have been working with members of the Northern Ireland Senior Civil Service to contribute to the development of a revised Code of Ethics for the NICS. Commissioners were very interested in work undertaken by a sub-group of the Senior Civil Service looking at the values system operating within the NICS and how these values are articulated and communicated to staff.

It was clear that the values system of the NICS has been founded on the current Code of Ethics but there is still much work to be done to clarify and bring the values to life both internally and externally. Commissioners have commented on the work undertaken to date and are keen that it should be progressed as quickly as possible to expedite production of a revised Code of Ethics.

Commissioners have raised several concerns about the existing Code of Ethics and its application in practice. Some of the concerns expressed by Commissioners are that:

- the NICS should set out a clear statement of the standards of behaviour, norms and actions acceptable from staff bound by the Code;

- there should be a detailed list of acts and activities unacceptable and deemed to be a breach of the Code, categorised in accordance with the seriousness of the consequence flowing from the breach;
- there should be details of the machinery by which a reported breach of the Code must be handled;
- there should be early independence in the handling of appeals;
- there should be procedures to establish tracking of complaints;
- there should be procedures which provide for audits of complaints under the Code;
- there should be incorporation of procedures recommended under the Public Interest Disclosure legislation including key aspects as endorsed by the Committee on Standards in Public Life; and
- there should be communication and training of staff at all levels on the purpose, content and procedures of the Code of Ethics.

Appeals - 2003/2004

The Commissioners have not received any appeals during the period of this report. The Commissioners are still concerned that civil servants do not appear to be fully aware of the appeals mechanism relating to the Code of Ethics. They are working closely with the NICS to ensure that any revised Code meets all legislative requirements and will detail clearly, for all civil servants, the procedures for pursuing breaches of the Code of Ethics. Commissioners also will review their own procedures in the light of any new Code of Ethics and will encourage promotion of the new Code.

10. Looking ahead

In the forthcoming year 2004-05 the Commissioners will be concentrating their efforts on completing the consultation exercise on the draft revised Recruitment Code and on an Equality Impact Assessment of the draft revised Code, with a view to launching it in Spring 2005. The Commissioners will be considering how the new Code is being applied and whether additional guidance is required to support practitioners. Commissioners believe the consultation exercise will be extremely useful in bringing to Commissioners' attention the views of practitioners and others. As the new Code is rolled out it is the Commissioners' intention to hear at first hand examples of good practice or issues of concern in relation to the application of the Merit Principle.

As part of their planned audit programme Commissioners intend to focus on the use of Exceptions to the Merit Principle. They are also undertaking a specific audit on the use of the Exceptions for people with disabilities. The results of these audits, along with the outcomes from the consultation exercise on the draft revised Recruitment Code, should provide Commissioners with useful data to finalise the Code.

Relationships with others

The Commissioners intend to maintain and further enhance their relationships with the Commissioners and staff of the UK and Republic of Ireland Commissioners. They have now also established very useful 'links' meetings with the Permanent Secretaries of individual departments and over the next year intend to enhance these good working relationships through inviting them to other relevant fora. It is also the Commissioners' intention to establish relationships with Ministers and other relevant parties interested in our work.

Issues of interest

The Commissioners await with interest the evaluation report on the recently completed Generic Grade 5 competition. This will have an impact on future recruitment to the Senior Civil Service as well as on Commissioners' own procedures for approving such appointments.

The e-HR programme recently announced by the NICS may have significant implications for the work of the Commissioners and they will wish to be kept closely informed as decisions are made on taking this programme forward. Commissioners will also be considering over the next year the scope of their role in relation to both recruitment and the hearing of appeals under the NICS Code of Ethics. They look forward to sharing their deliberations and decisions in these areas in their next Annual Report.

