



Cabinet Office

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Sir David Normington GCB
Civil Service Commissioner
1 Horse Guards Road
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28 March 2014

Dear David,

I was grateful for the opportunity to meet you and the Commissioners this month. I said I would follow up that discussion with our formal response on your consultation.

I welcome the Commission's commitment to streamlining the Recruitment Principles and making them clearer to understand and apply. Effective and responsive Recruitment Principles are a key part of building and sustaining a Civil Service that is fit to face the challenges of the future. We need to build a Civil Service that is more open, more accountable, and has the right mix of skills to meet the challenges of modern government whilst retaining its key values. We clearly share common ground – we both want to get the best people for the job. However, having considered these draft revised Principles there remain some differences between us on how to best achieve this.

Permanent Secretary Appointments:

I welcome the steps the Commission has already taken to strengthen Ministers' involvement in the recruitment process. The Government is clear, however, that there is a case to go further, and we are disappointed that the Commission has not included the Government's proposed approach for consultation.

The Government's view, supported by the Institute for Government and the IPPR, is that the Prime Minister should be able to exercise choice from a list of 'above the line' candidates put forward by a recruitment panel chaired by an independent Civil Service Commissioner. It would be for the Panel to decide who is above the line, including testing for political impartiality, but it should be for the Prime Minister to make the choice on the final appointment from a list of appointable candidates.

I have seen your evidence to PASC on this issue, and their subsequent report. I do not agree that the approach described above risks undermining the principle of appointment on merit or increases the risk of a 'political' appointment being made. Indeed, I would argue that it strengthens the principle of independent assessment by requiring rigorous testing by an independent Panel to ensure that those put forward clearly meet the required standard.

The Commission has accepted the principle of Prime Ministerial choice, but then proposes putting measures in place to limit the circumstances in which this choice can be exercised. It cannot make sense for the Prime Minister, whose appointments these are under statute, to have to exercise a veto and start the whole process again if he or she is dissatisfied with the sole candidate put forward. As we know from recent experience, this can lead to a damaging vacuum of official leadership in a department, putting at risk taxpayers' money and eroding Civil Service morale. You have already acted to bring greater honesty to the appointment process by recognising that ministers can interview candidates so that they can feed their views in to the Panel.

I share the Commission's view that appointments should continue to be made on merit and the recruitment processes should be about securing the best person for the job. However, the Commission's current approach suggests that it is only the Commission who are able to make this merit-based judgement. This is contrary to the position in respect of the vast majority of appointments across all levels in the Civil Service, where decisions are taken by Departments about the ability of individuals to do the job. It is hard to understand why the Commission feels that only it can make these judgements in respect of the most senior appointments and the Government would ask the Commission to reconsider its approach.

As you will know from our discussion, we have been reflecting on the fact that recent Permanent Secretary competitions have not resulted in the appointment of any external candidates. We are therefore considering reverting to an earlier position whereby appointments to this most senior level of the Civil Service are made through internal competitions only. This would allow us to focus our efforts on recruiting external candidates at Director and Director General level where we can better support and prepare individuals for Permanent Secretary roles. The Government would welcome the Commission's views on this.

Extended Ministerial Offices

The Government's guidance on Extended Offices makes clear that Ministers can decide to retain direct and full responsibility for appointments and management of staff in such offices. The Commission's guidance currently implies that appointments can only be made to Civil Service posts within an Extended Ministerial Office if they are directly managed by another civil servant. I welcome the Commission's recent clarification that this guidance merely reflected the existing statutory provision that Special Advisers may not manage civil servants, and was not intended to restrict the role of Ministers. In an EMO it is clearly understood that the senior civil servant, usually the Principal Private

Secretary, can be directly managed by the Minister. I am aware of your intention to revisit this issue a year after its implementation but this consultation provides a sensible opportunity to revisit the Commission's guidance, to ensure it more accurately reflects our shared understanding of the intention behind this policy.

Political Activity

I welcome the Commission's confirmation that previous political activity is not, in itself, a barrier to appointment to the Civil Service. There are several excellent civil servants, some in senior roles, who were Special Advisers under the last government. As I have underlined above, appointment to the Civil Service must be based on merit, and focussed on who is well placed to bring the right skills to the job required. The principles set out in the Civil Service Code remain essential for the effective operation of the Civil Service, and there is no question about the need for those appointed to the Service to be able to act impartially and objectively. Departments already make this assessment in the course of all appointments and we do not believe there is a case to support the introduction of additional requirements in this respect – it should be left to Departments to decide and account for the appointments they make.

Exceptions – Delegation to Departments

I was concerned to read your proposal to move to limit the existing delegation to SCS1 posts where the salary is at or below the SCS Pay band 2 minimum, and where there is a proposal to pay an SCS1 above the SCS2 minimum it should be submitted to the Commission for their approval. I think this is a potentially unhelpful change which risks complicating and blurring the lines of delegation. It is for Departments to assure themselves that roles are established at the right grade, and that the role and responsibilities given to individuals are set within the correct pay bands. Decisions to pay individuals more than the standard pay bands occur on an exceptional basis, and only where there is a strong business case to do so. I believe it is for Permanent Secretaries to assure themselves of the merits of such cases.

I would of course be happy to discuss any of these points further.

A handwritten signature in black ink that reads "Francis Maude". The signature is written in a cursive, slightly stylized font.

FRANCIS MAUDE