



Q and A from the Commission's online Recruitment Principles event - 15 January 2021

What are the consequences for a department if a complaint against them is upheld?

The Commission will provide the department with recommendations, following the investigation and consideration of a case. Those recommendations should be followed. The breach/es found in the case will also be taken into account when the department's annual risk rating is considered. Each case is published on our website in summary form and also in our Annual Report when a breach is found. Commissioners often follow up compliance ratings with a meeting with the HRD in a department, or the Permanent Secretary.

Although the Commission cannot ask you to appoint an individual, re-score a campaign or re-run a competition, we can declare an appointment has been made unlawfully. It is then the responsibility of the department to take advice on how to rectify that appointment.

Does leaving the EU impact on recruitment now there are new immigration and visa requirements?

The Commission has no role in nationality and immigration policy. As with any change, there will inevitably be an impact on recruitment, but guidance on this is a matter for Civil Service HR and departments should ensure they are informed.

Plain English is a good aspiration but many of the roles on Civil Service Jobs have titles that are no more than a series of random letters and numbers. What is your advice?

Recruiters must consider their audience. What will assist candidates when applying for a role? Presenting a vacancy as a series of characters, rather than a job title won't help you to attract a wide field and potentially disadvantages external candidates. If you are aiming to get the best field of candidates available, it is obvious that this kind of advert will not do that.

What are the Commission's thoughts on not providing a candidate's merit position on a reserve list. We have the data and would have to provide it if an FOI is requested but is there any reason why you think we should not provide this to a candidate?

Managing offers using a merit list is the decision of the department, not the Commission. You may want to consider the impact of making the merit order public on the expectations of candidates. If you are asked to provide the merit order through an FOI, you must make sure you consider the GDPR implications and should not disclose the details of other candidates on the list.

What are your tips for attracting a diverse field?

One of the Commission's strategic objectives is to help the Civil Service increase its diversity. We would encourage you to think creatively about the ways in which to advertise, consider outreach with local community/community groups, schools, job fairs etc, look carefully at the wording in your adverts, look at videos by current employees and diversity networks across the departments. You might want to consider working with an inclusive search partner that might have wider networks across a number of sectors. There are a number of examples of attractive advertising campaigns on CS Jobs. As long as you have placed an advert on an 'open' website, such as CS Jobs, you are also able to use a variety of other places in which to advertise to reach the widest pool of talent possible.

Can we extend a Fixed Term Appointment without permission?

If an appointment was made through fair and open competition, that appointment can be extended without permission from the Commission.

If a fixed term was given to an employee as a result of an appointment by exception, then rules apply in order to extend. If you want to go beyond 2 years for a delegated grade, then permission is required. If the appointment is at PB2 or above, or the salary exceeds the PB2 minimum (£93,000)- you should have already had an agreement from the

Commission to make that appointment. If you wish to go beyond what was agreed, you will need to seek approval from the Commission, even if that period is less than 2 years.

Forms for exceptions are on the website:

<https://civilservicecommission.independent.gov.uk/recruitment/exceptions-forms/>

What is the Commission's stance on "fireside chats"? Those that are non-scored 'matching conversations' to help ensure skills/interests between candidates/role are aligned and those that are used to give the Principal stakeholder the ability to select the winner in a light-touch second interview ?

The Commission would expect a panel to be able to reach a decision on similar candidates, using the evidence in front of them. We run robust recruitment practices, often with several pieces of information to consider. Fireside chats with a senior official stakeholder or vacancy holder should be conducted, in the main, so that they can feed thoughts into the panel, and so that they can provide more information about the role to those candidates. Please remember that if there is an opportunity given to shortlisted candidates to meet with senior officials, all candidates should be given the chance. If the relevant Minister wants to meet shortlisted candidates, a representative from the Commission must also attend as an independent observer. Please contact the Commission for further advice on this.

If, in the event, the panel cannot agree on, for example, two closely scoring candidates, a second interview can be held- with the selection panel. The interview should draw out aspects of the selection criteria and the interview should be documented, so that a clear audit trail on the decision making process is retained. Departments should note that the panel decides on the final merit order, and whilst the views of additional stakeholders can be taken into account, they are not the final decision maker.

