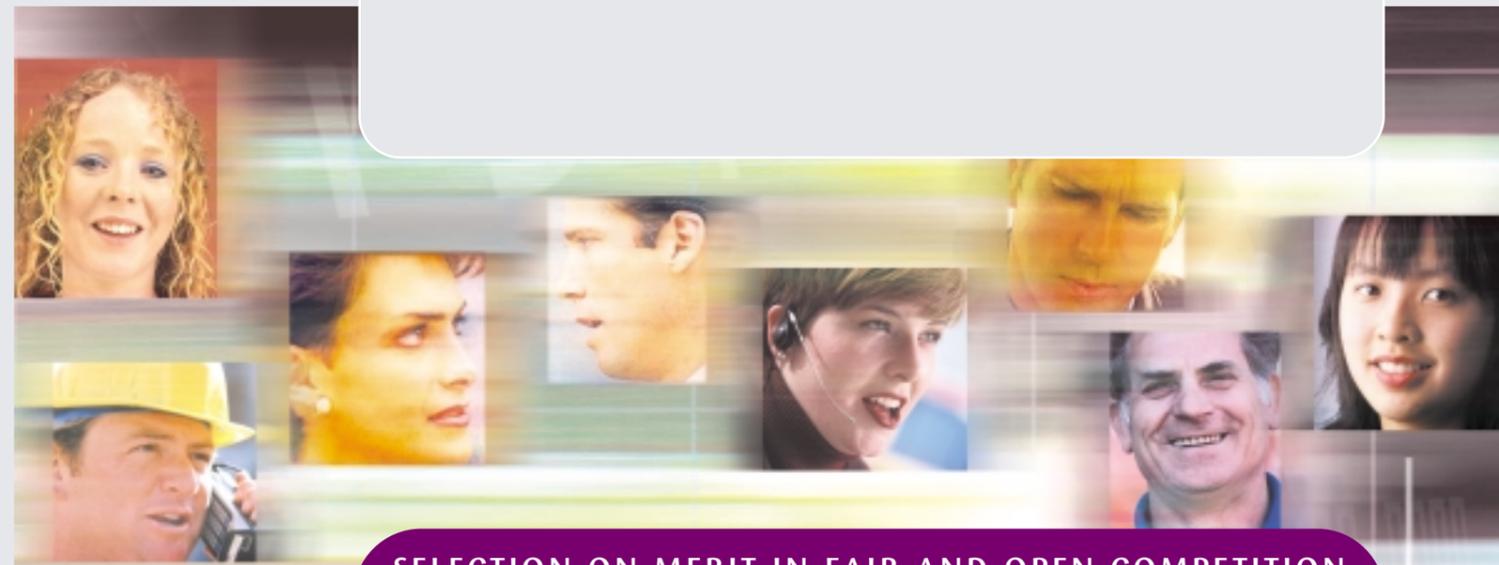


ANNUAL REPORT 1999-2000



SELECTION ON MERIT IN FAIR AND OPEN COMPETITION



*From left to right: SID McDOWELL, CBE; JUDITH EVE, OBE; IAN DOHERTY;
MARY DONNELLY; JOHN STEELE. CB, OBE, TD, DL; MARGARET ELLIOTT, CBE.*

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 1999 TO 31 MARCH 2000.

Judith M. Eve

Judith Eve, OBE

Margaret Elliott

Margaret Elliott, CBE

Mary Donnelly

Mary Donnelly

Ian Doherty

Ian Doherty

John Steele

John Steele, CB, OBE, TD, DL

Sid McDowell

Sid McDowell, CBE

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FOREWORD

The Commissioners have entered the year 2000 with renewed enthusiasm to maintain the Merit Principle within an ever changing environment both for the Northern Ireland Civil Service and for the Northern Ireland public at large. Since our last report we have approved the appointments of four new Permanent Secretaries to the Northern Ireland Civil Service which has restructured into eleven Departments. We have continued to promote our work to create a greater understanding of our role by personnel practitioners and others within and external to the NICS.

