

CIVIL SERVICE COMMISSIONERS
ANNUAL REPORT
2003-2004



Our approach is to be **responsive** and flexible, to make a **positive** contribution to the reform agenda and to help maintain an effective and politically impartial Civil Service.

Baroness Prashar CBE *First Civil Service Commissioner*



Civil Service Commissioners

Supporting an effective and impartial Civil Service

REPORT OF THE CIVIL SERVICE COMMISSIONERS
TO HER MAJESTY THE QUEEN FOR THE PERIOD
1 APRIL 2003 TO 31 MARCH 2004

Contents

Foreword	2		
What we do	6		
Who we are	8		
The year in brief	12		
Aims and progress	14		
Our role in senior competitions	24		
Recommending changes	36		
Appendix A	42	Civil Service Commissioners' responsibilities and costs	
Appendix B	43	Approval of appointments through open competition to the Senior Civil Service	
Appendix C	46	Interpretation of selection on merit and fair and open competition	
Appendix D	48	Involvement of Ministers	
Appendix E	49	Exceptions to selection on merit on the basis of fair and open competition	
Appendix F	50	Recruitment audits	
Appendix G	51	Visitors	
Appendix H	52	Documents	

A portrait of Baroness Prashar CBE, the First Civil Service Commissioner. She is a woman with short, dark, curly hair, wearing glasses and a grey jacket. She is smiling and looking towards the camera. The background is a blurred cityscape with buildings and a railing.

core values

The challenge for all of us is to ensure we have a Civil Service which is not only fit for purpose and competent but also steeped in values which command public trust

Baroness Prashar CBE First Civil Service Commissioner

Foreword

The First Civil Service Commissioner

The year 2003-2004 saw a continuing high level of appointments in the Senior Civil Service filled through open competition. We approved 89 of these appointments at the most senior levels where our approval is required.

Furthermore, the Commissioners' role in supporting core Civil Service values featured in public discussion during the year in a variety of contexts, including proposals for a Civil Service Bill; the Government's response to the Ninth Report of the Committee on Standards in Public Life (*Defining the Boundaries within the Executive: Ministers, Special Advisers and the permanent Civil Service*); and *An Independent Review of Government Communications* ('the Phillis Report'). Our annual report summarises our contributions to these discussions (*Recommending changes, p37*) and explains how we were involved in implementing the Phillis Report's recommendation that there should be a Permanent Secretary, Government Communications (*Our role in senior appointments, p26*).

The greater emphasis on opening the most senior appointments to people outside the Civil Service underlines the importance of an approach to recruitment that secures the best people available – that is, 'appointment on merit'. In a competitive market place, positive steps must be taken to make the recruitment process more effective, as well as ensuring that any unfairness is avoided. In other words, it is important to secure a high-quality outcome and yet maintain the integrity of the process. How do we do this?

We work from first principles, which we translate effectively into practice. Our approach is to encourage departments to look at recruitment as a project, not just a process. We seek to ensure that everyone involved, from the Permanent Secretary downwards, plays their proper part. This makes it important at the outset to think about the job and the kind of person required; to talk to all those concerned, including Ministers; and to take account of the Civil Service reform agenda. Our aim is to be a centre of excellence in applying recruitment practices, and we encourage growing professionalism in recruitment among departments and the use of effective recruitment methods. In this report, we give an insight into our practical approach by telling the inside story of one competition in *Our role in senior appointments: Appointment diary, p31*. ►

The greater emphasis on opening the most senior appointments to people outside the Civil Service underlines the importance of an approach to recruitment that secures the best people available – that is, 'appointment on merit'.

We work from first principles, which we translate effectively into practice. Our approach is to encourage departments to look at recruitment as a project, not just a process. We seek to ensure that everyone involved, from the Permanent Secretary downwards, plays their proper part.

We are in regular dialogue with departments. The arrangement we introduced two years ago, under which each Commissioner is linked with one or more departments and holds regular discussions with them, continues to prove fruitful. We also maintain a dialogue with recruiting staff at all levels in departments on particular issues that arise where advice is needed to ensure compliance with the recruitment principles.

In the light of our experience, we reviewed our Recruitment Code in consultation with departments. We have now published a revised web-based version which we hope will provide a clearer and more accessible basis for understanding the principles we uphold. As part of this review, we agreed with the Cabinet Office an adjustment to the terms under which Ministers may be involved in Civil Service appointments through external recruitment. This accommodates their interest while maintaining a system which gives assurance that the appointments are made on merit.

In my foreword to our report for 2002-2003, I said we had concerns that the Civil Service Code was neither well known nor promoted and that departments had much to do to turn it into a living document. With increasing numbers of outside recruits, it is extremely important that the code is actively promoted and properly understood by them. We were therefore pleased that last autumn the Government accepted a number of recommendations made in the Ninth Report of the Committee on Standards in Public Life to give the Commissioners responsibility for working with departments to promote the code, as well as hearing appeals from civil servants under it. We were also pleased that the Phillis Report recommended improved recruitment and training to raise professional standards and maintain Civil Service impartiality.

The year 2003-2004 also saw the publication of two draft Bills on the Civil Service, put forward by the Public Administration Select Committee and by Lord Lester of Herne Hill. Both would put the Civil Service Code and our Recruitment Code on a statutory basis. The Government's draft Civil Service Bill is still awaited. We hope that an early opportunity will be found to present this to Parliament.

To achieve our objectives we work with the Cabinet Secretary, Permanent Secretaries and Human Resource Directors. I would like to thank Sir Andrew Turnbull, all the Permanent Secretaries and all Human Resource Directors for their co-operation and for working with us to improve the recruitment process and maintain the impartiality of the Civil Service.

I would also like to pay a tribute to Sheila Forbes, who stepped down as a Commissioner at the end of 2003. Sheila, who began her appointment in January 1997, made a huge contribution and was very highly respected across departments. My profound thanks go to all the Commissioners and all members of our Office for their work during the year, with a special mention of Brian Marsh who retired in December after more than 20 years of loyal service supporting the Commissioners.



Baroness Prashar CBE

First Civil Service Commissioner

June 2004



The Government's draft Civil Service Bill is still awaited. We hope that an early opportunity will be found to present this to Parliament.



effective & impartial

We operate alongside departments, the Cabinet Office and Ministers. But we are independent of them.

What we do

The Commissioners oversee Civil Service appointments and standards.

We contribute to the development of an effective and impartial Civil Service and support its core values by giving an assurance that appointments into it are made on merit on the basis of fair and open competition and by promoting the Civil Service Code and hearing appeals under it.

The core values are integrity, honesty, impartiality, objectivity and selection on merit. Everything the Commissioners do is directed at upholding them.

We are, above all, members of the general public. We are recruited on merit after open advertisement. From our different careers and interests, we bring experience of the public, private and voluntary sectors. This, we believe, gives us insights into how the Civil Service can best serve the public and earn their confidence.

We operate alongside departments, the Cabinet Office and Ministers. But we are independent of them. We are appointed by Order in Council under the Royal Prerogative. The First Commissioner works for three days a week and the other Commissioners for two to eight days a month.

We approve appointments at the most senior levels. Departments must follow our Recruitment Code at all levels.

We encourage the use of appropriate and innovative selection methods. Our collective knowledge of good practice outside the Civil Service is of particular value here.

Since 1996, we have also had an important role in helping to uphold the service's standards of conduct and propriety. Under the Civil Service Code, a civil servant who believes he or she is being required to act improperly should report the matter within the department. But civil servants who believe the response is not reasonable may report the matter to us.

The Committee on Standards in Public Life, in its Ninth Report, recommended that the Commissioners 'should advise departments on their promotion of the Civil Service Code and report on their induction and training activities in their annual report'. The Government has now accepted this recommendation. Starting to discharge the new responsibility will be a priority for us in the coming year.

At all times, we try to be practical and approachable. We know that fine words are meaningless without the constant hard work, discussion and common sense that make them a reality.

See Appendix A: Civil Service Commissioners' responsibilities and costs.



I welcome the fact that the Commissioners' work on recruitment shares my own objective in this area – to maintain the fundamental principle of selection on merit through fair and open means, while ensuring the appointment of civil servants who will be effective in taking forward the work of departments.

*Sir Andrew Turnbull
Secretary of the Cabinet and Head of the Home Civil Service*

Who we are



Baroness Prashar CBE

Usha Prashar has been the First Civil Service Commissioner since August 2000.

She is also Chancellor of De Montfort University, Chairman of the National Literacy Trust, a non-executive Director of UNITE, Chairman of the Royal Commonwealth Society and a Trustee of the BBC World Service Trust. She was previously Chairman of the Parole Board for England and Wales, Director of the National Council for Voluntary Organisations and Director of the Runnymede Trust. Usha Prashar became a life peer in 1999.



Peter Bounds

Peter Bounds was Chief Executive of Liverpool City Council from 1991-1999. He has wide experience of public-service and community leadership.

He holds leading positions in church and arts organisations and in regeneration partnerships. He is a consultant on governance and conduct issues in local government and a Patron of the Centre for Tomorrow's Company, a think tank and catalyst for a new agenda for business.

Sir David Bell

David Bell, Chairman of the Financial Times Group, has been a Director of Pearson since 1996. He was previously Chief Executive of *The Financial Times*. In 1998 he was appointed Pearson's Director for People.

He is a non-executive Director of Vitec Group and the Windmill Partnership; Chairman of the Millennium Bridge Trust, Common Purpose Europe, Crisis and the International Youth Foundation; a Patron of the Ambache Chamber Orchestra; and a member of the Development Board of the National Theatre.

Baroness Prashar CBE Peter Bounds
Sir David Bell Dame Rennie Fritchie
Professor Edward Gallagher CBE
Geraldine Peacock CBE



Dame Rennie Fritchie

Rennie Fritchie has been the Commissioner for Public Appointments since 1999, regulating ministerial appointments to some 12,000 public bodies. She is also Pro-Chancellor of the University of Southampton and Vice Chair of the Stroud and Swindon Building Society. Rennie Fritchie was previously Chair of the South and West Regional Health Authority and the Home Secretary's representative on the selection panel for independent members of the Gloucestershire Police Authority. She has also worked as an independent consultant in the training and development field.

Professor Edward Gallagher CBE

Edward Gallagher was Chief Executive of the National Rivers Authority and later of the Environment Agency. He previously held senior positions in industry and is currently Chairman of Enviro-Fresh Ltd.

He is also Vice President of the Council for Environmental Education, a Council Member of English Nature, Chairman of the Pesticides Forum, Chairman of energywatch and Chairman of the Middlesex University's Board of Governors as well as a Visiting Professor.

Geraldine Peacock CBE

Geraldine Peacock is a Charity Commissioner. Until last year she was Chief Executive of The Guide Dogs for the Blind Association. She is interim Chair of Futurebuilders and serves on the Home Office's Active Community Unit Advisory Panel.