Why do senior staff from a team make decisions about who gets the role where there are any applicants from their team? Surely those making decisions should all be from a different team? The current approach is not a fair approach. A solution would be to remove the local people from the process.

Decisions on appointment, following fair and open competition, are made by a panel, consisting of at least two people and chaired by a civil servant. Any conflicts of interest e.g. knowing candidates in any capacity, must be recorded and managed appropriately. All civil servants are subject to the Civil Service Code, including in recruitment campaigns.

This often comes up during campaigns we manage - are business areas able to withdraw candidates if they do not provide ID to interview or within a "reasonable" time following an offer being made?

Candidates should not be refused an interview on the basis of failing to bring ID or evidence of their qualifications. You should give a reasonable time to supply the documents, and ensure candidates are aware that they need to do this by informing them with clear information.

Questions around pre-employment checks after the campaign are out of scope for the Commission.

Please refer to our FAQs for further information here:

<https://civilservicecommission.independent.gov.uk/wp-content/uploads/2020/07/FAQs-Updated-2020.pdf>

What flexibility is there on the merit order when another business area is reviewing the talent pool and therefore the people on reserve are being considered against a similar but slightly different role? The highest 'passes' may not have the best skills/experience match for the other role.

In order to comply with the principle of merit, you are required to appoint in merit order.

Therefore, you are not able to select candidates that are held lower down the reserve list. Appointments from a reserve list should only be made to closely matching roles and this scenario suggests that the criteria are not closely matching. Appointing out of merit order is considered a breach of the Recruitment Principles, could result in an unlawful appointment and will affect your department's compliance rating.

More information is available in our [FAQs](#)

What is the Commission's view of social media due diligence checks for shortlisted candidates?

Social media checks are made, in the most part, after the completion of a competition, as part of due diligence checks. If the social media footprint is relevant and essential to the role (perhaps in Comms related positions) and the panel wants to review and take that into account as part of the selection, all candidates should be informed in advance so that a transparent process is conducted.

If we offer to someone on the merit list and they reject the offer, do they have to remain on the list and be offered future opportunities?

We would expect you to actively manage appointments made from reserve lists. If you have offered someone a role, and it is identical to the role that they applied for, that individual can be removed from the list. If you are offering an alternative location, and it is not accepted, the individual can remain on the list

Are you seeing an increase in numbers of complaints during the pandemic? We are getting much higher numbers of applicants for jobs.

Inevitably, with any increase in applications, there are potentially more candidates that may be dissatisfied with the outcome of the process. We have noticed a rise in the number of enquiries to the Commission about making a complaint. The Commission will deal with complaints in the usual way. Complainants will be referred to the Department in the first instance.

What is your advice about using desirable criteria

The use of desirable criteria should be clearly set out in the advertised material. We recommend that desirable criteria are only used in the event of a strong field of candidates - as a second stage after essential criteria have been considered - and there is a need to distinguish between candidates who are close after the initial consideration of essential criteria, either at sift or interview.

Do you have any tips for managing conflicts of interest apart from the obvious "don't be part of the selection process"?

It is inevitable that, occasionally, panel members will know candidates. You must declare that conflict of interest and set out how you intend to manage it. You should only consider evidence given as part of this recruitment process. This is a particularly important point when a member of a panel knows a candidate in any capacity.

What is the Commission's view on candidates asking for reasonable adjustments that involve seeing the questions before the interview? Can this ever be considered 'reasonable' and in the spirit of fair competition? If so, how would you suggest this is best managed?

There are a number of places you can seek advice from, and the Commission would recommend that you take the time to understand the nature of the request, and the nature of the disability. Candidates are able to request reasonable adjustments, and any adjustment is intended to create a level playing field for them, in relation to their disability and in relation to other candidates.

What Positive Action (e.g for female candidates) is possible under strict order of merit rules?

Recruitment into the Civil Service is made on the basis of fair and open competition.. Positive action is generally not appropriate.

