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From: THE PRIVATE SECRETARY



RS

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Michael Alexander Esq  
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21 December 1979

Dear Michael,

As I said on the telephone the other day, I am hoping you might have time during the Recess to spend a day in Northern Ireland to have a closer look at the political situation there. Whether that proves possible or not, it was clear from what you said that you would like some general background on the subject. An essential starting point, which is not in general thoroughly reported by the Great Britain press, is the current state of the political parties (you will know the position with regard to the Conference from my letter to you of 20 December, copied to OD members).

It is essential to bear in mind that the political parties in Northern Ireland are an indigenous growth, unique to the Province, and perpetually shifting around the two polarities of Irish national Catholicism and Protestant unionism: Ulster politics can never be identified with Westminster politics. This remains true even though some of the Northern Ireland parties are represented in the House of Commons.

In their different ways most of the major Northern Ireland parties suffer from considerable internal strains; and the history of the last ten years provides examples of leading politicians who got too far out in front of their party (or "polarity") in one way or another. The most recent example of this is the SDLP. The party itself has always been an amalgam of those concerned primarily for social betterment (their main strength being found in and around Belfast) and those who are primarily concerned with realising the nationalist republican ideal of a united Ireland. Gerry Fitt came into the first category, and, while the occasion for his resignation from the leadership and the Party was a difference of opinion about attending the forthcoming Political Conference, this was only the culmination of longer standing tensions relating to the second, and to his very individual style of "leadership". John Hume has ironically brought the party round to attendance at the Conference on the basis of purely procedural "concessions" by the Secretary of State; but even John Hume was at one point in

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danger of taking his Party too much for granted, and he has had to make the absolute maximum (and perhaps a bit more!) out of the points he agreed with my Secretary of State (annexed to my letter of 20 December) in order to convince the Republican wing of his own party that he is still on their side. The party's internal stresses will no longer be reflected at Westminster, since Gerry Fitt now sits as an Independent Socialist, unless he is persuaded to go back into the SDLP - not impossible but perhaps unlikely in the short term while he goes on emphasising that John Hume has agreed to go to the conference on terms almost indistinguishable from those on which he would have attended.

The Ulster Unionist Party - the Official Unionists - present something of the same pattern in a reversed way. Judging by the recent Marplan Survey, which suggests that 84% of the people in the Province want the major political parties to attend the Conference, a large number of the people who normally vote for the Official Unionists must disagree with the decision of their leadership not to attend. It seems that Mr Molyneaux, under the influence of Mr Enoch Powell, but backed (unenthusiastically in some cases) by his fellow party members at Westminster, has got out of touch with his grass-roots. So far there is no sign of his acknowledging this to be the case. Here again, the picture presented at Westminster does not truly reflect what is going on underneath in the Province. The elections to the European Parliament showed this, since Dr Paisley could only have secured his commanding lead with the support of many people who would count themselves as Official Unionists.

The Democratic Unionist Party appears to be somewhat more coherent under the very personal leadership of Dr Paisley, and it is a remarkable demonstration of the OUP Westminster leadership's disconnection from their supporters that it is Dr Paisley who can now present himself to the world as the moderate man of Ulster who is prepared to come and sit down and talk with the republicans! He will have to tread carefully as such, partly because his present power derives largely from his past successes in destroying the "unacceptable" and partly because there will be some among his party faithful who will not take kindly to anything which smacks by compromise arrived at for reasons of realpolitik. But we have good reason to believe that he is very impressed by the Government's - and especially the Prime Minister's - determination to move politically and equally determined not to miss the chance this offers him.

Politicians in Northern Ireland delve into ancient history at the slightest provocation. Without going that far, it is worth emphasising that the troubles of the last ten years started with a civil rights movement directed at religious discrimination: that discrimination was most acute, and most difficult to deal with, at local authority level. As a result, underlying all the political activity in the Province the perception of the minority community and it is impossible to argue that it is without justification that the only form of local government now operating in Northern Ireland, the 26 District Councils, frequently behave in a discriminatory manner. There is plenty of

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Local government  
chapters and verses to quote from and I append an extract from the PCA's report as illustration. This all happens in spite of the fact that legally any act of discrimination by a public body is automatically null and void. The truth is that discrimination effectively operates in various and subtle ways and is by no means always amenable to legal process. A local council can discriminate at least as much by what it decides not to do (often for plausibly respectable reasons) as by what it actually does. It is for this reason that proposals to give the District Councils powers akin to normal and exercised by normal local government majority rule is political dynamite - and a very real threat to security.

