Candidate Information Booklet

CHAIRPERSON OF THE NORTHERN IRELAND CIVIL SERVICE PENSION BOARD

REF: IRC253950

Completed Application Forms must be returned to HRConnect no later than 12:00 noon on Monday 9th March 2020

You are advised to download and keep a copy of this booklet for future reference - it will no longer be available online after the above date.
This Candidate Information Pack has been produced as a guide to help you provide the relevant information when completing the application form to become the Chairperson of the Northern Ireland Civil Service Pension Board. These documents are only a memorandum and should not be taken as constituting conditions of appointment.

The experience, skills and qualities required and details of how to complete the application form are set out within this pack. It is recommended that you read this information carefully before completing the application form.

Application forms can be completed via the online application at www.nicsrecruitment.org.uk or by hard copy. Hard copy and alternative formats of the application form (Braille, Large Print, etc.) can be requested by contacting HRConnect on 0800 1300 330 or via email to recruitment@hrconnect.nigov.net Reasonable adjustments will be made to accommodate the needs of applicants/candidates with a disability.

Completed application forms must be received by HRConnect no later than 12:00 noon on Monday 9th March 2020.

LATE APPLICATIONS WILL NOT BE ACCEPTED

Return completed application via www.nicsrecruitment.org.uk or by post or hand to:
HRConnect
PO Box 1089
2nd Floor
The Metro Building
6-9 Donegall Square South
Belfast
BT1 9EW

Privacy Notice

The Department of Finance is committed to protecting your privacy. We will process the personal data you provide us for the purpose of recruiting a Chairperson of the Northern Ireland Civil Service Pension Board. For more information please see our Privacy Notice at; https://wwwfinance-ni.gov.uk/sites/default/files/publications/dfp/DoF%20Privacy%20Notice_1.pdf
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Foreword

Thank you for your interest in the role of Chairperson for the Northern Ireland Civil Service Pension Board.

It is intended to hold interviews in Belfast on Tuesday 19th May. If necessary, interviews may also be held on Monday morning of the 18th May. If you are to be interviewed, you will be informed week commencing 20th April 2020. The panel will comprise of 3 people, including an Independent Assessor from the Office of the Commissioner for Public Appointments in Northern Ireland. The Panel will design interview questions based on the job description and essential criteria listed in this document.

The experience, skills and qualities required and details of how to complete the application form are set out in this document. You should read this information carefully before completing the application form.

It is important to note that applications will be considered against the specific criteria which will form the basis of the interview. It is important that you provide practical evidence and examples of how you meet the criteria.

I hope this information meets your needs and encourages you to apply for this important position. If, after reading this Candidate Information Booklet, you would like to know more information before making an application, I would encourage you to look at the following website(s):

https://www.finance-ni.gov.uk/landing-pages/civil-service-pensions-ni


This is an exciting opportunity to play a major part in ensuring that the Northern Ireland Civil Service Pension Schemes are effectively managed and I look forward to receiving your application.

MARGARET COYLE
Head of Civil Service Pensions Policy, Legislation and Communications
Department of Finance
Background to the Creation of Pension Boards

The review by the Independent Public Service Pensions Commission led by Lord Hutton, recommended the establishment of Pension Boards for all public sector pension schemes. The purpose of these Boards is to give scheme members, taxpayers and others confidence that the schemes are being efficiently and effectively administered. The review also recommended the establishment of Scheme Advisory Boards to provide a forum through which stakeholders can provide advice to the relevant Department on the desirability of changes to each scheme’s rules or regulations.

Those recommendations have been implemented in the Public Service Pensions Act (Northern Ireland) 2014. Although these Boards will provide additional layers of scrutiny and challenge, the Department of Finance retains overall responsibility and accountability for the scheme. Section 5(3) of the Act sets out the responsibility of the Pension Board:

(3) It is the responsibility of the pension board for a scheme to assist the scheme manager (or each scheme manager) in relation to the following matters-
   (a) securing compliance with the scheme regulations and other legislation relating to the governance and administration of the scheme and any statutory pension scheme that is connected with it;
   (b) securing compliance with requirements imposed in relation to the scheme and any connected scheme by the Pensions Regulator;
   (c) such other matters as the scheme regulations may specify.

To assist the Scheme Manager in the administration and the assessment of policy changes to the Northern Ireland Civil Service (NICS) Pension Schemes, the establishment of the Pension and Scheme Advisory Boards has added value to existing administration arrangements. In appointing the membership, there was an expectation, and a requirement from the outset, that Board appointments are made based on individual knowledge, skills and experiences that can be used to improve the Board for its members and employers. The combined skill set of those appointed to the Boards is used to improve the scheme, irrespective of affiliations outside of the Board.

SCOPE, AIMS AND BENEFITS OF THE PENSION BOARD

The Board has responsibility for assisting the Scheme Manager with securing compliance with the scheme regulations and other legislation relating to the governance and administration of the scheme and securing compliance with requirements imposed
by the Pensions Regulator. The Board assists the Scheme Manager by having oversight of the administration and ensures that the scheme is managed in accordance with relevant legislation and any guidance from the Pensions Regulator.

To be effective and have the confidence of the membership, the Board has the authority to influence how the scheme is administered and to take action to address any failings. The Board has a role in ensuring that the services provided reflect the needs of the membership and employers, and that they have the mechanisms to deliver those. To avoid the Board becoming too reactive and focusing overly on service delivery, they have agreed and maintain a strategy for scheme administration, and provide the Scheme Manager and stakeholders with confidence that the scheme is continuing to develop and meet the changing needs of civil servants and the wider NICS.

The Board has three main roles:

(a) Setting the strategic direction – The Board sets the scope and direction of the administration ensuring that it meets the changing needs of members and employers.

(b) Ensuring effective administration – The Board ensures the effective administration by close scrutiny and challenge of the level and quality of service provided for the membership and employers by the administrator; focusing on scheme performance, continuous improvement, value for money, risk management and compliance with statutory requirements.

(c) Oversight of financial management – The Board provides assurance to the DoF Permanent Secretary, who is also the DoF Accounting Officer, scheme members and employers about the effective financial management of the Pension Scheme, including contribution collection, financial forecasting and production of scheme accounts.

