



# **RECRUITMENT PRINCIPLES 2015 (April)**

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## **INTRODUCTION**

1. Section 10 of the Constitutional Reform and Governance Act 2010<sup>1</sup> requires the selection of people for appointment as civil servants to be “on merit on the basis of fair and open competition”. Section 11 requires the independent Civil Service Commission to produce “Recruitment Principles”, explaining and interpreting the requirement.
2. This document contains the Commission’s Recruitment Principles, which:
  - explain the legal requirement for merit, fairness and openness;
  - set out the rules and procedures which Government Departments<sup>2</sup> must follow in selecting people for appointment; and
  - describe the circumstances in which the Commission may except appointments from the requirement for merit, fairness and openness.

## **THE LEGAL REQUIREMENT**

3. The legal requirement is for selection for appointment to the Civil Service to be made on **merit** on the basis of **fair** and **open** competition. All three elements have to be met for the appointment to be lawful.
4. **Merit** means the appointment of the best available person judged against the essential criteria for the role. No one should be appointed to a job unless they are competent to do it and the job must be offered to the person<sup>3</sup> who would do it best.
5. **Fair** means there must be no bias in the assessment of candidates. Selection processes must be objective, impartial and applied consistently.
6. **Open** means that job opportunities must be advertised publicly. Potential candidates must be given reasonable access to information about the job and its requirements, and about the selection process. In open competitions anyone who wishes must be allowed to apply.

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<sup>1</sup> Referred to as the 2010 Act in this document.

<sup>2</sup> References to ‘Departments’ throughout this document should be read as including Executive Agencies and all other organisations that employ civil servants and whose appointment practices are regulated by Chapter 1 of the 2010 Act. This includes the Scottish and Welsh Governments. References to ‘Ministers’ should be construed accordingly.

<sup>3</sup> Or, in the case of bulk recruitment or the appointment of job-sharing partners, ‘the people’ who would do it best.

## **MEETING THE LEGAL REQUIREMENT**

7. Departments are responsible for designing and delivering selection processes which meet this requirement. There is no single “right” process for all appointments; processes can and should vary and be proportionate to the nature of the appointment. The process must enable a panel to decide the relative merit of candidates against the skills and experience required: the following are the essential steps that must be followed in all cases.

### **The selection panel**

8. A selection panel of two or more people must be set up to oversee the appointments process.

9. The panel must be chaired either by a civil servant or, for the most senior competitions, by a Civil Service Commissioner (see paragraphs 42 to 47 below for when this is required).

10. The panel must ensure that candidates are impartially assessed against the published essential criteria (competences, skills and experience) at each stage of the process where assessment occurs and must take the final decision on which candidate or candidates are the most meritorious.

11. Panel members must declare any conflict of interest including prior knowledge of an applicant. It is for the appointing Department to decide, in accordance with its own rules of conduct, how to proceed where it appears that an actual or perceived conflict of interest may arise. A record must be kept of how any such conflicts were dealt with.

12. The chair of the panel has the overall responsibility for ensuring that the selection process is compliant with the Recruitment Principles. Before a competition may proceed to advertising, the chair must therefore approve the essential criteria, job description, panel membership, process to be followed, timetable, remuneration and other terms and the advertising strategy.

13. At the end of the process the chair must produce a record which should briefly describe the outcome, the assessment stages and on what evidence the assessment of merit was made, the order of merit and confirm that the selection process was conducted in accordance with the Recruitment Principles. If at any point the chair believes the Recruitment Principles may be breached, (s)he must pause the competition until this has been resolved.

### **Information about the role and the appointment process**

14. Departments must provide all potential applicants with information about the nature and level of the role (including information about, or a link to, the Civil Service

Code), the essential criteria against which they will be assessed, details of the selection process and the total remuneration available (salary, bonus, allowances etc).

15. Departments must follow the published selection process for all candidates, except where they are making a reasonable adjustment for a disabled candidate or where a genuine difficulty arises.<sup>4</sup> Similar opportunities must be given to all candidates to inform themselves about the role (for example, if some short-listed candidates have the opportunity to meet key people in the Department, all short-listed candidates must be given the same opportunity).