During the period of this report the Commissioners published a revised Recruitment Code which further clarified our requirements for all those involved in recruitment to the NICS. The revised Code was the result of a lengthy consultation process and includes, for the first time, guidelines on consultation with Ministers on appointment to posts, through open competition, to the Senior Civil Service. We have also developed an Internet Website which went live in April and will allow the public greater access to information on the work of the Commissioners.

In our last report we mentioned that two new Orders were made – the Civil Service (Northern Ireland) Order 1999 and the Civil Service Commissioners (Northern Ireland) Order 1999. Under the terms of the latter, the responsibility for providing support and assistance to the Commissioners transferred from the Department of Finance and Personnel to the Northern Ireland Office. This change in responsibilities has further emphasised the Commissioners' independence from the Northern Ireland Civil Service Departments and enhances the separateness of our role as custodians of the "Merit Principle" of selection on merit on the basis of fair and open competition.

We welcome our new Secretary, Christine Collins and we acknowledge the considerable support and assistance given to us by Leo O'Reilly, former Secretary to the Commissioners. We also wish to record our appreciation of the support which we have received from the Department of Finance and Personnel over the last number of years and we look forward to a new working relationship with the NICS.

Looking forward to the year ahead, we have new and interesting challenges to meet. The Commissioners, as a public authority, are committed to our equality obligations under Section 75 of the Northern Ireland Act 1998. We have produced a draft Equality Scheme which has been subjected to extensive consultation. We are preparing to implement the first stage of that scheme and we will be reporting next year on the progress we have made. We note and commend the work which is already being done by the Equal Opportunities Unit, of the DFP, in taking affirmative action in relation to gender and community background when advertising posts.



JUDITH EVE

Chairperson of the Civil Service Commissioners for Northern Ireland

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AUTHORITY AND RESPONSIBILITIES OF COMMISSIONERS

Civil Service Commissioners were first appointed in 1855 to uphold the principle that selection for appointment to posts in the Civil Service should be on the basis of merit in fair and open competition. Commissioners for Northern Ireland were first appointed in 1923.

Commissioners derive their responsibilities 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, makes, more explicitly than its predecessor, 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 of maintaining this important principle – 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 recruitment principle of selection on merit on the basis of fair and open competition, as provided for in the General Regulations;
- approving the procedures for appointments through open competition to senior positions in the NICS;
- auditing recruitment policies and practices followed by departments and agencies in making appointments to the NICS; and
- requiring departments and agencies to publish information about their recruitment activity.

Under the Order, the Commissioners may also consider and determine appeals made to them under the NICS Code of Ethics. The Order requires them to publish an annual 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.

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THE CIVIL SERVICE COMMISSIONERS
FOR NORTHERN IRELAND

Mrs Judith M Eve, OBE, appointed in 1993, graduated from Queen's University, Belfast with an LLB degree in 1971 and qualified as a Barrister-at-Law in 1973. Mrs Eve was appointed as International Liaison Officer, Queen's University, Belfast in 1989 with responsibility for the promotion of co-operation with partner institutions abroad. She also serves as part-time Chairman of Social Security Appeals Tribunals, and is a non-executive Director of North and West Belfast Health and Social Services Trust, and a Director of BIH Housing Association.

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 is 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 Ian Doherty, appointed in 1996, graduated from Peterhouse, Cambridge with an MA in History. Mr Doherty is a Director of James Doherty (Meats) Group with factories in Derry and Donegal. He is a non-executive Director of both Greenpark Healthcare Trust and Dromona Quality Foods. Mr Doherty's voluntary work includes: Chairman, Foyle Common Purpose; Chairman, Foyle Skills & Education

Cluster; serving as a member of the Board of Governors of Lumen Christi Grammar School, Derry; Council member of Londonderry Chamber of Commerce; and Trustee of Lloyds/TSB Foundation.

