

The Civil Service Commission's response to the consultation

Recruitment Principles

1. The Civil Service Commission ran a public consultation for 7 weeks between 13 January and 28 February 2014 on proposed changes to the Recruitment Principles. We invited responses to a series of questions set out in the consultation document as well as more general comments and observations on our proposals.

Consultation Activity

2. We invited responses to a series of questions set out in the consultation document as well as more general comment and observations on our proposals. We received approximately 30 written responses to the consultation, most of which came from civil servants and those involved in civil service recruitment.

3. We received a report from the House of Commons Public Administration Select Committee, which conducted its own review of our proposals and held a committee hearing with the First Civil Service Commissioner. We also met and received written comments from the Minister for the Cabinet Office, on behalf of the Government.

4. We held a series of round table discussions with groups of key stakeholders, including Departmental Non-Executives, HR Directors and others involved in recruitment. We also invited comment on the consultation and revised Recruitment Principles as part of the Commission's online Open Week (24 – 28 February 2014).

5. We are grateful to all those who gave up their time to contribute to the consultation, and particularly the Institute for Government for hosting one of the discussions.

General Findings

6. The responses were overwhelmingly positive and constructive and we have been able to respond positively to most comments. From the total responses received, there was broad agreement from the majority on the following:

- The essential steps are set out clearly
- There is nothing missing
- There is nothing which is superfluous
- There is nothing that could be made less onerous without compromising the legal requirement
- The increased recognition and guidance for competitions below the Senior Civil Service is very welcome.

"I would wish to commend you on producing a very clear and well structured Code, which has the merit of being comprehensive without appearing cumbersome"

“We commend and appreciate efforts to consolidate separate guidance and rules into one streamlined document, and the resulting clarity in communication”

Responding to issues raised by consultees

7. In most cases, the responses fell into the category of either requesting further clarification and/or explanation on the particular areas of text or identifying practical difficulties with implementing the proposals as drafted. Wherever possible, we have accommodated the requested changes and have included additional clarification.

8. There were four particular areas which generated a wider range of responses:

Heads of departments

9. The Commission consulted on two options regarding Heads of Department appointments: continuing our existing practice or a second option which allowed the Prime Minister to make the choice where two candidates were judged by the panel to be of similar merit.

10. Consultees who expressed a preference were broadly evenly split between those who favoured the current arrangement and those who preferred the second option. However many respondents, irrespective of their preference, welcomed the greater simplicity of the second option. The Government argued strongly for more Prime Ministerial choice in Head of Department appointments, and expressed disappointment at the Commission’s decision not to consult on the Government’s own wider option.

11. The Commission was particularly influenced by the view, in its recent report, of the cross-party Public Administration Select Committee, that further piecemeal change to the way Heads of Department are recruited should not take place ahead of a more holistic examination of the role of the Civil Service. The Commission has always sought to proceed on the basis of Parliamentary consensus and, in the light of PASC’s opposition to change at this point, we have decided to stick with the current position.

12. We have, however, also tried to respond to the criticism that the language used in the current approach is quite opaque, and have re-drafted the text to increase the clarity and transparency of the process. We recognise that the wider debate, within which this is only a part, is moving fast. The Commission welcomes the wider debate and intends to contribute actively to it. If and when Parliament reaches a different consensus we will return to this issue.

The need for civil servants to comply with the Civil Service Code

13. There was a consensus that it remained essential that all those appointed to the Civil Service understood the need to comply with the Civil Service Code. However, respondents raised two main concerns with the original proposal in the draft *Recruitment Principles* that required panels specifically to test applicants, as

part of the selection process, to assure themselves that the individual would be capable of comply with the Code if appointed.

14. The first concern was that it would be disproportionate for the more junior roles to require this to be actively tested at interview, when selection at these levels is often partly based on written applications or on line tests. Secondly, there was uncertainty about how a panel could effectively test for this. We have therefore revised the requirement for this, making clear that the judgment as to what is appropriate, given the nature of the post and the level of seniority, lies with the selection panel.

Delegation level for exceptions

15. We had proposed that, for exceptions only, the Civil Service Commission's prior approval would be required for any appointment above or on a salary above the SCS Pay Band 2 minimum.¹ This is the same trigger that we use in the case of Extended Ministerial Office exceptions.

16. Some departments supported this tightening of our rules; others thought this revision would impose unnecessary control and some further complexity.

17. After giving this considerable deliberation we have decided to stick with the £84k threshold proposed in the consultation and already in place for EMOs on the grounds that it marks the PB2 minimum, and we currently require Departments to seek approval for all PB2 posts. The Commission believes such cases will almost all be straightforward and easy to deal with.

Extended Ministerial Offices

18. A number of respondees commented on the exception relating to Extended Ministerial Offices. As we said in our consultation paper, we do not intend to amend this exception now but will review it after twelve months of operation. We have, however, added a minor clarification in a footnote, to pick up on a point that may not have been clear from the original text.

¹ £85,000 as at April 2014