She was a member of the Strategy Unit's Advisory Panel on the Reform of Charity Law and of the Treasury's Social Investment Task Force.

She was previously Chief Executive of the National Autistic Society and Chair of the Association of Chief Executives of Voluntary Organisations.



Hamish Hamill CB

Hamish Hamill was a career civil servant who headed a number of Scottish departments before devolution and was the first Head of the Scottish Executive's Justice Department.

He has wide experience of appointments to senior positions in Government, non-departmental public bodies, the National Health Service and the judiciary.

He is Chairman of the Fire Service Research and Training Trust and a Member of the Scottish Records Advisory Council.

Bronwen Curtis

Bronwen Curtis is Chairman of the Northampton Hospital NHS Trust and the Home Secretary's representative on the Police Authority Selection Panel. She was previously Vice President of Human Resources for Avon Cosmetics.

Bronwen Curtis has held board positions in strategic planning, business development, manufacturing and human resources. She has been a non-executive Director and Chair of Two Shires Ambulance NHS Trust and a member of the National Manufacturing Council.

Alastair Macdonald CB

Alastair Macdonald spent several years in journalism, on *The Spectator* and *The Financial Times*, before becoming a career civil servant. He worked for the Ministry of Defence and for the Department of Trade and Industry where he became Director General for Industry.

Alastair Macdonald was President of the British Computer Society in 2000-2001. He is a non-executive Director of Parity Group (an IT services provider) and a member of the Design Council and of charitable trusts including the Chatham Historic Dockyard Trust.

Geoffrey Maddrell

Geoffrey Maddrell is Chairman of UNITE, a specialist in student and key-worker accommodation services; Westbury, a national housebuilding company; LDV, the specialist light commercial vehicle manufacturer; BuildStore, a service provider to the self-build market; and the Ivory and Sims ISIS Trust. He was formerly Chairman of the whisky company, Glenmorangie, and Chief Executive of the Tootal Group. Geoffrey Maddrell set up ProShare, a charity which supports private individuals and employees in equity markets. He is Chairman of Airborne Forces Charities, UNIAID and iART.

Hamish Hamill CB Bronwen Curtis
 Alastair Macdonald CB Geoffrey Maddrell
 Maggie Semple OBE James Boyle
 Gerard Lemos CMG



Maggie Semple OBE

Maggie Semple is Chief Executive of The Experience Corps, a company involved in regenerating communities through volunteering. She was previously Director of the Learning Experience for the New Millennium Experience Company, Director of Education and Training at the Arts Council of England, a schools inspector and a deputy head teacher. She is a board member of a number of arts and educational organizations, including the National Youth Music Theatre, Brit School, Rambert Dance Company and Sadler's Wells Theatre, and has served on education-related government task forces.

James Boyle

James Boyle is Chairman of the Scottish Arts Council, a Council Member of Voluntary Services Overseas and an Honorary Lecturer at Stirling University. He is on the Board of Wark Clements, which has rapidly evolved from an independent TV producer into a multi-media content provider. He was Controller of BBC Radio 4 from 1996-2000. His 25-year BBC career also included producing plays for children, reviving BBC Radio Scotland and acting as Chief Adviser on Editorial Policy.

Gerard Lemos CMG

Gerard Lemos, a partner at social researchers Lemos&Crane, leads researchers investigating social policy issues including race equality and the needs of vulnerable people. He is the author of many reports and books on social policy. Gerard Lemos is also Deputy Chair of the British Council, an Audit Commissioner, a member of the British Council's Board of Trustees, Deputy Chairman of the Banking Code Standards Board, a regulator of the retail banking industry and Chair of the Akram Khan Dance Company.

Our website explains our role and presents key documents: www.civilservicecommissioners.gov.uk/.

We are supported by a small team: the Office of the Civil Service Commissioners (OCSC).

OCSC, Third Floor,
 35 Great Smith Street,
 London SW1P 3BQ
 Telephone: (020) 7276 2617

e-mail: ocsc@civilservicecommissioners.gov.uk



The Civil Service is a public asset; it exists in the public interest. There is therefore a public interest in the maintenance of a Civil Service which transcends the interests of any one administration. *Baroness Prashar, House of Lords, March 2004*

The year in brief

Core values and our role

This was a year of lively discussion about the Civil Service's core values of integrity, honesty, impartiality, objectivity and selection on merit, as well as about our role in upholding them. We took part in this debate in a number of ways.

The First Commissioner gave evidence to the Committee on Standards in Public Life for its Ninth Report, *Defining the Boundaries within the Executive: Ministers, Special Advisers and the permanent Civil Service*. The Government has responded to that report.

The Commissioners gave evidence to the Public Administration Select Committee about a Civil Service Bill. The First Commissioner took part in a seminar hosted by the committee on the same subject. The committee published a draft Civil Service Bill and a Bill was later introduced in the House of Commons.

The First Commissioner spoke in the House of Lords during the Second Reading of the Executive Powers and Civil Service Bill, a Private Member's Bill introduced by Lord Lester of Herne Hill. She also commented on Civil Service legislation in the media.

The Commissioners gave evidence to *An Independent Review of Government Communications*, chaired by Sir Robert Phillips.

The Commissioners were joint organisers of a conference on 29 October, *Reforming the Civil Service while Safeguarding its Values*. The other organisers were the Public Administration Select Committee, the Committee on Standards in Public Life, the FDA and the Constitution Unit, UCL.

A recurring theme in all these discussions was the need for the maintenance of a politically impartial Civil Service. In particular, four areas were seen as especially important:

- maintaining the principle of appointment on merit;
- upholding the standards of integrity and propriety of civil servants, as set out in the Civil Service Code;
- the role of Ministers in making appointments within an impartial Civil Service;
- the need for independent Commissioners to support the core values.

Carrying out our responsibilities

To fulfil our legal obligations, we:

- approved 89 appointments at the most senior levels of the Civil Service following fair and open competition;
- approved 20 appointments as exceptions to fair and open competition;
- carried out 31 audits of departments' recruitment to ensure compliance with our Recruitment Code.

To contribute to Civil Service reform, we:

- published a revised Recruitment Code;
- agreed to an adjustment to the terms under which Ministers may be involved in Civil Service appointments through external recruitment within a system that continues to give assurance that appointments are made on merit;
- reviewed our approach to audit and re-tendered the auditing contract;
- agreed to greater flexibilities in allowing staff in bodies with close links with the Civil Service to transfer into the Civil Service;
- discussed a wide range of issues with departments at all levels to ensure understanding of our principles and effective application of them in a changing Civil Service;
- contributed to 10 training courses run by the Civil Service College and to two seminars organised by Westminster Explained.



The First Commissioner gave evidence to the Committee on Standards in Public Life for its Ninth Report. The Government has responded to that report.



flexible approach

Recruitment is the responsibility of individual departments. Our role is to provide a framework based on the Civil Service recruitment principles.

Aims and progress

The Commissioners contribute to the development of an effective and impartial Civil Service and support its core values by giving an assurance that appointments are made on merit, by promoting the Civil Service Code and by hearing appeals from civil servants under the code.

The principles of selection on merit on the basis of fair and open competition do not vary over time. Nor do the Civil Service's core values of integrity, honesty, impartiality and objectivity. But they need to be interpreted in a modern context.

In doing so, we combine firmness of principle with flexibility of practice.

Specifically, we aim to:

- provide a Recruitment Code that underpins an effective and flexible approach to recruitment at all levels;
- ensure compliance with the Recruitment Code;
- chair and oversee the process for selecting senior civil servants to ensure the best person available is appointed on merit;
- investigate appeals from civil servants under the Civil Service Code and the Code of Conduct for Special Advisers (and, in future, we will work with departments to promote the Civil Service Code);
- work with departments to ensure the recruitment principles we uphold are understood and effectively applied;
- share good practice and encourage innovation to support the Civil Service modernisation programme.

An effective and flexible approach to recruitment

Recruitment is the responsibility of individual departments.

Our role is to provide a framework based on the Civil Service recruitment principles.

That framework must be flexible at a time when the service is seeing many changes, through the current reform programme as well as the continuing need for new skills and competencies. But it must still ensure the principles are clearly understood and give full assurance they are being met.

A new Recruitment Code

In support of the reform programme, we have revised our Recruitment Code.

As well as making some changes of substance, we have made the code more accessible, user-friendly and focused on principles. It is now an electronic publication available through our website. Because we also wanted to encourage a flexible approach to selection processes, we have included guidance on the practical application of the principles.

A key change concerns ministerial involvement in appointments. The Recruitment Code has long recognised that Ministers might have an interest in appointments to certain posts. It seeks to accommodate that interest, while ensuring that selection is on merit and free from personal or political bias and that appointments can last into future administrations.

In the light of our experience, we reviewed our Recruitment Code in consultation with departments. We have now published a revised web-based version which we hope will provide a clearer and more accessible basis for understanding the principles we uphold.

During our review of the code, the Government proposed that there should be a revised formulation which would allow a Minister to invite a panel to review its decision if he or she did not consider the lead candidate had the right balance of expertise, experience and skills required for the post. As things stood, a Minister who did not wish to appoint the lead candidate could do no more than require a fresh competition.

In making the change, we were satisfied that we would be able to continue safeguarding the principles of selection on merit. The revised wording makes it clear that if, following consideration of a Minister's request, a panel is minded to recommend another candidate, it must obtain our collective approval.

The revised code also makes it clear that a Minister may not express a preference among the candidates. Nor may he or she interview them, except the lead candidate at the point when a recommendation for appointment is being made.

We will record the number of cases referred to us in our annual report.

For the revised section of the code, see Appendix D: Involvement of Ministers.

Other changes of substance to the Recruitment Code include:

- more flexibility over the use of recruitment agencies;
- provision for departments and agencies to meet the requirement to publish summary information about their recruitment by using their websites;
- the addition, for the sake of clarity, of the specific need for departments and agencies to conduct their own independent checks of their recruitment systems each year.

We carried out a wide consultation of departments and agencies in preparing the new code and hope they will find it a more useable and practical document.

The Recruitment Code is available at our website: www.civilservicecommissioners.gov.uk/.

Transfers from other public bodies

We looked at how the experience and skills of people in organisations with close ties to the Civil Service might be brought into the service through permanent transfers without the requirement for a full open competition.

These might be people working for bodies such as Royal Commissions; museums, galleries and libraries; research councils; public boards and authorities; the Houses of Parliament; the Metropolitan Police Office; and the Higher Education Funding Council for England.

We decided that such transfers could be made provided:

- we could be satisfied that the individual had been originally recruited by an open and structured competitive process aimed at selecting fairly and on merit;
- the appointee's merit for the Civil Service appointment had been established by a trawl of other potential appointees or was demonstrable if a formal competitive process had not been used.

Our Office is discussing with the Cabinet Office the detailed arrangements that will apply to such transfers, including an appropriate form of audit.