Further details on the specific tasks that the Board will carry out for each of the three main roles can be found in the Terms of Reference which are attached to this Candidate Information Booklet at Annex A.

The Board is not in a position to have detailed oversight of all aspects of scheme administration, due to the size of the NICS Pension Schemes. In common with private sector schemes and expected Pensions Regulator guidance, the Board takes a risk-based approach and focuses attention on areas of the administration where there is evidence that there is a high impact and/or probability of failure or where there are high levels of dissatisfaction. To support the Board in making these judgments, they receive a variety of information including: risk registers; reports from the administrator on the
range and quality of services; financial reports; details of complaints/Pension Ombudsman’s determinations regarding the administration of the schemes; audit reports and feedback from stakeholders.

As the Accounting Officer for the NICS Pension Schemes, the Permanent Secretary retains financial responsibility for the Pension Schemes. The Board receives secretariat support, which is be provided by DoF Pensions Division officials. The role of the secretariat reflects the Pensions Regulator’s expected code of practice.

**Structure of the Pension Board**

The Department established the Pension Board using the structure shown below. There is the ability to review this arrangement at a future date and to flex the constitution to reflect circumstances at the time. The most recent review took place in April 2019.

The Board is constituted as follows:

a) an Independent Chairperson;
b) three employee (member) representatives;
c) three employer representatives; and
d) two non-executive members (non-voting members) to bring experience of best practice; independent advice; challenge; pensions’ technical expertise; and experience of financial and operational delivery.

**Civil Service Pensions**

Civil Service Pensions administers 2 pension schemes.

The Public Service (Civil Servants and Others) Pensions Regulations (Northern Ireland) 2014 introduced the alpha Pension Scheme on 1 April 2015. Alpha is a career average scheme and replaced all the current salary arrangements and the Nuvos career average arrangement under the Principal Civil Service Pension Scheme (Northern Ireland) (PCSPS[NI]). The alpha scheme design is similar to Nuvos, which is a defined benefit arrangement and has been on offer to all staff starting service since July 2007 (and which is also a career average scheme). The accrual rate is 2.32% of pensionable earning each year. The Pension age for the alpha scheme is equal to and will keep in step with changes to State Pension Age. The average member contributions will be 5.6% based on actual earnings, rather than the full time equivalent from April 2015 – tiered to protect those with lower earnings. Part 3 of the scheme regulations contain the
scheme governance arrangements.

The previous scheme, the PCSPS(NI), draws its statutory authority from the Superannuation (Northern Ireland) Order 1972. The Scheme rules are structured into 4 sections. Sections 1, 2 and 3 set out the provisions relating to the different pension arrangements under the scheme. There are three final salary arrangements (Classic, Classic Plus and Premium) and one ‘career average’ arrangement (Nuvos). Section 4 of the rules contain the scheme governance arrangements and provisions for cost capping and sharing.

Pension Division had 92 staff in post at January 2020, and typically pays out in excess of £340m per year.

The NICS Pension Schemes are unfunded, defined-benefit, occupational pension schemes administered by the Department of Finance’s (DoF’s) Pensions Division, Civil Service Pensions Branch which is based in Waterside House, Londonderry.

Participating employers are required to make contributions during the period of a member’s active service, known as Accruing Superannuation Liability Charges (ASLCs).

The schemes, which have approximately 29,000 active members, 8,800 deferred members and 30,900 pensioner members and dependents receiving benefits, is applicable to all employees of the Northern Ireland Civil Service plus some additional public sector bodies and offers a wide range of benefits.

Further detail of the DoF Superannuation and Other Allowances Resource Accounts can be found at the attached link:

Roles and Responsibilities

The roles and responsibilities of the Chair of the Pension Board include:

- Providing effective strategic leadership of the Board and oversight of all of its activities.

- Providing an assurance to the DoF Accounting Officer, scheme members and employers about the effective financial management of the Pension Scheme, including contribution collection and propriety of expenditure.

- Representing the Board in contacts with a range of stakeholders including: Employers, Members, Trade Unions, the Minister, Scheme Manager for NICS Pension Schemes and other contractors, Department of Finance (DoF) officials, Civil Service Pensions Board in Great Britain, Cabinet Office, Government Actuary’s Department (GAD) and the Pensions Regulator.

- Chairing Board meetings (approximately 4 per annum at quarterly intervals) ensuring that these are conducted in an expeditious manner, including taking steps to ensure:
  
  o agenda and reports are timely and sufficient;
  o all Board members contribute to deliberations; and
  o access to appropriate professional advice is available.

- Ensuring that the Board operates as an effective and efficient mechanism for governing the NICS Pension Schemes.

- Promoting agreement between the bodies and individuals represented on the Board by working to create mutual understanding and by facilitating action to resolve differences in the event of disagreement.

- Ensuring Board members collectively and individually understand their roles and responsibilities.

- Agreeing requirements and expectations with individual Board members; ensuring support is provided in the form of induction, development and mentoring where necessary; and annually reviewing the performance of Board members
• Identifying the Board’s stakeholders and ensuring that there is effective communication with, and feedback from stakeholders.

• Liaising with the Scheme Manager and DoF officials to report on progress and delivery and make any recommendations.

• Oversight of financial management.

• Travel to the Northwest for at least one meeting per year.

The Chair will be expected to adhere to the principles set out in Annex B.

_The above is given as a broad range of duties and is not intended to be exhaustive. It is important to note that the responsibilities may change to meet the evolving needs of the role._
Terms and Conditions

The NICS Pension Scheme Manager is responsible for appointing the Chairperson of the Pension Board.

Although this appointment process is not regulated by the Commissioner for Public Appointments in Northern Ireland, it reflects the principles and practices of the Code.

Public Appointments will require the highest standards of propriety, involving impartiality, integrity and objectivity. All candidates who put themselves forward for public appointment must be able to demonstrate their commitment to the principles and values of public service.

**Period of Appointment and Time Required**

The initial appointment as the Chairperson of the Board will be for a period of three years from September 2020, but can be extended with the approval of the Scheme Manager for a further two years.

It is expected that typically the time commitment will be around 10 days per year to facilitate 4 Board meetings per year plus a planning day, training, preparatory work, travel time etc. One Board meeting per calendar year is held in the North West.

