NICS Recruitment and Selection Training

Legislation and Good Practice Guide

Pre-Course and Reference Reading

(Updated September 2021)

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Introduction

This document is designed as a resource to complement the online legislation e-learning package and contains a number of links to websites with further information.

Recruitment and Selection training is delivered by NICSHR Learning and Development training specialists on behalf of the NICS. Training for Recruitment and Selection is delivered in modules:

1. Legislation online e-learning package
2. Interview Standards and Interview Panel Skills classroom based introduction, or
3. Interview Skills and Standards – online webinar.

Individual training needs should be formally reviewed in advance of panel service with refresher training completed every 24-30 months in accordance with Recruitment policy (2.6). The NICSHR Competition Lead should provide dates of panel training for formal recording by HRConnect in the Competition Initiation Meeting (CIM) booklet or retained in competition papers in corporate competitions.

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.

NICS recruitment and selection procedures adhere to the full range of Northern Ireland fair employment legislation. Panel members are required to comply with the legislation and relevant policies to ensure best recruitment practice and that appointments are made on merit in fair and open competition.

Recruitment to the NICS is regulated by the Civil Service Commissioners for Northern Ireland who are independent of Government and the NICS and are responsible for ensuring appointments to the NICS are made on merit on the basis of fair and open competition. NICS recruitment and selection procedures adhere to the Civil Service Commissioners for NI Recruitment Code.

NICSHR, Department of Finance (DOF) publishes a Recruitment to the NICS Annual Report on behalf of all Northern Ireland Civil Service (NICS) Departments and Agencies. This report details recruitment activity across all Departments and Agencies

during the preceding year. Annual Recruitment Reports are available on the NICS Recruitment website.

The Northern Ireland Statistics and Research Agency (NISRA) produces and publishes all NICS recruitment statistics for NICSHR.

Civil Service Commissioners for Northern Ireland

'Ensuring appointment on merit & supporting ethical standards'

The Civil Service Commissioners for Northern Ireland were first appointed in 1923. Commissioners are independent regulators of the Northern Ireland Civil Service (NICS). They are supported by staff assigned by the Secretary of State for Northern Ireland. Under the Civil Service Commissioners (Northern Ireland) Order 1999, Commissioners have a statutory duty to ensure that appointments to the NICS are made on merit, on the basis of fair and open competition (known as the Merit Principle). As regulators, Commissioners have an important role in seeking to ensure that recruitment decisions are free from personal and political patronage or partiality. The legislation requires Commissioners to publish and maintain a Recruitment Code on the interpretation and application of the Merit Principle, including the circumstances in which any exceptions might apply.

The Commissioners' role differs from that of NICSHR (Department of Finance) who are responsible for the provision of strategic HR support the NICS. The Commissioners' Recruitment Code recognises that it is for the NICS to determine the detail of how best to operate in accordance with the Merit Principle and to ensure that policies and practices are consistent with the Code's requirements. It is mandatory that everyone involved in open recruitment and selection to the NICS adheres to the Code.

The Recruitment Code specifies that no-one shall be appointed to a position in the NICS unless that candidate was selected for appointment on merit in fair and open competition and satisfies the appointment requirements prescribed by NICSHR.

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

- requiring the publication of such information as they may specify relating to recruitment and to the use of permitted exceptions to the Merit Principle

In addition to the statutory responsibilities outlined above, Commissioners have a duty to promote equality of opportunity and good relations under Section 75 of the Northern Ireland Act 1998. Additionally, Commissioners may consider and determine appeals made by existing civil servants under Northern Ireland Civil Service Code of Ethics.

Commissioners' Recruitment Principles

Commissioners have identified four Principles which underpin the concept of recruitment on the basis of merit. They form the basis of the NICS approach to recruitment policy and practice and represent Commissioners' expectations for the delivery of effective recruitment by the NICS.

PRINCIPLE 1 – Appointments should be made on merit

- Merit has been and remains the core Principle on which appointments must be made. Making appointments on merit, on the basis of fair and open competition, is critically important to an effective and impartial Civil Service.

- Merit means the appointment of the best available person. No-one should be appointed to a job unless they are competent to do it and the job must be offered to the person who demonstrates that they would do it best.

- This Principle accords with the Civil Service Commissioners (NI) Order 1999 which gives Commissioners a statutory duty to maintain the Principle that '...a person shall not be appointed to...the Civil Service unless the selection...was made on the basis of merit in fair and open competition.'

- Diversity, inclusivity and equality of opportunity are central to the Merit Principle and these must be embraced fully during recruitment processes.

PRINCIPLE 2 – Appointment processes should be fit for purpose

- All recruitment processes and practices adopted by the NICS should be fit for purpose, consistent with appointment on merit, on the basis of fair and open competition and commensurate with good practice.

