

FINDINGS FROM THE 2013 CIVIL SERVICE CODE AUDIT:

Introduction

The figures used throughout are based on 67 audit returns from a range of small (1-500 employees), medium (500-2500 employees) and large (2500+ employees) departments/agencies. These covered a total of approximately 381,120 employees broken down as follows:

- 334,127 employees across 18 large departments/agencies;
- 44,396 employees across 31 medium departments/agencies; and
- 2,597 employees across 18 small departments/agencies

The detailed analysis of the 2011 Code audit indicated a number of areas where there is general need for improvement across the Civil Service; this enabled the Commission to formulate some 'high level messages' to be included in the 2013 audit.

Where possible we have drawn attention to specific practices and organisations that seem to represent examples of good practice.

In some cases – particularly on questions 5, 6 and 7 – supporting evidence provided by organisations undermined their positive responses. Supporting documentation often highlighted incorrect procedures.

High Level Summary

As in the 2011 audit report, it remains the case that in most areas there has been a modest improvement compared to the previous audit results. This may owe something to the Commission's circulation of more detailed recommendations for good practice following the last audit, and also the greater focus given to the Code as a consequence of specific questions on the Code being included in the annual Civil Service Staff Survey.

In comparison to the results of the 2011 audit, there has been significant improvement in a number of areas including:

- Organisations having accurate formal statements of policy for how the Code is upheld and promoted
- The identification of potential risk groups in organisations and having appropriate safeguarding provisions in place for these
- Information given to candidates about advertised jobs including specific reference to the Code
- Reference to the Code in staff induction training

There are other areas where there is room for improvement:

- Clearer routes in place for staff wishing to raise Code concerns
- Clearer statements on how complaints raised will be investigated

- The training of Nominated Officers
- Support and guidance networks available for Nominated Officers
- Nominated Officer role specifications

Analysis

POLICY AND PROCEDURE:

Q1. Do you have a formal statement of policy for how your department or agency upholds and promotes the Code's values and standards?

- **ALL:** 72% of respondents across all departments had an accurate formal statement in place for how the Code is upheld and promoted
- **LARGE:** 83% had an accurate formal statement
- **MEDIUM:** 68% had an accurate formal statement
- **SMALL:** 67% had an accurate formal statement

The importance of a formal statement of policy for how the Code is upheld and promoted was a key area highlighted in the high level messages following the 2011 audit. There should be a clear policy on how and when the Code, the values, and procedures for raising concerns are promoted. This was an area of particular weakness in many organisations which has improved drastically following the 2011 audit. The recommendation of good practice in this instance would be to include the Civil Service Code and its core values of integrity, honesty, objectivity and impartiality within the organisation's Policy Statement – as DECC have:

“As a civil servant, you are appointed on merit on the basis of fair and open competition and are expected to carry out your role with dedication and a commitment to the Civil Service and its core values: integrity, honesty, objectivity and impartiality. In this Code:

- *'integrity' is putting the obligations of public service above your own personal interests*
- *'honesty' is being truthful and open*
- *'objectivity' is basing your advice and decisions on rigorous analysis of the evidence*
- *'impartiality' is acting solely according to the merits of the case and serving equally well governments of different political persuasions”*

Q2. Have you undertaken specific promotional activities on the Civil Service Code in the last 2 years?

- **ALL:** 55% of respondents have undertaken specific Code promotional activities within the last 2 years
- **LARGE:** 61% have undertaken promotional activities

- **MEDIUM:** 61% have undertaken promotional activities
- **SMALL:** 44% have undertaken promotional activities

Many others referred to documents on the intranet which outline the Code; however these do not constitute specific promotional activities and so were interpreted as unsatisfactory.

Specific Code promotional activities should ideally be conducted on an annual basis, and should target all staff. A few good examples may involve including the Civil Service Code into live events and presentations where relevant (as DFID have), issuing Code communications on the staff intranet (DCLG), or following up on results gained by staff surveys with promotional presentations on the Code (ONS).

Q3. Have members of your senior leadership team been involved in Code promotional activities in the last 2 years?

