



THE CIVIL SERVICE CODE

POLICIES AND PROCEDURES: THE CIVIL SERVICE COMMISSION

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1. Introduction

This document describes the policies and procedures that the Commission will follow when hearing complaints from civil servants under the Civil Service Code. It is not exhaustive. Issues raised under the Code can be wide-ranging and require a flexible approach.

Reference may also be made to two Guides issued by the Commission:

- 'The Civil Service Code: A Guide to bringing a complaint to the Civil Service Commission'.

This is written to assist civil servants who are considering bringing a complaint to the Commission.

- 'The Civil Service Code: A Guide for departments subject to a complaint to the Civil Service Commission'.

This Policies and Procedures document is a supplement to the two Guides. Where a subject has been fully described in one of the two guides it is not repeated here.

2. The role of the Commission in hearing complaints under the Civil Service Code

The Civil Service Code outlines the core values of the Civil Service and gives illustrations of the standards of behaviour expected from civil servants. It also explains the duties of departments to make civil servants aware of the Code and its values. Departments must consider concerns raised by civil servants under the Code and must ensure that civil servants are not penalised for raising concerns.

The Constitutional Reform and Governance Act 2010 outlines the function of the Commission in hearing complaints under the Code:

Part 1 (9)

(5) The Commission-

- (a) must determine procedures for the making of complaints and for the investigation and consideration of complaints by the Commission;*
- (b) after considering a complaint, may make recommendations about how the matter should be resolved.*

(6) For the purposes of the investigation or consideration of a complaint, the following must provide the Commission with any information it reasonably requires-

- (a) civil service management authorities;*
- (b) the complainant*
- (c) any civil servant whose conduct is covered by the complaint.*



3. Some Definitions

In these Policies and Procedures and in the two Guides produced by the Commission - 'The Civil Service Code: A Guide to bringing an complaint to the Civil Service Commission' and 'The Civil Service Code: A Guide for departments subject to an complaint to the Civil Service Commission' the following words are intended to have the following meanings:

- Concern** Any issue raised by a civil servant relating to the values and standards of behaviour described in the Civil Service Code.
- The civil servant does not have to specifically state that their concern relates to the Civil Service Code or any of its provisions.
- (A concern is different from a grievance which relates to a human resources management issue and is not covered by the provisions of the Code.)
- Complaint** A concern that it brought to the Civil Service Commission to investigate and which is accepted by the Commission as fitting the criteria described in the Code.
- Department** An organisation employing civil servants who are subject to the Civil Service Code. A number of possible types of organisation are covered- government department, executive agency etc.

4. The approach of the Commission to the investigation of complaints

The Commission has sought to test its policies and procedures against best practice among organisations discharging similar functions.

These policies and procedure have been formulated with particular regard to the British and Irish Ombudsman Association's (BIOA) 'Guide to Principles of Good Complaint Handling' and The British Standards Institute's 'Whistleblowing Arrangements Code of Practice PAS (1998:2008)'.

In formulating its approach the Commission has sought to follow the BIOA's seven principles of good complaint handling:

- Clarity of purpose
- Accessibility
- Flexibility
- Openness and Transparency
- Proportionality
- Efficiency
- Quality Outcomes

5. Exercising the responsibilities of the Commission under the Civil Service Code

The responsibilities of the Commission under the Civil Service Code may be delegated by the Commission to the First Civil Service Commissioner or another Commissioner; to a number of Commissioners working together; or to a member of the Commission's staff.

The Commission may also ask outside experts to assist in the consideration of a complaint.

The investigation and decision making processes on individual complaints may vary, as the Commission will seek to apply a process most suitable to the facts of the complaint. Listed below are a number of common stages of a complaint investigation with an indication of who will usually be acting for the Commission at these stages.



Stage of complaint	Commission representative(s)
Enquiries and queries	Commission staff below Senior Civil Service (SCS)
Receipt of complaints	Commission staff below SCS
Decision whether complaints are valid under the Civil Service Code	Commission staff in the SCS and below, and/or a Commissioner or group of Commissioners
Requests for more information if validity of complaint is not clear	Commission staff below SCS
Acceptance of a complaint	Commission staff in the SCS and/or a Commissioner or group of Commissioners
Decision on methodology of complaint investigation	Commission staff in the SCS with agreement of a Commissioner or group of Commissioners
Investigation of complaint	Commission staff in the SCS and below working to a Commissioner or group of Commissioners
Decision on complaints and recommendations	First Civil Service Commissioner or a group of Commissioners
Notification of complaints and recommendations	First Civil Service Commissioner or a group of Commissioners
Monitoring of Commission's recommendations	Commission staff in the SCS and below working to a Commissioner or group of Commissioners
General notification of outcome of complaints	Commission in its Annual Report

6. Service standards (times)

The Commission will aim to deal with all enquiries and complaints in a timely manner.

Given the wide variety of complaints that are brought to the Commission it is not possible to give a precise timetable of how a complaint will be investigated and determined. However, the Commission will seek to establish good and regular communications with those bringing complaints in the first instance and then with departments or agencies to keep them informed of the progress of an investigation.

