



FAQs and Guidance

This advice is produced in response to frequent queries and issues discovered during our compliance activity.

YOU SHOULD ALWAYS CONSULT THE CURRENT VERSION ON OUR WEBSITE; PLEASE DISCARD ANY PREVIOUS LOCALLY SAVED VERSIONS.

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PLEASE READ IN FULL TO NOTE OUR ADVICE AND GUIDANCE, AS WE WILL EXPECT YOU TO BE AWARE OF AND COMPLY WITH IT.

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Planning and Advertising

<p>Can I assess “desirable” criteria?</p>	<p>The Commission would expect you to consider each criterion carefully and decide whether it is actually essential rather than desirable. We may ask for evidence or a rationale as to why desirable criteria has been included.</p> <p>The use of desirable criteria in assessment should be clearly set out in the advertised material. Departments should note assessments must only be made against criteria that has been published.</p> <p>We recommend that desirable criteria are only used in the event of a strong field of candidates, and as a second stage after essential criteria have been considered. Desirable criteria can be used when there is a need to distinguish between candidates who are closely tied or the same after the initial consideration of essential criteria, either at sift or interview.</p> <p>We would ask you to consider carefully whether you should add a qualification as a desirable criterion. Our recommendation is that a qualification is either needed or it is not, and if it is needed it should be in your essential criteria or in the eligibility requirements for the role.</p> <p>If desirable criteria is used at the first stage sift with a higher weighting than the essential criteria, the Commission could determine this as a Technical Breach</p>
<p>Are we able to close an advert early?</p>	<p>No, departments are not able to close adverts in advance of the stated closing date. Similarly, departments are not able to state that adverts will be closed early due to a large volume of candidates.</p> <p><u>Closing an advert early is considered a breach.</u></p> <p>You should consider instead, in advance, how you will assess a large field, for example by using a lead sift criterion and, of course, state this in your advert.</p>

<p>Can we prevent staff from applying to externally advertised roles, if they are currently serving a probation period?</p>	<p>Generally, no. The Recruitment Principles requires departments to treat all candidates in the same way. However, there may be some terms and conditions within individual departments' contracts that prohibits staff from applying to roles whilst on probation.</p>
<p>Qualifications</p>	<p>You are allowed to include a qualification as a requirement, if it is needed for the role, however you should also consider the possible equivalents to commonly recognised qualifications.</p> <p>If you ask for e.g. Maths and English qualifications specifically, and they are required for the role, please ensure that you check that all candidates have these. Do not assume that having a higher qualification automatically means the candidate has these qualifications.</p> <p>If you have a qualification as an essential requirement, with no alternative given, you should not sift through to the next part of the process anyone who does not have this qualification, nor should you appoint them.</p> <p>We would not expect candidates to be turned away from interview if they do not bring proof of qualifications. They should have the opportunity to provide these at a later date if required.</p>

<p>Can we specify that candidates must live close to a location?</p>	<p>You cannot state that candidates must live <u>in</u> a particular location. You can state that the role will be based in a certain area, and that candidates will be expected to attend the office, if that is a necessity for the role. You can also include that the department "particularly welcome" applications from people in particular locations.</p> <p>If you do ring fence applicants to residing in a particular location, this would result in a Breach of the Recruitment Principles.</p>
<p>Non-open/exclusionary criteria</p>	<p>You cannot require, for example, experience "as a civil servant", "working with a minister", "working in a particular department". Instead, please think about the skills gained from such experience that you believe are essential and express what these are. For example, "experience working with senior staff/stakeholders to tight deadlines" could be used instead of "working with a minister".</p>
<p>Can we ask for candidates to have particular types of experience or qualifications?</p>	<p>You can ask for qualifications, driving licences, permits etc, if it is relevant to the role. We would expect this to form part of the eligibility criteria and should be checked as the start of the process, rather than progressing a candidate to the end, without having checked if they are eligible to apply.</p> <p>You should not however refer to experience that is specific to the civil service only, as this would prevent non civil servants from applying. For example, working with Ministers, understanding of civil services rules, regulations, protocols. This would Breach the principle of Open.</p> <p>It is possible to ask for evidence and experience of working with senior stakeholders, providing advice to boards, working within regulatory frameworks etc.</p>