- **ALL:** 66% of respondents were coded as unsatisfactory or needing development in relation to the involvement of senior staff members in activities promoting the Code
- **LARGE:** 56% have no Senior leadership team member involvement
- **MEDIUM:** 71% have no Senior leadership team member involvement
- **SMALL:** 67% have no Senior leadership team member involvement

The involvement of senior staff members in Code promotional activities was one of the areas of development highlighted in the high level messages. There should be a clear statement to staff from senior leaders that the department encourages and supports them in raising issues of concern. Based on the figures gathered, this has still not been achieved across the majority of organisations. Many respondents indicated that their senior staff members had participated in promoting the Code but further comments often suggested that they were referring to line managers, Nominated Officers, and other staff who did not fall into the senior category, i.e. Management Board level.

A good example of practice would involve HR Directors, Chief Executives and other staff in the senior management chain actively promoting the Civil Service Code. This could be achieved via personally issuing communications, making explicit reference to the Code in presentations and events, and generally raising awareness within their organisation.

Q4. Do you ensure that specific guidance is provided to groups of staff who may need to be particularly vigilant in relation to adhering to the Code values e.g. staff in private offices, communications, etc?

- **ALL:** 61% did not identify potential risk groups or have safeguarding provisions in place
- **LARGE:** 33% do not identify potential risk groups
- **MEDIUM:** 71% do not identify potential risk groups
- **SMALL:** 72% do not identify potential risk groups

Many departments/agencies did not identify potential risk groups and therefore did not have appropriate safeguarding measures in place.

Areas where risk of a breach in the Code is highest should be identified and specific guidance should be provided to staff. Identifying groups which may need to be particularly vigilant in adhering to the Code helps to ensure uniform conduct throughout organisations, as regulatory measures can be put into place. DWP have demonstrated good practice in this area:

“Employees in Private Office have bespoke guidance and are required to sign a declaration of understanding in relation to confidentiality, probity, whistle blowing, etc. Employees involved in procurement or authorisation of expenditure are covered by codes of practice and actively monitored. All expenditure is confined within a robust ‘delegated authority certificate’ process up to SRO level, which is supported by guidance on responsibilities.”

Q5. Are staff made aware of clearly marked, appropriate routes in the event of them wishing to raise a concern under the Code?

- **ALL:**
 - 7 % of responses indicated that routes were not in place for staff wishing to raise Code concerns
 - 43% do have appropriate routes
 - 49% have routes in place which need development
- **LARGE:**
 - 0% do not have routes
 - 44% do have appropriate routes
 - 56% have routes in place which need development
- **MEDIUM:**
 - 3% do not have routes
 - 45% do have appropriate routes
 - 52% have routes in place which need development
- **SMALL:**
 - 22% do not have routes
 - 39% do have appropriate routes
 - 39% have routes in place which need development

Questions 5, 6 and 7 were particular cases whereby the supporting evidence given by organisations undermined their positive answers. Policies would often negate their positive answers and highlight incorrect procedures.

Ensuring that clear routes are in place for staff wishing to raise concerns under the Code was highlighted within the high level messages. However, many organisations tend to publicise these routes within their whistle-blowing policies which is why the majority of them were coded as needing development. Others were coded as unsatisfactory if they referred to routes to raising Code concerns being publicised within their grievance policies, or if they had none in place.

An example of particularly good practice in this area was demonstrated by DFID who stated:

“We have produced a separate written procedure for staff to raise concerns under the Code. The escalation route is clearly defined within the procedure which is publicised on our intranet.”

6. Does your department promote a clear statement on how complaints raised will be investigated?

- **ALL:**
 - 40% do promote a clear statement on how complaints raised will be investigated
 - 40% promote a statement which needs development
 - 19% do not promote a statement
- **LARGE:**
 - 39% do promote a statement
 - 39% promote a statement which needs development
 - 22% do not promote a statement
- **MEDIUM:**
 - 45% do promote a statement
 - 45% promote a statement which needs development
 - 10% do not promote a statement
- **SMALL:**
 - 33% do promote a statement
 - 33% promote a statement which needs development
 - 33% do not promote a statement

Again, this one of the key areas of concern highlighted within the high level messages. Similar to question 5, many organisations tend to state that the description of how complaints raised will be investigated is included in their whistle-blowing or grievance policies – depending on which one, these responses were coded as needing development or poor practice.

