



# **CHANGES TO THE RECRUITMENT PRINCIPLES April 2012**

## **SOME COMMON QUESTIONS AND THEIR ANSWERS**

March 2012

## **1. CHANGES TO THE RECRUITMENT PRINCIPLES AND THE IMPLEMENTATION DATE**

### **1.1 Why change the Recruitment Principles?**

The Recruitment Principles were introduced in April 2009 to replace the longer and more detailed Civil Service Commissioners' Recruitment Code.

The Civil Service Commissioners committed to review the Principles after their first couple of years of operation, to ensure that they were working; both for departments, and for the Civil Service Commission.

### **1.2 How has the review of the Principles been undertaken?**

Given the major reform underway in public appointments, and the general satisfaction we detected with how the new Civil Service Recruitment Principles are operating, we decided that we would carry out a limited review of the Principles at this stage.

The Commission therefore reviewed its own experience with competitions, and consulted all HR Directors on Departments' experience. This confirmed a generally positive view but highlighted a limited number of areas where clarification was needed.

The recommended changes were either in light of the experience of operating the Recruitment Principles since 2009, or, following legal advice on clarifications required by the 2010 Constitutional Reform and Governance Act.

The proposed changes are mostly of a technical nature in light of the Commission's experience, or on legal advice, or for clarification at the request of HR Directors.

### **1.3 Has the Government agreed to these changes?**

Section 11(2) of the Constitutional Reform and Governance Act 2010 requires that, before publishing any revision of the Recruitment Principles, the Commission must consult the Minister for the Civil Service.

We have done this and the revised Recruitment Principles have been agreed with Francis Maude.

### **1.2 On what date do the revised Recruitment Principles come into effect?**

The revised Recruitment Principles apply to all appointments made on and after 1 April 2012.

## **2. CHANGES TO THE TEXT**

### **2.1 Why does the text now say “the *requirement* of appointment on merit *on the basis of fair and open competition*”?**

This more closely follows how the Constitutional Reform and Governance Act 2010 is drafted.

### **2.2 Are there any changes to the involvement of Commissioners in senior competitions?**

The approval of the Commission is still required for appointments to the most senior posts (listed at Annex B of the Recruitment Principles).

We have added text, in paragraph 3 to explain that usually this will take the form of a Civil Service Commissioner overseeing the appointments process and chairing the selection panel.

### **2.3 Are there new record keeping requirements?**

There is now a clear requirement, in paragraph 6 for departments and agencies to retain recruitment data for a reasonable period (2+ years).

This reflects the evidence of inconsistent record keeping we have discovered in recent Recruitment Principles compliance monitoring audits.

### **2.4 Is there a new right of complaint?**

Anyone, civil servant or not, has always had the right to complain if they believe that a recruitment competition has not followed the Recruitment Principles.

There is now a more detailed explanation in paragraph 7 as to how an individual may complain to the Commission after they have first raised their concern with the recruiting department.

The Recruitment Principles now also require departments and agencies to have effective complaints handling procedures and to make applicants aware of their right to complain to the department and to the Commission.

A reference to the Commission’s website has also been added.

### **2.5 Why is there new text about disabled applicants in the Fairness section of Annex A?**

In the 2009 text of the Recruitment Principles exception 9 in Annex C addresses assistance for disabled people. Following discussion with our lawyers, and the Office for Disability Issues, it has been agreed that

assistance for disabled people is not really an exception to the requirement for recruitment on merit. It is really an aspect of fairness. We have moved and revised this text accordingly.

**2.6 Are the requirements on ministerial involvement any different?**

No.

The section on Decisions on Appointments in Annex A now makes it clear that the Minister should be kept in touch with the progress of the competition throughout by the department. This includes being provided information about the expertise, experience and skills of the candidates.

**2.7 What has changed in Annex B, Posts Requiring the Commission's Approval, and why?**

The policy here has not changed at all.

We have simply re-drafted this section to be easier to understand following requests from some HR Directors.

**2.8 Have there been any changes to the level at which departments and executive agencies may apply exceptions without consulting the Commission?**

No. But we have added some text to the first paragraph in Annex C to make the situation clearer.

For staff below SCS Pay Band 2, at the point at which an appointment is made (i.e. not retrospectively), the exceptions listed in Annex C of the Recruitment Principles may be applied by Departments, and Executive Agencies of departments, without consulting the Commission.

The Commission's specific approval is however still required for the use of these exceptions for appointments to the Civil Service at Permanent Secretary and SCS paybands 3 and 2.

**2.9 Can secondments be converted to permanency under exception 4?**

No.

This was possible in the 2009 Recruitment Principles with the Commission's approval but this has been removed in the new version. The Commission could not see where this would be defensible under the new legislation and, in any case, we very rarely received such requests.

## **2.10 Why has exception 5 (former civil servants) changed?**

There is an amendment to exception 5 (re-appointment of a civil servant) to limit the length of absence from the civil service to a maximum of 5 years, and to prevent a return on promotion. This is the most significant change of this revision.

The Commission believes that with the passing of the Constitutional Reform and Governance Act in 2010, it is no longer publicly defensible (or consistent with its statutory role) to retain the previously open-ended exception. In the 2009 Recruitment Principles, someone who has been a civil servant at any time in their previous career and at any level can be subsequently appointed permanently at a more senior level in any post without fair and open competition.