<p>Can we introduce a new criterion or assessment after the campaign has launched?</p>	<p>The Recruitment Principles require departments to follow the advertised process.</p> <p>The Commission will expect you to assess against all the criteria/ behaviours specified in the candidate information. Although you may want to assess against a range of behaviours, you must assess against all of those that have been advertised</p> <p>Where department fails to assess something that has been stated in the advert, this will result in a Technical Breach, as it does not represent a transparent or fair process.</p> <p>Instances where departments have assessed on a criteria or behaviour not mentioned in the candidate information; or where an assessment is introduced will result in a Breach.</p> <p>The purpose of all assessment / presentations/ tests must be clear and contribute to a robust assessment. The details must be clearly communicated to candidates. Candidates must be scored against all assessments and evidence must be kept as to how they contribute to the overall merit order.</p> <p>If you are using a lead criterion/ behaviour at sift or interview, that must be clear to candidates. Failure to inform candidates of this at the start of the process will result in a Breach.</p>
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Longlist/ Shortlist

Can we ask for the performance record of civil servants as part of the application process?	It would be unusual to do this as part of the assessment process. Departments must be mindful that they need to ensure that there is an equal amount of information for each candidate. Ordinarily, you would not be able to ask external candidates for performance appraisals. If you do consider performance of some candidates and not others, this is a Breach of the Recruitment Principles.
Can we prevent staff who are undergoing disciplinary action from applying?	<p>You are not able to prevent candidates from applying, as this would not meet the 'open' requirement. If there are any issues which would prevent the candidate from taking up a post, and these may exist irrespective of whether they are undergoing a disciplinary process, then these should be resolved during the vetting/ onboarding stage.</p> <p>We understand that these scenarios can be sensitive. The Commission can offer confidential advice, where necessary.</p>

Running a Competition

<p>How do we run our locational campaign's merit list?</p>	<p>There are a number of ways in which you can run a multi locational campaign compliantly. Departments should clearly explain the process in the candidate information, and ensure it is followed.</p> <p>You are able to ask candidates to select a preference, and then hold a multi locational list, posting in merit order to the preferred location.</p> <p>You are also able to hold merit list for individual locations, and again appoint in merit order. If a candidate is offered a role in a location that they did not originally choose, and they turn it down, they will remain on the list, unless you have stated otherwise in the candidate pack. This would apply to reserve lists too.</p>
<p>Can candidates meet relevant people from the organisation? E.g. Ministers, Senior Civil Servants?</p>	<p>The Recruitment Principles allow for shortlisted candidates to meet with Ministers and other senior stakeholders. This can often be useful for the process, especially for senior appointments.</p> <p>If a competition involves senior stakeholder meetings, this should be set out in the advertised material. It should be clear what any meeting is for and offered to <i>all</i> relevant candidates (see below extracts from the <i>Recruitment Principles</i>).</p> <p style="padding-left: 40px;">18.¹ Similar opportunities must be offered to all candidates to inform themselves about the role. For example, if some short-listed candidates have the opportunity to meet key people in the Department, then all short-listed candidates must be offered the same opportunity.</p> <p style="padding-left: 40px;">26. Where candidates are asked to meet individuals other than panel members during the competition, it must be made clear to them whether this is for briefing purposes or whether it is part of the assessment.</p>

¹ All numbers refer to paragraphs of the Recruitment Principles (2018)

	<p>41. The Minister may meet each of the shortlisted candidates, to discuss his or her priorities and the candidates' approach to the role, and feed back to the panel views on any issues the Minister wants the panel to test at interview. Meetings between the Minister and candidates must be attended by a representative of the Civil Service Commission.</p> <p>If the competition is chaired by a Commissioner, you should discuss ministerial involvement at the planning stage, and ensure you have sought advice.</p> <p>For other external competitions, please contact the Commission at info@csc.gov.uk and we can advise.</p>
<p>Can we alter the level of security clearance, after we have advertised?</p>	<p>You should not change any of the details of the role, eligibility criteria or assessment process after you have advertised. The Commission expects departments to have fully considered the level of clearance sufficiently before you advertise. Candidates should be aware of the level required, and if it is an option to go through higher levels of clearance one in the role, candidates should be clear on that expectation. The level of security clearance can alter the field of candidates, and so if the level is changed after you have advertised, this could be considered as a Breach.</p> <p>Whilst we have previously made some exceptions owing to Covid-19 issues, for example downgrading to speed up the onboarding process, this will not be the case going forward and you should contact the commission with a strong rationale if you were to consider doing this in future.”</p>
<p>Can departments hold candidates at sift?</p>	<p>Departments are able to long lost candidates, and take through the highest performing candidates to the next stage. If, after the final stage is completed, roles are unfilled, then you can move down to lower scoring candidates. If a department wants to proceed in this way, you must make it clear in the advertised material. You cannot move a set of candidates from one longlost pool to another, for a different vacancy.</p>