16. The media chosen to publicise job opportunities and the time allowed for advertising must be suitable for attracting a sufficiently strong and diverse field of applicants, taking account of the nature of the role and the relevant job market. Departments may choose to extend deadlines or accept late applications provided that they do so for all applicants and make any change to the deadline clear in any published material. But Departments are under no obligation to extend deadlines or accept late applications.

17. It must be made clear that the competition is being conducted in line with the *Recruitment Principles* and is being regulated by the Commission. All potential applicants must be made aware of the arrangements for making a complaint (see paragraphs 57 to 62). The Commission's logo/kitemark must be displayed on any advertisement or information pack.

18. A Department must not make an appointment under materially changed terms and conditions<sup>5</sup> from those advertised. If a Department needs to consider paying more than 20% above the advertised salary, they must obtain the approval of the Commission before making such an offer so that the Commission can assess whether this materially changes the terms of the post, to the extent that, had it been advertised at the higher salary originally, a wider and more meritorious field of candidates might have applied.

### **Assessing evidence**

19. Selection processes must be objective, impartial and applied consistently. While this often involves an interview, it does not have to do so.

20. Each candidate must be assessed against the same essential criteria. The evidence collected to assess candidates must be broadly equivalent in substance and depth, accepting that there may be some differences in the type of evidence available for internal and external candidates.

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<sup>4</sup> For example if a panel member becomes unwell, or a deadline needs to be extended to secure a stronger field of candidates or if the panel decides to undertake a fuller assessment of a strong field of candidates in order to establish the merit order.

<sup>5</sup> Terms and conditions, in this context, include the nature of the role and its duties.

21. Where candidates are asked to meet individuals other than panel members during the competition, it must be made clear to them whether this is purely for briefing purposes or whether it is part of the assessment.
22. Candidates must be assessed on merit, and they should not be treated more or less advantageously because of their previous or current activities, affiliations, or the employment of their friends, partner or family members.
23. All appointees to the Civil Service must be able to comply with the Civil Service Code requirements of honesty, integrity, objectivity and impartiality. Where a candidate has previously engaged in political activity, the selection panel must satisfy itself that the candidate understands the requirement to operate objectively and impartially if appointed and must record how this has been done. It is for the panel to decide the most appropriate and proportionate way to achieve this, taking into account the nature and seniority of the post.
24. Panel members must ensure that they are aware of their obligations under the Data Protection Act 1998 in relation to personal information obtained during the assessment process.

### **Taking the decision**

25. Taking all the evidence into account, the panel must establish which candidates are appointable and place them in an order of merit.<sup>6</sup> It will be rare for a candidate to meet all of the essential criteria exceptionally well; the most meritorious candidate will be the one who best meets the essential criteria.
26. Where the competition is for a single, or small number of posts, each candidate who is judged appointable must be ranked in a merit order. The candidate recommended for appointment must be the one placed first in order of merit by the selection panel. If the most meritorious candidate turns the job down, the Department must then *either* offer the job, in merit order, to the other appointable candidates *or* close the competition without an appointment being made.
27. In a competition for a large number of posts (bulk recruitment), or in a rolling recruitment, the method used must ensure that no candidate is selected who did less well than another candidate who has not been selected; by the end of the competition all the roles must have been given to the most meritorious candidates.

### **Reserve lists**

28. Where a competition identifies more appointable candidates than there are available vacancies a reserve list may be created for other similar roles in the Civil Service. This may be used for up to 12 months to fill the same role or other similar roles with the same essential criteria without further testing of merit.

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<sup>6</sup> See paragraphs 36 to 41 for the respective roles of the Panel and the Prime Minister in Permanent Secretary appointments.

29. For competitions chaired by a Commissioner (see paragraphs 42 to 47 below), the Commission's approval is required to make appointments using the reserve list.

## **APPRENTICES**

30. Departments may appoint apprentices on merit through a fair and open competition.

31. Where apprentices are not appointed on merit on the basis of a fair and open competition their appointment will be an exception under Exception 1 (see Annex A).