APPENDICES

- **APPENDIX A**
CIVIL SERVICE COMMISSIONERS
(NORTHERN IRELAND) ORDER 1999
- **APPENDIX B**
CIVIL SERVICE COMMISSIONERS FOR
NORTHERN IRELAND GENERAL
REGULATIONS 1999
- **APPENDIX C**
BUSINESS PLAN 2003-04
- **APPENDIX D**
PROGRESS REPORT ON
IMPLEMENTATION OF EQUALITY AND
GOOD RELATIONS DUTIES UNDER
SECTION 75 OF THE NORTHERN
IRELAND ACT 1998,
1 APRIL 2003 - 31 MARCH 2004
- **APPENDIX E**
OCCUPATIONAL GROUPS FOR
RECRUITMENT PURPOSES

Appendix A

ORDER OF THE SECRETARY OF STATE

CIVIL SERVICE COMMISSIONERS (NORTHERN IRELAND) ORDER 1999

In exercise of the powers conferred on me by Letters Patent of Her Majesty dated 20 December 1973 and of all other powers enabling me in that behalf, I hereby make the following Order:-

TITLE AND COMMENCEMENT

1. This Order may be cited as the Civil Service Commissioners (Northern Ireland) Order 1999 and shall come into operation forthwith.

INTERPRETATION

2. (1) The Interpretation Act (Northern Ireland) 1954^(a) shall apply to this Order as if this Order were an enactment, and for the purposes of that Act, as applied by this paragraph, the 1996 Order shall be deemed to be an enactment revoked by this Order.

(2) Without prejudice to paragraph (1), any reference in an instrument or other document to a provision of the 1996 Order to which there is a corresponding provision in this Order shall be construed as a reference to that corresponding provision in this Order.

(3) In this Order, except where otherwise expressly provided -

“the 1996 Order” means the Civil Service (Northern Ireland) Order 1996^(b);

“appointed to a situation in the Civil Service” means appointed to a situation in the Civil Service, other than by promotion or transfer from within the Civil Service, where that promotion or transfer was not made following competition for the situation open to applicants from within and without the Civil Service and “appointment to any situation in the Senior Civil Service” shall be construed accordingly;

(a) 1954 c. 33 (NI).

(b) The 1996 Order was printed in the Belfast Gazette on 20 December 1996.

"civil servant" means any person serving in a situation in the Civil Service;

"the Civil Service" means the Northern Ireland Civil Service;

"the Code of Ethics" means a Code of Ethics made under Article 4(2)(b) of the Civil Service (Northern Ireland) Order 1999;

"the Commissioners" means the persons for the time being appointed by Her Majesty to be Civil Service Commissioners for Northern Ireland;

"the Department" means the Department of Finance and Personnel;

"enactment" has the meaning assigned to it by Section 1(b) of the Interpretation Act (Northern Ireland) 1954.

(4) In this Order any reference to the New Northern Ireland Assembly shall, after the coming into operation of Parts II and III of the Northern Ireland Act 1998, be construed as a reference to the Northern Ireland Assembly.

SELECTION ON MERIT

3. (1) Except as otherwise expressly provided by or under this Order, a person shall not be appointed to a situation in the Civil Service unless:
- (a) the selection of that person for appointment was made on merit on the basis of fair and open competition; and
 - (b) the person appointed satisfies such requirements for appointment as may be prescribed by the Department under Article 4(2)(c) of the Civil Service (Northern Ireland) Order 1999.
- (2) Paragraph (1)(a) shall not apply where an appointment is made to a situation in the Civil Service:
- (a) directly by Her Majesty; or
 - (b) subject to paragraph (4), by any relevant member for the purpose only of providing advice to him during a period terminating on or before the date on which the relevant member ceases to hold office^(a)
- (3) In paragraphs (2)(b) and (4) “relevant member” means any of the following persons, that is to say -
- (a) the Presiding Officer of the New Northern Ireland Assembly;
 - (b) the First Minister or Deputy First Minister; or
 - (c) any other member of the Executive Committee of that Assembly.
- (4) The First Minister and the Deputy First Minister may each appoint up to three persons to hold, at any one time, a situation under paragraph (2)(b) and any other relevant member may appoint one person to hold, at any one time, such a situation.
- (5) The terms and conditions of employment of any appointment under paragraph (2)(b) shall be in accordance with such terms and conditions of employment as shall be prescribed by the Department of Finance and Personnel in regulations or directions.