- This Principle extends to all aspects of recruitment including job analysis, defining job and person specifications, advertising the vacancy and the use of appropriate assessment processes.

- Excellence in recruitment policy, management and practice is a business benefit.

- Commissioners welcome and support innovative approaches to ensure that appointment processes deliver against the Merit Principle.

PRINCIPLE 3 – Appointment processes should be fair and applied with consistency

- Fair means that there is no bias in the assessment of candidates. Selection processes must be objective, impartial and applied consistently.

- Commissioners oppose wholly any form of unlawful discrimination, direct or indirect, active or passive and expect the NICS to adopt a vigorous approach to ensure that this does not arise.

- The NICS has an obligation to treat candidates fairly, to a consistent standard and in a consistent manner. Selection processes and the manner in which they are applied must be demonstrably fair and underpinned by real commitment to diversity, inclusivity and equality of opportunity.

PRINCIPLE 4 – Appointments should be made in an open, accountable and transparent manner

- Open means that job opportunities must be advertised publicly and potential candidates given reasonable access to information about the job and its requirements, and about the selection process.

- Confidence is enhanced by the transparency and openness of the manner with which the NICS deals with candidates at all stages of the recruitment process. Such confidence requires open and active communication on the processes to be adopted, the methods for assessment and the arrangements for constructive feedback.

- By requiring Departments and Agencies to comply with this Code, Commissioners contribute to the development of an effective and impartial Civil Service and expect this to provide assurance to the public that appointments to the NICS are made on merit, on the basis of fair and open competition.

Codes of Practice

The Civil Service Commissioners' Recruitment Code is implemented through use of the procedures detailed in the NICS Recruitment Policy and Procedures Manual.

The Disability Code of Practice published by the Equality Commission for NI also applies. This Code of Practice explains how people with disabilities are protected by the Disability Discrimination Act if they are in employment, seeking employment, or involved in a range of occupations. This Code, and associated guidance, is intended to be a resource for employers and others who seek to understand their duties and responsibilities under the Act and for disabled people who need to know and understand their rights under the disability legislation. A significant feature of the DDA is the duty to make reasonable adjustments.

Both recruitment and promotion are subject to the Fair Employment Code of Practice published by the Department of Economic Development in the mid-1990s on foot of the Fair Employment (Northern Ireland) Act (1989). The following is quoted from that Code (pages 17 and 18).

The Fair Employment Code of Practice asks that employers use systematic and objective recruitment practices in their attempts to find the best person for the job. The Code recommends:

- setting out the basic facts of the job to be filled by preparing a job description that includes the job title, the duties and responsibilities, the conditions of work, pay, prospects etc.

- setting out the requirements to be met by the person selected to fill the job. This is called the personnel specification and includes educational standards and/or qualifications (essential and preferred), previous experience and/or training (essential and preferred), any physical requirements or special aptitudes

- The Code also asks that employers use sound selection and promotion arrangements which should operate so as to ensure the appointment of the best person for the job. Those procedures should involve:

    - deciding on the qualifications, ability and potential ability needed for the job and on their relative importance

  - ensuring that the nature and level of these requirements can be shown to be essential

- advertising the requirements clearly and, in the case of internal promotions, ensuring that all eligible candidates are notified and have an equal opportunity to compete

- applying the requirements fairly and consistently when shortlisting, at interview, and throughout the selection process

- making certain that all candidates are given the same chance to demonstrate their abilities and potential and that uniform standards are applied

- remembering that for younger people or those without experience, potential which can be developed through training may be as relevant an attribute as experience

- ensuring that no extraneous or irrelevant requirements are included in the process

Interviewing Requirements

The Fair Employment Code of Practice requires that:

- A fair and consistent, structured and systematic approach is applied to all stages of recruitment and promotion

- Interviewers are trained in interviewing techniques and in the contents of the Codes of Practice

- Panels are updated in advance

- As far as practicable panels are of mixed gender and community background

- The criteria used are only those advertised

- A consistent scoring system is used

- Irrelevant questions are avoided

- Every stage of the process is documented
- All papers are retained and made available for potential discovery

Attracting Candidates

The Civil Service Commissioners are committed to a principles-based Recruitment Code, Commissioners view attracting a diverse and representative pool of candidates as central to an effective Merit Principle and to meeting the needs of the NICS.