If you are considering taking measures that you believe are not at odds with the Constitutional Reform and Governance Act, you should contact the Commission for advice.

If you have a candidate on a reserve list and a different but very similar role comes up (same criteria etc) can you offer them this role?

You are able to appoint candidates, in merit order, to another role but only if you believe the role has closely matching essential criteria

If a colleague has been appointed under fair and open competition on a Fixed Term Contract, can you move them straight into a permanent role without another process?

Yes, as the appointment was made through fair and open recruitment, that appointment can be extended or converted to permanency. However, if there has been a gap in employment, you should use Exception 5 to bring the person back into employment. If the role is PB2 or above, you will need to seek prior permission from the Commission.

Take a look at our information about exceptions and [FAQs](#) on our website.

Do you have to do interviews?

The Recruitment Principles do not require or specify an interview. There are many selection processes that use alternative assessments, but the Commission will expect them to be proportionate and consistent for all candidates. The key thing is that you must follow your advertised process, so if departments have stated that an interview will be held, they should hold them.

What is your approach to drawing the line when there are a lot of candidates and you also have GIS candidates?

We would recommend that the minimum standard that GIS candidates need to meet is decided on in advance. The Disability Confident scheme permits a proportion of GIS candidates to be progressed to the next stage and, if you receive a high number, you are permitted to place a limit. However, the Commission will want to see that disabled candidates have not been discriminated against, and that a fair approach has been used.

Does the panel have to be gender and diverse balanced? Can you have 3 women but not have 3 men? How many is the minimum for panel members?

A minimum of 2 panel members are required and the chair must be a civil servant. There are a number of initiatives aimed at increasing diversity that the Commission generally supports, but does not regulate or monitor as part of its statutory duty.

If a candidate is successful with an offer, but reveals that they cannot start in the role by a reasonable start date that meets business needs, does the department have to proceed with the offer?

The Commission would expect to see a reasonable approach. If there will be a significant impact to the business, and particularly in cases where you have advertised an expected start date, it may be acceptable to move on to the next person on the merit list.

Are those appointed by exception still required to abide by the CS Code?

Yes, they are appointed as temporary civil servants. Agency workers, consultants, contractors, who are not employed by the Civil Service, are not bound by the Code, although any such contracts should reflect similar expectations.

How do you raise the need for adherence and knowledge of the Code at interview - particularly SCS?

Details of the Code are published in all SCS candidate packs. It is entirely appropriate for the panel to raise the Civil Service Code at the interview, and question the candidates' understanding. It may be best to test understanding of the Code using a scenario.

How do acting ups and temporary promotions come into the recruitment principles? Should all colleagues be given the opportunity or can the Hiring Manager just cherry pick?

Internal moves are for Civil Service management and not a matter for the Commission. We regulate external campaigns and Commissioner-chaired campaigns.

Are you okay to have multiple merit lists in the one campaign whereby there are different geographical locations and therefore offer in merit but by location? e.g. where you may have advertised London and Birmingham.

Yes this is acceptable. See our [FAQs](#) and ensure you appoint in merit order. You should make it clear in the advert that this is what you are doing.

Do you have to ask every candidate all of the questions every time? Eg Can a panel decide to terminate the interview early where they think candidates are obviously not up to the role?

All candidates selected for the interview should be asked all of the questions prepared for the interview. If they are not, this is a breach of fairness.

Can we go to agencies without going on CSJobs?

The Commission does not insist that departments use CS Jobs, but it meets the open criteria and is the main site for the Civil Service, so it can help in attracting a strong candidate field. If you are considering using an agency only, this is too narrow and would not meet the open criteria. You should seek advice from the Commission. Candidates that are sourced for a fair and open merit-based competition by an agency must apply in the same way and be assessed in the same way as all other candidates.

If recruiting by exception (e.g. student placements where advertising is done directly with universities and not on CS Jobs) do adverts still need to include reference to the recruitment principles and CS code?

If you are recruiting by exception, fair, open and on merit does not apply so this may not be relevant. However, the Code will apply so this would be best practice. The other elements are not so important as you are not recruiting openly in any case.