



THE RECRUITMENT PRINCIPLES

A GUIDE TO BRINGING A COMPLAINT TO THE CIVIL SERVICE COMMISSION

Contents

Page

| | | |
|------------|--|-----------|
| 1. | Introduction | 4 |
| 2. | What is the Civil Service Commission? | 5 |
| 3. | What does the Civil Service Commission do? | 5 |
| 4. | What are the Civil Service Commission's Recruitment Principles? | 6 |
| 5. | What do 'Merit', 'Fair' and 'Open' mean? | 6 |
| 6. | Are non-departmental public bodies and wider public sector organisations bound by the Recruitment Principles? | 7 |
| 7. | Do I have a valid complaint? | 7 |
| 8. | Which complaints are outside the Commission's scope? | 8 |
| 9. | Do I have to raise my complaint with the department or agency first? | 9 |
| 10. | How do I contact the Civil Service Commission to make a complaint? | 10 |
| 11. | What information do I need to provide the Commission? | 11 |
| 12. | What will be the initial consideration of my complaint? | 12 |
| 13. | What if the Commission decides not to investigate my complaint? | 12 |



| | |
|---|----------------|
| The Commission's Complaints Procedure | 13 |
| 14. How will the Commission investigate my complaint? | 13 |
| 15. How will my complaint be resolved? | 14 - 15 |
| 16. How long will the complaints procedure take? | 15 |
| 17. Will the Commission ensure my privacy? | 15 |
| 18. What if I am dissatisfied with the Commission's decision? | 16 |
| 19. What can I expect of the Commission? | 17 |
| 20. Can I withdraw my complaint? | 18 |
| | |
| ANNEX – Sample Civil Service Commission Complaint Form | 19 - 23 |



1. Introduction

The Civil Service Commission has a responsibility to maintain the **recruitment principle of appointment on merit on the basis of fair and open competition**, which applies to entry to the Civil Service. The Commission ensures that the principle is upheld by departments and agencies when making appointments.

The Commission is independent. The Civil Service Commissioners are not civil servants, they are appointed by open competition. The Commission reports regularly on its activities to Parliament. This Guide will help you to decide whether you can bring a complaint of a breach of the Civil Service Commission's Recruitment Principles to the Commission. It explains the complaints procedure and the likely outcomes. The Commission will only hear a complaint if it has previously been raised with the department or agency that advertised the vacancy and, after completing the organisation's complaints procedure, you remain dissatisfied with their response.

The Civil Service Commission will investigate complaints in an efficient, proportionate and responsive way that is sensitive to the circumstances of the particular individual and situation. If a complaint is upheld, the Commission **can**:

- make recommendations to the department or agency and ask how it will resolve the situation.
- request a written apology and seek assurances that action is being taken.
- publicise the nature of the complaint, in an anonymised form, in its Annual Report.
- issue a public statement where it has very strong concerns about the seriousness with which an organisation is taking its recommendations.

The Commission **cannot** order:

- the payment of compensation.
- a department or agency to apologise to a complainant.
- that an individual be appointed or that an appointment be terminated.

The Commission's investigation of a complaint will be fair and objective and governed by an independent, honest and impartial approach.



2. What is the Civil Service Commission?

The Civil Service Commission is established under terms of the Constitutional Reform and Governance Act 2010 and is independent of Government and of the Civil Service.

The Civil Service Commissioners are recruited on merit following public advertisement and a fair and open selection competition. From their different careers and interests they bring experience of the public, private and voluntary sectors, and an impartial and independent perspective.

You can find out more about the work of the Commission on the website: <http://civilservicecommission.independent.gov.uk/>

3. What does the Civil Service Commission do?

The Civil Service Commission has two primary functions.

First, the Commission is responsible for upholding the principle that selection for appointments in the Civil Service must be on merit on the basis of fair and open competition. It is in this context that the Commission publishes its [Recruitment Principles](#) and considers complaints that they may have been breached.

