

**Candidate
Information
Booklet**

***IRC183265
Biomedical Scientist (BMS) – Band 5 or 6
State Pathologist's Department
Department of Justice***

**Completed Application Forms
must be returned to HRConnect
no later than 12 noon (UK time)
on
*Friday 23rd August 2013***

**State Pathologist's Department
for Northern Ireland
Department of Justice**

**Building a fair, just and safer
community**

Communication between HRConnect and you

HRConnect will issue electronically as many competition communications as possible, you should therefore check your email account to make sure that you don't miss any important communications in relation to this competition. There may, however, still be a necessity to issue some correspondence by hard copy mail.

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FOREWORD

The Department of Justice (DoJ) wishes to make two permanent appointments at Biomedical Scientist Band 5 or 6 and invites applications from suitably qualified applicants.

The postholder will work as part of a laboratory team within the State Pathologist's Department (SPD). The post is located in fully resourced, modern, purpose-built premises in the State Pathologist's Department which is situated in the grounds of the Royal Victoria Hospital, Grosvenor Road, Belfast, BT12 6BS.

The State Pathologist's Department, although a distinct and separate business unit within the hospital complex, is able to avail itself of hospital laboratory services (microbiology, biochemistry and haematology) as well as access to paediatric radiology and forensic dental services. The hospital also makes paediatric pathology and neuropathology services available to the State Pathologist's Department.

Prospective applicants wishing to know more about the post or wishing to visit the State Pathologist's Department may do so by contacting the Biomedical Scientist, Mr Gary Whiteside at the State Pathologist's Department, Grosvenor Road, Belfast, BT12 6BS, telephone 028 9063 4648.

BACKGROUND

The State Pathologist's Department (SPD) operates at arms length from the Department of Justice (DoJ), in providing independent forensic pathology services to Northern Ireland and is funded by DoJ. The core function of SPD is to perform post mortem examinations as directed by the Coroners Service for Northern Ireland in cases of sudden, suspicious and unnatural deaths. In addition, advice and guidance in other areas of forensic medicine is provided, autopsy reports are prepared and evidence is given at Coroners inquests and other Courts.

The SPD also supports the Police Service for Northern Ireland (PSNI) and the Public Prosecution Service of Northern Ireland (PPS) by attending scenes of death or crime, by providing expert forensic pathology opinion and advice by giving evidence in court. The valuable knowledge and information gained from post mortem examinations is also used to develop and refine forensic pathology techniques, improve the treatment and healthcare of patients and to prevent further similar deaths. The Department has close links with the School of Medicine, Dentistry and Biomedical Sciences of the Queens University of Belfast and provides teaching to undergraduate medical and dental students.

The department's current complement is; the State Pathologist, a Deputy State Pathologist, 2 Assistant State Pathologist's and 1 trainee at Specialist Registrar grade. Laboratory services are provided solely to SPD in-house by 4 Biomedical Scientists. Consultant staff are supported by 4 medical personal secretary posts and an audio-visual technician. Assistance in the mortuary (which is adjacent to the State Pathologist's Department) is provided by 5 anatomical pathology technologists and a receptionist.

The State Pathologist's Responsibility

The State Pathologist has overall responsibility for the service delivery of the department. He will direct and distribute work equitably and will ensure that standards are maintained through agreed quality assurance procedures. The successful candidate will be directly responsible to the Senior Biomedical Scientist on a daily basis in all matters relating to the work of the department.

JOB DESCRIPTION

There are currently two permanent full time posts available.

Employer

The staff employed at the State Pathologist's Department (SPD) are **not** civil servants but are direct recruits of the Department of Justice (DOJ).

Terms and Conditions

The main Terms and Conditions of Service which apply to these appointments are set out in the NHS (Agenda for Change) Terms and Conditions of Service Handbook which is incorporated into and forms part of your contract. You are required to comply with such other DOJ/DHSSPS Policies and Procedures as may from time to time be in force and are relevant to your employment in SPD. Examples of these are; travel and subsistence, salary matters, etc.

Salary

Salary will be within the range £21,388-£27,901 for Band 5, and £25,783-£34,530 for Band 6 within which pay progression will be performance related, in line with the NHS Terms and Conditions of Service pay circulars issued by the DHSSPS.

Starting salary will normally be at the minimum of the scale.

Location

The postholders will be based at the State Pathologist's Department, Royal Victoria Hospital site, Grosvenor Road, Belfast, BT12 6BS.

