

**From: Ian Watmore, First Civil Service Commissioner, 31 January 2017**

**To: Permanent Secretaries**

## **EXITING THE EUROPEAN UNION: Special arrangements for recruitment**

Following consultation with the Civil Service and the Minister for the Cabinet Office, the Civil Service Commission has been considering how best it can help to meet the needs of the Civil Service in staffing up to deliver the Government's commitment to exit the European Union by 2019, whilst complying with the requirements of the Constitutional Reform and Governance Act of 2010.

It is anticipated that some departments may want to bring in significant numbers of staff on temporary contracts who will be paid more than the SCS pay band 2 minimum of £87,000 and/or who will be required for longer than two years.

The peak demand for additional staff is likely to fall in the next three years: in the months leading up to the triggering of Article 50; the two years of negotiation allowed under Article 50; and the immediate period after the UK has exited the European Union.

**The Commission has agreed a special process for Brexit-specific recruitment in bulk that may allow departments to:**

- **Recruit staff for periods of engagement up to three years by exception.**
- **Engage staff at salaries up to the HMT reference point without requiring the specific approval of the Commission (currently £142,500).**

**To take advantage of these freedoms a department will submit a business case to the Commission explaining the nature of their Brexit-specific recruitment and detailing the numbers, grades and pay scales of the staff they wish to recruit by exception outside their current delegated authority.**

Based on the business case and subsequent discussions with the department, the Commission will agree the envelope within which the department may recruit by exception outside of the normal delegated limits.

The Commission will require regular reporting as part of the quarterly compliance-monitoring regime of the names of those engaged under the agreed Brexit envelope.

Departments will also have to confirm that the staff engaged under the envelope are continuing to abide by the requirements of the Civil Service Code. If there is evidence that staff engaged under these special arrangements are not acting as impartial civil servants, the enhanced delegations to the department will be withdrawn, and the employment of the staff in question will have to be terminated.

This will be time-limited: departments will have the calendar year 2017 to agree the business case under these special arrangements. After this time, use of exceptions will be as in the current Recruitment Principles, with the delegated limits for referral to the Commission at two years duration and salary at SCS2 minimum.

The three-year window will allow departments to assess whether any Brexit-specific roles are required beyond the point at which the UK exits the EU, and to run an open competition to fill the role if there is an on-going requirement.

As for all employment by exception, it will be for the department's HR function to ensure that a prolonged engagement by exception is properly managed to prevent an individual being able to mount a claim that they have accrued permanent employment rights, in contradiction of the provisions of the Constitutional Reform and Governance Act 2010.

The Commission feels that these arrangements are proportionate to the challenge facing departments. I hope you agree, but please feel free to get back to me if you have any queries or concerns.

The short form HR guidance including a simple draft pro-forma business case has been widely shared with HR colleagues and is attached.

**Ian Watmore**  
**First Civil Service Commissioner**