**Remuneration**

Remuneration will be paid at DoF Public Appointments daily rate of £396 per full day. The remuneration for the Chairperson post will be taxed at source and subject to class 1 National Insurance Contributions. The postholder will be responsible for their own tax arrangements.

Travel and subsistence expenses incurred in the execution of Board duties should be reclaimed on a monthly basis and will be paid directly into your bank account. The current allowance rate is 45p a mile on travel up to 10,000 miles a year and 25p a mile thereafter. These policies are available to access at: [https://www.finance-ni.gov.uk/publications/9-travel-and-subsistence](https://www.finance-ni.gov.uk/publications/9-travel-and-subsistence)

The appointment is non-pensionable.

In order to comply with disclosure requirements, DoF will be required to disclose details of the total remuneration, including any taxable benefits in kind and pension benefits for
this post in its annual accounts.

Double Paying

Applicants who already work in the public sector need to be aware that:

- they may be ineligible for consideration for this appointment if in the Department’s view there is a conflict of interest, the perception of a conflict or a potential conflict, between the appointment and their existing commitments (see page 16);
- they will be asked to confirm that they have permission from their employer to take up an appointment if one is offered and departments will confirm this; and
- there is a general guiding principle that an individual should not be paid twice from the public purse for the same period of time. As a result applicants who already work in the public sector may not be entitled to claim remuneration including expenses for this position if the duties are undertaken during a period of time for which they are already paid by the public sector. If in doubt contact your employer for advice.

In the interests of minimising the potential for double paying to occur, the Department reserves the right to contact your employer regarding your candidature.

Indemnity for Personal Liability

Legal proceedings by a third party against individual Board members are very rare. Provided Board members have acted honestly and in good faith, they will not have to meet out of their own personal resources any personal civil liability incurred as a result of carrying out their role as a member of the Board.

Performance Assessment

An annual performance assessment will be carried out by the Department of Finance.

Vetting

The successful candidate will be required to consent to an Access NI Basic Disclosure check, which is a condition of appointment. The appointment will only be confirmed on completion of a successful Access NI check.

AccessNI provides a criminal record disclosure service in Northern Ireland. More
information on Access NI is available on: http://www.nidirect.gov.uk/accessni

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

**Political Activity**

The successful candidate will be asked to complete a Political Activity Questionnaire Form. The Committee on Standards in Public Life recommends that all candidates for public appointments be asked to declare any significant political activity including office holding, public speaking and standing for election that they may have undertaken in the previous 5 years. This question is asked because it enables monitoring of political activity of those appointed to a public appointment, in so far as it is already in the public domain. Neither activity, nor affiliation, is a criterion for appointment (except where statute dictates specific representation). If you are the successful applicant, the information provided will be published with the announcement of your appointment.

**Disqualification – Other**

(a) Individuals who are disqualified from holding Company Directorship either through an Order or an Undertaking, who are bankrupt or who are the subject of a Bankruptcy Restrictions Order are not eligible for consideration;

**Legal entitlement to work in the UK**

The Department must ensure that anyone it appoints is not subject to immigration control.

Advice on these issues can be obtained from the following website www.ind.homeoffice.gov.uk.

**Announcing the Appointment**

If you are successful and appointed, some information on your completed application form will be made public at the time of the announcement. This will include a brief summary of your career/experience; length of the appointment; remuneration; details of any other Ministerial appointments held with any related remuneration received; and your response to the political activity question.
Reserve List

The Board may agree that a reserve list will be held to be used to fill any future vacancies that arise within the 12 months following the Pension Scheme Manager’s decision.

Further Information

Applicants wishing to learn more about the post before deciding to apply may contact Margaret Coyle on 028 7132 1202 or email Margaret.coyle@finance-ni.gov.uk

If you have any questions about the competition process, you should contact HRConnect, quoting reference IRC253950 either by telephone on 0800 1 300 330 or by email recruitment@hrconnect.nigov.net.
Person Specification

EXPERIENCE, KNOWLEDGE AND SKILLS

Essential Criteria

1. Strategic Direction Leadership

   Experience of analysing complex problems, evaluating and analysing information and making a significant contribution to the strategic direction of an organisation.

2. Advocacy and Influencing

   Evidence of effective leadership in the chairing of meetings, effective communication skills and evidence of working collectively with others to deliver successful outcomes.

3. Governance and Accountability

   A proven track record in the development, implementation and management of governance and accountability practices including people, finances and business planning.

4. Policy Context

   A strategic understanding of the policy intent of Public Service Pensions including legislation and regulation.

5. Pension Scheme Administration

   Experience of the administration of Pension Schemes.
How to Apply

The competition to fill the post of Chairperson of the Northern Ireland Civil Service (NICS) Pension Board is being managed by HRConnect on behalf of the Department of Finance.

The following notes give guidance on completing the application form.

The information will be treated as confidential during the selection process. If you are offered and accept the appointment, your name and some biographical details may be published after the information has been checked with you for accuracy.

Personal Details
Please give full details of your name, home address, e-mail address and contact telephone numbers. Please ensure HRConnect is informed immediately of any changes in your contact information. Candidates should be advised that they are not required to provide their national insurance number on the application form or equal opportunities monitoring form.

Essential Criteria / Evidence Used in Your Application
Please read carefully all the information provided, paying particular attention to the job description which gives details of the key areas of responsibility and the person specification which describes the selection criteria which will be used to assess your application.

Failure to address all of the areas may result in rejection of the application. Answers must be written / typed in the spaces provided and no other additional pages should be included in your completed application. Additional pages as well as Curriculum Vitae or other documents in support of your application are not acceptable.

You should take full advantage of the application form to provide practical evidence and examples of how your experience, skills, knowledge, achievements and background makes you suitable for appointment as Chairperson of the NICS Pension Board. Evidence provided may include details and dates of previous employment or any voluntary third sector appointments to which your examples refer.

In this section you are asked to provide practical information against the essential and shortlisting criterion for appointees. It is your responsibility to ensure that there is sufficient and relevant information to enable the panel to make a decision on whether you meet the criteria.
The Panel will want to know about what you have done rather than what a team has done. Before starting to complete this section it is important to think about your role and what you have done individually, either on your own or as a team member. To complete this section effectively you need to understand the relationship between the examples you will use and the relevant selection criteria.