Working Hours

Postholders will participate in a conditioned 37 hour week (excluding meal breaks) from Monday to Friday. In addition, postholders will be required to work an additional 4 hours on alternate Saturday mornings (currently under review).

There is also a requirement, when fully trained, to participate in an out of hours rota to provide cover during public holidays.

Holidays

In addition to public and privilege holidays, currently 12 days, the annual leave allowance will be 25 days.

Medical

Prior to appointment, the successful candidates will be required to provide evidence of Hepatitis B immunisation.

Security Clearance

For Biomedical Scientist posts in the DoJ the level of vetting is a Baseline Standard plus Counter Terrorist Check.

Probation

Successful candidates will be required to serve a 12 month probationary period.

Further Information

Applicants wishing to learn more about the post before deciding to apply may contact Gary Whiteside by email to gary.whiteside@statepathni.org.uk

If you have any questions about the competition process, you should contact HRConnect on 0800 1 300 330 or email: recruitment@hrconnect.nigov.net

KEY RESPONSIBILITIES

Job Summary/Main Purpose

To work as part of a laboratory team within the State Pathologist's Department.

Main Duties/Responsibilities

Specific Duties

1. To perform basic histopathology laboratory work, processing of paraffin blocks, preparation and staining of histological material, while undertaking related training for completion of specialist portfolio as required of a registered Biomedical Scientist (BMS).
2. To carry out all duties in accordance with the Laboratory Standard Operating Procedures (LSOP), including those duties requiring the exercise of independent judgement and initiative with minimal supervision.
3. Assisting in the preparation of tissue material (including whole body organs) for fixation, photography and dissection following post-mortem examination.
4. To assist in the development of new procedures and techniques specific to forensic pathology.
5. To carry out any other duties not specified above but which might be reasonably expected of a Biomedical Scientist's Grade (Payband 5 or 6).

Responsibilities

6. To become familiar with, and comply with, departmental safety regulations.
7. To develop an understanding of, and comply with, the requirements of the Human Tissue Act in respect of the management of tissue retained after post-mortem examination.
8. To demonstrate and maintain satisfactory progress in their academic and in-house training programmes.
9. To participate in a conditioned 37 hour week (excluding meal breaks) from Monday to Friday. In addition, the postholder will be required to work an additional 4 hours on alternate Saturday mornings (currently under review).
10. To participate in the Continuous Professional Development (CPD) programme in line with the Knowledge and Skills Framework (KSF)

and work towards gaining further knowledge through certificate level training and short courses. This will be achieved through the individual's Personal Contribution Plan (PCP) and Annual Staff Development review.

General Responsibilities

Employees of the State Pathologist's Department, Department of Justice, are required to promote and support the delivery of faster, fairer justice which is a key priority of the DoJ.

Information Management

All employees of the State Pathologist's Department, Department of Justice, are required to adhere to the NICS Information Assurance Policy. Employees are legally responsible for all records held, created or used as part of their business within State Pathologist's Department, whether paper based or electronic, including e-mails. All information must be handled with due care, diligence and confidentiality.

All information obtained whilst working in the Department must be treated as strictly confidential and must not be disclosed.

ELIGIBILITY CRITERIA

Applicants must, by the closing date for applications, have:

- 1) Current Health and Care Professions Council (HCPC) registration and specialist portfolio* or a commitment to obtain an Institute of Biomedical Science (IBMS) Specialist Portfolio**;

AND

- 2) A degree in Biomedical Science accredited by the Institute of Biomedical Science (IBMS);

AND

- 3) A minimum of 9 months experience, gained within the last 3 years, of working in an accredited Histopathology Laboratory.

***This is a Band 6 post but anyone appointed who does not have a specialist portfolio will be appointed to Band 5 until completion of this.**

****Candidates who do not have an IBMS Specialist Portfolio will be expected to obtain this, usually within 24 months of appointment.**

Applications will also be considered from applicants with relevant formal qualifications considered by the selection panel to be of an equivalent or higher standard to those stated.

Relevant or equivalent qualifications: give the type of qualification and date awarded (the date awarded is the date on which you were notified of your result by the official awarding body). If you believe your qualification is equivalent to the one required, the onus is on you to provide the panel with details of modules studied etc so that a well-informed decision can be made.

SHORTLISTING CRITERIA

In addition applicants should be aware that after an eligibility sift, should it be necessary to shortlist candidates to go forward to interview, the following shortlisting criteria will be used in the order listed:

- 1) Practical experience in dealing with post-mortem samples, including fixation and processing of organs and tissues;
- 2) Practical experience in conducting and participating in tissue audits;
- 3) Experience in drafting Standard Operating Procedures applicable to Histopathology.

