

CSC NI

CIVIL SERVICE COMMISSIONERS
FOR NORTHERN IRELAND

CSC NI
13-14
ANNUAL REPORT

Ensuring appointment on merit & safeguarding ethics



Feedback

Whilst this Report is a document of record it is important that it is also relevant and informative to the public. Should you have any comments regarding any aspect of the Report (e.g. content, layout etc) the Civil Service Commissioners would be happy to receive them. Any such comments should be sent to the following address:

Office of the Civil Service Commissioners for Northern Ireland

Room 105
Stormont House
Stormont Estate
Belfast
BT4 3SH

Alternatively, please email the Commissioners at:
info@nicsscommissioners.org

13-14

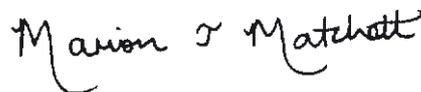
CSC NI

CIVIL SERVICE COMMISSIONERS
FOR NORTHERN IRELAND

We, Your Majesty's Civil Service Commissioners for Northern Ireland, present to Your Majesty this report on our work during the period 1 April 2013 to 31 March 2014



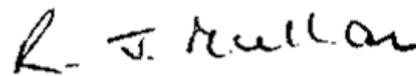
Brian Rowntree CBE
Chairperson



Marion Matchett CBE



Vilma Patterson MBE



Raymond Mullan OBE



Jim Scholes

CONTENTS

SECTION	Page(s)
Chairperson's Foreword	7
Executive Summary	11
Introduction	
• Who are we	14
• What do we do	14
• Our Strategic Plan	15
• Governance Statement	16
Key Issues	
• Civil Service (Special Advisors) Act (Northern Ireland) 2013	18
• Northern Ireland (Miscellaneous Provisions) Act 2014	19
• Regulation and Improvement Forums	20
• Review of the Office of the Civil Service Commissioners	22
• Budget Constraints	22
Regulating for Improvement	
• Strategic Approach to Auditing Policies and Practices	24
• Commissioners' Approach to Audit	24
• Secretariat Audit role	24
• Link Commissioner	25
• Senior Civil Service (SCS) 4 stage authorisation process	25
• 2012/13 Pilot Audit of inward secondment as an exception to merit	26
• Desk-top Compliance Review	27
• Key Improvements	27
• Review of communication and feedback with SCS candidates	28
• Commissioners 2014/15 Audit and Review Plan	28

Monitoring Recruitment

- Overview of recruitment to the NICS (1 January 2013 – 31 December 2013) 31
- Senior Appointments 33
- Exceptions to Merit 34

Upholding the NICS Code of Ethics

- Code of Ethics Guidance documents 37

Engagement with others

- Working with the NICS and others 39

Diversity

- Promoting Diversity 42

Annexes

- Annex A** Commissioners currently in post 44
- Annex B** Commissioners' resources 46
- Annex C** Strategic Audit Planning Cycle and Process 47
- Annex D** 4 Stage Authorisation Process 48
- Annex E** List of Senior Civil Service Competitions 49

Tables

- Figure 1** External Senior Civil Service Competitions 26
- Figure 2** Appointments Made by Exception to the Merit Principle 35

CSC NI

**CHAIRPERSON'S
FOREWORD**

Ensuring appointment on merit & safeguarding ethics

CHAIRPERSON'S FOREWORD

13-14

It is with great pleasure that I present the Annual Report of the Civil Service Commissioners for 2013/14. This is the third report I have presented since taking up the position of Chair and I am delighted with what we have achieved in that time.

During 2013/14 my fellow Commissioners and I continued to work on strengthening our strategic focus in terms of our statutory role. The key values which underpin our work are those of independence, integrity and impartiality. Adherence to these values is vital in shaping our contribution towards our aim of assisting in the empowerment of improvement in the Northern Ireland Civil Service.

During 2013/14, the importance of protecting our independence became an issue of concern for Commissioners during the enactment of two separate pieces of legislation; the **Civil Service (Special Advisers) Act (Northern Ireland) 2013** and the **Northern Ireland (Miscellaneous Provisions) Act 2014**.

We consider that the amendments, made during the Committee stage of the Civil Service (Special Advisers) Act (Northern Ireland) 2013, have resulted in the removal of a potential threat to our independence thereby allowing us to continue to discharge our primary role as protectors of the Merit Principle.

Commissioners wrote to members of the House of Lords during the debate stages of what became the Northern Ireland (Miscellaneous Provisions) Act 2014, drawing attention to the need to establish statutory safeguards with a view to protecting the independence of the Northern Ireland Civil Service Commissioners and the impartiality of the Northern Ireland Civil Service.

Whilst Commissioners remain of the view that the necessary safeguards are best provided through primary legislation, they note that the Act now sets out a requirement that, prior to putting legislation before Parliament which would result in the devolution of powers in relation to the functions of the Northern Ireland Civil Service Commissioners, the Secretary of State must first lay a report before Parliament. This report must outline the effect of the proposed legislation on the independence of the Civil Service Commissioners for Northern Ireland; the application of the principle that persons should be selected for appointment to the Northern Ireland Civil Service on merit on the basis of fair and open competition; and the impartiality of the Northern Ireland Civil Service.

A key outcome of the year was the continued strengthening of relationships with existing key stakeholders and the development and fostering of relationships with new associates. As ever, we had close links with our colleagues in the NICS, including

CHAIRPERSON'S FOREWORD

the Departmental Permanent Secretaries and Corporate Human Resources. We also met with and retained close links with our colleagues in Great Britain and the Republic of Ireland.

During the year one of the most successful ways in which we strengthened existing relationships and developed new ones was through the hosting of our Regulation and Improvement Forums. This new initiative brought together key representatives from the public sector, academics and other regulators.

Another of the Commissioners' key achievements during 2013/14 was the continued development and expansion of our audit function. We conducted a **Desk-top Compliance Review** to consider the extent to which the NICS' application of processes connected to job analysis; attracting candidates; selecting and assessing candidates; and appointing candidates was consistent with upholding the Merit Principle. It was completed in early 2013 with eleven recommendations for improvement made to the NICS. The review could not have been completed without the help of staff from Corporate and Departmental Human Resources and I would like to take this opportunity to thank them for their support and assistance. Commissioners also completed the field work stage on a review of **Communication and Feedback during Senior Civil Service Recruitment**

competitions. The key findings from that review will be published in summer 2014.

In the first of a series of steps to further develop our oversight role, Commissioners appointed a member of staff with particular responsibility for carrying out our audits and reviews of NICS' recruitment policies and practices. I am pleased to report that the field work for the first Secretariat led audit was completed in March 2014 and work has commenced on next year's programme. I consider that this appointment will serve to strengthen both our scrutiny of the NICS' recruitment policies and procedures and our auditing for improvement objective.

The past year saw a marked increase in the level and complexity of casework. Some of the issues which arose posed challenging questions which may ultimately require a re-examination of the terms of our Regulations. We will reflect further upon these matters and explore the need for review in the coming year.

As an Arm's Length Body of the Northern Ireland Office, we continued to meet with our sponsor on a regular basis to discuss issues such as funding and staffing requirements. Fellow Commissioners and I remain grateful to the NIO for its continued support.

However, like many other public bodies, we have been affected by a reduction in our funding which has the potential to affect our ability to operate as effective regulators.

