

**Candidate
Information
Booklet**

**IRC183887
Assistant Director of Public
Prosecutions (Grade 5)
Public Prosecution Service for
Northern Ireland (PPS)**

**Completed Application Forms
must be returned to HRConnect
no later than 12 noon (UK time)
on
*Friday 28th June 2013***

**Public Prosecution Service
for Northern Ireland**

Independent, Fair and Effective

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 Public Prosecution Service (PPS) which was established in 2005, is the principal prosecuting authority in Northern Ireland and is responsible for all prosecutions previously carried out by the former Department of the Director of Public Prosecutions and the Police Service of Northern Ireland. In addition, it also prosecutes cases initiated or investigated by other statutory authorities, for example Her Majesty's Revenue and Customs and the Police Ombudsman for Northern Ireland.

The post holder will have overall responsibility for all prosecutorial decisions in their area and on occasions will have to take decisions personally in the most serious and complex cases. The successful candidate will be responsible for the day to day management of a Region or Section within Central Office with a particular focus on performance management of their staff. An essential part of the role is engaging with stakeholders and promoting the vision, aim and values of the organisation. In view of the increasing levels of accountability now expected of the PPS the post holder will be expected to play a key role in the shaping of the direction of the PPS and in communicating policy and decisions to the greater public.

I am grateful to you for the interest you have shown in the post of Assistant Director I hope that the information in this pack is helpful and encourages you to apply for this vital senior position. If you wish to learn more about the post before deciding to apply, please contact John Rea, Assistant Director at 02890 897113.

BARRA McGRORY QC
DIRECTOR

BACKGROUND

The Public Prosecution Service

The Public Prosecution Service (PPS) is the principal prosecuting authority in Northern Ireland. In addition to taking decisions as to prosecution in cases investigated by the police in Northern Ireland, it also considers cases investigated by other statutory authorities, such as HM Revenue and Customs.

The PPS is headed by the Director of Public Prosecutions for Northern Ireland (the Director).

Since the devolution of policing and justice to the Northern Ireland Assembly in April 2010, the Service has been designated as a non-ministerial government department. Funding for the PPS is provided by the Northern Ireland Assembly and, as Accounting Officer for the Service, the Director is responsible for ensuring that the public monies provided are used effectively and efficiently, having regard to the principles of value for money and affordability.

The PPS sits at the heart of the criminal justice system, with the Director being one of the most prominent legal figures in Northern Ireland. In order to ensure that the PPS is able to operate effectively, but also to be a catalyst for improvement in the overall quality and timeliness of prosecutions, a key role for the organisation in the future must be to influence change within the wider criminal justice system. Devolution has also raised expectations in terms of the transparency and accountability in how the justice system in Northern Ireland works.

The PPS works in partnership with a number of organisations and agencies within the criminal justice system including the Department of Justice; the Northern Ireland Courts and Tribunals Service; the Northern Ireland Prison Service; the Police Service of Northern Ireland; the Probation Board for Northern Ireland; and the Youth Justice Agency.

Organisational Structure

The PPS is a regionally based organisation. There are four regions, each coterminous with one or more court divisions. The six regional offices, known as 'Chambers', are located in Belfast (which also serves as the headquarters of the PPS), Ballymena, Lisburn, Londonderry, Omagh and Newry.



Regions	Offices
Belfast	Belfast Chambers (HQ) Linum Chambers
Eastern	Lisburn Chambers
Northern	Ballymena Chambers Foyle Chambers
Western and Southern	Omagh Chambers Newry Chambers

In addition there are a number of other sections within the Service, each headed by an Assistant Director, which deal with specialised areas of work. These include Central Casework; Fraud and Departmental Prosecutions; Policy and Information; and High Court and International Matters. Corporate Services is responsible for a variety of support services including Finance, Human Resources, ICT, Business Improvement, Management Information and Property Management.

The PPS Management Board, which includes two non-executive members, supports the Director in his leadership of the PPS and in reaching decisions as to the development of the Service and its proper governance. In addition to the Director and the Deputy Director, the senior staff of the PPS consists of Senior Assistant Directors (Civil Service Grade 3) and Assistant Directors (Civil Service Grade 5).

The PPS has 181 lawyers and 385 administrative staff currently in post. All members of staff are Northern Ireland Civil Servants. The annual budget for 2012/13 was approximately £37 million.