Commissioners expect to see evidence of an active approach to the Merit Principle through:

- measures to help ensure that those applying for posts in the NICS reflect the diversity within the community
- actions to identify and address barriers to broad appeal
- measures to ensure that career opportunities in the NICS are understood by, and appeal to, a wide spectrum of the community
- employment policies and practices are developed and promoted to advance the agenda for diversity and inclusivity
- clear decisions on the appropriateness of the approach adopted in any recruitment competition, including explicit consideration given to opportunities and/or measures to promote or remove possible barriers to diversity, as part of competition planning
- initiatives to ensure that opportunities are accessible across the community,
- targeted measures, as necessary and appropriate, to address under-representation
- the use of external agencies where they can provide added value and deliver benefit to the selection process. Where external agencies are used there should be a clear definition of their role in the process for which the NICS remains accountable and a clear understanding by the agencies of the requirements of the Commissioners' Code.

Advertising

The Civil Service Commissioners' Recruitment Code requires that:

- all competitions are fair and open
- communications are open to allow for equality of opportunity
- communications are open to promote diversity and inclusivity
- decisions are taken and documented on the appropriateness of advertising channels
- advertising and briefing material are accessible, free from bias and correspond with the job and candidate specifications and the process to be followed

The Fair Employment in Northern Ireland Code of Practice requires that:

- internal and external advertising practices are reviewed regularly
- advertisements must not indicate any intent to discriminate
- advertisements should take account of diversity in the population and consideration should be given to outreach measures
- the choice of publications should ensure that a wide cross-section of the community have access
- all applicants are encouraged to apply regardless of race, gender, etc.
- any illustrations should show both men and women doing the job. If that is not possible then illustration should be avoided.
- unisex job titles should be used where possible
- if no unisex job title is available then it should be explicitly stated that the job is open to men and women
- male and female pronouns should be used
- eligibility criteria should be stated clearly
- any intent to shortlist should be stated
- any intention to vary the shortlisting criteria should be mentioned
- any test as part of the selection process should be stated
- positive action advertising should be used where appropriate

Positive Action Advertising

When a recruitment competition is planned, NICSHR conducts an analysis to determine if a particular group is under-represented. This analysis involves comparing whether the NICS workforce and/or its workforce flows (i.e. applicant rates) in a given occupation and grade(s) are in line with the relevant comparable segment of the NI economically active population in the latest Census data. This assessment includes community background and gender. We know from the composition of our workforce that there is an under-representation of young people (under the age of 35), disabled people and people from minority ethnic communities.

Where a lack of fair participation and/or under-representation exists, the NICS is required to consider affirmative measures to address this. The NICS uses Positive Action Advertising (PAA) by including statements in job advertisements and recruitment information welcoming applications for recruitment opportunities from the under–represented group(s). In addition a programme of targeted outreach activity may also be undertaken.

Examples of PAA statements from previous recruitment competitions are:

- *As Protestants are currently known to be under-represented in this grade, applications from the Protestant section of the community would be particularly welcome*

- *As Roman Catholics are currently known to be under-represented in this grade, applications from the Roman Catholic section of the community would be particularly welcome*

- *Applications from Protestants, males, young people (people under the age of 35), people with a disability and people from minority ethnic communities are particularly welcomed for this post.*

- *As women are currently known to be under represented in this grade across the NICS, and as young people (people under the age of 35), people with a disability and people from minority ethnic communities are currently under represented in the NICS, we would particularly welcome applications from these groups.*

All applications for employment are considered strictly on the basis of merit. The purpose of a PAA statement is to particularly **invite applications** from the under-represented groups. Encouraging applications does not mean any advantage will be conferred upon the under-represented group, appointment will still be strictly on merit, in accordance with the Recruitment Code. The PAA has no impact on any stage of the selection process.

The Equality Commission for Northern Ireland

The Equality Commission for Northern Ireland is a Non-Departmental Public Body established under the Northern Ireland Act 1998. The Commission's powers and duties derive from a number of statutes which have been enacted over the last decades, providing protection against discrimination on the grounds of age, disability, race, religion and political opinion, sex and sexual orientation. The Commission also has responsibilities arising from the Northern Ireland Act 1998 in respect of the statutory equality and good relations duties which apply to public authorities.

The Commission's services include;

- Giving advice and support to individuals with potential complaints under the anti-discrimination legislation
- Giving guidance to employers and service providers about their obligations under the law and good practice
- Encouraging public authorities to promote equality of opportunity and address inequalities in fulfilling their equality and good relations duties
- Ensuring that equality considerations are central to decision-making by focusing particular attention on a number of key public policy areas.

The Commission's sponsor Department is The Executive Office which carries responsibilities for equality policy and legislation in the Northern Ireland Executive. The Commission's contact details are available here.

As a public authority, the NICS has due regard to the need to promote equality of opportunity and regard to the desirability of promoting good relations across a range of categories outlined in the Section 75 of the Northern Ireland Act 1998 in carrying out its functions. Each NICS department has its own equality scheme to fulfil its Section 75 obligations and is published on departmental internet sites.

