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**CIVIL SERVICE COMMISSIONERS’
GUIDANCE ON SENIOR RECRUITMENT**

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PART 1: INTRODUCTION

Purpose of Guidance

1.1 This is a procedural guide for departments and agencies on carrying out recruitment from outside the Civil Service for those senior appointments which require the approval of the Civil Service Commissioners. It replaces the previous edition of this guidance dated April 1999.

1.2 It is in three parts:

- Part 1 explains the purpose of the guidance and the appointments it covers;
- Part 2 deals with recruitment through open competition;
- Part 3 covers appointments that can be made other than through selection on merit on the basis of fair and open competition.

1.3 This guidance should be read alongside the Civil Service Commissioners' *Recruitment Code* which explains the legal requirements of the Civil Service Order in Council 1995, interprets the recruitment principle and explains how it should be applied, and describes the circumstances when appointments can be made other than by application of the recruitment principle. All appointments to the Civil Service, including ones to senior posts, must be made in accordance with the *Recruitment Code*.

Enquiries

1.4 The Office of the Civil Service Commissioners (OCSC) can help with queries about recruitment to senior posts and the recruitment principles in general. A list of contact points is at Annex A.

Posts requiring Commissioners' approval

1.5 **Appointments to posts at the most senior levels in the Civil Service and to certain other specified posts, detailed at Annex B, require the specific written approval of the Civil Service Commissioners.** The only departure from this general requirement is for appointments of less than twelve months, their exceptional extension up to 24 months and inward secondments of up to 24 months; in these cases, departments and agencies may make appointments, in accordance with the *Recruitment Code*, without the approval of the Commissioners.

1.6 Only appointments to situations within the Home Civil Service or Diplomatic Service are covered by these procedural rules. The approval of the Commissioners is not therefore required for:

- appointments to the boards of public bodies (which fall under the remit of the Commissioner for Public Appointments);
- staff appointments to public bodies, unless the staff are civil servants;
- the appointment of certain senior statutory office holders. Where, however, an office holder acts under a government department (rather than independently) the post is likely to be within the Home Civil Service. In cases of doubt, consult the OCSC.

PART 2: CARRYING OUT OPEN COMPETITION

The Role of the Department or Agency

2.1 Responsibility for making senior appointments lies with the department or agency concerned except in the case of Head of Department appointments, where the Cabinet Office will organise the process. Departments may choose to conduct competitions themselves or they may opt to use executive search or recruitment consultants. In the latter case, the specification for the consultant must comply with the Commissioners' *Recruitment Code*.

2.2 The following guidance describes broadly how the Commissioners will expect to be involved and the information they need, any other clearances that the recruiting department or agency needs to secure, especially from the Cabinet Office, and the procedures which should be followed. This guidance should be read alongside "A Checklist of Processes for Senior Appointments" available from the Cabinet Office Corporate Development Group.

2.3 A checklist with an outline timescale is at Annex C, and a flow chart showing the main stages is at Annex D.

Participation of the Civil Service Commissioners

2.4 **The Civil Service Commissioners should be consulted at the earliest possible stage once a department or agency decides to recruit from outside the Civil Service for a post requiring the Commissioners' approval (see Annex B).** The Commissioners will want to be satisfied that appropriate recruitment procedures are used, in accordance with the *Recruitment Code* and this Guidance.

2.5 For these posts they will:

- take part in the drafting of the job and person specification and approve the final versions;
- approve the advertisement and the media to be used;
- chair the selection panel throughout and possibly take part in other aspects of the selection process;
- provide written approval at the end of the competition.

2.6 In some instances Commissioners may be prepared to agree that a department or agency may carry out a competition without their direct involvement. In deciding whether or not to give their agreement, the Commissioners will take account of how much contact the post holder is likely to have with Ministers, how high the post's public profile is, and the experience and record of the recruitment unit in carrying out Commissioners' recruitment.

2.7 To enable decisions to be reached in such cases, departments and agencies will need to provide information on the job and person specifications; the proposed advertising arrangements and selection procedures; the proposed role of any recruitment / search consultants, and arrangements for overseeing their contribution; and the proposed make-up of the selection board.

2.8 Where the Commissioners decide not to be involved, approval will be given at the outset for appointment to be made from the competition. This will be on the condition that the agreed procedures will be followed. The department or agency will be required to complete and return to the Commissioners at the end of the competition a report form on the outcome (see Annex E) so that the Commissioners can account for all recruitment that falls within their sphere of responsibility.

