



RESPONSE TO THE TRIENNIAL REVIEW REPORT

The Commission welcomes Sir Gerry Grimstone's report, and his endorsement that the Commission's functions are needed and that we remain the right organisation to carry them out.

Recommendations about the Commission's current role

Nine¹ of the 31 recommendations recommend the continuation of our existing role and practice. We welcome this endorsement of our approach and the recognition of the work we do from Sir Gerry and from the Government. This gives the Commission a firm basis on which to proceed in the years ahead, confident that its purpose is secure and its role continues to be valued.

Eight of the other recommendations align with our own thinking about how we carry out our existing functions and how we would like to do business in future.

- Recommendations 23 and 24 stress the importance of tailoring recruitment processes and assessment methods to suit the need of the particular appointment, rather than relying on the traditional formula of a formal interview to make the selection. We have, for some time, been trying to encourage flexibility in the way selection processes are devised, in order first to attract a strong and diverse field and then to assess candidates effectively against the criteria for the role. As we made clear in the April 2014 revision of our Recruitment Principles, a formal interview may form part of that process but need not always. We recognise that many Departments opt for the traditional approach simply because it is the least time-consuming, and understand why that is the case when resources are stretched and an appointment is needed urgently. But we will continue encouraging them to think more creatively about how they attract and assess candidates.
- Recommendation 27 made the point that the Commission should not feel that it is necessary for Commissioners to chair all competitions other than the most senior. Over the years, the Commission has reduced the proportion of competitions we chair, and we currently only

¹ Recommendations 1-4, 8, 9, 12, 14 and 29

chair the most senior ones: those at SCS Pay Band 2 and above. In revising our Recruitment Principles in early 2014, we recognised that there might be circumstances where we would not always chair Pay Band 2 competitions in future; or, conversely, where we would decide to chair competitions at Pay Band 1 or even below. This change gives us the flexibility to take decisions about which competitions to chair based on the degree to which we think this is necessary to ensure 'real-time regulation' that the principles of fairness, openness and merit are being upheld.

- Recommendation 31 encouraged the Commission to conduct thematic reviews of matters within its competence. This is something we already do – for example, the review of Fast Stream graduate recruitment we conducted last year. It is resource-intensive, however, so we will be selective and targeted about the areas we tackle and will take decisions about which areas to prioritise in the context of any future changes to our role (see below) and resources.
- Recommendation 7 suggested that we should consider setting up our own compliance monitoring capability and/or using government shared services, where appropriate, to reduce the cost of this work. We have been considering for some time the possibility of bringing more of this work in house, and have recently decided to alter the balance of effort between the Commission and our contractor for this work, which should lead to reduced cost without reduced impact. Given the scale of the data collection and analysis task involved, we do not have the capacity to bring the entire task in-house; and, indeed, it may always be the case that we need to buy in some additional specialist expertise for this work. But we will keep the matter under review when our current contract comes to an end.
- Recommendation 10 recommended that the number of people being appointed using an Exception to the legal requirement should be published and explained. We have been seeking to increase transparency in this area for some time. As well as reporting on the overall numbers of such appointments in our Annual Reports, we now routinely publish on our website information about the senior appointments using Exceptions that are approved by the Commission. We are planning a detailed review of Exception appointments during 2015-16.
- Recommendation 11 recommended that Departments who consistently do not adhere to the Recruitment Principles should be reported to the Head of the Civil Service and the Minister for the Cabinet Office. We already publish the risk ratings for Departments; until now, these have been assessed on an annual basis but, from 2015-16 onwards, we will be moving to quarterly assessments. This will give us a much closer to 'real-time' view of what is happening in Departments. We will draw ongoing problems to the attention of Ministers, the Head of the Civil Service and the Chief Executive of the Civil Service.

