

# Civil Service Commissioners for Northern Ireland

## Introduction

1. Civil Service Commissioners for Northern Ireland are responsible for ensuring appointments to the Northern Ireland Civil Service (NICS) are made on merit on the basis of fair and open competition. We also have a role in hearing appeals made by existing civil servants under the NICS Code of Ethics.
2. Commissioners' primary role is to regulate appointments to the NICS, at all levels, to ensure that the Merit Principle is adhered to. Commissioners are concerned only with new appointments made to the NICS by way of open competition.
3. Commissioners derive their responsibilities from prerogative Orders in Council made by the Secretary of State. Our authority currently derives from the Civil Service Commissioners (NI) Order 1999.
4. The current Regulations for the Civil Service Commissioners for Northern Ireland referred to as our [General Regulations](#) came into operation on 1st February 2007.
5. Commissioners discharge their statutory responsibilities by:
  - maintaining the principle of selection on merit on the basis of fair and open competition in relation to selection for appointment;
  - making [General Regulations](#) which prescribe the circumstances in which the Merit Principle shall not apply;
  - publishing and maintaining a [Recruitment Code](#) on the interpretation and application of the Merit Principle;
  - auditing recruitment policies and practices followed in making appointments to the Civil Service to establish whether the [Recruitment Code](#) is being observed; and
  - requiring the publication of such information as they may specify relating to recruitment and to the use of permitted exceptions to the Merit principle.
6. Commissioners are supported by a small Secretariat team funded by the Northern Ireland Office headed by the Secretary to the Civil Service Commissioners and known as the Office of the Civil Service Commissioners (OCSC). The OCSC is not a body corporate and is administratively part of the Northern Ireland Office.
7. Commissioners are independent of the NI Assembly and the NI Executive with all funding for Commissioners and the OCSC provided by the NIO.

## Civil Service Commissioners for Northern Ireland

### Submission

8. It is noted that Schedule 3 of the Northern Ireland Public Services Ombudsperson Bill includes the Civil Service Commissioners for Northern Ireland in the list of authorities that the Ombudsman will be able to investigate. We also note that no other NIO sponsored body is listed in Schedule 3.
9. As Commissioners and the OCSC are part of the NIO and are independent of the NI Assembly and the NI Executive, Commissioners wonder if their work, including that of OCSC, should fall within the remit of the Parliamentary and Health Service Ombudsman who is responsible for considering complaints by the public that UK Government departments have not acted properly or fairly or have provided a poor service. While Commissioners are not specifically listed, we note that the NIO is listed as one of the organisations that the Parliamentary and Health Service Ombudsman can investigate; it also indicates that the list is not exhaustive and that other organisations may be investigated.
10. Commissioners fully accept, and indeed welcome, that the proper discharge of their statutory functions can be investigated by an independent ombudsman, however Commissioners wish to ensure that this investigative remit/function is performed by the appropriate authority in order that there is no duplication of activity and to provide clarity to the public in relation to whom they can contact if they feel they may wish to raise an issue.
11. The Committee may wish to note that in 1996 when the Ombudsman (Northern Ireland) Order 1996 was enacted Commissioners were positioned within the Department of Finance and Personnel and fell within the investigative remit of the NI Ombudsman.
12. Commissioners respectfully request that the Committee considers the appropriateness of the Civil Service Commissioners for Northern Ireland being included in Schedule 3 of the Northern Ireland Public Services Ombudsperson Bill in light of the above.
13. Should the Committee decide to keep Commissioners under the responsibility of the NI Ombudsperson, we would be content for the existing provision to remain, as we have noted that the Regulations and Recruitment Principles for the Commissioners in England and Wales are quite different to the current NI Regulations in a number of respects. We believe that it would be helpful for any investigation in relation to the work of Commissioners to be undertaken by a NI Ombudsperson who would have knowledge and an understanding of the NI context under which a complaint would be made.
14. The Committee may also wish to note that the Northern Ireland (Miscellaneous Provisions) Act 2014 paved the way for functions related to the work of Commissioners to be devolved in future without primary legislation. There is no

## **Civil Service Commissioners for Northern Ireland**

date planned for such a move but it is anticipated that it will happen at some point in the future.

15. If it is decided that NI Civil Service Commissioners do not belong under the remit of the NI Public Services Ombudsperson, Commissioners will seek to ensure that we are included either under the umbrella of the Sponsor Department, NIO or specifically listed under remit of the Parliamentary and Health Service Ombudsman.