The fact is that Westminster Ministers and Whitehall officials are - up to a point - trusted by the minority and majority communities and recognised on both sides as properly objective and even-handed. And, by Direct rule, they are seen to be applying the same principles to the central administration of the province. But they have had much less impact on the functioning of local government at the District level and NIO Ministers have been giving much thought to how we can make the anti-discrimination measures bite. It is not easy. If fears of discrimination live on under District Councils whose powers are limited to refuse collection and recreation facilities, what would it be like if they got their hands on housing or personal social services? The reality is that there are still very sectarian attitudes at work in some Councils.

If this background is ignored, then an upper tier of local government to fill the gap between the District Councils and Central Government looks like simple common sense; and in purely administrative terms so it is. But as long as it implies untrammelled government by the majority - which always means in Northern Ireland the Unionist majority - it inevitably arouses deep fears and anxieties among the representatives of the minority.

The SDLP, although they commanded only 19.7% of the votes at the last general election, are the main representatives of the minority, and have to be treated with sensitivity, while at the same time the majority - who have their rights too! - must not be alienated. This is something which has to be borne continuously in mind, and explains why we in the NIO take what may sometimes seem to others to be a pedantic interest in the precise language in which the Government clothes any references to the Northern Ireland scene. And we do it because lying behind politics and political tensions are sectarian communities with plentiful supplies of arms and ammunition and a willingness to use them, both on each other and on the security forces.

Yours ever,

R. A. Harrington

R A HARRINGTON

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24. My investigation did not, however, confirm the complainant's suspicion that religious discrimination had determined the Council's decision. Although two of those present at the interviews suggested independently that when it came to light that one of the complainant's 'O' levels was in Irish—often regarded as an indication that a person has attended a Roman Catholic School—there had been a noticeable loss of interest in him as a candidate, there was nevertheless considerable unanimity on the part of Councillors, both Roman Catholic and Protestant, that the complainant gave the impression that he was not really interested in the post. And in view of the fact that the decision not to select the complainant was unanimous and unanimously explained I am satisfied that religious discrimination was not a significant factor in that decision.

25. Having established that there was maladministration by the Council I had to consider whether there had been any injustice to the complainant.

26. Accepting that the Councillors were unaware that the complainant was the only candidate who should have been interviewed, the task before them was to decide which of the candidates was the best for the post. In this matter qualifications should be an important consideration, but it not infrequently happens that a less well qualified candidate is preferred on grounds of personal qualities or other factors assessed in the interview. In such circumstances failure to appoint the best qualified candidate may give rise to suspicions, but when, as in the present case, there is unanimity as to legitimate considerations having applied I would not be justified in stating that maladministration in the selection had been proved. In my opinion the question as to the complainant's enthusiasm for the post was a legitimate consideration.

27. Under the terms of the advertisement, however, Mr A should not have been interviewed at all and my enquiries with the Councillors individually indicated that if Mr A had not been seen or if he had refused the post some would have wished to re-advertise and some would have favoured the complainant's appointment, with the result that there was about a 50-50 chance that he would have been offered the post. I considered, therefore, that the complainant had sustained a measure of injustice as a consequence of the maladministration by the Council in not adhering to the terms of its advertisement and that for this he would be entitled to receive some monetary compensation. However, the complainant has informed me that my report and its acceptance by the Council are sufficient recompense to him and he does not wish for anything further.

**Case No. 481/76—Complaint against Cookstown District Council concerning the appointment of a Clerk/Typist.**

1. The complainant wrote to me on 25 November 1976 about the failure of Cookstown District Council to appoint her to the post of Clerk/Typist on the Swimming Pool staff at Cookstown for which she had been short-listed. She alleged that the person appointed was less well qualified for the position than herself and that the Council discriminated against her because she was a Roman Catholic.

2. The Clerk to the Council was notified of the complaint, and he replied that he did not agree that the person appointed was less well qualified for the position than the complainant and that no mention of religion was made either on the application forms or at interviews.