Mrs Mary Donnelly, appointed in 1999, Human Resource Director – BT Cellnet. Previously Mary was Vice President - Human Resources for Bombardier Aerospace, Shorts. Mary has a Masters Degree in Business Administration from the University of Sussex. She is a member of the Board of the Labour Relations Agency.

Mr Sid McDowell, CBE, appointed in 1999. From 1976 to 1994 Mr McDowell was Deputy General Secretary of the Northern Ireland Public Service Alliance. He was appointed Chairman of the Northern Ireland Housing Executive in 1995. In April 1996 he was appointed Chairman of the Local Government Staff Commission for Northern Ireland. He is a former Deputy Chairman of Co-Operation North. In 1999 he was appointed to the Northern Ireland Management Council. He is Vice-President of the Association for Spina Bifida and Hydrocephalus (NI).

Mr John Steele, CB, OBE, TD, DL, appointed in 1999, retired as Senior Director of the Northern Ireland Office (Belfast) in September 1998 having occupied the post from September 1996. Before that he was Director (Security) in the NIO since 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 NI Civil Service.

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THE RECRUITMENT CODE

Article 4(3) of the Civil Service Commissioners (NI) Order 1999 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 Code, which was first published in July 1997, was designed to set out the essential principles on which recruitment to the NICS must be based, and to protect the reputation and standards of the NICS. The Code was revised in December 1999 and Commissioners were pleased with the high response rate and valuable comments which resulted from a comprehensive consultation process with all relevant bodies. Changes have mainly been made to Section 2 – "Applying the Merit Principle". For the first time the Code provides guidance on consulting with Ministers in cases where they have a particular interest in open competitions for posts in the Senior Civil Service.

Commissioners are confident that the revised Code will clarify for departments and agencies their requirements to ensure best practice in the recruitment and selection process. The principles and procedures it sets out are a mandatory requirement for all those involved in recruitment to any post within the Service. The requirements of the Code apply to all appointments to both non-industrial and industrial posts, whether temporary, fixed-term or permanent, full or part-time.

The Code should be used in conjunction with all current Codes of Practice issued under relevant equality legislation e.g. the Code of Practice on Fair Employment in Northern

Ireland; the Equality Commission's (formerly Equal Opportunities 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 only deals with those aspects of recruitment which are the responsibility of the Commissioners. It is not a complete guide to all the requirements for recruitment to the NICS. For example, those undertaking recruitment to the NICS must satisfy 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 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 the 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

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on merit (i.e. limited exceptions where the merit principle does not 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 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 commenced in April 1998, will establish whether the requirements of the General Regulations and Recruitment Code are being observed.
- details of the recruitment-related information which Commissioners require each recruiting organisation to publish.

Commissioners have noted with concern that recent audits have highlighted the fact that some staff involved in recruitment activities have not been aware of the Code. The revised Code, therefore, has been distributed to every recruitment point within the NICS.

Copies of the Code, together with advice and information regarding its contents and interpretation, are available from the Office of the Civil Service Commissioners.

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EXCEPTIONS TO THE MERIT PRINCIPLE

Generally, all appointments to the Northern Ireland Civil Service must be made solely on merit on the basis of fair and open competition ('the merit principle') and recruitment must be carried out in accordance with the requirements specified in the Recruitment Code.

There are, however, limited exceptions to which the 'merit principle' does not apply. These 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 a public service;
- (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 had reached an appropriate standard in a fair and open competition for another situation in the Civil Service without securing appointment and where 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 long-term unemployed and the total period of service does not exceed 3 years.