Exceptions to the recruitment principles

We recognise that in some circumstances it is right to allow appointments to be made without following the procedure of selection on merit on the basis of fair and open competition, provided doing so does not undermine these fundamental principles. These are mainly short-term appointments – for example, secondments – which will help departments to meet their objectives.

Under the Recruitment Code, departments may in most cases apply the exceptions themselves. Our approval is, however, required for very senior appointments and in some special circumstances at lower levels. We may also approve appointments under the provisions in the Orders in Council in circumstances which are not covered by the Recruitment Code.

Last year, we approved 20 appointments as exceptions:

- eight short-term appointments without fair and open competition outside the normal circumstances allowed in the Recruitment Code – for example, the extension of the appointment by a few weeks beyond the allowed period pending an open competition;
- four extensions of secondments beyond five years;
- four conversions of secondments to fixed-term appointments and two to permanent appointments;
- one conversion to permanency of a short-term appointment made without fair and open competition;
- one conversion to permanency of a short-term senior appointment made through fair and open competition where the possibility of permanence had not been covered by the advertisement.

See Appendix E: Exceptions to selection on merit on the basis of fair and open competition.

Ensuring compliance with the Recruitment Code

Recruitment audits

We audit departments' recruitment policies and practices to ensure they comply with our Recruitment Code. A Commissioner oversees each audit, but a firm operating under contract to our Office undertakes the detailed work.

We carried out 31 audits during the year in a sample of departments and agencies. These included major departments such as the Department for Work and Pensions, the Department of Health, the Home Office and the Department for Food and Rural Affairs; smaller departments such as Ofsted and the Serious Fraud Office; and a range of executive agencies such as the Driver and Vehicle Licensing Agency, the Forensic Science Service and the Defence Geographic and Imagery Intelligence Agency.

We have continued to find that most of those who carry out recruitment to the Civil Service support and practise the core principles.

We found problems in some supporting systems, such as inadequate internal monitoring, poor record-keeping and the non-publication of summary information on recruitment.

See Appendix F: Recruitment audits.



Review of audit process

We have reviewed the audit process and are developing a new framework of recruitment monitoring which will place the onus on departments and agencies to ensure, through an increased emphasis on self-audit, that their recruitment arrangements are in order. The new framework will also aim to provide examples of good practice which we can, in turn, share with others.

This approach is based on our view that it is through effective, yet flexible, recruitment processes which are consistent with the principles set out in the Recruitment Code that departments and agencies are best able to appoint the staff they require to meet their business needs.

Departments and agencies should find that, if their systems are robust, on-site compliance checks will be at the minimum consistent with the Commissioners' obligations under the Orders in Council.

New audit contract

Following the review of the audit process, we re-tendered the audit contract. This was done under EC rules and awarded to KPMG LLP.

We shall develop the new arrangements with the help of a departmental user group and in discussion with HR Directors.

Complaints

People can complain if they believe the principles in the Recruitment Code have been breached.

They should first complain to the department or agency concerned. If they are not satisfied with the response, they can raise the matter with the Commissioners.

If we uphold a complaint, we will make recommendations to guard against future breaches of the code.

Last year our Office received 14 complaints under this arrangement.

In one, the issues were considered by our auditors, who were conducting an audit of the organisation at the time.

This provided confirmation that it was unclear whether merit order had been followed in making appointments in some cases. Recommendations were made to ensure that merit order was properly followed in future.

Another case involved a candidate who had applied in two successive competitions for the same kind of appointment and had not been successful. In the first competition, she had passed the test stage but had not been successful at the subsequent interview. In the second, the interview came first and the standard of her performance meant that she would have been appointed if she had passed the test, which on this occasion she failed.

Our Office determined that in these circumstances the candidate had demonstrated ability to do the job and had established an appropriate place in the merit order to be offered an appointment.

The other complaints concluded during the year were not upheld. Some related to matters that did not concern the Recruitment Code, such as how well an individual met the requirements of the job as set out in appropriate criteria (that is a judgement for the recruiting department). In others we did not find any evidence of unfair treatment in the assessment of the candidates as had been alleged. In several cases the person had not been through the departmental procedures and was advised to pursue this course first. Some recent complaints are still under consideration.



I appreciate the opportunity to help shape the Commissioners' new approach to recruitment monitoring. While recognising the Commissioners' regulatory responsibilities, it will be important that the arrangements do not add unreasonably to the heavy workload which HR units in departments and agencies have to manage. I feel sure we shall strike the right balance.

*Les Common
Director of Human Resources
Crown Office and Procurator Fiscal Service*



I found that everything was managed well and the whole process was enjoyable. It was challenging yet welcoming and made you feel part of it, and it was heartening to be kept informed throughout.

Professor Sir Ron De Witt, following appointment as Chief Executive of the Unified Courts Agency

The best person for the job at the most senior levels

Active involvement

The Commissioners are actively involved in the selection process at the most senior levels to make sure the best available person is appointed. In particular, they take into account:

- the nature of the job and the purpose of the appointment;
- the length of the appointment;
- who is available in the job market.

See Appendix C: Interpretation of selection on merit and fair and open competition.

Departments make the appointments. But we ensure that the principles of selection on merit on the basis of fair and open competition are followed. And the appointments must be approved by us.

Our involvement not only safeguards the recruitment principles, but also gives candidates, the Civil Service and the public the assurance that they have in fact been upheld.

See Our role in senior competitions and Appointment diary.

We are grateful to departmental and agency managers and our own Office for their help and courtesy as we carry out our responsibilities for recruitment to the Senior Civil Service. We would also like to thank those outside the Civil Service who have served on selection panels for their willing and valued contribution to the senior appointments process.

Summary of appointments

During the year there were 89 appointments through open competition to the Senior Civil Service which required the Commissioners' approval. In 2002-2003, we approved 146 appointments, but about a third of these were in the lower levels of the Senior Civil Service for which our approval ceased to be required in July 2002.

Of the 89 appointments approved:

- 43 (48 per cent) were filled by civil servants;
- 19 (21 per cent) by candidates from elsewhere in the public sector;
- 24 (27 per cent) by candidates from the private sector;
- 3 (3 per cent) from other sources (Peabody Trust, International Institute for the Environment and Development and Accounting Standards Board).

Twenty one were appointments at the top of the Civil Service that fell within the remit of the Senior Appointments Selection Committee (SASC), which reviews whether the appointments should be filled through external recruitment. The committee is chaired by the Head of the Home Civil Service and attended by the First Commissioner.

The First Commissioner also chaired the open competition to recruit the Director of Public Prosecutions, although this post – a statutory office – is not subject to the Civil Service Order in Council.

Counsel General, National Assembly for Wales

In one competition during the year, that for the National Assembly for Wales, we considered, collectively, a request that the appointment should be made other than in the merit order that had been determined by the selection panel. We have powers to do so exceptionally under Article 6(2)(b) of the Civil Service Order in Council. We record this as the first time a case has been put to us under this provision of the Order. We would not normally discuss the detail of such a case but do so here because the matter has been the subject of considerable debate in Wales.

The First Minister for the National Assembly asked us to approve the appointment of the person assessed as second in the order of merit by a panel chaired by the First Commissioner. Our collective view – the First Commissioner took no part in the discussion having explained the process that had been followed – was that our role was to ensure the robustness of the process and assess the strength of the case put to us for the use of the exception taking account of any relevant legal advice.

We were content that the selection process had been robust and that the recommendation had been made on merit. We could not accept that the exception in the Order should be invoked on the basis of the First Minister's concern that the first ranked candidate's membership of the Independent Supervisory Authority on Hunting, in conjunction with his being a freemason, would make it very difficult for him to command the necessary authority as the National Assembly's Counsel General. It was not unlawful to be a member of either organisation and, if the First Minister believed that these interests were incompatible with the post of Counsel General, the candidate could be given the opportunity to relinquish his memberships.

See Appendix B: Approval of appointments through open competition to the Senior Civil Service.

Civil Service Code

The Commissioners help to maintain impartiality and standards of conduct and propriety in the Civil Service by hearing appeals under the Civil Service Code and the Code of Conduct for Special Advisers.

We will now be taking on the further role of working with departments to promote the code following the Government's response to the Ninth Report of the Committee on Standards in Public Life, *Defining the Boundaries within the Executive: Ministers, Special Advisers and the permanent Civil Service*.

The Government accepted the following recommendations:

- The Government should actively establish a register of departmental nominated officers to whom any civil servant may go if he or she believes that he or she is being required to act in a way which is inconsistent with the Civil Service Code.
- The Civil Service Commissioners should keep in touch with the departmental nominated officers.
- The Civil Service Commissioners should advise departments on their promotion of the Civil Service Code and report on their induction and training activities in their annual report.
- Departments should report the number of appeals they handle under the code to the Civil Service Commissioners so that the Commissioners can publish figures in their annual report.
- Paragraph 22 of the Code of Conduct for Special Advisers specifically relating to civil servants should be inserted into the Civil Service Code as soon as possible. This says that any civil servant who believes that the action of a Special Adviser goes beyond that adviser's authority or breaches the Civil Service Code should raise the matter immediately with the Secretary of the Cabinet or the First Civil Service Commissioner, directly or through a senior civil servant.

The Government is in dialogue with the committee about a proposal in its Ninth Report that the Commissioners should be able to initiate enquiries without first receiving an appeal under the code. We hope the Government will come quickly to see the value of this further safeguard.

We did not hear any appeals during the course of the year. Nor did we receive any approaches under the Code of Conduct for Special Advisers.

Our Office from time to time receives approaches about personnel management issues, such as discipline and dismissal. These do not fall under the Civil Service Code and we are therefore unable to consider them. Six such approaches were made in 2003-2004.

One approach was also made from outside the Civil Service about behaviour by civil servants. Our Office explained that the code provides for appeals only from serving or former civil servants and suggested other channels through which the matters might be pursued.

The Civil Service Code is at the Cabinet Office website:
www.cabinet-office.gov.uk/central/1999/cscode.htm

Working with departments and sharing good practice

The Commissioners work with departments to:

- ensure the principles we uphold are understood and effectively applied;
- share good practice and encourage innovation to support the Civil Service reform programme.

We maintain a dialogue with departments at all levels on how the principles are best applied in the light of current business objectives and operational circumstances. This includes meetings with all main departments under the arrangement in which individual Commissioners are linked to individual departments to keep in touch with developments.

We aim to make the lessons of good practice more widely shared.

We encourage and support innovation where it is needed.

Communicating our role

We promote awareness and understanding of our work, particularly in departments but also in wider circles.

During the year, we:

- published a new version of our Recruitment Code (see *A new Recruitment Code*);
- extended our website (www.civilservicecommissioners.gov.uk/) to include material such as our Code of Practice, press releases, the First Commissioner's speeches and a publication scheme detailing the information that is available in line with Freedom of Information requirements;
- contributed to the Civil Service College's training programmes for the fast stream and on employment law;
- contributed to meetings of the Cabinet Office's interdepartmental Recruitment Network;
- developed a seminar about the work of the Civil Service Commissioners in relation to the Civil Service Code and the revised Recruitment Code which we plan to offer to departments and agencies from mid 2004.