CHAIRPERSON'S FOREWORD

13-14

Having examined ways in which we could streamline our processes without diminishing our role as a regulator, I am pleased to report that my colleagues rose to the challenge of delivering more with less whilst continuing to discharge our statutory obligations. However, we are facing further significant budget cuts which will require a radical and innovative approach to the delivery of our services. There is no doubt this will require difficult decisions to be made but the need to safeguard and uphold the Merit Principle is paramount. We are determined to take whatever practical steps are necessary to ensure this is maintained.

To help inform decisions, the role of the Secretariat is already under consideration. We have engaged consultants to conduct a review of the current structure of the

Secretariat and the activities associated with providing an effective and efficient service to Commissioners. We remain hopeful that the outcome of the review will enable us to streamline our processes to place sole focus on the achievement of our statutory obligations.

I would like to take the opportunity to thank the Secretariat staff for the dedication, professionalism and innovation they bring to their respective roles. They are a constant source of support to me and my fellow Commissioners.

I remain committed to ensuring that the Civil Service Commissioners provide a significant and meaningful contribution to empowering recruitment to the NICS whilst protecting our independence and safeguarding merit.



BRIAN ROWNTREE, CBE
CHAIRPERSON

CSC NI

**EXECUTIVE
SUMMARY**

Ensuring appointment on merit & safeguarding ethics

The 2013/14 Annual Report focuses on the key achievements and outputs of the Civil Service Commissioners during the period April 2013 to March 2014. As in other years, our primary focus has been on safeguarding the Merit Principle, whilst we have also been required to respond to challenges to our statutory independence which arose during the reporting period.

As Commissioners, we are committed to a process of continuous improvement in our role as regulators and in seeking to assist in promoting improvement within the NICS. One of the key ways in which we endeavour to strengthen our statutory role is through a robust and effective audit function. Our audit role examines and reviews **NICS Recruitment policies and procedures**.

In early 2013, we completed a Desk-top Compliance Review which focused on a small number of competitions below SCS level. Eleven recommendations for improvement were made, ten of which were accepted.

During 2013/14 Commissioners also completed the field work stage on a review of **Communication and Feedback during Senior Civil Service Recruitment competitions**. The key findings from that review will be published in summer 2014.

As regulators, we continually monitor recruitment to the NICS. Our Secretariat plays a key role in the Senior Civil

Service recruitment process by providing authorisation on behalf of Commissioners at four key stages of the process. During the year, 11 competitions were progressed as detailed in Figure 1 on page 26.

The **Civil Service Code of Ethics** falls within the statutory remit of the Commissioners and our revised guidance in relation to appeals by NICS staff under the Code of Ethics was published in June 2013. The revised guidance explains more clearly our role and remit and brings greater clarity to civil servants who wish to bring an appeal under the Code. There was one case accepted as an appeal by Commissioners in the current reporting year.

The past reporting year also saw a potential challenge to the independence of Commissioners through the enactment of two separate pieces of legislation, namely the Civil Service (Special Advisers) Act (Northern Ireland) 2013 and the Northern Ireland (Miscellaneous Provisions) Act 2014. Whilst these matters are dealt with in greater detail in the body of this report, it is important to note at this stage that the proposal to give Commissioners a role in the appointment of Special Advisers has not been proceeded with.

Furthermore, the commitment by the Northern Ireland Office to carry out a process of consultation, prior to putting legislation before Parliament which would result in the devolution of powers in relation to the

EXECUTIVE SUMMARY

functions of Commissioners, represents an advance on previous proposals in terms of the protection of the independence of the role of Commissioners in the future.

Commissioners continue to place substantial importance on maintaining effective working relationships with all our stakeholders. In addition to our regular meetings with the NICS, we also met with our colleagues from Great Britain and the Republic of Ireland in early April 2014. We continued to hold productive meetings with our sponsor Department – the Northern Ireland Office.

To strengthen existing relationships and build new ones, Commissioners held two **Regulation and Improvement Forums**, which were attended by key representatives from the public, academic and regulatory sectors. The Forums enabled those attending to focus on the challenges which we all face and on identifying innovative ways of addressing these issues. Significantly, the Forums also resulted in promoting a greater awareness of our independence and regulatory role.

Commissioners attach particular importance to issues of equality and diversity which go to the very heart of the Merit Principle. Commissioners comply with relevant statutory requirements and submit an annual progress report to the Equality Commission in line with the requirements on public authorities. Commissioners also review annually the targets and objectives set in our **Disability Action Plan**.

CSC NI

INTRODUCTION

Ensuring appointment on merit & safeguarding ethics

INTRODUCTION

Who we are

Civil Service Commissioners are individually appointed by Royal Warrant, to exercise the powers and responsibilities set out in the **Civil Service Commissioners (NI) Order 1999**. Sponsored by the Northern Ireland Office, we are independent of Government and the Northern Ireland Civil Service (NICS) and we regard that independence as being critical to our role as regulators.

Our main purpose is to regulate recruitment to the NICS, at all levels, to ensure that the most suitable candidate is appointed to the job. This is what we refer to as the **Merit Principle** and we are its guardians. As is the position with civil servants, Commissioners are appointed following public advertisement through a fair and open competition and we bring to the role wide experience from the public, private and voluntary sectors.

Details of all Commissioners in post during 2013/14 are provided in **Annex A**.

What we do

As Civil Service Commissioners we derive our powers from the Civil Service Commissioners Order (Northern Ireland) 1999. This confers statutory responsibilities in relation to:

- **MERIT** – as guardians of merit, we uphold the principle that selection for appointment to the NICS should be on merit on the basis of fair and open competition;
- **RECRUITMENT CODE** – we publish and maintain a Code on the interpretation and application of the Merit Principle;
- **GENERAL REGULATIONS** – we prescribe the circumstances in which the Merit Principle shall not apply;
- **AUDIT** – we review recruitment policies and practices followed in making appointments to the Civil Service to establish whether the Recruitment Code is being observed;
- **PUBLICATION OF SPECIFIED INFORMATION** – we require the NICS to publish information relating to recruitment and to the use of permitted exceptions to the Merit Principle; and
- **CODE OF ETHICS** – we hear appeals made by existing civil servants under the NICS Code of Ethics and publish annually a report on the number and nature of appeals made to Commissioners.

Our Strategic Plan

We are reporting on our current three-year Strategic Plan which sets out our priorities for 2011 – 2014.

Our strategic priorities are:

- to be an exemplary regulator, guard the Merit Principle, promote equality and diversity, examine complaints under the NICS Code of Ethics and thereby promote public confidence in recruitment to the NICS;
- ensure the work of the Commissioners is led strategically in order that they can fulfil effectively their roles and responsibilities;
- secure, deploy and account skilfully and effectively for the financial and other resources made available to Commissioners; and
- strive for innovation and continuous improvement in the working methods, systems and procedures adopted by Commissioners in discharging their statutory roles and responsibilities.