<p>Can a non-civil servant take part in recruitment?</p>	<p>The Recruitment Principles state that a panel must have a minimum of two members and be chaired by a civil servant. To note, the civil servant acting as chair is accountable for ensuring that the Recruitment Principles have been adhered to.</p> <p>As long as the non-civil servant is not chairing the process, they are able to take part in the selection process. If a civil servant is not overseeing as Chair, this would result in a breach of the Recruitment Principles.</p> <p>Any other rules about diverse panel membership, independent members, or the grade composition of panels are not rules administered by the Commission. Whilst we support measures to introduce diversity to panels, you should consult CS HR expert services for advice.</p>
<p>Do we have to use numerical scoring?</p>	<p>The Recruitment Principles do not prescribe a particular scoring methodology. The Commission is aware that departments often have their own interpretation or guidance on scoring, according to the role or the business.</p> <p>During compliance activity, we will look for a consistent application of scoring, whether that is numerical or alphabetical, departments must clearly demonstrate how the merit order was formed. As part of this process, we might ask for evidence of the bench marks set or the guidance given to panels on scoring.</p> <p>Examples of breaches in the past are where there are some candidates with the same score, some are progressed to the next stage, others are not and there is no clear evidence as to why.</p>
<p>Rolling campaigns</p>	<p>Departments are able to run a rolling campaign, in which an advert stay live for a prolonged period of time.</p> <p>You are able to state in a rolling campaign, <u>and only in a rolling campaign</u>, that applicants cannot reapply within a six month period. You <i>cannot</i> have a blanket statement that they cannot reapply.</p> <p>You cannot state that you will close any campaign, <i>whether a rolling campaign or not</i>, when you have received sufficient applicants. You must give notice of closure of a rolling campaign (we recommend at least 2 weeks).</p>

	<p>You should give guidance in your advert about when you will sift and interview.</p> <p>You must appoint in tranches by time order, in merit order. Do not mix up your tranches. This will lead to appointments being made out of merit order, this would incur a Breach</p>
<p>Can we appoint “near misses” to a lower grade role if we didn’t state this in the advert?</p>	<p>Before considering any ‘near misses’, you should ensure that you hold any candidates on any relevant reserve lists and offer roles in merit order. These candidates have met the required standard and should be approached first. If they do not want to tot take a role that is lower to which they applied, they are able to remain on the reserve list.</p> <p>If the advert included information that lower graded roles may be offered, they must be assessed in merit order from the original campaign, for that lower role, and appointments made in merit order.</p> <p>If the possibility for lower grades roles was not included in the candidate information, the same process applies however you will require agreement from the Commission.</p>

Interviews

If a candidate experiences technical issues with online tests, are we able to provide additional time to complete them?	Yes, where you have identified that candidates have been affected by technical issues, you must extend the deadline for all candidates who have not yet started or completed the tests. Our advice is that if technical difficulties are widespread, departments should pause the campaign whilst they resolve the issue.
Can we turn an applicant away at an interview if they do not provide identification, in line with what the department has requested?	No, candidates should be given the opportunity to produce such documentation at a later date. Candidates should not be refused an interview on this basis, unless there are specific security considerations. If a particular type of ID is required in order to enter a particular building, please ensure you have informed candidates of this when inviting them to interview.
Can we provide candidates with panel reports or interview notes?	Departments are able to provide candidates with excerpts or content from panel reports or interview notes, if requested. You cannot share information about other candidates.

Reserve Lists

<p>How do we manage reserve lists?</p>	<p>Once appointments are made in merit order, departments are able to retain any candidates who have been found appointable for a role in reserve.</p> <p>Appointments from a reserve list must be made in merit order. Departments are not able to select candidates from lower down the list on the basis that they may be better “fit” than the higher placed candidates.</p> <p>Appointments made out of merit order from a reserve list would result in a breach of the Merit principle.</p> <p>Candidates should be removed from a reserve list if they decline an offer or if they cannot take up a post within a reasonable timeframe, for example to allow them to serve their notice period. There are exceptional circumstances, such as serious ill health, where a candidate may remain on a reserve list and the next candidate can be offered. You should contact the Civil Service Commission in advance to discuss these circumstances</p>
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To note, if a candidate is offered a different location or an alternative role from a reserve list to the one they applied to and they do not wish to accept this offer, they can remain on the list and wait for the original role, allowing you to approach the next candidate in merit order.