3. I obtained from the Council copies of all documents relative to the filling of the post and certain other documents which I requested. I interviewed the then Chairman of the Council and the Clerk to the Council, the Council's Solicitor being present. I also interviewed individually those members of the Council who had taken part in the selection of the successful candidate.

**The Selection Procedure**

4. The post was advertised in the local press in the last week of August 1976 in the following terms:—

“Applications are invited for appointment to the undernoted positions at the Council's Swimming Pool which is to open shortly.

CLERK/TYPIST (1 vacancy)

Salary Scale Clerical CI (figures quoted)

The person appointed will be a competent typist who will also require to act as relief Cashier. Ability to deal with the public is essential.”

A Job Specification for issue to candidates described the duties of the post in more detail and also, under the heading “*Desirable Qualifications*” listed the following:—

“Competent Typist preferably with Stage II RSA

Proficiency in Shorthand would be an advantage

A knowledge of filing and accounts desirable.”

5. In reply to the advertisement 36 applications were received, and these were placed before the Council's Establishment Committee at a meeting on 23 September. The minutes of that meeting record that each Member was supplied with a copy of the Council's Code of Employment Procedure. The minutes also record that each application was considered by the Committee and on the recommendation of the Interviewing Panel 23 candidates, including the complainant, were short-listed for interview. The Interviewing Panel in question consisted of the Clerk to the Council, the Assistant Clerk and the Baths Manager. The candidates who were eliminated at this stage were not interviewed but consisted of those who resided outside the Cookstown District and those whose applications appeared to the Panel to be of a lower standard.

6. The candidates who had been short-listed were invited to attend for typing tests and interviews on 1 and 4 October. In the event 19 candidates attended. A typing test in two parts was given and the papers of the candidates were collected as evidence of their proficiency in shorthand and typing. At the interviews the Clerk asked all the questions while his two colleagues marked interview record sheets on which they assessed the candidates under the six headings of: Appearance, Education, Intelligence, Emotional Adjustment, Personality and Employment Experience. These sheets were also preserved.

7. As a result of the tests and interviews, the Panel drew up a further short-list of 11 names, including the complainant, any of whom they considered would be suitable for the vacancy. The test papers and record sheets have been scrutinised by my staff and I am satisfied that this selection, so far as it went, was carried out in a fair and reasonable manner. I noted, however, that the typing test papers had not been assessed by any system of numerical marking and that a number of the typing errors made by the candidates, including the successful candidate, had apparently been overlooked as they were not marked with a red pen like the other errors.

8. The Establishment Committee of the Council met again on 22 October for the purpose of appointing staff for the new Swimming Pool. The minutes of that meeting record that one of the two Roman Catholic Councillors present commented that he would like to see “job sharing” between Roman Catholics and Protestants for the various posts. There was evidently no response to this proposal from the Unionist Councillors present.

9. The minutes of the meeting record that the appointment of a Clerk/Typist was made in the following manner. Two Unionist Councillors proposed and seconded the appointment of one candidate. An SDLP Councillor proposed and an Independent Councillor seconded another candidate, who was not the complainant. A vote was then taken by a show of hands, and there were three votes for the Unionist-proposed

candidate and two votes for the SDLP-proposed candidate, the former being then declared appointed. The Chairman of the Council did not cast a vote and the other members present were 3 Unionist Councillors, 1 SDLP Councillor and 1 Independent Councillor.

10. I ascertained that in making this appointment in the manner described above (and indeed all the other appointments made by the Establishment Committee that day) the Council was in breach of its own Code of Employment Procedure. Paragraph 5 of the Code reads as follows:—

“Applications shall be submitted to and considered by an Interviewing Panel. If there are 3 or less applicants holding the required qualifications all should be interviewed by a panel of not less than 2 persons. If more than 3 possess the requisite qualifications the panel is empowered, at its discretion, to interview all such candidates or draw up a short-list of not less than 3 such candidates and interview those short-listed. The interviewing panels should be composed as follows:—

- a. Trainee Grade post and posts with salary maxima not exceeding the maximum for the time being of Clerical Division CII—The Clerk and the appropriate Head of the Department or other senior officer nominated by him.
- b. Posts carrying a salary scale exceeding a. but excluding c. . . .
- c. Designated Chief Officers, Heads of Departments . . .