(a) As amended by the Civil Service Commissioners (Amendment) (Northern Ireland) Order in Council 2003

FUNCTIONS OF THE COMMISSIONERS

4. (1) The Commissioners shall maintain the principle of selection on merit on the basis of fair and open competition in relation to selection for appointment.
- (2) Without prejudice to Article 3(2), the Commissioners may, with the approval of the Secretary of State, prescribe, in General Regulations, or by directions, the circumstances in which the principle of selection on merit on the basis of fair and open competition shall not apply.
- (3) The Commissioners shall prescribe and publish a recruitment code on the interpretation and application of the principle of selection on merit on the basis of fair and open competition, including the circumstances in which any exceptions to that principle prescribed by the Commissioners, in pursuance of General Regulations or directions made under paragraph (2), may be exercised.
- (4) The Commissioners shall audit recruitment policies and practices followed in making appointments to situations in the Civil Service to establish whether the recruitment code is being observed.
- (5) The Commissioners may require the publication of such information as they may specify relating to recruitment and to the use of permitted exceptions to the principle of selection on merit on the basis of fair and open competition.

APPEALS UNDER THE CODE OF ETHICS

5. (1) The Commissioners may consider and determine appeals to them by a civil servant under the Code of Ethics.
 - (2) For the purposes of paragraph (1), the Commissioners may -
 - (a) regulate their own procedure;
 - (b) require the 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.
 - (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 other reports on appeals to them under the Code of Ethics as they think fit.

THE COMMISSIONERS' APPROVAL FOR APPOINTMENT

6. Other than an appointment referred to in Article 3(2), no appointment shall be made to any situation in the Senior Civil Service, or to any situation prescribed by General Regulations or by directions for the purposes of this Article by the Commissioners with the approval of the Secretary of State, without the written approval of the Commissioners, whose decision shall be final.

EXERCISE OF THE COMMISSIONERS' FUNCTIONS

7. (1) The functions of the Commissioners may be exercised by any one or more than one of the Commissioners and references to the Commissioners shall be construed accordingly.

(2) The Secretary of State may assign officers to act as secretary and deputy secretary to the Commissioners and shall afford to the Commissioners such assistance as they may reasonably require for the discharge of their functions.

(3) The Commissioners may, in relation to such matters, and such extent as they may specify, authorise their secretary, deputy secretary or any other person to act on their behalf.

(4) A Commissioner may be paid such remuneration and allowances as the Secretary of State may determine.

Northern Ireland Office - 2 March 1999

MARJORIE MOWLAM

One of Her Majesty's Principal Secretaries of State

Explanatory note

(This note is not part of the Order)

This Order lays down the functions of the Civil Service Commissioners for Northern Ireland ("the Commissioners"). Under section 36(1) of the Northern Ireland Constitution Act 1973, any appointment to the office of Civil Service Commissioner for Northern Ireland shall be by Her Majesty.

The principal provisions of this Order are:-

1. **Article 3** provides that, apart from permitted exceptions, all appointments to the Northern Ireland Civil Service ("the Civil Service") shall be made on merit on the basis of fair and open competition (the "merit principle").
2. **Article 4** provides for the Commissioners to maintain the merit principle, to prescribe exceptions to it, and to prescribe and publish a recruitment code on the interpretation of the merit principle. This Article also provides for the Commissioners to audit recruitment to the Civil Service, and to require the publication of information on Civil Service recruitment.
3. **Article 5** provides for Commissioners to consider and determine appeals to them by a civil servant under the Code of Ethics.
4. **Article 6** provides that no appointment shall be made to the Senior Civil Service, or such other situations in the Civil Service as the Commissioners may prescribe, without the approval of the Commissioners.
5. **Article 7** allows any function of the Commissioners to be exercised by one or more of the Commissioners and allows the Commissioners, in relation to such matters as they may specify, to authorise any person to act on their behalf. The Article also requires the Secretary of State to make provision to support the work of the Commissioners.