Discussions of current issues

We continued our dialogue with departments on current issues through:

- discussions with the Cabinet Office, including working with it on an adjustment to the terms under which Ministers may be involved in Civil Service appointments through external recruitment while maintaining a system which gives assurance that appointments are made on merit (see *A new Recruitment Code*);
- a discussion with personnel directors at one of our monthly meetings;
- meetings between our Office and individual departments on how to handle particular issues facing them within the principles in the Recruitment Code;
- advice given by our Office to departments in response to telephone queries and e-mails (often several a day and several hundred over a year) about the implications of the Recruitment Code for the way they handle their recruitment;
- participation by our Office in the interdepartmental Recruitment Network.



We have always felt that the Commissioners' input to the recruitment process has been invaluable in helping us to make the right appointment.

*Frances Gillick
HR Manager
The Department of Health*



best practice

At each stage, the Commissioner seeks to ensure the selection criteria are soundly applied in assessing candidates, taking account of all the available evidence.

Our role in senior competitions

The Commissioners' approval is required for appointments at the most senior levels in the Civil Service: Permanent Secretary level and Pay Bands 2 and 3 in the Senior Civil Service. We must also approve senior information and communication appointments in Pay Bands 1 and 1A.

A Commissioner usually chairs the appointment panel to help ensure fairness and openness in the recruitment and selection of the best person for the job.

We always aim to make a practical, flexible contribution that takes full account of the post's particular requirements. Benchmarking compares our approach favourably with similar processes in the public and private sectors.

In practice, no two competitions are identical because no two jobs are identical, and the same can be said of our involvement. However, our participation in the selection process typically follows the pattern described here.

First, the Commissioner chairing the panel must be satisfied that the job and person descriptions are clear and accurate and that the advertisements are appropriately worded and placed. He or she will also help to ensure that any other steps to attract suitable candidates are open and effective. This stage usually takes two to three weeks.

After the advertisements appear, another two or three weeks are allowed for candidates to apply.

Next, the panel carry out the first sift of applications to produce a longlist of candidates who will then be interviewed by the recruitment consultants. This takes three to four weeks.

The second sift is then carried out by the panel to produce a shortlist. These remaining candidates often meet line managers and might be interviewed by an occupational psychologist. This stage takes two to three weeks.

The panel then carry out the final interviews.

At each stage, the Commissioner seeks to ensure the selection criteria are soundly applied in assessing candidates, taking account of all the available evidence.

Finally, the Commissioner reports the outcome of the competition to the department. If any problems have arisen, the Commissioner will share these with the other Commissioners and, if appropriate, also take up the matter with the department. Similarly, if the competition has revealed an example of good practice which could be applied more widely in the Civil Service, the Commissioners will feed this back to departments in their regular contacts with them.

A Commissioner usually chairs the appointment panel to help ensure fairness and openness in the recruitment and selection of the best person for the job.

Permanent Secretary, Government Communications



The panel worked very effectively. I was impressed by Usha Prashar's chairing throughout and her handling of the final discussion.

Sir Robert Phillis

One of the highest-profile competitions the Commissioners were involved in was that to appoint the first Permanent Secretary, Government Communications, to take charge of the strategic direction of communications.

The creation of this post was one of the recommendations of an independent team – chaired by Sir Robert Phillis – who had been invited by the Prime Minister to carry out a 'radical review' of Government communications.

The Government decided it should be an open competition. The First Commissioner always chairs competitions for Permanent Secretaries. With Baroness Prashar's agreement, the Cabinet Office brought together the other panel members:

- Sir Andrew Turnbull, Cabinet Secretary and Head of the Home Civil Service (the post-holder's 'line manager');
- Sir Richard Mottram, Permanent Secretary of the Department for Work and Pensions (a key stakeholder in the work of the job-holder);
- Sir Robert Phillis, Chief Executive of the Guardian Media Group (who had chaired the independent review);
- Sally Davis of BT Global Products (an expert on communications).

Patrick Johnson of the search consultants Whitehead Mann was appointed to help run the competition and to carry out an executive search.

Brainstorming meeting, 2 October 2003

As this was a new job, the First Commissioner suggested a 'brainstorming' meeting between the panel and a group of people with experience of a range of different aspects of communications to discuss the scope of the job and the skills and experience the job-holder would need. This was an innovation and it worked well.

At the end of the discussion there was agreement that the role was strategic: to develop and deliver the Government's approach to communications to ensure the engagement of the citizen and the effective delivery of policy and programmes. Key aspects would be:

- setting up a professional communications function across government;
- leading a new centre of excellence supporting departments;
- being head of profession and playing a visible leadership role;
- ensuring the customer perspective was built into the development and delivery of policy;
- working closely with No 10 and the Cabinet Office to ensure a co-ordinated and strategic approach was taken to communications across government.

It was clear that the panel would be looking for an exceptional leader, who had a deep understanding of the broad range of communications and marketing functions going beyond news and the national media and a strong focus on the needs of the customer. He or she needed a strong record of delivery in communications, experience of building teams and of managing complex relationships across boundaries, with the capacity to drive change.

Sally Davis:

The brainstorming meeting really added colour. It was a chance to unpick the complexity of the job. There were different views around the table. A better job description and person specification emerged at the end. I thought I would use the idea myself in future competitions I run. It is a good way to look at complex jobs which cross boundaries.



The brainstorming meeting really added colour. It was a chance to unpick the complexity of the job. There were different views around the table. A better job description and person specification emerged at the end.

Sally Davis



We always enjoy the opportunity to be involved in Civil Service recruitment competitions chaired by the Commissioners. They bring a rigour to the process which is not always found in other sectors – but at the same time take a refreshingly flexible and pragmatic approach to ensuring fairness and transparency.

*Patrick Johnson
Whitehead Mann Group
recruitment consultants*

Longlisting meeting, 21 January 2004

The panel met to consider the 86 people who applied for the post. They quickly identified those they wished to move to the second stage: an interview with the search consultants to test their understanding of the job, their commitment to it and how well they matched up against the selection criteria.

Patrick Johnson:

Our role both here and at the shortlisting meeting was to bring a slate of candidates with different skills sets and experience so as to help the panel focus on the skills and experience they really wanted. We had a huge range of conversations. Everyone was interested in talking to us. Their imagination was caught by the agenda, even if they decided the job was not for them.

Shortlisting meeting, 11 February 2004

The panel met to consider the search consultants' reports. There was remarkable unanimity on the key candidates, who leapt off the page. Six candidates were shortlisted (one subsequently withdrew).

An occupational psychologist interviewed them to identify their strengths and weaknesses and areas to explore at final interview.

Sir Richard Mottram:

It was fairly easy to get the names down to the final list. They were then given the chance to meet Andrew and me. This was another innovation, designed to give people two perspectives on the job. The job is not about sitting at the centre of government. The job-holder has to be able to persuade people in departments to their way of thinking, and the candidates were able to discuss with me what that would involve.



Interviews, 2 March 2004

Five candidates were interviewed. Each started with a short presentation on the structure of the role and how they would shape it to suit its purpose. The panel's questions covered:

- widening the scope of communications;
- handling the news aspect;
- the relationship with No 10;
- creating a culture and standards;
- working across and with departments;
- the role of head of profession;
- communicating with the citizen;
- the Phillis report and issues arising out of it;
- the candidate's personal style and approach.

The discussion on the merits of each candidate at the end of the day had echoes of the brainstorming meeting, and turned on the questions of what was the job and what was the best way of doing it. The panel were faced with a choice between two models:

A was a very good insider who would work well across departmental boundaries and mainstream the approach but who would need a very strong professional communicator as his number 2 to help him tackle the technical side of the job;

B was a communications professional who would need support on working successfully with Whitehall.

This is not an uncommon dilemma in appointments at this level.

As the primary requirement of the organisation at this point in its evolution was to increase the professionalism of the communications at the centre of Government and in departments, the decision was taken to recommend Howell James (below right).

Sir Robert Phillis:

The panel worked very effectively. I was impressed by Usha Prashar's chairing throughout and her handling of the final discussion. I did not know what the outcome would be as the day wore on. I thought the search consultants did a thorough and professional job. They presented an interesting range of candidates with a spread of skills and experience and the greater the range, the greater the chance of making the right choice.



Final thoughts

Baroness Prashar:

The role of the Commissioners is to always uphold the principles of selection on merit and fair and open competition, but we seek to do so in a flexible way which produces the right result. This time it was right to spend a great deal of time at the start to make sure we understood the job, not least because it was new.

Thereafter we sought to make sure that the candidates were given every opportunity to understand the job – and that we had the best possible understanding of what they could bring to it.

Sir Andrew Turnbull:

The Phillis Report and the subsequent work produced a definition of the communications role in government which will have far-reaching consequences. Overall the process ran smoothly. I always felt we had a good field. I never needed to ask myself: how are we going to appoint someone from this list? Howell has worked in advertising, commercial TV, as a Special Adviser, with Cable & Wireless and the BBC, in No 10 and, most recently, in PR. With the exception of the print media, he had worked in all parts of the communications sector. He brings a wide range of skills to the job. I look forward to working with him.





In a competitive market place, positive steps must be taken to make the recruitment process more effective, as well as ensuring that any unfairness is avoided.

Appointment diary

Selection of Chief Executive, Disability and Carers Agency

This is the inside story of a Senior Civil Service appointment, told by those who made it.

The Government announced in January 2004 that the Disability and Carers Service, a unit in the Department for Work and Pensions (DWP), would become an executive agency, accountable for paying more than £11 billion in benefits to a total of some four million people with disabilities and carers.

The Chief Executive of the Disability and Carers Service will see through the change – aimed at improving efficiency and customer service – and lead more than 7,000 staff. The appointee will also work in partnership with two existing executive agencies, Jobcentre Plus and The Pension Service.

The Civil Service Commissioners must approve Civil Service appointments at this level and it is usual for a Commissioner to chair the appointment panel to help ensure fairness and openness in the recruitment and selection of the best person for the job. The Commissioner taking the chair here was Bronwen Curtis.

Panel

Bronwen Curtis, *Civil Service Commissioner (chair)*;
David Anderson, *Chief Executive, Jobcentre Plus*;
Paul Gray, *Managing Director, Pensions and Disability, DWP*;
James Strachan, *Chairman of RNID (UK's largest charity for deaf and hard of hearing people)*.

The DWP decided to make it an open competition to get the widest range of suitable candidates from either inside or outside the Civil Service. The advertisement and job specification were submitted to Bronwen Curtis for comments and approval. In February, the post was advertised.

What happened next is told through notes kept throughout the process by panel members.



The DWP decided to make it an open competition to get the widest range of suitable candidates from either inside or outside the Civil Service.





Telephone conversation between Bronwen Curtis and Paul Gray (below).