The Commission will at all times seek to provide those bringing complaints and departments with firm indications of when the next stage of an investigation will take place. When seeking information the Commission will provide target dates by which a response is required.

When those bringing complaints and departments are awaiting a response from the Commission they will receive a target date for the response. If the Commission is not able to respond within the timescale indicated a revised date will be provided.

Below are outlined the response time standards for significant stages of a complaint investigation to which the Commission will aim to work.

a. Acknowledging an complaint

All complaint requests to be acknowledged within 3 working days of receipt.

The letter or e-mail of acknowledgment will indicate a timetable for the next or subsequent stages of the consideration of the complaint.

b. Acceptance, rejection or clarification of complaint

Within 15 working days of receipt of a complaint request the Commission will provide an initial response. Likely outcomes are:

1. Request for complaint accepted.
2. Request for complaint not accepted and the reason for non-acceptance explained i.e. the issue does not appear to be one under the Civil Service Code or the complainant is not a civil servant.



3. Request for more information as it is unclear whether the complaint should be accepted or rejected.
4. Request to know whether the concern has been raised internally and, if so, what was the outcome.

c. Investigation of a complaint

This is the stage of the complaint procedure where it is most difficult to be precise about the timetable. The Commission may need to go back to the civil servant bringing the complaint and the department several times to seek evidence and to test its understanding of the facts of the case.

However, as a rule, the intention is that any individual step within this stage of the procedure should be accomplished within 20 working days and the target dates provided to those bringing complaints and departments should reflect this.

d. Decision

The decision on a complaint should be decided and communicated to the civil servant bringing the complaint and the department within 20 days of completion of the last stage of the investigation.

e. Appeal against the Commission's findings

There is no appeal against the decision of the Commission.

However, those bringing complaints and departments will have 20 working days from the notification of the decision to challenge any errors of fact that they believe may have influenced the decision.

7. Service Standards (behaviours)

The Civil Service Commission will strive to treat all civil servants and members of the public according to the highest standards of behaviour, which will include:

1. Politeness
2. Efficiency - adhering to the standards established by the Commission
3. Openness - being pro-active in providing relevant information
4. Fairness – providing the same high standards to all without favour or discrimination
5. Honesty – stating the facts of a situation clearly
6. Clarity – communicating in ways that are easy to understand

8. Reviews of service

The Commission will undertake periodic reviews of its handling of complaints and its policies and procedures for Civil Service Code cases.

The timing of the reviews will be determined by a number of factors, including: the volume of complaints received; any developing trends; any perceived inadequacies in the quality of service; any significant change in the regulatory landscape in which the Commission operates. There will be at least one review every five years i.e. at least one review within the term of service of each First Civil Service Commissioner.

The form of review will be determined at the time. Active consideration will be given to seeking the views of participants in the complaint process: both those bringing complaints and departments.



9. Reviews of barriers to accessibility

The Commission will periodically review whether there are any barriers to access to the complaints process. If any are identified it will further consider what may be done to overcome them.

The review will be informed by consideration of best practice of comparable organisations. Where possible the review will be informed by the experiences of those who have brought complaint requests to the Commission.

There will be at least one review every five years i.e. at least one review within the term of each First Civil Service Commissioner. The review of accessibility may be done in conjunction with any general review of the service, or may be a stand-alone exercise.

10. Vexatious and unreasonable complaints

The Commission is committed to providing an efficient and responsive complaints procedure under the Civil Service Code.

The Commission recognises a responsibility to all complainants and potential complainants. Vexatious and unreasonable requests can have the effect of reducing the Commission's ability to provide an appropriate standard of service to all, by commanding a disproportionate share of resources. The Commission will not accept complaints which it considers, in all the circumstances of the case, to be vexatious or unreasonable.

What will determine that a complaint request is vexatious and unreasonable will depend upon all the facts of the case. These will include the context and history of the complaint and also of the complainant. Some of the factors that may be significant in reaching this judgement include:

- Whether the request or requests has the effect of harassing the Commissioners or staff of the Commission or of causing distress
- Whether investigating the request impose a significant burden on the Commission out of proportion to the alleged breach of the Code
- Whether the request appears designed to cause disruption or lacks any serious purpose or value

11. Consequences of unreasonable behaviour

In addition to its responsibilities to all complainants and potential complainants, the Commission also has responsibilities to its staff. These include the responsibility to provide a workplace free of harassment of any kind.

The Commission does recognise that those bringing complaints may well be in an emotional state when they approach the Commission. And that there will often be a long history of frustration and anxiety relating to their complaint. However, discourteous or aggressive behaviour will not be tolerated. This will be pointed out to those bringing complaints. The consequence of persisting in this behaviour will be that the Commission will discontinue investigation and will accept no further communication from the complainant.

This is not a step that the Commission will take lightly but it will be the consequence of persistent unacceptable behaviour and in extreme cases may be the summary consequence of one such act of unacceptable behaviour.





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