Checks with Cabinet Office and HM Treasury

2.9 The Senior Secretary of the Senior Leadership Committee (SLC) should be consulted on all appointments to "SLC Group" posts – ie all SCS Payband 3 posts and above. The Treasury should be consulted as early as possible about prospective appointments to Accounting Officer posts (including certain agency Accounting Officer) - see 4.1 of Government Accounting: the Treasury Officer of Accounts can provide an initial point of contact. Where a post with Accounting Officer responsibilities is being filled, the ability to undertake these duties is a key consideration. The Cabinet Office Corporate Development Group should be informed about Agency Chief Executive appointments.

2.10 For posts in the Senior Civil Service, departments and agencies have discretion to advertise and pay to external appointees salaries up to the target rate of the relevant pay band without the need for central approval to the pay terms. Where departments and agencies perceive a need to advertise a rate of pay which exceeds the relevant target rate, because there is a premium in the wider market for the skills and expertise required, they will need first to obtain approval from Cabinet Office Corporate Development Group. Departments and agencies need to demonstrate that such cases are exceptional given the general presumption that internal and external appointments should be accommodated within the relevant pay bands. For Permanent Secretary posts, departments will need to obtain the Head of the Home Civil Service's approval to the rates of pay to be advertised and offered.

Confidentiality

2.11 The strictest confidentiality should apply at all stages of senior recruitment competitions. External and internal applicants may be seriously embarrassed if the fact of their candidacy becomes known prematurely (or at all, if they are unsuccessful). One senior person within the department or agency should oversee the whole selection process and act as a contact point for candidates. Papers should not be copied more widely than is strictly necessary. References, including appraisal reports from other departments, should not be taken up without the candidate's permission.

Equal Opportunities

2.12 For all appointments requiring Commissioners' approval, equal opportunities data should be collected for gender, ethnic origin and disability showing how all applicants fared at each stage of the selection process with reasons for selection and rejection. This is required by the Cabinet Office as well as for departments' and agencies' own monitoring.

2.13 At the outset of the recruitment process departments and agencies should consider the arrangements for any disabled candidates. The Civil Service Order in Council contains special provisions to allow some (limited) departures from the recruitment principles for disabled people, in line with Civil Service policy. For example the department or agency may guarantee an interview or modify other selection arrangements for disabled candidates. Further guidance on recruitment of disabled candidates is given in Part 2 of the Commissioners' *Recruitment Code*, and in the *Guidance for Civil Service Departments and Agencies on using the Employment Service Disability Symbol Positive About Disabled People* (which contains advice on the implementation of a Guaranteed Interview Scheme for Disabled People), which is available from Civil Service Diversity Website.

Involvement of Ministers

2.14 Ministers, including Scottish Ministers and the First Secretary and Assembly Secretaries of the National Assembly for Wales, may have a particular interest in appointments to certain posts. That interest must be accommodated within a system which selects on merit, is free from personal or political bias and ensures that appointments can last into future Administrations. **This section sets out the way in which Ministers may be**

involved in the selection and appointment processes. No procedures for determining selection additional to these may be used without the express approval of the Commissioners.

2.15 If the post to be filled is one in which the Minister is interested, it is essential to agree with the Minister at the outset the terms on which the post is to be advertised, the job and person specifications and the criteria for selection. The composition of the selection board, and in particular the choice of external members, may also be agreed with the Minister against specified relevant criteria.

2.16 It is important that the department or agency ensures that it uses appropriate selection techniques to identify suitable candidates. If search consultants are being used it may in some cases be helpful for them to see the Minister. The Minister should be kept in touch with the progress of the competition throughout, including being provided with full information about the expertise, experience and skills of candidates on the long and short lists. The Minister cannot interview the candidates or express a preference among them. Any further views the Minister may have about the balance of the expertise, experience and skills required for the post should be conveyed to the selection panel.

2.17 The candidate recommended for appointment must be the one placed first in order of merit by the selection panel. It is perfectly acceptable for the Minister to meet the lead candidate before deciding to approve the appointment but only that candidate may normally be appointed unless he or she turns the job down, in which case the position may be offered to reserve candidates above the line in order of merit. The Minister cannot pick and choose among the candidates.