In addition, you should bear in mind the following points:

- You should use language which is simple and easy to understand in your examples to describe what you have done;
- Use actual examples, rather than ‘how you would do something’;
- You can use examples from either your working life or your personal life including any voluntary or community or trade union work you are, or have been, involved in;
- Avoid statements that describe your personal beliefs or philosophies - focus on specific challenges and results;
- Describe what you did and how you behaved – if your example includes activities completed by a team, focus on your role and not that of the team as a whole;
- Given the limitation on words permitted in applications, lengthy descriptions of your experience will not be possible. You are advised to focus on the issue and on your personal involvement;
- You should ensure that you provide evidence of your experience in your application form, giving length of experience, examples and dates as required;
- ONLY the details provided by you in your application form (the essential criteria) will be provided to the selection Panel for the purpose of determining your eligibility for the post;
- The Panel will interview only those applicants who appear, from the information available, to have fulfilled the essential criteria and are therefore deemed to be most suitable in terms of relevant experience and ability.

**Probity and Conflict of Interest**

The Department must ensure that the individuals they appoint are committed to the principles and values of public service. These principles are: Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty and Leadership. Further information is available at [http://www.public-standards.gov.uk/](http://www.public-standards.gov.uk/).

Departments must take account of actual, or perceived, conflict of interest. Therefore, applicants, in their application form, must disclose information or personal connections which, if they were to be appointed, could lead to a conflict of interest, or be perceived as such.
The Panel will determine, at interview stage, whether you are aware of the standards of behaviour required of public appointees and can demonstrate your understanding of the issue. You will also be asked to declare whether or not you are involved, or have been involved, in activities that could call into question your reputation and/or damage the reputation of the body to which you are applying. The Selection Panel will consider fully your answers and, if necessary, question further or challenge.

Conflicts of interest may not be a barrier to appointment but both real and perceived conflicts must be discussed with all candidates by the interview Panel. This is to ensure that the public can have confidence in the Board’s independence and impartiality and the integrity of the potential appointee. Please refer to Annex B for further information on this subject.

An appointee to a public body could find that matters or incidents which previously attracted no attention could become matters of legitimate public interest once the person concerned holds a public appointment. Information which might be relevant could include prominent activities, for example, in voluntary or political organisations. All information given in this section will be treated in confidence.

**Reasonable Adjustments**

Please let HRConnect know if you require any reasonable adjustments, due to disability, to enable you to attend any part of the assessment process. Any information provided will be used for this purpose only and will not form any part of the selection process. Should you be successful, you will be asked to outline any adjustments you consider necessary in order for you to carry out the role effectively. Please state if you have any particular access or other requirements if called for interview. If you wish to discuss your requirements further, please contact HRConnect.

**Declaration and Signature**

You should ensure that you understand the degree of publicity the appointment will attract, read the declaration statement and sign your application form.

**Equal Opportunities Monitoring**

The Northern Ireland Civil Service (NICS) is committed to ensuring that all eligible persons have equal opportunity for public appointments on the basis of their ability and aptitude for the role. Monitoring is carried out to help us ensure that our processes and procedures promote equality of opportunity as far as possible and therefore your help in completing and returning the monitoring form as part of your application would be appreciated. Please note the information you provide in the monitoring form will be detached from the information on the application form, held
separately and will not be available to selection panels or to anyone else involved in the selection process. The information will be used for statistical purposes only and analysed independently by staff in the Northern Ireland Statistics and Research Agency (NISRA) in the strictest confidence.

The Department is committed to the principle of appointments based on merit with independent assessment, openness and transparency of process. The Department is also committed to equality of opportunity and welcomes applications from all suitably qualified applicants irrespective of religious belief, gender, race, political opinion, age, disability, marital status, sexual orientation, or whether or not they have dependants.

We particularly welcome applications from women and people with a disability as these groupings are currently under-represented within the Board.

Please note that, to ensure equality of opportunity for all applicants:

- CVs, letters, or any other supplementary material in place of, or in addition to, completed application forms will not be accepted
- Applications will not be examined until after the closing deadline
- Late applications will not be accepted.
- Incomplete application forms will not be considered.
- Applicants must not contact or seek support for an application from a member of the Interview Panel or any official involved in this recruitment competition.
- Evidence of canvassing will disqualify you from appointment.
Assessment

Candidates who satisfy all of the essential criteria listed on page 14 will be invited to participate in the next stage of the selection process.

It is intended that interviews for this post will take place in Belfast on Tuesday 19th May 2020. If necessary, interviews may be held on the morning of Monday 18th May. If this is unsuitable, the panel may consider an alternative date. Please indicate in the Further Information section of your application form any dates you are not available during this period. Costs for attendance at interview will not be reimbursed, however, consideration will be given to any request for reasonable adjustments necessary to allow you to attend this and any other part of the recruitment process.

Interview

The panel will focus on testing the applicant’s experience, skills and knowledge of the essential criteria outlined below. It is envisaged that the interview will last approximately 40 minutes.

The panel will assess the information presented by the candidate at interview against the following criteria. A score will then be allocated against each selection criterion and a total interview score derived accordingly. A minimum pass mark for the interview will apply.

1. Strategic Direction Leadership
   Setting the strategic vision and direction, combined with the ability to deliver results, as well as a proactive approach to making things happen:
   - combines strategic vision with shaping agendas and delivering programme outcomes;
   - takes a proactive stance; able to engage others, spark debate and discussion, ensure appropriate decisions are made and agreed and able to drive through action; and
   - balances the need to achieve ‘quick wins’ with longer term gains.

2. Advocacy and Influencing
   The ability to engage with and influence stakeholders and Board Members and raise the profile of the Pensions Board agenda:
   - able to act as a figurehead and advocate, raising the profile and visibility of a given agenda;
   - track record of influencing and gaining commitment from stakeholders and those working in senior positions;
   - standing and repute commensurate with chairing a public body with
influence over high profile public services.

3. **Governance and Accountability**
   An understanding of governance and accountability in a public sector context.

4. **Policy Context**
   An understanding of policy and public accountability, sound judgement and awareness of political sensitivities; and
   A commitment to equality, efficiency and system reform.