Second, the Commission can hear and determine appeals raised by civil servants under the [Civil Service Code](#) – the ethical code that forms part of the terms and conditions of every civil servant. The Commission also works with departments to help them promote the Code and the core values of the Civil Service that it describes.



4. What are the Civil Service Commission's Recruitment Principles?

The [Recruitment Principles](#) set out the Commission's interpretation of the principle of **appointment on merit on the basis of fair and open competition**. Importantly, the [Recruitment Principles](#) set out the Commission's definitions of the terms '**Merit**', '**Fair**' and '**Open**'. Government departments and agencies are required to apply the [Recruitment Principles](#) when making appointments to the Civil Service.

The [Recruitment Principles](#) also set out when appointments may be made outside of the principles (commonly referred to as 'Exceptions').

5. What do 'Merit', 'Fair' and 'Open' mean?

In interpreting the fundamental requirement, the [Recruitment Principles](#) provides the following specific definitions:

Merit – the appointment of the best available person: no one should be appointed to a job unless they are competent to do it and the job must be offered to the person who would do it best.

Fair – there is no bias in the assessment of candidates. Selection processes must be objective, impartial and applied consistently.

Open – job opportunities must be advertised publicly and potential candidates given reasonable access to information about the job and its requirements, and about the selection process.



6. Are non-departmental public bodies and wider public sector organisations bound by the Recruitment Principles?

Not usually. While many organisations in the wider public sector, such as most non-departmental public bodies (NDPBs), may adopt a similar approach to recruitment as the Civil Service, the [Recruitment Principles](#) do not formally apply to them as their employees are not members of the Civil Service. Consequently, the Commission cannot hear complaints about their recruitment policies or practices.

However, there are a small number of Crown NDPBs which employ members of the Civil Service and these are also bound by the [Recruitment Principles](#).

7. Do I have a valid complaint?

You may apply to the Commission to consider a complaint where you believe that a Government department or agency has recruited civil servants in a way that breaches the [Recruitment Principles](#). A breach may have potentially occurred where a department or agency has run a recruitment exercise which is open to external candidates but has not applied the principles of merit, fairness and openness correctly.

The scope of any investigation by the Commission will be limited to determining whether there has been a breach of the [Recruitment Principles](#). The Commission will not consider any issues that fall outside its remit, even if they come to light during the course of an investigation. However, the Commission may decide to comment or make suggestions to the relevant department or agency aimed at improving operational practice.

In deciding whether or not to lodge a complaint with the Civil Service Commission you may find referring to section ‘**15. How will my complaint be resolved?**’ of this guidance helpful.



8. Which complaints are outside the Commission's scope?

Not every concern relating to a Civil Service recruitment competition will be investigated by the Civil Service Commission.

In particular, the Commission will not consider appeals from people who simply want their application for a post to be re-considered. The Commission cannot 'replay' competitions and judge how individuals fared against the criteria for a post in competition with others.

The Commission will not normally deal with complaints about:

- recruitment exercises, including promotions, run internally by Civil Service departments and agencies, where only civil servants can apply.
- issues directly relating to employment legislation or other issues beyond the Commission's scope.
- the way in which a Government department or agency is run.

Civil Service departments and agencies are obliged to retain their recruitment competition records for a period of **two years**. The Commission will not normally hear a complaint in relation to recruitment competitions that concluded more than a year previously. In addition, the Commission will not usually hear a complaint while it is subject to legal challenge at an Employment Tribunal or other court proceedings.



9. Do I have to raise my complaint with the department or agency first?

Yes. The Commission will only consider your complaint if you have raised it first with the relevant department or agency and, after completing their complaints procedure, remain dissatisfied with their response. The organisation must be given the opportunity to respond and, if they accept that there has been an issue, put things right.

The Commission will always seek confirmation that the departmental complaints procedure has been completed before considering whether it can hear your complaint.

When raising your complaint with the department or agency you should allow a reasonable time for the organisation to conduct an investigation and provide you with a substantive response. If they fail to do this within a reasonable timescale you should write to them to remind them that you are awaiting a reply. If this still does not result in a response, you can write to the Commission to request that it considers contacting the organisation on your behalf.

