Civil Service Commission

A guide to bringing a Recruitment Principles complaint to the Civil Service Commission

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Introduction

1. This guide explains:
    - Who can bring a complaint under the Recruitment Principles.
    - Which complaints are 'in scope' for consideration and decision by the Civil Service Commission under the Recruitment Principles.
    - The process and potential outcomes available to the Commission for 'in-scope' complaints.

2. The Civil Service Commission ('the Commission') aims to investigate in-scope complaints efficiently and responsively, in a way that is sensitive to the individual's situation and the events leading to the complaint. The Commission's consideration of all complaints brought will be independent and fair.

The legal requirements under the Constitutional Reform and Governance Act 2010

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

4. CRaG sets out the legal requirement that appointments to the Civil Service must be made on merit, based on a fair and open competition. The Commission's statutory role is to ensure that selection for appointment to the Civil Service meets this requirement. The Commission publishes 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').

What is within the Commission's remit to consider?

5. Under Section 13 of CRaG, the Commission has the authority to consider complaints regarding the Recruitment Principles and make recommendations on how the matter should be resolved.

6. A complaint under the Recruitment Principles has to meet the below criteria to fall within the Commission's remit:
    - **You must have raised your complaint with the relevant department or agency and received their final decision** before bringing an appeal to the Commission. We will need to see a copy of the final decision from the recruiting department in order to decide whether we can consider your complaint.
    - **The complaint must relate to a recruitment exercise open to**

external candidates or to an internal competition for a Senior Civil Service role at Pay Band 3 or above.
- **The concerns raised must directly relate to a potential breach of merit, fairness, or openness** under the Recruitment Principles.

7. While some organisations in the wider public sector (such as most Non-Departmental Public Bodies) may adopt a recruitment approach similar to that of the Civil Service, the Recruitment Principles do not formally apply to them because their employees are not civil servants. Consequently, the Commission cannot consider complaints about their recruitment policies or practices.

8. Examples of in scope complaints include:

In breach of **openness**	● Including exclusionary criteria in the job advert without justifiable reasons. ● Deviating from the advertised process – for example, using unadvertised assessment criteria/methods or omitting advertised ones. ● Closing application deadlines earlier than published. ● Offering a role on terms and conditions different from those advertised.
In breach of **fairness**	● Using inconsistent assessment methods. ● Giving preferential treatment to specific candidates. ● Issues affecting panel impartiality, such as undisclosed ties between panel members and candidates.
In breach of **merit** requirements	● Appointing candidates out of merit order.

9. Examples of out of scope complaints include:
    - Complaints about internal selection or promotion competitions, except for Senior Civil Service Pay Band 3 or above roles.
    - Requests to reconsider applications, re-assess candidate scores, or replay a competition.
    - Issues related to feedback, customer services, candidate IT issues, late submission of applications, or human resources matters.
    - Pre-employment checks and security vetting.
    - General employment disputes, including issues around pay, pensions, statutory employment law and general departmental operations.
    - Complaints currently subject to legal challenge at an Employment

Tribunal or other court proceedings.

10. For further examples and summaries of previously investigated complaints, please visit the "Recruitment Complaints Transparency" section in the Commission's website.

How to make a complaint

11. If you wish to bring a complaint under the Recruitment Principles to the Commission, you should submit it using the relevant form on the Commission's website.

12. This should be sent via email to info@csc.gov.uk, or sent via post to:
    Civil Service Commission
    1 Horse Guards Road
    London
    SW1A 2HQ

13. The Commission expects to be notified of any request to consider a complaint under the Recruitment Principles within three months of the employing organisation's decision following the conclusion of its internal investigation into the concerns.

What happens in the complaints process?

14. Stage 1: Preliminary 'in scope' assessment
    - Within 10 working days of receiving your completed complaint form and the recruiting department's final decision notice, the Commission's secretariat will determine whether your complaint falls within its remit.
    - If you contact us with a general enquiry or incomplete information, we will ask you to submit the completed complaint form and proof of the department's final decision before we can formally assess your case.

15. Stage 2: Investigation and decision (within approximately three months of complaint deemed to be 'in scope')
    - If your complaint falls within our remit, we will confirm with you that we will investigate. We will gather information from you and the relevant Civil Service department.
    - We will review all of the available evidence. We may have further questions, request further information or deem it necessary to conduct interviews.
    - We aim to complete an investigation and make a decision on a complaint within three months of confirming your complaint is in scope. We will provide you with regular updates on progress.

16. Stage 3: After the investigation (20 working days)
    - You and the relevant Civil Service department will receive a draft Decision Notice.
    - There is no mechanism for appealing against the decision of the Commission in a Recruitment complaint. The Commission will, however, consider written representations from you, or the department, for review of the Commission's decision and/or recommendations insofar as they relate to alleged factual errors in the decision-making process.
    - You and the relevant Civil Service department will be given 20 working days in which to comment on any alleged factual errors identified in the Decision Notice. If none are noted, we will publish the Decision Notice on the Commission's website. Individuals will not be identified by name.

What the Commission expects of you

17. Vexatious or unreasonable complaints, including those which disproportionately consume the Commission's resources, will not be accepted.

18. Open communication is vital. Please respond to information requests promptly, or provide an estimated response date. It is important you notify us if you will be unavailable for any period of time.

19. The Commission has a duty of care to its staff. Discourteous or aggressive behaviour towards our staff will not be tolerated.

What are the potential outcomes following an investigation and decision by the Commission?

20. **Breaches**. If the Commission concludes that the Recruitment Principles have been breached, this will be formally recorded by both the Commission and the relevant Civil Service department. Details of this breach will subsequently be included in the Commission's Annual Report and Accounts.

21. **Poor practice.** If the matter does not constitute a breach of the Recruitment Principles but its handling fell below expected standards, the Commission may deem it as poor practice. Poor practice findings are shared with the department or agency for learning but are not reported publicly.

22. **Recommendations.** The Commission may make recommendations about how the matter should be resolved and prevented in future. Our focus will be to ensure that the organisation has taken effective steps to prevent a similar breach of the Recruitment Principles from happening again. Recommendations may, for example, focus on internal process changes or

training needs. The Commission does not have any power to award compensation or change a decision made by the organisation.

23. **Transparency.** The Commission will publish its findings on our website and report on complaints in our Annual Report and Audit. Publication ensures transparency, and provides people with the opportunity to see what types of concerns are raised under the Recruitment Principles and the steps taken by the Commission to address them. Cases may also be referenced in our Annual Report and Accounts, again without identifying individuals by name.

24. **Public statement of concern.** If a department or agency receives a Fundamental Breach notice, or fails to take the Commission's recommendation seriously or implement the required changes, the Commission reserves the right to issue an explicit public statement highlighting its concerns.