

CIVIL SERVICE COMMISSIONERS FOR NORTHERN IRELAND

RECRUITMENT CODE

CONSULTATION ON EQUALITY IMPACT ASSESSMENT

JANUARY 2005

CONTENTS

SECTION

- 1. Introduction**
- 2. Background to review of Recruitment Code**
- 3. The aims of the Recruitment Code**
- 4. Consideration of available data**
- 5. Formal consultation on the existing Recruitment code and the proposed revised Recruitment Code**
- 6. Assessment of impacts**
- 7. Measures which might mitigate adverse impact**

GLOSSARY

DFP	Department of Finance and Personnel
NICS	Northern Ireland Civil Service
NIO	Northern Ireland Office

SECTION 1

INTRODUCTION

1.1 Section 75 of the Northern Ireland Act 1998 requires the Civil Service Commissioners for Northern Ireland in carrying out their functions relating to Northern Ireland, to have due regard to the need to promote equality of opportunity:

- between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation;
- between men and women generally;
- between persons with a disability and persons without; and
- between persons with dependants and persons without.

1.2 In addition, and without prejudice to its obligation above, the Commissioners are required, in carrying out their functions relating to Northern Ireland, to have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group. In doing so the Commissioners recognise that the promotion of equality of opportunity is a major factor in the development of good relations and that this has a special relevance not only to our own responsibilities and functions but also in the working relationships with all Northern Ireland Departments, as to how we contribute to the discharge of their responsibilities.

1.3 The Commissioners are fully committed to the fulfilment of their Section 75 obligations in all areas of their functions, powers and duties

relating to Northern Ireland. We ensure that effective implementation of these obligations is supported with the necessary resources in terms of people, time and finance and we communicate to and train our staff on the requirements of the Section 75 obligations and how these can be efficiently implemented.

Civil Service Commissioners' Equality Scheme

- 1.4** The Equality Commission approved the Civil Service Commissioners' Equality Scheme in June 2001. The Scheme gives an undertaking to carry out an Equality Impact Assessment on the Commissioners' Recruitment Code and any amendments to it.

Purpose of the EQIA

- 1.5** The Commissioners have prepared a revised Recruitment Code and the purpose of this EQIA is to consider

(a) whether the mandatory requirements of the revised Code will cause any differential impact upon any or all of the 9 categories set out in Section 75 of the 1998 Act ;

(b) where adverse impact is identified how best to assess the potential for measures which might mitigate the adverse impact; and

(c) the potential for alternative policies which might better achieve the promotion of equality of opportunity.

Background

- 1.6** Civil Service Commissioners were first appointed in 1855. Civil Service Commissioners specifically for Northern Ireland were first appointed in 1923. The Civil Service Commissioners for Northern Ireland are a

regulatory body, appointed to uphold the principle that selection for appointment to the Northern Ireland Civil Service (NICS) should be on merit, on the basis of fair and open competition. A process of reform initiated by the Civil Service (Northern Ireland) Order 1996 made significant changes in the responsibilities of the Commissioners.

- 1.7** The 1996 Order removed the Commissioners' operational role in recruitment to the NICS. This Order was revoked in 1999 when two new Orders were made -
- the Civil Service Commissioners (Northern Ireland) Order 1999; and
 - the Civil Service (Northern Ireland) Order 1999 which separated the functions of the Commissioners from those of the Department of Finance and Personnel (DFP). Under the terms of the latter Order, the responsibility for providing support and assistance to the Commissioners transferred from DFP to the Northern Ireland Office (NIO).
- 1.8** The constitution of the Commissioners also changed in 1996, emphasizing their independence and objectivity. None of the current Commissioners is a serving civil servant. The present Commissioners reflect the diversity in the population and bring a range of capabilities and expertise to their role and responsibilities. In exercising their statutory responsibilities, Commissioners eagerly strive to promote and achieve equality of opportunity, openness and good relations. Two of the current Commissioners are also members of the Equality Commission.
- 1.9** All Commissioner appointments are now made by way of open competition. Further details on the present Commissioners can be found at Appendix 1. These changes strengthen the Commissioners' independence from the Civil Service and emphasise their role as custodians of the principle that appointments to the NICS should be on merit on the basis of fair and open competition.

