

CIVIL SERVICE COMMISSIONERS FOR NORTHERN IRELAND CODE OF PRACTICE

INTRODUCTION

1. This Code of Practice sets out the role and responsibilities of the Commissioners and the standards of conduct that they will observe whilst undertaking their business and takes account of the principles set out on the Cabinet Office's Code of Conduct for Board Members of Public Bodies (*June 2019*). The Code's provisions are intended to be proportionate to these responsibilities and the Commissioners' working practices.
2. This Code was approved by the Civil Service Commissioners to come into effect on 19 April 2016 (and a minor revision was agreed on 17 September 2019 to update the Code with regard to the June 2019 Cabinet Office Guidance). It has been endorsed by the Northern Ireland Office as the sponsoring Department.
3. This Code will be reviewed formally at least once every five years. The Civil Service Commissioners may make amendments to the Code at any time prior to a formal review, in consultation with the Department.
4. Civil Service Commissioners are independent of Government and the Northern Ireland Civil Service (NICS) and are supported by staff assigned by the Secretary of State for Northern Ireland.

FUNCTIONS OF THE COMMISSIONERS

5. The Civil Service Commissioners are appointed direct by the Crown under Royal Prerogative. Commissioners are selected for appointment through open competition and are appointed formally by Royal Warrant following recommendation by the Secretary of State.
6. Commissioners derive their duties and powers from the Civil Service Commissioners (Northern Ireland) Order 1999.
7. Commissioners take collective responsibility for the discharge of their functions, although they operate on an individual basis.
8. They are responsible for maintaining the principle of selection on merit, on the basis of fair and open competition, for recruitment to the Northern Ireland Civil Service (NICS).
9. The Order provides for Commissioners to discharge their responsibilities by:
 - making General Regulations (with the approval of the Secretary of State);
 - publishing and maintaining a Recruitment Code setting out the essential principles on which recruitment to the NICS must be based;

- approving certain exceptions to the recruitment principle of selection on merit on the basis of fair and open competition;
- approving the procedures for appointments through open competition to senior positions in the NICS;
- auditing recruitment policies and practices followed by Departments and Agencies in making appointments to the NICS;
- requiring Departments and Agencies to publish information about their recruitment activity.

10. Under the Order the Commissioners may consider and determine appeals made to them under the NICS Code of Ethics. The Order requires Commissioners to publish annually a report on the number of appeals made to them by civil servants together with summary information as to the nature of such appeals.

11. Commissioners are satisfied that the statutory duty placed upon Commissioners to ensure that the principle of selection on merit on the basis of fair and open competition is maintained can best be discharged by Commissioners chairing all open SCS competitions. Any deviation from this position should be exceptional and will require the advance approval of Commissioners.

RELATIONSHIP WITH THE SPONSOR DEPARTMENT

12. Northern Ireland Office Ministers are answerable to Parliament for the policies and performance of all public bodies sponsored by the Department, including their use of resources and the policy framework within which they operate. This in no way interferes with or undermines the independence of Commissioners in carrying out their statutory functions. The respective roles of the sponsor Department and the public body are set out in a separate Framework Document.

THE ROLE OF THE COMMISSIONERS

13. Commissioners **will**:

- establish the overall strategic direction of the organisation within the Commissioners' Strategic Priorities and Business Plan;
- adopt collective responsibility and decision-making in a way that is open and transparent and in compliance with the Freedom of Information Act, regularly placing in the public domain information about their activities and publishing an annual report;
- exercise their role as Commissioners in accordance with any protocols, guides and frameworks they have collectively agreed;
- adopt and adhere to any NIO policies and guidelines as required, in particular NIO Information Security, Internet and e-mail usage, data handling and gifts and hospitality policies and procedures;

- in reaching decisions, take into account any guidance issued by the sponsor Department; and
- seek to preserve the reputation and independence of Commissioners and to ensure they do not misrepresent the views or actions of Commissioners.

THE ROLE OF THE CHAIRPERSON

14. As well as his or her role and responsibilities as a Commissioner, as outlined above, the Chairperson is responsible for providing effective leadership, encouraging high standards of propriety including adherence by Commissioners to this Code of Practice, and has a particular responsibility for:

- taking part in the appointment of Commissioners, as appropriate, and ensuring that new Commissioners are briefed on appointment;
- formally representing the views of the Commissioners to Ministers, the general public and others, except where this responsibility has been delegated to other Commissioners with the agreement of the Chairperson;
- enabling collective consideration by ensuring that the Commissioners meet regularly and that the minutes of meetings accurately record the decisions taken and, where appropriate, the views of individual Commissioners;
- taking decisions on routine casework / correspondence, on behalf of Commissioners. The Chairperson will ensure that all Commissioners are consulted on non-routine issues;
- undertaking an annual assessment of the contribution of individual Commissioners. The Chairperson will also seek annually an assessment from the other Commissioners on his or her own contribution. Annual assessments will be forwarded to the Director General of the Northern Ireland Office who will arrange for any action necessary arising from them;
- overseeing the work of the Office of the Civil Service Commissioners (OCSC); and
- dealing with any complaints about the Commissioners and the OCSC. Any complaints about the Chairperson will be dealt with by two of the other Commissioners.