If you feel that you have any other exceptional circumstances, then please contact the Commission.

Your communications to candidates placed onto a reserve list should be clear on the terms of a reserve list:

- It can be open for up to 12 months
- Departments are not obliged to offer roles from a reserve list
- Candidates will be removed if they have refused a role they originally applied for
- Offers must be made in merit order.

If appointing to the advertised roles from the merit list, departments must offer roles with the same terms and conditions as advertised.

Once departments have made those original appointments, and want to use a reserve list to appoint to the same role or similar roles with closely matching essential criteria, you can make a reserve list appointment on different terms and conditions to the original advertised vacancy. This means that you can draw candidates from a reserve list to a vacancy that has different T&Cs.

For example, if the original role was a 2-year fixed term appointment, you can offer a reserve list appointment for 1 year. Or if the original job was full time you can offer a reserve list role on a part time basis.

<p>Can a reserve list be extended beyond 12 months?</p>	<p>In certain cases, yes. Departments can only extend with the Commission's approval and you should contact us via info@csc.gov.uk to explain why you want to extend.</p> <p>If a department makes an appointment from an expired reserve list, this would result in a breach of the Recruitment Principles.</p>
<p>Can reserve lists be used by other departments?</p>	<p>The Recruitment Principles allow for reserve lists to be shared across other government departments and agencies who recruit into the Civil Service.</p> <p>The role advertised and the role to be offered must be sufficiently similar. The Commission would expect to see a close match between the criteria assessed and the new set of criteria, with a match between the skills required. The Commission can provide guidance on the suitability of roles. If you appoint to a role that is dissimilar, that would incur a breach.</p> <p>For Commissioner chaired competitions, you will need approval from the Commission, please contact us via info@csc.gov.uk. We will need to see the job description of the new role, and need the name of the competition that had been run.</p> <p>You must be aware of any GDPR issues that arise from sharing candidates' details.</p>
<p>If a candidate is offered a role, and has accepted it, can they be removed from other reserve lists held by the department?</p>	<p>Yes. The Commission views it as best practice to state in candidate information that this is the approach used by a department.</p>

Exceptions

<p>When do we need <u>prior</u> approval from the Commission for Exceptions due to salary?</p>	<p>When you are appointing to a role without fair and open competition, whatever the grade, on a salary at or above the SCS Pay Band 2 minimum. This is currently £93,000 (as at January 2021)</p> <p>The requirement on salary is pro rata. Permission is still required even if the appointee is being paid by their substantive employer.</p> <p>There are business case templates on the Commission’s website to assist you. Please ensure that you leave sufficient time for the Commission to review the request. We aim to deal with Exception requests within 5 working days.</p> <p>Please use this link to access exception business case templates</p>
<p>Which Exception appointees can apply for internal roles?</p>	<p>Only those appointed under Exceptions 5-10 inclusive can apply for internal roles.</p> <p>Those appointed under Exceptions 1-4 inclusive cannot apply for internal roles.</p> <p>Secondees (Exception 3) cannot apply for internal Civil Service vacancies, unless they have been appointed on merit following a fair and open competition to an accredited NDPB and are being seconded from that organisation. In that case, they can apply for Civil Service-wide vacancies.</p> <p>Secondees cannot be reappointed under Exception 5 unless they have previously been appointed to the Civil Service on merit through fair and open competition and this appointment meets the Exception 5 requirements.</p> <p>The Commission will expect you to ensure that staff are aware of their status in this regard. If a member of staff appointed under exceptions 1 to 4 applies to an internally advertised role, this would</p>