Bronwen Curtis:

Discussed history of the vacancy, specific job challenges, the person specification, any political sensitivities and my involvement.

Key points the appointee must address:

- *this is a critical business transformation role, moving to customer-focused delivery of financial services*
- *greater efficiency means significant shrinking of the business unit*
- *vulnerability of the client group*
- *concerns of the disability lobby.*



Think we covered everything. I'm really pleased to see they're committed to the spirit of the Recruitment Code. Good start.

1 March 2004

Telephone call from the recruitment consultants to Bronwen Curtis.

Bronwen Curtis:

They wanted to know if I'd accept applications from people they'd been talking to before the closing date [27 February] who had indicated an intention to apply but hadn't submitted a formal application.

Yes, as they appear to be strong and we wish to have the best field possible to choose from. But this is provided:

- *all candidates are treated consistently*
- *conversations with them were progressed before the closing date*
- *no new searches are initiated without clearing with me.*



17 March 2004



Longlisting meeting, attended by Bronwen Curtis, David Anderson (right) and Paul Gray. James Strachan unable to attend. Also present: recruitment consultants and DWP HR staff.

Paul Gray:

Good material put together by the headhunters with a broadly-based field of candidates.

Consensus between panel members on strengths and weaknesses of the field, so longlisting 10 candidates was relatively straightforward.

This suggests the panel will work together effectively as the exercise proceeds.

Bronwen Curtis:

Overall quality of candidates seems good.

I queried the omission from our candidate assessment sheets of the ability to work across organisational boundaries. Paul Gray confirmed this was an essential competency. So we took it into account when assessing candidates against competencies.

Something new to take on board: the Chancellor this afternoon announced 30,000 job cuts in the DWP. This heightens the need for the appointee to have leadership and transformation skills, so we were even more demanding in checking whether applicants had these.

Shortlisting meeting, attended by Bronwen Curtis, Paul Gray and James Strachan (left). David Anderson unable to attend. Also present: recruitment consultants, DWP HR staff and stenographer (to assist James Strachan, who is profoundly deaf, by producing a running transcript on a screen).

Bronwen Curtis:

We have all received and reviewed the assessments of 10 apparently good applicants from the consultants. Looks like a strong field and it may be tough to get to a shortlist.

I reiterated the key competency areas and the reasons for going to open competition. James Strachan asked Paul Gray to identify the two most critical competency areas. They were: leadership and business transformation. Paul also passed on some input from David Anderson.



Discussed each candidate in detail. Some were known to panel members. I noted the input on these to ensure there was no personal bias

that might unfairly eliminate – or include – a candidate.

Reduced the list to six. Needed to drop another one or two, but no consensus on which. Difficult.

I suggested we should focus on the weighted competencies and apply a more critical eye to the candidate assessments.

Still a difference of opinion over two candidates with similar experience, who currently work in the Civil Service and are known to panel members – whose views of them didn't wholly match the consultants' assessments.

I re-emphasised the merit principle, to avoid inappropriate subjective influence.

Further discussion. We agreed three candidates for the shortlist. Then compared the other three against them.



In each case, someone not comfortable with the person the others wanted either eliminated or included. I myself wasn't comfortable this was enough for fairness. So asked Paul Gray to clarify the reasons for inclusion/exclusion. We tested each of these for fairness. Then we went back and applied the criteria to all six candidates under consideration, including the three we'd previously included.

Eliminated one of those three and included the other three, giving us the final five. The debate took a full two hours.

The shortlist isn't necessarily the one any of us might have drawn up individually. It was achieved through debate leading to a consensus. This put the collegiate decision-making to the test – and the outcome was fair.

James Strachan:

A disappointing shortage of external candidates for such a significant operational job.

Paul Gray:

Shortlisting proved more difficult than I'd expected – but a nice problem to have!



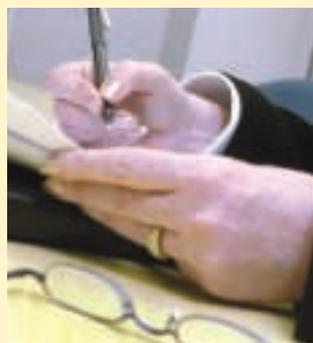
Our need to have an extensive discussion before we finalised the shortlist decisions forced panel members to work hard at listening carefully to each other's views and observations and getting to know each other better. This augurs well for our ability to work as an effective team at the final interview stage.

30 March 2004

Telephone call from Bronwen Curtis to recruitment consultants.

Bronwen Curtis:

Discussed outcome of shortlist meeting as panel had not wholly followed the consultants' recommendations. Needed to ensure they understood the decisions made.



16 April 2004

Telephone call from Paul Gray to Bronwen Curtis.

Bronwen Curtis:

Paul Gray called to seek my view on the appropriate ministerial involvement of the Secretary of State [for Work and Pensions, Rt Hon Andrew Smith MP] at this stage.

Agreed: names and brief resumés of the shortlisted to be sent to Sec of State, with a request for him to provide any steers he wishes the panel to follow in relation to the agreed selection criteria and to identify any specific issues he might wish to explore with any or all of the candidates.

Telephone call from Bronwen Curtis to Paul Gray.

Bronwen Curtis:

Discussed a message just received about a candidate's late withdrawal from the interviews [to be held tomorrow].

I passed on feedback from James Strachan following the shortlisting.

We confirmed important areas of focus for the panel.



23 April 2004

Final interviews by the panel: Bronwen Curtis, David Anderson, Paul Gray and James Strachan. Also present: stenographer.

Paul Gray:

The crunch day!

Panel members arrived in good time for us to plan the day – including time to move to a smaller interview room where we could have a more relaxed conversational style with the candidates.



Bronwen Curtis:

Last-minute withdrawal of a candidate. Checked whether this was related to the selection process. It was 'a personal decision on a preferred career path'.

Before the interviews, I ran through the following:

- *Confirmed all understood the merit principle – we were to assess the competence of the candidates and then determine who was the best fit to the job.*
- *Explained the assessment form, the selection criteria and their relative weightings. Also the need to come to a collegiate decision.*
- *Asked each panel member to confirm his line of questioning and cross-checked this against the evidence required for our decision.*
- *Checked we had appropriately incorporated the points raised in the consultants' assessments and feedback from the Secretary of State.*

Everyone clear and agreed on above.

Interviews:

- *Asked each candidate to do a presentation. Then we followed up with questions to gain the evidence.*
- *Panel worked well together. Some good complementary probing on important points by one member after another.*
- *We asked each candidate to comment on the selection process.*

Panel discussion after interviews:

Some divergences on how candidates measured up against the competencies. But we were able to agree on an overall assessment and a relative order of merit.

Ranking of those above the line took into consideration not only individual competency assessments but also how the candidates would fit the agency, its team and the specific results to be achieved. This influenced the choice between the candidates with the stronger competency profiles.

We studied references for those candidates assessed as appointable and found nothing that changed our assessment.

We agreed to appoint Terry Moran, currently Director, North West Region Jobcentre Plus.

I asked each member of the panel to sign the assessment sheets. These will form the basis of any feedback to the candidates and will amplify our official report.

David Anderson:

A good day's interviewing. Very different responses from candidates to questions posed produced a clear outcome.

Paul Gray:

As the day progressed, our earlier work in building the relationships in the panel really started to pay dividends and we worked together really effectively as a team, both in interviewing candidates and then comparing notes on their suitability. Most important of all, we got a good, agreed result. Many thanks to the panel members and Penna [the recruitment consultants] for helping deliver that.

Welcome on board, Terry!



The Secretary of State has given his approval to the appointment. The job has been offered to Terry Moran and he has accepted.

Terry Moran:

This was the first time I'd applied for any job through recruitment consultants and my first open competition since joining the Civil Service from school.

I found the briefing document and my chat with the prospective boss put everything in perspective. You couldn't be under any misapprehension about this job.

But the longest interview wasn't what I expected. An hour and half being grilled about why you're the best for the job is testing. I also had the distinct impression they were



looking for an external candidate and was a bit deflated on the train home. So I was somewhat shocked to be invited to the interview.

I was asked to make a seven-minute presentation. Preparing this was an ordeal – it's a long time to talk, but short for the

points you want to make. I didn't bring all my thoughts together until the day before the final interview.

I left the interview not entirely happy with my performance and consoled myself that I'd learned a lot in the process. So I'd resigned myself to getting the gentle let-down call, but the outcome was rather different – and so exciting!

Bronwen Curtis:

Feel a sense of satisfaction: a department committed to the recruitment principles, a group of people prepared to challenge and debate, a clear panel decision and a good appointment to an important role.

What more could a Commissioner want?



I found the briefing document and my chat with the prospective boss put everything in perspective. You couldn't be under any misapprehension about this job.

Terry Moran

A woman with short dark hair and glasses, wearing a green blazer over a red turtleneck, is seated in a red leather tufted chair. She is looking down at a stack of papers in her lap. The scene is framed as if on a television screen, set against a dark blue background.

clear advice

The Civil Service has, quite rightly, embarked on a programme of reform in response to changing demands, but at a time of rapid change there is a need more than ever to ensure that the core values of the Civil Service are not eroded.

Recommending changes

It was, as we mention in *The year in brief*, a year of lively discussion about the Civil Service and its core values. We welcome this debate and have been keen to engage in it.

In particular, we gave our views and recommended a number of changes when we presented evidence to:

- the Committee on Standards in Public Life (our evidence concerned Special Advisers, codes of conduct and ministerial involvement in the selection process);
- the House of Commons Select Committee on Public Administration (concerning a Civil Service Bill);
- An Independent Review of Government Communications, chaired by Sir Robert Phillis (concerning the Government Information and Communication Service).

These bodies published reports during the year. Here we summarise what we said to them and the conclusions they reached.

Committee on Standards in Public Life Ninth report, *Defining the Boundaries within the Executive: Ministers, Special Advisers and the permanent Civil Service*

As we recorded in our report for 2002-2003, the First Commissioner gave evidence to the committee.

Special Advisers

We made the following points:

- The distinction between the work of Special Advisers and civil servants should be as clear as possible. Otherwise there could be a confusion of role at the expense of an impartial Civil Service.
- The Code of Conduct for Special Advisers allowed them to represent the views of their Ministers to the media. But the Order in Council which governed their appointment allowed them only to provide advice to Ministers. This needed to be clarified.
- The assumption that Special Advisers were better placed than civil servants to interpret a Minister's view on a particular issue could easily lead, in effect, to their giving instructions to civil servants. The scope for confusion was increased if Special Advisers had an executive role.

- Clarity would also be enhanced if there was greater transparency about the different types of Special Advisers. Those who gave political advice should be distinguished from civil servants. This could be done by making them directly accountable to their Minister (who would recruit them and be personally responsible for their conduct and discipline) and, possibly, by having their costs charged to a separate fund approved by Parliament. Expert advisers – appointed for their knowledge and expertise in a particular subject area – should be recruited under the Civil Service Commissioners' requirements.