5. **Pension Scheme Administration**
   An understanding of the administration of Pension Schemes.

Following interviews, the list of applicants who met the pass mark (including a short candidate summary) will be forwarded to the Pension Scheme Manager in a ranked order to select the successful candidate(s).

**Presentation of Results to the Appointer**

A ‘candidate summary’ will be provided to the Pension Scheme Manager with an objective analysis of each candidate’s skills and experience, based on the information provided by each candidate during the appointment round and the Panel’s assessment of that candidate.

The Pension Scheme Manager will decide who should be appointed and may decide to meet the candidates prior to making his/her decision.
Interview Guidance for Applicants

If this is your first experience of a criteria/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/criteria the question is designed to test.

A criteria/competence-based interview does however require you to:

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


Hard copies are also available on request.

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/criteria. You should therefore come to the interview prepared to discuss in detail an example or range of examples which best illustrate your skills and abilities in each competence/criteria area. You may draw examples from any area of your work / life experiences.
Recruitment Process and Indicative Timetable

All applications will be acknowledged.

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<thead>
<tr>
<th>Stage</th>
<th>Timescale</th>
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<tbody>
<tr>
<td>Advert appears</td>
<td>Monday 17th February 2020</td>
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<tr>
<td>Closing date for applications</td>
<td>Monday 9th March 2020</td>
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<td></td>
<td>Late applications will not be accepted</td>
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<tr>
<td>Review of applications</td>
<td>The Appointments Panel will meet to consider</td>
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<tr>
<td></td>
<td>applications, and HRConnect hope to advise</td>
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<td>week commencing 20th April 2020 whether you</td>
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<td>have been selected for interview.</td>
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<tr>
<td>Interviews</td>
<td>Tuesday 19th May 2020</td>
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<td>Preferred starting date</td>
<td>September 2020</td>
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HRConnect will issue electronically as many competition communications as possible. You should therefore check your email account (including Junk 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.
Feedback

The Department of Finance is committed to ensuring that the processes used to recruit public appointments are fair and in accordance with the principles of the Commissioner for Public Appointments (NI) Code of Practice. DoF is committed to providing feedback in respect of decisions taken in determining essential/short listing as well as at interview. HRConnect will forward any feedback requests to the Interview Panel, who will be responsible for providing feedback in respect of decisions taken in determining essential/short listing as well as at interview. Feedback in respect of essential/short listing will be communicated automatically to those candidates who fail to satisfy any criteria. All requests for feedback are welcome.

Complaints

Should you wish to make a complaint about any stage of this process you should first direct your concerns to:

HRConnect, PO BOX 1089,
2nd Floor,
Metro Building,
6-9 Donegall Square South,
Belfast, BT1 9EW
recruitment@hrconnect.nigov.net
Tel: 0800 1 300 330
Fax: 028 9024 1665

THIS INFORMATION PACK DOES NOT FORM PART OF CONDITIONS OF EMPLOYMENT
Northern Ireland Civil Service Pension Board

Terms of Reference

1. INTRODUCTION:

1.1. The paper sets out the Terms of Reference for the Northern Ireland Civil Service Pension Board (NICSPB), which was established from 1 April 2015, in accordance with Article 4 of the Public Service Pensions Act (Northern Ireland) 2014. The Scheme Manager is responsible for managing, administering and reviewing the Board’s terms of reference. Any changes arising from such reviews would be subject to consultation with member and employer representatives.

2. SCOPE OF THE NICSPB:

2.1. The purpose of the NICSPB is to carry out, within the constraints of the Scheme Manager, the roles and responsibilities that a Trustee Board would fulfil for a private sector occupational pension scheme.

2.2. The NICSPB’s overriding aim is to ensure that all members' receive their correct benefits on time and in accordance with the scheme rules and regulations. The Board will seek to ensure that in general members experience good outcomes and receive excellent customer service.

2.3. The NICSPB will ensure effective administration and proper use of scheme funds in accordance with such Codes of Practice that may be issued by the Pensions Regulator.

2.4. The NICSPB does not have responsibility for providing advice on the desirability of changes to the scheme and on matters of policy.

3. ROLES AND RESPONSIBILITIES OF THE NICSPB:

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1 All members’ means active, deferred and pensioner members of the Northern Ireland Civil Service pension schemes.
3.1. The NICSPB will ensure the effective administration of the scheme by scrutiny of the level and quality of service provided for the membership, employers and others by the administrator, other service providers and the Government Actuary’s Department.

3.2. The NICSPB is responsible for ensuring that effective audit arrangements are in place.

3.3. The NICSPB is responsible for ensuring that effective risk management arrangements are in place.

3.4. The NICSPB will provide a statement of assurance to the Accounting Officers, members and employers about the effective financial management including contribution collection, financial forecasting, and debt management; that beneficiaries receive the benefits to which they are entitled under the rules and regulations of the schemes and production of annual scheme accounts. This assurance will be given in the NICSPB Annual Report.

3.5. The NICSPB will oversee the development of processes and systems to incorporate any statutory requirements.

3.6. The NICSPB will ensure compliance with scheme data management requirements identified in the Review of the Public Service Pensions Act (Northern Ireland) 2014 and ensure that adequate Data Sharing Agreements and Participation Agreements are in place.

3.7. The NICSPB will adhere to regulatory requirements (e.g. The Pensions Regulator), respond to any requests/directions made by the Pensions Regulator and report breaches of the law to the Pensions Regulator when they have reasonable cause to believe that:

   • a legal duty which is relevant to the administration of the scheme has not been, or is not being, complied with; and
   • failure to comply is likely to be of material significance to the regulator in the exercise of any of its functions.

4. COMPOSITION:

4.1. The NICSPB is established in compliance with the Public Service Pensions Act (Northern Ireland) 2014.

4.2. The Scheme Manager is responsible for the appointment of the Independent Chairperson of the NICSPB.

4.3. The NICSPB consists of the following:

   • One independent Chairperson person (voting member);
• At least three scheme member representatives (voting members) nominated from member representative bodies;

• At least three employer representatives (voting members) nominated from employer representative bodies; and

• Two non-executive members (non-voting members) to bring experience of best practice; independent advice; challenge; pensions’ technical expertise; and experience of financial and operational delivery.