The Department of Finance's Equality Scheme sets out its arrangements for meeting its statutory obligations on the promotion of equality and good relations under Section 75 of the NI Act 1975. This includes NICSHR policies such as Recruitment Policy and Equality, Diversity and Inclusion Policy.

Equality of Opportunity in Recruitment and Selection

There are three broad justifications for practicing equality of opportunity in Recruitment and Selection.

Firstly, there is the **business case.** Being a diverse and inclusive NICS is not only the right thing to do, it delivers better outcomes. Diverse teams and diverse leadership styles lead to better decision making. As civil servants, we are here to serve the people of Northern Ireland and we need to ensure we are representative of the society we serve. In other words, we want the NICS to reflect the entire population, not just parts of it. The people we serve will benefit as we become more representative of our population and our engagement and organisational performance will improve as we embrace people from different backgrounds, bringing fresh ideas, experiences, identities and new ways of working

Secondly, there is the **moral case**. This principle states that we should treat others in the way that we would like to be treated and to treat others with dignity and respect. The NICS is committed to building an inclusive workplace culture where diversity is truly valued at all levels, and where all are treated with dignity and respect. NICS recruitment procedures should be fair and consistent with this and create a level playing field for all applicants. The public needs to have confidence that our practices and procedures reflect this.

Thirdly, there is the **legal case**. Legislation governs how our recruitment procedures should operate. Panelists must comply with legislative requirements and must be able to justify their decisions. Without justification, the NICS is open to the challenge of unfair or unequal treatment, and those challenges may succeed. Further detail on the key Northern Ireland anti-discrimination legislation can be found in Annex A. Additional information is also available at NI Direct - Discrimination.

Panel members are required not to say or do anything that would either give a candidate an unfair advantage or conversely place them at a disadvantage. All panel members are and can be held jointly and / or individually liable.

Any prior knowledge that a panelist has of a candidate cannot be taken into account when awarding or withholding marks.

If you feel that there may be a **conflict of interest** as there is something between you and a candidate that may have an impact on the interview, either negative or positive, consult the competition organiser as soon as it becomes apparent to you and declare your interest or concern.

Remember, the only grounds for evaluating a candidate's suitability for

recruitment or promotion must be their interview performance. The NICS Recruitment Policy and Procedures Manual is a further reference source.

Industrial Tribunals are independent judicial bodies in Northern Ireland that hear and determine claims to do with employment matters. These include a range of claims relating to unfair dismissal, breach of contract, wages and other payments as well as discrimination on the grounds of sex, race, disability, sexual orientation, age, part time working and equal pay. They are costly in financial, resource, business and psychological terms to individuals, organisations and society as a whole.

It is important to note that, unlike other courts, Tribunals can consider hearsay evidence and can make inferences.

The issue is often not what a panel member **meant or intended** by what they said or did. Tribunal decisions can be made on the impact on the candidate by what a panel member said or did. There is no limit to the amount of compensation which can be awarded in cases of unlawful discrimination.

Behaviours, actions or words that breach the Equality, Diversity and Inclusion Policy will not be tolerated and will be dealt with in line with NICS Disciplinary Policy.

To avoid or minimise challenge panelists must follow the best practice procedures outlined in these guidelines, covered in training and set out in NICS policies and procedures.

NICS Equality, Diversity and Inclusion Policy

The NICS Equality, Diversity and Inclusion Policy states, '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 dependents, sexual orientation and age.

In order to provide a high quality service 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 candidate 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.

These principles of equality, diversity and inclusion are considered when HR policies are being developed and reviewed. Management and Trade Union Side are fully committed to the policy and endeavour to ensure its full implementation. Equality, Diversity and Inclusion Policy NICS Handbook 6.05 refers.

Diversity – NICS People Strategy 2018-21

The NICS People Strategy 2018-21 'places diversity and inclusion at its centre. It includes a range of actions designed to help to develop a truly inclusive workplace culture and a service that reflects the society we serve.'

The People Strategy sets out our vision for an NICS where everyone plays a part in improving the lives of people in Northern Ireland. A well-led, high-performing and outcomes-focused NICS; a great place to work, where everyone can reach their full potential; and an inclusive workplace where diversity is truly valued.