## **2.11 Why has exception 7 (transfers of individuals into the Civil Service) changed?**

Accreditation is awarded by the Civil Service Commission to NDPBs whose recruitment policies comply with the Recruitment Principles. Accreditation must be renewed every three years.

From 1 June 2011:

- the NDPB accreditation process will be time-limited
- the previous requirement for specific Commissioner approval of transfers from accredited NDPB staff to Civil Service posts of SCS Payband 1 and below will cease to apply

The Recruitment Principles have been revised to reflect that change.

## **2.12 Why has exception 8 (recruitment of disabled people) changed?**

The Workstep scheme has been replaced by Work Choice.

## **2.13 Why has exception 9 been removed?**

Please see the answer to 2.9 above.

It has been replaced by a statement, for the avoidance of doubt, that the use of “reasonable adjustments” for disabled candidates falls within the interpretation of “Fair”.

A selection process that allows the use of “reasonable adjustments” for disabled candidates meets the requirement that the appointment is made on merit on the basis of fair and open competition – so no exception is required.

## **2.14 Why is there new text about exceptional circumstances after exception 8?**

The Commission has always, in exceptional circumstances, been able to agree with a department or agency to except certain other appointments from the requirement for selection on merit on the basis of fair and open competition, where it believes this is justified by the needs of the Civil Service.

However, the Commission very rarely agrees to use this power. The Commission expects departments and agencies to comply with the requirement for selection to be made on merit on the basis of fair and open competition.

## **3. APPLICATION OF THE PRINCIPLES**

### **3.1 Do the Recruitment Principles apply to all government departments and agencies?**

The Recruitment Principles apply to all appointments to the Civil Service of the State except:

- (a) the Secret Intelligence Service;
- (b) the Security Service;
- (c) the Government Communications Headquarters;
- (d) the Northern Ireland Civil Service;
- (e) the Northern Ireland Court Service.
- (f) the making, outside the United Kingdom, of selections of persons for appointment for the purpose only of duties to be carried out wholly outside the United Kingdom (usually Heads of Mission and Ambassadors).

### **3.2 Are all departments and agencies obliged to use the 'exceptions' which are also listed in the Recruitment Principles?**

The Recruitment Principles do not oblige departments and agencies to apply all or any of the exceptions to fair and open competition.

But where a department or agency wishes to appoint someone other than on merit on the basis of fair and open competition, they can do so only by operation of one or other of the exceptions.

### **3.3 Are NDPBs obliged to follow the Recruitment Principles?**

Crown NDPBs are obliged to apply the Recruitment Principles as their staff are members of the Civil Service.

Other NDPBs and organisations in the wider public sector may consider it good practice to adopt a similar approach, particularly if they wish their staff to have access to the posts advertised on the internal Civil Service gateway. However the Recruitment Principles do not formally apply to them as their staff are not members of the Civil Service.

### **3.4 Do the Recruitment Principles apply to internal as well as external competitions?**

The Recruitment Principles apply to all external competitions and to internal competitions at Pay Band 3 and Permanent Secretary level.

Many departments and agencies have chosen, as a matter of policy, to apply the principles to all internal competitions.

### **3.5 Do Commissioners chair SCS pay band 2 Civil Service Wide or internal competitions (for which only civil servants may apply)?**

Not usually, only if a department or agency asks us to and we consider that Commissioner involvement is justified.

## **4. INTERPRETATION OF THE PRINCIPLES**

### **4.1 Does fairness mean that candidates have to be asked exactly the same question at interview?**

Not necessarily.

The Recruitment Principles make it clear that fairness is more about applying the same general criteria of assessment to everyone while taking account of the different experiences and expertise that candidates bring.

The revised Recruitment Principles also clarify that departments and agencies can accommodate the needs of disabled applicants by following the requirement to make reasonable adjustments.

### **3.2 Does openness mean that vacancies must always be advertised in the press media?**

No.

The Recruitment Principles make it clear that openness means that vacancies must be advertised publicly. But they are not prescriptive as to the media to be used, specifying only that the advertising strategy must be suitable for attracting a diverse field of strong potential candidates.

It is for departments and agencies to decide how this should be applied in practice, but it does mean that vacancies may be advertised only on relevant internet sites in appropriate circumstances.

## **5. CONTACTS**

### **5.1 For queries about the application of the new Recruitment Principles:**

#### **Sharon Foster-King**

Civil Service Commission and Commissioner for Public Appointments  
Ground Floor, G8  
1 Horse Guards Road  
London SW1A 2HQ

020 7271 0833  
Sharon.foster-king@csc.gsi.gov.uk

#### **Elaine McNaughton**

Civil Service Commission and Commissioner for Public Appointments  
Ground Floor, G8  
1 Horse Guards Road  
London SW1A 2HQ

Elaine.mcnaughton@csc.gsi.gov.uk  
0207 271 0834

### **5.2 For queries about compliance monitoring:**

#### **Sandra Campbell**

Civil Service Commission and Commissioner for Public Appointments  
Ground Floor, G8  
1 Horse Guards Road  
London SW1A 2HQ

0207 271 0837  
sandra.campbell@csc.gsi.gov.uk