

**Candidate  
Information  
Booklet**

**Deputy Director of Public Prosecutions for  
Northern Ireland**

**IRC226342**

**Completed Application Forms  
must be returned to  
HRConnect no later than 12  
noon (UK time) on  
*Friday 23<sup>rd</sup> February 2018***

## **Public Prosecution Service for Northern Ireland**

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**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 (including junk mail folder) 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.

<b>Contents</b>	<b>Page</b>
<b>Background</b>	<b>3</b>
<b>Job Description</b>	<b>7</b>
<b>Key Responsibilities</b>	<b>8</b>
<b>Additional Information</b>	<b>11</b>
<b>Eligibility Criteria</b>	<b>13</b>
<b>Selection Process</b>	<b>15</b>
<b>Application Process</b>	<b>19</b>
<b>General Information</b>	<b>21</b>
<b>Equal Opportunities</b>	<b>23</b>

## **BACKGROUND**

In accordance with section 43(1) of the Justice (Northern Ireland) Act 2002 the Attorney General appoints the Deputy Director of Public Prosecutions for Northern Ireland after consultation with the Advocate General for Northern Ireland.

### **The Public Prosecution Service**

The Public Prosecution Service (PPS) sits at the heart of the criminal justice system. The organisation must ensure that it is able to operate effectively itself and also be a catalyst for improvement in the overall quality and timeliness of the justice system. Accordingly, a key role for the organisation in the future is to influence change within the criminal justice system against a challenging financial backdrop and raised expectations in terms of greater transparency and accountability.

The PPS is an independent prosecuting authority, but also works in partnership with other stakeholders such as 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, as part of the Criminal Justice System in Northern Ireland.

In addition to taking decisions as to prosecution in cases investigated by the Police Service of Northern Ireland, the PPS also considers cases investigated by other statutory authorities, such as HM Revenue and Customs

### **Organisational Structure**

(Please refer to page 6 for the PPS organisational chart).

The Deputy Director reports to the Director and has line management responsibility for the Senior Assistant Director for Serious Crime and Regions (Civil Service Grade 3). The Senior Assistant Director for Resources & Change oversees Corporate Service functions and reports to the Director.

There are 6 Assistant Directors (Civil Service Grade 5) who are responsible for specific geographic or business areas as explained below.

The PPS is a regionally based organisation. There are two regions, Belfast and Eastern Region and Western and Southern Region, each of which is headed by an Assistant Director. The Assistant Director is responsible for working with the courts and the police to provide a high quality prosecution service in their area. The regions deal with a wide range of cases, from the less serious summary cases, which are heard in the Magistrates' Courts, through to more serious indictable cases which are heard in the Crown Court.

In addition there are four legal sections, based in PPS Headquarters, which are also headed at Assistant Director level. These sections are as follows:

- The Serious Crime Unit deals with a range of the most serious offences including murder, manslaughter, rape and other serious sexual offences, human trafficking, prostitution and related offences.
- Central Casework Section deals with some of the most high profile and difficult cases in Northern Ireland, including files relating to terrorism and organised crime.
- Fraud and Departmental Section deals with serious and complex fraud files submitted by the police, as well as files from Government Departments and agencies.
- Appeals and International Section deals with a range of specialist legal matters, including High Court bail applications, restraint and confiscation orders, extradition, international letters of request, judicial reviews, appeals to the Court of Appeal and cases referred by the Criminal Cases Review Commission.

## **PPS Functions**

In addition to the PPS's primary role in reaching decisions as to prosecution and in the conduct of criminal proceedings in Northern Ireland, a range of other functions are performed. These include:

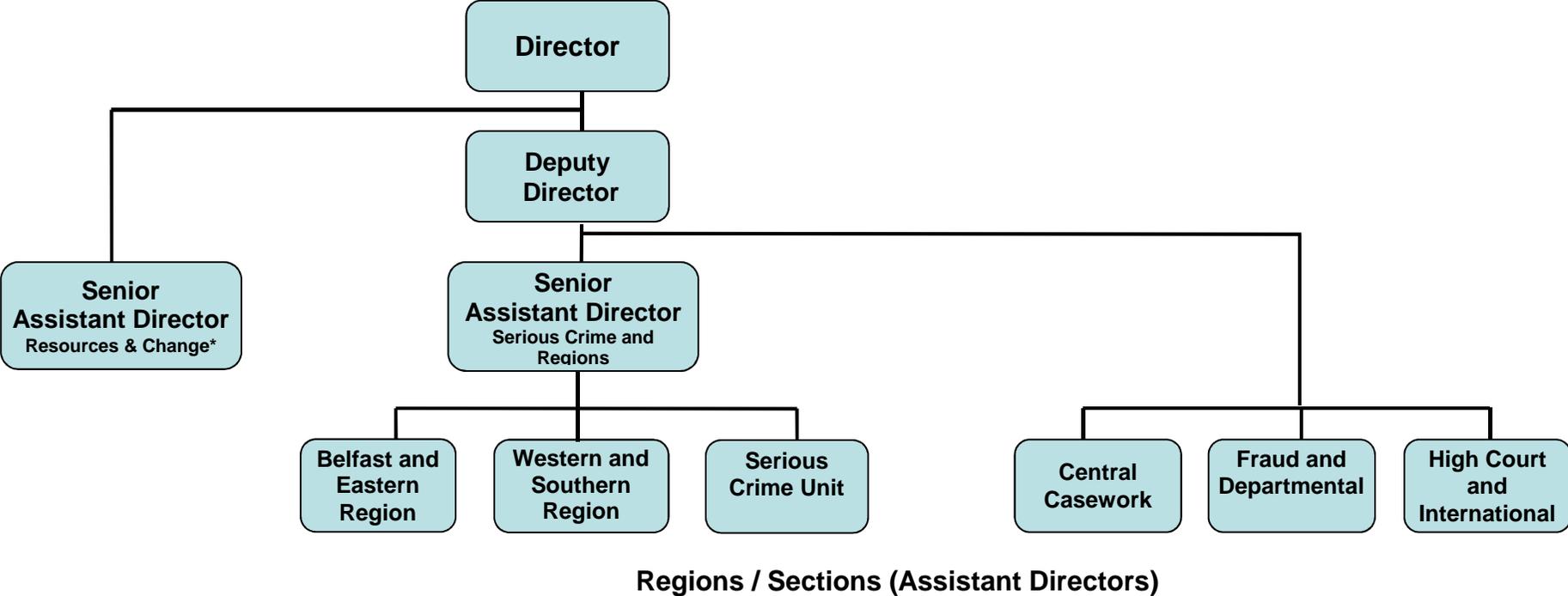
- Provision of prosecutorial and pre-charge advice to police;
- Review of all charges prior to submission to court;
- An enhanced service to victims and witnesses;
- Production and issue of summonses;
- PPS lawyers conducting prosecutions in both the Magistrates' and Crown Courts and
- The operation 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 . National Driver Offender Retraining Scheme

### **Corporate Services**

Corporate Services is responsible for the organisation's support services such as Policy and Information, Communication, Finance, Resource Management and ICT, as well as the Victim and Witness Care Unit (VWCU).

The PPS has approximately 160 lawyers and 320 administrative staff currently in post. All members of staff are Northern Ireland Civil Servants. The annual budget for 2017/18 is approximately £34 million.

# PPS STRUCTURE 2017/18



\* Responsible for Corporate Services functions, for example Finance, ICT and Policy and Information.

## **JOB DESCRIPTION**

The PPS is headed by the Director of Public Prosecutions for Northern Ireland (the Director). Pursuant to the Justice (Northern Ireland) Act 2002 s30(4) the Deputy Director has all powers of the Director but must exercise them subject to his direction and control. The post holder assists the Director in the leadership of the Service, including the development of prosecution policy and taking decisions in difficult and sensitive cases. The Deputy Director undertakes the duties of the Director in his absence, including the Director's role as chair of the Management Board.

The Deputy Director plays a pivotal role within the local criminal justice system. Building and maintaining public and community confidence in the criminal justice system and working in partnership with other criminal justice agencies is central to the post.

The Deputy Director serves as chair of the PPS Senior Management Group, the purpose of which is to enable and co-ordinate the effective management of the full range of operational and strategic issues across the Service. The Deputy Director has direct oversight of PPS Central functions and is the direct reporting line for the Senior Assistant Director for Serious Crime and Regional Prosecutions. The Deputy Director will therefore have overall responsibility for performance management within the PPS.

The Deputy Director will support the Director in the development of advocacy and ensuring that the advocacy of both independent counsel and public prosecutors working in the PPS is delivered to the highest standards.

The Justice (Northern Ireland) Act 2002 s30(5) provides that a person appointed as Deputy Director holds office until the end of the year of service in which he/she attains the age 65 or such later time as the Attorney General may specify.