How we deliver our strategic priorities and respond to our statutory obligations

In delivering on these priorities, key outputs included:

- the organisation of the first **Regulation and Improvement Forums** attended by senior civil servants; wider public sector organisations, academia and regulatory bodies; which resulted in promoting a greater awareness of our independence and regulatory role;
- the publication of the report of the Desktop Compliance Review of competitions below SCS level, conducted internally by the Commissioners' Secretariat, which set out a series of recommendations for action;
- the appointment of a dedicated resource to focus on our statutory audit function and the management of recruitment-related information;
- the completion of the field work on **Communication and Feedback with SCS Candidates during the Selection and Recruitment Process**. The final report, with a series of recommendations for improvement which were all accepted by CHR, will be published in summer 2014.
- the publication of our revised **Code of Ethics Guidance for Appellants** and introduction of **Guidance for Departments**;

INTRODUCTION

- consultation with Permanent Secretaries on our **Strategic Audit Plan** resulting in increased levels of engagement and co-operation;
- the publication of our **Equality Annual Report**;
- the commissioning of a review of the Secretariat, which will result in recommendations and an implementation plan to bring about improvements in how we deliver and support our statutory role; and
- production of a **Corporate and Business Plan** available through our website. www.nicscommissioners.org

These outputs are considered in more detail within the relevant sections of this report.

All of our key corporate governance and policy documents, including our Strategic Plan, Annual Business Plan and Equality Scheme can be found on our website at www.nicscommissioners.org

Governance Statement

As an Arm's Length Body of the Northern Ireland Office (NIO), we are committed to ensuring that effective controls are in place in order to guarantee the delivery of the following:

- Staff Management Objectives
- Financial Management Objectives
- Strategy and Policy Objectives, and
- Information Assurance and Data Handling Objectives

Through close co-operation with our sponsoring body, the NIO, and adherence to the relevant guidance and the requirements set out in our Management Statement / Framework document, Commissioners demonstrate commitment to upholding the Seven Principles of Public Life.

CSC NI

KEY ISSUES

Ensuring appointment on merit & safeguarding ethics

KEY ISSUES

Key Issues in 2013/14

Key issues for Commissioners during 2013/14 were the safeguarding of our independence and having a sharper focus on our statutory functions. These were challenging objectives given legislative developments during the year and the severe budget constraints with which we were faced.

Civil Service (Special Advisers) Act (Northern Ireland) 2013

2013/14 saw the enactment of the Civil Service (Special Advisers) Act (Northern Ireland) 2013 and the publication of a Code of Conduct in relation to their deployment. Although Special Advisers are civil servants appointed under Article 3 of the Civil Service Commissioners (Northern Ireland) Order 1999, as amended, and are treated as civil servants for the purposes of their terms and conditions, they are expressly excluded from the Merit Principle for the purposes of their appointment. They are appointed through a political process which does not require regard to merit.

As regulators, Commissioners' independence is fundamental. The importance of maintaining this independence became an issue of concern for Commissioners during the Committee stages of the Civil Service (Special Advisers) Act (Northern Ireland) 2013.

Commissioners considered that the role envisaged for them under the proposed legislation in relation to the appointment of Special Advisers, which was intended to be exercised in a political context, would have given rise to a risk of damage to the independence of Commissioners in the discharge of their primary role as protectors of the Merit Principle.

Commissioners noted the decision to remove, through subsequent amendments, all references to Civil Service Commissioners from the Bill and to replace them with references to an independent review panel appointed by DFP. Any potential risk of damage to the perceived independence of Commissioners in the exercise of their fundamental statutory role was thereby avoided, a development which Commissioners welcomed.

The Northern Ireland (Miscellaneous Provisions) Act 2014

During 2013/14, the Northern Ireland (Miscellaneous Provisions) Act 2014 received Royal Assent.

One of its provisions paved the way for functions related to the work of Commissioners to be devolved in future without further primary legislation. The change would also make it possible, in advance of devolution, for the Assembly to legislate on these matters, albeit only with the consent of the Secretary of State.

Whilst as regulators Commissioners view their independence as paramount in the effective delivery of their statutory duties, they have no view on whether or not the functions related to their work should be devolved in the future. However, they consider that it would be better if, in advance of that happening, clear statutory safeguards were put in place to protect against the possibility of any future interference in the independence of Commissioners or compromise to the Merit Principle in the NICS.

The Constitutional Reform and Governance Act 2010, the provisions of which did not extend to Northern Ireland, made it a legal

requirement that selection for appointment to the 'Home' Civil Service should be on merit, following a fair and open competition. It also enshrined in legislation the independence of the UK Commission. We would wish to see the enactment of similar provisions for our own organisation and the NICS. We consider that this would be in the best interests of Northern Ireland.

Accordingly we regard, as a step in the right direction, the requirement set out in Section 10 of the 2014 Act that the Secretary of State, three months in advance of any vote on the devolution of the Civil Service Commissioners for Northern Ireland, must lay a report in Parliament in which she considers the effect of devolution upon:

- (a) the independence of Commissioners;
- (b) the application of the principle that persons should be selected for appointment to the Northern Ireland Civil Service on merit on the basis of fair and open competition; and
- (c) the impartiality of the Northern Ireland Civil Service.

It is important to note that the Northern Ireland Office has given a commitment to consult on the possible devolution of these powers in advance of making such a report.

KEY ISSUES

Regulation and Improvement Forums

As part of their ongoing programme of engagement with stakeholders, Commissioners organised Regulation and Improvement Forums over two days in March 2014.

The purpose of these events was to bring together a group of key stakeholders, including members of the NICS, wider public sector organisations, academia and regulatory bodies to outline the Commissioners' role; to identify key challenges; and to engage with others to

bring about improvement with regard to regulation.

It was an important opportunity for Commissioners to explain their role and to listen and learn from key stakeholders and interested groups.

We consider that the holding of events such as this, which assist in promoting a better understanding and awareness of the work we do, will encourage competent and high calibre persons to apply for positions in the Northern Ireland Civil Service thereby ensuring the appointment of the best possible people.



Raymond Mullan, Marion Matchett, Brian Rowntree, Vilma Patterson, Jim Scholes with NICS Permanent Secretaries



Brian Rowntree with Forum delegates



Brian Rowntree with NICS Permanent Secretaries

KEY ISSUES

Review of the Office of the Civil Service Commissioners

Following a number of structural changes within the Secretariat, including the suppression of the Grade 5 post and the creation of the part-time Deputy Principal post dedicated to the audit function, a review of the Office of the Civil Service Commissioners was commissioned in late autumn 2013. The review considered the current structure of the Secretariat and the activities necessary to provide an effective and efficient service to Commissioners. In addition, the review also considered the staffing levels required and the extent to which the systems and procedures in place are consistent with those needed to fulfil the Commissioners' statutory responsibilities.

The final report is not complete at the time of reporting and accordingly we will outline the outcome and the agreed implementation plan in next year's report.

It is anticipated that the review will provide Commissioners with recommendations on operational effectiveness; systems and procedures; and if necessary, improvement or revisions to the organisational structure.

Budget Constraints

In line with most other public bodies, the Office of the Civil Service Commissioners has been the subject of a reduction in funding which has the potential to affect our ability to be effective regulators. As Commissioners, we have had to be innovative in identifying ways in which to provide a similar, or better, service with less money. Although this has proved challenging, we have continued to fulfil our statutory obligations. We are conscious however that the next few years will be even more testing and that we may be faced with having to make very difficult decisions with a view to enabling us to continue to safeguard and uphold the Merit Principle.

Commissioners see this as crucial and will seek to take whatever steps are feasible to ensure the Merit Principle is maintained.

CSC NI

**REGULATING FOR
IMPROVEMENT**

Ensuring appointment on merit & safeguarding ethics

Strategic Approach to Auditing Policies and Practices

As a modern regulatory body, Commissioners consider that their role should focus more on promoting improvement rather than simply ensuring compliance.