Complaints should be raised with departments and agencies as soon as possible. Departments and agencies will only maintain records of recruitment competitions for a limited time.



10. How do I contact the Civil Service Commission to make a complaint?

If, after completing the complaints procedure of the relevant department or agency, you remain dissatisfied with their response you can raise the matter with the Civil Service Commission.

You can contact the Commission either by email at:

info@csc.gsi.gov.uk

Or in writing to:

**Civil Service Commission
Room G08
1 Horse Guards Road
London
SW1A 2HQ**



11. What information do I need to provide the Commission?

When writing to the Commission with your complaint you should:

- Include key information about the recruitment exercise involved – including the name of the department or agency, the name of the recruitment exercise, the grade/pay band and title of the post.
- Provide details of any significant dates when decisions were taken.
- Explain clearly and concisely the complaint you want the Commission to investigate and how it relates to the [Recruitment Principles](#), (You may find it helpful to use the template in the annex to this guide).
- Include copies of relevant supporting material, retaining the originals.
- Confirm that you have completed the complaints procedure of the relevant department or agency and explain why you are not satisfied with their response.
- Explain what resolution to the issue you would ideally like to see (please see ‘**15. How will my complaint be resolved?**’ on page 14).

When describing your complaint it is important to be as clear, concise and accurate as possible. The quality of the information is much more important than the quantity. The most important points of a case can be lost if surrounded by large quantities of irrelevant information.

The Commission will aim to acknowledge all emails and letters asking it to investigate a complaint within five working days.



12. What will be the initial consideration of my complaint?

The initial consideration of the information you provide will be to decide whether your complaint is one the Commission should investigate. The decision will be based on:

- Whether the complaint relates to a breach of appointment on merit on the basis of fair and open competition, as interpreted by the Commission's [Recruitment Principles](#), and is therefore within the scope of the Commission's role.
- Whether the complaint has been raised with the department or agency concerned first and the Commission agrees with you that the response received from the organisation did not answer the issues raised in the complaint adequately.
- Whether the recruitment exercise which is the subject of the complaint was concluded within the past 12 months.
- Whether the issues raised in your complaint are currently the subject of an application to an employment tribunal.

13. What if the Commission decides not to investigate my complaint?

Where the Commission decides that it will not investigate your complaint you will be informed of this either by email or letter normally within 14 working days after receipt of your complaint.



14. How will the Commission investigate my Complaint?

If the Commission decides that your complaint may have revealed a potential breach of the [Recruitment Principles](#), which has not been adequately responded to by the department or agency concerned, the Commission will initiate an investigation. This will usually be conducted by a member of the Commission's staff who will act as the 'Case Officer'.

The Commission does not have a rigid approach to its investigations and the specific approach will depend on the circumstances of the case. However, typically, the Case Officer will write to the Human Resources Director of the relevant Government department or agency to inform them of the details of your complaint and the Commission's initial assessment of it, and to seek their response. The department or agency is usually allowed 20 working days to consider and submit their response. The department or agency may ask the Commission for an extension of time to respond to the complaint. The Commission will only be willing to grant an extension if it can be demonstrated that there is a genuine need for more time.

Usually, the receipt of this submission, together with the original complaint, will be sufficient for the Commission to consider the merits of the case. If not, the Case Officer will request further information from the organisation or from you depending on the specific circumstances of the case.



15. How will my complaint be resolved?

Usually, investigations rely on written documentation **only** and the Commission will reach a decision based on the written evidence submitted by you and the relevant department or agency.

Exceptionally, the Commission may ask to meet with you to gain further information. This is not a formal process. Should this take place, the representatives of the Commission will be seeking to understand your position in more detail and to ask questions that have arisen from their consideration of the information supplied. The Commission may also want to talk to the department or agency concerned. This would take place at a separate meeting. In very rare instances, the Commission may call upon the services of external experts.