Discharging of Commissioners' Role and Responsibilities

1.10 In respect of members of the public interested in applying for posts in the NICS, the Commissioners therefore have a clear duty to ensure that appointments are made on merit in fair and open competition. The Commissioners recognise that they have a wide range of stakeholders, including the general public, who have both direct and indirect interest in their work. The public wish to see a civil service which has a reputation for integrity, honesty, effective customer service, accountability and efficiency; and which reflects the diversity in our society.

1.11 The Commissioners firmly believe that these hallmarks can be achieved by consistent adherence to, and application of, fair and open recruitment principles and procedures leading to the appointment of the best people from all parts of society to carry out particular jobs.

1.12 To this end the Commissioners discharge their responsibilities to the public in a number of ways, including:

- publication of a Recruitment Code which sets out the Commissioners' remit, objectives and views on the Merit Principle. The Recruitment Code is subject to extensive public consultation;
- making General Regulations, where they describe the circumstances in which the Merit Principle may not apply;
- publication of an Annual Report outlining statistical information on appointments to the NICS;

- conduct of audits against the Commissioners' Code and publication of results within and outside the NICS;
- implementation of equality and good relations' duties under Section 75 of the Northern Ireland Act 1998 involving consultation with Section 75 umbrella groups and across other organisations and individuals; and
- conduct of seminars and other information events to promote the role of the Commissioners and improve understanding of the Merit Principle and to open new channels whereby those interested in the Commissioners' areas of responsibility can offer additional input and feedback.

1.13 It is the revised Recruitment Code and its proposed introduction with effect from April 2005 which is the primary subject of this EQIA. A copy of the new Code, revised following extensive consultations, accompanies this EQIA.

Consultation Process

1.14 Comments on any aspects of these documents are welcome. Please note that while all responses will be considered carefully they will not be acknowledged individually. Responses should reach the following address by 14 March 2005 :

Office of the Civil Service Commissioners
5th Floor, Windsor House
Bedford Street
Belfast BT2 7SR

Tel: 028 90549151

e-mail ocsc@nics.gov.uk

- 1.15** The documents are available in other formats upon request. If you would like any additional help to respond to the consultation please contact us.

Decision

- 1.16** Subsequent to the EQIA consultation period and consideration of the findings from the consultation, the Commissioners will reach a decision in terms of the EQIA process. The final Recruitment Code will then be published and implemented.

Publication of results of the Equality Impact Assessment

- 1.17** The outcomes from this EQIA will be published in the press and will also be posted on the Commissioners' website. It will be made available in different formats on request where appropriate.

SECTION 2

BACKGROUND TO REVIEW OF THE RECRUITMENT CODE

- 2.1** The Commissioners are required to prescribe and publish a recruitment code. The purpose of the Code is to interpret and apply the principle of selection on merit on the basis of fair and open competition. The previous Recruitment Code was published in 1997.
- 2.2** The revised Recruitment Code which is the subject of this EQIA has been developed following a wide consultation process from March to August 2004. This process together with input by practitioners, the public and interested organisations, issues identified through audit programmes and the experience of Commissioners as panel members in recruitment competitions, has supported the adoption of a new principle based approach in the new Code.
- 2.3** The previous Code laid down a set of essential standards for various aspects of a recruitment exercise. This revised version is not a complete guide to every factor affecting recruitment to the NICS but promotes best practice and compliance within relevant legislation. The intention is to provide a flexible framework based on the Commissioners' recruitment principles in relation to selection on merit on the basis of fair and open competition.
- 2.4** The principle-based approach allows flexibility in the application of merit without diluting the principle itself. The Commissioners have set out, under each principle, supporting evidence of the principle in practice. They expect the NICS to produce a set of operational procedures which will give effect to the core principles expressed in this Code. It is intended that this approach will maintain and enhance consistency, fairness, transparency, accountability and diversity in recruitment practices across the NICS.

SECTION 3

THE AIMS OF THE RECRUITMENT CODE

What is the aim, objective or purpose of the Recruitment Code?

- 3.1** Commissioners are accountable, by law, to the Northern Ireland public for upholding the principle that appointments to the NICS should be on merit on the basis of fair and open competition (the Merit Principle). They do this by means of a number of statutory responsibilities, including publishing a Recruitment Code on the interpretation and application of the Merit Principle. The Code applies to appointments made other than by internal transfer or promotion.

