

**The Rt Hon Baroness Gisela Stuart of Edgbaston
First Civil Service Commissioner**

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To: Cabinet Secretary and Head
of the Civil Service (via email)

Wednesday 20 November 2024

Dear Simon Case

Appointments by exception to fair and open recruitment

The Constitutional Reform and Governance Act 2010 stipulates that the Civil Service Commission may “except” certain appointments from the requirement that recruitment into the Civil Service takes place ‘on merit on the basis of fair and open competition’.

Given interest in a number of appointments by exception in the period following the General Election, the Commission has taken action to provide assurance around the application of this recruitment route.

Appointments by exception at SCS Pay Band 2 and above, as well as some other specified categories, require the Commission’s prior approval. Our audit committee has completed a review of how these exception requests are considered, and is content that the Commission’s processes are appropriate and have been followed. We have agreed changes to our policy on publication of exceptions. These are now published monthly (rather than annually) so as to demonstrate the Commission’s commitment to transparency and maintaining high levels of public trust.

The Commission delegates the power to appoint by exception for grades below SCS Pay Band 2 for a maximum of two years in most circumstances. This is a significant power, and the Commission has an important role to play in providing assurance that this function is carried out in line with its Recruitment Principles.

The Commission has reviewed departmental handling of appointments made by exception using delegated powers in July and August 2024 and the processes in place to make such appointments. I attach a copy of our report that is being published today.

This review was carried out by the Commission’s Policy team and overseen by its Board of fourteen independent Commissioners. Each organisation within the regulatory remit of the Commission cooperated fully with this exercise.

The review has identified a range of good practice and some areas that required improvement. We were largely satisfied with processes in place within departments to apply, consider and approve exception requests. Despite this, we identified that some departments would benefit from enhanced understanding of the Recruitment Principles and the

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implementation of more robust processes to challenge the parameters (for example, the length) of appointments made. We found two breaches relating to record keeping.

To support greater consistency and improvements in practice across government, we have profiled positive practice and made a set of recommendations, including confirmation that checks on conflicts of interests have been appropriately considered by the department in advance. We are writing to all Heads of Departments today to ensure their organisation considers the findings of this review and adapts their processes accordingly. The Commission will monitor implementation of these recommendations on an ongoing basis through our audit programme.

We are grateful for the ongoing work of departments to deliver recruitment according to the expectations of the Recruitment Principles, which are a crucial underpinning of the integrity of the Civil Service.

I am copying this letter to the Minister for the Cabinet Office.

Yours sincerely,

A handwritten signature in black ink that reads "Gisela Stuart".

Gisela Stuart
First Civil Service Commissioner

Copied to:

**Nick Thomas-Symonds MP, Paymaster General and Minister for the Cabinet Office
(Minister for the Constitution and European Union Relations)**