Once the Commission has reached its decision it will write to inform you and explain the reasons for the decision. The Commission will also inform the organisation concerned. If the Commission finds that there has been a breach of the [Recruitment Principles](#), or if it has been observed that some recruitment practices could potentially lead to a breach, the Commission will also explain what action it will take.

Specifically, the Commission **can**:

- Make recommendations to the department or agency concerned about the case and ask the department or agency what action it will take to resolve the situation if it appears that an appointment may have breached the [Recruitment Principles](#).
- Request that the department or agency make an apology to you in writing, even where it did **not** find a breach of the [Recruitment Principles](#), but it is clear that aspects of the handling of the recruitment competition fell below good practice.
- Ask the department or agency to provide assurances that it is reviewing and, if required, making changes to the recruitment processes that led to a breach, or where it is strongly suspected that they have the potential to lead to a breach of the [Recruitment Principles](#) in the future.
- Publicise the nature of the complaint in an anonymised form for inclusion in the Civil Service Commission's Annual Report.
- Issue a public statement where it has strong concerns that the organisation which is in breach of the [Recruitment Principles](#) is not taking its recommendations seriously.



A Guide to bringing a complaint of a breach to the Civil Service Commission

The Commission **cannot** order:

- The payment of compensation.
- A Government department or agency to apologise to a complainant.
- That an individual be appointed to a Civil Service post.
- That an individual's appointment to a Civil Service post be terminated.

16. How long will the complaints procedure take?

Wherever possible the Commission will aim to complete its investigations within 6 months of the receipt of the complaint but the length of the complaints procedure will depend on:

- The nature, detail and complexity of the complaint.
- The number of times further information needs to be requested from the organisation or from you.
- Whether the Commission need to seek professional advice.
- The amount of documentation that needs to be considered.

17. Will the Commission ensure my privacy?

All correspondence relating to your complaint will be dealt with in confidence. The contents and results of your complaint will usually only be disclosed to the relevant Government department or agency and, when required, the Commission's legal or expert advisers.

The Commission may report the circumstances and outcomes of complaints under the [Recruitment Principles](#) in its Annual Report, but this would not include your personal details. The Report does not give the names of those who make complaints, or the names of the department or agency.

In the unlikely event that it was necessary for the Commission to provide personal details or publicise information that could lead to you being identified, we would seek your permission beforehand.

The Civil Service Commission Recruitment Principles
A Guide to bringing a complaint of a breach to the Civil Service Commission

18. What if I am dissatisfied with the Commission's decision?

The Civil Service Commission is independent of Government and considers complaints that are submitted by individuals very carefully. The Commission's complaints procedure is intended to be accessible to all complainants. In reaching its decisions the Commission aims to act honestly, consistently, fairly, proportionately and without bias.

If you are not satisfied with the Civil Service Commission's decision about your complaint, please note that:

- The Commission will not re-open an investigation or re-visit a decision unless relevant new evidence comes to light.
- The Commission will not enter into a protracted discussion with you about the outcome of the investigation or the decision.

However, the Commission will clarify any points raised in relation to its decision and respond to questions about the way that the complaint was handled.

The Civil Service Commission will not respond to complainants who behave in an aggressive or vexatious manner, or who use abusive language.

Further Information

More information, including the latest version of the Recruitment Principles, about the work of the Civil Service Commission can be found at the website:

<http://civilservicecommission.independent.gov.uk/>

**Civil Service Commission
Room G08
1 Horse Guards Road
London SW1A 2HQ**



19. What can I expect of the Commission?

The Civil Service Commission strives to treat all civil servants and members of the public according to the highest standards of behaviour, which will include:

Politeness.

Efficiency - adhering to the standards established by the Commission.

Openness - being pro-active in providing relevant information.

Fairness – providing the same high standards to all without favour or discrimination.

Honesty – stating the facts of a situation directly.

Clarity – communicating in ways that are easy to understand.

If the recruitment competition about which you are complaining was chaired, or had the direct involvement of a Civil Service Commissioner, then that Commissioner would not participate in the investigation of your complaint, nor would they be involved in making the Commission's decision in your case.

