

**RECRUITMENT CODE  
CONSULTATION REPORT  
SUMMARY OF RESPONSES**

April 2012

*Ensuring appointment on merit  
& safeguarding ethics*

## CONTENTS

	<b>Page(s)</b>
<b>Summary</b>	3
<b>1. Introduction</b>	4 – 5
<b>2. Consultation process</b>	6
<b>3. Commissioners' response to feedback</b>	7 – 8
<b>Annex A</b> List of those who participated in the consultation process	9

## SUMMARY

1. In September 2010, the Civil Service Commissioners issued a consultation document to seek views on a revised Recruitment Code. Consultees were invited to comment on the content, structure, layout and language of the revised Code and to consider if the provisions of the Code, if fully adhered to, were sufficient to provide assurance to promote confidence in recruitment to the NICS. Consultation closed on 30 November 2010.
2. Consultees were advised that an initial Equality and Human Rights screening of the revised Code had been undertaken and, as a result, it was determined that a full equality impact assessment was not required. However, consultees were invited to let Commissioners know if, on examination of the draft Code, they found that any aspect of the proposals might have a differential impact on any Section 75 group.
3. The main points made by those who commented on the draft Code can be summarised as follows:
  - there was broad support for the clarity provided around roles and responsibilities;
  - it was suggested that it might be helpful to more clearly define a number of terms used in the Code;
  - the Code should support the non-partisanship of the Civil Service and the importance of seeking to ensure that recruitment decisions are free from political influence;
  - the further clarity provided in relation to the Commissioners' expectations and how the requirements of the Code might be satisfied was welcomed;
  - it was suggested that it might be timely to review the Civil Service Commissioners for Northern Ireland General Regulations 2007 which set out the circumstances in which appointments by way of exception to merit might be permissible;
  - there were no concerns in relation to any potential differential impact on any Section 75 group; and
  - one specific concern was raised in relation to the need to ensure fair treatment of people with criminal convictions.
4. The Commissioners' position in relation to the feedback received is detailed in Section three.
5. After detailed consideration of all the views and comments received, a number of amendments were made to the Recruitment Code. The final version came into effect on 23 April 2012 and is available on the Commissioners' website at [www.nicscommissioners.org](http://www.nicscommissioners.org)
6. Civil Service Commissioners would like to thank all those who participated in the consultation process for taking time to make their views known. Commissioners would

also like to record formally their thanks and appreciation to all those who took part in workshops and meetings held as part of the consultation process.

## **SECTION 1 – INTRODUCTION**

### **Civil Service Commissioners**

1. Civil Service Commissioners are independent of Government and the Northern Ireland Civil Service (NICS). They are appointed under, and derive their powers and responsibilities from, the Civil Service Commissioners (NI) Order 1999. Commissioners are appointed on merit following public advertisement and fair and open competition and bring to the job wide experience from the public, private and voluntary sectors.

### **Commissioners' role**

2. The Commissioners' primary role is to regulate recruitment to the NICS at all levels and they have a statutory duty to maintain the principle of selection on merit, on the basis of fair and open competition (known as the Merit Principle) in relation to recruitment to the NICS. Commissioners also have a statutory duty to prescribe and publish a Recruitment Code on the interpretation and application of the Merit Principle. Adherence to the Recruitment Code is mandatory for all NI Departments and Agencies and Commissioners audit the recruitment policies and practices within the NICS to establish whether or not the Recruitment Code is being observed. Commissioners contribute to the development of an effective and impartial Civil Service by carrying out the duties imposed on them by the 1999 Order. These measures go some way towards assuring public confidence in the process of recruitment to the NICS.

### **Civil Service Commissioners' Recruitment Code**

3. The Recruitment Code is the Commissioners' main policy document and its aims are to:
  - set out and explain the role of Commissioners;
  - set out the Commissioners' recruitment principles, expectations and the requirements of the Code;
  - outline the exceptional circumstances when the Merit Principle shall not apply;
  - explain the Commissioners' approval role in relation to appointments to the Senior Civil Service (SCS); and
  - set out Commissioners' role in auditing NICS recruitment policies and practices.

### **Review of the Recruitment Code**

4. The previous Recruitment Code was in place since 2005. Commissioners felt it was timely and appropriate to review the Code to ensure it was still relevant and to reflect the changing context within which it must operate.
5. Preliminary consultation took place with key stakeholders in the NICS prior to wider public consultation. Following an internal review, and consultation with Permanent

Secretaries, the Department of Finance and Personnel (DFP), and Departmental HR Directors. Commissioners determined that the vast majority of the Code remains relevant and appropriate. Any changes made were, therefore, aimed at providing greater clarity so that all those involved in the recruitment process may understand better the requirements of the Code and how these might be satisfied in practice. The review of the Code focused on a number of important issues including, in particular, the Commissioners' expectations; the circumstances necessary for these to be satisfied; and how the Code should be interpreted and applied. Commissioners also examined the arrangements for Ministerial involvement in appointments and the requirements of those appointments made by way of exception to the Merit Principle.