An example of good practice in this instance would be to have a separate document outlining the stages of the complaint investigation process. This should be made available to all staff and should be accessible at any time. Organisations such as DFID, NIO, DMO, Cabinet Office and many others

have published appropriate statements on how complaints will be investigated on their staff intranet.

7. Do you adopt separate, specific procedures for investigating complaints? If not, which procedures do you adopt?

- **ALL:**
 - Responses suggested that 36% of organisations do not adopt separate, specific procedures for investigating Code complaints
 - 48% adopt procedures which need development
 - 16% adopt accurate procedures
- **LARGE:**
 - 28% do not adopt accurate procedures
 - 56% adopt procedures which need development
 - 17% adopt accurate procedures
- **MEDIUM:**
 - 29% do not adopt accurate procedures
 - 55% adopt procedures which need development
 - 16% adopt accurate procedures
- **SMALL:**
 - 56% do not adopt accurate procedures
 - 27% adopt procedures which need development
 - 17% adopt accurate procedures

As questions 5 and 6, this was a key area highlighted in the high level messages. Organisations should have specific procedures for investigating complaints under the Code. Many rely on other procedures, and not all of these appear to be appropriate for investigating concerns, for example disciplinary, whistle-blowing, or grievance procedures. We have previously recommended separate procedures to be adopted for investigating Code complaints, however many organisations continue to rely on other procedures.

DFID demonstrated particularly good practice in this area:

“Yes we have specific procedures in place to handle concerns raised under the Code. If an investigation is required, one of our trained Investigating Officers would handle this and be able to seek advice from one of the Nominated Officers.”

Q8. Do you advise staff who raise a concern under the Code that if they do not believe they have received a reasonable response they may make an appeal to the Civil Service Commission?

- **ALL:** 87% of organisations indicated that they inform their staff of their right to raise their concerns with the Civil Service Commission, should they feel they have received an unsatisfactory response
- **LARGE:** 94% advise their staff on the CSC
- **MEDIUM:** 90% advise their staff on the CSC
- **SMALL:** 72% advise their staff on the CSC

This is an area which received a large number of positive responses.

An example of good practice, which in this case was demonstrated by the large majority of organisations, would be to have a clear statement reminding staff of their right to escalate their concerns to the Civil Service Commission. Accurate and clear contact details should also be in place for staff wishing to contact the Commission.

The Home Office, for example, promotes a good statement which adheres to the above recommendation:

“Under the civil service code, you have, as a civil servant, a right to report matters of concern to the civil service commissioners. In most cases, you would pursue this option once you:

- *have exhausted all internal avenues, and*
- *consider that the response you have received from the department is not a reasonable one*

However, if you have misgivings about raising your concern with your line manager or a nominated officer, the civil service commissioners will also consider accepting a complaint direct.”

This is also followed by the Civil Service Commission contact details.

Q9. Do you monitor and report on concerns raised formally under the Code? If so, how and to whom do you report?

- **ALL:** 52% of organisations do have formal procedures in place for monitoring and reporting Code concerns
- **LARGE:** 50% have formal procedures in place
- **MEDIUM:** 55% have formal procedures in place
- **SMALL:** 50% have formal procedures in place

48% of all organisations however, had no formal system of monitoring or reporting Code complaints. Some of these stated that due to the fact that concerns had never been raised formally under the Code, they did not see it necessary to have these measures in place.

It is crucial for all organisations to have a formal monitoring and reporting system in place even if no Code complaints have been raised previously. Ideally, all concerns raised formally under the Code should be monitored and reported to Internal Audit and or the Senior Management team.

NOMINATED OFFICERS:

Q10. Do your Nominated Officers for the Civil Service Code receive specific training for their role?

- **ALL:** 85% of responses indicated that no appropriate, specific training is provided to Nominated Officers under the Code, or in some cases that they have no Nominated Officers
- **LARGE:** 78% have no training for NOs
- **MEDIUM:** 81% have no training for NOs
- **SMALL:** 100% have no training for NOs

This is a particularly high concern area across all sized departments. Organisations need to ensure that specific training is provided to NOs under the Code.

Training for NOs under the Civil Service Code was one of the most highlighted within the high level messages, and is one of the key areas of concern based on the audit returns. Only 15% of organisations had satisfactory training in place for Nominated Officers. All NOs should be made aware of their duty to provide assistance to staff with concerns under the Code; and not to be involved in the investigation or decision making process.