Who defines the Recruitment Code?

- 3.2** Article 4(3) of the Civil Service Commissioners (Northern Ireland) Order 1999 states that:

“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.”

As a result of this statutory obligation the Commissioners have reviewed and revised the Recruitment Code.

Who implements the Recruitment Code?

- 3.3** Every person or organisation with any involvement in the making of appointments, through open competition, to the NICS.

What outcomes do the Commissioners want to achieve with the Recruitment Code, and for whom ?

- 3.4** It is the Commissioners' intention that the Code will contribute to the development of best practice in the field of recruitment and selection. Commissioners contribute to the development of an effective and impartial civil service by carrying out the duties imposed on them by the Order. These provide assurance to the public that appointments to the NICS are made on Merit. If the appointment is made fairly and openly on Merit, the civil service will have selected from those available the best person for the job, that job consequently will be effectively and efficiently done and the standard of service expected by the public will be met.

Who are the main stakeholders?

- 3.5** Those mostly affected by the Recruitment Code are:
- (a) eligible candidates from all sections of the Northern Ireland community and beyond;
 - (b) NICS staff (including senior management) involved in formulating and maintaining policies and procedures in relation to NICS recruitment;
 - (c) NICS staff representatives;
 - (d) NICS Recruitment Service; and
 - (e) Departmental and Agency staff directly involved in recruitment activity.

What outcomes would other stakeholders want from application of the Recruitment Code?

- 3.6** (a) The public at large would like assurance that the Recruitment Code provides a demonstrably fair and proper basis for selection of one individual rather than another in any recruitment process;
- (b) the public would like the Recruitment Code to ensure that the appointments' process is inclusive and without prejudice; they would wish to see continuous improvement in services through consistent selection of the best people for available jobs and that the constitution of the NICS reflects the diversity in Northern Ireland's population of working age;
- (c) the Recruitment Code is sufficiently flexible to allow innovative and creative recruitment initiatives to meet the business needs of the NICS.

What factors/forces could contribute to or detract from the outcome?

- 3.7** (a) Compliance with the Code is mandatory – constant application of its principles will have positive impacts. The Commissioners' audit function will be used to ensure that NICS recruitment policies and practices comply with the Recruitment Code and best practice.
- (b) The Commissioners will consult with representatives of the Section 75 categories and address any concerns or barriers identified.
- (c) The Commissioners will consider carefully, on its merits, each application to appoint as an Exception to the Merit Principle, to ensure that the spirit as well as the letter of the Recruitment Code is being followed;

(d) The Commissioners will look for consistency between recruitment practices and procedures, and the principles in the Recruitment Code. They will expect to see appropriate, adequate and timely guidance to NICS Recruitment points.

How do the Commissioners interface with and relate to other bodies in the implementation of the Recruitment Code?

3.8 The Commissioners will work closely with the NICS in developing the robust guidance and procedures which are consistent with the Recruitment Code.

The Commissioners will meet regularly with Permanent Secretaries and other relevant senior NICS staff to discuss solutions to any practical and/or operational difficulties.

The Commissioners will chair on an ongoing basis selection panels for senior competitions to provide independence and to experience the Recruitment Code in action during all stages of a recruitment competition.

The Commissioners will periodically review the effectiveness of the Recruitment Code by obtaining feedback through various methods from the main stakeholders which will include representatives of the Section 75 categories.

Are there any groups which might be expected to benefit from the intended outcomes but which do not?

3.9 The new Recruitment Code has been developed to take account of a changing work and social environment. The Commissioners have given considerable thought to the Merit Principle and its application in today's world. It is intended that the Recruitment Code will maintain

and enhance consistency, fairness, transparency, accountability and diversity in recruitment practices across the NICS.

3.10 Commissioners believe that application of the Code will prevent any form of unlawful discrimination, direct or indirect, active or passive. They also believe that it provides a vital benchmark against which any selection process adopted and the manner in which it is applied can be measured to ensure equality, fairness and openness. It is the Commissioners' view, therefore, that the Code will operate to the benefit of all groups.