Appendix B

CIVIL SERVICE COMMISSIONERS FOR NORTHERN IRELAND

GENERAL REGULATIONS 1999

The Civil Service Commissioners for Northern Ireland ("the Commissioners") in exercise of their powers under the terms of Article 4(2) of the Civil Service Commissioners (Northern Ireland) Order 1999 ("the Order"), and with the approval of the Secretary of State, hereby make the following Regulations.

PRELIMINARY

1. (1) These Regulations may be cited as the "Civil Service Commissioners for Northern Ireland General Regulations 1999" and shall come into operation forthwith.

(2) These Regulations prescribe the exceptions to the principle of selection on merit on the basis of fair and open competition ("the Merit Principle").

(3) In these Regulations, "secondment" means a voluntary and temporary transfer from a permanent employer for a fixed period which does not sever the employment relationship of the person seconded with the permanent employer.

EXCEPTIONS TO THE MERIT PRINCIPLE

2. Subject to any conditions which the Commissioners may specify in a recruitment code, the Merit Principle shall not apply to an appointment to a situation in the Civil Service:-
 - (a) where the person is appointed on secondment;
 - (b) where the person has previously held a situation in the Civil Service and is being considered for reinstatement or re-employment;
 - (c) where the person holds a situation in another Civil Service of the Crown;
 - (d) where the person is, or has recently been, employed on functions which have been or are being transferred to the Crown;

(e) where the person has reached an appropriate standard in a fair and open competition for another situation in the Civil Service without securing appointment and there is a demonstrable shortage of suitable candidates for the relevant situation;

(f) where the person has been selected for appointment under arrangements which include provision for encouragement and assistance to be given to any person who is defined as being a disabled person or as having a disability by or under any enactment relating to the employment of disabled persons;

(g) where the appointment is justified for exceptional reasons relating to the needs of the Civil Service, and the person proposed for appointment is of proven distinction; or

(h) where the person has been selected for an appointment under Government programmes to assist the unemployed and the total period of employment does not exceed 3 years.

REVOCATION

3. All General Regulations previously made by the Commissioners are hereby revoked.

Dated this 29th day of June 1999.

**JUDITH EVE (Chairperson)
IAN DOHERTY
MARY DONNELLY
MARGARET ELLIOTT
SIDNEY McDOWELL
JOHN STEELE**

Civil Service Commissioners for Northern Ireland

The Secretary of State hereby approves the foregoing Regulations.

**MARJORIE MOWLAM
One of Her Majesty's
Principal Secretaries of State**

Appendix C

OFFICE OF THE CIVIL SERVICE COMMISSIONERS FOR NORTHERN IRELAND

BUSINESS PLAN - 2003/04

Function of OCSC

The Office of the Civil Service Commissioners for Northern Ireland supports the Civil Service Commissioners for Northern Ireland, who are responsible for ensuring that appointments to the Northern Ireland Civil Service are made on merit in fair and open competition.

Office work programme

OCSC's work programme for 2003/04 and progress against targets are set out overleaf.

Office organisation and resources 2003/04



| |
|---|
| Commissioners |
| Secretary - Grade 5 (part-time) |
| Deputy Secretary - Grade A (part-time) |
| Grade B1 (on loan) (from 29 June 2003) |
| Grade B2 |
| Grade D1 |
| Grade D1 (part-time) (from 15 September 2003) |
| Grade D1 (part-time) (from 5 January 2004) |

The budget allocation for OCSC agreed for the year 2003/04 was as follows:

| ITEM | ALLOCATION £ |
|-----------------------------|--------------|
| Commissioners' Fees | 30k |
| Audit Contract | 35k |
| Staff | 94k |
| Accommodation and Overheads | 59k |
| Training | 2k |
| TOTAL | 220k |