The following are examples of good practice as demonstrated by ACAS (1) and DFID (2):

(1) *"We held a briefing day for the new NOs using the CS Commissioners' information pack."*

(2) *"Our Nominated Officers were trained by the Cabinet Office propriety and ethics team."*

Q11. Do you provide support and feedback to your Nominated Officers for the Civil Service Code?

- **ALL:** 64% of organisations do not have appropriate support and feedback systems in place for their Nominated Officers under the Code
- **LARGE:** 39% do not provide support to NOs
- **MEDIUM:** 68% do not provide support to NOs
- **SMALL:** 83% do not provide support to NOs

Again, this was another area of crucial importance as highlighted by the high level messages. The vast majority of organisations responded negatively in this area and need to improve their conduct.

Nominated Officers should report to someone with responsibility for compliance with the Code to receive support and feedback. Where possible there should be a network of NOs for support and feedback with particular regard to:

1. The number of staff in the organisation
2. Their geographical spread
3. Their grade profiles – not all in the top grades of the CSC

Examples of good practice were demonstrated by DMO (1) and DFID (2):

(1) *"The Senior Management Team provide support, advice and feedback where necessary to the Nominated Officer."*

(2) *“There is a wide support network across DFID that our Nominated Officers can tap into if they require assistance to handle a complex high risk issue - for example our Internal Audit Department, professional HR staff, and our specialist Case Management Team who have received in depth training on how to handle grievances and conduct Investigations.”*

Q12. Do you have a role specification for your Nominated Officers?

- **ALL:** Responses suggest that 79% of organisations do not have an accurate role specification for their Nominated Officers
- **LARGE:** 50% do not have a role spec for NOs
- **MEDIUM:** 84% do not have a role spec for NOs
- **SMALL:** 100% do not have a role spec for NOs

All organisations need to drastically improve the processes they have in place for their NOs, particularly small and medium sized departments in this case.

Departments/agencies should use the role specification formulated by Cabinet Office clearly specifying their duties, responsibilities and expectations. It should be made explicitly clear to all Nominated Officers that their role is to advise staff on Code matters, not to be involved in the investigation or decision making process. It appears that in a number of cases departments are using Nominated Officers for this function, which was not the intention when Cabinet Office developed the NO network.

The Cabinet Office role specification for NOs is set out as follows:

“Nominated Officers will, as needed:

- *Advise individual members of staff on the interpretation of the Civil Service Code;*
- *Advise individuals on steps that might be taken to resolve a concern relating to the Code;*
- *Advise on how to take such a concern forward through the departmental procedures should the individual wish to do so;*
- *If requested, pass the concerns on to the appropriate point within the department if they are satisfied that the matter may fall within the Code.*

The role of the Nominated Officer will be that of an impartial intermediary between the individual raising the concern and any other parties. They will, however, wish to be satisfied that due process is followed by those handling the concern. Should the need arise, they will consult the Permanent Secretary (or equivalent, e.g. Chief Executive). They will also be able to advise on the procedure for appealing to the Civil Service Commissioners.

Nominated Officers’ responsibilities do not extend to matters that do not fall within the Civil Service Code. These include personnel management grievances and disagreements about the merits of policy or management decisions. Such matters should be pursued through the normal channels within the department. If there are circumstances where issues that relate to the Civil Service Code are connected with other issues such as those described above, Nominated Officers will make clear that their responsibilities cover only the Civil Service Code issues.”

RECRUITMENT AND INDUCTION:

Q13. Do you refer explicitly to the Civil Service Code or the core values of the Code in the information given to candidates about advertised jobs?

- **ALL:** 58% of respondents indicated that they referred explicitly to the Code in the information provided to candidates about advertised jobs
- **LARGE:** 67% refer to the Code
- **MEDIUM:** 48% refer to the Code
- **SMALL:** 67% refer to the Code

All candidates should receive the same information about advertised jobs. All information provided to candidates should include explicit reference to the Civil Service Code or its core values.

Examples of good practice in this area would be to clearly include the Code in job advertisements, to have a direct link to the Civil Service Code, or to include it or its core values in an applicant pack made available to all candidates.