Under Article 4(4) of the Civil Service Commissioners (Northern Ireland) Order 1999, Commissioners have a duty to conduct independent audits providing objective information, advice and assurance to the people of Northern Ireland on the integrity of the Northern Ireland Civil Service appointments process. The audit function examines the recruitment policies and practices followed in making appointments to the NICS, and adduces evidence as to whether or not the four key principles set out in the Commissioners' Recruitment Code have been upheld both in spirit and in practice.

We consider different aspects of NICS recruitment through a structured planning process of consultation, analysis and prioritisation, with a view to ensuring that relevant matters of significant risk / impact are identified for examination as part of our audit function. This planning process, as outlined at **Annex C**, enables us to develop a three year strategic audit plan, comprising an annual programme of audits, which is drawn up following consultation with key stakeholders.

Commissioners' approach to Audit

To ensure Commissioners are well-placed to satisfy their statutory responsibility, we undertake to examine and review NICS recruitment policies, processes and practices to ensure they are drawn up and operated in accordance with the **Recruitment Code**. Commissioners' approach to audit is set out in our document entitled *Auditing for Improvement – Audit Framework and Guidance*, which ensures that any team undertaking the audit role on behalf of Commissioners work to agreed standards and produce robust, evidence-based and reliable audit reports.

Secretariat Audit Role

A key development during 2013/14 was the appointment of a member of staff within the Secretariat to manage the audit function and to consider, on behalf of Commissioners, recruitment-related data provided by the NICS.

This appointment has already had a significant impact upon our ability to regulate and oversee recruitment within the NICS. Having a dedicated resource focused primarily on the audit role, in addition to monitoring the Code's requirements in relation to NICS recruitment-related information, brings a higher level of expertise and specialist knowledge to this important aspect of our regulatory role.

It should be noted that all staff involved in the audit function have undertaken training during the year to ensure they have the necessary skills and knowledge to conduct this role competently in line with recognised professional standards.

Link Commissioner

While the Secretariat conducts audits and reviews on behalf of Commissioners, each audit has a Link Commissioner who oversees the work and guides the team at each stage of the review process.

The Senior Civil Service (SCS) 4 Stage Authorisation Process

Commissioners' SCS 4 Stage Authorisation process is also a key regulatory tool. This process requires HR Connect to provide assurances to Commissioners that the various requirements of the Recruitment Code and the NICS Recruitment Policy and Procedures manual have been met at each of the following stages of all Senior Civil Service appointments following:

- finalisation of the recruitment documentation, seeking authorisation to proceed to advertise;
- eligibility, sifting and shortlisting (if applicable), seeking authorisation to issue invitations to interview;
- determination of the Merit List, seeking authorisation to issue a pre-employment offer to the candidate who heads the Merit List; and
- successful pre-employment checks, seeking authorisation to issue the letter of employment.

In the course of the reporting year, the Secretariat administered this process (**Annex D**) in relation to the Civil Service competitions listed at (**Annex E**). Statistical information in relation to this work for the last three years is set out in **Figure 1** on page 26. When a request is made to authorise one of the stages of the 4 stage process the Secretariat has two working days to complete this task.

Commissioners have decided to include a Review of the SCS 4 Stage Authorisation process in our 2014/15 Audit and Review Plan. It is noted that during 2013/14 there was a decrease in the overall number of competitions completed when compared to previous years. However, Generic Grade 3 and Grade 5 competitions are ongoing which should lead to a number of appointments across the Civil Service. These competitions are scheduled to conclude in the summer of 2014.

REGULATING FOR IMPROVEMENT

¹Figure 1: Office of the Civil Service Commissioners 2011/12 – 2013/14

Information relating to external SCS Competitions.

	2011/12	2012/13	2013/14
Number of Competitions	11 ²	22	11 ³
Shortest Period of time for a competition (Working Days) Stage A - Stage D	44	56	70
Longest period of time for a competition (working days) Stage A – D	151	116	113
Average length of a competition	81	80	97

¹ This information has been obtained from internal records relating to the reporting year

² Three competitions cancelled

³ Five competitions completed, one competition withdrawn, five competitions are currently proceeding through the Four Stage Authorisation Process

2012/13 Pilot Audit of Inward Secondment as an Exception to Merit

In November of this year, following a number of updates from the NICS on the implementation of an Action Plan on the Pilot Audit on Inward Secondment as an Exception to Merit, Commissioners deemed this audit to have been completed.

As Regulators we welcome a number of key improvements to the NICS management of secondments, in particular that:

- Departments are required to provide formal assurances that secondments by way of exception to the Merit Principle have been made in accordance with the requirements of the Recruitment Code and in line with the NICS Policy and Practice; and
- Good practice on the appointment of secondees has been developed thereby promoting the consistent management of process and documentation across the NICS.

Audit of NICS Recruitment during 2013/14

During the year, we completed the Desk-top Compliance Review and undertook a review of Communication and Feedback with SCS candidates.

Desk-top Compliance Review

The Desk-top Compliance Review focused on a small sample of randomly selected recruitment competitions below SCS level within six NICS Departments. The purpose of this review was to consider the extent to which the processes in relation to four identified areas namely job analysis; attracting candidates; selecting and assessing candidates; and appointing candidates were consistent with upholding the Merit Principle.

The Desk-top Compliance Review was completed in early 2013 and eleven recommendations were made to the NICS. Ten of the recommendations were accepted and nine are currently being implemented by the NICS' central Human Resources team – Corporate HR (CHR). The final report arising from this review is available on our website.

www.nicscommissioners.org

Key improvements

Commissioners are pleased to report that the NICS responded very positively to this review. Improvements to the selection and recruitment process as a result of this report include: the review of job analysis documentation in relation to vacant posts, consideration given to use of more innovative selection methodologies, new documentation for recording any conflict of interest arising at all stages of the recruitment process and new procedures for obtaining feedback from candidates.

We would like to thank Corporate and Departmental HR as well as HR Connect staff for their support and assistance during the review.

Review of Communication and Feedback with SCS candidates

A further review during this period focused on an examination of Communication and Feedback with SCS candidates during the Selection and Recruitment Process.

The purpose of this review was to provide Commissioners with an assessment of the extent to which feedback during the NICS' selection and recruitment process was consistent with the Merit Principle and promoted confidence in the NICS. The review examined the feedback provided to and received from SCS candidates in four competitions in different NICS Departments.

The fieldwork for the review was completed in March 2014 and the final report will be published in summer 2014.

Commissioners 2014/15 Audit and Review Plan

In line with Commissioners' 2013-16 Audit and Review Strategy, the following areas of NICS selection and recruitment have been identified for review in 2014/15;

- the assurances provided to Commissioners as part of the SCS 4 Stage Authorisation Process;
- the recruitment related data gathered and analysed by the NICS;
- recruitment and selection panel training; and
- potential barriers to recruitment in the NICS.

During 2014/15, Commissioners will also update their Auditing for Improvement Framework and Guidance documentation. The update will be informed by consultation with key stakeholders in the NICS and HR Connect and through the learning gained during the course of reviews carried out since the audit documentation has been developed.

CSC NI

**MONITORING
RECRUITMENT**

Ensuring appointment on merit & safeguarding ethics

MONITORING RECRUITMENT

The Civil Service Commissioners (NI) Order 1999 and the Commissioners' **Recruitment Code** require NICS Departments and Agencies to publish a wide range of information and statistical summaries regarding recruitment to the NICS.