Please note:

- **You should ensure that you provide evidence of your experience in your application form, giving length of experience, examples and dates as required.**
- **It is not sufficient to simply list your duties and responsibilities.**
- **The Department will not make assumptions from the title of the applicant's post or the nature of the organisation as to the skills and experience gained.**
- **If you do not provide sufficient detail, including the appropriate dates needed to meet the eligibility criteria, the selection panel will reject your application.**
- **ONLY the details provided by you in your application form (the employment history and eligibility criteria) will be provided to the selection panel for the purpose of determining your eligibility for the post.**
- **The Department may decide to interview only those applicants who appear, from the information available, to be most suitable in terms of relevant experience and ability.**

INTERVIEW CRITERIA

In addition to satisfying the eligibility criteria and shortlisting criteria (if applicable) applicants will also be expected to display the following qualities and skills at interview:

1. Professional, Technical, Specialist Knowledge and Skills

Develop and update professional/specialist/technical knowledge and skills. Apply professional/specialist/technical knowledge and skills.

Marks available: 40

Minimum standard: 24

2. Strategy/Policy

Contribute to the implementation of policy. Contribute to the formulation of strategy to guide the work of the organisation. Develop plans which contribute to the implementation of the organisation's strategy. Contribute to the review and evaluation of the organisation's performance.

Marks available: 20

3. Services

Maintain and improve service delivery. Contribute to the planning and implementation of changes in services and systems to meet customer needs.

Marks available: 20

4. Resources

Contribute to the assessment of resource needs. Recommend, plan, monitor, evaluate and control the use of resources.

Marks available: 20

5. People

Develop teams and individuals to encourage innovation, improve performance and meet business objectives. Plan, allocate, monitor and evaluate work carried out by teams, individuals and self. Create, maintain and enhance effective working relationships. Assess own development needs and develop self to improve job performance and fulfil future potential.

Marks available: 20

6. Information and Communication

Identify, organise, evaluate and communicate information to meet customer needs. Analyse information to solve problems and make decisions. Identify and adopt communication style and methods to influence and gain the commitment of others.

Marks available: 20

Total Marks Available: 140

Overall Pass Mark : 84

COMPETENCE BASED INTERVIEWS

Selection panels will design questions to test the applicant's knowledge and experience in each of the above areas and award marks accordingly.

INTERVIEWS

It is intended that interviews for this post will take place in State Pathologist's Department during week commencing 23rd September 2013.

INTERVIEW GUIDANCE FOR APPLICANTS

If this is your first experience of a competence-based interview, bear in mind that it does not require you to:

- Talk through previous jobs or appointments from start to finish;
- Provide generalised information as to your background and experience; or
- Provide information that is not specifically relevant to the competence the question is designed to test.

A competence-based interview does however require you to:

- Focus exclusively, in your responses, on your ability to fulfill the competences required for effective performance in the role; and
- Provide specific examples of your experience in relation to the required competence areas.

In preparation for the interview you may wish to think about having a clear structure for each of your examples, such as:

- Situation – briefly outline the situation;
- Task – what was your objective, what were you trying to achieve;
- Action – what did you actually do, what was your unique contribution;
- Result – what happened, what was the outcome, what did you learn.

The panel will ask you to provide specific examples from your past experience in relation to each of the competences. You should therefore come to the interview prepared to discuss in detail a range of examples which best illustrate your skills and abilities in each competence area. You may draw examples from any area of your work / life experiences.

SELECTION PROCESS

The Merit Principle

In accordance with the Office of the Civil Service Commissioners' Recruitment Code, appointments to the Department of Justice are made under the 'merit principle', where the best person for any given post is selected in fair and open competition.

Further information on the Civil Service Commissioners can be found at www.nicscommissioners.org.

Making your application:

The application form is designed to ensure that applicants provide the necessary information to determine how they meet the competition requirements and the eligibility/shortlisting criteria.