Q14. As new entrants are all staff (including temporary and seconded staff) provided with a hard copy of the Code or directed to an electronic version e.g. on your intranet?

- **ALL:** 90% of respondents provide all new staff with a hard copy of the code or direct them to an electronic version
- **LARGE:** 94% provide new entrants with the Code
- **MEDIUM:** 81% provide new entrants with the Code
- **SMALL:** 100% provide new entrants with the Code

The vast majority of organisations adhere to this principle and have responded positively.

Ensuring that all new staff are given a copy of the Civil Service Code is another key area which was highlighted in the high level messages. All staff should be aware of the Code and of their requirement to adhere to it.

In this case, an example of good practice would be to make it a formal mandatory necessity for all staff to receive a copy of the Code, either a hard copy or an electronic version, as the vast majority of organisations have done.

Q15. Are new entrants required to sign a declaration confirming that they have received, read and understood the Code?

- **ALL:** 58% of responses indicated that new entrants are not required to sign declarations confirming that they have received, read and understood the Code
- **LARGE:** 78% have no signed declaration requirement

- **MEDIUM:** 55% have no signed declaration requirement
- **SMALL:** 44% have no signed declaration requirement

Large departments in particular, need to develop their process in this area of induction and recruitment.

New staff (including temporary and seconded staff) signing a declaration confirming receipt of the Code was another key area highlighted in the high level messages. Having this process in place ensures that all new entrants receive the same version of the Code and have to read and understand it before signing a declaration.

Asking all staff to sign a declaration confirming they have received, read and understood the Code, within the employment contract or the contract specifying the terms and conditions of the role, is the ideal way to ensure good practice in this instance.

Q16. Does your induction training explicitly include reference to the Code?

- **ALL:** 78% of organisations include explicit reference to the Civil Service Code in their induction
- **LARGE:** 83% include reference to the Code
- **MEDIUM:** 71% include reference to the Code
- **SMALL:** 78% include reference to the Code

Most organisations have responded positively in this area.

Induction training should include explicit reference to the Code in order to ensure that all staff are aware of the importance of adhering to it. It also ensures that all staff are conscious of matters such as routes for raising Code concerns, points of contact, their right to escalate concerns to the Civil Service Commission, how to go about accessing further information on the Code etc.

Examples of good practice presented by some organisation are: including a Civil Service Code presentation at staff induction training, and including material explicitly referencing the Code in induction packs for new starters.

Q17. Do you do any regular follow up with staff on Code awareness and compliance post recruitment?

- **ALL:** 54% of respondents do not conduct regular follow up with staff on Code awareness and compliance post recruitment
- **LARGE:** 56% do not conduct regular follow up
- **MEDIUM:** 45% do not conduct regular follow up
- **SMALL:** 67% do not conduct regular follow up

This is an area which has much room for improvement across all sized departments/agencies.

Follow up with staff post recruitment should be conducted on a regular basis to reinforce the importance of the Code, to raise awareness and compliance, and to ensure that staff are adhering to the Code's standards. Ideally follow up should be conducted on a 6 monthly or yearly basis and should be undertaken with all staff members (including temporary and seconded staff – paying extra attention to staff in private offices etc).

An example of good practice in this area could include sending out 'all staff surveys' and based on the results, conducting a Code specific presentation targeting the areas which need to be highlighted and refreshed, or conducting annual updates.

Wilton Park demonstrated good practice in the following:

"Periodically reissue the Code and ask staff to acknowledge they have read and understood. Issue Code with other information/communications when appropriate."

Q18. If you use shared services, recruitment agencies, or consultants, do you ensure that these explicitly include reference to the Code?

- **ALL:** 55% ensure reference to the Code is included in the use of shared services, recruitment agencies, and consultants – a further 18% responded 'not applicable' as they do not use these services
- **LARGE:** 67% ensure reference is included (and 17% responded 'not applicable')
- **MEDIUM:** 52% ensure reference is included (and 13% responded 'not applicable')
- **SMALL:** 50% ensure reference is included (and 28% responded 'not applicable')

Guidance on the Civil Service Code should be given to all shared services, recruitment agencies, or consultants used. There is room for improvement across all departments in this area.

Ideally, organisations should provide details on the Code to any external services used in order to ensure maximum compliance.