

CSC NI

CIVIL SERVICE COMMISSIONERS
FOR NORTHERN IRELAND

CSC NI

19-20

ANNUAL REPORT

Ensuring appointment on merit and supporting ethical standards

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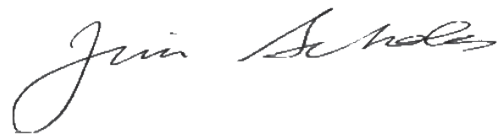
We, Your Majesty's Civil Service Commissioners
for Northern Ireland, present to Your Majesty
this Report on our work during the period
1 April 2019 to 31 March 2020



Deirdre Toner
Chairperson



Sinéad Burns



Jim Scholes

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CIVIL SERVICE COMMISSIONERS FOR NORTHERN IRELAND



Sinéad Burns, Commissioner

Deirdre Toner, Chairperson

Jim Scholes, Commissioner

As guardians of merit, we uphold the principle that selection for appointment to the Northern Ireland Civil Service (NICS) should be on merit, on the basis of fair and open competition. Our Recruitment Code interprets the Merit Principle and applies it to the NICS recruitment process. Our auditing of this process encourages confidence in recruitment procedures and helps ensure the most suitable candidate is appointed. We also have an independent role in hearing appeals from civil servants under the Code of Ethics to support the Civil Service core values of integrity, honesty, objectivity and impartiality.

CHAIRPERSON'S FOREWORD



I am delighted to present this Annual Report on behalf of the Civil Service Commissioners for Northern Ireland. At the outset, I would like to thank my fellow Commissioners, Jim Scholes and Sinéad Burns, for their support and assistance during 2019/20, and a thank you to the Secretariat team too.

2019/20 was a busy year and, indeed, momentous for a number of reasons, some of which influenced the work of the Office of the Civil Service Commissioners (OCSC) and others which had a wider societal, even global, impact.

During the year Commissioners and I have continued to effectively undertake our statutory duties upholding the principle that selection to appointments for posts in the NICS are made on merit, on the basis of fair and open competition.

In 2019, Commissioners published the OCSC Northern Ireland (NI) Strategic Priorities 2020-25, laying out their vision, mission and core values, together with their three strategic priorities of *Commissioner Functions, Governance and People* which will be the main drivers for activity over the next five years. This was accompanied by a Business Plan and Learning and Development Plan 2020-21.

The past year saw a review of Commissioners' roles and responsibilities in light of wider changes in the NICS. The Civil Service Commissioners Northern Ireland (CSCNI) Code of Practice was revised in September 2019; the Recruitment Code was revised in October 2019 with valuable input from David Sterling, Head of the NICS; and in November 2019 following the revisions to the Recruitment Code, Commissioners undertook the Chairing of Senior Civil Service (SCS) Competitions as one of their statutory functions. Commissioners chaired 21 competitions in total during the year (before and after the function became statutory in November) to appoint the best talent to the SCS.

Other activity included the approval of 17 requests, under the 4-Stage Authorisation process, to appoint to the SCS. The process itself has been the subject of an internal review and, following engagement with Northern Ireland Civil Service Human Resources (NICSHR) and HRConnect, a new, more streamlined "Article 6" authorisation process, providing good governance and accountability, will be implemented during 2020/21. This will be complemented by a wider annual audit process encompassing all NICS Departments.

In November 2019, Commissioners participated in a Capacity and Capability Study carried out by the Northern Ireland Audit Office (NIAO), the outcomes of which will inform future NICSHR initiatives. Commissioners welcomed the opportunity to be involved in this Study and to provide their thoughts on important and relevant matters.

In December, David Sterling, Head of NICS, announced his intention to retire from his post in August 2020.

Commissioners continue to implement their Audit and Review Strategy and, through ongoing engagement with NICS colleagues, continue to ensure that the standards laid out in the revised Commissioners' Recruitment Code are upheld. The small number of complaints received under the NICS Code of Ethics was fairly and objectively dealt with in an independent, honest, confidential and impartial manner.

During the year, my Commissioner colleagues and I met with key stakeholders including Permanent Secretaries, representatives of the Civil Service Commission (GB), NICSHR officials and others to promote Commissioners' strategic priorities and to build meaningful and productive relationships with all. We enjoyed a visit from Ian Watmore, First Civil Service Commissioner (GB), in December 2019, when we had an opportunity to discuss a wide range of issues of mutual interest.

Meanwhile, Commissioners and staff have continued to stay up to date with policy developments and case law by engaging with the Equality Commission for Northern Ireland and Disability Action. The insights gained from these interactions equip us all to influence practices and act in a manner that reflects the diverse needs of our communities and upholds the Merit Principle in NICS recruitment.

On reflecting on the past year, it is clear that some events are worthy of particular note as they potentially changed the course of history. The following events will impact significantly on, and provide the backdrop to, the work of the OCSC in 2020/21.

In January 2020, devolved government was restored in Northern Ireland after three years. The "New Decade New Approach" deal, which enabled the return of the NI Assembly, aspires to transform public services and restore public confidence by introducing an *"ambitious package of measures to strengthen transparency and governance arrangements"*. The measures include strengthened Ministerial, Civil Service and Special Adviser Codes and were largely in response to matters arising from the Renewable Heat Incentive (RHI) controversy.

March 2020 saw the publication of the RHI Inquiry Report. Recommendation 8 read that *"a fundamental shift is needed in the approach used within the Northern Ireland Civil Service with regard to recruitment and selection for Government jobs... the Inquiry believes this should lead towards more job-specific recruitment and selection which must, of course, be fair, transparent and consistent with relevant employment legislation"*.