2.18 For "SLC Group" appointments approval from the centre is also required (see paragraph 2.38).

2.19 In a rare case, where, despite having been kept in touch throughout, the Minister does not feel able to appoint the lead candidate, he or she must refer the matter back to the selection panel with his or her reasons. If, in the light of this explanation and having reviewed the balance of the selection criteria, the panel is minded to revise the order of merit and recommend another candidate from amongst those previously considered appointable, it must refer the case to the Civil Service Commissioners for their collective approval.

2.20 The Commissioners may either approve the submission of an alternative candidate or take the view that the original order of merit should stand. If the latter, no appointment on merit other than that originally recommended by the panel can be made as a result of this competition. If a fresh competition is to be run, it will need to be advertised with a different job and/or specification and/or salary.

2.21 There is a limited provision under the Orders in Council that enables the Commissioners to approve, in exceptional circumstances, the appointment of a candidate selected under open competition but not first in order of merit. The Commissioners would need to be satisfied that there were valid and exceptional reasons relating to the needs of the Service for such approval to be given.

2.22 The Commissioners will record in their annual report the number of cases referred to them under paragraphs 2.19 – 2.21.

Advertisement and Job/Person Specification

2.23 The Civil Service Commissioners and, where they are used, the search consultants (see paragraphs 2.25 and 2.26 below) should be involved in drawing up the advertisement and the job and person specifications. They will look particularly at the following important factors:

- **Terms of appointment.** Where appointments are on a fixed term basis, the advertisement should state the length of the contract, whether or not it is renewable or convertible to permanency, and/or offers any prospect of movement elsewhere in the Civil Service.

- **Experience and skills required.** Some senior posts attract very large numbers of applicants and a clear statement of the skills and experience needed will attract more realistic applications and make sifting easier. On the other hand, the experience required should not be specified so narrowly as to restrict the field unnecessarily or artificially. A clear specification of the job to be done and of the skills, qualities, experience and qualifications sought is vital. The matrix of core criteria for Senior Civil Service posts at Annex F should be used to clarify the requirements for particular appointments. The criteria for selection should be clear from this specification.
- **Remuneration.** In the interests of fairness, the advertisement taken together with the supporting literature must make clear what the true position in relation to remuneration is going to be. To advertise a job at one salary and then finally settle at a much higher salary fails to meet the requirement for openness and would be unfair to potential applicants, and it might shortchange the department since the higher salary might have attracted a better quality field. References to salary can be expressed in terms of a range or upper limit. It should also be clear whether it includes bonus, pension provision or other benefits. If the department needs scope to settle above the quoted salary then the advertisement must carry the words "more may be available to an exceptional candidate". Where it is intended to apply this flexibility, the approval of the Cabinet Office Corporate Development Group will be needed.
- **The description of the role of the Commissioners.** For competitions they chair, Commissioners would expect candidates to be given an explanation of the role of the Commissioners and a copy of the Civil Service Code so that candidates appreciate the constitutional framework in which all civil servants work and the values they are expected to uphold. Annex G offers model paragraphs to be included in the information pack for candidates.

Selection

2.24 The traditional process of selection at this level following advertisement has been by paper sift followed by a board interview. But other approaches should be considered for two reasons. In the first place, the traditional process may not provide sufficient information in particular cases on which to base a selection decision. Given the size of the investment, consideration of further assessment techniques is strongly recommended. Recruitment agencies will be able to offer advice on which to use. Secondly, outside candidates will often be used to a less formal approach involving, probably, several one-to-one interviews and may find Civil Service methods off-putting. Where it is particularly important to encourage applications from outside candidates, therefore, other approaches may again be considered, so long as they can be seen to be strictly fair. Options for consideration include:

- using search or recruitment consultants or members of the selection panel (including the Commissioner involved) or both to hold preliminary interviews with long-listed candidates (see paragraphs 2.26 – 2.27);
- using an assessment centre where short-listed candidates can be given a range of different kinds of relevant tests eg structured interviews, psychometric testing, written exercises, presentations, and group exercises. This has been used successfully for more junior posts; at the most senior levels psychometric testing is sometimes used but group assessment work is more unusual;
- using an occupational psychologist to interview short-listed candidates in depth;
- giving long or short-listed candidates an opportunity to meet key people in the department. This is very important for senior people: elsewhere in the public or private sector it would be rare for new members of a team to be recruited without a thorough briefing on the operation and ensuring that they would fit in with the organisation. Feedback from such briefings may be made in confidence to the selection panel though it should be remembered that the purpose of the meeting is to give the candidate the opportunity to find out more about the job and the organisation, not to interview him or her;

- a series of one-to-one interviews with individual members of the selection panel concluding with a meeting of all panel members to compare assessments and decide on the merit order.