Throughout this reporting period, the use of "exception to merit" appointments has been closely monitored to ensure that the merit principle was not diluted unnecessarily. Commissioners' approval was required for any "exception to merit" appointments involving posts in the Senior Civil Service and for any grade where a department or agency wished to extend a secondment beyond 3 years or where the appointment was considered justified for exceptional reasons relating to the needs of the Civil Service, and the person proposed for appointment was of proven distinction. In the last year, only two approvals were sought from Commissioners for appointments under these categories. Both requests sought Commissioners' approval to re-employ retired civil servants. One officer was very much involved in a major project before his retirement. Due to valid business reasons, it was judged appropriate and cost effective to re-employ the officer on a part-time temporary basis in order to complete the project. Commissioners gave their

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approval to the request. The second request was for the re-employment on a short term temporary basis of an officer to the post of Deputy Chief Medical Officer. No suitable candidate had been identified when an open competition was held to fill the vacancy. Therefore, in order to meet pressing business needs, the Commissioners granted approval for the department to re-employ the recently retired Deputy Chief Medical Officer.

Departments and Agencies have, however, reported that between 1 April 1999 and 31 March 2000, there were 166 appointments made as "exceptions to merit". Comparing this with the 3,184 appointments made following fair and open competition, we are reassured that the number of appointments under this provision were 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 (b) – the re-appointment of

former civil servants, all of whom were originally selected on merit through fair and open competition. The increase for the period of this report under category (h) is due to the Government's "New Deal" initiative.

FIGURE 1 – EXCEPTIONS TO MERIT
DECEMBER 1996 - MARCH 2000

16TH December 1996 - 31st March 1998



1ST April 1998 - 31st March 1999



1ST April 1999 - 31st March 2000



FIGURE 2 – EXCEPTIONS TO MERIT BY CATEGORY

EXCEPTION CATEGORY	Number 16 Dec '96 - 31 Mar '98	Number 1 Apr '98 - 31 Mar '99	Number 1 Apr '99 - 31 Mar 2000
A. secondment	5	10	6
B. re-employment	192	54	61
C. public service	3	17	18
D. transfer of functions	0	0	5
E. shortage of suitable candidates	1	0	0
F. assistance to disabled	31	21	20
G. needs of the Service	0	0	2
H. long-term unemployed programmes	0	18	54
TOTAL	232	120	166

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COMMISSIONERS' APPROVAL ROLE IN APPOINTMENTS TO THE SENIOR CIVIL SERVICE

The Senior Civil Service Advisory Panel (consisting of departmental Permanent Secretaries) determines the method of filling any vacancy in the Senior Civil Service (SCS) – i.e. by internal promotion, open competition or by appointment under the "exception to merit" provision. Appointees, by whatever route, must meet a set of core competencies.

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 our Secretariat approve these appointments on our 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.

All recruitment to the Senior Civil Service has been carried out by the Northern

Ireland Civil Service Recruitment Service on behalf of departments and agencies. Written approval must be obtained at each stage before the competition can progress. The key objective of the approval process is to ensure that procedures are being followed in accordance with the Recruitment Code and to observe that all SCS appointments made through open competition adhere to the merit principle. We recently examined and revised the approval process in line with the revised Recruitment Code.

Commissioners conduct an annual audit of the approval process to ensure that officers in our secretariat are exercising properly this delegated authority. During the period of this report, seventeen appointments were made to the Senior Civil Service following open competition. We are satisfied with the thoroughness of the procedures that were carried out in approving all seventeen appointments.

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

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FIGURE 3 – APPROVED APPOINTMENTS TO THE SENIOR CIVIL SERVICE
1 APRIL 1999 - 31 MARCH 2000
ANALYSIS BY GENDER:

DEPARTMENT	JOB TITLE	Applicants			Appointments	
		Male	Female	Total	Male	Female
Agriculture	Deputy Chief Veterinary Officer (Policy)	4	0	4	1	0
Culture, Arts & Leisure	Permanent Secretary	35	3	38	0	1
Economic Development	Director of Scientific Services, Industrial Research Technology Unit	31	3	34	1	0
Environment	Technical Director Water Service	16	0	16	1	0
	Chief Executive, Ordnance Survey of Northern Ireland	7	0	7	1	0
	Chief Executive, Public Records Office of Northern Ireland	9	0	9	1	0
	Chief Executive, Rates Collection Agency	11	4	15	1	0
	Permanent Secretary	35*	3*	38*	1	0
	Director of Finance, Roads Service	22	1	23	1	0
Finance & Personnel	Accountant, Senior Civil Service	20	1	21	1	0
Health and Social Services	Director of Health & Social Services Estates Agency	16	0	16	1	0
	Principal Medical Officer	12	6	18	0	1
	Director of Financial Management	13	0	13	1	0
Higher & Further Education, Training & Employment	Permanent Secretary	35*	3*	38*	1	0
Public Prosecutions	Senior Assistant Director	1	0	1	1	0
	Assistant Director	11	3	14	0	1
Social Development	Permanent Secretary	35*	3*	38*	1	0
TOTAL		208	21	229	14	3

* denotes that the figure should not be included in the total(s) as it has previously been counted.

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COMMUNITY BACKGROUND:

APPLICANTS				APPOINTMENTS			
Protestant	Roman Catholic	Not Determined	Total	Protestant	Roman Catholic	Not Determined	Total
128	63	38	229	9	6	2	17

FIGURE 3(A) – APPROVED APPOINTMENTS TO SENIOR CIVIL SERVICE
1 APRIL 1997 - 31 MARCH 2000

PERIOD	TOTAL	GENDER		COMMUNITY BACKGROUND		
		Male	Female	Protestant	Roman Catholic	Not Determined
1 April 1997 - 31 March 1998	10	10	0	7	3	0
1 April 1998 - 31 March 1999	13	12	1	8	4	1
1 April 1999 - 31 March 2000	17	14	3	9	6	2

Commissioners note with interest the changing trends of appointments to the Senior Civil Service over the past three years.

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AUDIT OF RECRUITMENT POLICIES AND PRACTICES IN THE NORTHERN IRELAND CIVIL SERVICE

Article 4(4) of the Civil Service Commissioners (Northern Ireland) Order 1999 requires Commissioners to audit recruitment policies and practices within the NICS to establish whether the Recruitment Code is being observed. Following a tendering process, PriceWaterhouseCoopers were awarded the contract for 1999/2000.

During the reporting year, PricewaterhouseCoopers conducted three audits. The auditors' experience to date has been that Departments and Agencies are generally aware of their responsibilities under the Commissioners' Recruitment Code and are conscientious in applying selection on merit on the basis of fair and open competition in exercising their recruitment activities.

Auditors did find specific areas within the organisations audited where there was a lack of awareness of the Recruitment Code. This was particularly apparent in larger, multi-site organisations although the auditors commented on the fact that all recruitment points, while not always adhering strictly to the Code, did meet the legislative requirements and generally followed best practice in conducting their recruitment activities.

The emphasis of the audits has been on providing help to Recruitment Service departments and agencies to meet the requirements of the Recruitment Code, rather than on 'fault-finding'. Therefore the final reports have included not only breaches of the Code but also recommendations for improvements, which audited Departments and Agencies have welcomed.

The audits took a three strand approach:-

- assessment of policies, procedures and stated practices against the requirements of the Recruitment Code;
- assessment of controls and their adequacy; and
- a compliance check against the stated process, based on examination of a sample of competitions.

Documentation was examined and interviews conducted, as necessary, with personnel involved in the recruitment process.

COMMON ISSUES TO BE ADDRESSED

The main issues which Commissioners have brought to the attention of Assistant Secretary Establishment Officers are as follows:

- **AWARENESS OF RECRUITMENT CODE**
Audits continue to reflect a general lack of awareness of the Commissioners' Recruitment Code. Resulting from the wider distribution of the recently revised Recruitment Code, Commissioners expect that all staff involved in recruitment activity are now fully conversant with their Recruitment Code.
- **SELECTION AND TRAINING OF PANEL MEMBERS**
Commissioners welcome the findings

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which indicate that much attention is being given to the proper selection and training of panel members.