15. The quorum for a meeting of the Civil Service Commissioners shall be two Commissioners. If the Chairperson is absent from a meeting, the Commissioners present shall elect one of their number to act as Chairperson of that meeting.

16. The Chairperson may, from time to time appoint a Sub-group(s) to take forward specific aspects of the Commissioners' functions. In such circumstances, the Chairperson shall appoint one of the Sub-group members as Chairperson of that Sub-group.

PUBLIC SERVICE VALUES

17. Commissioners **will**:

- act in good faith and in the best interests of the Civil Service Commissioners collectively;
- uphold the seven principles of public life set out by the Committee on Standards in Public Life, (attached at **Annex A**);
- ensure that high standards of corporate governance are observed at all times;
- ensure that Commissioners and the Secretariat operate within the limits of its statutory authority and any delegated authority agreed with the sponsor Department, and in accordance with Treasury (e.g. Managing Public Money) and departmental guidance on the use of public funds;
- declare publicly any private interests which may be perceived to conflict with their public duties; and
- comply with this Code of Practice.

18. Commissioners **will not**:

- misuse information gained in the course of their public service for personal gain or for political purpose, nor seek to use the opportunity of public service to promote their private interests or those of others;
- hold any paid or unpaid posts in a political party;
- publicly support or criticise a political party in speeches, letters to the Press, books, articles or leaflets; or
- canvass on behalf of a political party.

19. Where they wish to engage in political activities, or comment in public on political issues, Commissioners will be mindful of their public role and exercise proper discretion.

CONFLICTS OF INTEREST

20. Commissioners are appointed on a part-time basis and may hold other positions and have other interests in addition to their roles as Commissioners. They will avoid being influenced, or appearing to be influenced, by their private interests in the exercise of their public duties.

21. Commissioners will report any interest – whether direct or indirect, pecuniary or non-pecuniary, including the receipt of gifts or hospitality – which may influence their judgement, or may be perceived by a member of the public at large to influence their judgement, in the exercise of their public duties. They will also

report such interests of close family members and of people living in the same household.

22. Commissioners **will** inform:

- the Chairperson, if the interest concerns an appeal under the NICS Code of Ethics. The Chairperson will decide, in light of the nature of the interest, whether the Commissioner concerned should withdraw from the appeals process in question and/or discussion of it; and
- the Chairperson, in any other circumstances, will decide, in light of the nature of the interest, on any appropriate subsequent action.

23. The Chairperson will inform other Commissioners and/or panel members about similar relevant interests in his or her case.

DECLARATIONS OF INTEREST

24. Information declared in relation to paragraphs 14 to 19 above, and any subsequent withdrawal of a Commissioner from a competition or appeals process, will be formally recorded and filed with papers relating to the competition or appeal.

25. All other relevant interests will be recorded in the Commissioners' Register of Interests, which will be maintained by the Secretariat. The Register will be made available on the Commissioners' website.

26. Commissioners will not approve appointments to any Department or Agency in which they were previously employed, for at least a year after they leave that Department's or Agency's employment.

OFFERS OF OTHER APPOINTMENTS

27. Commissioners will discuss with the Chairperson any offers of other appointments which they are minded to accept while serving as a Commissioner, or shortly after stepping down, which might raise a question about their independence or impartiality. The Chairperson will consult with the Department and with other Commissioners about similar offers of appointment he or she may receive.

GIFTS AND HOSPITALITY

28. Civil Service Commissioners will not accept gifts or hospitality, or receive other benefits from anyone, which might be seen by a reasonable member of the public to compromise his or her independence or impartiality as a Commissioner. If Commissioners are in any doubt about the propriety of accepting a gift and/or hospitality they will consult the Chairperson. The Chairperson will discuss similar offers with other Commissioners.

29. Apart from trivial items with a value of less than £10, Civil Service Commissioners will record all offers of gifts and hospitality related to their work as Commissioners, whether or not they are accepted, in the Register of Gifts and Hospitality

maintained by the Secretariat. The Register will be made available to the Department, to auditors, and to the public on request for examination.

PERSONAL LIABILITY OF COMMISSIONERS

30. If legal proceedings are brought against any Civil Service Commissioner for Northern Ireland by a third party, the Department will meet any civil liability which is incurred in the execution of their functions, unless they acted recklessly and provided that they have acted honestly and in good faith.

**Office of the Civil Service Commissioners
for Northern Ireland**

THE SEVEN PRINCIPLES OF PUBLIC LIFE

Selflessness

Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other benefits for themselves, their family or their friends.

Integrity

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

Objectivity

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Honesty

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership

Holders of public office should promote and support these principles by leadership and example.