| OBJECTIVES | TARGETS FOR 2003/04 | PROGRESS AGAINST TARGETS |
|--|--|---|
| <p>To provide support to the Civil Service Commissioners for Northern Ireland by:</p> <p>Production of the Commissioners' Annual Report</p> | <p>Finalise the Annual Report by 31 August 03 Publish and distribute the Report by 31 October 03</p> | <p>Achieved Achieved</p> |
| <p>Completion of the Commissioners' agreed Audit Programme</p> | <p>Completion of agreed number of audits/thematic reports Recommendations implemented to Commissioners' satisfaction</p> | <p>Achieved Partly achieved. To be completed in 04/05</p> |
| <p>Providing support and advice to the Commissioners</p> | <p>Prepare all papers at least 1 week in advance of meetings Provide responses to queries within 1 day of receipt where all information is available</p> | <p>Achieved Achieved</p> |
| <p>Approval of SCS appointments</p> | <p>Review and approve each stage of the procedures within 2 working days of receipt of all relevant information Identify relevant issues from Senior Approval audits by independent consultants and Commissioners Monitor that agreed recommendations have been actioned</p> | <p>Achieved Achieved Achieved</p> |
| <p>Implementation of the Commissioners' Equality Scheme</p> | <p>Review the Recruitment Code</p> <p>Prepare EQIA documents Liaise as necessary with umbrella groups Seek comments from consultees within 8 week consultation period Analyse results from the consultation process</p> | <p>A revised Recruitment Code was launched on 30 March 04 with a consultation period of 8 weeks, later extended to 12 weeks. All other objectives under this heading have been carried forward to 04/05 see above see above see above see above</p> |
| <p>Progression of decisions on Code of Ethics appeals</p> | <p>Identify issues arising from revised Code of Ethics when available</p> <p>Process all new appeals in line with agreed procedures</p> | <p>Revised Code of Ethics not as yet produced by the NICS. Objectives carried forward to 04/05 see above</p> |
| <p>Identification of obligations under the Freedom of Information Act</p> | <p>Review and reorganise information stored on paper and on IT, by 30 September 03 Produce an outline Action Plan by 31 March 04 Produce a draft Publication Scheme by 31 March 04</p> | <p>Achieved Achieved Achieved</p> |
| <p>Achieve best value for money within the allocated budget of £220k</p> | <p>Measure actual spends against forecasts 100% scrutiny of bids, business cases and in-year expenditure Achieve objectives within budget</p> | <p>Achieved Achieved Achieved</p> |
| <p>Review Commissioners' Role and Functions</p> | <p>Review and agree role and functions by 30 September 03</p> <p>Raise Commissioners' profile by 31 March 04</p> | <p>Partly achieved. Overtaken by Commissioners' work on a revised Recruitment Code. To be completed after the Recruitment Code has been finalised (probably 05/06) Seminar held to launch consultation on the revised Recruitment Code. New logo, stationery and information leaflet prepared to raise public perception of the Commissioners</p> |
| <p>Develop OCSC staff in line with business aims and objectives by:</p> | <p>Producing a Branch training plan Arranging development opportunities for Commissioners Applying the Equality Scheme principles to OCSC policies and practices Identifying ways of improving communication by improving and updating the Commissioners' website</p> | <p>Achieved Achieved Achieved Achieved</p> |

Appendix D

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

1 APRIL 2003 - 31 MARCH 2004

SECTION 1: STRATEGIC IMPLEMENTATION OF THE SECTION 75 DUTIES

The Civil Service Commissioners ensure that the implementation of S75 duties is a standard item on the agenda at each of their regular (six weekly) business meetings. During this reporting period members of their secretariat (primarily senior and middle management level) have been significantly involved in progressing the objectives detailed within the Commissioners' Equality Scheme. These tasks and associated targets were detailed within job descriptions and were reflected within the appraisal system. The culmination of their efforts resulted in a major consultation exercise being launched, in March 2004, on the Commissioners' Draft Revised Recruitment Code.

Prior to agreeing a draft of their Revised Recruitment Code the Commissioners liaised and worked closely with the Department of Finance and Personnel in order to ascertain their views and agree commitment to improving diversity which will take account of Northern Ireland's changing work and social environment.

SECTION 2: SCREENING & EQUALITY IMPACT ASSESSMENT (EQIA)

Following the major consultation exercise on the Commissioners' Draft Recruitment Code the Commissioners intend to undertake a thorough EQIA on the proposed final draft of the Code. It is expected that this will be completed by Spring 2005. The Commissioners fully realise that this date extends beyond the date stipulated in their Equality Scheme. However they are confident that the time required for their major consultation exercise will enhance acceptance and ownership of the final version of the Code.