The interviewing panels shall make all appointments in sub-paragraph (a) . . .”.

11. The post of Clerk/Typist and the other appointments which were made on 22 October by the Establishment Committee clearly fell within sub-paragraph (a) of the above passage, and therefore the appointments should have been made by an Interviewing Panel consisting of the Clerk and either the Recreation Officer or another senior officer nominated by the latter. It was directly contrary to the Code that these decisions should be taken by elected Members of the Council. The Councillors concerned informed me that, although they were aware that a Code of Employment Procedure had been adopted by the Council soon after it was first set up, they were unaware of its provisions with regard to the making of such appointments. There is no doubt in my mind that this breach of the Code constitutes maladministration.

#### Evidence of Councillors and the Clerk as to Method of Selection

12. My next concern was to discover the extent to which the selection of the successful candidate had been made on the basis of merit. From this point of view the Clerk to the Council was questioned as to any evidence that might have been given to the Establishment Committee at the time when they chose the successful candidate from the 11 names on the second short-list. The Clerk stated that the Interviewing Panel had considered that 4 of the 11 candidates were especially good and the names of these 4 had been marked on a copy of the list of candidates. However, when the Establishment Committee met to consider the appointment no questions were asked of the Clerk as to the relative merits of any of the candidates and the list with the 4 names marked on it was not produced. The application forms of all the 36 candidates first short-listed were available to the Committee in the sense that they were on the table in a wire basket. At his first interview the Clerk stated that although these documents were available they were not in fact consulted by the Members of the Committee. At a subsequent meeting with me when the Chairman of the Council and the Council's Solicitor were present the Clerk said that he thought some Members had asked to see the papers in the wire basket. The Chairman of the Council, who had been in the Chair at the meeting on 22 October, stated that he had no clear recollection on this point.

13. I asked the Independent Councillor for what reason he had proposed “job sharing” (paragraph 8 above) at the meeting on 22 October. I was told in reply that because of the way the Council had been run in the past there was not a single Roman Catholic in the Council's office staff. The former Urban District Council had been all Unionists, but under proportional representation and with the change in area there were now 5 Roman Catholics among the 15 Councillors. The Roman Catholic members did not have a working relationship with the Unionist Councillors, and the Council's business was often decided on the basis of a sectarian majority vote. The Roman Catholic Councillors had wanted to obtain a footing for Roman Catholics to be employed in the Council Offices, and for this purpose had proposed that the Council should work up to an office staff which would be one-third Catholic, but they had met with no success.

14. I enquired as to the circumstances in which a Roman Catholic candidate (other than the complainant) was proposed for appointment to the Clerk/Typist post. I was told that the SDLP Councillor had gone to the Council Offices a few days before the meeting and examined the application forms of the applicants with a view to selecting a suitable Roman Catholic with good typing and shorthand qualifications. The candidate proposed was the one selected in this manner. According to the Roman Catholic Councillors, the Unionist Members must also have decided which candidate they were going to vote for before the meeting on 22 October took place, since no questions were asked at the meeting about the relative merits of the candidates and the documents in the wire basket were not distributed for examination.

15. The Unionist Councillor who had proposed the appointment of the successful candidate informed me that, sitting in the Committee Room, he had gone roughly through the educational qualifications of the 11 short-listed candidates as set out in their application forms. He had noted that the candidate he proposed had several ‘O’ levels and was not already in employment. On the basis of these observations he had proposed her. He stated that he believed appointments should be made on the basis of merit. He also said in reply to a question that he accepted that a sectarian imbalance in the Council's staff should be a matter of concern to Councillors.

16. The Unionist Councillor who had seconded the appointment of the successful candidate said that in his recollection he had asked for and looked through the typing test papers of the candidates. These papers had been passed all round the table. He considered that the candidate he supported had done the best typing paper. When I asked him about certain other candidates he agreed that these were good too and said that there was not a lot to choose between the candidates. He said that he also favoured a candidate who was not already in a job. He stated, finally, that the choice had not been a sectarian one on his part.