Commissioners were asked to comment on the Code of Conduct for Special Advisers and a Review of the NICS Code of Ethics is currently ongoing which will, in due course, require the OCSC to review its Guidance documents.

31 January 2020 marked the United Kingdom's (UK's) Exit from the European Union (EU). The impact of this has been thus far difficult to fully assess as, within short weeks, Northern

Ireland, the UK and the rest of the world was engulfed in a new and frightening challenge of unprecedented proportions, in the form of the global Coronavirus pandemic. This led to a period of “lockdown” in Northern Ireland and elsewhere in an attempt to save lives. The message from the Governments of both the UK and Ireland was to “Stay At Home”. Towards the end of March, legislation came into effect, placing limits and rules on how people live from day to day.

At the time of writing, the Coronavirus pandemic has claimed more than 45,000 lives in the UK and more than 550 in Northern Ireland and these numbers will inevitably rise. The public sector, and in particular our Health and Social Care colleagues, have been hailed for their courage and selfless dedication to their roles in challenging, and often dangerous, circumstances. In a constantly changing landscape, as the economy heads towards an unprecedented level of recession, everyday life is adjusting to a “new normal” requiring leadership, resilience, flexibility and innovation. Much has changed since 1 April 2019, the start of this reporting period, and change may prove to be the only constant in 2020/21.

Although working from home since mid-March, it is “business as usual” for the Secretariat, with a few modifications in how services are delivered. Meetings with Commissioners and stakeholders are held via digital communications platforms which, while occasionally challenging, have unlocked the potential of our IT systems and created new, efficient ways of working and communicating that may well become “the new normal” across the Civil Service in the long term.

As for the OCSC, it will continue to strive to ensure that the Merit Principle is upheld in future recruitment to the NICS. The NICS itself may have to consider how it carries out recruitment competitions in the future, with social distancing restrictions likely to remain in place for some time to come.

As we move into 2020/21, with its many unknowns, I would like to thank the Secretariat, including Janet Carnduff and Lynne O’Neill whose secondments ended during the year, for their ongoing professional support, advice and guidance.

On behalf of Commissioners, I would also like to wish David Sterling well in his retirement in 2020 from the role of Head of the NICS and to thank him for his support for, and commitment to, the work of Commissioners over the years. We are grateful to enjoy such positive relationships with all of the Departmental Permanent Secretaries and NICSHR.

I hope you find this Annual Report useful and informative. For more information on the work of Commissioners, please visit our website at www.nicscommissioners.org or contact the Secretariat who will be happy to assist.



DEIRDRE TONER
CHAIRPERSON

THE ROLE OF COMMISSIONERS

Who are the Civil Service Commissioners?

The first Civil Service Commissioners for Northern Ireland were appointed in 1923 by His Majesty King George V. Commissioners themselves are appointed on merit following public advertisement and by fair and open competition. All Commissioners are independent of the NICS and this is fundamental to their role. They bring to the job wide experience from different backgrounds, careers and interests.

What do Commissioners do?

Civil Service Commissioners for Northern Ireland were first appointed by Royal Warrant in 1923. Commissioners are appointed under the Northern Ireland Constitution Act 1973 which requires them to uphold the principle that selection for appointment to posts in the NICS should be on merit on the basis of fair and open competition (this principle is known as the Merit Principle). The Commissioners' primary concern is to regulate appointments made to the NICS by way of open competition, at all levels, to ensure that the Merit Principle is adhered to. Additionally, Commissioners may consider and determine appeals made by existing civil servants under the NICS Code of Ethics.

While internal transfer and/or promotion are outside the remit of Commissioners, the broad principles set out in this Code reflect good practice and Commissioners consider they are applicable equally to internal appointments in order to safeguard the Merit Principle.

Discharging of Commissioners' Roles and Responsibilities

Commissioners discharge their statutory responsibilities by:

- maintaining the principle of selection on merit on the basis of fair and open competition in relation to selection for appointment;
- making General Regulations which prescribe the circumstances in which the Merit Principle shall not apply;
- publishing and maintaining a Recruitment Code on the interpretation and application of the Merit Principle;
- auditing recruitment policies and practices followed in making appointments to the Civil Service to establish whether the Recruitment Code is being observed; and
- requiring the publication of such information as they may specify relating to recruitment and to the use of permitted exceptions to the Merit Principle.

Commissioners contribute to the development of an effective and impartial Civil Service by carrying out the duties imposed on them by the 1999 Order. This contribution provides assurance to the public that appointments to the NICS are made on merit, on the basis of fair and open competition. If appointments are made on merit, it should follow that the Civil Service has selected, from those available, the best persons for the jobs and the duties of the posts should therefore be carried out more effectively.

Commissioners' Strategic Priorities

Over the past year Commissioners have continued to focus on delivering on four strategic priorities:

- Safeguard an impartial and independent Civil Service by providing assurance that civil servants are recruited on the basis of fair and open competition.
- Comply with Sponsor Department's governance requirements and fulfil our obligations as a public body.
- Support the appointment and development of Commissioners and members of the Secretariat.
- Secure, deploy and account effectively for the use of financial and other resources.

Delivering on these strategic priorities is at the core of Commissioners' work, and despite the end of the 2019/20 year being one of unprecedented change, Commissioners remained resolute in their focus. Further detail is provided throughout this Report on some of the actions undertaken by Commissioners to ensure the targets set in the 2019/20 Business Plan, which feeds into delivery of the strategic priorities, were met.