Vexatious and unreasonable requests can have the effect of reducing the ability of the Commission to provide an appropriate standard of service to all, by commanding a disproportionate share of resources. The Commission will not accept complaints which are considered, in all the circumstances of the case, to be vexatious or unreasonable.



20. Can I withdraw my complaint?


The Commission believes it is better that complaints about Civil Service recruitment are settled with the department or agency concerned, if that is possible.

The Commission sees the complaints process as being primarily one of acknowledging where things may have gone wrong and learning lessons for the future. The Commission will therefore support a mutually agreed conclusion to a complaint process at any stage of its investigations. Neither you, nor the department or agency involved, should feel that you are locked into an adversarial contest from which there is no escape.

However the Commission would want to be satisfied that your wish to withdraw a complaint is done voluntarily and that the [Recruitment Principles](#) are being maintained.



ANNEX – SAMPLE CIVIL SERVICE COMMISSION COMPLAINT FORM

| | |
|---|--|
|  <p>Civil Service Commission</p> | <p>CIVIL SERVICE COMMISSION RECRUITMENT PRINCIPLES BREACH COMPLAINT FORM</p> <p>http://civilservicecommission.independent.gov.uk/</p> |
| <p>To be completed by the Complainant</p> <p>This form can be completed electronically and submitted to the Civil Service Commission at: info@csc.gov.uk</p> <p>Or by post to:</p> <p>Civil Service Commission Room G08 1 Horse Guards Road London SW1A 2HQ</p> <p>The latest version of the Civil Service Commission's Recruitment Principles can be found on the Commission's website. It should be referred to closely when making a complaint to the Commission.</p> <p>Personal Details</p> <p>Name of Complainant:</p> <p>Address:</p> <p>Postcode:</p> <p>Home Telephone No.</p> <p>Daytime/Mobile Telephone No.</p> <p>E-mail</p> | |



Please indicate how you wish to be contacted:

Letter

Email

Please give details of the recruitment competition that forms the basis of your complaint:

Name of department or agency:

Grade/pay band of advertised post:

Name of advertised post:

Date of competition:

Complainant Assurances & Declaration:

1. The Civil Service Commission will only hear complaints where you have first complained to the relevant department or agency and, having completed their complaints procedure, remain dissatisfied with their response.
2. The Civil Service Commission will not hear a complaint concerning issues which are currently the subject of an application to an employment tribunal.

Declaration

I confirm that I wish to request that the Civil Service Commission investigates my complaint as detailed in this form. In lodging this complaint with the Civil Service Commission I also confirm that:

- I have completed the complaints procedure of the relevant department or agency and have received a response from them. I remain dissatisfied with their response.
- The subject of this complaint is not currently the subject of an application to an employment tribunal, nor am I currently awaiting a judgement based on this complaint.
- I give my consent for the Civil Service Commission to use my personal data, in confidence, when considering my complaint.
- I consent to the Commission making enquiries in order to investigate this complaint.