6. Diversity, inclusivity and equality of opportunity are central to the Recruitment Code. An initial Equality and Human Rights screening of the revised Code was undertaken and found that a full equality impact assessment was not required. Nevertheless, all consultees were invited to let Commissioners know if, on examination of the revised Code, they considered that any aspect of it may have a differential impact on any Section 75 group. The results of the initial screening were posted to the Commissioners' website. Consultees were also invited to let Commissioners know if they wished to discuss the provisions of the draft Code in an open forum with Commissioners and other interested stakeholders. No such requests were received within the appropriate timescale.

## SECTION 2 – CONSULTATION PROCESS

1. The consultation document was issued to a wide range of stakeholders asking for views / comments on the draft Recruitment Code. The consultation ran from 1 September until 30 November 2010. In total, twenty organisations contributed by submitting written responses, participating in workshops and / or attending meetings. A list of those who participated in the consultation process is attached at **Annex A**. This report can be accessed on the Civil Service Commissioners' website at [www.nicscommissioners.org](http://www.nicscommissioners.org)
2. Consultees were invited to consider each of the following:
  - (1) Is the content, structure and layout of the draft Recruitment Code clear and easily understood?
  - (2) Is the language in the draft Recruitment Code clear, unambiguous and easily understood?
  - (3) Do you consider that any of the provisions of the draft Recruitment Code might adversely impact on you or your organisation?
  - (4) Are the provisions of the draft Recruitment Code sufficient to reassure you that, if fully adhered to, you could have confidence in recruitment to the NICS?
  - (5) Do you wish to make any other comments about the draft Recruitment Code that have not been covered by the other questions?
3. The Commissioners' position in relation to the feedback received is detailed in Section 3.

### SECTION 3 – COMMISSIONERS’ RESPONSE TO FEEDBACK

This section sets out the Commissioners’ consideration of the responses received and summarises the subsequent changes which were made to the Recruitment Code as a result of the consultation process.

<b>ISSUE:</b>	<b>Definitions</b>
<b>FEEDBACK:</b>	A number of consultees suggested that there might be value in more clearly defining a number of terms used on the Code.
<b>COMMISSIONERS’ RESPONSE:</b>	Commissioners have included definitions of “merit”, “fair” and “open”.

<b>ISSUE:</b>	<b>Exceptions to merit</b>
<b>FEEDBACK:</b>	<p>A number of consultees suggested that greater clarity was needed in relation to the circumstances in which appointments by way of exception to merit might be justified.</p> <p>It was also suggested that it might be timely to review the Commissioners’ 2007 General Regulations which set out the circumstances in which appointments by way of exception to merit might be permissible.</p>
<b>COMMISSIONERS’ RESPONSE:</b>	<p>Commissioners amended the Code to make clear that appointments by way of exception to merit must be rare and justified by strong and compelling business needs of the NICS.</p> <p>Commissioners also reviewed the 2007 General Regulations and, after detailed consideration, determined that the current exceptions remained relevant and appropriate. Where necessary, Commissioners strengthened the wording in Appendix A to the Code to clarify further the Commissioners’ expectations in this regard.</p>

<b>ISSUE:</b>	<b>Ministerial Involvement</b>
<b>FEEDBACK:</b>	A number of consultees suggested that the provision for Ministerial involvement should apply only to the most senior competitions.
<b>COMMISSIONERS' RESPONSE:</b>	Commissioners reflected on the practice in other jurisdictions and good practice elsewhere and determined that Ministerial involvement should apply only to competitions for the Head of the Civil Service, Permanent Secretaries or a very limited number of other SCS posts located outside this jurisdiction.

<b>ISSUE:</b>	<b>Equality and Diversity</b>
<b>FEEDBACK:</b>	It was suggested that greater clarity was required in relation to the statutory equality obligations which apply to recruitment. It was also suggested that there was a need to make specific reference to the need to ensure fair treatment of people with criminal convictions.
<b>COMMISSIONERS' RESPONSE:</b>	<p>Commissioners amended the Code to make clear that, in addition to adhering to the Recruitment Code, all appointments to the NICS must comply fully with all of Northern Ireland's equality and anti-discrimination legislation, the principles espoused therein and the associated statutory Codes of Practice.</p> <p>After careful consideration of the points made in relation to the fair treatment of people with criminal convictions, and in light of the fact that diversity, inclusivity and equality of opportunity for all are central pillars of the Recruitment Code, Commissioners concluded that the Code is sufficiently all-embracing and inclusive to address the concern.</p>

**LIST OF THOSE WHO PARTICIPATED IN THE CONSULTATION PROCESS**

Officials from:

Office of the First Minister & Deputy First Minister (OFMDFM)  
Department of Agriculture & Rural Development (DARD)  
Department of Culture, Arts & Leisure (DCAL)  
Department of Education (DENI)  
Department for Employment & Learning (DEL)  
Department of Enterprise, Trade & Investment (DETI)  
Department of the Environment (DOE)  
Department of Finance & Personnel (DFP)  
Department of Health, Social Services & Public Safety (DHSSPS)  
Department of Justice (DOJ)  
Department for Regional Development (DRD)  
Department for Social Development (DSD)  
Northern Ireland Prison Service (NIPS)

Minister's Office:

Dept of Finance & Personnel  
Department of Culture, Arts and Leisure

Equality Commission for Northern Ireland (ECNI)

Law Society of Northern Ireland

GB Commissioners

NI Association for the Care and Resettlement of Offenders (NIACRO)