The availability and publication of this information has a number of important advantages. It enables Commissioners to carry out their role in monitoring recruitment; it improves the accountability of Departments and Agencies; it ensures openness and transparency and helps to promote public confidence in recruitment to the NICS.

Recruitment-related information for the calendar year of 2013¹ is contained in the **Annual Report on Recruitment to the Northern Ireland Civil Service 2013** published by the Department for Finance and Personnel. This report also includes an analysis by the Northern Ireland Statistics and Research Agency, (NISRA) of NICS Recruitment Competitions during the same period, the main findings of which can be found on page 31.

Commissioners have considered the NICS Report and are content that it fulfils the requirements of Article 4(5) of the 1999 Order as laid out in Appendix C of the Code.

Commissioners acknowledge the efforts made by the NICS in producing this very important recruitment-related information and the timely provision of the report along with the analysis provided by NISRA.

¹ From 1 April 2010, NICS recruitment – related data has been reported on a calendar – year basis to bring the reporting period into line with other reports on equality information.

Research – Main Findings NISRA Report

Overview of Recruitment to NICS² (1 January 2013 – 31 December 2013)

The NISRA report provides a high-level statistical summary, from an equality perspective, of the recruitment of staff to the Northern Ireland Civil Service (NICS). It provides an analysis of applicants across various equality categories and compares the profile of appointees and applicants at different stages in recruitment competitions with what might be expected if the groups within each equality category (e.g. males and females) had been equal in terms of merit.

In 2013, there were 105 NICS recruitment competitions which closed for applications. The total number of applications received was 31,205.

Permanent NICS jobs

There were 92 competitions for permanent NICS jobs, which attracted a total of 27,475 applications.

By 1 February 2014, 377 appointments had been made from these competitions. Fewer than expected males, Catholics and older candidates were appointed. The number of appointees with no NICS experience was also lower than might have been expected.

Temporary NICS jobs

There were 13 recruitment competitions for temporary NICS jobs. These competitions attracted 3,730 applications.

By 1 February 2014, 144 appointments had been made from these competitions. The analysis shows that fewer females, Catholics and candidates aged 40 or over were appointed than might have been expected if the groups of applicants within each equality category had been equal in merit.

Senior Civil Service Jobs

There were 19 competitions for Senior Civil Service jobs, attracting 1,044 applications. By 1 February 2014, 17 appointments had been made from these competitions.

Analysis of the overall outcome shows that more candidates in the older age categories and more NICS employees than expected were appointed.

Commentary

There are a number of very positive developments set out in the full Department of Finance and Personnel (DFP) Annual Report, which we welcome. These include:

- A significant increase in the numbers of applications received for both permanent and temporary posts. This has been attributed to the unprecedented high

² This information is an extract from the executive summary of NISRA Analysis of NICS Recruitment Competitions 2013. The full report is available on the NISRA website

MONITORING RECRUITMENT

number of applications received for the permanent Administrative Officer (AO) competition;

- For the first time, bespoke tests have been designed for use in high volume general service competitions with a view to avoiding or limiting the potential for any adverse impact. The online testing used in the AO competition was developed by NISRA and was based on typical examples of work carried out at this grade in Northern Ireland;
- The introduction of regionalisation for the AA/AO competitions to better manage expectations of employing Departments and prospective applicants. This allowed applicants to identify 3 areas out of 8 within Northern Ireland in which they would be willing to work. This process results in a reduced number of candidates rejecting offers of employment due to location and increases the likelihood of vacancies in rural areas being accepted. We have suggested to the NICS that they may wish to consider introducing this process more widely across other competitions;
- An analysis of the Grade 3 and Grade 5 recruitment competitions is planned for 2014;
- Recommendations from the Desk-top Compliance Review carried out by Commissioners in 2013 are presently

being implemented through a targeted action plan due for completion October 2014. This ongoing work includes, among other things, new documentation for recording conflict of interest at all stages of the recruitment process and new procedures for obtaining feedback from candidates.

During 2013, Corporate HR commenced work on an action plan and strategy for marketing the NICS as a career of choice in the future. Commissioners welcome this positive step and look forward to sight of the finalised marketing strategy expected in 2014.

Commissioners note the NISRA findings to the effect that fewer than expected older candidates and those from the Catholic community were appointed in 2013. The figures, although smaller, follow on from a similar finding in 2012 competitions. Commissioners understand that many factors other than bias in the selection process may contribute to this result. However, we encourage the NICS to continue the monitoring of the assessment methodologies they employ for the effects of unintentional bias.

Commissioners also note that fewer than expected candidates with no NICS experience were appointed in 2013. This has been the case in NICS recruitment competitions over the last few years. Commissioners intend to conduct a review

of any potential barriers to recruitment to the NICS during 2015. It is hoped that this will lead to a better understanding of the barriers which may be operating and allow recommendations to be drawn up to address any areas identified for improvement.

Commissioners would like to see more qualitative analysis of the variances noted in the NISRA findings to inform discussion around remedial action if required. Commissioners will progress this area of work with CHR in the year ahead.

Senior Appointments

Article 6 of the Civil Service Commissioners (Northern Ireland) Order 1999 provides that any appointment to the Senior Civil Service (SCS), made through open competition requires the written approval of the Commissioners whose decision shall be final. This involves a 4 Stage Authorisation Process which enables Commissioners to ensure that key stages of the competition process support and promote the Merit Principle. This 4 stage process is outlined in more detail on page 25 of this report.

During 2013, Commissioners chaired recruitment panels for all SCS open competitions. The involvement of Commissioners usually began at the planning stages. We attended initial scoping meetings with senior Departmental representatives and chaired the interview and selection process which led to the

appointment of 17 persons to the NICS at SCS level as at 1 February 2014.

Summary SCS recruitment related data is included in the **NISRA Report**, with the Main Findings detailed on page 31 of this report.

A total of 19 Senior Civil Service competitions, which had a closing date for applications in 2013, were held. The total number of applications received was 1,044. Commissioners welcome the NISRA finding that, for many of the equality categories, the profile of the 17 appointees was in line with what might be expected, given the profile of applicants.

Commissioners note that around three fifths of applications were from males (60.8%) and two fifths (39.2%) from females. Commissioners look forward with interest to the NICS post competition analysis of the on-going SCS Generic Grade 3 and Grade 5 competitions and will consult as necessary, with regard to any action required to address gender imbalances and / or any other issues of under representation identified during the recruitment and selection process.

The **Recruitment Code** makes provision, on an exceptional basis, for Ministerial involvement in senior appointments. It is important that any such involvement should be accommodated within a system which ensures that individual appointments are made on the basis of merit, free from personal or political partiality. This allows

MONITORING RECRUITMENT

the public to be assured that the appointees may serve Ministers of different political backgrounds. This is important in order to safeguard the non-partisanship of the Civil Service and to ensure that recruitment decisions are free from political influence.

Commissioners note that there was no Ministerial involvement in any of the 19 senior competitions during the 2013 calendar year.

Exceptions to Merit

The Recruitment Code allows for circumstances which warrant appointments being made as exceptions to the Merit Principle. However, as guardians of the Merit Principle, Commissioners consider that any such appointments should be rare and should be justified by strong and compelling grounds. We scrutinise all requests from Departments on a case by case basis and grant approval where we are satisfied fully that an appointment is both necessary and appropriate.