## **THE INVOLVEMENT OF MINISTERS**

32. Where the relevant Minister has an interest in an appointment, the chair of the panel must ensure that the Minister is consulted on and agrees the final job and person specification, the terms of advertisement and the composition of the selection panel, in particular to ensure that there is sufficient external challenge from outside the Civil Service.

33. The Minister may ask to be kept in touch with the progress of the competition throughout. Any views the Minister may have about the expertise, experience and skills of the candidates must be conveyed to the selection panel.

34. The Minister may meet each of the shortlisted candidates, to discuss his or her priorities and the candidates' approach to the role, and feed back to the panel his or her views on any issues (s)he wants the panel to test at interview. Meetings between the Minister and candidates must be attended by a representative of the Civil Service Commission. The Minister may not be a member of a selection panel and may not add or remove candidates from a competition.

35. The panel must assess the merits of the candidates using the best possible evidence and testing any issues raised by the Minister. The panel must recommend the best candidate for appointment. If the Minister is not satisfied with the recommendation, (s)he may ask the panel to reconsider, setting out the reasons. The panel may revise its order of merit; the reason for this must be recorded, and the panel must obtain the approval of the Board of the Commission before any appointment can be made.

## Permanent Secretary competitions

36. This section of the *Recruitment Principles* applies to the appointment of all posts at Permanent Secretary grade (SCS Pay Band 4).<sup>7</sup> The requirements of paragraph 32 to 34 (but not 35) apply equally to such appointments. In addition:

- Permanent Secretary competitions must be chaired by the First Civil Service Commissioner (or his/her nominee), who will be responsible for ensuring that Ministers, including the Prime Minister, are fully involved in competitions in which they have an interest and that their views are relayed to the panel, and taken into account.
- The relevant Minister must be involved at each stage and be able to raise any concerns (s)he has about the selection process, or about candidates, with the First Commissioner.
- The Prime Minister must be kept informed about progress and have the opportunity to feed in views.

37. The panel must assess the merits of the candidates using the best possible evidence and testing any issues raised by the Minister or the Prime Minister. This should include assessing whether the candidates can work effectively with the Minister and fulfil the role of Principal Accounting Officer.

38. The panel must decide which candidates are appointable, i.e. which candidates meet the essential criteria for the role and would, in the panel's judgement, do the job well. It is for the panel alone to make this judgement. The names of the appointable candidates should then be put forward to the Prime Minister<sup>8</sup> in a panel report from the First Civil Service Commissioner summarising the selection process and the panel's assessment of the candidates.

39. The Prime Minister<sup>8</sup> must take the final selection decision from the appointable candidates, in consultation with the Head of the Civil Service and the First Civil Service Commissioner. As required by the 2010 Act, the selection decision must be made on merit, assessed against the published criteria for the role. Before making the final selection, the Prime Minister<sup>8</sup> may meet the appointable candidates. If (s)he does so, (s)he must meet all the appointable candidates and must do so with the First Civil Service Commissioner (or his/her nominee) present.

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<sup>7</sup> Except the National Statistician/Permanent Secretary at the Office for National Statistics.

<sup>8</sup> In cases where the Prime Minister is not, in statute, the appointing authority, the report will go to, and the final selection will be made by, the appointing Minister. This means, for example, that for the appointment of the Head of the Diplomatic Service or the Director of Public Prosecutions, the report will be sent, respectively, to the Secretary of State for Foreign Affairs or the Attorney General, who will be responsible for making the final selection.



### *Appointments within the Devolved Administrations*

40. For appointments in the Scottish or Welsh Governments, this section applies as if references to the Prime Minister were references to the relevant First Minister.

### *Appointments under a coalition*

41. In the context of a coalition, references to the Prime Minister or First Minister should be read in the context of any relevant agreement between the coalition parties, including about the roles of minority party leaders within the coalition.

## **COMPETITIONS CHAIRED BY CIVIL SERVICE COMMISSIONERS**

42. Civil Service Commissioners must chair all competitions for posts at SCS Pay Band 4 (Permanent Secretary) and SCS Pay Band 3 (Director General) level. This requirement applies both to open (external) competitions and to Civil Service-wide (internal) competitions.<sup>9</sup>

43. Commissioners will normally also chair competitions for open (external) competitions at SCS Pay Band 2 (Director) level. Departments must contact the Commission before beginning such a competition and the Commission will confirm whether it will be necessary for a Commissioner to chair the competition.