Guidance for Applicants

- The space available on the application form is the same for all applicants and must not be altered.
- We will not accept CVs, letters, additional pages or any other supplementary material in place of or in addition to completed application forms, unless it is specifically requested in the application form and candidate information booklet, eg an organisational chart.
- Should an organisational chart be required this must be submitted to HRConnect by the closing date for applications.
- Applicants must complete the application form in either typescript font size 12, or legible, block capitals using black ink.
- Applicants must not reformat application forms.
- Information in support of your application will not be accepted after the closing date for receipt of applications.
- HRConnect will not examine applications until after the closing deadline;
- Do not use acronyms, complex technical detail etc. Write for the reader who may not know your employer, your branch or your job.
- Write down clearly your personal involvement in any experience you quote. Write "I" statements e.g. I planned meetings, I managed a budget, I prepared a presentation. It is how you actually carried out a piece of work that the panel will be interested in.
- The examples you provide should be concise and relevant to the criteria. This is very important as the examples which you provide may be checked out at interview and you may need to be prepared to talk about these in detail if you are invited to interview. It is your *unique* role the panel are interested in, not that of your team or division.

Application Form Submission

- Please refer to the Candidate Information Booklet before completing an application.
- **All** parts of the application form **must** be completed by the applicant before this application can be considered. Failure to do so may result in disqualification.
- All applications must be received by the advertised closing date. Late applications or applications received by fax or by email will not be accepted. Applicants using Royal Mail should note that 1st class mail does not guarantee next day delivery. It is also the responsibility of the applicant to ensure that sufficient postage has been paid to return the form to HRConnect. HRConnect will not accept any application where they are asked to pay any shortfall in postage.
- Only the employment history, eligibility and shortlisting sections will be made available to the panel.
- Applicants are encouraged to submit online applications wherever possible. However, all requests for hard copy application packs are welcomed and all applications will be treated equally regardless of whether they are hard copy or online.
- When completing the online application, your information is saved as you move through the pages. You may leave the application at any time, providing you have clicked on the 'Save & Continue' button. Once your application has been submitted the option to edit will no longer be available.
- Please note - the session timeout for the online application is 40 minutes, if you do not save or change page within this time you will automatically be logged out and any unsaved work will be lost.
- Please do not attempt to reformat application forms as this will result in disqualification.

Changes in personal circumstances

Please ensure HRConnect are informed immediately of any changes in personal circumstances.

Communication between HRConnect and you

HRConnect will issue electronically as many competition communications as possible, you should therefore check your email account to make sure that you don't miss any important communications in relation to this competition. There may, however, still be a necessity to issue some correspondence by hard copy mail.

Further appointments from this competition

Where a further position in the Department of Justice is identified which is considered broadly similar to that outlined in this candidate information booklet, consideration will be given to filling the position from this competition. The merit list resulting from this competition will be valid for a period of up to one year.

Disability Requirements

We will ask on the application form if you require any reasonable adjustments, due to disability, to enable you to attend any part of the assessment process. Details of any disability are only used for this purpose and do not form any part of the selection process. If you have indicated on your application that you have a disability and are successful in the selection process and are being considered for appointment, you may be required to outline any adjustments you consider necessary in order for you to take up an appointment. If you wish to discuss your disability requirements further, please contact HRConnect.

Equal Opportunity Monitoring Form

Please note, this form is regarded as part of your application and failure to complete and return it will result in disqualification.

For guidance on completing the Monitoring Form and to read the Equal Opportunities Policy Statement please refer to page 20.

As Roman Catholics and women are currently known to be under represented in this grade, applications from the Roman Catholic section of the community and women would be particularly welcome.

All applications for employment are considered strictly on the basis of merit

Assessment Information

It is HRConnect policy that all candidates invited to attend for assessment bring sufficient documentation to satisfy the eligibility/shortlisting criteria *(if*

applicable) and the Nationality and Vetting requirements. Further details regarding acceptable documentation will be issued with an invitation to attend for assessment.

You should ensure that these documents are readily available.

Nationality Requirements

HRConnect must ensure that you are legally entitled to work in the United Kingdom. The Biomedical Scientist posts are classified as Non-Public Service, therefore certain nationality requirements apply. Applicants must be either:

- (i) A UK national; or
- (ii) A Commonwealth citizen; or
- (iii) A British Protected Person; or
- (iv) An EEA national; or
- (v) A Swiss National; or
- (vi) A person who is not an EEA or Swiss national, but is a family member of an EEA national who has moved to the UK from another EEA Member State for an approved purpose.

For further guidance on Nationality requirements please see Annex A.

Advice on Nationality for (i), (ii) and (iii) above may be obtained from the Home Office website, www.ind.homeoffice.gov.uk.