17. The third Unionist Councillor who had voted and had thereby tipped the balance against the candidate proposed by the SDLP Councillor is now the Chairman of the District Council. He fully accepted that a junior appointment such as this would best be made by the Council's senior staff, without involving Councillors, and that appointments should be made solely on the basis of merit. In his recollection on 22 October the Chairman of the meeting had passed the basket of papers round the table. However, he accepted my suggestion that it would be difficult except with the expenditure of considerable time and effort to form an accurate view of the relative merits of the candidates on the basis of the papers in the state in which they then were. Nevertheless he denied that he was influenced in his vote by sectarian motives. He named another candidate (not previously referred to in this report) as having been probably the best of the 11, but said that as she was already in a good job he preferred to look for a school leaver who would probably appreciate the job more. Therefore he supported the successful candidate, who also had the advantage of living near the Swimming Pool.

18. The Chairman of the Council at that time was in the Chair at the meeting on 22 October. He told me that he had very little recollection of the meeting. He did not take part in the voting, and he told me that this was probably because he could not make up his own mind as between the two candidates who had been proposed and in such circumstances he was not disposed to vote for one side and be accused then of voting on sectarian lines.

#### The Council's Record in Other Appointments

19. As part of my investigation I requested a list of all the Council's staff, with an indication whether they were Protestants or Roman Catholics. The then Chairman agreed to my being given this information, but pointed out that as the present Council had inherited most of its staff from the former Rural District Council it should not be held directly responsible for any sectarian imbalance. The list showed that about 25% of the Council's manual staff were Roman Catholics. One of the senior officers of the Council was a Roman Catholic, but apart from him all the office staff of the Council were Protestants. In the area of the District Council at least one-third of the adult population is Roman Catholic.

20. It is a fact that the main recruitment for which the present Council has been responsible is the staffing of the new Swimming Pool. In addition to the Clerk/Typist post there were 10 posts of Supervisor/Pool Attendant and 2 posts of Cashier/Receptionist to be filled when the Establishment Committee met on 22 October. I have received no complaint arising out of the filling of these posts, but I included this matter in my investigation to see what light it would throw on the question whether sectarianism was a factor in the Council's recruitment practices. The number of applicants for the Supervisor/Pool Attendant posts was in fact less than the number of vacancies, and therefore all (including both Roman Catholics and Protestants) were declared successful.

21. The minutes show that at the stage of the meeting when the Cashier/Receptionist posts were considered only 5 Councillors were present. The Councillors had before them a short-list of 8 candidates whom the Interviewing Panel considered suitable. The 2 Roman Catholic Councillors again proposed and seconded a Roman Catholic candidate. The same Unionist Councillors who had proposed and seconded the successful candidate for the Clerk/Typist post proposed and seconded 2 other candidates whom I will distinguish by calling them Candidate A and Candidate B. In a show of hands for the filling of the first post there were 3 votes for Candidate A and 2 for the Roman Catholic candidate. Candidate A was declared appointed. In a further show of hands for the second post there were 2 votes for Candidate B and 2 votes for the Roman Catholic candidate. In view of the equality of votes the Chairman ruled that the second post should be filled by the Council at its next meeting.

22. The SDLP Councillor who proposed the Roman Catholic candidate told me that the Committee had probably had the qualifications of all the candidates at an earlier stage, but at the meeting on 22 October no information was read out or passed round. The choice of this particular Roman Catholic candidate rested on the fact that she had worked in a Bookmaker's Office and was therefore familiar with the handling of cash.

23. The Chairman of the Council and of the meeting was, as already recorded in paragraph 18, not at all clear in his recollection of the meeting. He did not recall why he had voted for Candidate A. I asked him why at the second vote he had refrained from voting for either Candidate B or the Roman Catholic candidate, and he replied that he was not satisfied that they were as good as the candidate for whom he had voted or indeed as good as he would have wanted for the job. I suggested that in that case he should have proposed that the second post should be re-advertised, but he had not done so.

24. The Unionist Councillor who proposed Candidate A said that he had done so because her qualifications appeared to be outstanding. He said that the qualifications of all the short-listed candidates had been read out by the Clerk. He seconded Candidate B because she had a lot of experience and he thought that she was better than the Roman Catholic candidate.

