

# Procedure for Appealing to the Civil Service Commissioners under the Civil Service Code

## Introduction

1. The Civil Service Code sets out what civil servants should do if they have concerns that the Code is not being followed.
2. If you as a civil servant believe that you are being required to act in a way which conflicts with the Code, you should start by talking to your line manager or someone else in your line management chain. If for any reason you would find this difficult, you should raise the matter with your departments nominated officers who have been appointed to advise staff on the Code.
3. If you become aware of actions by others which you believe conflict with the Code, you should report it to your line manager or someone else in your management chain; alternatively you may wish to seek advice from your nominated officer. You should report evidence of criminal or unlawful activity to the police or other appropriate authorities.
4. If you have raised a matter under these procedures and do not receive what you consider to be a reasonable response, you may report the matter to the Civil Service Commissioners. The Commissioners will also consider taking a complaint direct.
5. This note sets out the procedures if a matter is put to the Commissioners.

## How to appeal to the Civil Service Commissioners

6. If you believe that your department's or agency's response does not represent a reasonable response to the grounds of your concern, you may then report the matter in writing to:

*Mr Jim Barron Office of the Civil Service Commissioners 35 Great Smith Street  
London SW1P 3BQ*

**Phone:** 020 7276 2604

7. You will need to:
  - explain why you consider the actions you have been asked to take (or the actions taken by others) are wrong and in breach of the Code;
  - explain why you consider that the internal procedures have not resolved your concern;
  - forward the correspondence with your department or agency about the matter.

8. You can either write directly to the Commissioners, or through the person in your department or agency who considered your concerns. He or she can add comments in a covering note but cannot make amendments to the appeal itself.

9. If your concerns involve information protectively marked “secret” or above, or which is otherwise specially protected (eg by taxpayer confidentiality), you should let the Commissioners know before disclosing any such information. They can then make arrangements to handle your case appropriately.

### **What the Civil Service Commissioners will do**

10. The Civil Service Commissioners are completely independent of Government. Their aim is to investigate appeals as quickly as possible consistent with a thorough examination of the case and, wherever they can, to resolve the issues raised by agreement with those concerned.

11. The Commissioners, assisted by their staff or advisers, will investigate, in confidence, all the relevant facts. The starting point of their investigations will be the papers you have sent them (see point 7). First of all they will check that it is a matter that they can investigate and that you have first been through the internal procedures of your department or agency.

12. They will then examine the written evidence. They will normally get from the department or agency concerned the full record of the conclusions reached by the internal procedures and give the department or agency an opportunity to confirm whether the facts as stated in your appeal fairly reflect the department’s or agency’s position. They may also decide to inspect official papers and files.

13. Departments and agencies have a duty to co-operate with the Commissioners’ investigations.

14. The Commissioners may then decide to talk to you and to interview people in your department or agency. You may be accompanied by a representative of your professional organisation or trade union or by a colleague of your choice if you so wish, at the discretion of the Commissioners. Their proceedings will be as informal as possible.

15. Depending on the nature of your case, they may decide to seek assistance from an outside expert, or to get independent legal advice. In cases involving a professional code, they may consult the appropriate professional body. All this may take some time, especially if the case is complex.

16. Where the Commissioners’ investigations produce evidence of criminal activity, they will pass it on to the appropriate authorities.

17. At least one of the Commissioners will be personally involved throughout the process and will consider all the facts and decide whether or not to uphold your appeal.

18. The Commissioners will send their report on your appeal to you and to your department or agency, in confidence.

19. There is no further appeal against the Commissioners' decision.

### **Appeal upheld**

20. If the Commissioners support your appeal they will make recommendations to your department or agency.

### **Appeal not upheld**

21. If the Commissioners do not support your appeal you should abide by your department's or agency's instructions on the matter.

### **Publication of reports of appeals**

22. The Commissioners will provide an account in their annual report in general terms on the number, nature, and outcome of all appeals made to them. They may decide to report in detail on a particular case, for example to convey best practice lessons or if a department or agency were to decline to accept a recommendation arising from their investigations. Wherever possible, they will do this in a way which does not disclose the identity of those involved in the case.