● ADVERTISEMENTS

Evidence indicates the need to emphasise that Departments and Agencies must make it clear in job advertisements that applications are welcomed from all eligible candidates and that selection will be on merit. The NICS Equal Opportunities statement should also be included. Openness and fairness must be considered when targeting universities to fill student vacancies.

● JOB SPECIFICATION

Job specifications must detail the specific duties and responsibilities of the post. This also applies to vacancies suitable for placement students.

● INTERVIEW ASSESSMENTS

Findings show that sometimes:-

- *interview assessment forms are only partially completed;*
- *panel members are failing to make independent assessments; and*
- *no reason is being recorded when durations of interviews vary.*

Commissioners emphasise the need for compliance with the Recruitment Code in these areas.

● MAINTENANCE OF RECORDS

Audits indicate that maintenance of

records could be improved, particularly in relation to date stamping application forms on receipt and also in ensuring that all documentation is retained for 3 years after the last candidate is offered an appointment.

Commissioners are content that, in general, Departments and Agencies are complying with the Recruitment Code and with best practice. To maintain a professional approach to recruitment and selection within the Northern Ireland Civil Service, we would like all those involved in recruitment activity to consider the auditors' findings and recommendations as stated above, and take appropriate action where necessary.

We look forward to the findings of the next series of audits to see how the recommendations and action plans from these audits have been implemented.

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REQUIREMENT FOR THE PUBLICATION OF RECRUITMENT INFORMATION

Under the Civil Service Commissioners (Northern Ireland) 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. Our Recruitment Code stipulates that this information must, as a minimum, comprise:

- 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 & 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.

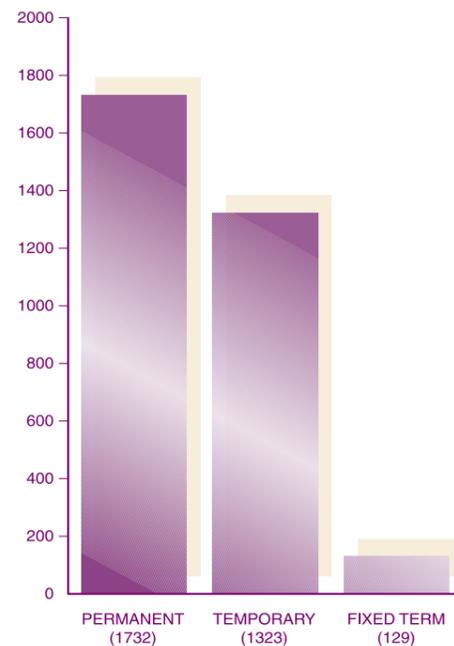
The method of publication is at the discretion of the recruiting body. The Social Security and Child Support Agencies have included recruitment sections in their annual reports while other Departments and Agencies have accepted the offer of the

Northern Ireland Civil Service Recruitment Service to include the information in its Annual Report.

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

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

FIGURE 4 – APPOINTMENTS BY TYPE
1 APRIL 1999 - 31 MARCH 2000



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FIGURE 4(A) – RECRUITMENT BY JOB CATEGORY
1 APRIL 1999 - 31 MARCH 2000

JOB CATEGORY*	NUMBER OF APPLICATIONS	NUMBER OF APPOINTMENTS
General Service Grades	13,679	2,346
Secretarial Grades	74	18
Scientific Grades	686	47
Technology Grades	355	72
Legal Grades	36	5
Computer Grades	190	39
Other Prof & Tech Grades	4,178	367
Centralised Services Grades	481	63
Industrial Grades	1,361	227
TOTAL	21,040	3,184