	<p>result in a breach of the Recruitment Principles. In these instances, you should seek advice from the Commission.</p> <p>Staff appointed on an FTA, after fair and open competition, are not exceptions and are eligible to apply to internal vacancies.</p>
<p>Can civil servants come back into the Civil Service without applying for a competition?</p>	<p>Exception 5 in the Recruitment Principles provides a mechanism for civil servants to return, without necessarily going through fair and open competition again. The terms are as follows:</p> <ul style="list-style-type: none"> • Civil Servants can return to a role that is the same grade as when they left, or lower. Civil servants cannot return on promotion under Exception 5. To do so would incur a breach • Civil Servants can return within 5 years of leaving their last post. • There is no right of return for any individual, this is a matter of business need in the relevant civil service organisation. • They can rejoin any Civil Service organisation, it does not have to be the one that they left. • Commission prior approvals are needed for salary (paying PB2 salary or above) and grade (for roles at PB2 and above). However, the "within 12 months" approval is not required for Exception 5 only. To appoint to a higher grade without approval would incur a breach <ul style="list-style-type: none"> ○ Departments are able to appoint to a fixed term, and extend to permanency, at the same grade, if necessary.
<p>Should Agency workers be employed using an exception?</p>	<p>If an agency worker is employed by their agency, they are not employed as a temporary civil servant and should not be considered under an exception.</p> <p>This means that they cannot be converted to permanency under Exception 10.</p> <p>Agency workers cannot apply for internal campaigns. They can apply for external campaigns only.</p> <p>If either of the scenarios above occur, they will be recorded as a Breach of the Recruitment Principles.</p>

Compliance

Which recruitment records do we need for an audit?

For campaigns:

We will request:

- job adverts and any other documentation given to candidates (e.g. job description, candidate pack),
- sift records,
- interview records.

To support our assessment, there may be a need to see other documentation as well; therefore, this is not an exhaustive list.

You must be able to show, for example, how you distinguished between tied candidates and we may ask for additional information and an audit trail to demonstrate this.

Please note:

If GRS or another supplier holds this information it is the hiring departments' responsibility to ensure you obtain it. It is also acceptable for you to attend the audit, but the Commission must be able to gain access to all documents.

The Commission's duty to carry out compliance activity derives from Paragraph 14 of the Constitutional Reform and Governance Act 2010.

14(2) states that departments must make the information that the Commission requires available. The Commission will expect departments to provide documentation in a timely manner. This permission supersedes GDPR regulations.

For Exceptions:

We will request:

	<ul style="list-style-type: none">• Dates and length of the appointment (for all Exception types),• Role title and grade (all),• Salary (all),• Reason for use of Exception (all),• Whether appointee has been an Exception appointee in the last 12 months before this appointment (Exceptions 1-4 inclusive),• When appointee left Civil Service and grade on leaving (Exception 5),• Has the scheme been approved by the Civil Service Commission (CSC) (Exception 2)?• Has the conversion process been approved by CSC (Exception 10)? <p>To note: This is not an exhaustive list. We may request additional information if details of the appointment are not clear.</p> <p>If the Commission finds a breach with an appointment made by exception, during an t audit, it is the responsibility of the department to request any required retrospective approval. The team will discuss this with you at the audit meeting.</p>
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Other

<p>Why does the Commission accredit certain NDPBs?</p>	<p>Non Departmental Public Bodies who do not employ civil servants may be accredited by the Commission. The accreditation is given after the Commission has reviewed their recruitment procedures and provided assurance that they are broadly in line with the Recruitment Principles.</p> <p>The accreditation allows NDPBs to advertise their vacancies on CS Jobs, and it allows those NDPB staff to apply for roles that are advertised across the Civil Service.</p>
<p>How do we use Exception 7?</p>	<p>Exception 7 is a mechanism for staff employed at these accredited bodies to transfer into the Civil Service after success in a Civil Service-wide competition. You cannot transfer such staff unless they have been successful in such a competition. It should be used for relevant accredited NDPB staff who apply for Civil Service-wide roles and are then successful and need to transfer into the Civil Service. You should report these appointments under Exception 7.</p> <p>Please visit this link to check if a body is accredited. Alternatively, we can advise you if a body is accredited if you are in any doubt.</p>
<p>Can vacancies advertised as secondments only be classified as a fair and open competition.</p>	<p>If the only option in the advert for this role was a secondment, that must be recorded as Exception 3.</p> <p>The Commission sought legal advice which stated that there is no such thing as a “fair and open secondment”. This is because this is open to legal challenge on “openness” because candidates need to be employed and for their employer to agree to their secondment to be able to apply.</p>

<p>If advertised with other contract types, can secondments be classified as fair and open?</p>	<p>If a vacancy was advertised as a secondment, loan, and fixed term appointment, this will meet the openness requirement. However, the above paragraphs still apply: if seconded, they should be recorded as an Exception.</p> <p>The only thing that may be permissible here is that secondees appointed following a fair and open (to all) competition, may be appointed permanently to the Civil Service if they leave the employer they were seconded from, and immediately join the Civil Service the next working day. You should seek our advice on this on a case by case basis if considering permanency</p> <p>Please also see <u>Which Exception appointees can apply for internal roles?</u></p>
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