2.25 Whatever methods are used, departments and agencies should take care to see that they are applied to all candidates equally. For posts at this level of seniority, departments and agencies should participate in all sifts, even if the recruitment process itself is contracted out. Where there are preliminary interviews of any kind, the results should always be put to the full sift or interview panel before any candidates are eliminated.

Search Consultants

2.26 For senior appointments, the use of executive search consultants has become more common and indeed for many appointments it may be difficult to attract a good field only through advertising - at senior levels people often expect to be approached. Nevertheless, using search alone will not be sufficient to satisfy the fair and open competition rules: there must also be an advertisement. A search can tap into a field of people who would not respond to an advertisement and can enrich the field of women, ethnic minority and disabled candidates. The consultants can in any case usefully be brought in at an early stage to contribute to defining the job and person specification (see paragraph 2.23 above). They can also interview search and advertisement candidates and thus add to the information available. Search consultants can either be retained to carry out the whole process including placing the advertisement, or to do the search alone with the advertisement handled separately. Different search consultants will offer a different range of services. Enough time must be built into the selection process to allow the consultants to undertake an effective search and any interviews with individuals.

2.27 Guidance on using search consultants is available from the Cabinet Office Corporate Development Group. The Cabinet Office has also introduced a central framework agreement with a number of search consultants which Departments and agencies can use. Departments and agencies using search consultants should take care that advertisement candidates are treated equally with search candidates throughout. In particular common criteria must be applied. The search consultants should not be present at the final interview, though it may be helpful to have them available at the end of the day to discuss arrangements for notifying candidates of the outcome.

The Selection Panel

2.28 Where the Commissioners participate directly in the selection procedures the Commissioner will chair the panel. Selection panels for "SLC Group" posts are normally chaired by the First Commissioner. Where the Commissioners do not participate directly in the selection process departments and agencies should make arrangements to provide a chairperson competent in selection interviewing.

2.29 Board members should be identified as early as possible so that they can be involved in all stages of the selection process. Boards for "SLC Group" and some other senior posts usually consist of four or five members: more should not be necessary and is likely to result in a less productive final interview with candidates. There are usually two departmental or agency representatives, but it is preferable that the current incumbent of an advertised post should not be a member of the panel so as to avoid the panel being unduly influenced by the approach of the current postholder. At these levels there should always be someone from outside the Civil Service, perhaps representing a customer interest, on the board. Care should be taken however to identify outside members whose knowledge of candidates is unlikely to cause embarrassment. Retired civil servants may be invited to serve on boards in appropriate cases but should not normally have been retired for more than five years. Board membership of three or four is more common for lower level boards but again outside representation is desirable. For professional posts, the Head of Profession or a representative should be invited to participate. Both men and women should be represented on the board as well as ethnic minorities if possible. Some departments are experimenting with the inclusion on the board of a reportee to the post being advertised.

Short-listing

2.30 Before the short-listing, all applicants should be sorted into three categories based on suitability for appointment: A - strong runners; B - of possible interest; C - out of the running. Brief details should be recorded on each candidate (for example in a summary table) including the category in which each has been placed and the reasons. The summary table and all papers including CVs and application forms should be made available to board members at least 2-3 working days in advance of the sift.

2.31 As far as possible the same panel should be used for sifting and for the final interviews and the sift panel should always include a departmental representative. For the more senior posts, or if there are fairly large numbers of promising candidates, a preliminary sift may be necessary to produce a "long-list" of candidates on whom enquiries or interviews have to be carried out before deciding the final short-list. Sift panels should settle at the outset the criteria and relative weighting to be used in selection, which should be consistent with those set out in the advertisement and accompanying literature. Those short-listed for interview should always be candidates with a realistic chance of being judged appointable. Three or four candidates will usually be enough to offer the board a satisfactory choice.