PPS Services

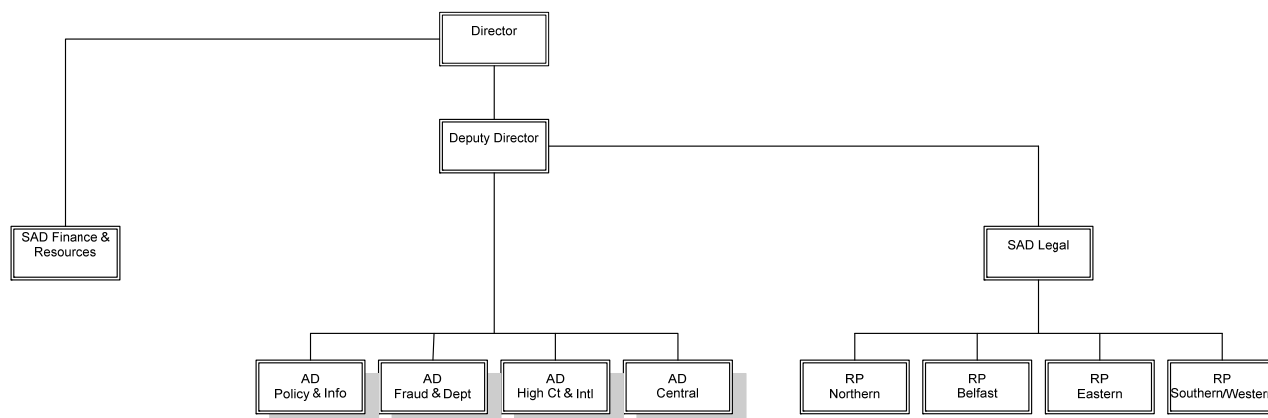
In addition to the PPS's primary role in reaching decisions as to prosecution and the conduct of criminal proceedings, the PPS is responsible for a range of related services including:

- Provision of prosecutorial and pre-charge advice to police;
- Review of all charges prior to submission to court;
- An enhanced service to victims and witnesses;
- Production and issue of summonses;
- PPS lawyers conducting the vast majority of prosecutions in the Magistrates' and Youth Courts; and

- The development of a number of diversionary options for dealing with offenders other than through prosecution. These include restorative cautioning, informed warnings, youth conferencing and referrals to the Northern Ireland Driver Improvement Scheme.

JOB DESCRIPTION

There are currently eight Assistant Director posts (Senior Civil Service Grade 5) within the PPS (see organisation chart below).



Four Assistant Director posts are based in PPS Headquarters, each heading one of the specialised functions as specified above. These are as follows:

- Assistant Director, Central Casework.
- Assistant Director, Fraud and Departmental.
- Assistant Director, High Court and International.
- Assistant Director, Policy and Information.

Assistant Directors within the HQ functions are directly accountable to the Deputy Director for a wide range of specialised legal services including for example extradition, restraint and confiscation, fraud and serious prosecutions.

The remaining four posts are designated as 'Regional Prosecutors', each heading one of the four PPS regions and are accountable to the Senior Assistant Director for Regional Prosecutions. The Regional Prosecutor has overall responsibility for decisions as to prosecution and for the conduct of all prosecutions in their region, with the exception of those cases which are considered by prosecutors in Headquarters.

KEY RESPONSIBILITIES

The specific duties of the Assistant Director role vary according to the nature of the individual post; i.e. whether in the Regional Prosecutor role or as Assistant Director of one of the Headquarters Sections. However, within the Assistant Director's overarching accountability, there are five core areas of responsibility. These are:

(i) Legal Casework

The Assistant Director is accountable for legal casework within their area and is expected to assume responsibilities such as taking the final decision in more serious cases; providing prosecutorial advice to third parties (e.g. PSNI); providing advice and guidance to PPS legal staff; undertaking the quality assurance of files; reviewing decisions when requested by police and the public; providing advice and direction to Counsel; and keeping up-to-date with developments in the law. Where cases are complex or high profile, the Assistant Director is expected to liaise with more senior staff and provide advice and guidance regarding potential outcomes, as well as reputational risks to the organisation.

(ii) Stakeholder Engagement / External Impact

The Assistant Director is expected to build, manage and maintain a strategic working relationship with a wide range of stakeholders. This will include the development of partnerships with criminal justice agencies and voluntary sector bodies and providing support to inter-agency working groups. Within the role there may also be a requirement to meet with political representatives and to represent the PPS with the media where required.

A crucial role for the Assistant Director is to ensure the provision of an enhanced service to victims and witnesses. This will require meeting with victims and their families.

(iii) Corporate Governance

The Assistant Director provides assurances to the Director and Management Board in respect of the Service's corporate governance requirements by ensuring that an effective suite of governance systems and controls are in place. The governance framework encompasses matters such as business planning, risk management, budgetary management, information assurance and accounting for the delivery of results against corporate objectives.

