

OFFICIAL

**CIVIL SERVICE COMMISSION BOARD
TERMS OF REFERENCE
Agreed: September 2022**

BOARD FUNCTIONS

1. The Civil Service Commission was established in its current form by the [Constitutional Reform and Governance Act \(2010\)](#) ('the Act'). The purpose of the Board is to provide strategic leadership to the Civil Service Commission and to ensure the delivery of the Commission's strategic aims and objectives.
2. To do this the Board will:
 - (i) advise on the allocation of financial and human resources to achieve the aims of the organisation;
 - (ii) oversee the management of the Commission's resources and monitor the achievement of performance objectives;
 - (iii) agree the Commission's standards and values;
 - (iv) assure that a transparent system of governance and internal controls is in place, and is consistent with best practice as stated in [the Corporate Governance Code for central government departments](#);
 - (v) monitor and report on the effective operation of the organisation via the Civil Service Commission Annual Accounts and Report; and
 - (vi) identify and monitor strategic and operational risks and mitigations effectively.
3. The Board will have due regard to succession planning and will satisfy itself that plans are in place to maintain an appropriate balance of skills and experience on the Board, its subcommittees and within the Commission secretariat.
4. The Board will be supported by an Audit and Risk Committee (ARC). The ARC will be chaired by a Commissioner and will be responsible for scrutinising the systems of internal control, risk management and corporate governance. The Board will be regularly updated by the Chair of the Audit and Risk Committee.
5. The Board may establish further subcommittees and delegate any of its work to those subcommittees with the approval of the First Civil Service Commissioner.

MEMBERSHIP AND QUORUM

6. The Civil Service Commission Board membership is comprised of:
 - (i) the First Civil Service Commissioner, who is the Chair of the Board;
 - (ii) six Commissioners minimum in addition to the First Civil Service Commissioner as set out in the Act; and
 - (iii) the Chief Executive Officer and Accounting Officer.
7. The Board will be quorate if at least half the number of current members are present and in the event of any vote, at least half the number of current members of the Board support the proposal to give effect to the proposal.
8. The Commissioner for Public Appointments and the Chair for the Advisory Committee on Business Appointments will be invited to join the Board for discussions at the discretion of the First Civil Service Commissioner.

First Civil Service Commissioner: Role and Responsibilities

9. The First Civil Service Commissioner shall act as the Chair of the Civil Service Commission Board. Additionally she is accountable for:
 - (i) the performance management of the Chief Executive, including mid year and end of year appraisals;
 - (ii) annual appraisals of Commissioners; and
 - (iii) the relationship between the Civil Service Commission and Government Ministers and senior officials.

Commissioner: Role and Responsibilities

10. Board members are required to attend Board meetings in person (virtually by exception) and fully and actively participate in discussions. As per the Act a Commissioner¹ can be removed from office if they are absent from three successive meetings of the Commission without the Commission's approval.
11. It is the responsibility of all Board members (including the First Civil Service Commissioner) to:
 - (i) engender a culture that enables effective and constructive discussion at the Board and to set clear timebound actions as appropriate;
 - (ii) support/promote the delivery of the Commission's strategic and operational priorities;
 - (iii) hold the Chief Executive and Commission secretariat to account for the accuracy, clarity and transparency of all management, delivery, performance and financial information and reporting submitted to the Board;

¹ This applies to Commissioners only. The Chief Executive Officer is not a Commissioner. All other members hold the two roles (Commissioner and Board member) concurrently.

- (iv) consider risk and financial updates provided by the Chair of ARC on a quarterly basis; and
- (v) contribute to the Board forward look agenda.

Conflicts of Interest

12. All Board members will complete a conflict of interest form when they accept the role of Commissioner which must be reviewed and updated every 6 months or when any one of the Commissioner's circumstances change.
13. New or changed conflicts or potential conflicts of interest must be declared to the Chair at the beginning of each meeting and shall be recorded in the minutes. At the Chair's discretion, a Board member may be asked to step down from the Board while a conflict is investigated.
14. A register of interests will be published on the Civil Service Commission website.
15. If any Board member has reason to believe a conflict of interest has arisen or may arise, it is their responsibility to draw the attention of the Chair and Chief Executive to this as soon as possible.

Suitability of Members and Disqualification

16. His Majesty The King may on the recommendation of the Minister remove a Commissioner from office:
 - (i) if they do not attend and are absent from three successive meetings without the Chair's approval;
 - (ii) the person is convicted of an offence (it does not matter where a person is convicted and an act punishable under the law of a territory outside the United Kingdom constitutes an offence for these purposes however it is described in law);
 - (iii) the Board member becomes bankrupt;
 - (iv) the Board member is unfit or unable to carry out the functions of the office - as determined by the Chair. The Chair's decision is final.

SECRETARIAT

17. The responsibility of the Secretariat includes (but is not limited to):
 - (i) organising the Board meeting logistics (including room, video conferencing facilities, refreshments).
 - (ii) ensuring joining instructions and papers are circulated at least 3 working days in advance of a meeting allowing Board members time for preparation;
 - (iii) taking and circulating minutes and actions within 3 working days of the Board meeting; and
 - (iv) paying reasonable travel expenses incurred as a result of attending

the Board on production of receipts and in accordance with the Commission's travel and subsistence policy.

BOARD MEETINGS

18. The Board will meet at least ten times per annum. These meetings will be scheduled in December for the following full calendar year. The First Commissioner may convene additional meetings as she deems necessary.
19. While any Board member may request that an item is included on the agenda, the final agenda is approved by the Chair.
20. Commission secretariat (including those allocated to supporting ACOBA, OCPA) colleagues will be invited to attend Board meetings as appropriate.
21. Board members may invite other individuals to attend all or part of meetings as appropriate, subject to consultation and approval with the Chair.

BOARD REVIEW

22. A Board Effectiveness Review (BER) will be undertaken annually to provide a robust review of the Board's effectiveness including whether it has the structure, processes, people and performance to deliver its strategic objectives.
 23. The Chair will lead the BER and has overall responsibility for the process and will share the results of the review with the Cabinet Office sponsor team.
 24. The Board's Terms of Reference will be updated annually following the BER.
-
-

CIVIL SERVICE COMMISSION
DELEGATION OF REGULATORY FUNCTIONS TO SECRETARIAT

Regulatory issue	Delegation/sub delegation
<p>Allocation of competitions to Commissioners.</p>	<ul style="list-style-type: none"> ● CEO, sub-delegated to staff, for day-to-day allocation. ● 1st CSC agreement for non-CS competitions and in case of complaint/ dispute
<p>Approval for the use of Recruitment Principle exceptions <u>which are not delegated to departments.</u></p>	<ul style="list-style-type: none"> ● PB3 and above: 1st CSC ● PB2 and PB1: CEO ● Below PB1: Secretariat
<p>Complaints under the Recruitment Principles</p>	<ul style="list-style-type: none"> ● Secretariat responsible for handling and investigation. ● Secretariat to determine if in scope (Band A or Chief Exec) ● Decision whether upheld or not by a single "Rota" Commissioner.
<p>Appeals under the Civil Service Code 'Code Complaints'</p>	<ul style="list-style-type: none"> ● Secretariat responsible for handling and investigation. ● First Commissioner and CEO decides if it is in scope. ● Panel of Commissioners (3) determination of appeal.