4.4. The two non-executive members will include one from the policy area that manages the scheme (Civil Service Pensions) and one with a finance background.

4.5. The Head of Pensions Division will monitor the Pension Board tenures to ensure continuity and experience is sustained.

4.6. Members of the NICSPB will represent the interests of all of the scheme’s beneficiaries, the participating employers and the Accounting Officer and not simply the interests of the organisation that nominated them.

4.7. Appendix A gives the terms and conditions that apply to NICSPB members.

5. MEETINGS:

5.1. Frequency: The NICSPB will meet quarterly and at such other times as the Chairperson/member decides is necessary. Wherever possible at least 7 days’ notice will be given of any non-scheduled meeting.

5.2. Format: Meetings can be conducted in person, over the telephone or via a teleconference/video-link, as decided by the Chairperson. If the Chairperson is not present within fifteen minutes of the time appointed for holding the meeting, Board members present may nominate and agree a Chairperson for the meeting. In these cases the nominated Chairperson will not have a casting vote.

5.3. Quorum: Five members of the NICSPB will represent a quorum for meetings. The Board members in attendance must include at least two employer representatives and two member representatives.

5.4. Attendance: The NICSPB can decide to ask other advisers, representatives from third party suppliers and any other person to attend its meetings as it sees fit. The Policy and Operations Managers for Civil Service Pensions will attend Board meetings and introduce papers and discussions, as necessary.

5.5. Decisions: All NICSPB Board members with voting powers will have a single vote and items arising at any meeting will be decided by a majority of members present and eligible to vote. In the case of an equality of votes the Chairperson will have a casting vote. The NICSPB may agree on a decision outside of a meeting if the majority of voting members confirm their agreement either in
writing or by electronic mail. Any such decision will be as valid and effective as if it had been passed by a meeting of the NICSPB.

5.6. **Papers:** The NICSPB Secretariat must circulate all papers at least one week in advance of any meeting (unless a shorter period is agreed by the Chairperson).

5.7. **Minutes:** Draft minutes are to be forwarded to the Chairperson for agreement within ten working days and thereafter circulated to NICSPB members. Minutes to be cleared by Board members at next meeting and any redactions submitted to the Secretariat no later than ten working days following the conclusion of said meeting.

5.8. Minutes for publication to be circulated to Board members for final approval prior to publication on the Civil Service Pensions website.

6. **COMMITTEES AND SUB-GROUPS:**

6.1. The NICSPB may establish such committees and sub-groups as it sees fit. The NICSPB will decide whether the sub-groups/committees need to have separate Terms of Reference.

6.2. The NICSPB will agree, and can amend, each sub-group/committee’s Terms of Reference.

6.3. The NICSPB will appoint and remove members of the committees/sub groups. The NICSPB may, as it sees fit co-opt persons who are not members of the NICSPB to serve on its sub-groups/committees. Such persons need not be representatives of members, employers or the Department.

6.4. The NICSPB Chairperson will appoint a NICSPB member as the Chairperson of each sub-group.

6.5. The quorum for committees and sub-groups will be agreed at the time.

7. **AUTHORITIES AND RESTRICTIONS:**

7.1. The NICSPB will revert to the Scheme Manager to raise an issue with the relevant service providers which it identifies. Also, where necessary, the Board will advise on the budget for that additional work to be undertaken before the issues are resolved. Any NICSPB authority will also be subject to the existing contractual agreements and requirements relating to public sector procurement.

7.2. The Department will consult and take into consideration the views of the NICSPB on matters that will materially affect the cost and/or the range and quality of services provided by the administration. The Department will remain responsible for all contractual agreements and any proposed changes, and for the commissioning of any additional work by third parties.
8. MONITORING FINANCE AND SCHEME ACCOUNTING:

8.1. The NICSPB will assist the scheme’s Accounting Officer by monitoring the performance of Civil Service Pensions as it applies to the Northern Ireland Civil Service pension arrangements in ensuring that the scheme receives all monies properly and safeguards the regularity and propriety of income and expenditure in relation to the schemes.

8.2. The NICSPB will oversee and monitor the Northern Ireland Civil Service Pension Scheme budget forecasting, estimating and modelling.

8.3. The NICSPB will monitor audit arrangements:

- **Expenditure**: The NICSPB will monitor the accuracy and completeness of expenditure records.

- **Contributions**: The NICSPB will monitor the accuracy and completeness of contributions received.

- **Debt Management**: The NICSPB will monitor the efficacy of debt management.

9. EVALUATING AND MANAGING RISK:

9.1. The NICSPB will use sources of information such as audit reports, service contracts, complaints and administration reports to help identify areas of risk which could be detrimental to the scheme and members or impede the NICSPB in carrying out its roles, responsibilities and duties effectively.

9.2. The NICSPB will develop a process to evaluate the risks, in order to identify those that are critical and the evaluation process should include consideration of the impact and likelihood of a risk materialising.

9.3. The NICSPB will record the risks identified in a risk register which will be reviewed and updated at each meeting as appropriate.

10. REPORTING:

10.1. The Chairperson of the NICSPB will report at least annually, for information purposes, on the activities of the NICSPB by means of an Annual Report published on the Civil Service Pensions website.

11. POWERS:

11.1. The NICSPB may exercise discretionary powers delegated by the Scheme Manager in the scheme regulations.
12. MONITORING EMPLOYERS:

12.1. The NICSPB is responsible for overseeing and constructively engaging with employers who participate in the NICS pensions arrangements with regard to the correct provision of data, for active members (and where required, pensioner or deferred members), and contributions to the NICS Pensions Schemes.

13. CHANGES TO NICSPB TERMS OF REFERENCE:

13.1. The NICSPB may recommend to the Scheme Manager any changes to these Terms of Reference and accompanying appendix.

13.2. The NICSPB will review these Terms of Reference no later than every three years commencing 2019.

14. OTHER

14.1. The NICSPB may consider any other items specifically referred to it and to take decisions specifically delegated to it by the Scheme Manager from time to time.

15. REMUNERATION AND EXPENSES

15.1. Members of the NICSPB nominated by NICS employers who are currently employed by an organisation covered by the Northern Ireland Civil Service Pension arrangements would normally be expected to claim any expenses from their employer.