Commissioners in Post since April 2019



Deirdre Toner

Chairperson,
appointed 1 June 2018
for a five year period.



Sinéad Burns

Commissioner,
appointed 8 March
2016 for a five year
period.



Jim Scholes

Commissioner,
appointed 1 July
2012 for a five a year
period. Extended for
5 years, until 30 June
2022.

COMMISSIONERS' STATUTORY AUDIT FUNCTION

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

Commissioners' Approach to Audit and Review

Commissioners, in discharging their statutory duty to audit, seek to strike a balance between ensuring compliance with the Recruitment Code and delivering a proportionate and effective approach to their scrutiny role. Commissioners employ a range of approaches to support them in the delivery of their oversight role.

Commissioners undertake independent audit reviews of NICS recruitment and selection policies and practices relating to appointments to the NICS to assess if these are in keeping with the principles of the Recruitment Code. Commissioners identify and prioritise areas of recruitment they wish to examine as part of their longer-range Audit and Review Strategy, which is progressed through Annual Audit Plans. Additionally, Commissioners' reviews also provide information, observations and recommendations for the purpose of promoting improvement in performance and outcomes.

In addition to the schedule of audit reviews, Commissioners undertake regular structured engagement with the NICS in support of their statutory audit function to influence improvements to NICS recruitment policies and practices and secure progress on audit outcomes.

Formal reviews and structured audit engagement are further underpinned by an evidence-based assurance framework, mandated monitoring and reporting requirements for the NICS and compliance checks via Commissioners' SCS 4-Stage Authorisation Process.

Further details on Commissioners' approach to audit are set out in Regulating for Improvement – Audit Framework and Guidance, available from our website www.nicscommissioners.org.

Assurance Framework and Monitoring Requirements

Article 4(5) of the Civil Service Commissioners (Northern Ireland) Order 1999, provides that information relating to recruitment must be published in accordance with any requirements which the Commissioners may specify. On an annual basis, Department of Finance (DoF) are required to publish information on all recruitment competitions which have been held to appoint staff to the NICS. The information to be published, and the

publication period, are matters for determination and scrutiny by Commissioners and may change over time in response to changing circumstances and requirements.

Under Appendix C of the Recruitment Code, Commissioners require:

- (a) evidence to provide assurance that systems are in place in the NICS to ensure that selection for appointment is made in accordance with the Recruitment Code;
- (b) evidence to provide assurance that recruitment policies and practices in the NICS are subject to regular internal monitoring;
- (c) details of the appointments made under Regulation 3 (Exceptions) of the Commissioners' General Regulations 2007;
- (d) statistical summaries, in a format which the Commissioners may specify, of all recruitment activity during the publication period, including analyses by all categories covered by Section 75 of the Northern Ireland Act 1998;
- (e) any actions or initiatives undertaken in the reporting year to attract candidates, and advance a recruitment-related agenda for diversity, inclusivity and equality of opportunity and which specifically target areas of under-representation;
- (f) a report on the outcomes as a result of any such actions or initiatives referred to at (e) above; and
- (g) any other relevant information in a specified format regarding recruitment and selection as Commissioners may require.

NICS Annual Statement of Compliance on Recruitment

Commissioners require the DoF Permanent Secretary to sign off the annual '*Permanent Secretary Statement of Compliance on Recruitment*'. This confirms adherence to the Commissioners' Recruitment Code for all appointments made to NICS Departments during the annual reporting period, bolstering the evidence-based assurance framework and strengthening formal accountability at the most senior levels within the NICS.

The assurance framework is managed by the NICS and is comprised of the following key components:

- regular reviews of external competitions;
- monitoring of exceptional appointments and extensions to merit lists;
- assurance statements signed by HRConnect and Competition Leads when running an external competition;
- annual assurances from all Grade 7s within the Vacancy Management Team;
- annual confirmation from Permanent Secretaries/Accounting Officers that all appointments have been managed by NICS HR Resourcing; and
- the above evidence is collated by NICS HR and provided to the DoF Permanent Secretary for consideration and, if satisfied, issue of the annual Statement of Compliance to Commissioners.

Commissioners' 2019/20 Audit & Review Opinion

Commissioners use a range of oversight options and methodologies to obtain assurance and influence improvements to NICS recruitment policies and practices under their statutory audit function.

It is Commissioners' opinion that based on the information available, the NICS selection and recruitment practices are in keeping with the requirements set out in the Recruitment Code.

In reaching this conclusion Commissioners examined a range of evidence gathered throughout 2019/20 relating to our statutory functions. This included scrutiny of the Appendix C data provided by the NICS and requests made under Commissioners' 4-Stage Authorisation Process for SCS appointments. Commissioners also welcomed the assurance provided in the 2019 Statement of Compliance by the DoF Permanent Secretary that all appointments made to the NICS during the 2019 reporting period complied with the Commissioners' Recruitment Code.

Commissioners' 2019/20 Audit and Review Plan

Commissioners' Audit and Review Strategy sets out the planned programme of audit topics over the strategy period and is supplemented each year with an Annual Audit Plan, which sets out the scheduled audit topics for the year ahead. The 2019/20 Audit and Review Plan related to the final year of the Commissioners' 2016-2020 Strategic Audit Plan and covered the following reviews:

2019/20 Review of CSC 4-Stage Authorisation Process and Documentation

Commissioners have agreed a revised approach to their 4-stage Authorisation Process and documentation, which reflects the fact that from 1 November 2019 Commissioners now chair all SCS recruitment competitions. The new 'Article 6 Approval Process' will be rolled out during the next financial year.