The committee's report, published in April 2003, made the following related recommendations:

- Special Advisers should be defined as a category of government servant distinct from the Civil Service.
- As such, they should have terms of service which preserve the relevant elements from the Civil Service Code, the Civil Service Management Code and the Code of Conduct for Special Advisers.
- The existence of two posts in the Prime Minister's Office with executive powers should be a matter for parliamentary debate and agreement.
- A clear statement of what Special Advisers cannot do should be set out in primary legislation. The report recommended that they should not:
 - (i) ask civil servants to do anything improper or illegal, or anything which might undermine the role and duties of permanent civil servants;
 - (ii) undermine the political impartiality of civil servants or the duty of civil servants to give honest and impartial advice to Ministers;
 - (iii) have any role in the appraisal, reward, discipline or promotion of permanent civil servants.

The distinction between the work of Special Advisers and civil servants should be as clear as possible. Otherwise there could be a confusion of role at the expense of an impartial Civil Service.

With the possible exception of the two posts in the Prime Minister's Office, Special Advisers should not:

- (iv) have powers to authorise the spending of government money;
 - (v) have any role in the line management of civil servants;
 - (vi) have charge of or any direction over the work of GICS members;
 - (vii) have any other executive powers.
- The Code of Conduct for Special Advisers should continue to list the sorts of work a Special Adviser may do at the request of their Minister.
 - The Ministerial Code should be amended to require each Minister to set out in the individual contract for each Special Adviser the work that Adviser is being appointed to undertake. Any significant departure from the sorts of work envisaged in the Code of Conduct for Special Advisers should require the prior written approval of the Prime Minister and should be explained publicly.
 - The Ministerial Code should be amended to make clear that all Ministers are personally accountable to the Prime Minister and Parliament for the management and discipline of their Special Advisers, including unpaid Special Advisers.
 - An annual statement should be made to Parliament giving details of Special Advisers and their roles, and should include unpaid Special Advisers.

In its response published in September 2003, the Government maintained its position that Special Advisers should be civil servants as they needed to work alongside permanent civil servants, but it agreed greater clarity should be provided on their status in the next version of the Code of Conduct for Special Advisers. Its view was that the issue of what Special Advisers can and cannot do should be set out in codes of conduct rather than on the face of a Bill. It did not accept there was a need for individual Ministers to set out the work of each Special Adviser, but recognised that there would be benefit in amending the Code of Conduct for Special Advisers to provide clarification of the relationships between Special Advisers and permanent officials. The Government accepted the recommendations relating to ministerial accountability. Details of paid Special Advisers were already given to Parliament, but this would be extended to cover unpaid Special Advisers.

Civil Service and Special Adviser Codes

We proposed that the current codes should be reviewed.

We had three concerns about them:

- There was the extent to which individuals were aware of the codes and the implications for their work. It was the responsibility of departments to promote the codes, to make them a living reality through induction, training and management and thereby to turn them into positive statements of values. The Commissioners should be given the specific remit of keeping the operation of the codes under review and proposing amendments.
- We found it surprising that the right of appeal for a civil servant who wished to clarify the activity of a special adviser was in the Code of Conduct for Special Advisers and not in the Civil Service Code.
- A further concern was that civil servants were constrained from pursuing appeals for fear of the impact on their careers. The Commissioners should be able to initiate enquiries when they had reasonable grounds to believe there had been a systemic failure under the code.

The committee's report made recommendations for the Commissioners to work with departments to promote the Civil Service Code and the Government accepted them.

The Government also accepted the committee's recommendation that provision in the Code of Conduct for Special Advisers giving a right of appeal with regard to the activity of a special adviser should be inserted into the Civil Service Code as soon as possible.

The Government is in dialogue with the committee about a proposal in its Ninth Report that the Commissioners should be able to initiate enquiries without first receiving an appeal under the code. We hope the Government will come quickly to see the value of this further safeguard.

For details, see Aims and progress: Civil Service Code.

Ministerial involvement in the selection process

We said the following in our evidence on the involvement of Ministers in the selection process in recruitment:

- Ministers could have a say in the type of individual they would like to see appointed but should not be allowed a choice from among the leading candidates. Doing so would erode two key principles. The first was recruitment on merit. The recruitment process was designed to draw up an order of merit, to decide who was the best available person to take on the job. The second principle was the concept of a permanent Civil Service. Ministers moved on whereas the permanence, professionalism and impartiality of the Civil Service ensured it could serve any government of the day.

The committee recommended that the present practice whereby one candidate, chosen on merit, is recommended to the Minister should continue for open competition involving outside candidates.

The Government said that it would discuss with the Commissioners whether Ministers should be given some element of choice among candidates found suitable by the panel in appointments in which they had a particular interest.

We agreed to an adjustment to the terms under which Ministers may be involved in Civil Service appointments through external recruitment while maintaining a system which gives assurance that appointments are made on merit. See *Aims and progress: A new Recruitment Code and Appendix D: Involvement of Ministers*.



Ministers could have a say in the type of individual they would like to see appointed but should not be allowed a choice from among the leading candidates. Doing so would erode two key principles. The first was recruitment on merit. The recruitment process was designed to draw up an order of merit, to decide who was the best available person to take on the job. The second principle was the concept of a permanent Civil Service.

Other recommendations by the committee

We were also pleased to note the following recommendations – which the Government accepted – concerning our role and the appointment of the First Commissioner:

- The Civil Service Commissioners should have an active role in scrutinising the maintenance of the core values of the Civil Service.
- The Civil Service Commissioners should monitor the use of both short term-appointments and secondments to ensure that the core values of the Civil Service are not compromised.
- The overriding principle of selection on merit, after fair and open competition, should be maintained.
- The Civil Service Commissioners should continue to be responsible for ensuring the merit principle is properly applied within the Civil Service.
- To that end, the Commissioners should be granted powers, and facilities to investigate, on their own initiative, and to report on the operation of the Civil Service recruitment system as it concerns the application of the principle of selection on merit.
- The Civil Service Commissioners should grant further relaxation of the overriding principle of selection on merit only if they are fully satisfied that this is needed for the operational effectiveness of the Civil Service, for example after an investigation using the power referred to in the preceding recommendation.
- The appointment of the First Civil Service Commissioner should be made after consultation with opposition leaders.

Baroness Prashar's evidence to the committee is available at its website: www.public-standards.gov.uk/reports/9th%20report/report/oral_evidence.pdf.

House of Commons Select Committee on Public Administration

Civil Service legislation

In our evidence to the committee, we made the following general points:

- The constitutional position of the Civil Service and the core values which underpin its work are too important to be left to an Order in Council and a code, both of which can be changed at the whim of any Government without prior parliamentary debate and scrutiny. To serve effectively successive administrations with equal commitment and loyalty, the Civil Service must be underpinned by a stable and enduring set of core values – integrity, impartiality, honesty, objectivity and appointment on merit – which can be changed and refined only after parliamentary scrutiny.
- At a time of substantial change and reform, much would be done to provide important reassurance about the future of a permanent and impartial Civil Service by enshrining the core values in statute and by placing the role and character of the Civil Service more directly under the oversight of Parliament.

On the content of an Act, we proposed that the following should appear on the face of the Bill:

- all the Civil Service core values, including the principle of selection for appointment on merit after fair and open competition;
- the Commissioners' functions. These could include the additional ones proposed in our evidence to the Committee on Standards in Public Life that we should be able to initiate enquiries and carry out investigations under the Civil Service Code on our own initiative and to keep the operation of the Civil Service Code under review and to propose amendments;

We made these further points:

- While the Civil Service Commissioners should continue to be appointed by the Crown, we would favour the appointment of the First Commissioner – if not all Commissioners – to follow consultation with the main opposition party or parties.
- The Code of Conduct for Special Advisers should be reviewed to ensure that there is clarity between the respective roles of Special Advisers and the permanent Civil Service.
- The opportunity should be taken to review the Civil Service Code to make sure it ‘speaks’ to the many civil servants not based in Whitehall but who, nonetheless, need to appreciate the implications of the Code on their work.

We were pleased to note the provisions proposed in the committee’s draft Civil Service Bill, in particular:

- its confirmation of the principle of selection on merit on the basis of fair and open competition in relation to appointments to the Civil Service and the Commissioners’ role in maintaining this principle;
- the proposed enshrinement in statute of the Civil Service Code;
- the role envisaged for the Commissioners in upholding the Civil Service Code, including the making of such inquiries as they may see fit into the operation of the code.

Similar provisions were included in the Executive Powers and Civil Service Bill, a Private Member’s Bill introduced in the House of Lords by Lord Lester of Herne Hill. The First Commissioner supported them in her speech in the Second Reading debate on 5 March 2004.

We welcome the Government’s commitment to publish its own Civil Service Bill and hope that an early opportunity will be found to present it to Parliament.

An Independent Review of Government Communications

In our evidence to the review group, chaired by Sir Robert Phillis, we focused on two main issues:

- **The competence – ‘fitness for purpose’ – of the Government Information and Communication Service (GICS).** Our comments were based on our particular insights into the operation of the GICS gained from our work in chairing selection boards and approving appointments whenever senior or sensitive posts are opened to candidates from outside the Service. At the time of the evidence, we had handled 33 such competitions since 1997.
- **The impartiality of and public trust in the GICS.** We emphasised that the GICS was an integral part of the Civil Service and should not be considered in isolation from the rest of the Civil Service and the values which underpin its operations.

We welcome the review group’s report, in particular two groups of recommendations which relate directly to our role:

- improved recruitment and training to raise professional standards and maintain Civil Service impartiality (recommendation 6);
- new rules governing the conduct of Special Advisers and defining more clearly the boundaries with the Civil Service (recommendation 7).

We were pleased to note the support expressed in recommendation 6 for the position that Ministers should not be given a choice over external candidates and for maintaining the overriding principle of selection on merit after fair and open competition.

The review group also recommended the creation of the new post of Permanent Secretary, Government Communications who would focus on a strategic approach to communications across Government. See *Our role in senior competitions: Permanent Secretary, Government Communications*.

Appendix A

Civil Service Commissioners' responsibilities and costs

The Commissioners' responsibilities are laid down by the Civil Service Order in Council 1995 (with subsequent amendments) and the Diplomatic Service Order in Council 1991 (amended August 1995).

Recruitment

The Orders require the Commissioners to:

- maintain the principles of selection on merit on the basis of fair and open competition in recruitment to the Civil Service;
- prescribe and publish a Recruitment Code on the interpretation and application of the principles;
- incorporate in the Recruitment Code certain restricted circumstances in which exceptions to the principles can be made, within the terms of the Orders in Council;
- approve appointments at the most senior levels in the Civil Service made through open competition or under the exceptions;
- audit the recruitment systems of departments and agencies for compliance with the Recruitment Code.

