



APPOINTMENT TO SENIOR ROLES IN THE CIVIL SERVICE BY THE USE OF EXCEPTIONS

AN EXPLANATORY NOTE

This note explains the Commission's approach to the use of exceptions to the legal requirement for recruitment on merit on the basis of fair and open competition for senior roles in the Civil Service.

General Approach

Everyone involved in Civil Service recruitment is bound by the legal requirement that selection for appointment to a politically impartial Civil Service must be "on merit on the basis of fair and open competition". The Civil Service Commission must publish "Recruitment Principles", which define what this requirement means. These may be found at <http://civilservicecommission.independent.gov.uk/civil-service-recruitment/> .

The law gives the Commission the power to except certain appointments from the requirement of appointment on merit on the basis of fair and open competition, where the Commission believes this is justified by the needs of the Civil Service, or for Government employment programmes. These exceptions are described in Annex C of the Commission's Recruitment Principles. Exception One allows short term appointments up to a maximum of two years to provide the flexibility to meet short term needs.

Departments may apply these exceptions for appointments below Senior Civil Pay Band 2 (Director-level) without obtaining the specific approval of the Commission. All use of exceptions at Senior Civil Service Pay Band 2 and above is subject to the Commission's specific approval.

The Commission's approach to the use of exceptions for senior roles in the Civil Service

The Commission would always prefer recruitment to be through open competition, because this is likely to lead to a better outcome in the long term.

Where this is not possible because of an urgent need, the recruiting department can request that the Commission agrees to a short term appointment using exception one in the Recruitment Principles.

The Commission will consider each request on a case by case basis. There are a number of factors that would make it more likely that the Commission would agree to an exception:



1. There is a clear Civil Service business need.
2. The need is immediate and urgent and it would be detrimental to delay to appoint on merit on the basis of open and fair competition.
3. The skills required are not available from within the Civil Service in the required timeframe.
4. The need is temporary (usually less than a year).
5. There is a good reason why a fair and open competition would not be viable at this point.
6. There is a clear end date; and there are clear succession plans to move to a full fair and open competition quickly, or to transfer appropriate skills to an existing civil servant during the proposed exception period.
7. There will be an attempt at the beginning of the process to establish a field of candidates.
8. Any proposed candidate has the necessary skills and experience for the post.
9. Any proposed candidates will be able to carry out their role in line with the values and behaviours expected of civil servants outlined in the Civil Service Code, including political impartiality.

The Commission may make its agreement to the exception request subject to an interview with the candidate chaired by a Civil Service Commissioner. The interview may be to determine that the candidate has the necessary skills and experience for the role; or to seek assurance that they can carry out their role in line with the values and behaviours expected of civil servants outlined in the Civil Service Code.

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