SECTION 4

CONSIDERATION OF AVAILABLE DATA

- 4.1** In order to comply with the Fair Employment (Amendment) Regulations (Northern Ireland) 2002, the NICS completes returns to the Equality Commission which are reviews of employment practices to ensure fair participation among the Protestant and Roman Catholic communities.
- 4.2** The NICS collects monitoring data from applicants in respect of their community background, gender, age, ethnic origin and whether they have a disability. It does not collect data in respect of marital status, dependents, sexual orientation or political opinion.
- 4.3** Summary information on the gender and community background of applicants and appointees for the 3 year period ending 31 March 2003 is set out in Table 1 of Appendix 2. Individual competitions are monitored by the NICS once they are closed. Such monitoring consistently shows that in the vast majority of competitions (over 93%) there are no significant imbalances in the success rates of men and women and of Protestants and Roman Catholics.
- 4.4** In terms of other equal opportunities groups, monitoring information shows that across all recruitment competitions, the proportion of applicants from those with a minority ethnic background or a disability is low. Typically, less than 1% of applicants are from an ethnic minority background; while those declaring a disability account for around 3%. Tables 2 and 3 of Appendix 2 give the NICS workforce profile as at January 2003 of staff with a declared disability and staff with a minority ethnic background. The Civil Service Commissioners concur with the NICS's view that there is room for improvement particularly in encouraging applications from those with a minority ethnic background and from people with a disability. They also agree that there is room

for improvement in more specifically targeted areas such as the Senior Civil Service from women and Roman Catholics and the administrative entry levels from men and Protestants.

- 4.5** The age profile of applicants shows that the majority are in the under-30 age group. This profile is considered reasonable by the NICS given that many of the jobs advertised are at entry-level and would be expected to draw applications mainly from the younger economically active population. However, as Table 4 in Appendix 2 shows, applications are received from all age groups. The conclusion reached is that the age range of applicants is broadly that which would be anticipated in relation to the jobs being advertised.
- 4.6** Monitoring data on the marital status of applicants is not currently collected. However, consideration of the marital status of the workforce (Table 5, Appendix 2) indicates that having a particular marital status is not likely to result in adverse impact in terms of obtaining employment in the NICS.
- 4.7** Monitoring data on dependents, sexual orientation and political opinion is not currently collected from applicants. However, data from a workforce survey indicates that around half of staff have dependents which indicates that having or not having dependents is unlikely to have adverse impact. Data from that survey shows that around 98% of staff are heterosexual indicating that action may be necessary to further promote equality of opportunity for those whose sexual orientation is other than heterosexual.

SECTION 5

FORMAL CONSULTATION ON THE EXISTING RECRUITMENT CODE AND THE PROPOSED REVISED RECRUITMENT CODE

- 5.1** A major consultation exercise on a draft revised Recruitment Code was launched at a seminar at the end of March 2004. This was followed by a series of focus group meetings attended by representatives of the civil and public services, as well as Section 75 interest groups, at various locations throughout Northern Ireland.
- 5.2** The Commissioners welcomed and actively sought feedback on the proposed changes to their existing Recruitment Code. They believed that this approach was necessary in order to obtain a complete perspective on their Recruitment Code, from how it operates in practice to the impact that it has on the community.
- 5.3** The feedback and observations obtained from various focus groups on the whole has been primarily the practitioners' perspective on the content of the Recruitment Code rather than the community's views of the Code's impact on equality of opportunity, fairness, openness and selection on merit. All feedback has been analysed and, where practicable, suggestions for amendments have been incorporated into the revised Code. Generally there is support for the principle-based approach in the revised Recruitment Code but a recognition that it will require consistent underpinning guidance and procedures to make it work effectively.
- 5.4** Concerns raised through written feedback focused primarily on:
- Ministerial involvement in appointments;
 - proactive measures to reflect diversity in the community;

- taking positive action to recruit and select disabled people;
and
- establishing equality of opportunity.

5.5 Ministerial involvement in appointments

Views were expressed that Ministerial involvement in senior appointments must still be done under the Merit Principle. The revised Code identifies a small number of posts in which the Minister might be expected to have an interest and clarifies the stages at which the Minister may be involved. The Code enhances the transparency of Ministerial decisions and requires the Minister to record in writing his/her justification for not accepting a lead candidate.