Vetting Procedures

1. Baseline Personnel Security Standard

For Biomedical Scientist posts in the DoJ the level of vetting is a Baseline Standard plus Counter Terrorist Check. For this check you will be required to provide the following:

- a) Your passport OR
- b) A document verifying your permanent National Insurance number (e.g. P45, P60 or National Insurance card) AND your birth certificate which includes the names of your parents (long version).
- c) Other acceptable documents are listed on www.ind.homeoffice.gov.uk.
- d) A specimen signature at any assessment event and have this validated against passport, driving licence, application form etc.

We will organise a Criminal Record Check on all applicants to be carried out by AccessNI. The category of AccessNI check required for this post is:

Basic Disclosure Certificate and Counter Terrorist Check

You should not put off applying for a post because you have a conviction. We deal with all criminal record information in a confidential manner, and information relating to convictions is destroyed after a decision is made.

For more information, the address of the AccessNI website is: <http://www.accessni.gov.uk/>. Those applicants who are being considered for appointment will be contacted by HRConnect, normally after interview/test, and will be asked to complete the AccessNI application form. This can be downloaded from the AccessNI website. Guidance notes of the completion of the form are also included on the website. Please note that a request to complete this form should not be seen as a guarantee of an offer of appointment. Failure to complete the above form and return it within the specified time will be regarded as 'no longer interested in the position' and your application will be withdrawn.

Criminal Record information is subject to the provisions of the Rehabilitation of Offenders (NI) Order 1978.

2. Counter Terrorist Check (CTC): as point 1 plus check of Security Service records.

Order of Merit

The selection panel will assess candidates against the interview criteria. Those candidates who meet the required standard(s) and pass mark will be deemed suitable for appointment. The selection panel will then list those suitable for appointment in order of merit with the highest scoring applicant ranked first. HRConnect will allocate a candidate (or candidates) to a vacancy (or vacancies) in the order listed. The order of merit is valid for one year.

Pension

Membership of the Retirement Benefit Plan (known as RBP) through Queen's University Belfast, is available to these appointments. Further details are available from the Tax and Pensions Office, Finance Directorate, Queen's University Belfast on 028 9097 3023.

Feedback

We are committed to ensuring that the processes used to recruit and select staff are fair and in accordance with the principles of the Civil Service Commissioners Code. We are consequently committed to providing feedback in respect of decisions taken in determining eligibility/shortlisting as well as at interview. Feedback in respect of eligibility/shortlisting will be communicated automatically to those candidates who fail to satisfy any criteria. All requests for feedback are welcome.

THIS INFORMATION PACK DOES NOT FORM PART OF
CONDITIONS OF EMPLOYMENT

Completed application forms should be sent to the HRConnect Recruitment Team:

HRConnect
PO Box 1089
2nd Floor
The Metro Building
6-9 Donegall Square South
Belfast
BT1 9EW

NOTE: Late applications or applications received by fax or by email will not be accepted.

Contact Details:

If you have any queries regarding the competition process please contact HRConnect at the address above or by:

Email: Recruitment@HRConnect.nigov.net
Tel: 0800 1 300 330
Fax: 028 9024 1665

EQUAL OPPORTUNITIES

Policy Statement

The Department of Justice Equal Opportunities Policy statement is set out below.

“The Department of Justice (DoJ) is committed to providing equality of opportunity. It is our policy that all eligible persons shall have equal opportunity for employment and advancement in the DoJ on the basis of their ability, qualifications and aptitude for the work. Everyone has a right to equality of opportunity and to a good and harmonious working environment and atmosphere in which all workers are encouraged to apply their diverse talents and in which no worker feels under threat or intimidated. This right is protected in many instances by legislation.

In order to provide a high quality service to the people of Northern Ireland the DoJ needs to recruit, retain and promote the best available people. Our equal opportunities policy is central to this strategy. We aim to foster a culture which encourages every member of staff to develop his or her full potential and which rewards achievement. Creating a working environment where individual differences are valued and respected enables all staff to give of their best and helps us to respond more effectively to the needs of the people we serve.

The DoJ seeks to maintain the confidence of the whole community. It will continue to promote equality of opportunity and fair participation within the framework of the law and will strive to achieve a workforce that is broadly representative of the society which it serves.

It is the responsibility of all staff to be aware of and to apply this policy. Both Management and Trade Union Side are fully committed to the policy and will endeavour to ensure its full implementation.”

Equal Opportunities Monitoring

Equality monitoring is the process of collecting, storing and analysing information that is relevant to and necessary for the purpose of promoting equality of opportunity between different categories of persons. This section sets out what information is collected, the reasons for doing so and what it is used for.