25. The Unionist Councillor who proposed Candidate B said that he personally did not ask questions of the Clerk but someone else would have done so and the answers given suited him. He knew Candidate A personally and considered her most suitable for the job. He proposed Candidate B because he knew that she had worked in an office and had experience of handling money. In reply to my question about the Roman Catholic candidate he said that he did not find anything wrong with her but he was not acquainted with her.

26. The minutes of the Council's meeting of 28 October show that at the time when the appointment of the second Cashier/Receptionist came up for decision there were 7 Protestant Councillors and 5 Roman Catholic Councillors present, apart from the Chairman who had refrained from voting to break the tie at the Establishment Committee meeting. Candidate B was proposed and seconded by the same Councillors as before and so was the same Roman Catholic candidate. There was then a show of hands and 6 Protestant Members voted for Candidate B and the 5 Roman Catholic Members voted for the Roman Catholic candidate. Consequently Candidate B was declared appointed. I am assured that there was no discussion at the meeting of the respective merits of the 2 candidates under consideration and that the matter was settled by means of a straight sectarian vote on both sides. The SDLP and Independent Councillors whom I interviewed told me that this was common form at meetings of the Council.

#### Findings

27. As already stated in paragraph 11, the Council did not use the procedure laid down in its Code of Employment Procedure for the making of appointments at this level. This applies to the Clerk/Typist post and also to a number of other posts at the Swimming Pool. I consider that it was primarily the duty of the Clerk to draw the attention of the Council to the required procedure, and I understand that this was not done. The Council members whom I interviewed claimed that they were unaware of the requirement until I drew attention to it, but the Council as such carries the responsibility.

28. From my examination of the procedure which was in fact used I conclude that merit was not the sole consideration in the making of the appointment, as it should have been. The Roman Catholic Councillors freely admitted that sectarian considerations were a factor in their proposing and voting as they did, but they explained this as being a defensive reaction to the sectarian practices of the Unionist Councillors. As evidence of these practices they cited the completely unbalanced workforce in the Council's office staff.

29. The Unionist Councillors made no admissions, but I did not find their denials convincing. These Councillors were aware of the suspicion in which they were held by the Roman Catholic Members but they made no move to prove it unjustified. There was no orderly and conscientious effort made to establish a true order of merit among the short-listed candidates. The state of the relevant documents and the manner of their placing before the Committee was not such as to facilitate the drawing up of a true order of merit. It was clear to me that the Clerk had been trained not to put forward advice or information which might have the effect of tying the hands of Councillors when making their choice.

30. Looking at the proceedings for the appointment of the Clerk/Typist and the Cashier/ Receptionists together, I am impressed by the fact that there was never any cross-voting between the two sides or any disagreement among Unionist Councillors as to their preferred candidate. Once a candidate had been proposed by a Unionist Councillor that candidate received a straight party vote. There is no real doubt in my mind that such candidates were selected prior to the actual meeting.

31. Some of the explanations which Councillors actually gave to me for their choices were inconsistent with appointment on the basis of merit alone. I do not consider it right to give preference to a school leaver over an experienced office worker unless this is explained in the advertisement or job specification. The job specification for the Clerk/Typist post actually states: "a knowledge of filing and accounts desirable", and this suggests that preference would be given to a candidate with office experience of this kind. There is also no warrant for preferring an unemployed person over an employed person who may wish to change jobs. Mention was made more than once of knowing a candidate or some relations of a candidate, and in the Northern Ireland situation any such considerations must usually favour co-religionists.

32. I did not interview the candidates, but I have made a careful study of the papers of the short-listed candidates for the Clerk/Typist post. My conclusion is that although the complainant was one of the most able candidates I would not be justified in finding that she should have been appointed in place of the candidate who was successful. She was, however, an entrant in a competition in which she was entitled to expect to be judged purely on the basis of merit, and I find that she as well as any other Roman Catholic candidate who was short-listed suffered under a handicap on account of her religion. On those grounds I find that she sustained injustice in consequence of the Council's maladministration and I consider that she should receive some monetary compensation in recognition of this injustice.