The People Strategy sets out our commitment to:

- Deliver evidence-based interventions and targeted action to improve balance and at all levels across the NICS including delivering our Gender Action Plan
- Include diversity and inclusion standards within our performance and capability frameworks and each department and profession to set out priorities for increasing diversity and inclusion.
- Make it easier for people to record their diversity information and encourage them to do so.
- Promote and better communicate the positive behaviours we expect of all our people in an inclusive culture which is intolerant of discrimination, bullying and harassment
- Deliver more apprenticeships in the NICS
- Deliver a health and wellbeing framework with a focus on mental health and support for colleagues facing challenging life events
- Establish a process to measure progress on diversity and inclusion and regularly publish a data dashboard on diversity and inclusion outcomes within departments and across the NICS.
- Ensure support for staff networks so that they can continue to play a critical role in achieving our ambitions for diversity and inclusion.
- Ensure our people have working environments that are conducive to them performing at their best.

A review of NICS resourcing covering all aspects of recruitment, selection and vacancy management is currently underway. It is anticipated that this will expand the resourcing mix in the NICS, including the use of secondments, management development and apprenticeship schemes and other initiatives such as work placements and pre-employability programmes. This work, along with outreach and marketing activity aims to attract as broad an applicant pool as possible, and help to build NICS diversity, capacity and capability.

NICSHR Resourcing is responsible for resourcing matters and associated policy development,

such as recruitment policies, plans and initiatives and the application of diversity and inclusion policies in recruitment.

Further information on equality, diversity and inclusion is available from the NICS Equality, Diversity and Inclusion intranet page.

Reasonable Adjustments for Disabled Candidates

The NICS is committed to disability inclusion and is Lead Partner of Employers for Disability NI (EFDNI).

We wish to ensure all applicants have the opportunity to perform to the best of their ability. All applicants are invited to identify on the application form if, due to disability or long term illness, they require any reasonable adjustments to enable them to participate in any part of the recruitment and selection process.

Where an adjustment is requested, suitably trained HRConnect staff manage the request, liaise with the applicant and seek advice from professional experts as appropriate to determine the reasonable adjustment. Adjustments will be tailored to suit the individual needs of the applicant and can take many forms.
It is HRConnect's responsibility to ensure that panels are briefed on any adjustments or awareness training that panel members may require.

A situation may arise where a candidate, who has not requested a reasonable adjustment in advance, makes a request upon arrival at the interview. If this occurs, the panel has to consider all the information available to it at that time and decide if the request is reasonable. The panel may also wish to contact the HRConnect Recruiter in the first instance or the NICSHR Competition Lead to seek advice on what reasonable adjustment(s) should be made. The chairperson must clearly document the panel's decision to grant or decline an adjustment request.

All requests for reasonable adjustments to participate in any stage of the selection process are fully considered in accordance with our obligations under the Disability Discrimination Act (DDA) 1995. Further information on reasonable adjustments is available at: Recruiting and Appointing People with Disabilities Policy

There may be candidates who have a disability but who do not request any reasonable adjustment. Many disabled people do not need any adjustments. Panels should not assume that all disabled people need help or that they know what they need. It is best to ask first if help is needed and to offer help by asking "Tell me how I / we can help". It is also important to also remember that not all disabilities are visible.

The Disability Code of Practice requires that disabled candidates are treated no less favourably than others. The Code, and associated guidance, outlines the duties and responsibilities under the DDA including ensuring no discrimination in the employment of employees.

Interviewers are not required to treat disabled people more favourably, rather to make reasonable adjustments to ensure they are not placed at any disadvantage compared

to non-disabled candidates. Panel members should focus on the person they are interviewing not the disability. When interviewing a disabled candidate, panel members should also use the same interviewing techniques and manner that they usually do. A range of good practice considerations for some disabilities are set out in Annex B.

Panelists should not attempt any assessment or evaluation of the extent or impact of any disability or make any assumption about it.

A candidate's disability must not be a feature of consideration in the rating of their interview. As with all candidates, answers are rated against the agreed scoring framework.

Disability Awareness training is also available online to all interviewers via LInKS (the Learning and Development portal accessible 24/7). When a panelist becomes aware that there is a person attending for interview with a particular disability, it is best practice to refresh their knowledge and understanding.in advance of the interview. NICSHR Competition Leads, HRConnect and panel members should collectively ensure that panels have up-to-date recruitment and disability awareness training to properly equip them for their role.

Feedback

Panel members must ensure that all notes taken are legible and relate only to the questions and answers used during the interview. These notes will be provided to candidates who request feedback on their performance at interview. Panel members should be aware that a reasonable adjustment may require them to provide written copies of their notes.

Panelists should also be aware of their responsibilities to provide feedback in keeping with the Civil Service Commissioners' Principles. ALL Candidate Information Booklets in respect of ALL NICS vacancies should contain the following statement:

"The Northern Ireland Civil Service is committed to ensuring that the processes used to recruit and select staff are fair and in accordance with the principles of the Civil Service Commissioners Code. We are consequently committed to providing feedback in respect of decisions taken in determining eligibility/shortlisting as well as at interview. Feedback in respect of eligibility/shortlisting will be communicated automatically to those candidates who fail to satisfy any criteria. All requests for feedback are welcome".