You should note that the Monitoring Form is regarded as part of your application and failure to fully complete and return it will result in disqualification. The Monitoring Form will be processed separately and neither the form nor the details contained in it will be available to those considering your application.

Legislative Context

This section explains the reasons for gathering this information by setting out the legislative background.

Gender

The Sex Discrimination (NI) Order 1976 (as amended) makes it unlawful to discriminate against an individual on the grounds of his or her sex. Information on gender is also necessary to enable the completion of the annual statutory monitoring return, as required by the Fair Employment and Treatment (NI) Order 1998. Section 75 of the Northern Ireland Act 1998 requires public authorities in carrying out their functions in NI to have due regard to the need to promote equality of opportunity between men and women generally.

Age

The Employment Equality (Age) Regulations (NI) 2006 make it unlawful for employers and others to discriminate on grounds of age. Section 75 of the Northern Ireland Act 1998 requires public authorities in carrying out their functions in NI to have due regard to the need to promote equality of opportunity between persons of different age.

Community Background

The Fair Employment and Treatment (NI) Order 1998 outlaws discrimination on the basis of religious belief or political opinion. The information requested in the Community Background section of the monitoring form is required in connection with the requirements of the above Order and to enable the completion of the annual statutory monitoring return to the Equality Commission for NI.

Section 75 of the Northern Ireland Act 1998 requires public authorities in carrying out their functions in NI to have due regard to the need to promote equality of opportunity between persons of different religious belief and political opinion. Following guidance issued in July 2007 by the Equality Commission for NI the DoJ has decided to use “community background” information as a proxy for political opinion.

Disability

Section 75 of the Northern Ireland Act 1998 requires public authorities in carrying out their functions in NI to have due regard to the need to promote equality of opportunity between persons with a disability and persons without. The Disability Discrimination Act 1995 (the DDA) provides protection for disabled persons against discrimination on the grounds of disability.

The DDA defines disability as a “physical or mental impairment, which has a substantial and long term adverse effect on a person’s ability to carry out normal day-to-day activities.”

This definition is interpreted as follows:-

Physical Impairment: this includes, for instance, a weakening of part of the body (eyes, ears, limbs, internal organs etc) caused through illness by accident or from birth. Examples would be blindness, deafness, paralysis of a leg or heart disease.

Mental Impairment: this includes mental ill health and what is commonly known as learning disability.

Substantial: put simply, this means the effect of the physical or mental impairment on ability to carry out normal day to day activities is more than minor or trivial. It does not have to be a severe effect.

Long-term adverse effect: the effect has to have lasted or be likely to last overall for at least 12 months and the effect must be a detrimental one. A person with a life expectancy of less than 12 months is of course covered if the effect is likely to last for the whole of that time.

A normal day to day activity: this is something which is carried out by most people on a fairly regular and frequent basis such as washing, eating, catching a bus or turning on a television. It does not mean something so individual as playing a musical instrument to a professional standard or doing everything involved in a particular job.

What sort of effect must there be?

The person must be affected in at least one of the respects listed in the DDA: mobility; manual dexterity; physical co-ordination; continence; ability to lift, carry or otherwise move everyday objects; speech; hearing or eyesight; memory or ability to concentrate, learn or understand; or perception of risk of physical danger.

What happens if the effects are reduced by medication or other treatment?

Broadly speaking, the effects that matter are those that would be present if there was no medication or treatment taking place. The exception is people who wear spectacles or contact lenses when what matters is the effect that remain while the spectacles or contact lenses are being used.

Are there any types of condition covered by special provisions in the DDA?

Yes, because some people with particular conditions might not otherwise be counted as disabled. These are provisions covering:

Recurring or fluctuating conditions such as arthritis, where the effects can sometimes be less than substantial, which are treated as continuing to have a substantial adverse effect so long as that effect is likely to recur;

Conditions which progressively deteriorate, such as motor neuron disease, which count as having a substantial effect from the first time they have any effect at all on ability to carry out normal day to day activities even if it is not substantial, so long as there is eventually likely to be a substantial adverse effect; and

People with cancer, HIV, or multiple sclerosis are deemed to be disabled people from the point of diagnosis, regardless of whether or not they have any symptoms.

Are any conditions not covered?