In addition, the Commissioners, as empowered by the Orders, require departments and agencies to publish information about their recruitment, including their use of the exceptions to selection on merit on the basis of fair and open competition.

Appeals under the Civil Service Code

The Civil Service Order in Council gives the Commissioners the duty to hear and determine appeals under the Civil Service Code.

The code sets out the role and duties of civil servants and the standards of conduct and propriety expected of them. It also provides for matters which appear to contravene the code, including those raising fundamental issues of conscience, to be reported under departmental procedures.

When this has been done and the civil servant concerned considers that the response is not a reasonable one, he or she may appeal to the Commissioners. The procedures for making an appeal are set out in further detail in a leaflet produced by the Office of the Civil Service Commissioners. It is available from the Office and at our website: www.civilservicecommissioners.gov.uk/.

Annual report

The Orders require the Commissioners to produce an annual report and specify what is to be in it:

- summary information on appointments requiring the Commissioners' approval which have been made through fair and open competition and through the use of permitted exceptions;
- an account of the audit of recruitment policies and practices;
- summary information on appeals which have been made to the Commissioners under the Civil Service Code.

Scope of responsibilities

The Commissioners' recruitment responsibilities relate to the Home Civil Service and the Diplomatic Service. Their responsibilities for appeals under the Civil Service Code concern only the Home Civil Service. Other parts of the public service are outside their remit. There are separate Commissioners for the Northern Ireland Civil Service.

Finances

We provide here a summary of finances during 2003-2004. The figures are based on the likely out-turn.

	£K
First Commissioner's pay and related costs	124
Commissioners' fees ¹	148
Commissioners' travel and subsistence costs	31
OCSC staff pay and related costs	344
Consultancy costs (including audit)	190
Other administration costs	45
Sub-total	882
Income from provision of training	3
Total	879

¹ £1,200 per senior competition chaired and £300 per day pro rata for other activities.

Appendix B

Approval of appointments through open competition to the Senior Civil Service

Posts falling inside and outside the remit of the Senior Appointments Selection Committee (SASC)

	SASC	NON-SASC
Head/Deputy Head of Department	4	2
Director/Deputy Director	9	45
Chief Executive	8	9
Information Officer (Payband 1)		2
Other		10
Total	21	68

Sources of candidates approved for appointment

Civil Service	43
Other public sector	19
Private sector	24
Other (Peabody Trust, International Institute for Environment and Development and Accounting Standards Board)	3
Total	89

SASC appointments

DEPARTMENT/AGENCY	JOB TITLE	APPOINTEE
Cabinet Office	Head of Government Communications	Howell James
Constitutional Affairs		
Unified Courts Agency	Chief Executive	Professor Sir Ron De Witt
Defence	Science & Technology Director	Mike Markin
Met Office	Chief Executive	Dr David Rogers
Education & Skills	Director General, Higher Education	Sir Alan Wilson
Environment, Food & Rural Affairs	Chief Veterinary Officer	Debby Reynolds
Export Credits Guarantee Department	Chief Executive	Patrick Crawford
Health	Director of Delivery	John Bacon
	Deputy Chief Medical Officer	Fiona Adshead
Home Office	Director General, Communities Group	Helen Edwards
Office of the Deputy Prime Minister	Head of Sustainable Communities Delivery Unit	Richard McCarthy
Office of Gas & Electricity Markets	Chief Executive	Alistair Buchanan
Scottish Executive	Permanent Secretary	John Elvidge
Transport	Permanent Secretary	David Rowlands
Highways Agency	Chief Executive	Archie Robertson
HM Treasury	Second Permanent Secretary	Nicholas Stern
	Managing Director, Financial Management, Reporting and Audit	Mary Keegan
	Head of the Shareholder Executive	Richard Gillingwater
Office of Government Commerce	Chief Executive	John Oughton
Work & Pensions	Chief Information Officer	Joe Harley
Jobcentre Plus	Chief Executive	David Anderson

Other senior appointments through open competition

DEPARTMENT/AGENCY	JOB TITLE	APPOINTEE
Assets Recovery Agency	Head of Legal Services	Sue Edwards
	Deputy Director of Operations	Adrian Brenton
Cabinet Office	Director of Centre for Management Policy Studies	David Spencer
Constitutional Affairs Unified Courts Agency	Customer Strategy Director	Jane Frost
	Regional Manager	Nicola Bastin
	Regional Manager	Stephen Caven
	Regional Manager	Nick Chibnall
	Regional Manager	Alan Eccles
	Regional Manager	Chris Mayer
	Regional Manager	Kevin Pogson Peter Risk
HM Customs & Excise	Deputy Director, Information & Electronic Services	Len Morris
Culture, Media & Sport	Director of Arts & Culture	Alan Davey
Defence Defence Aviation Repair Agency Armed Forces Personnel Administration Agency	Chief Executive	Archibald Hughes
	Chief Executive	Commodore Trevor Spires
Education & Skills	Director General, Children, Young People & Families	Tom Jeffery
	Director of Strategy & Communications	Michael Stevenson
Environment, Food & Rural Affairs	Director of Strategy	Jill Rutter
	Director of Rural Policy	John Mills
Health Medicines & Healthcare Products Regulatory Agency NHS Modernisation Agency	Head of Secondary Care	Matthew Coates
	Head of Emergency Preparedness	Penny Bevan
	Head of Health Protection	Gerard Heatherington
	Director of Programmes & Performance	Duncan Selbie
	Inspector of Microbiology	Professor Brian Duerden
	Chief Programme Officer	Gordon Hextall
Health & Safety Executive	Chief Executive	Professor Kent Woods
	Director of Finance & Resources	Martin Gore
Home Office Criminal Records Bureau	Director of Communications	Colin Douglas
	Head of News	John Toker
	Human Resources & Change Director	John Marsh
	Director General, Criminal Justice IT	John Suffolk
	Programme Director	Katherine Courtney
	Programme Director	John Tuckett
	Director of Crime Reduction	Ellie Roy
	Director of Police Standards Unit	Paul Evans
	Director of Managed Migration	Paula Higson
	Chief Executive	Vince Gaskell
	Inland Revenue Valuation Office	Chief Executive

DEPARTMENT/AGENCY	JOB TITLE	APPOINTEE
International Development	Director of Finance & Corporate Performance	Richard Calvert
	Chief Environmental Advisor	Steve Bass
Office of the Deputy Prime Minister	Director of Homelessness	Terrie Alafat
	Head of Local Government	John O'Brien
Office of Fair Trading	Director of Legal Division	Brian McHenry
	Director, Consumer Regulation Enforcement	Christine Wade
Office of Manpower Economics	Director	Dr Alan Wright
Food Standards Agency	Director of Food Safety Policy	Andrew Wadge
Office of Gas & Electricity Markets	Director of Strategy	Steve Smith
National Savings & Investments	Sales Director	John Prout
Office of the Rail Regulator	Chief Executive	Suzanne McCarthy
HM Prison Service	Director of IT	Michael Manisty
	Director of Finance	Ann Beasley
Scottish Executive		
Communities Scotland	Chief Executive	Angiolina Foster
Office of Standards in Education	Director of Education	Miriam Rosen
	Director of Early Years	Maurice Smith
Transport	Director of Aviation	David McMillan
	Human Resources Director	Julian Duxfield
	Finance Director	Jonathan Moor
	Modernisation Director, DVO Group	Andrew Stott
	Chief Scientific Adviser	Frank Kelly
	Chief Executive	Captain Stephen Bligh
Maritime Coastguard Agency	Chief Executive	Captain Stephen Bligh
Trade & Industry	Human Resources & Change Director	Shirley Pointer
	Director General, Research Councils	Professor Sir Keith O'Nions
Patent Office	Chief Executive	Ron Marchant
HM Treasury	Director of Public Services	Ray Shostak
National Assembly for Wales	Director, Local Government, Public Service & Culture	Hugh Rawlings
	Human Resources Director	Bernard Galton
	Director of Agriculture & Rural Affairs	Gareth Jones
Work & Pensions		
Child Support Agency	Information Systems Director	Ron Eagle

Appendix C

Interpretation of selection on merit and fair and open competition

The Commissioners are charged with upholding the basic principles of selection on merit and fair and open competition. The principles are set out in detail in our Recruitment Code. This is our interpretation of them.

Selection on merit

The Recruitment Code (2.5) states that selection on merit has two objectives:

- *No one should be appointed to a job unless they are competent to do it.*
- *If two or more people meet the criteria for appointment, the job should be offered to the person who would do it best.*

Therefore, says the code, selection on merit means selecting the best available person for the job.

Merit is a relative not an abstract concept. It calls for a decision based on the circumstances at the time, not on theoretical circumstances.

So merit depends on the context.

The nature of the job

What is the purpose of the job over the next three to five years? Someone who is best at managing a start-up might not be best at running an organisation in more settled times.

The length of the appointment

The best candidate in terms of doing the job over the next three to five years might not be the one who would do it best on day one.

The job market

The best person available will depend in part on the attractiveness of other employment opportunities at the time.

Merit, then, is more than competence. But, before merit is identified, competence must be defined properly.

The various competencies required in the job should be weighted according to their contribution towards the successful carrying out of the job. The most meritorious candidate will be the one who is best at the job's critical elements.

So the task is to establish:

First: Who is competent to do the job.

Then: Who is the best person to do it.

The practical steps to be taken are:

- 1** Establish the qualities, competencies, experience etc that are required for the job. Then list them in order of priority.
- 2** Decide which procedures for making the job known can be expected to allow the best available candidates to come forward for consideration.
- 3** Draw up procedures which will reliably determine suitability for the job on the basis of the criteria established in stage **1**. In particular, the procedures must distinguish how candidates compare with each other in terms of merit.
- 4** Bring together a panel who are best placed to determine merit with regard to this job.

These preparations require, first, that it is clear right at the start why an appointment is wanted and what sort of person is being sought.

It is essential to research the potential field of candidates and think flexibly about effective ways of interesting them in the appointment.

The selection processes must be thought through. Which are most likely to show how far candidates meet the various requirements of the job? And which will enable the panel to make realistic comparisons among the candidates? For example, an interview that concentrated on how a candidate would handle particular circumstances could reward those who can talk in hypotheses. But it might not reveal how well the candidate handled critical incidents in the past.

Fair and open competition

Openness

The Recruitment Code (2.14) states that openness is about making Civil Service jobs accessible by ensuring that opportunities are made known and publicised. It also means that prospective applicants must be given equal and reasonable access to adequate information about the job and its requirements and about the selection process.

So open competition means, in the first place, that the competition is open to eligible people. (In the past it was contrasted with 'limited' competitions open only to civil servants.)

But, if a job is to be genuinely open to eligible people, all such people must be given an equal opportunity to find out about it and what it involves. And they must have an equal opportunity to apply for it.

Openness therefore means that individuals are not unfairly excluded. There could be a risk of that as a result of where the job is advertised and what is (or is not) said about it. Inappropriate eligibility conditions also infringe openness.