All the Commissioners policies and functions will be subjected to an Equality impact Assessment. Following the EQIA on their Recruitment Code an EQIA will be undertaken of the Commissioners' function of determining appeals made to them by civil servants under the NICS Code of Ethics.

SECTION 3: TRAINING

During the reporting period several members of the secretariat attended events designed to raise their awareness of Section 75 and associated responsibilities. Senior and middle management attended events in order to develop their skills and expertise in effective consultation. A middle manager also attended a conference designed to raise awareness of Mainstreaming equality in Northern Ireland. Meeting and listening to representatives from the S75 categories at these events was extremely useful and enlightening.

Being a smaller public authority we have benefited greatly from our attendance at the Smaller Public Bodies Network organised by the Equality Commission.

The information and lessons learned from attending training events and seminars is discussed and shared at the unit's regular team meetings.

Two of the Civil Service Commissioners are members of the Equality Commission and as a result the Commissioners and the secretariat benefit greatly from their experience in equality matters.

SECTION 4: COMMUNICATION

In March 2004 the Civil Service Commissioners hosted an event to launch a consultation exercise on a draft of their Revised Recruitment Code. At that event the Minister, Ian Pearson, and Judith Eve, Chairperson of the Commissioners addressed in their speeches the important need to fulfil Section 75 Responsibilities. They both commended the process of consultation which provides an open way of ensuring that the public can participate in the process of creating rules by which their affairs are run. It was emphasised to the assembled audience that in revising their Recruitment Code the Commissioners took account of the heightened diversity and equality agenda and the obligations under Section 75 of the Northern Ireland Act.

Equality, which embraces openness, diversity, fairness and merit is at the very core of the Civil Service Commissioners' main functions. The need for adherence to equality is always emphasised in published documents, e.g. Annual Report, Recruitment Code, Website reports.

Progress on the Commissioners' delivery of their statutory duties is published in their Annual Report.

SECTION 5: DATA COLLECTION & ANALYSIS

The Commissioners rely greatly on the information which NI Government Departments provide to them in relation to NICS recruitment activity. Under guidance from the Department of Finance and Personnel all Departments and their Executive Agencies collate and monitor workforce profiles.

As an element of the consultation process on their Draft Recruitment Code the Commissioners arranged and attended nine focus group meetings which were held at various locations throughout Northern Ireland. These meetings provided the opportunity for those attending to find out more about the work of the Civil Service Commissioners and also to seek clarification and/or express views and comments on the Draft Recruitment Code. The Commissioners were disappointed at the low turn out at some of these events and hope that they receive sufficient interest and response through written or alternative methods of feedback to them.

SECTION 6: INFORMATION PROVISION, ACCESS TO INFORMATION AND SERVICES

All publications can be provided in alternative formats if desired. Information packs have been provided to numerous bodies including the S75 categories detailing the roles and responsibilities of the Commissioners. In addition we have got the agreement of the NICS to issue an information leaflet about the role of the Commissioners to each applicant seeking a job in the Northern Ireland Civil Service.

The Commissioners' website (www.nicscommissioners.org) has also been enhanced during the reporting year and a text option is now available to assist the partially sighted.

SECTION 7: COMPLAINTS

As outlined in their Equality Scheme the Civil Service Commissioners for Northern Ireland do have a Section 75 complaints procedure. No Section 75 complaints have been received during the reporting year and there are no ongoing complaints.

SECTION 8: TIMETABLE

As previously notified to the Equality Commission there has been a need for the Civil Service Commissioners to extend the timescales of the 5 year timetable outlined in their Equality Scheme. The Commissioners had hoped that the EQIA on their Draft Recruitment Code would have been completed by now, however, they agreed that a major consultation exercise would be beneficial prior to undertaking the EQIA. The Commissioners' secretariat is extremely small and to assist the office and to take forward their Section 75 commitments the office has recently acquired an officer (middle management level) on temporary loan.