Yes, the following conditions specifically do not count as impairments:

Addiction to or dependency on alcohol, nicotine or any other substance (unless resulting from the substance being medically prescribed);

Seasonal allergic rhinitis (e.g. hay fever) unless it aggravates the effect of another condition;
Tendency to set fires, or steal, or physically or sexually abuse other persons;
Exhibitionism and voyeurism;
Severe disfigurements consisting of tattoos, non-medical body piercing or attachments to such piercing are not treated as having substantial adverse effects.

What if someone has recovered from a disability?

Much of the DDA also applies to people who have had a disability in the past (for example, someone who was disabled by mental ill health) but have now fully recovered. People who were registered disabled under the Disabled Persons (Employment) Act (NI) 1945 both on 12 January 1995 and 2 December 1996 will be regarded as having had a disability in the past if they do not in any case fall within the definition of the DDA.

Race

The Race Relations (NI) Order 1997 makes it unlawful to discriminate on grounds of colour, race, nationality or ethnic or national origin. Section 75 of the Northern Ireland Act 1998 requires public authorities in carrying out their functions in NI to have due regard to the need to promote equality of opportunity between persons of different racial group.

Sexual Orientation

The Employment Equality (Sexual Orientation) Regulations (NI) Order 2003 makes it unlawful for employers and others to discriminate on the grounds of sexual orientation. In order to monitor the effectiveness of DoJ policies information is gathered on sexual orientation. Section 75 of the Northern Ireland Act 1998 requires public authorities in carrying out their functions in NI to have due regard to the need to promote equality of opportunity between persons of different sexual orientation.

Marital Status & Dependants

Section 75 of the Northern Ireland Act 1998 requires public authorities in carrying out their functions in NI to have due regard to the need to promote equality of opportunity between persons of different marital status and between persons with dependants and persons without.

Use of Monitoring Information

Monitoring information is used to enable the DoJ to assess the effectiveness of its EO policies and to determine the impact (if any) of various policies and procedures on different categories of staff. In addition to this internal focus community background and gender information on both staff and applicants is used to complete the annual statutory monitoring return to the Equality Commission.

Confidentiality of Monitoring Information

As with other forms of personal data, the obtaining, use, storage and disclosure of monitoring information is covered by the Data Protection Act 1998 (DPA). Monitoring information is held on computer and is protected by a high level of security. Access to this data is restricted to those NICS staff,

employees of HRConnect and Trade Union officials whose duties make it necessary for them to have it. Misuse of monitoring information is viewed as a disciplinary offence.

The confidentiality of community background information is also protected through regulations made under the Fair Employment and Treatment (NI) Order 1998 (FETO). These make it a criminal offence, subject to specific exceptions, for an employer or employee to disclose information on the community background of an individual which has been obtained or used for the purposes of monitoring under FETO.

The release of an individual's monitoring information is permitted by legislation as part of prospective or actual proceedings under equality legislation, e.g. where another individual has made a complaint of alleged discrimination.

Many people from all backgrounds in Northern Ireland and beyond are interested in the profile of the DoJ workforce and the candidates who apply for jobs. For this reason the DoJ regularly publishes data in the form of statistical summaries, graphs etc. On occasions it may also be necessary to use monitoring information to answer questions from Assembly Members, MPs and MEPs or to respond to requests for information under the Freedom of Information Act. In all cases where information is made public, the format of presentation will be such that it will not be possible to identify any individual's information.

ANNEX A

Nationality

(i) 'UK National' means a person who is a British citizen (including persons from the Channel Islands and the Isle of Man), a British subject under Part IV of the British Nationality Act 1981 having the right of abode in the UK or a British Dependent Territories citizen acquiring his/her citizenship from connection with Gibraltar.

(ii) 'Commonwealth Citizen' means any person who has the status of a Commonwealth citizen under the British Nationality Act 1981, not covered by the 'UK Nationality' definition above. This includes British Dependent Territories citizens (other than Gibraltarians), British Overseas citizens, and from 1986 those persons in the category British National (Overseas).

(iii) 'British Protected Person' means a member of any class of persons declared to be British Protected Persons by Order in Council under the British Nationality Act 1981, or by virtue of the Solomon Islands Act 1978.

(iv) 'EEA National' means a national of one of the following countries:

Austria	France	Liechtenstein	**Romania
Belgium	Germany	Lithuania	Slovakia
**Bulgaria	Greece	Luxembourg	Slovenia
Cyprus	Hungary	Malta	Spain
Czech Republic	Iceland	Netherlands	Sweden
Denmark	Ireland	Norway	United Kingdom
Estonia	Italy	Poland	
Finland	Latvia	Portugal	

N.B. nationals from Switzerland also have the same free movement and employment rights.