Openness is also about setting thresholds for suitability and excluding unsuitable people. It is linked with fairness in making clear what people need to know in order to set out their suitability for the job and what they would bring to it. And openness is linked with merit in helping to ensure that suitable people apply.

An advertisement that produces a small number of good candidates is better than one that attracts a large number of applicants, many of whom turn out to be unsuitable.

In considering whether or not the competition is open, particular account needs to be taken of the following:

- Someone who might be interested in a job must have a reasonable opportunity to find out about it.
- They must be clear about what is on offer (the nature of the work, terms of appointment and remuneration) and what will demonstrate suitability.
- The application process must help to identify suitable candidates.

Fairness

The Recruitment Code (2.9) says fairness means ensuring there is no bias in assessment of candidates at any stage of the selection process.

Fairness is to some extent an intuitive notion. To ensure that procedures are fair, it is important to look at the circumstances in the round. Account needs to be taken of the differences between people. Fairness does not mean treating everyone the same – eg asking them just the same questions.

To achieve fairness it is necessary to keep in mind what would amount to unfairness. In any context, there will be the possibility of doing something which might be perceived as an unfair procedure or unfair treatment of someone.

Fairness is partly about avoiding these.

So fair competition means giving each person a full opportunity to set out their suitability for the job and what they would bring to it. That in turn requires assessment procedures that avoid bias by being:

- objective and reliable indicators of future performance;
- unaffected by gender, race or other irrelevant considerations;
- relevant to the job;
- consistently applied.

But consistency does not necessarily mean using identical procedures for everyone. It is about applying the same general criteria of assessment to everyone in order to determine who is best able to do the job – in short, selection on merit.

It is important that candidates should feel the competition has been handled in these ways.

Exceptions to selection on merit and fair and open competition

The exceptions to fair and open competition permitted by the Commissioners are to do with flexibility, speed and pressing operational factors; the benefits that can be realised through secondment arrangements; and removing unfairness in the case of disabled people.

When these procedures are used, it is important to understand that exceptions to the basic principles are being made. There should be no overlap or confusion between them and normal procedures.

The Recruitment Code is at our website:

www.civilservicecommissioners.gov.uk/recruitment.htm

Appendix D

Involvement of ministers

The following is an extract from the Civil Service Commissioners' Recruitment Code (5th Edition – March 2004):

Involvement of ministers

2.52

Ministers may have a particular interest in appointments to certain posts. That interest must be accommodated within a system which selects on merit, is free from personal or political bias and ensures that appointments can last into future Administrations. **This section sets out the way in which Ministers may be involved in the selection and appointment processes. No procedures for determining selection additional to those in this Code may be used without the express approval of the Commissioners.**

2.53

If the post to be filled is one in which the Minister is interested, it is essential to agree with the Minister at the outset the terms on which the post is to be advertised, the job and person specifications and the criteria for selection. The composition of the selection board, and in particular the choice of external members, may also be agreed with the Minister against specified relevant criteria.

2.54

It is important that the department or agency ensures that it uses appropriate selection techniques to identify credible candidates. If search consultants are being used it may in some cases be helpful for them to see the Minister. The Minister should be kept in touch with the progress of the competition throughout, including being provided with full information about the expertise, experience and skills of candidates on the long and short lists. The Minister cannot interview the candidates or express a preference among them. Any further views the Minister may have about the balance of the expertise, experience and skills required for the post should be conveyed to the selection panel.

2.55

The candidate recommended for appointment must be the one placed first in order of merit by the selection panel. It is perfectly acceptable for the Minister to meet the lead candidate before deciding to approve the appointment but only that candidate may normally be appointed unless he or she turns the job down, in which case the position may be offered to reserve candidates above the line in order of merit. The Minister cannot pick and choose among the candidates.

2.56

In a rare case, where, despite having been kept in touch throughout, the Minister does not feel able to appoint the lead candidate, he or she must refer the matter back to the selection panel with his or her reasons. If, in the light of this explanation and having reviewed the balance of the selection criteria, the panel is minded to revise the order of merit and recommend another candidate from amongst those previously considered appointable, it must refer the case to the Civil Service Commissioners for their collective approval.

2.57

The Commissioners may either approve the submission of an alternative candidate or take the view that the original order of merit should stand. If the latter, no appointment on merit other than that originally recommended by the panel can be made as a result of this competition. If a fresh competition is to be run, it will need to be advertised with a different job and/or specification and/or salary.

2.58

There is a limited provision under the Orders in Council that enables the Commissioners to approve, in exceptional circumstances, the appointment of a candidate selected under open competition but not first in order in merit. The Commissioners would need to be satisfied that there were valid and exceptional reasons relating to the needs of the Service for such approval to be given.

2.59

The Commissioners will record in their annual report the number of cases referred to them under paragraphs 2.56-2.58.

Appendix E

Exceptions to selection on merit on the basis of fair and open competition

The permitted exceptions to the principles of selection on merit on the basis of fair and open competition are set out in general terms in the Civil Service Order in Council. Our Recruitment Code gives more details.

The exceptions include:

- short-term appointments justified by the needs of the service or by the need to relieve long-term unemployment (eg to allow Civil Service participation in the Government's New Deal programme);
- secondments to promote the exchange of ideas and experience;
- the re-appointment of former civil servants who had been recruited through fair and open competition;
- limited transfers from other public services;
- transfers into the Civil Service of staff whose functions have been taken over by government;
- encouraging and assisting disabled people in the selection process in ways not available to other applicants (eg the guarantee of an interview);
- exempting, since the beginning of 2002, people with disabilities in supported employment from the normal requirements for selection on merit on the basis of fair and open competition.

Very exceptionally we may agree to the conversion to permanency of a secondment or other short-term appointment not made through open competition.

Appendix F

Recruitment audits

Under the Civil Service Order in Council the Commissioners have a duty to audit departments' recruitment systems and practices. This is to establish whether departments, as the appointing authorities, are observing the Commissioners' Recruitment Code. One of the Commissioners is assigned to each audit and monitors its progress.

During the year the audit function was carried out under contract by Anite plc. Its contract came to an end in March 2004, and we take this opportunity to thank them for their contribution in recent years.

The auditors, in consultation with our Office, determine a programme of audits. These concentrate on recruitment systems and practices to ensure they comply with the principles of selection on merit on the basis of fair and open competition as set out in the code.

The code is mandatory and sets out for appointing authorities information on the interpretation and application of the recruitment principles, including the circumstances in which exceptions to those principles may be allowed.

Our approach to recruitment audit emphasises the responsibility of departments and agencies for ensuring the code's requirements are met. More specifically, it is primarily their responsibility to monitor and account for the performance of their individual recruitment units.

Those departments and agencies selected for audit are assessed through a process of initial off-site audit. This is followed, where appropriate, by a compliance audit visit and, if necessary, by a follow-up to check on remedial action taken.

During the report period the auditors conducted 31 compliance audit visits.

With very few exceptions, we continue to find that those who carry out recruitment to the Civil Service understand and support the core principles of selection on merit on the basis of fair and open competition. Indeed, many audits continue to provide examples of good practice that can be passed on to others to help them improve their performance.

Most departures from the code identified by the auditors relate to the maintenance of systems. Poor record-keeping is an example. Unless there is an adequate audit trail, it cannot be established whether the organisation has complied with the code.

Auditors have also found that departments' internal monitoring systems are sometimes less robust than they should be. In particular, they do not follow up shortcomings that have been identified. Auditors have also found that files relating to recruitment to the Senior Civil Service are sometimes less comprehensive than those at lower levels.

When the auditors agree with departments and agencies on a programme of action to address the auditors' concerns, this is in each case followed up before the audit is concluded.

In 2003-2004 the auditors carried out 33 follow-up audits and found action had been completed to the Commissioners' satisfaction. There were three other organisations where follow-up action had not yet been concluded.

Appendix G

Visitors

Northern Ireland

We were pleased to host a visit from our counterparts in Northern Ireland, the Northern Ireland Civil Service Commissioners, on 8 March 2004. We discussed our common interests and received a presentation by House of Commons staff on the draft Civil Service Bill prepared by the Public Administration Select Committee.

Overseas

Our Office helps the Cabinet Office's International Development and Consulting group (IDC) by meeting a wide range of overseas visitors.

IDC considers that the Commissioners' work is viewed internationally as a model of good practice. It sees continuing interest in our role in relation to the selection-on-merit principle, the Recruitment Code and the auditing of recruitment systems.

The growing concern in many countries about public-service ethics has led to a number of enquiries about the Commissioners' responsibilities for appeals under the Civil Service Code.

During the year, the governments whose representatives visited the Office included those of Bermuda, China, Israel, Japan, Korea, Saudi Arabia, Republic of Srpska, Thailand and Vietnam.

A meeting was also held with participants in an International Labour Organization training conference from Barbados, Ethiopia, Fiji, Ghana, Guyana, Malawi, Mauritius, Nigeria, Tanzania and Zimbabwe.



Appendix H

Documents

Civil Service Commissioners

Civil Service Order in Council 1995

www.civilservicecommissioners.gov.uk/documents/orderincounciloct2003.pdf

Diplomatic Service Order in Council 1991

www.civilservicecommissioners.gov.uk/documents/diplomaticjun03.pdf

Civil Service Commissioners' Recruitment Code, 5th edition, March 2004

www.civilservicecommissioners.gov.uk/recruitment.htm

Leaflet, *Appeal to the Civil Service Commissioners under the Civil Service Code*

www.civilservicecommissioners.gov.uk/appeal/appeal.htm

Annual Report, 2002-2003

www.civilservicecommissioners.gov.uk/documents/annual/cscrep02.pdf

Cabinet Office

The Civil Service Code

www.cabinet-office.gov.uk/central/1999/cscode.htm

Code of Conduct for Special Advisers

www.cabinet-office.gov.uk/central/2001/codconspads.htm

Committee on Standards in Public Life

First Civil Service Commissioner's evidence to the committee, 2 July 2002

www.public-standards.gov.uk/reports/9th%20report/report/oral_evidence.pdf

Ninth Report, *Defining the Boundaries within the Executive: Ministers, Special Advisers and the permanent Civil Service*, April 2003 (Cm 5775)

www.public-standards.gov.uk/reports/9th_report/executive.htm

House of Commons Select Committee on Public Administration

First Report of Session 2003-2004, *A Draft Civil Service Bill: Completing the Reform*, 5 January 2004

www.publications.parliament.uk/pa/cm/cmpublicadm.htm

Independent Review of Government Communications

Final Report, *An Independent Review of Government Communications*, January 2004

www.gcreview.gov.uk/News/FinalReport.pdf

Legislation

Executive Powers and Civil Service Bill [HL]

www.parliament.the-stationery-office.co.uk/pa/ld200304/ldbills/015/2004015.htm



The Office of the Civil Service Commissioners
35 Great Smith Street
London SW1P 3BQ

www.civilservicecommissioners.gov.uk