5.6 Proactive measures are required to reflect diversity of the community

Principle 1 (Appointments should be made on merit) of the Commissioners' Recruitment Principles focuses on the need for the NICS to embrace diversity, inclusivity and equality of opportunity in its recruitment processes. The Commissioners have clearly identified in the Recruitment Code their expectations of the action required to apply this Principle.

5.7 Positive action to recruit and select disabled people

Principle 4 (Appointments should be made in an open, accountable and transparent manner) emphasises that initiatives must be taken to ensure that employment opportunities are accessible to people with disabilities and that appropriate measures are taken to address under-representation.

5.8 Equality of opportunity needs to be established to achieve merit

One organisation expressed the view that merit only comes into force when equality of opportunity has been established. The Commissioners believe that the Merit Principle totally embraces and recognises the priority of equality of opportunity. Fairness and openness must be considered and applied in the recruitment process for every appointment to the NICS. The Commissioners believe that adhering to the four Principles identified in their Recruitment Code will ensure that appointments are made based on both Merit and equality of opportunity in an openly accountable process.

SECTION 6

ASSESSMENT OF IMPACTS

General

- 6.1** The revised Recruitment Code has been produced by the Commissioners with a determination to ensure and enhance equality of opportunity for all individuals including those in any of the Section 75 categories. Application of the revised Code will oppose and prevent any form of unlawful discrimination, direct and indirect, active or passive. All candidates must be treated fairly, to a consistent standard, and in a consistent manner.
- 6.2** The Code allows the NICS to adopt initiatives that will ensure employment opportunities are accessible across the community. It permits the promotion of targeted interventions to address under-representation, where these are necessary and appropriate. Transparency of recruitment processes will be improved and the Commissioners will expect to see open and active communication on the recruitment processes to be adopted.
- 6.3** The Commissioners believe that selection for appointment on Merit on the basis of fair and open competition is important for three main reasons:

Firstly, appointing individuals on merit is part of a process to help ensure the quality of individual performance and, consequently, the quality of service delivered by the organisation to the community it serves. Quality of service to the community is important both in its own right and as an aspect of promoting the integrity and credibility of public administration. This plays a vital part in building the community's confidence in and respect for that administration. Effective and impartial service, however, is not sufficient on its own to achieve public

confidence. Organisations, such as the NICS, must also demonstrate that they are inclusive and without prejudice.

Secondly, appointment on merit allows and encourages free participation and inclusion in the process of public administration by individuals from all sections of the community. This should produce within the public administration a diverse, talented staff which, in turn, should enhance quality of thought and understanding of fundamental issues within the organisation. This can serve only to improve the quality of service provided. Again, these attributes are not only commendable in their own right but also should help to build community confidence in, and identification with, the public administration and so enhance civic society.

Thirdly, appointment on merit is a fundamentally fair and just approach to dealing with individual applicants. This is important in providing a demonstrably fair and proper basis for selection of one individual rather than another in any recruitment process. For the individual candidate, appointment on merit is the assurance that influences such as personal contacts, identification with any particular group or ideology and discrimination of any kind will have no place in selection for appointment.

- 6.4** An organisation which both embraces and values the intrinsic justice of appointment on merit and the full range of benefits flowing from its use, and which demonstrates ownership of the principle and process, will be one in which quality of service and the promotion of public confidence is fundamental.

- 6.5** Selection on merit on the basis of fair and open competition, by its very nature, means recruiting from a candidate pool which reflects diversity within the community. Throughout any merit-based process, it is essential to ensure that the selection process should not be such as provides unjustifiable advantage or disadvantage to any individual or

particular group of candidates. The selection criteria should be sensitive to the requirements of inclusivity, diversity, and genuine equality of opportunity.

- 6.6** The key essential to applying the Merit Principle in the recruitment process is to appreciate that a single, precisely defined concept of merit, dictating or dictated by any particular recruitment technique or methodology, is inadequate. Different methodologies are required in different circumstances. A single, prescriptive, “definition” of the Merit Principle leading to detailed instructions on its application in the recruitment process will not meet the challenges of recruitment in changing work, technological and social environments, nor the expectations of the public in respect of the administration serving its interests.

Assessment of Recruitment Principles

- 6.7** The Commissioners have identified four Principles which they believe underpin the concept of recruitment on the basis of Merit. They are:

1. Appointments should be made on Merit;
2. Appointment processes should be fit for purpose;
3. Appointment processes should be fair and applied with consistency;
4. Appointments should be made in an open, accountable and transparent manner.