'Family member of an EEA national' means:

- (i) That national's spouse*; or
- (ii) A direct descendant (child, grandchild etc.) of that national or his/her spouse who is under 21 years of age or is their dependent; or
- (iii) A dependent relative in the ascending line (parent, grandparent etc) of the EEA national or his/her spouse.

*Note: 'Spouse' does not include a party to a marriage of convenience and in the case of EEA national vocational students; family members are restricted to spouses and dependent children only.

** Non-exempt Bulgarian and Romanian nationals are required to be registered under the Worker Authorisation Scheme prior to appointment. Guidance on this can be obtained from the Home Office website www.ind.homeoffice.gov.uk.

ANNEX B
CIVIL SERVICE COMMISSIONERS

CSC NI

**CIVIL SERVICE COMMISSIONERS
FOR NORTHERN IRELAND**

AN INTRODUCTION

Ensuring appointment on merit
And safeguarding ethics

WHO ARE WE?

Mr Brian Rowntree, (Chairperson)
Ms Marion Matchett, CBE
Dr Raymond Mullan, OBE
Mrs Vilma Patterson, MBE
Mr Jim Scholes

LOCATION

**Our Office is in Stormont House.
The full address is:**

**Stormont House
Room 105
Stormont Estate
Belfast
BT4 2SH**

OPENING HOURS

**The Office is open from 9.00am to 5.00pm,
Monday to Friday, except Public and Bank Holidays.**

How to contact us

- **write to us at the address at the top of the page**
- **telephone us on 028 90253599**
- **fax us at 028 90527705**
- **visit us at www.nicscommissioners.org**

Annex B CIVIL SERVICE COMMISSIONERS

WHAT ARE WE HERE TO DO?

Civil Service Commissioners are appointed by the Crown to uphold the principle that selection for appointment to posts in the Civil Service should be on merit on the basis of fair and open competition.

WHERE DO WE GET OUR AUTHORITY FROM?

Commissioners derived their responsibilities from prerogative Orders made by the Secretary of State. Our authority currently derives from the Civil Service Commissioners (NI) Order 1999.

HOW DO WE DO IT?

We do it by:

- making General Regulations.
- publishing and maintaining a Recruitment Code setting out the essential principles and procedures on which recruitment to the Northern Ireland Civil Service must be based. Departments and Agencies must follow this Code. A copy is available online at: www.nicscommissioners.org
- it is inevitable that occasions will arise when special circumstances lead to Departments needing to depart from the Merit Principle. The Commissioners have set out the circumstances in which they are prepared to look at requests to depart from the Merit Principle. These 'exceptions' must be notified to, and in some instances approved by, the Commissioners before an appointment can be made.
- auditing recruitment policies and practices followed by Departments and Agencies in making appointment to the Northern Ireland Civil Service. Each year, the Commissioners decide on a particular aspect of recruitment to examine in detail (an audit) and request management consultants to carry out independent investigations on their behalf. The results of these audits are published in the Commissioners' Annual Report.
- requiring Departments and Agencies to publish information about their recruitment activity.

- approving procedures for appointment, through open competition, to the Senior Civil Service in Northern Ireland.
- hearing and determining appeals under the Northern Ireland Civil Service Code of Ethics. Under the Civil Service Commissioners (NI) Order 1999, we have been assigned the role of providing an independent appeals mechanism for Northern Ireland civil servants. The Code of Ethics sets out the constitutional framework within which civil servants work and the values they are expected to uphold. Details of the number and nature of the appeals received by the Commissioners are published each year in our Annual Report.

WHAT CAN WE DO FOR YOU?

If you have ever applied for a post in the Northern Ireland Civil Service, you can be assured that, whether or not you were successful, the Department or Agency was obliged to make that appointment in accordance with directions for good practice set out by the Commissioners.

We are concerned that civil servants are not fully aware of the appeals mechanism under the Code of Ethics. We would strongly encourage any civil servant who believes that he or she has been asked to act in a way which

- is illegal, improper or unethical;
- is in breach of constitutional convention or a professional code;
- may involve a possible maladministration; or
- is otherwise inconsistent with the Code

to report the matter in accordance with procedures laid down in the Northern Ireland Civil Service Pay and Conditions Code or Departmental guidance.

Where the matter has been reported in the appropriate manner and a civil servant believes the response does not represent a reasonable response to his or her concerns, s/he may report the matter in writing to the Civil Service Commissioners.