

## **EXCEPTION RELATING TO EXTENDED MINISTERIAL OFFICES**

### **A new exception for recruitment to Extended Ministerial Offices**

This note creates a new exception to the Civil Service Commission's Recruitment Principles to enable individuals to be appointed as civil servants to provide support to a Minister in an Extended Ministerial Office (EMO). The new exception applies only to EMOs. It is the only exception which may be used for appointment to EMOs and, for appointments to EMOs, it replaces the Commission's existing exceptions (as listed in Annex C of the Recruitment Principles). The exception does not apply to Special Advisers, for whom separate arrangements for appointment already exist.

### **The Commission's approach to exceptions**

Under the Constitutional Reform and Governance Act 2010, civil servants must be selected for appointment into the Civil Service on merit on the basis of fair and open competition. The Civil Service Commission uses its powers under the Act to except certain appointments from these requirements where this is justified by the needs of the Civil Service.

### **New Exception**

This new exception (which will become Exception 9 within Annex C of the Recruitment Principles) applies where

- the Prime Minister<sup>1</sup> has agreed that a Minister may establish an EMO; and
- individuals are to be appointed to that office as civil servants from outside the Civil Service either without a fair and open competition or where a Minister is involved personally in the selection of those individuals.

In such circumstances an individual may be appointed as a civil servant for a single non-renewable term of up to five years, if he or she:

- is appointed to a specific role or post within the EMO, the purpose of which is to provide support to a Minister; and
- brings particular experience, expertise or knowledge that is not currently available within the Civil Service; and
- can fully meet the requirements in the Civil Service Code, including specifically the requirements to carry out their duties with political impartiality and objectivity; and
- is appointed under the Department's normal pay arrangements for civil servants and is managed by another civil servant.

Anyone appointed under this exception may not transfer to another Civil Service role or post outside that EMO without first going through an externally advertised competition and being appointed on merit following a fair and open process.

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<sup>1</sup> Or, as the case may be, the First Minister of Scotland or the First Minister for Wales.

## **Delegation arrangements**

The power to exercise this exception is delegated to Departments, except in the following circumstances where the Civil Service Commission's specific approval is required:

- for any appointment at Senior Civil Service Pay Band 2 or above or on a salary above the SCS Pay Band 2 minimum;<sup>2</sup> or
- for the appointment as a civil servant of any individual who has, within the past five years, worked for the Minister (or a party colleague) or the Minister's political party.

## **Assurance from the Accounting Officer**

Before the appointment is made, the Accounting Officer must be satisfied that it meets the requirements of this exception. He or she must also, as part of the annual compliance statement to the Commission, confirm that the role and the individual are still needed and the individual continues to operate in line with the Civil Service Code requirements regarding impartiality and objectivity.

## **Effective Date**

This exception is effective from 11 October 2013 and will be reviewed after 12 months.

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<sup>2</sup> As of 1 October 2013, the SCS Pay Band 2 minimum is £84,000