- Recommendation 5 suggested that we should consider bringing in additional skills to the Secretariat and recommended that not all of the management team should be or have been civil servants. We took a decision, in principle, in December 2013 that we would consider a more mixed economy staffing model, still drawing the majority of our staff from the Civil Service because of the importance of the Commission fully understanding the sector it regulates but increasingly looking to bring expertise in from outside. In fact, we already have quite a diverse range of experience and expertise within the Secretariat, with the majority of staff having worked outside as well as within the Civil Service. We will keep our skill-mix under review when making future appointments, in particular once it is clear whether there is to be any expanded role for the Commission (see below) and what, therefore, are the skills we need to import.

Recommendations proposing an expanded role for the Commission

Four of the recommendations in Sir Gerry's report propose additional functions for the Commission:

- Recommendation 13 proposed an extension of the Commission's role in relation to the Code - assessing whether the Code itself represents best practice and providing assurance that Departments' procedures for dealing with Code complaints are effective.
- Recommendation 15 proposed that, in addition to civil servants being able to appeal to the Commission about possible breaches of the Code, the Minister for the Cabinet Office should also have the right to refer cases to the Commission.
- Recommendation 16 suggested that the Commission should audit and analyse information relating to Code cases raised and resolved within Departments.
- Recommendation 30 proposed that the Commission should take on responsibility for auditing internal appointments within the Senior Civil Service (a new function) but should no longer continue the current role of chairing internal competitions at Director General level under the Senior Appointments Protocol.

The Commission had not been seeking an expanded role for ourselves. Indeed, the trend over 160 years of the Commission's life has been to reduce Commission's role in direct recruitment, to delegate more responsibility to Departments and to focus the Commission on its regulatory role in ensuring selection on merit after a fair and open competition.

We believe there are great advantages in our present remit: it is focused and well-established. Currently, resources are very limited and we face a further 8

per cent reduction in budget in 2015-16. We would not want to take on new responsibilities if it diminished our capacity to fulfill our current statutory functions. If, therefore, we are to take on new functions we would want to be sure that we could add value and that the work could be properly resourced.

We are ready to work with the Government to discuss whether, and if so how, the recommendations about an expanded role for the Commission should be implemented and the additional resources that would be made available to the Commission to take on any additional work. For us the key will be whether we think we can make a difference in improving the effectiveness of the Civil Service and how it will sit with our core role of safeguarding appointments on merit to a Civil Service with the values of impartiality, objectivity, honesty and integrity.

Recommendation 30 contains two parts: the first is that the Commission should take on a new role in monitoring the robustness and effectiveness of internal competitions within the Senior Civil Service; the second is that Commissioners should no longer chair panels for internal competitions at Director General (SCS Pay Band 3) level unless specifically asked.

On the first point, we do not currently have any remit in internal competitions below Director General level. We will want to consider, with the Government, whether this should change in response to the Review's recommendation and, if so, how the Commission would be resourced to do this.

On the second point, the feedback we have received suggests that there has been positive benefit for the Civil Service in having the same rigour applied to internal DG appointments as is given to external ones to provide independent assurance that selection is on merit following a fair process. We are happy to continue with this role if required, or to focus elsewhere if not.

Recommendations about the Civil Service

In addition to the recommendations about the Commission, Sir Gerry's report also made nine² recommendations about the way that the Civil Service – and particular recruitment to it – is organised. Many of these proposals accord with points that the Commission has made previously.

As we have noted in our own assessments of Departments' capability, there has been a decline in the resource devoted to the HR function within the Civil Service without a parallel increase in hiring managers - including at the highest level - taking an active responsibility for prioritising recruitment, staff retention and talent management. As well as the obvious risk of delay and inefficiency that this can cause, it also risks compromising the fairness of selection processes, which is a big concern for the Commission. We therefore strongly support the review's recommendations about strengthening

² Recommendations 17-22, 25, 26 and 28

the HR function and increasing the priority afforded to recruitment and talent management.

We also welcome the emphasis placed in the report on ensuring accurate data is available to allow an assessment of trends.

Civil Service Commission
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