During 2013/14, we were asked to consider ten requests to approve appointments by way of exception to the Merit Principle. Some of the requests related to more than one member of staff. A summary of the requests is outlined below:

- Six requests to approve secondments under Regulation 3(a) of the Commissioners' General Regulations 2007 and in line with the Recruitment

Code were received. After careful and detailed scrutiny of four cases, we were persuaded that the business case put forward was relevant and appropriate and we were therefore content to grant approval. Two requests were received in the last quarter of the year and our consideration of these requests will be included in next year's report;

- Two requests for extensions to existing secondments (one at SCS level and one below SCS level) were received. After careful and detailed scrutiny, we were persuaded that the business case put forward for the request at SCS level was relevant and appropriate and we were therefore content to grant approval. We were unable to retrospectively approve the second business case to continue the secondment of a number of staff within a Department as this was not permissive under the Recruitment Code;
- A third request to extend an existing secondment at SCS level was received in the final quarter of this reporting year and our consideration will be included in next year's report;
- One request to approve an appointment at SCS level under Regulation 3(d) was received at the end of this reporting period. Our consideration of this request will be included in next year's report.

MONITORING RECRUITMENT

13-14

While the specific approval of Commissioners is required for some appointments by way of exception to merit, the Recruitment Code does permit Departments to make appointments

via exception to merit in certain limited circumstances, at grades below SCS, for periods of up to two years. Departments and Agencies are required to publish, annually, details of such appointments.

Figure 2

Appointments made by Exception to Merit: January 2013 – December 2013

Exception Category	Number of appointments: January 2011-December 2011	Number of appointments: January 2012-December 2012	Number of appointments: January 2013-December 2013 ¹
(a) Secondment	6	12	29 ²
(b) Transfer from another civil service of the crown	0	4	1
(c) Transfer of persons employed on functions being transferred	0	3	0
(d) Exceptional needs of the NICS	0	0	0
(e) Appointments made under Government initiatives/ programmes	1	0	0
(f) Reinstatement	1	0	0
Total	8	19	30

¹ The figures provided relate to the calendar year of 2013 and reflect the change in reporting practice by NISRA and DFP and overlaps for the period (Jan – Mar 2013).

² 29 secondments are spread over 7 different NICS Departments.

CSC NI

**UPHOLDING
THE NICS CODE
OF ETHICS**

Ensuring appointment on merit & safeguarding ethics

The NICS is governed by a **Code of Ethics** under which civil servants must act with integrity, honesty, objectivity and impartiality.

If a civil servant is aware of actions by others which he/she considers to be in conflict with the Code, he/she can raise this within their Department under an internal complaints process. If the civil servant is unhappy with the outcome of the internal process he/she may then refer the complaint to us as Commissioners for a decision as to whether it satisfies the requirements of the Code to be taken forward as an appeal.

We may consider taking a complaint direct from a civil servant without the person first going through the internal process but this would only be in exceptional circumstances.

In exercising this aspect of our statutory remit, we are concerned primarily with issues which have a public interest dimension. We will decide, in most cases, to await the outcome of any internal or external procedure before investigating a possible breach of the Code. We do this so as not to jeopardise any ongoing process, regardless of the outcome of that process.

In the reporting year two concerns were raised with Commissioners for consideration under the Code of Ethics. One related to HR management issues and was therefore not accepted for investigation by Commissioners under the Code of Ethics. The second was accepted as an appeal but after careful consideration Commissioners concluded there had been no breach.

Code of Ethics Guidance documents

In 2012/13, Commissioners introduced new, more detailed guidance documents in relation to appeals by NICS staff under the Code of Ethics. Our aim was to explain more clearly our role and remit in relation to civil servants who wish to bring an appeal under the Code and provide greater clarification on the issues which cannot be considered by Commissioners in this regard.

These documents are available from our website.

www.nicscommissioners.org

Commissioners are pleased to note that these are also available on the HRConnect website, which is accessible by all staff in the NICS.

As part of the revised guidance, the NICS is required to provide annually the number of concerns dealt with by Departments which have not been forwarded to Commissioners.

During 2013/14 the NICS reported one issue which had been raised under the Code of Ethics and which was satisfactorily resolved after investigation by the NICS.

CSC NI

**ENGAGEMENT
WITH OTHERS**

Ensuring appointment on merit & safeguarding ethics

As Commissioners, we place significant importance on establishing and maintaining effective relationships with our stakeholders. This facilitates the mutual sharing of experience and expertise and provides an opportunity to learn from existing good practice. In addition to maintaining useful links with the Head of the Civil Service and the Permanent Secretaries, we also work closely with our counterparts in Great Britain and the Republic of Ireland.

We met with the Chair of the United Kingdom Commission in the autumn and, although outside the period of this report, we met also with the Chair of the Commission for Public Appointments (CPSA) in the Republic of Ireland in early April 2014. These meetings were extremely helpful and served to reiterate how much we value the relationship and engagement with our counterparts.

In January 2014, we were invited by Sir David Normington, Chair of the UK Commission, to take part in the consultation process on the new Recruitment Code for the UK Commissioners and Home Civil Service. Commissioners welcomed this opportunity and a number of considered observations were made which were welcomed by the UK Commissioners.

We noted that these observations were made in the context of very different working environments, not just in terms of geographical size and scale, but also differing political structures. Commissioners emphasised that in responding they recognised the very difficult and challenging situation faced by the UK Commissioners in seeking to strike an appropriate balance between meeting the demands and expectations of modern government whilst, at the same time, staying true to the statutory duty to uphold the Merit Principle.

The UK Commissioners' Recruitment Principles 2014 document was published in April 2014 and we will consider its implementation with interest.

Throughout 2013/14, we continued to engage with a wide range of other stakeholders and fellow regulators who might inform and influence our work. Many of these were represented at our **Regulation and Improvement Forums** held in March 2014.

ENGAGEMENT WITH OTHERS

The Forums presented Commissioners with the opportunity to build on existing relationships and develop links with new stakeholders. Amongst others, we engaged with colleagues from the Human Rights Commission, the Regulation and Quality Improvement Authority, the Commissioner for Complaints, the Commissioner for Public Appointments and key figures from local universities and other key academic institutions.

Commissioners' statutory independence is paramount to promoting public confidence in the policies and practices used during the recruitment process for appointment to the Northern Ireland Civil Service. The Forums therefore afforded us the opportunity to engage with key stakeholders to raise awareness of our role in upholding the Merit Principle and to advance the Civil Service as an employer of first choice.

During the year we engaged with:

- Head of the Civil Service
- Permanent Secretaries
- Permanent Secretaries People Issues Subgroup
- Corporate Human Resources, in DFP
- NICS Departmental Human Resources Directors
- HR Connect
- NI Statistics and Research Agency (NISRA)
- The Chair and Chief Executive of the Equality Commission
- Senior Officials in the Northern Ireland Office
- The Regulation and Quality Improvement Authority
- The Northern Ireland Human Rights Commission
- Commissioner for Complaints – Northern Ireland Ombudsman
- Commissioner for Public Appointments for Northern Ireland
- Members of the Northern Ireland Assembly
- Members of Parliament and the House of Lords

CSC NI

**PROMOTING
DIVERSITY**

Ensuring appointment on merit & safeguarding ethics

PROMOTING DIVERSITY

As a public authority, we are committed to fulfilling our obligations to promote equality of opportunity and good relations under Section 75 and Schedule 9 to the Northern Ireland Act 1998. Our Equality Scheme and related Implementation Plan set out how our obligations will be fulfilled. Copies of current documents are available from our website at www.nicscommissioners.org.