15.2. Similarly, members of the NICSPB nominated by TUS would normally be expected to claim any expenses from their nominating union.

15.3. The independent Chairperson, appointed by the Scheme Manager, will be paid expenses and may be paid fees, depending on the circumstances and what was agreed on appointment.

16. SECRETARIAL SUPPORT

16.1. Civil Service Pensions within the Department of Finance will provide secretariat support for the group. Duties of the Secretariat include:

- arranging and managing the meetings of the NICSPB;
- preparing or commissioning papers for the NICSPB to consider;
- collating administration performance statistics; and
- drafting papers/reports on behalf of the NICSPB.

16.2. Prior to actuarial valuation of the Northern Ireland Civil Service Pension Schemes, the NICSPB will meet with the Scheme Actuary to consider the approach to be taken in setting assumptions.
TERMS AND CONDITIONS OF NICSPB MEMBERSHIP

1. With the exception of the non-executive representatives and the Northern Ireland Civil Service Pensions representative, appointments to the NICSPB are personal. There can be no alternate representation for any member of the NICSPB.

2. Each member will endeavour to attend all scheduled NICSPB meetings and details of attendance at meetings will be published in the Annual Report. Where ad hoc meetings are called, all NICSPB members should make best efforts to attend.

Appointment and Removal

3. **Chairperson:** The Chairperson will be appointed by the Scheme Manager.

4. **Member representatives:** Member representative bodies will be invited to nominate at least three candidates in writing to be put forward into the selection process for members of the NICSPB, with the Scheme Manager approving final appointments.

5. **Employer representatives:** Employer bodies will be invited to nominate at least three candidates in writing to be put forward into the selection process for members of the NICSPB, with Scheme Manager approving final appointments.

6. **Non–Executive members:** The Scheme Manager will invite and consider nominations, based on the candidates’ roles within public sector pensions and finance.

7. Members resigning from the NICSPB should where possible provide a minimum of six months’ notice in writing to the Chairperson.

8. Where a member resigns from the NICSPB it will be the member’s representative body or employer bodies’ responsibility to nominate a suitable successor (agreed by both the Board Chairperson and scheme manager) to be in place within 6 months of the member’s planned departure. The proposed successor will shadow the current member and will not hold any voting rights until they fully assume the role of Board member.

9. The NICSPB will agree an appointment schedule for Board members which is to be considered when Board members stand down to ensure continuity of membership expertise. The Head of Pensions Division will also provide an oversight to ensure continuity.

10. The Chairperson of the NICSPB will ask the Department to consider the removal of any member of the Board, if all the other voting members unanimously agree to this course of action. Examples include repeated non-
attendance at meetings without a valid explanation or actions leading to the reputational damage of the Board.

11. The Chairperson will undertake performance management of each Board member annually, and can recommend to the Department the removal of a Board member or the non-renewal of their appointment.

12. The Scheme Manager will undertake performance management of the Chairperson annually and can recommend to the Department and Board members the removal of the Chairperson or the non-renewal of their appointment.

Terms of Office

13. The appointment of the Chairperson will be for a three-year term with Scheme Manager’s discretion to extend for a further two years.

14. The appointment of Board members (excluding the non-executive representatives) will be for a five-year term, and such members will normally not hold office for more than two terms unless expressly agreed by the scheme manager.

15. The tenure of the non-executive representative appointments will coincide with the time the individual holds the relevant post.

Induction and Training

16. NICSPB members will receive induction training to gain an up-to-date and working knowledge of the Northern Ireland Civil Service Pension arrangements.

17. Board Members must keep their knowledge up to date and maintain a written record of their relevant training and development during their appointment.

18. Board Members will be conversant with scheme documents and have appropriate knowledge and understanding of the scheme rules and regulations and the principles of Northern Ireland Civil Service Pension Schemes’ funding as well as The Pensions Regulator’s requirements and Codes of Practices.
ANNEX B

PROBITY AND CONFLICTS OF INTEREST: GUIDANCE FOR CANDIDATES

Standards of Behaviour
Those appointed to serve on the Boards of public bodies will be above reproach. Everyone who puts themselves forward for a public appointment must be able to demonstrate their commitment to the maintenance of high standards in public life.

The Seven Principles Underpinning Public Life
In 1995, the Committee on Standards in Public Life defined seven principles, which should underpin the actions of all who serve the public in any way. These are:

Selflessness
Holders of public office should take decisions solely in terms of the public interest.

Integrity
Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

Objectivity
Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination and bias.

Accountability
Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness
Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty
Holders of public office should be truthful.
Leadership
Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs. 12

As part of the selection process you will be tested on your commitment to maintaining high standards in public life with particular emphasis on probity issues and conflicts of interest.

What is a conflict of interest?

Public Appointments require the highest standards of propriety, involving impartiality, integrity and objectivity, in relation to the stewardship of public funds and the oversight and management of all related activities. This means that any private, voluntary, charitable or political interest which might be material and relevant to the work of the body concerned should be declared.

There is always the possibility for real or perceived conflicts of interest to arise. Both are a problem, as the perceived inference of a conflict may, on occasions, be as damaging as the existence of a real conflict.

No-one should use, or give the appearance of using, their public position to further their private interests. This is an area of particular importance, as it is of considerable concern to the public and receives a lot of media attention.

As part of the assessment process for a public appointment, you will be asked if you know of any possible conflicts of interest in connection with that appointment. Conflicts of interest are not always a barrier to appointment. However, real, perceived and potential conflicts must be explored by the selection panel to ensure that the public can have confidence in the board’s independence and impartiality and in your position on that board. To give you an idea of what might constitute a conflict of interest here are a few examples of areas which could lead to real or apparent conflict:

a) you are the director of a building firm and the board to which you are seeking appointment conducts regular procurement exercises for building materials - you could benefit personally from decisions taken by the board;
b) you are a manager in a voluntary organisation, whose funding applications are considered by the board to which you are seeking appointment – the body for which you work could benefit financially from decisions taken by the board; and

12 Revised January 2013
c) you have, in the past, contributed or lent significant funds to the political party to which the appointing Minister belongs – your appointment could be viewed as a reward for past favours.