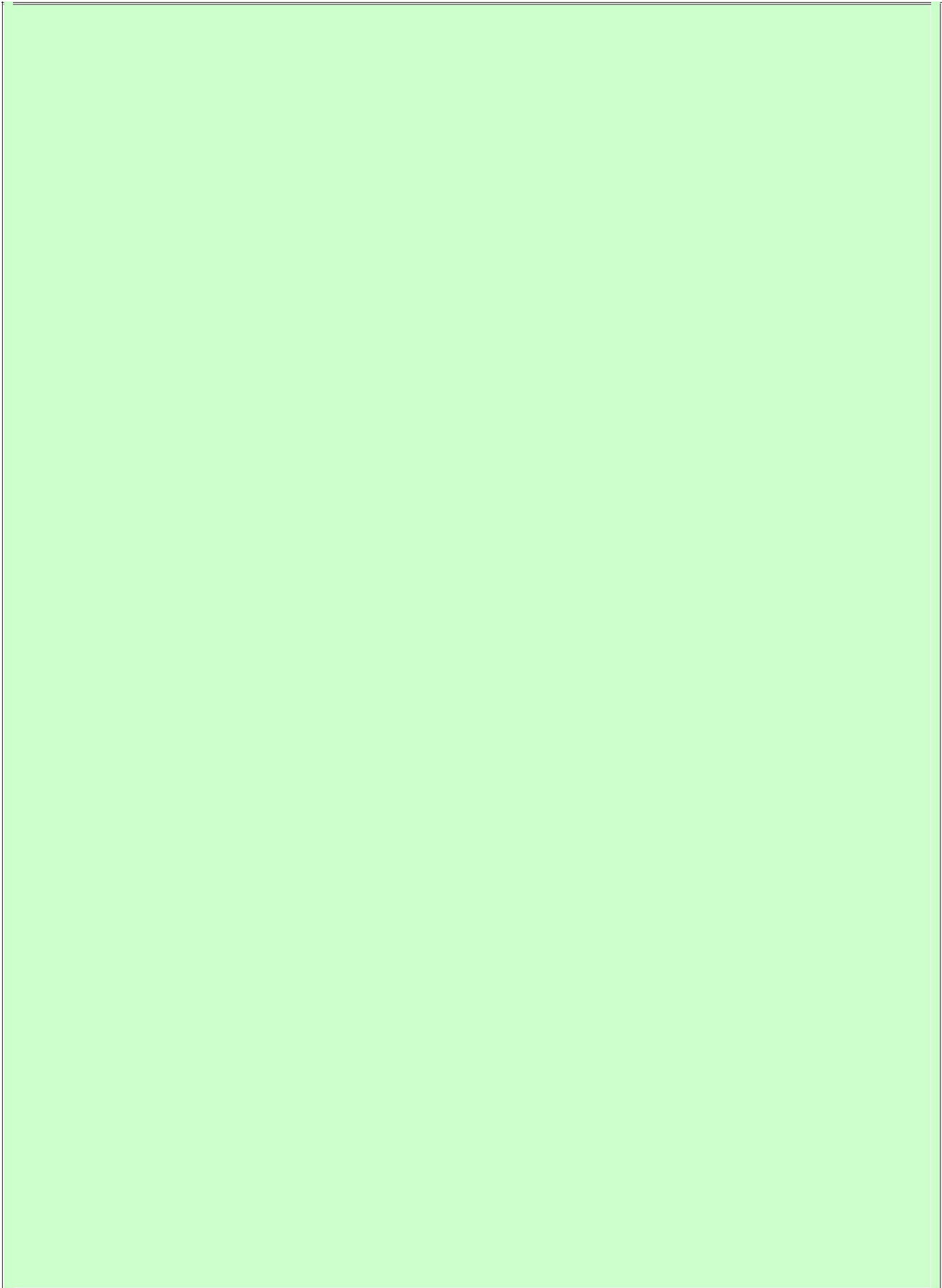
Signature:

Date:

Please provide a summary of your complaint. In doing so please explain how you consider that the above recruitment exercise breached the Civil Service Commission's Recruitment Principles. Please attach copies of your correspondence with the relevant department or agency, especially their final response to your complaint.

(Please note that this section can be expanded if necessary)





If your complaint is upheld and it is found that there had been a breach of the Recruitment Principles, what in your view would be a satisfactory conclusion?

Please tick the appropriate box(es):

An apology from the department or agency

An explanation from the department or agency

An assurance from the Commission that the relevant department or agency has taken appropriate action to prevent a similar breach taking place in future competitions.

Other

Please ensure that copies of any relevant information are sent to the Civil Service Commission with a copy of This completed form.

Thank you.





**Room G/8
1 Horse Guards Road
London
SW1A 2HQ**

020 7271 0831

info@csc.gov.uk

<http://civilservicecommission.independent.gov.uk>



**The Civil Service Commission Recruitment Principles
A Guide to bringing a complaint of a breach to the Civil Service Commission**