The Final Interview

2.32 It is not necessary for the final interviews all to take place on the same day. They may be spread over several sessions if this is more convenient for candidates and practical for board members. The board chairperson will agree a structure for the interviews with board members. Where board members have been involved in preliminary interviews with candidates, they may be able to suggest points to be pursued. An *Aide-Memoire for Board Members involved in Senior Recruitment*, at Annex H, offers notes for guidance on the conduct of interviews and copies should be provided for members with the board papers.

Board Proceedings

2.33 The panel operates as a college in making its decisions and its recommendation is a collegiate one. Taking all the evidence into account, the panel should establish which candidates are suitable for the job. It should then place them in an order of merit. If the leading candidate turns the job down, it can be offered to the reserves in merit order. The chairperson will record the board's findings with the reasons for the decisions reached on each candidate. The proceedings of each selection panel, including the written records, are confidential, but may have to be produced in Employment Tribunal hearings if an unsuccessful candidate lodges a complaint of unlawful discrimination. Information produced by the board may also be discloseable in accordance with the Freedom of Information Act 2000.

2.34 The remuneration package is not normally discussed at interview since this is for the department or agency to settle with the successful candidate afterwards. But where the post has been advertised on the basis that more may be available to an exceptional candidate and it is known that particular candidates will not be available without invoking this extra percentage, it is helpful if the selectors, having established the order of merit, indicate whether in their view such a candidate is worth more in relation to others lower down in the order of merit. If the candidate is not prepared to take the job for the salary the department or agency then decides to offer, the department or agency will be able to approach the next person in order of merit. It is important however that value for money considerations do not influence and distort the original order of merit.

After Interview

2.35 Where a Commissioner has chaired a board he or she will write to the department or agency recording the outcome. This letter will also form the Commissioners' authority for the department or agency to appoint. Where the Commissioners have approved selection arrangements at the outset, that approval will also constitute the Commissioners' authority for appointment to be made (see paragraphs 2.6 – 2.8).

Appointment Process

2.36 It is for the department or agency to make the appointment subject to the necessary clearances. The department or agency does not have to make any appointment. It can only go down below the lead candidate if it is not possible to reach a satisfactory agreement with that candidate. For cases where Ministers are involved see paragraphs 2.14 – 2.22.

2.37 It is also for the department or agency to settle the remuneration package with the lead candidate. A clearly identified individual should be responsible for negotiating terms with the successful candidate, normally the Permanent Secretary or Director of HR in departments and the Senior Secretary to SLC on behalf of the Head of the Home Civil Service for Heads of Department. The person negotiating terms will need approval from the Cabinet Office Corporate Development Group if the starting salary is above the target rate of the relevant band. The Commissioners should be kept informed because they will need reassurance that it stays within the terms of the original advertisement. The Commissioners should, in any case, be notified of the terms finally agreed (see paragraph 2.40 below).

2.38 The reserve candidates may not be told the outcome until it is clear that the chosen candidate will take up the job and any necessary clearances have been obtained (see paragraph 2.39). But candidates who are clearly unacceptable should be told straight after the panel has concluded its business. This will normally be done by the department or the recruitment agency. Unsuccessful candidates should be treated sympathetically and, if they ask for feedback, it should be given.

Clearances

2.39 Appointments to "SLC Group" posts require the approval of the Head of the Home Civil Service and the Prime Minister, and departments should consult the Senior Secretary of SLC on such appointments. For Agency Chief Executives and for "SLC Group" posts departments will need the agreement of their own Ministers. Departments and agencies should reach a provisional agreement with the candidate before getting these approvals but they cannot finally appoint until all the necessary approvals have been given.

End of Competition Report

2.40 Once it is clear that the lead candidate will be appointed, the End of Competition report (Annex E) should be completed and sent to the Commissioners (see address in Annex A). This will enable the Commissioners to report on all appointments they are required to approve. When remuneration negotiations are subsequently completed - which may sometimes be a matter of several months - the final section of the End of Competition report should be completed and returned.

Pre-appointment Checks

2.41 These are the employing department's or agency's responsibility and they must satisfy themselves as to a candidate's eligibility for appointment on such matters as security, health, character, nationality, and any potential conflict of interest with the job to be done (see the *Civil Service Management Code*).

2.42 Once checks are completed the successful candidate must be asked to sign a formal contract. Model contracts are available from the Cabinet Office Corporate Development Group.