Paras 6.4, 8.4, 8.7 NICS Recruitment Policy & Procedures Manual refer.

Complaints

Procedures for complaints (external competitions) in the NICS Policy & Procedures Manual Complaints Process.

Procedures for appeals (internal competitions) are outlined in the Career Opportunities and Promotion Policy (1.05).

Annex A

Equality Law: Key Employment Anti-Discrimination Legislation

All employers in Northern Ireland are obliged to comply with a number of laws that seek to promote equality of opportunity in employment by banning unlawful discrimination and harassment. These laws are:

- Equal Pay Act (NI) 1970
- Sex Discrimination (NI) Order 1976
- Fair Employment & Treatment (NI) Order 1998
- Disability Discrimination Act 1995
- Race Relations (NI) Order 1997
- Employment Equality (Sexual Orientation) Regulations (NI) 2003
- Employment Equality (Age) Regulations (NI) 2006
- Employment Rights (NI) Order 1996

Together the laws ban discrimination and harassment in relation to the recruitment of new staff, opportunities for career development for current employees, the terms and conditions of employment, including pay, termination of employment and how workers behave towards each other.

Equal Pay Act (NI) 1970

The purpose of this law is to promote the principle that **men and women** should receive ***equal pay for equal work***.

Sex Discrimination (NI) Order 1976

This law bans discrimination on the grounds of *sex* in all areas of the employment relationship that are not covered by the *Equal Pay Act (NI)*; e.g. it bans discrimination and harassment in relation to the recruitment of new staff, opportunities for career development for current employees, termination of employment and how workers behave towards one and other. The *Sex Discrimination (NI) Order* does not only ban discrimination and harassment on the grounds of sex. It also bans discrimination and harassment against:

- women on the grounds that they are or were **pregnant** during a “protected period”.
- women on the ground that they are taking, or have taken, or intend to take statutory **maternity leave**;
- men or women on the grounds that they are **married or in civil partnerships**;
- men or women on the grounds that they have undergone, or are undergoing, or intend to

undergo **gender reassignment**.

Fair Employment & Treatment (NI) Order 1998

This law bans discrimination and harassment on the basis of religious belief, similar philosophical belief and political opinion and directs that the employer's personal prejudices or beliefs should form no part of the selection process.

Disability Discrimination Act 1995

The main purpose of this law is to ban discrimination and harassment in employment against disabled people. It imposes a special duty on employers to make *reasonable adjustments* for disabled people. The main purpose of this duty is to remove or reduce physical, procedural and attitudinal barriers that prevent disabled people from enjoying the same quality of opportunity in employment that non-disabled people enjoy.

Race Relations (NI) Order 1997

This law bans discrimination and harassment on the grounds of race, colour, nationality or ethnic or national origins. The Order also bans discrimination against the Irish Traveller community.

Employment Equality (Sexual Orientation) Regulations (NI) 2003

This law bans discrimination and harassment in employment on the grounds of sexual orientation. It also outlaws treating someone less favourably because of opinions based on incorrect assumptions about their sexual orientation or because they are associated with people of a particular sexual orientation.

Employment Equality (Age) Regulations (NI) 2006

This law bans discrimination and harassment in employment on the grounds of age, including perceived age in the areas of employment, vocational training and further and higher education.

Employment Rights (NI) Order 1996

This legislation includes a section on access to employment which details that it is unlawful to refuse employment to someone because of trade union membership (or lack of).

Anti-Discrimination Legislation – Common Terms

The anti-discrimination legislation listed above contains common terms or provisions

which are set out below.

Discrimination (direct and indirect)

Discrimination is unlawful when someone is treated less favourably or unfairly compared to others on the grounds of a protected characteristic, in other words their gender (or gender re-assignment), marital status, religious belief and/or political opinion, race, disability, age or membership /non-membership of a Trade Union. It can be direct – when people are treated less favourably because of a protected characteristic, or indirect – when a condition or requirement is applied equally to all but which is harder for one group to meet than another or which has a disproportionate or otherwise detrimental impact on them and cannot be justified. A failure to make a reasonable adjustment for a person with a disability is also a form of discrimination. For further reading see NIDirect Discrimination.

Victimisation

This occurs where an employer treats an employee or job applicant less favourably than they treat (orwould treat) another person, in the same or similar circumstances, because the person has previously exercised their rights under the anti-discrimination laws, or has assisted another person to do so.

Victimisation cannot be justified and is always unlawful.