The Commissioners review at their six-weekly business meetings the implementation of their Equality obligations.

| TITLE OF EQIA'S DUE TO BE COMMENCED DURING APRIL 2004 - MARCH 2005 | EXISTING OR NEW POLICY | EXPECTED COMPLETION DATE OF EQIA |
|---|-------------------------------|---|
| 1.EQIA on the Commissioners Revised Recruitment Code | Existing | March 2005 |

SECTION 9: CONSULTATION, PARTICIPATION AND ENGAGEMENT

In taking forward the consultation exercise on the Draft Recruitment Code, the Commissioners carefully identified the key stakeholders affected by the Code. To promote the consultation exercise and to raise awareness of the proposed changes to their existing policies and procedures, the Commissioners invited 224 key representatives to a half day seminar. It was emphasised to the attendees that they should ensure that the appropriate people in their organisations are informed of the consultation exercise. In addition to welcoming written feedback on the Draft Code the audience was advised that focus groups would be arranged as another method of obtaining feedback.

Following the seminar both written and telephone contacts were made with the agreed consultees (including Section 75 categories) and suitable dates, times and venues were agreed with those who wished to attend. The consultation period expires on 31 August 2004 and the Office has set in place a robust mechanism for monitoring and recording the feedback, including any required follow up action. Following the end of the consultation period it is the intention to evaluate the effectiveness of the exercise and to implement lessons learned in any future consultations. It is likely that this may involve exploring existing communication channels of groups and consortia within the voluntary/community sector.

SECTION 10: THE GOOD RELATIONS DUTY

This initial consultation exercise for the Commissioners has already helped to develop and build good relations with Section 75 representatives and affected groups. The Commissioners are keen to develop a strategy to improve good relations and will actively research models and approaches which have been adopted effectively.

SECTION 11: IMPACTS AND OUTCOMES

As custodians of the “merit principle” in relation to NICS appointments, the Commissioners and their secretariat are very focused on ensuring equality, and Section 75 duties are mainstreamed into all their procedures and policy processes. Great account of the Section 75 duties has been taken by the Commissioners in agreeing their Draft Recruitment Code, and when agreeing the final version all available evidence will be considered to ensure minimal adverse impact on the Section 75 groups.

As the Commissioners have not yet completed an EQIA on any of their policies and procedures they are unable to comment yet as to whether an EQIA has led to better policy making. However from the initial feedback received through the consultation exercise, the Commissioners are confident that the process of seeking and listening to feedback is informative, improves equality in policy making and increases ownership from those affected by the policy.

SECTION 12: ADDITIONAL COMMENTS ON MAINSTREAMING

The Commissioners through the nature of their roles and responsibilities inherently aim to mainstream equality into their policies and procedures. Whilst they understand and appreciate the benefits arising from the consultation and EQIA process, they sincerely hope that consultation fatigue and consultee's lack of resources do not impede the ability to provide relevant, timely and necessary feedback.

Appendix E

OCCUPATIONAL GROUPS FOR RECRUITMENT PURPOSES

For recruitment purposes there are 8 occupational groups. Examples of grades within these groups are as follows:-

| OCCUPATIONAL GROUP | EXAMPLE GRADES |
|--|--|
| General Service Grades | Management Trainee Administrative Officer Administrative Assistant |
| Secretarial Grades | Typist |
| Scientific Grades | Scientific Officer Fisheries Officer Fuel Technologist Microbiologist |
| Technology Grades | Graduate Trainee Quantity Surveyor Electrical Engineer Architect Trainee Civil Engineering Assistant Tracer |
| Legal Grades | Legal Assistant Law Clerk |
| Computer Grades | Programmer Programmer Analyst Systems Analyst |
| Other Professional & Departmental Grades | Graduate Trainee Valuer Inspector of Schools Nursing Officer Statisticians Vehicle Inspectors Veterinary Officers |
| Centralised Services Grades | Cleaner Messenger Security Guard Telephonist Laboratory Attendant |
| Industrial Grades | Road Workers Industrial Technicians Porters Farm Workers Labourers Fish Farm Assistants |