- 6.8** It is the firm belief of the Commissioners that adherence to these four Principles will ensure that there is no adverse impact, whether direct or indirect, upon any of the Section 75 groups.

6.9 Further clarification on these principles, including insight into the Commissioners' expectations of how the Principles should be applied, can be found in Section 3 of the revised Recruitment Code.

Assessment: Exceptions to the Merit Principle

6.10 It is the Commissioners' view and the view of the NICS that equality of opportunity in recruitment is achieved through the role and functions of the Civil Service Commissioners and the mandatory requirements in their Recruitment Code.

6.11 The current Recruitment Code permits certain Exceptions to the Merit Principle. The assessment for potential impact in exercising each of these Exceptions is summarised in the table below:

Category	Assessment
a. Secondment	No significant potential for adverse impact.
b. Re-employment	Minimal impact in light of numbers involved but the majority of persons re-employed are women.
c. Transfer of other civil servants	Adverse impact likely to be negligible.
d. Transfer of functions	Need to take account of potential for adverse impact on a case-by case basis.
e. Shortage of candidates	Not exercised for a number of years - no impact.
f. Assistance to disabled	Promotes equality of opportunity for candidates with a disability.
g. Needs of the NICS	Must not be exercised without prior and express agreement of Commissioners. Potential for adverse impact likely to be negligible.
h. Long-term unemployed	Likely to promote equality of opportunity for disadvantaged groups.

6.12 The extensive consultation exercise following launch of the draft revised Code on 30 March 2004 confirmed the Commissioners' views that Exceptions to the Merit Principle should be rare and that there must be strong and compelling grounds as to why it is not reasonably practicable to make an appointment in accordance with the merit principle. As a result, the Commissioners have reviewed and reduced

the permissible exceptions to the Merit Principle and this measure should further minimise any potential for adverse impact in the future. The proposed Exceptions in the revised Recruitment Code are as follows:

- (a) Appointment on secondment;
- (b) Transfers of persons into the NICS
 - where the person holds a situation in another Civil Service of the Crown; or
 - where the person is employed on functions being transferred into the NICS;
- (c) Appointments for exceptional reasons, justified by the needs of the NICS; and
- (d) Appointments made under Government initiatives/programmes.

6.13 Further details on the use of these Exceptions can be found at Appendix A of the revised Recruitment Code. It would be the Commissioners' expectation that the current number of appointments made as Exceptions to merit (2.7%) will decrease.

Assessment: Section 75 Groups

6.14 It is the Commissioners' intention that their Recruitment Code will contribute to the development of best practice in the field of recruitment and selection. It reflects, but does not replace, relevant employment legislation. All appointments made under the Code must also comply with the legislation as well as the NICS requirements for appointment, prescribed by DFP under the Article 4(2)(c) of the Civil Service (Northern Ireland) Order 1996. Therefore the Commissioners' Recruitment Code itself is not the only legislative influence on NICS recruitment and the subsequent impact on the Section 75 groups. As a regulatory, as opposed to an operational, body the Commissioners rely

heavily on information produced by the NICS in order to monitor the impact of NICS recruitment activity on the Section 75 groups. The most recent information provided is as follows:

Section 75 Category	Assessment
Religious Belief	Community background monitoring data on applicants and appointees provides a positive indication that equality of opportunity is being effectively promoted in relation to the Protestant and Roman Catholic sections of the community.
Political Opinion	No assessment made – no monitoring data.
Racial Group	There is need to continue to develop affirmative action measures, including outreach to make known opportunities for employment, to further promote equality of opportunity for those from an ethnic minority background.
Age	The profile of applicants aligns with what would be anticipated in relation to the particular jobs advertised. Need to keep upper age limits under review.
Marital status	The marital status profile of the NICS workforce indicates the likelihood that equality of opportunity is being promoted between those of differing marital status.
Sexual orientation	The indications from data obtained in a survey of all staff indicate that further action, including outreach to make known opportunities for employment, may be necessary to further promote equality of opportunity between people of differing sexual orientation.
Men and Women	Monitoring data on applicants and appointees provides a positive indication that equality of opportunity is being effectively promoted in relation to men and women.
Disability	There is need to continue to develop affirmative action measures, including outreach to make known opportunities for employment, to further promote equality of opportunity for those with a disability.
Dependants	The indications from data obtained in a survey of all staff show a fairly even split between those staff with, and those without, dependants. This indicates the likelihood that equality of opportunity is being effectively promoted between the two groups.