Harassment

Harassment occurs where a job applicant or employee is subjected to unwanted, unreasonable and offensive conduct that is related to a statutory equality ground with the purpose, or which has the effect of, violating their dignity or of creating for them an intimidating, hostile, degrading, humiliating or offensive environment.

The Anti-Discrimination Grounds

The laws ban discrimination and harassment in employment on the following grounds where any less favourable treatment which they might receive is based on these characteristics or reasons.

- sex
- pregnancy and maternity leave
- religious belief or similar philosophical belief
- political opinion
- race, colour, nationality, ethnic or national origins

- sexual orientation
- age
- disability
- marital status
- have undergone, are undergoing or who intend to undergo gender reassignment

Further information on the key anti-discrimination laws is available from the Equality Commission.

Annex B

Disability Good Practice Interview Considerations

HR Connect will have agreed any reasonable adjustments in advance of the interview with the candidate. Panel members will be informed accordingly of any agreed reasonable adjustments.

If a reasonable adjustment has been agreed, you should familiarise yourself with it in advance and in particular your role in implementing it.

The general rule is that you should always offer to assist a person. Do not feel that you are highlighting the fact that the person has a disability. They will not be offended, and will say no if assistance is not needed, and will feel more confident in using any assistance that is needed.

Mobility Disabilities

If the candidate is a wheelchair user, you should not assume they need assistance to move about or that they have another disability. You can offer to assist if needed, for example, “If there is any way I can be of assistance, let me know”, and also pre-empt any difficulties, in a courteous way, “Can I get the door for you?” (if doors are not semi-automatic).

As part of the discussion around reasonable adjustments, the type of seating which is best for the candidate should have been discussed, for example, for some a stool works, for others a high-backed chair. A chair with arm-rests may be useful for candidates with walking difficulties. This will help with sitting down/standing up, and provide assurance for those with balance issues. If someone uses crutches or walking aids, offer to help with bags, get the door etc.

Some people experience pain if they sit for longer than their individually-preferred time. Therefore if as a reasonable adjustment, it has been agreed that the candidate can stand or move around (within reason) during the interview, then you should inform them at the start of the interview.

Candidates with a visual impairment

The RNIB Sight Awareness e-learning training is helpful for panels interviewing candidates with sight loss.

Ensure you keep the room free of clutter and obstacles, particularly on the floor. You should offer to guide the candidate to the interview room and within the building.

The panelist bringing the visually impaired candidate into the room should

identify themselves clearly and introduce others in the room.

The panel member may need to describe the room, its layout and furniture and explain where they have placed items. Ask the candidate before shaking hands and guide the candidate to the chair and put one of their hands to the back of the chair – giving a verbal description of what you are doing as you proceed.

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Chairing/managing the discussion is important, each panelist should identify themselves and ensure only one person speaks at a time

Don't make assumptions. For example, not all blind people read braille and not all partially sighted people like a brightly lit room. Needs will vary from person to person.

When the person is seated and settled, check if any alterations to the seating or position in room need to made and, if not, that they are happy to proceed.

Candidates with a hearing impairment

Ensure the room is well lit as sign language is visual and that the faces of the interviewers are not in shadow. Check with the candidate and sign language interpreter (if present) that the room set-up is appropriate and adapt if required. Make sure background noise is kept at a minimum.

If the candidate with hearing loss communicates that they use lip reading, then ensure that you maintain good eye contact and have the interviewee's attention before you start speaking – announce that the interview shall now commence.

Wait until the person is looking at you before speaking. Speak at a natural and normal pace though slow down slightly if you naturally speak fast. . Do not exaggerate lip movements or shout as this will distort understanding. Make sure that your hands are kept away from your mouth and do not turn away whilst speaking. If you have a moustache and beard, tame the hair away from the lips so that they are clearly visible.

Use complete sentences rather than one-word comments. In line with normal interview practice, introduce the topic that each question section relates to as you go through the interview and also the individual interviewer who will be asking them. Clarify and repeat if necessary. Re-phrase the question, if the person is not clear what is being asked, whilst keeping the essence of the question.

HR Connect will have arranged the candidate's preferred interpreter [British Sign Language (BSL) or Irish Sign Language (ISL)] if required. Interview questions may be provided to the interpreter only, immediately in advance of the interview, long enough to allow the interpreter to be able to translate these to BSL/ISL and aid smooth communication.

Do not look at or consult with the interpreter during the interview, unless absolutely necessary. Keep your focus on the candidate; remember they will be looking mostly at the interpreter.

The interpreter may interrupt if they need to seek clarification e.g. professional jargon, abbreviations etc.

Throughout the interview, maintain good eye contact when communicating with the candidate with hearing loss. Further information is available from Action on Hearing Loss.