44. The Commission may also decide that a Commissioner must chair any other open (external) competition, taking into account, among other factors, the results of any compliance monitoring audit and the assessed risk rating for a particular Department or area of work.

45. The Commissioner is a substantive member of the panel and will play a full part in the panel's deliberations. As chair of the panel, (s)he will be responsible for approving the terms of the competition (paragraph 12) and producing the panel report (paragraph 13); (s)he will also have responsibility for ensuring that Ministers are fully involved in the competitions in which they have an interest, and that their views are relayed to, and taken account of by, the panel (paragraphs 32 to 41). As the representative of the Commission, (s)he will be able to advise the panel on how to devise a flexible process, designed to identify the best candidate for the role from a strong and diverse field.

46. The Commissioner's panel report authorising the appointment is required before any appointment can be made.

47. Allocation of competitions to individual Commissioners is at the discretion of the Commission.

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<sup>9</sup> Under the Senior Appointments Protocol.

## **SPECIAL ADVISERS**

48. Under the 2010 Act, Special Advisers may not exercise any power in relation to the management of any part of the Civil Service. They may therefore not be involved in the recruitment of civil servants.

## **EXCEPTIONS**

49. Under section 12 of the 2010 Act, the Commission has the power to except a selection from the requirement to appoint on merit, on the basis of a fair and open competition. This must either be justified by the needs of the Civil Service or be necessary to enable the Civil Service to participate in a Government employment initiative.

50. The permitted exceptions are described at Annex A.

51. Departments must be able to justify why, in any particular appointment, it has not been possible to select someone on merit through a fair and open competition. They will be required to report on their use of exceptions in the annual compliance statement (see paragraph 55) and their use of exceptions may be subject to audit.

### **Exceptions requiring the Commission's approval**

52. The Civil Service Commission's prior approval is required:

- for any appointment by exception at Senior Civil Service Pay Band 2 or above or on a salary above the SCS Pay Band 2 minimum;<sup>10</sup> or
- *(in the case of an appointment to an Extended Ministerial Office under Exception 4)* for the appointment as a civil servant of any individual who has, within the past five years, worked for the Minister (or a party colleague) or the Minister's political party. Exception 4 non-operative from January 2017.

53. Where the Commission considers there is a risk the Recruitment Principles may be breached it may additionally require a Department to seek the Commission's prior approval for other appointments.

## **COMPLIANCE**

54. Overall responsibility for complying with these Recruitment Principles, including the use of exceptions, rests with the Civil Service Head of each Department.

55. The Commission may require the Head of Department to produce an annual statement of compliance. It may also audit the Department's compliance. Departments must retain, for a minimum of two years, sufficient information on their

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<sup>10</sup> £85,000 as at March 2015

recruitment to provide evidence that they have complied and must provide the Commission with any information it reasonably requires.

56. The Commission may require Departments to change their recruitment procedures and it may publish details of those departments who breach these Recruitment Principles.

## **COMPLAINTS**

57. Any individual may complain to the Commission that the requirement for selection for appointment on merit on the basis of fair and open competition has not been met; or that any other aspect of the Recruitment Principles has not been complied with.

58. The Commission can only accept complaints about:

- open (external) competitions (all grades)
- Civil Service-wide (internal) competitions (SCS Pay Band 3 and above only).

59. It cannot accept complaints about Civil Service wide (internal) competitions to posts at or below SCS Pay Band 2 (Director).

60. Complaints must first be raised with the recruiting Department, which is responsible for having effective complaints handling procedures. If, after investigation by the Department, the complainant remains dissatisfied they may bring their complaint to the Commission.

61. Complaints should be lodged with the Commission within 12 months of the closing date for applications, but the Commission will consider complaints lodged out of time in exceptional circumstances. Where the Department has not completed its investigation within 6 months of receiving the complaint, the Commission may consider taking the complaint at that stage.

62. Recruiting Departments are responsible for making all applicants aware of their right to complain and referring them to the Commission's complaints procedures.