2019/20 Review of Recruitment and Selection Related Complaints

Commissioners concur with the view set out in the [Principles of Good Complaint Handling](#) document available on the NI Public Service Ombudsman's website that "complaints are a valuable source of feedback for the public body; they provide an audit trail and can be an early warning of failures in service delivery. When handled well, complaints provide an opportunity for public bodies to improve their service and reputation".

Commissioners therefore carried out a review of recruitment and selection complaints relating to both external and internal competitions. The purpose of the review was to enhance Commissioners' knowledge of the relevant NICS complaints process and internal procedures, and identify any recurring themes or areas of concern, if there were any, with regard to the principles set out in the Commissioners' Recruitment Code.

The review comprised a desktop review of a sample of complaints (40% of external competition complaints and 10% of internal competition complaints during the review period April 2017 – December 2018); the NICS Recruitment Complaints Policy and Procedure; the HRConnect internal processes for establishing that a matter is a complaint; handling a complaint and escalating a complaint and the arrangements for monitoring complaints and implementing any lessons learnt including how this is managed between NICSHR and HRConnect.

Commissioners were pleased to find that there were no specific themes emerging from the review which would cause concern for Commissioners or warrant audit investigation. Commissioners therefore identified that the current practices uphold the Merit Principle and Commissioners' Recruitment Code and made no recommendations. However, from an operational point of view, Commissioners considered that their conclusions may be helpful to the NICS and have therefore shared these with NICSHR.

Audit Engagement with the NICS during 2019/20

Commissioners also exercise their statutory audit role through structured engagement meetings with NICSHR to examine a range of recruitment issues. This is supported by dedicated audit and review meetings for Commissioners, allowing for detailed consideration of audit matters and operational meetings between the Secretariat and NICSHR resourcing staff, to progress and monitor audit and review action points.

Commissioners examined a range of recruitment issues under the engagement process with the NICS, including a number of ongoing and outstanding action points from Commissioners' previous audits and reviews. Further details on these areas are included below:

Strategic Review of Resourcing

Commissioners received updates relating to the delay in taking forward the Strategic Review of Resourcing and the associated factors which will have an impact on the direction of travel, including the Renewable Heat Incentive (RHI) Report and the Northern Ireland Audit Office (NIAO) Capacity and Capability Study. Commissioners welcomed NICS commitment to write to Commissioners with a reminder of the Action Plan agreed by the NICS Board which will show the strands of the Review and revised timetable and renew the invitation to work together on this. Commissioners look forward to engagement with the NICS on this issue and will consider any potential impacts of the proposals on their oversight role and the requirements of the Recruitment Code.

NICS Recruitment

Commissioners were provided with updates with regard to NICS recruitment, including EU exit resourcing requirements and in relation to corporate Staff Officer/ Deputy Principal and Administrative Officer competitions. The NICS has also engaged with Commissioners on a range of recruitment matters including the Exceptions provisions under the Commissioners' 2007 General Regulations, which prescribe the specific circumstances in which appointments can be made by way of exception to the Merit Principle. Commissioners acknowledge that the Covid-19 pandemic has had, and will continue to have for the foreseeable future, an impact on recruitment. Commissioners are sympathetic to the significant challenges this has created and the subsequent impact on other areas of work. Commissioners will liaise with the NICS on these recruitment challenges and seek to be as supportive and flexible as possible.

Diversity and Inclusion

Commissioners are pleased to see the ongoing commitment from NICS to increase the diversity of applicants and appointees to the NICS. Commissioners were updated by NICS on their strategic approach to diversity and inclusion and the measures they have been taking to encourage under-represented groups to consider the NICS as a career. Commissioners are particularly interested in the ongoing work to increase the use of apprenticeships within the NICS and to increase applications from those with a disability, and look forward to hearing more on these issues and to seeing some of the initiatives being implemented during 2020/21.

Progress of Audit and Review Outcomes

Commissioners note that there has been progress in relation to implementation of the outcomes from the review of training and recognise that the ongoing work in NICS to develop a revised approach to recruitment will affect the implementation of some of the key outcomes of the training and other reviews. Commissioners will continue to monitor the progress of these work strands and engage with NICS HR as necessary.

Commissioners expect that a number of review outcomes from the review of the 4-Stage SCS Authorisation Process can be closed in the next financial year as the new Article 6 approval process is put in place.

Commissioners' 2020/21 Audit and Review Plan

During 2019/20, Commissioners developed their [Strategic Plan for 2020-25](#). As audit is one of a number of statutory functions, Commissioners have incorporated Audit within this overall Strategic Plan under Strategic Priority 1 - Commissioner Functions. Annual Audit Plans will continue to set out the scheduled audit topics for the year ahead and will be reported on each year in Commissioners' Annual Report. For 2020/21 Commissioners' audit and review will cover:

- A review of the evidence which underpins the Department of Finance Permanent Secretary's Annual Statement of Compliance to Commissioners.
- Audits of the revised Article 6 approval process.
- Desktop Compliance review of competitions below SCS level.

SENIOR CIVIL SERVICE 4-STAGE AUTHORISATION PROCESS

All appointments to the SCS through open competition require the approval of Commissioners.