#### Future Prospects

33. When the Roman Catholic Councillors told me that they had proposed job sharing as a remedy for the sectarian imbalance in the Council's staff, I explained to them that such an arrangement would be contrary to the law under which the Fair Employment Agency operates and could lead to well-founded complaints by either Protestants or Roman Catholics. I explained how I understood that the Fair Employment Agency would approach such situations and I stated that the essential point was to ensure that future appointments would be made on the basis of merit and merit alone, and that all candidates should understand that they would be given equal consideration.

34. I am pleased to be able to report that the Council intends that its procedures for making future appointments should be as laid down in its Code of Employment Procedure. This alone should eliminate much of the scope for sectarianism in the consideration of candidates. The Unionist Councillors whom I interviewed told me that they believed in selection on the basis of merit, and I hope that on reviewing this case they will form a truer understanding of what that means and will genuinely seek to have it applied by the Council in future.

#### Case No. 471/76—Complaint against the Eastern Health and Social Services Board concerning the appointment of a semi-skilled Engineering Employee Grade II.

1. The complainant wrote to me on 22 November 1976 complaining that the Eastern Health and Social Services Board had failed to give due consideration to his application for employment as a Semi-Skilled Engineering Employee Grade II. He stated that on 29 September 1976 he had applied for the post and that although he had spent most of his working life in the engineering industry he had not been interviewed for the post. He had been notified by letter dated 18 November 1976 that his application had not been successful.

2. I notified the Board's Chief Administrative Officer of the details of the complaint and obtained his written comments. One of my officers later visited the Board's District Office at Belfast City Hospital where he examined relevant records, including the applications received for the post and discussed the complaint with the District Personnel Officer and a Unit Administrator who had taken part in the short-listing and interviewing of candidates for the post. My officer also visited Muckamore Abbey Hospital where the vacancy had occurred and discussed the complaint with the Unit Engineer who was the second member of the Short-Listing and Interviewing Panel. The complaint was also discussed with the complainant when my officer called at his home during the course of my investigation.

3. I learned that the post of Semi-Skilled Engineering Employee Grade II at Muckamore Abbey Hospital was advertised in late September 1976. The press advertisement gave no indication of the duties of the post or of the experience or qualifications which applicants would be expected to have.

4. The Board received 14 applications in reply to the advertisement and these were considered by the Short-Listing and Interviewing Panel. On 21 October invitations to attend for interview on 28 October were sent to 7 of the candidates. The complainant was not among those short-listed.

5. Following the interviews the Panel reported to the District Administrative Officer on 1 November that 6 candidates had been interviewed (one had been unable to attend for interview) and that it was recommended that two of the candidates be offered the posts of "Semi-Skilled Engineering Employee with Boilerhouse duties" and "Semi-Skilled Engineering Employee" respectively. The successful applicants were offered the appointments accordingly by letter dated 5 November 1976 and on 18 November all other applicants including the complainant were notified that they had been unsuccessful.

#### Further Investigations

6. In discussion with my officer the Unit Engineer stated that although no job specification had been drawn up by the Board it had been intended that the person appointed to the advertised post would act as relief boilerman. In addition to shift duty he might be expected to be engaged on boilerhouse duties for over 20 weeks per year to cover the holidays of the 4 regular boilermen. For the rest of his time he would act as mate to one of the fitters responsible for maintenance.

7. In separate discussions with my officer both members of the Short-Listing Panel recalled that they had felt that it would not be appropriate to appoint a skilled tradesman to the post because of the possibility of demarcation difficulties if he undertook work appropriate to one of the maintenance fitters. The Unit Engineer stated that the Short-Listing Panel had also been influenced by the fact that there had been a turnover of 7 men in the job over the past 5 years. As younger men seemed to find the late shift duty disagreeable the Panel had hoped that a more mature person with a fairly settled outlook might give more lengthy service.

8. Having obtained copies of all 14 application forms I noted that of the 7 applicants who were not short-listed for interview 5 (including the complainant) appeared to be skilled engineering tradesmen. I also noted however that one of the candidates short-listed for interview appeared to be a skilled engineering tradesman (ie fitter/turner). The Unit Engineer stated that at the time of short-listing the Panel had taken him to be only semi-skilled. From the information on the application forms it also appeared that of the 6 other short-listed candidates, 2 who were members of the Hospital's own staff, had completed their application forms after the closing date and (including one of those eventually selected for appointment) did not have any experience in engineering work.

21 DEC 1979

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