## KEY RESPONSIBILITIES

The Deputy Director has three main areas of responsibility:

- Prosecutions
- Managing People
- Strategic

### 1. Prosecutions

- Undertaking the duties of the Deputy Director of Public Prosecutions as set out in the Justice (Northern Ireland) Act 2002.
- Being directly accountable for casework within the PPS Central functions.
- Chairing the Policy & Quality Sub-Committee with oversight of the development of legal policy, arrangements for the quality assurance of casework and PPS response to criminal justice inspections.
- Having overall responsibility for the work of the PPS regional offices.
- Ensuring the effective operation of the panel of independent counsel prosecuting on behalf of the PPS.
- Supporting the Director in the development of advocacy and ensuring that the advocacy of both independent counsel and public prosecutors working in the PPS is delivered to the highest standards.
- Providing strategic advice to the Director of Public Prosecutions on a range of matters, including prosecutorial policy and prosecution outcomes.
- Providing leadership and case management in respect of a range of cases and taking decisions personally in serious and high profile cases, often within challenging timeframes. This will require the identification of cases which would benefit from a Case Management Panel involving the Director.

- Preparing detailed analysis of complex, factual and legal issues in cases where the Deputy Director is the decision maker or the case is to be referred to the Director.

## **2. Managing People**

- Providing visible and effective leadership for all legal and administrative staff, through understanding and promotion of the vision, aim and values of the PPS.
- Developing, managing and maintaining a culture of performance management through effective line management of the Senior Legal grades.
- Maintaining effective arrangements to communicate the purpose and context of key initiatives to all levels of staff within the Service.
- Line management responsibilities for the Senior Assistant Director for Serious Crime and Regional Prosecutions

## **3. Strategic Responsibilities**

- Contributing as a member of the Management Board to the corporate leadership and management of the PPS by assisting the Director in (i) setting the strategic direction of the Service through the PPS Corporate Plan; and (ii) assisting the Director in setting the Service's standards and values.
- Serving as chair of the PPS Senior Management Group.
- Maintaining the independence of the PPS in the exercise of its statutory functions.

- Representing the PPS as an ambassador for the service and promoting effective community engagement which inspires and raises public confidence.
- Promoting within the criminal justice system, and with external stakeholders, a clear and consistent understanding of the Service's aims and objectives.

## **ADDITIONAL INFORMATION**

### **SALARY**

The post will attract the same salary as that of Judicial Group 5, currently £145,614.

### **LOCATION**

The Deputy Director is based at PPS Headquarters, 91 Chichester St, Belfast, BT1 3JR. However the post holder may have to travel to a number of regional offices throughout Northern Ireland. Travel outside Northern Ireland may be required from time to time.

### **HOLIDAYS**

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

### **PENSIONS**

The PPS offers all employees an attractive pension package. Further details of this can be found on pages 21 of this booklet.

### **SECURITY VETTING**

For the Deputy Director of Public Prosecution the level of security vetting is Developed Vetting which will normally include:

- a check against the National Collection of Criminal Records and relevant departmental and police records;
- a check against Security Service record;
- a credit reference check, and where appropriate, a review of personal finances;
- an interview with the Defence Vetting Agency; and

- references from people familiar with the person's character in both the home and work environment. These may be followed up by interviews.

## **FURTHER INFORMATION**

Applicants wishing to learn more about the post before deciding to apply may contact – Ian Hearst, Senior Assistant Director Resources and Change of the Public Prosecution Service at [ian.hearst@ppsni.gsi.gov.uk](mailto:ian.hearst@ppsni.gsi.gov.uk) or on 028 90897182 .

If you have any questions about the competition process, you should contact HRConnect on 0800 1 300 400.

## ELIGIBILITY CRITERIA

Applicants must, by the closing date for applications:

- 1) be a member of the Bar of Northern Ireland of at least seven years' standing ;

**OR**

be a solicitor of the Court of Judicature in Northern Ireland of at least seven years' standing;

[See section 30 (3) of the Justice (NI) Act 2002]

**AND**

2) have:

- (i) an excellent knowledge of criminal law and practice\*; and the ability to apply it effectively to the most serious and difficult cases often under pressure of time; and
- (ii) sound judgement and analytical ability including the capacity to reach independent, impartial and fair decisions; and
- (iii) a high level of personal drive and motivation with the ability to lead and motivate others to successfully deliver key objectives; and
- (iv) the ability to effectively manage complex situations that involve the engagement of other parties.

**\*Note:** Practice can include experience in directing and advising in criminal cases.

**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 selection panel 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.**

## **SELECTION PROCESS**

As indicated above the Attorney General for Northern Ireland is responsible for appointing the Deputy Director after consultation with the Advocate General for Northern Ireland.

The Attorney General has appointed a selection panel to assess the candidates and to recommend an order of merit to the Attorney General.

The selection process will include an eligibility sift and an interview. Those candidates who meet the eligibility requirements will progress to an interview with the selection panel.