In support of the request for approval, relevant recruitment information is provided by HRConnect, or Departments, to Commissioners at four key stages of the SCS recruitment process. The process also requires a number of assurances from HRConnect in relation to the competition process.

Detailed information on the Commissioners' 4-Stage Authorisation Process can be found on our website www.nicscommissioners.org.

During this year Commissioners received requests under the 4-Stage Authorisation Process for 21 SCS external recruitment competitions. These are listed in Table 1 below. It should be noted that some of the competitions included below have been detailed in previous Annual Reports. However, authorisation and/or approval was granted for appointments from these competitions during the reporting period.

Table 1: Senior Civil Service Competitions dealt with during 2019/20

POST	LEAD NICS DEPARTMENT
Assistant Solicitor, Commercial & Property Division (Grade 5)	Department of Finance
Director NI Bureau Washington (Grade 5)	The Executive Office
Director of Network Services (Grade 5)	Department for Infrastructure
Rivers Agency Chief Executive (Grade 5)	Department for Infrastructure
Chief Environmental Health Officer (Grade 5)	Department of Health
Assistant Solicitor, Office of the Legislative Counsel (Grade 5)	The Executive Office
Director EU Fund Management (Grade 5)	Department for the Economy
Chief Executive, Forensic Science NI (Grade 5)	Department of Justice
Deputy Secretary, Head of Central Services & Contingency Planning (Grade 3)	Department of Agriculture, Environment & Rural Affairs
Director of Housing Policy & Supply (Grade 5)	Department for Communities
Director of Working Age Services (Grade 5)	Department for Communities
Director of Child Maintenance Service & Wraparound (Grade 5)	Department for Communities
Director of Living with Water Programme (Grade 5)	Department for Infrastructure
Asset Management & Governance (Grade 5)	Department for the Economy
Director of Safer Communities (Grade 3)	Department of Justice
Chief Pharmaceutical Officer (Grade 5)	Department of Health
Director Regional Development (Grade 5)	Department for Communities
Deputy Director, Financial Services Division (Grade 5)	Department of Justice
Director of Universal Credit Programme (Grade 5)	Department for Communities
Director of Valuation, Land & Property Services (Grade 5)	Department of Finance
Deputy Director, Protection & Organised Crime (Grade 5)	Department of Justice



These competitions were scrutinised under Commissioners' 4-Stage Authorisation Process where necessary, and any appointments made from these competitions have been approved under this process.

In the spirit of good governance and to ensure robust delivery of the Secretariat's management of the 4-Stage Authorisation Process, on behalf of Commissioners, an annual internal audit of the process is undertaken to ensure that it is being operated in line with procedure. The audit found that procedures were satisfactorily applied by OCSC Secretariat at each stage of the process and Commissioners were reassured that the 4-Stage Authorisation Process is operating in line with the Recruitment Code.

APPOINTMENTS MADE BY WAY OF EXCEPTION TO MERIT

Regulation 3 of Commissioners' General Regulations 2007 permits appointments to be made other than in accordance with the Merit Principle.

The Commissioners' General Regulations and Recruitment Code outline the particular circumstances in which the principle of selection on merit, on the basis of fair and open competition, shall not apply. The Commissioners' objective in permitting exceptions is to provide flexibility where it can be justified as necessary and appropriate to meet the business needs of the NICS. Commissioners scrutinise and challenge NICS requests for appointments to be made by way of exception to the Merit Principle on a case-by-case basis. Departments must justify to Commissioners why it is not reasonably practicable to make the appointment in accordance with the Merit Principle, in order that Commissioners may be satisfied that appointment by exception is warranted.

While specific approval of Commissioners is required for some appointments by way of exception to merit, the Recruitment Code permits Departments to make appointments via exception to merit in certain limited circumstances at grades below SCS level for a period of up to two years. However, any extension beyond two years requires Commissioners' approval.

During 2019/20, Commissioners approved one appointment at SCS level under Regulation 3(b) Transfer from another civil service of the Crown; and one appointment at SCS level 3(d) Exceptional needs of the NICS. Commissioners also approved the extension of two appointments to the NICS at SCS level under Regulation 3(a) Secondment.

As mentioned above, under Regulation 3(a) Departments can make appointments below SCS level for periods of up to two years. In line with the Code, Commissioners' approval was sought, and granted, for extensions to secondments for one post at Grade 7 and two posts at Staff Officer grade.

During the reporting period the Department of Finance wrote to Commissioners to inform them of the transfer of two individuals (ICT staff below SCS level) in accordance with TUPE regulations from the Probation Board for Northern Ireland into the NICS.

Table 2: Appointments made by the NICS by way of Exception to Merit: January 2017 – December 2019¹

Exception Category	Appointments 2017	Appointments 2018	Appointments 2019
(a) Secondment	12	11	13
(b) Transfer from another civil service of the Crown	0	1	0
(c) Transfer of persons employed on functions being transferred	3	0	0
(d) Exceptional needs of the NICS	0	0	2
(e) Appointments made under Government initiatives/ programmes	0	0	0
(f) Reinstatement	0	0	0
Total	15	12	15

¹ This information is sourced from the NICS Annual Reports 2017 – 2019.

NICS CODE OF ETHICS

One of the Commissioners' statutory roles is to hear appeals under the NICS Code of Ethics.

During the 2019/20 reporting year, one new concern was raised and considered by Commissioners. Commissioners determined that the matter was not eligible for consideration under the NICS Code of Ethics.