PART 3: SENIOR APPOINTMENTS OTHER THAN THROUGH SELECTION ON MERIT ON THE BASIS OF FAIR AND OPEN COMPETITION

Circumstances and information required for case to be considered

3.1 The Orders in Council enable the Commissioners to approve some appointments other than by application of the fundamental principle of selection on merit on the basis of fair and open competition. Details are set out in Part 2 of the *Civil Service Commissioners' Recruitment Code* and apply to all appointments including senior ones. Accordingly, this guide should be read in conjunction with the *Recruitment Code*.

3.2 Apart from short-term appointments of less than 12 months, their exceptional extension up to 24 months, or secondments of up to 24 months, all appointments made other than by application of the recruitment principle to posts specified in Annex B require the written approval by the Commissioners. **If a department or agency proposes to make such an appointment, they should consult the Commissioners (copied to the Cabinet Office Corporate Development Group where appropriate) at an early stage to obtain agreement in principle.** They should set out the reasons why an appointment as an exception to fair and open competition and selection on merit is justified and give the following details:

- the job and person specification for the post, including job title, grade level and location;
- the candidate's application form or CV showing name, date of birth, qualifications and experience and relevant current or previous experience;
- how the candidate was identified (enclose a copy of any advertisement);
- how the candidate was assessed as suitable (enclose any sift and selection reports);
- the type of appointment (eg permanent, secondment, fixed term) and length of appointment and date of commencement if for a fixed term;
- the remuneration package (include base salary, additional performance pay or bonus, pension provision, relocation etc).

3.3 Particular points to note on the use of the exceptions in relation to senior posts are as follows:

- **Inward secondments** (see para 2.32 of the *Recruitment Code*)

Departments and agencies should consult the Civil Service Commissioners for any secondments expected to extend beyond two years (copied to the Cabinet Office Corporate Development Group for secondment to "SLC Group" posts) before any selection arrangements are put in hand, so that they can agree the proposed procedures for identifying a field of candidates. Where a department or agency wishes to maintain a programme of secondments, they may seek the Commissioners' agreement to arrangements for such a programme instead of making a separate case each time. A case must always be put to the Commissioners in advance if it is proposed to extend a secondment beyond five years, or if conversion to permanency (or fixed term appointment) or transfer to a different post is being considered.

- **Re-appointment** (see para 2.33 of the *Recruitment Code* and, where appropriate, the procedure set out in the checklist for Senior Civil Service posts).

For re-appointments where the level of appointment is higher than at the time of resignation, the Commissioners may want to participate in the assessment process.

- **Disabled candidates** (see paras 2.45 – 2.49 of the *Recruitment Code*)

If a successful disabled candidate has been offered any special arrangements not available to other candidates the appointment must be approved as an exception to fair competition. For boards chaired by the Commissioners, they will take responsibility for doing this. Where the Commissioners have authorised a department or agency to run the whole selection process, the end of competition report must show that this exception has been used.

Exceptional arrangements reserved for the Commissioners (See paras 2.43 – 2.44 of the *Recruitment Code*)

3.4 Use of the two further categories of exceptions, which can be exercised only by the Commissioners and solely for the appointments described in Annex B, is expected to be rare. Decisions must be taken collectively by the Commissioners, and recorded in their annual report.

Proven Distinction of the Person

3.5 The case must show that a waiver of open competition can be justified for exceptional reasons relating to the needs of the Service and the proven distinction of the person.

Appointment not in order of merit

3.6 This is designed to deal with a situation where a Minister wishes to appoint another person who has been assessed in open competition as suitable, but not as the best candidate, for reasons which the Commissioners regard as legitimate. The department or agency would need to set out for the First Commissioner the reasons why the alternative candidate was preferred. These should be based on the requirements of the job and "exceptional reasons relating to the needs of the Service". Personal chemistry would not be an acceptable reason, nor clearly would political stance.

Exceptions outside the Commissioners' Recruitment Code

3.7 Articles 6 and 7 of the Order in Council set out the categories of permitted exceptions. The Commissioner's *Recruitment Code* covers the most common circumstances under which exceptions can be made. However, the Code cannot cover all eventualities and the Commissioners have discretion to approve exceptions in other circumstances, provided they fall within the scope of the Order. Departments and agencies may put specific cases to the Commissioners. Such requests are expected to be rare.