These are examples only. Please remember that identifying a conflict will not necessarily stop you being appointed. You should consider carefully your own circumstances to decide whether or not a real, perceived or potential conflict exists and be ready to discuss it with the Selection Panel at interview. Even if you have not identified any conflicts of interest when applying for the post, you will still be asked about the issue if you are interviewed.

Surely a perceived conflict is not a problem, as long as I act impartially at all times?

The integrity of the individual is not in question here. However, it is necessary for the standing of the individual and the board that members of the public have confidence in their independence and impartiality. Even a perceived conflict of interest on the part of a board member can be extremely damaging to the body’s reputation and it is therefore essential that these are declared and explored, in the same way as an actual conflict would be. The fact that a member acted impartially may be no defence against accusations of potential bias.

What should I do if I think I have a conflict of interest?

You will find a section on conflicts of interest in the application form for you to complete. This asks you to consider and declare whether or not you have a real, or perceived, conflict. If you are unsure if your circumstances constitute a possible conflict, you should still complete this section, in order to give the Selection Panel as much information as possible.

If I declare a conflict, does this mean I will not be considered for appointment?

No – each case is considered individually. If you are shortlisted for interview, the Panel will explore with you how far the conflict might affect your ability to contribute effectively and impartially on the Board and how this might be handled, if you were to be appointed. For example, it may be possible to arrange for you to step out of meetings where an issue is discussed, in which you have an interest. However, if, following the discussion with you, the Panel believes that the conflict is too great and would call into question the probity of the Board or the appointment, they can withdraw your application from the competition.
What happens if I do not declare a known conflict, which is then discovered by the Department after my appointment?

Again, each case would be considered on its merits, but the Department may take the view that by concealing a conflict of interest, you would be deemed to have breached the seven principles of conduct underpinning public life and may terminate your appointment.

What happens if I do not realise a potential conflict exists?

This situation may arise where the applicant is not familiar with the broad range of work which a body covers and therefore does not realise that a conflict might exist. In some cases, the Panel, with their wider knowledge of the body, might deduce that there is a potential conflict issue, based on the information on employment and experience provided by the candidate in the application form. They will then explore this at interview with the candidate.

What happens if a conflict of interest arises after an appointment is made?

This could arise for two main reasons. The first is that the member’s circumstances may change, for example, they may change jobs and in doing so, a conflict with their work on the board becomes apparent. The second is where a member is unfamiliar with the range of the work of the body, but after appointment, it becomes clear that a conflict exists where none had been envisaged during the appointment process.

In both cases, the issue should be discussed with the Chair of the board and the Chief Executive of the body concerned, in consultation with the Sponsoring Department, to decide whether or not the member can continue to carry out their role in an appropriate manner and each case is considered individually.

It may be that the conflict is such that it would be impractical for the member to continue on the board, if they would have to withdraw from a considerable amount of the body’s routine business. In such cases, the member may be asked to stand down from the body.

You may be asked to sign a declaration of commitment to the above principles as a condition of your appointment.
EQUAL OPPORTUNITIES

Policy Statement

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

“The Northern Ireland Civil Service (NICS) has a strong and clear commitment to equality, diversity and inclusion. 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 where they are treated with dignity and respect.

We aim to provide opportunities for all sections of the community and continue to strive to create an inclusive working environment in which difference is recognised and valued. Bringing together people from diverse backgrounds and giving each person the opportunity to contribute their skills and experience will help us to respond more effectively to the needs of the people we serve.

We all want to work in a harmonious workplace where we feel valued, respected and included, irrespective of gender, including gender reassignment, marital or civil partnership status, race/ethnic origin, religious belief or political opinion, disability, having or not having dependants, sexual orientation and age.

In order to provide a high quality service to the people of Northern Ireland the NICS needs to attract, recruit, develop and retain the very best people at all levels.

Our approach is based on three key principles:

Equality

We promote equality of opportunity by seeking to remove barriers, eliminating discrimination and ensuring equal opportunity and access for all groups of people.
Diversity

We accept each person as an individual. Our success is built on our ability to embrace diversity - and we believe that everyone should feel valued for their contributions. By working together we will deliver the best possible service for our staff, customers and stakeholders.

Inclusion

We create a working culture where differences are not merely accepted, but valued; where everyone has the opportunity to develop in a way that is consistent with, and adheres to NICS values of impartiality, honesty, integrity and objectivity. Our aim is to be an organisation where people feel involved, respected and connected to our success.

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

Northern Ireland Departments are committed to ensuring that all eligible persons have equal opportunity for public appointments on the basis of their ability and aptitude for the role. Monitoring is carried out to help us ensure that our processes and procedures promote equality of opportunity as far as possible and therefore your help in completing and returning the monitoring form as part of your application would be appreciated. Please note the information you provide in the monitoring form will be detached from the information on the application form, held separately and will not be available to sifting and interviewing panels or to anyone else involved in the selection process. The information will be used for statistical purposes only and analysed independently by staff in the Northern Ireland Statistics and Research Agency (NISRA) in the strictest confidence.

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 provided in 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 ages and age groups.

Community Background

The Fair Employment and Treatment (NI) Order 1998 outlaws discrimination on the basis of religious belief or political opinion. The Order also requires the NICS to submit an annual monitoring return to the Equality Commission for Northern Ireland. This takes the form of a statistical return, providing information on the gender and community background composition of all people working in the NICS at the 1 January each year.

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

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, and social functioning.

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; ability to take part in normal social interaction and form social relationships; 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.
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.

**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(s).

**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**

The Sex Discrimination (NI) Order 1976 (as amended), makes it unlawful to discriminate against married persons and civil partners in employment. 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 marital status.

**Dependants status**

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 dependants and persons without.

**Confidentiality of Monitoring Information**

The following general principles will be applied to all individual monitoring information:

- Individual monitoring information will be afforded a high degree of confidentiality
• Misuse of monitoring information will be viewed as a disciplinary offence, and
• Individual monitoring information will only be disclosed to members of staff or officials of a trade union, members of which are employed in the NICS, if it is necessary to do so for the appropriate discharge of their duties and responsibilities.

In addition to the above internal safeguards on the protection of equality monitoring information generally, the confidentiality of community background monitoring information is protected through Regulations made under the Fair Employment and Treatment (Northern Ireland) 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 is used, for the purpose of monitoring under FETO.

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.