Commissioners consider that it is not their role to act as a substitute for an appeal in respect of internal Civil Service procedures and, as such, issues regarding internal human resource issues should properly be pursued through the established NICS human resources management procedures, recruitment complaints mechanisms and/or if appropriate pursued through an external employment tribunal.

Commissioners also considered a concern which had been raised in the previous reporting period. After protracted correspondence with the Department involved, an independent investigation was undertaken by the Department and Commissioners determined that there was no grounds for Commissioners to accept an appeal under the Code of Ethics. However the Commissioners wrote to the Permanent Secretary of the Department to make a recommendation in relation to the timeliness of the Department in conducting such investigations and in communicating with complainants.

It is the expectation and practice of Commissioners that a potential appellant will have exhausted the internal Departmental procedures, and that any ongoing investigation will be completed and the outcome known before Commissioners would make a determination on whether any Code of Ethics appeal will be accepted for investigation.

The NICS is required to provide, annually, the number of concerns dealt with by Departments under the Code of Ethics.

During the 2019 calendar year the NICS reported that two complaints were received under the NICS Code of Ethics with both of the concerns raised being accepted by the relevant Department as a complaint under the Code of Ethics. The outcome for one of the investigations concluded that there was evidence in support of one of the issues raised and actions were put in place as a result. No evidence was found in support of the other two issues raised. The other investigation is still ongoing.

MONITORING NICS 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 in relation to recruitment to the NICS.

In order to discharge our statutory duties, Commissioners rely on a range of recruitment-related information and statistical data collated and analysed by DoF, the Northern Ireland Statistical and Research Agency (NISRA) and other organisations.

The NICS publishes its recruitment-related information for the calendar year of 2019² in the [Recruitment to the NICS Annual Report 2019](#). The Report also includes the [NISRA Analysis of NICS Competitions 1 January 2019 to 31 December 2019](#) published by DoF.

Each year Commissioners determine how the information published in the NICS Annual Report on recruitment fulfils Article 4(5) of the Civil Service Commissioners (NI) Order 1999 as set out in Appendix C of the Recruitment Code.

NICS Recruitment during 2019 and Trends in Recruitment

The number of recruitment competitions, applications and appointments for 2017-2019 reporting periods are included in Table 3.

Table 3: NICS Open Recruitment Competitions, Applicants and Updated Appointment Figures for 2017 to 2019³

Detail	2017	2018	2019
Open Competitions	88	109	110
Total Applicants	5,794	6,282	28,904
Eligible Applicants*	4,230	4,007	24,691
Appointees**	566	660	839

* Figures relating to eligible applicants may differ from previously published figures as the eligibility sift may not have taken place by the time of publication.

** Figures as at 1 March 2020, further appointments are expected to be made from 2019 competitions.

² 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.

³ Data includes both permanent and temporary competitions.

The level of NICS recruitment has risen slightly in 2019, with 110 competitions compared to 109 in the previous reporting period. As noted in Table 3 above, 110 NICS recruitment competitions were held in 2019, attracting 28,904 valid applications. The number of applicants was higher than in 2018 - increasing by 22,622.

Commissioners note that this significant increase in applications was due to the NICS advertising three new general service competitions for Staff Officer, Deputy Principal and Administrative Officer during 2019. Commissioners note that these competitions accounted for approximately 78% of all applications during the reporting period.

Commissioners note that of the 110 competitions above, 16 were for SCS competitions, which attracted 354 applications and resulted in 18 appointments being made by 1 March 2020. Ten of those appointed were male and eight were female, which was in line with what would be expected based on the applicant pool. It has also been noted that current employees and candidates aged 50 or over were more likely to be deemed eligible for SCS competitions.

Commissioners note that 166 complaints were received in respect of these 110 open competitions and that by way of comparison this is a similar percentage as was received in 2018. Commissioners also note that 136 of these complaints relate to the Staff Officer and Deputy Principal competitions.

While Commissioners have no regulatory role in relation to internal competitions, we consider that it provides context and a helpful comparative perspective to publish this information alongside the open recruitment data. NICS internal recruitment competitions and appointment figures for 2017 to 2019 are therefore detailed in Table 4 below.

Table 4: NICS Internal Recruitment Competitions and Appointment Figures 2017 to 2019

Detail	2017	2018	2019
Internal Competitions	76	86	89
Internal Appointments*	2,381	635	345

* Figures as at 11 March 2020.

Internal recruitment activity has also increased very slightly in 2019. Six of the 89 internal competitions during 2019 were for SCS positions and six appointments to the SCS had been made by 11 March 2020. Commissioners continue to encourage the NICS to address diversity issues within the NICS through open competition wherever possible.

Updated Summary of NICS Appointments

The NICS Annual Report presents recruitment data for NICS competitions with a closing date in a particular calendar year - currently 2019. The appointment figures are for all appointments made from these competitions by early the following year - for 2019 this date was 1 March 2020. The figure reported may not be the final number of appointments which will be made. NICS competition merit lists usually remain live for a period of one year, with the possibility of extension where there are cogent and practical reasons for this.

Following a recommendation from Commissioners, the NICS publish updated appointment figures for the three prior reporting periods in order to address the issue of unreported appointments. The [Recruitment to the NICS Annual Report 2019](#) therefore provides updated NICS appointment figures for 2016, 2017 and 2018, taken from the [NISRA Analysis of NICS Recruitment Competitions 2019](#).