In addition, all Assistant Directors are expected to participate as members of Management Board Sub-Committees / other working groups as required. There may also be a requirement to lead specific projects in the role of project manager.

(iv) Managing People

As Head of a Region or Section the Assistant Director is responsible for the management of a mix of legal and administrative staff. The day to day people management role includes: ensuring that the Region or Section is appropriately resourced and staffed; providing leadership to ensure the delivery of PPS objectives; providing coaching and mentoring; and allocating work and monitoring progress and performance. The Assistant Director will deal directly with staffing issues, which often require the reprioritisation of work to ensure business continuity.

(v) Managing Organisational Performance

The Assistant Director is responsible for the management and continuous improvement of organisational performance within their area of responsibility and is expected to conduct effective performance monitoring. This will require interrogation of systems and reports where performance is identified as inadequate, identification of barriers to success, taking remedial action and creating new and innovative ways to meet challenges.

TERMS AND CONDITIONS

There are currently 3 vacancies to be filled. Further vacancies which may arise may be filled from this merit list. These are permanent full-time appointments to the Northern Ireland Civil Service for the position of Assistant Director within the Public Prosecution Service. The successful candidates will report to the Deputy Director.

The Assistant Director post is analogous to Grade 5 in the NICS.

SALARY

The salary range for the post will be £63,360 to £77,500 (rising to £63,994 – £78,275 from 1 August 2013) with progression based on performance in post. The successful applicant can expect to be placed at the minimum of the range, although a higher starting salary within the range may be available if he/she has demonstrated exceptional relevant skills/experience.

If the successful candidate is an existing NICS employee, the normal rules on pay and promotion will apply.

In order to comply with Government reporting requirements we will be required to disclose details of the total remuneration, including any taxable benefits in kind and pension benefits for this post in our annual accounts. Further information may be disclosed in line with any Government Accounting Standards. It is a condition attaching to the appointment to any SCS post in Northern Ireland that appointees agree to these disclosure requirements.

A successful candidate who is an existing civil servant and not already a member of the SCS will, on appointment, become a member of the SCS. As a member of the SCS the post holder may in due course be transferred to other posts at the same level.

LOCATION

There are currently vacancies in both the Headquarters and Regional offices and therefore successful candidates must be prepared to work in any PPS location. The successful candidates must also be willing to travel throughout Northern Ireland, to Great Britain and elsewhere on official business.

HOLIDAYS

In addition to the statutory holidays, the annual leave entitlement is 30 days.

PROBATION PERIOD

The successful candidate will be required to serve a one year probationary period.

PENSIONS

The NICS offers all employees an attractive pension package. Further details of this can be found on page 22 of this booklet.

TRANSPORT

These posts require the applicant to travel on official duty. The successful candidate must have access to a form of transport which will enable them to fulfil their responsibilities.

SECURITY VETTING

For the Assistant Director role the level of security vetting is Security Clearance (SC). Please see page 20 for further information. Dependent on the nature of the post, candidates may be required to undertake Developed Vetting (DV)

FURTHER INFORMATION

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

ELIGIBILITY CRITERIA

The Director will designate the successful candidate as a public prosecutor in pursuance of section 29 (5) of Justice (Northern Ireland) Act 2002.

1. In order to be designated, the successful candidate must be a Barrister or Solicitor who is entitled to practice either at the Bar of Northern Ireland or as a Solicitor of the Supreme Court for Northern Ireland. Those candidates, who are not currently entitled to practice must, prior to taking up appointment, be a Barrister or Solicitor who is entitled to practice either at the Bar of Northern Ireland or as a Solicitor of the Supreme Court for Northern Ireland;

AND

Applicants must, by the closing date for applications:

2. Have at least 5 years practical and broad experience gained within the past 10 years in the field of criminal law;

and must be able to demonstrate;
3. Evidence of building effective working relationships at a senior level*.
4. Evidence of capacity to communicate and influence a diverse range of stakeholders.
5. Evidence of managing resources in challenging circumstances.

*"Senior Level" includes providing detailed advice on, or taking decisions personally, or being party to decisions affecting strategic issues concerning the corporate body or organisation with which an individual is working, either as an employee or advisor.

ASSESSMENT

Applicants who meet the eligibility criteria above will be invited to attend a written assessment on criminal law practice and procedure. Only the top scoring candidates will be invited to interview (a minimum of 15 candidates). The score achieved at written assessment will not contribute to candidate overall score after interview. The written assessment will take place on the 4th September in Belfast. Further information will be available with the invite to test. No other dates will be available and requests for alternative dates will not be accommodated.

