

THE CODE GOVERNING THE APPOINTMENT OF SPECIAL ADVISERS

Version	Date	Context	Owner	Date of next Scheduled Review
1.0	January 2020	Following <i>New Decade New Approach</i>	David Hughes	
1.1	August 2021	Amendments following the Functioning of Government Act 2021	David Hughes	August 2024

THE CODE GOVERNING THE APPOINTMENT OF SPECIAL ADVISERS

1. This statutory Code is issued under Section 8 of the Civil Service (Special Advisers) Act (Northern Ireland) 2013 and governs the appointment of Special Advisers, including the requirements for vetting set out in that Act.
2. Special Advisers are appointed to temporary positions in the Northern Ireland Civil Service, but their appointments are exempt from the normal requirement that civil servants are appointed on merit on the basis of fair and open competition.¹

Job Description

3. The primary function of a Special Adviser is to advise the Minister. In support of that function, a Minister may require a Special Adviser to undertake a range of functions.
4. The role of the Special Adviser is set out in the Code of Conduct.

Appointment

5. A Special Adviser is appointed by the Minister as Appointing Authority.
6. The Appointing Authority must ensure that the appointment is made in accordance with the law and with the terms of this Code.
7. The legal framework governing employment in Northern Ireland applies to the appointment of Special Advisers, including anti-discrimination laws.
8. Reflecting the personal nature of the special adviser appointment, this Code sets out the formal requirements for the appointment from the point at which the Minister advises the Department of the name of the person they have chosen to be their special adviser.

Terms and Conditions

9. Special Advisers are subject to NICS terms and conditions, with specific exceptions based upon their special status.

Vetting

10. Anyone proposed for appointment as a special adviser:
 - a. must be subject to the same vetting procedures as persons to be appointed as Senior Civil Servants to the NICS;

¹ Article 3(2)(b) of the Civil Service Commissioners (Northern Ireland) Order 1999.

- b. must not be subject to further vetting procedures if they have been subject to the vetting procedures in accordance with section 3 of the 2013 Act.

Duration of Appointment

11. Unless terminated earlier, a Special Adviser's appointment ends when the Appointing Authority ceases to hold office, whether permanently or temporarily. The end of the appointment might be caused by an Assembly election or a reshuffling of ministerial portfolios. In such situations, a Minister returning to his/her former department or moving to a different department may wish to reappoint his/her former Special Adviser; re-vetting would be required to determine whether a re-appointment can be made. The Department should make arrangements for AccessNI to carry out a new criminal record check.
12. If, at any time after a special adviser is appointed (and whether or not the appointment has taken effect), a senior officer in the Department of Finance is satisfied that a person exercising functions in respect of the appointment did not have regard to this code, the Department of Finance must as soon as reasonably practicable after that time give the special adviser notice terminating the appointment with effect from the giving of the notice, but this—
 - (a) does not apply if the appointment otherwise terminates before the notice is given, and
 - (b) is without prejudice to the person's rights (if any) to payment in lieu of notice.

Department of Finance

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