



**A GUIDE TO BRINGING A
RECRUITMENT PRINCIPLES
COMPLAINT TO THE CIVIL SERVICE
COMMISSION**

January 2017

1. Introduction

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

CRAG sets out the legal requirement that appointments to the Civil Service must be on merit on the basis of a fair and open competition. In law, the Commission is the ultimate authority on what constitutes fair, open and meritorious recruitment. We publish the [Recruitment Principles](#) which set out our interpretation of this statutory requirement. The [Recruitment Principles](#) also set out when appointments may be made outside the statutory requirement (commonly referred to as 'Exceptions').

This Guide will help you to decide whether you can bring a complaint of a breach of the Commission's Recruitment Principles to the Commission.

2. FAQs

i) **When can I bring my complaint to the Commission?**

You may ask the Commission to consider a complaint where you believe that a Government department or agency has run a competition to recruit civil servants **that is open to external candidates**, in a way that breaches the [Recruitment Principles](#). A breach may potentially have occurred where a department or agency has not applied the principles of merit, fairness and openness correctly. You should consult the Recruitment Principles for our interpretation of these principles.

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 our 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.

ii) 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, you 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. We will need to see a copy of your final adjudication from the department in order to consider whether we can investigate your complaint.

You should allow the department or agency a reasonable time to conduct an investigation and provide you with a substantive response. If you do not receive a response, you can write to the Commission to request that we consider contacting the organisation on your behalf.

iii) Which complaints are outside the Commission's remit?

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

The Commission will not deal with complaints about:

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

However, the Commission reserves the right to consider such complaints in exceptional circumstances.

iv) Is there a time limit on raising complaints?

Complaints should be raised with departments and agencies as soon as possible. Departments and agencies are only required to maintain records of external recruitment competitions for two years. **The Commission will only hear a complaint in relation to a recruitment competition that concluded more than a year previously in exceptional circumstances.** 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.

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

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 bound by the [Recruitment Principles](#).

3. The complaints process

The Civil Service Commission will investigate complaints in a fair and objective way. You should be aware that we will, as a general rule, need to disclose your name to the department or agency in order to investigate your specific complaint. 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.

If the open recruitment competition about which you are complaining was chaired by, or had the direct involvement of a Civil Service Commissioner, that Commissioner will not participate in your case.

i) Timeline

We aim to:

- acknowledge all complaints within 3 working days of receipt;
- inform you whether your complaint is in scope for our investigation within 14 working days;
- complete all our investigations within 3 months. However, the complexity of the case and information requested means that, occasionally, complaints take longer to resolve. If this is the case, we will keep you informed of progress with your case.

ii) Information required

When writing to the Commission about 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](#).
- include copies of relevant supporting material, retaining the originals;
- confirm that you have completed the complaints procedure of the relevant department or agency, include the final response and explain why you are not satisfied with this; and
- explain what resolution you would ideally like to see.

iii) Initial consideration

If you have not yet had your complaint investigated in the Department or agency we will ask you to do that first.

If you remain dissatisfied after investigation by the Department or agency and 1) the issues raised are not currently the subject of an application to an employment tribunal and 2) your complaint relates to a recruitment exercise concluded in the past 12 months, we will consider:

- 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 scope for the Commission's consideration.

iv) Investigation process

If your complaint is in scope for our investigation, this will be conducted by a member of the Commission's staff who will act as the 'Case Officer'.

The Case Officer will write to the HR department of the relevant Government department or agency to inform them of the details of your complaint and to seek their response and any further evidence. We will give the department or agency 10 working days to reply to us with all relevant information.

The Commissioners delegate initial consideration, and, in straightforward cases, decision on cases to the Secretariat. More complex cases are considered by Commissioners, as set out in the next paragraph.

Upon receipt of all relevant information from you and the department or agency, two Civil Service Commissioners will consider the merits of the case and will make a decision.

v) Withdrawal of a complaint

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

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. If we have already found breaches of the [Recruitment Principles](#), or instances of bad practice, we will, in any event, bring these to the attention of the department or agency. All breaches of the [Recruitment Principles](#) are reported in our Annual Report.

vi) Complaint outcomes

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 they 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 and on our website;
- issue a public statement it has strong concerns that the organisation which is in breach of the [Recruitment Principles](#) is not taking its recommendations seriously.

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.

vii) Publication

When we inform you of our decision, we will send both you and the department or agency a Findings and Recommendations document. This will not name you or any other individuals, but it will name the department or agency. In order to provide transparency in how we consider complaints, we will publish this document on our website within 20 working days. During this time you can inform us if there are any factual inaccuracies in the document. We also publish details of complaints upheld in our Annual Report.

viii) Can you appeal the Commission's decision?

NO. The Civil Service Commission provides the final part of a complaints process, once the hiring organisation has exhausted all stages of its own complaints handling policy. There is no appeal process after an investigation by the Civil Service Commission, however the reviewing Commissioners will consider any points of factual inaccuracies.

The Commission will not re-open an investigation or re-visit a decision unless relevant new evidence comes to light; and the Commission will not enter into a protracted discussion with you about our decision. However, we are happy to clarify any points raised in relation to our 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. Nor will we accept complaints which are considered, in all the circumstances of the case, to be vexatious or unreasonable.

If you wish to complain about the service you have received from the Civil Service Commission, please see this link to our website:

<http://civilservicecommission.independent.gov.uk/wp-content/uploads/2014/05/Complaints-Handling-Procedure-May-2014-rev.pdf>

4. Contact us

If you think your complaint is in scope for our investigation:

You can contact the Commission either by email at:

info@csc.gov.uk;

or in writing at:

Civil Service Commission

Room G08

1 Horse Guards Road

London

SW1A 2HQ