Commissioners attach particular importance to issues of equality and diversity which go to the very heart of the Merit Principle. We have sought to reflect our commitment to fulfilling our obligations to promote equality and good relations.

For example the review of the Code of Ethics Guidance documentation was completed in conjunction with the Department of Finance and Personnel (DFP) and in consultation with the Trade Union Side.

The Secretariat conducted a Section 75 screening of the review of the Code which concluded that the revised procedures had a neutral impact on all Section 75 Categories.

Although DFP is responsible for the general management and control of the NICS and for the drawing up of the Code, the Commissioners are responsible for regulating the appeals procedure.

The appeal process is open to all NICS employees equally and has no differential impact on any of the Section 75 categories.

CSC NI

ANNEXES

Ensuring appointment on merit & safeguarding ethics

COMMISSIONERS IN POST DURING 2013/2014



Brian Rowntree, CBE

(appointed 1 June 2012 for a 5 year period)

Brian also currently holds appointments as an Independent Member of the Northern Ireland Policing Board and an advisory board member of NAMA (National Assets Management Agency). He has held appointments in Housing, Criminal Justice, Health and Further Education as well as chairing corporate governance forums both in Northern Ireland and on a cross border basis; he held the position of Vice President of Cecodhas, the European Social Housing Forum. Brian is a management board member of the Chairs' Forum Northern Ireland and a management board member of the Association for Criminal Justice Research and Development. He is also Principal of Business Improvement Services.



Marion Matchett, CBE

(appointed 8 March 2010, reappointed 8 March 2013)

Marion was appointed on 8 March 2010. Marion has spent all of her working life in the public sector and has been involved in education and training at a number of levels. As a former teacher, adviser, lecturer and inspector Marion's professional experience extends across the education and training sectors in Northern Ireland and beyond. Marion was Chief Inspector of the Education and Training Inspectorate until her retirement in 2008 and was also a member of the Chief Inspector's Forum (UK) and the Standing International Conference of Inspectorates. Marion has a particular interest in the contribution of regulation and inspection to the promotion of improvement in services. In addition, Marion has been an independent member of the Cabinet Office Education Honours Committee for 3 years and has recently been appointed to the Senate of Queen's University.



Jim Scholes

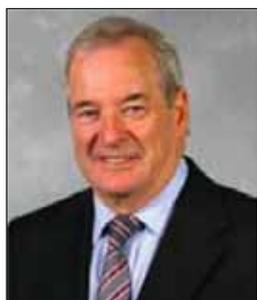
(appointed 1 July 2012 for a five year period)

The career of Jim Scholes has been spent in the practice of the law and, in particular, as a prosecutor over a period of thirty-six years. During that time he has held a number of senior appointments including Acting Director of Public Prosecutions for Northern Ireland and Deputy Director of Public Prosecutions for Northern Ireland. He was appointed a Parole Commissioner for Northern Ireland in February 2013.

**Vilma Patterson, MBE**

(appointed 2 February 2009, reappointed 2 February 2012)

Vilma has spent over 30 years in the construction industry, in sports ground construction, consultancy, research and network development. She was previously a member and Chair of the Independent Monitoring Board for HMP Maghaberry and Chair of the Association of Members of Independent Monitoring Boards for Northern Ireland. She is also the former Chair of the Women in Business Network and was a member of the Parades Commission 2006 – 2010 as well as a Member of the Prison Service Review Body from 2011 - 2013. She is currently Chairman of the Probation Board for NI, a non-executive member of the Audit Committee of the Police Ombudsman for NI and a member of the Armed Forces Pay Review Body.

**Raymond Mullan, OBE**

(appointed 1 October 2009, reappointed 1 October 2012)

Dr Raymond Mullan, appointed in October 2009, was Director & Chief Executive of Newry & Kilkeel Institute of Further & Higher Education from 1991 to 2007 and was Interim Director and Chief Executive of Belfast Metropolitan College during 2008 and 2009. He was a lay Commissioner of the Northern Ireland Judicial Appointments Commission until June 2012 and is a non-executive Director of the Southern Health & Social Care Trust. Dr Mullan has also served on the Northern Ireland Economic Development Forum and is a member of Newry Chamber of Commerce and Trade, as well as serving as a Director of WBR Credit Union.

ANNEX B

2013/2014 RESOURCES AND BUDGET SPEND

To deliver our statutory responsibilities we receive support from a Secretariat which is comprised of the following officials:

Secretary

Joanne Dowling
Band A – Part Time

Deputy Secretary

Lynne Curran (appointed November 2013)
Bernie Gray (until November 2013)
Band B – Deputy Principal

Gemma Hughes (appointed October 2013)
Band B – Deputy Principal - Part Time

Carmel McDowell (appointed February 2014)
Band C – Staff Officer

Andrew Dodds (appointed January 2014)
Lynn Baird (until February 2014)
Band D – EO