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.**
- **Further information on the Core Competences for this grade can be accessed through www.nicsrecruitment.gov.uk**

PERSON SPECIFICATION

The Northern Ireland Civil Service has adopted the Professional Skills for Government as a framework for the purpose of personal and professional development.

What is the PSfG competency framework?

The Professional Skills for Government (PSfG) competency framework is a structured way of thinking about jobs and careers for Senior Civil Service staff.

How does the PSfG framework look?

Leadership qualities sit at the centre of the PSfG framework. The roles the NICS expects leaders to play are to:

- provide/set direction
- deliver results
- develop our people

Leadership is supplemented by six core skills which are applicable at all levels of the Senior Civil Service:

- Analysis and use of evidence
- Financial management
- People management
- Programme and project management
- Communications and marketing
- Strategic thinking

The framework also covers:

- Professional expertise, job specific professional skills. These will be defined in line with specific requirements of your job;
- Broader experience – depth and breadth of experience are important if you are working in the SCS. Deep professional knowledge accumulated progressively during the course of a career is essential to operate at senior levels. Work is frequently complex in nature and requires a profound understanding of the impacts and interactions with individuals, organisations and other sectors of the economy.

Further information on the Professional Skills for Government framework can be accessed on www.nicsrecruitment.gov.uk

On the website please select the Professional Skills for Government – Leadership and Core Skills for NICS Grade 5 on the website as these are the competences which relate to this post.

ASSESSMENT PROCESS

The selection process will include a presentation and a competence based interview.

PRESENTATION

Before the competence based interview, candidates will be required to deliver a presentation lasting not more than 7 minutes on a topic which will be advised on arrival. The panel will ask questions on the presentation. Candidates will have 30 minutes to prepare the presentation. A flip chart, pen and paper will be available for use if desired – no other materials will be provided. The presentation will form part of the panel's assessment of each of the competences listed below.

Candidates will not be permitted to bring any materials into the interview other than the material prepared in the 30 minute preparation time.

COMPETENCE BASED INTERVIEWS

The selection panel will design questions to test the applicant's knowledge and experience in each of the areas below and award marks accordingly.

1. Professional Knowledge and Skills

Experience in Criminal Law – Practice and Procedure

2. Financial Management

3. Analysis and Use of Evidence

4. Leadership

5. Strategic Thinking

6. Programme and Project Management

7. People Management

8. Communications and Marketing

INTERVIEW DATES

It is intended that interviews for this post will take place in Belfast during weeks commencing 30th September and 7th October 2013.

If you have not been contacted by 26th August 2013 you should contact HRConnect immediately.

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 NICS 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 and eligibility 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 NICS 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 NICS Equal Opportunities Policy Statement please refer to page 24.

The Northern Ireland Civil Service is an Equal Opportunities Employer.

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 brings sufficient documentation to satisfy the eligibility/shortlisting criteria 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 Assistant Director 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

For the Assistant Director of Public Prosecutions posts in the NICS the level of vetting is Security Clearance (SC). Dependent on the nature of the post, candidates may be required to undertake Developed Vetting (DV)

This includes the following:

1. Baseline Personnel Security Standard

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;

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.
3. Security Check (SC): as point 2 plus credit reference check.
4. Developed Vetting (DV): as point 3 plus subject interview and field investigation

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.

GENERAL INFORMATION

Pensions:

The NICS offers all new employees an attractive pension package. Further details can be found on the Principal Civil Service Pensions Scheme (Northern Ireland) website at:

<http://www.dfpni.gov.uk/civilservicepensions-ni/index/new-members.htm>

or

if you are unable to access the website please contact Civil Service Pensions as follows:

Civil Service Pensions
Waterside House
75 Duke Street
Londonderry
BT47 6FP
Tel: 02871 319000
Email: cspensions.cpg@dfpni.gov.uk

Feedback

The Northern Ireland Civil Service is 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 Northern Ireland Civil Service Equal Opportunities Policy statement is set out below.

“The Northern Ireland Civil Service (NICS) 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 NICS 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 NICS 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 NICS 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 NICS 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 NICS 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 NICS 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 NICS workforce and the candidates who apply for jobs. For this reason the NICS 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, CBE (Chairperson)
Mrs Vilma Patterson, MBE
Dr Raymond Mullan, OBE
Ms Marion Matchett, CBE
Mr Jim Scholes

LOCATION

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

Room 105
Stormont House
Stormont Estate
Belfast
BT4 3SH

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 9052 3599
- fax us at 028 9052 7705
- visit us at www.nicscommissioners.org

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.