



## **FINDINGS AND RECOMMENDATIONS: November 2016**

### **CIVIL SERVICE CODE**

### **COMPLAINT TO THE CIVIL SERVICE COMMISSION**

**Ref: 331**

### **FINDINGS OF THE PANEL OF INVESTIGATION**

#### **AUTHORITY**

1. The Constitutional Reform & Governance Act 2010 requires the Minister for the Civil Service to publish a code of conduct for the Civil Service (known as the 'Civil Service Code'). The Act also prescribes the minimum requirement for this Code, namely that:
  - a. civil servants must carry out their duties to assist the administration they are employed to serve, whatever its political complexion;
  - b. civil servants must "carry out their duties with integrity and honesty; and with objectivity and impartiality".
2. The Constitutional Reform & Governance Act 2010 outlines the functions of the Civil Service Commission. It gives as one of the functions, in relation to the Civil Service Code:

*9 (5) The Commission –*

  - a) Must determine procedures for the making of complaints and for the investigation and consideration of complaints by the Commission;*
  - b) After considering a complaint, may make recommendations about how the matter should be resolved.*

#### **OUTLINE OF THE COMPLAINT**

3. The complaint was submitted by a member of staff working at a DWP office and concerned allegations of bullying and harassment, manipulation of office performance statistics and breaches of data protection by a named individual, all of which, he argued, amounted to breaches of the Civil Service Code.
4. Having made an initial assessment of the case based on the complaint and the response from the Department, the Commission determined that the only aspect of

the case that was within remit for consideration under the Code was that relating to the alleged manipulation of data. It was this aspect of the complaint that was accepted for further investigation and is the subject of this Decision Notice.

## **METHODOLOGY OF INVESTIGATION**

5. The investigation of this complaint was conducted by the Commission's secretariat and adjudicated on by a panel comprising two Civil Service Commissioners:
  - Ian Watmore, First Civil Service Commissioner
  - Angela Sarkis, Civil Service Commissioner

## **EVIDENCE**

6. The report of the investigation into the complainant's allegations of data manipulation by the Department formed the basis of the Commission's own investigation. From the report it is clear that the concerns were taken seriously and each aspect of the complaint relating to alleged performance manipulation was considered in turn.

## **CONSIDERATION OF THE EVIDENCE AND FINDINGS**

7. The panel considered the evidence and concluded that the Department's investigation of the complainant's concerns was proper and thorough and the Commission was satisfied that all possible steps had been taken to address the concerns raised. The Commission upholds the result of the Departmental investigation into the complainant's concerns, and no breach of the Civil Service Code is found.

## **RECOMMENDATIONS**

8. The Commission finds in favour of the Department – no recommendations to be made to the Department.

## **REQUEST FOR REVIEW**

9. The Commission will consider representations from complainants, or those complained against, for review of the Commission's decision and recommendations that suggest that it has made factual errors or errors of factual interpretation in its decision making.
10. The Commission will not normally accept a request to review its decision or recommendations if the request is received more than 20 working days after the date of its findings.

11. There is no mechanism for appealing against the decision of the Civil Service Commission in a Civil Service Code complaint case.

Civil Service Commission  
November 2016