By 1 March 2020, a total of 804 appointments have been made from 76 of the 103 competitions for permanent NICS jobs, while no appointments have yet been made from the remaining 27 competitions. Analysis of appointments from these 76 competitions reveals some disparities between the actual number of appointees and the number of expected appointees within each category, if applicants within each equality group were equal in merit.⁴

Commissioners noted the following with regard to the [NISRA Analysis of NICS Recruitment Competitions 2019](#):

- Around half of applicants were male (49.8%), with females representing 50.2% of applicants. The gender profile of appointees was broadly in line with what would be expected if male and female applicants were equal in merit.
- In terms of community background, 42.3% of applications were from Protestants, with a larger proportion from Catholics (47.2%) and 10.4% from applicants whose community background was not determined. The analysis in terms of community background shows that fewer than expected candidates whose community background was not determined were appointed.
- The proportion of applications from minority ethnic groups was 2.1%. Fewer candidates than expected from a minority ethnic background were appointed (7 rather than 17).
- The proportion of applicants who declared a disability was 6.9%. The profile of appointees in terms of declared disability was in line with the expected profile.

⁴ This analysis relates to the total applications for all 103 competitions and not just applications for the 76 competitions from which appointments have been made. However the analysis of appointees v expected appointees relates to the 76 competitions from which appointments have been made.

- In terms of age, over half (52.4%) of applicants were aged 25-39, with 17.8% aged 16-24 and 19.8% aged 40-49. One in ten applicants were aged 50 or over (10.0%). There were more appointees than expected in the 25-39 age category, while there were fewer than expected appointees from the 16-24 and 50+ age categories.
- In terms of sexual orientation, 93.8% of applicants stated their orientation was towards someone of a different sex, with 3.7% reporting orientation towards someone of the same sex and 2.5% reporting orientation towards both sexes.
- For those applicants who provided their NICS employment history, just over a quarter (25.8%) reported they were a current NICS employee, 8.1% of applicants reported that they had previously been an NICS employee and 66.1% reported no NICS employment history. The number of appointees with NICS experience was considerably higher than might have been expected.

A total of 35 appointments had been made from six of the seven competitions for temporary NICS jobs. Analysis shows that the profile of appointees across gender, community background, ethnicity, age, sexual orientation and NICS employment history is broadly in line with what might be expected if applicants within each equality group were equal in merit.

Commissioners acknowledge that, on an individual competition basis, disparities between the actual and expected numbers of appointees in each equality category are generally small (typically less than 3) and the appointment of a further candidate from a different category could change the overall profile of appointees. It should be noted that further appointments may be made from these competitions, which could change the profile of appointees.

NICS Recruitment Developments 2019

Commissioners monitor ongoing developments within the NICS and meet regularly with the NICS to discuss key issues relating to recruitment and selection. We are pleased to note that the NICS has reported a number of recruitment developments and improvements during 2019.

The NICS has kept Commissioners up-to-date with the progress of the review of the NICS approach to recruitment and selection and the intended direction of travel to introduce streamlined, timely and responsive processes that includes more tailored recruitment and selection processes, with a greater focus on the skills required for job roles and individual posts. Whilst it is disappointing that this has been slow to progress (largely due to the pressures of resourcing for EU Exit and Covid-19), Commissioners note that it will, however, take place in the first two quarters of this financial year and, following consultation, it is likely that changes will be introduced on a planned and phased basis.



Commissioners welcome that the NICS has placed diversity and inclusion at the centre of the NICS People Strategy 2018-20 and the increased diversity and inclusion activity which has been reported. We welcome the activity the NICS has engaged in to encourage individuals from under-represented groups to apply for positions in the NICS and to promote the NICS as an employer of choice where diversity and inclusion are valued, including the outreach activity in relation to the Administrative Officer and Custody Prison Officer competitions. Commissioners are pleased that the NICS has committed to building a programme of apprenticeships as part of the People Strategy and have developed a set of guiding principles for NICS business areas and NICS professions to use when considering apprenticeships as part of their workforce plans and career paths. Commissioners look forward to hearing more about new apprenticeship schemes as these are developed.

Commissioners were pleased that in June 2019 NICSHR published two datasets to the OpenDataNI portal which broke down the NICS 2019 Deputy Principal and Staff Officer external recruitment campaigns by gender, community background, ethnic background and disability. They include breakdowns of internal NICS and external candidates up to completed stages to date; number of applications, numbers of those who sat the online tests and the numbers who passed. Commissioners welcome that NICS intend that data for all future corporate competitions will continue to be published on the portal following the completion of each stage of the selection process.

COMMISSIONERS' ENGAGEMENT

Commissioners value the opportunity to develop and foster effective relationships with stakeholders as this facilitates the mutual sharing of experience and expertise. In addition to Commissioners' links to the Head of the Civil Service (HOCS) and the NICS Permanent Secretaries, Commissioners also work closely with their counterparts in Great Britain (GB) and the Republic of Ireland (ROI) to explore issues of mutual interest.

Engagement with Stakeholders

In 2019/20, Commissioners met and engaged with regulatory organisations and key stakeholders to ensure that they remain up-to-date on policy, case law and good practice and equipped with all relevant information in relation to recruitment in the NICS. This was invaluable as Commissioners reflected on strategic priorities, compiled strategic plans and delivered their statutory functions.



Commissioners met with the Permanent Secretaries Group

As part of their annual engagement with the Head of the Civil Service, David Sterling, and the Permanent Secretaries Group (PSG), Commissioners discussed strategic direction and priorities and the associated challenges of delivering these in the context of the Programme for Government. Further meetings with the HOCS focused on the change to Commissioners' statutory role and their Charing of SCS Competitions, as well as agreeing changes to the Recruitment Code.