Candidates with speech impediments

If the candidate has a stammer try to put them at ease and take your time. Speak normally, though it may help if you slow down a little. Do not finish candidates' words or sentences.

Reassure with gentle eye contact, relaxed body language, nodding, affirmations etc. Being patient and positive will help ease anxiety, promoting fluency.

Additional time may be needed by way of a reasonable adjustments on the direction of the professional expert. If this adjustment has been agreed you must ensure it is facilitated.

Dyslexic Candidates

Reasonable adjustments agreed with the candidate and the professional expert may include:

- The candidate having advance viewing of the questions. or questions presented verbally and electronically during the interview, followed by a verbal response
- Additional time for the interview;
- The candidate visiting the room prior to the interview or receiving information on the lay-out, interviewers etc.
- Allowing the use of prompt cards or notes, or an advocate to assist with the interview or the use of scrap paper for the candidate to write and make own notes during the interview. Whilst the use of notes is not permitted in interviews, they may be used in the process as a reasonable adjustment.
- Breaking multi-part questions into steps, asking only one at a time

Panel members should be patient, repeat and clarify questions if needed.

Autistic Candidates

Interviewers should develop an understanding of Autism Spectrum Disorder and how it is likely to affect the individual. The ASD Awareness e-learning is available through LInKS to panels interviewing a person on the autism spectrum.

Candidates with autism may need tailored adjustments as it is a spectrum condition, however common features include needing time to process questions, candidates taking a literal interpretation of questions or statements, having difficulty making eye contact, being easily distracted or losing track of what they were asked. Panelists should use plain English and clarify, repeat and check understanding.

If the person appears uninterested, says the 'wrong' thing or interrupts, you should understand that this may be due to a lack of understanding of interview norms and social cues due to their autism. They are not being rude.

Questions may need to be rephrased/changed as people with autism may find it difficult to predict what will happen next, make plans, prepare for and deal with change, cope with unfamiliar situations, deal with hypothetical situations, think in abstract or conceptual ways.

The adjustment process should identify these in advance of the interview but be prepared to adapt in the situation if needed. You should ask one question at a time. Should a candidate focus on their answer and elaborate beyond what is necessary, or for a longer time than is appropriate, gently interrupt stating that they have answered that question and you would like to ask the next question. Then proceed.

The candidate may wish to have advance viewing of the questions or visit the room prior to the interview, get information on the lay-out, interviewer etc. This can also be done via photographs or virtually via one of the video conferencing platforms such as Webex. A candidate who is on the autism spectrum may also ask for an advocate to assist with confidence and provide prompts when, due to their autism, they cannot express skills/experience to fullest extent.

Consideration of the interview environment is also important. Sensory difficulties may present a problem for many candidates with Autism (sight, sound, smell, texture of chair fabric etc) so, while the adjustment process will have identified all or some of these, some may present on the day and may cause the candidate to feel overwhelmed, unable to perform at their best or proceed. Try to adjust there and then (e.g. open window to reduce room odour). The Panel Chair will need to contact HR Connect if the interview is unable to proceed. The candidate should be informed that HR Connect will consider the next steps, and will liaise directly with them.

Candidates with mental health disabilities

The candidate may need to have advance viewing of the questions. They may also need to visit the room prior to the interview, obtain information on the lay-out, interviewer etc. This can also be done via photographs or virtually via one of the video conferencing platforms such as Webex.

Additional time may also be needed for the interview itself and some flexibility to assist with those with concentration/memory difficulties.

Whilst the use of notes is not permitted in interviews, as a reasonable adjustment, a candidate with a mental health disability may be able to use blank paper to write notes or key words from questions asked in order to help keep their mind on track; some may prefer a prompt with them for this purpose. Some candidates may also benefit from the presence of an advocate who provides additional emotional support to help lower anxiety.

Should a candidate become highly emotional during their interview due to their mental health condition advise that, in instances like this, some people benefit from a short break, offer the break, possibly along with refreshments (e.g. glass of water) and then resume the interview. It may be necessary to reschedule the interview if they are unable to continue. If the interview is unable to proceed, the Panel Chair will need to contact HR Connect. The candidate should be informed that HR Connect will consider the next steps, and will liaise directly with them.

Unforeseen Events

If an unforeseen event, such as a noise or fire alarm, disrupts the interview and/or affects the disabled interviewee it may be necessary to hold a short break before reconvening. Ensure any support that is needed is identified, provided or made available to the disabled candidate during this period for example, someone to sit with in the interview waiting area, or access to a quiet room to decompress etc.

Whilst particularly relevant for candidates with hearing loss, on the autism spectrum or with mental health issues, background noise should be kept to a minimum for all candidates.