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

FIGURE 4(B) – APPOINTMENTS BY JOB CATEGORY
16 DECEMBER 1996 - 31 MARCH 2000

JOB CATEGORY*	Number of Appointments 16 December 1996 - 31 March 1998	Number of Appointments 1 April 1998 - 31 March 1999	Number of Appointments 1 April 1999 - 31 March 2000
General Service Grades	2,467	2,634	2,346
Secretarial Grades	30	28	18
Scientific Grades	31	66	47
Technology Grades	66	33	72
Legal Grades	12	8	5
Computer Grades	9	23	39
Other Prof & Tech Grades	352	396	367
Centralised Services Grades	109	90	63
Industrial Grades	344	169	227
TOTAL	3,420	3,447	3,184

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

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APPEALS UNDER THE NORTHERN IRELAND CIVIL SERVICE CODE OF ETHICS

As in our previous report, we cover here our 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 appeal process, we have determined that appeals will be dealt with by at least two, but usually three Commissioners. We are not civil servants and therefore do not have a vested interest in the issues within the compass of these appeals.

We have noted that only one appeal was made to the Commissioners during the period to which this report relates. We are concerned that civil servants are not fully aware of the appeals mechanism, and steps are now being taken to raise the profile of our appeals function throughout the NICS.

Furthermore, our guidance leaflet explaining the procedures for making an appeal is being revised and will be available to all civil servants.

FURTHER ACTION ON ONGOING APPEALS

When we reported last year, three appeals were currently ongoing for Commissioners' consideration. In the two cases concerning

alleged harassment and bullying, one of the appellants withdrew their appeal to the Commissioners; and in the other appeal we concluded that the matter did not fall within the terms of the Code of Ethics and therefore no further action was required by the Commissioners.

The third case involved an appellant who alleged that he had been required to act in a way which had been in breach of the Code in relation to the alleged fraudulent activity in the procurement and management of services. When we last reported, Commissioners had requested that a fresh independent investigation be carried out. The new investigation was delayed and we have regularly communicated with the Department in order to ensure that all internal investigations are completed as soon as possible. The Department has recently informed us that their independent investigation is close to completion. We will consider the investigator's report and decide on the appropriate action to be taken.

CASES CONSIDERED DURING 1999/2000

We have had only one new case referred to us during 1999/2000. On examining the appeal, Commissioners agreed that the issue was personal to the appellant and totally unrelated to their work as a civil servant. We concluded that the matter did not fall within the terms of the Code of Ethics and therefore it was inappropriate for us to consider it further.

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OFFICE OF THE CIVIL SERVICE COMMISSIONERS FOR NORTHERN IRELAND

Support for Commissioners in carrying out their responsibilities is provided by staff in the Office of the Civil Service Commissioners for Northern Ireland (OCSC (NI)) based in Windsor House, Bedford Street, Belfast.

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ACKNOWLEDGEMENTS

We are grateful to the staff in the Office of the Civil Service Commissioners for their support in all areas of our work. Since the responsibilities of the Commissioners are exercised on a part-time basis, the commitment of staff to the day to day running of the Commissioners' business and their willingness to accept new work as it arises are much appreciated.

We wish also to thank those people both from the Northern Ireland Civil Service and elsewhere who are consulted when specialist knowledge or experience is required.

Our thanks also to the Office of the Civil Service Commissioners in Great Britain, for advice given.

To all these people, whose assistance is vital to our task, we are very grateful.

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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;

“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:

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- (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 next dissolution of the New Northern Ireland Assembly.
 - (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.

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.

(a) 1954 c. 33 (NI).

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

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- (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 –
- regulate their own procedure;
 - 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
 - make recommendations.
- (3) The Commissioners –
- 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
 - 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.
- 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.
 - The Commissioners may, in relation to such matters, and to such extent as they may specify, authorise their secretary, deputy secretary or any other person to act on their behalf.
 - 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*

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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:-

- 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").
- 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.

- Article 5** provides for Commissioners to consider and determine appeals to them by a civil servant under the Code of Ethics.
- 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.
- 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.

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**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.

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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

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OCCUPATIONAL GROUPS FOR RECRUITMENT PURPOSES

For recruitment purposes there are 9 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, Farmworkers, Labourers, Fish Farm Assistants