## **MORE INFORMATION**

More information is available on the Commission's website:

**[civilservicecommission.independent.gov.uk](http://civilservicecommission.independent.gov.uk)**

You can email us: **[info@csc.gsi.gov.uk](mailto:info@csc.gsi.gov.uk)**

You can telephone us: 020 7271 0831

You can write to us:

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London  
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## **ANNEX A – EXCEPTIONS**

Exceptions, by definition, are exceptional. The law requires that selection for appointment to the Civil Service must be made on **merit** on the basis of **fair** and **open** competition. The Commission may only except<sup>11</sup> appointments from this requirement where it believes this is justified by the needs of the Civil Service or is necessary to enable the Civil Service to participate in a government employment initiative.

Temporary appointments or secondments made on merit on the basis of fair and open competition are not exceptions.

The Civil Service Commission's prior approval is required for any appointment by exception:

- at Senior Civil Service Pay Band 2 or above or on a salary above the SCS Pay Band 2 minimum;<sup>12</sup> or
- *(in the case of an appointment to an Extended Ministerial Office under Exception 4)* for the appointment as a civil servant of any individual who has, within the past five years, worked for the Minister (or a party colleague) or the Minister's political party. Exception 4 non-operative from January 2017.

Except as set out above, Departments may apply (at the point at which an appointment is made) the numbered exceptions listed in this annex.

### ***Exception 1 Temporary appointments***<sup>13</sup>

Where either the urgency of the need or the short duration of the role make a full competition impracticable or disproportionate, Departments may appoint an individual for up to a maximum of two years, to provide managers with the flexibility to meet the short-term and specialist needs of the Civil Service. Any proposal to extend an appointment made under this exception beyond two years requires the prior approval of the Commission.

A long term role must not be filled using a series of temporary exceptions for the same individual (repeated exceptions) nor by a series of exceptions for different individuals (rolling exceptions). Lack of certainty about future funding, for example, is not in itself a reason to fill a role by exception rather than on merit on the basis of fair

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<sup>11</sup> "Exceptions" refers to exceptions to the requirement for appointment on merit on the basis of a fair and open competition. These are not the same as 'exemptions' under the Government's external recruitment freeze.

<sup>12</sup> £85,000 as at March 2015

<sup>13</sup> Including those apprentices who are not appointed on merit on the basis of a fair and open competition. See paragraph 30, "Departments may appoint apprentices on merit through a fair and open competition".

and open competition. Any proposal to appoint an individual on a temporary appointment within 12 months of an earlier Exception 1 appointment, requires the prior approval of the Commission.

***Exception 2 Support for government employment programmes***

Departments may appoint, for up to a maximum of two years, individuals who are either eligible for support under government programmes to assist the unemployed or who are in a government scheme to promote the employment of disabled people. Departments may also offer sponsored internships for disabled people under this exception. Any proposal to extend an appointment made under this exception beyond two years requires the prior approval of the Civil Service Commission.

***Exception 3 Secondments***

Departments may make inward secondments from outside the Civil Service of up to two years. Any proposal for a longer secondment at the outset, or to extend the appointment beyond two years, or to appoint an individual on a second secondment within 12 months of an earlier secondment, requires the prior approval of the Commission.

***Exception 4 Extended Ministerial Offices (EMOs)***

*Exception 4 non-operative from January 2017.*

***Exception 5 Former civil servants***

Former civil servants<sup>14</sup> who were previously appointed on merit through fair and open competition<sup>15</sup> may be re-appointed (to a permanent or fixed term appointment) within a maximum of five years of leaving the Civil Service, provided that they meet the essential selection criteria for the new post and that the new post is at their previous substantive Pay Band (or lower).

***Exception 6 Interchange with the Northern Ireland Civil Service***

Appointments to the Northern Ireland Civil Service are regulated by the Northern Ireland Civil Service Commissioners. Northern Ireland civil servants who were originally appointed on merit through fair and open competition may freely transfer to posts in UK Government Departments.

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<sup>14</sup> This includes former members of the Northern Ireland Civil Service.

<sup>15</sup> Including those converted to permanency (by exception) at AO or AA level – see exception 10.