Commissioners also engaged with Permanent Secretaries on an individual basis to discuss matters of relevance to specific Departments – such as providing feedback to the Department of Finance on the draft revised NICS Code of Ethics.

Commissioners engaged frequently throughout the year with colleagues in NICSHR on a range of common interests, including the NICS' secondment policy, Strategic Investment Board (SIB) employees seconded to the NICS and Data Sharing. They also discussed with NICSHR proposed changes to the Recruitment Code and to the Article 6 approval process.

A particular area of interest for Commissioners is "Diversity and Inclusion in the NICS". Presentations and updates on the work of NICSHR's recently established Diversity and Inclusion Branch and on its Disability Work Placement scheme were very much welcomed.



Left to right: Jackie McKee, Sinéad Burns, Deirdre Toner, Michael Wardlow, Jim Scholes

In December 2019, Commissioners met with Michael Wardlow, Chief Commissioner, and Jackie McKee, Director of Advice and Compliance Division, of the Equality Commission for Northern Ireland to receive updates on equality based recruitment and employment matters from the Commission's perspective.

The Secretariat explored with officers in the Public Records Office (PRONI) how best to prepare and format a Retention and Disposal Schedule in advance of laying it before the Minister for Communities for approval.



Left to right: Sinéad Burns, Ian Watmore, Deirdre Toner, Jim Scholes

Commissioners also met with Ian Watmore, First Civil Service Commissioner (UK), in December 2019 when they had the opportunity to explore areas of mutual interest and learn from the wider UK experience of chairing competitions, recruitment principles and exceptions, code of ethics and new ground-breaking recruitment schemes and programmes.

In November 2019, Commissioners participated in a Capacity and Capability Study being carried out by the NIAO. It is anticipated that the outcomes of this will inform future NICSHR initiatives.

Commissioners and the Secretariat continue to hold Audit engagement meetings with NICSHR to agree audit priorities and discuss the outcomes of audit activities, with a view to ensuring that the Merit Principle is upheld within the operational delivery of NICSHR processes.

During 2019/20, Commissioners and Secretariat staff engaged with:

- Head of the Civil Service
- Permanent Secretaries and Senior Officials
- NICSHR, in DoF
- HRConnect
- NI Statistics and Research Agency
- Senior officials in the Northern Ireland Office
- Crown Solicitor's Office
- Civil Service Commission (UK)
- Equality Commission for Northern Ireland
- Northern Ireland Public Services Ombudsman
- Disability Action
- NICS Disability Working Group
- Commissioner for Public Appointments for Northern Ireland
- Northern Ireland Human Rights Commission
- Commission for Public Service Appointments (ROI)
- Public Appointments Service (ROI)
- Public Records Office NI (PRONI)
- The NIO's Arms Length Body (ALB) Forum
- The NI Public Sector Chair's Forum

PROMOTING DIVERSITY

Commissioners attach particular importance to issues of diversity, inclusivity and equality of opportunity which are central to the Merit Principle and embedded within Commissioners' Recruitment Principles.

Commissioners' Equality Scheme and Disability Action Plan set out how their statutory obligations will be fulfilled to promote equality and good relations. Commissioners' Disability Action Plan runs from 2018-2022. Copies are available online at www.nicscommissioners.org.

Commissioners also seek to influence and encourage the NICS to take proactive measures to promote equality of opportunity and target under-representation throughout all stages of the Recruitment Process.

Commissioners met with the Chief Commissioner of the Equality Commission for Northern Ireland and explored topics including:

- reasonable adjustments to online testing for people with disabilities;
- legislative protection afforded to people with disabilities and how it might present opportunities for practical action to encourage greater participation;
- the benefits of receiving high numbers of eligible applications and the use of quotas; and
- how best to attract applications from under-represented groups.

Commissioners continued to support the engagement between the NICS Disability Working Group and NICS HR and welcomed updates received throughout the year on how the Working Group's recommendations to address barriers to recruitment, career development and retention of staff with disabilities were being implemented.

COMMISSIONERS' SECRETARIAT AND RESOURCES 2019/20

To deliver our statutory responsibilities we receive support from a Secretariat which comprises six members of staff, five of whom are part-time and one is full-time.

2019/20 Budget Expenditure

Item	(£000s)
Commissioners' Fees	39
Staff Salaries	204
Accommodation and Overheads	32
Training (Commissioners and Staff)	2
Total	277

WEBSITES AND RESEARCH MATERIAL

The Civil Service Commissioners for Northern Ireland www.nicscommissioners.org

NICS HR www.finance-ni.gov.uk/nics-hr

NICS Recruitment <https://irecruit-ext.hrconnect.nigov.net/>

Northern Ireland Statistics and Research Agency www.nisra.gov.uk

Equality Commission for Northern Ireland www.equalityni.org

Civil Service Commission www.civilservicecommission.independent.gov.uk

Commission for Public Service Appointments www.cpsa.ie

Public Appointments Service www.publicjobs.ie

'Recruitment to the Northern Ireland Civil Service' Annual Report 2019

<https://irecruit-ext.hrconnect.nigov.net/resources/documents/n/i/c/nics-recruitment-annual-report-2019---final.pdf>

'Analysis of NICS Recruitment Competitions 1 January 2019 – 31 December 2019'

https://www.nisra.gov.uk/sites/nisra.gov.uk/files/publications/Analysis-of-NICS-Recruitment-Competitions-2019_2.pdf





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