6.15 The Commissioners have noted with interest the commitments made by DFP in meeting its obligation to have due regard to the promotion of equality of opportunity contained in Section 75 of the Northern Ireland Act 1998. In particular they support the need to further develop recruitment monitoring information in relation to a number of the

Section 75 categories. They also welcome the ongoing work developing lawful affirmative action, including outreach to Section 75 groups where there is evidence of under-representation.

- 6.16** The Commissioners note the assessment of the NICS that: Roman Catholics and women are under represented amongst the Senior Civil Service; Protestants and men amongst applicants for entry level posts to the general service occupational group; and the need to seek to improve the levels of representation amongst applicants of people with a disability and those from a minority ethnic background.
- 6.17** The revised Recruitment Code supports the need identified by the NICS for continuing vigilance and ongoing action to address the specific areas of under representation. Recently the NICS has been filling senior vacancies through open competitions as a step to address under-representation at this level. The Commissioners also support the NICS view to encourage new blood into the organisation through open recruitment at a variety of levels.

SECTION 7

MEASURES WHICH MIGHT MITIGATE ADVERSE IMPACT

- 7.1** The permissible Exceptions to the Merit Principle will be kept under review by the Commissioners and they will wish to be assured that there are strong and compelling grounds for making any appointment as an Exception, including why it is not reasonably practicable to make the appointment in accordance with the Merit Principle.

- 7.2** The NICS has identified the need to further develop recruitment information in relation to a number of Section 75 categories. When such information is available appropriate action, if necessary, should be taken to address imbalances and/or inconsistencies.

- 7.3** Article 4(4) of the Civil Service Commissioners (NI) Order 1999 requires Commissioners to audit recruitment policies and practices within the NICS to establish whether the Recruitment Code is being observed. Audits will be carried out by independent consultants, commissioned to carry out audits on the Commissioners' behalf. Reports on the outcomes of audits will include recommendations of best practice in recruitment.

APPENDIX 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 Queens 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, 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 to 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, 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 a 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 for Royal Mail for 35 years before retiring in 2003 as Head of Human Resources. He has been an Equality Commissioner 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.

Table 2: NICS staff who declared a disability, by Grade Level at January 2003

Grade Level	Declared a Disability	
	Number	%
Grade 5+	6	2.4%
Grade 6/7	43	3.4%
DP	94	4.6%
SO	103	3.9%
EO	351	4.8%
AA/AO	533	4.6%
Industrials	117	7.1%
ALL	1247	4.7%

Table 3: NICS staff with a minority ethnic background, by Grade Level at January 2003

Grade Level	Declared a minority ethnic Background	
	Number	%
Grade 5+	1	0.4%
Grade 6/7	6	0.5%
DP	7	0.3%
SO	5	0.2%
EO	10	0.1%
AA/AO	11	0.1%
Industrials	0	0.0%
ALL	40	0.1%

Table 4: Age range of Applicants 2000 to 2002

Year	Under 25			25-34			35-49			50+		
	GS	O	All	GS	O	All	GS	O	All	GS	O	All
2002	55%	31%	43%	24%	36%	30%	16%	26%	21%	5%	7%	6%
2001	54%	30%	49%	30%	39%	32%	14%	24%	16%	2%	7%	3%
2000	57%	28%	52%	26%	41%	28%	14%	26%	16%	3%	5%	4%

Year	Under age 30			Age 30 or over		
	GS	Non-GS	All	GS	Non-GS	All
2002	70%	54%	62%	30%	46%	38%
2001	74%	54%	70%	26%	46%	30%
2000	73%	53%	70%	27%	47%	30%

Table 5: Marital Status profile of NICS

	Married (living together or separated)	Single (never married)	Widowed or Divorced	Cohabiting	Not Known
NICS	60.8%	34.6%	2.4%	0.4%	1.8%
EAP	57.9%	32.0%	4.3%	5.8%	-