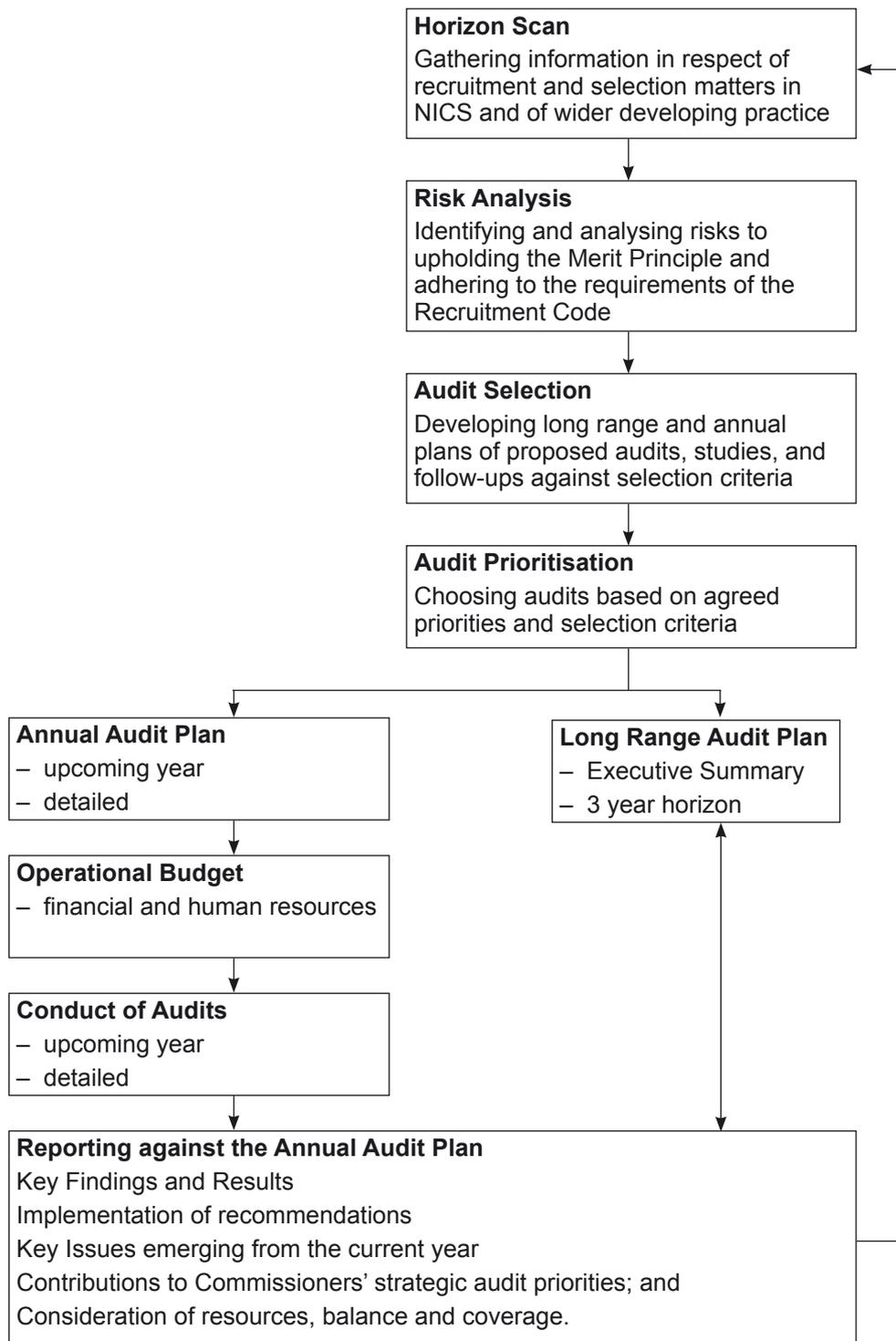
Mae Hamilton
Band E – Part Time

This year a member of staff joined the Secretariat through the Interchange Scheme.

2013/2014 Budget Spend

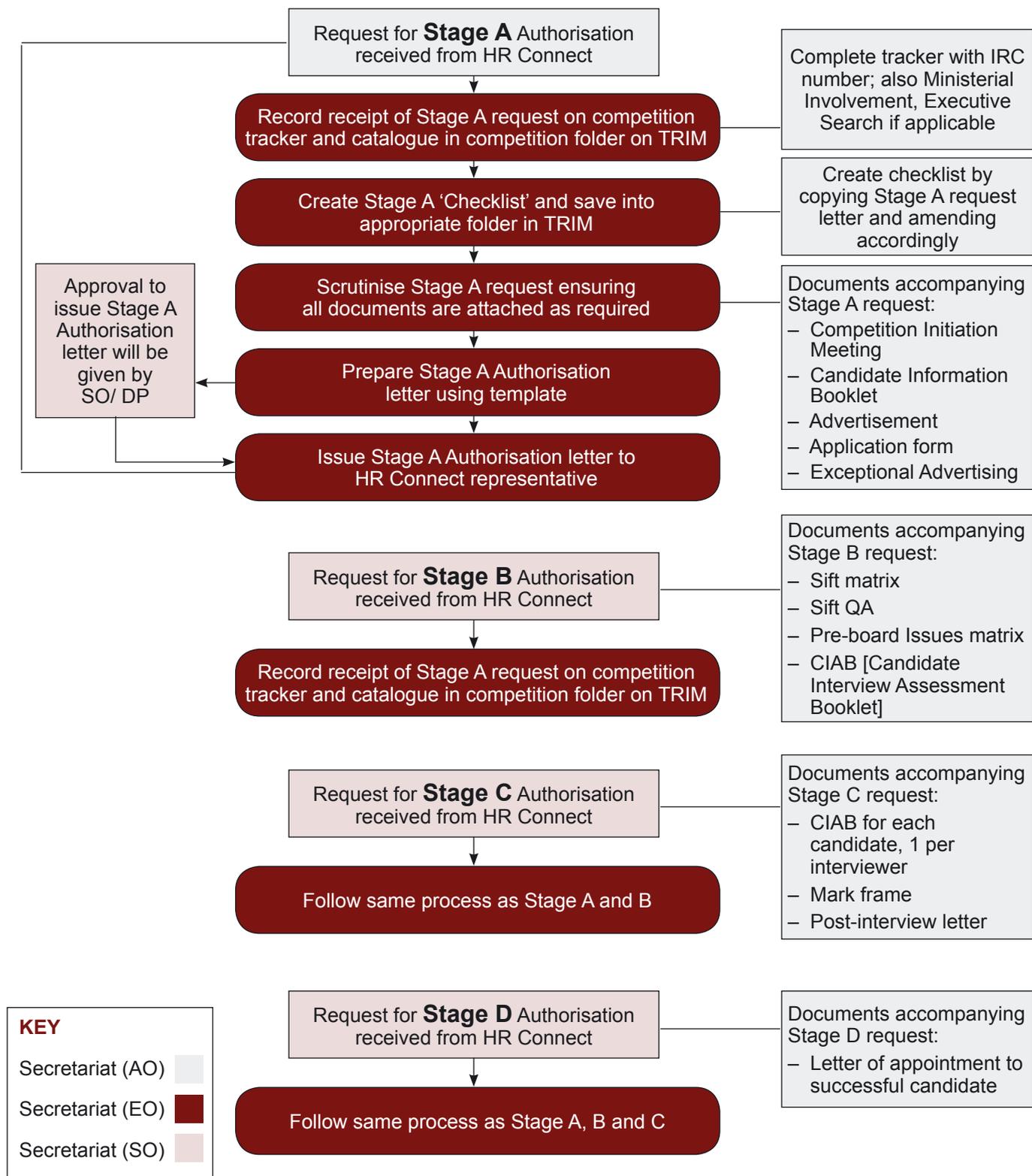
Item	(£000s)
Commissioners' Fees	£47.7
Staff Salaries	£208
Accommodation and overheads	£65.9
Training (Commissioners and Staff)	£12.7
Total	£334.3

STRATEGIC AUDIT PLANNING CYCLE AND PROCESS



ANNEX D

4 STAGE AUTHORISATION PROCESS: FLOWCHART



LIST OF SCS COMPETITIONS HANDLED IN 2013-14

POST	LEAD DEPARTMENT
Grade 3 - Deputy Secretary, Central Policy Group	Department of Agriculture and Rural Development
Grade 5 - Director of Digital Services (2 posts)	Department of Agriculture and Rural Development Department of Finance & Personnel
Grade 5 - Land and Property Services	Department of Finance & Personnel
Grade 3 - Chief Planner	Department of the Environment
Grade 3 - SCS Recruitment	Department of Finance & Personnel
Grade 5 - SCS Recruitment	Department of Finance & Personnel
Grade 5 - Deputy Chief Veterinary Officer	Department of Agriculture & Rural Development
Grade 5 – Medical Officer – HSENI (part time)	Health & Safety Executive Northern Ireland
Grade 5 – Head of Strategic Policy Division	Department of Finance & Personnel
Grade 5 – Office of Legislative Counsel	Office of the First Minister and Deputy First Minister

*Statistics relates to Senior Civil Service Competitions allocated to Commissioners between April 2013 and March 2014





CIVIL SERVICE COMMISSIONERS
FOR NORTHERN IRELAND

ROOM 105, STORMONT HOUSE, STORMONT ESTATE, BELFAST BT4 3SH
t. 028 9052 3599 **f.** 028 9052 7705 **w.** www.nicscommissioners.org