### **Exception 7      *Transfers of staff from other public bodies***

Staff may join the Civil Service from other public bodies (e.g. non-Departmental public bodies, the staff in the Houses of Parliament etc.) where the organisation is currently accredited by the Commission.<sup>16</sup>

### **Exception 8      *Transfers of organisations into the Civil Service – non-TUPE***<sup>17</sup>

An organisation, including its staff, may transfer into the Civil Service to enable Departments to gain or retain the expertise of its staff under the Cabinet Office Statement of Practice.<sup>18</sup>

### **Exception 9      *Transfers of organisations into the Civil Service – TUPE***

Where the Transfer of Undertakings (Protection of Employment) Regulations 2006 ('TUPE') apply to the transfer of an organisation and its staff into the Civil Service, Departments should record these appointments under this exception.

**Please note:** TUPE contains an automatic right of transfer; there is no discretion for the Department or the Commission in cases where TUPE applies.

### **Exception 10      *Conversion to permanency: administrative & industrial grades***<sup>19</sup>

Where Departments have made appointments under exception 1 or 2 at administrative and industrial grades, they may make those individuals permanent after 12 months of the original appointment. Decisions on permanency must be on the basis of a fair and merit-based process, where the individuals compete with permanent staff within that Department at the same and more junior grades. This replaces all processes previously agreed by the Commission prior to April 2014.

### **Exceptional approvals**

The Commission may, in exceptional circumstances, except certain other appointments or classes of appointment from the requirement for selection on merit on the basis of fair and open competition, where it believes this is justified by the needs of the Civil Service.

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<sup>16</sup> Accreditation is awarded by the Civil Service Commission to NDPBs and similar bodies whose recruitment policies are consistent with the Recruitment Principles. The Commission may audit the recruitment practices of accredited bodies and accreditation must be renewed every three years.

<sup>17</sup> For transfers to which the Transfer of Undertakings (Protection of Employment) Regulations apply, see exception 9.

<sup>18</sup> Cabinet Office Statement of Practice on Staff Transfers in the Public Sector 2000 (COSOP) at <http://www.civilservice.gov.uk/about/resources/employment-practice/codes-of-practice>

<sup>19</sup> Posts at 'Level 1' of the 2013 Civil Service Competency Framework, equivalent to grades AA & AO.

**Exceptions after the appointment has been made**

The Commission may, in exceptional circumstances, approve an individual's appointment after it has been made, if the appointment would otherwise have been unlawful. Only the Commission has this power to approve such an appointment, irrespective of the grade level of the post. Any such approval would not rectify the Department's original breach of the Recruitment Principles for compliance or audit purposes.



## **EXCEPTIONS – QUICK SUMMARY OF CONDITIONS**

The law requires appointment to be on merit, following fair and open competition. Exceptions are, by definition, exceptional.

<b>Exception</b>			<b>Max duration</b>	<b>Prior approval from the Civil Service Commission required?</b>	<b>Renewable?</b>
New No.	Old No.				
<b>1</b>	<sup>1, 3</sup>	Temporary appointments	2 years	For posts at PB2, PB3 or Permanent Secretary <b>OR</b> where the salary exceeds the PB2 minimum	With Commission's approval
<b>2</b>	<sup>1, 8</sup>	Schemes for unemployed and disabled people			
<b>3</b>	<sup>4</sup>	Secondments			
<b>4</b>	<sup>9</sup>	Extended Ministerial Offices  <u>Exception 4 non-operative from January 2017.</u>			
<b>5</b>	<sup>5</sup>	Former civil servants	Permanent	For posts at PB2, PB3 or Permanent Secretary <b>OR</b> where the salary exceeds the PB2 minimum	Not applicable
<b>6</b>	<sup>7</sup>	Northern Ireland civil servants			
<b>7</b>	<sup>7</sup>	Staff from other public bodies			
<b>8</b>	<sup>6</sup>	Organisations transferred in (non-TUPE)			
<b>9</b>	<sup>6</sup>	Organisations transferred in (TUPE)	Permanent	No	Not applicable
<b>10</b>	<sup>2</sup>	Conversion to permanency (AO & AA after temporary appointment using exception 1 or 2)			