The Attorney General will consider the Panel's recommendation(s) and will determine following consultation with the Advocate General for Northern Ireland who is to be appointed to the Deputy Director post. He may conduct his own interview with any eligible candidate or decide to run a further competition.

## **Overview of the Selection Process**

### **1. Formal screening of applications.**

Applications can be submitted online or by hard copy and will receive a confirmation of submission. All applications received by the closing date will be screened to check that they have been fully completed and to ensure that the information provided demonstrates that the nationality requirements for appointment to the post are met.

### **2. Eligibility Sift**

All valid applications will be considered by the selection panel to determine if they meet the eligibility criteria. Only those who have sufficiently demonstrated on their application form that they meet the eligibility criteria will be invited to interview.

### **3. Selection Panel Interview**

An interview will be carried out by a selection panel appointed by the Attorney General and chaired by Stephen Herron, Director of Public Prosecutions for Northern Ireland. This panel will assess if applicants meet a pre agreed required competency standard. Only those candidates who meet the standard will be recommended in order of merit to the Attorney General.

It is intended that the selection panel interviews will take place in Belfast on the 21<sup>st</sup> and 23<sup>rd</sup> March 2018. As this competition is being run to tight timelines, it is unlikely that it will be possible for interviews to be rescheduled.

The selection panel interview will consist of an analysis exercise and a competence based interview

## **Analysis Exercise**

As part of the selection process, immediately prior to interview, applicants will be required to undertake an exercise involving a case study scenario. The case study exercise is completed on an individual basis. Applicants will be required to read the case study and prepare an answer to the question(s), which will be outlined in the instruction booklet.

The time allocated for the preparation of this task will be 45 minutes. Applicants will then be required to take questions from one or more members of the panel and answer these questions orally for 20 minutes.

A pen and paper will be available in the pre-interview preparation room. No personal documentation or electronic equipment (including mobile phones) may be brought in to this room. The only materials candidates will be permitted to bring into interview will be the written material prepared in the pre-interview room.

Marks available: 40                      Minimum standard: 25

## **Interview and Key Assessment Criteria**

The key assessment criteria to be assessed through the analysis exercise and at interview are as follows: -

1. evidence of an excellent knowledge of criminal law and practice; and the ability to apply it effectively to the most serious and difficult cases often under pressure of time.

Marks available: 20                      Minimum standard: 14

2. displays sound judgement and analytical ability including the capacity to reach independent, impartial and fair decisions.

Marks available: 20                      Minimum standard: 14

3. displays a high level of personal drive and motivation with the ability to lead and motivate others to successfully deliver key objectives.

Marks available: 20          Minimum standard: 14

4. displays evidence of the ability to effectively manage complex situations that involve the engagement of other parties.

Marks available: 20          Minimum standard: 14

#### **4. Appointment by the Attorney General**

The Attorney General's determination as to the preferred candidate will take into account the selection panel recommendation, the selection panel's interview notes and the candidate's application form.

The Attorney General may also decide to conduct his own interview with any eligible candidate. Before making an appointment the Attorney General will consult with the Advocate General for Northern Ireland.

## THE APPLICATION PROCESS

### **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.
- 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. Write for the reader who may not know your employer.
- Write down clearly your personal involvement in any experience you quote. Write "I" statements e.g. I planned meetings, I prepared advice. 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**

- We will not accept incomplete application forms, application forms received after the closing deadline or reformatted application forms.
- Applicants using Royal Mail should note that 1<sup>st</sup> class mail does not guarantee next day delivery. It is the responsibility of the applicant to ensure that sufficient postage has been paid to return the form to HRConnect.
- We will not accept any application where we are asked to pay any shortfall in postage.
- 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.

## **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.

## **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 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 Equal Opportunities Form and to read the Equal Opportunities Policy Statement for this position please refer to page 23.

**The Public Prosecution Service for Northern Ireland is an Equal Opportunities Employer.**

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

## **Nationality Requirements**

The Deputy Director of the Public Prosecution Service for Northern Ireland post is classified as a Public Service post within the meaning of the EU Treaties.

## 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:

<https://www.finance-ni.gov.uk/topics/working-northern-ireland-civil-service/new-members>

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@finance-ni.gov.uk](mailto:cspensions.cpg@finance-ni.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  
2<sup>nd</sup> 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](mailto:Recruitment@HRConnect.nigov.net)  
**Tel:** 0800 1 300 330  
**Fax:** 028 9024 1665

## **EQUAL OPPORTUNITIES**

For this position the Attorney General has adopted the Northern Ireland Civil Service Equal Opportunities Policy statement, which 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 Form**

This section sets out what information is collected on the application form, 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 carryout 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 as 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.