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SENIOR APPOINTMENTS REQUIRING THE COMMISSIONERS' APPROVAL

The approval of the Civil Service Commissioners is required for the following appointments and any subsequent extension (apart from appointments of less than 12 months, extensions of these appointments up to a maximum duration of 24 months, and secondments of up to 24 months):

- Permanent Secretary
- Appointments in Pay Band 2
- Appointments in Pay Band 3
- Senior Civil Service posts in government communication
- Chief Crown Prosecutor (London), Crown Prosecution Service
- Deputy Chief Executive, Office of Government Commerce
- Directing Actuary, Government Actuary's Office
- Government Actuary, Government Actuary's Department

COMMISSIONERS' RECRUITMENT A CHECKLIST OF PROCEDURES

Departments will be very familiar with what is required by the *Order in Council* and the *Commissioners' Recruitment Code* for recruitment by fair and open competition on merit. But this checklist (broadly in chronological order) will serve as a reminder. It includes a number of steps specific to Commissioners' recruitment. A specimen outline timescale is given at the end of this Annex.

Decide whether or not to go to open competition

- Clear with Minister if necessary.
- Contact Cabinet Office Corporate Development Group for very senior ("SLC Group") and Agency Chief Executive appointments.
- Clear with HM Treasury if Accounting Officer.

Before advertising

- Consider timetable for key stages and clear diaries for sift and board members (see Outline Timescale at end of this Annex).
- Consult OCSC; if appropriate make case for recruitment without direct involvement of the Commissioners. If Commissioners are to be involved, OCSC will arrange to appoint chairperson.
- Appoint panel members - for senior boards two from the department and one or two outsiders is usual.
- Consider use to be made of recruitment consultants/search consultants. Choose and brief accordingly.
- Consider the value of arranging an early meeting of the panel to consider the core requirements of the post and the best means of assessing candidates.
- Compile job and person specifications (against core criteria for Senior Civil Service - see Annex F and, if an Accounting Officer post, take fully into account these responsibilities), consulting board members and OCSC if Commissioners involved.
- Discuss with Minister where interested in appointment.
- Decide criteria for selection, consulting board members.
- Decide length and type of appointment.
- Decide remuneration and clear as necessary (eg with Cabinet Office Corporate Development Group if special remuneration).
- Decide on selection procedures including need for interviews by occupational psychologists and/or assessment centre procedures, consulting Commissioner.
- Consider design of structured application form to facilitate analysis with or without CVs.

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- Consider nature and extent of national and/or specialist media and 'in Service' publicity and consult Commissioner.

The advertisement text

- Draft concise explicit description of job, location, the employer, qualifications and experience required, remuneration, relocation expenses, length and type of appointment, closing date (minimum 2/3 weeks), where to send applications/CVs, and an equal opportunities statement. Clarity will encourage self-selection and attract realistic applications.
- Consider bilingual approach where appropriate eg Welsh.
- Clear with Commissioner.

After advertisement appears

- Issue application forms with equal opportunities questionnaires, model paragraphs about the role of the Commissioners (where involved), and full particulars of post.
- Register and acknowledge applications.
- Record details of gender, ethnic origin and disability.

Long listing/Short listing

- Establish process with chairperson.
- Provide sift members in good time with applicant papers and summary of applicants and of their allocation to agreed categories.
- Where response exceeds, say 100 applications, a preliminary sift may be done to identify obvious rejects which the formal sift panel will need to approve. This must be done on criteria agreed in advance and with the involvement of a member of the department.
- Record how and why candidates have been categorised.
- If a long-list is to be selected for preliminary interviews, sift (for single post) 12-15 candidates; otherwise sift 3 or 4 candidates for final interview, who have a realistic prospect of being judged appointable. If longlisting is adopted a second formal sift will be required.
- Record reasons why candidates are included or excluded from short-list.
- Show long-list / short-list to Minister if appropriate.
- Show short-list to HM Treasury for Accounting Officers.
- Inform excluded candidates.
- Once candidate's permission has been received, obtain references for short-listed candidates.
- Prepare board papers in good time for board members, including OCSC notes for board members.

Preliminary interview/selection stage

- Record each candidate's performance at any preliminary interview or other selection stage and produce summary report.

Final interview

- Ensure chairperson has recorded each candidate's performance and produced a report on the outcome.

Outcome

- Inform candidates of results at the earliest opportunity. Reserves may be held until the lead candidate has accepted, sending holding letters if necessary.

Commissioners' approval

- Given by the chairperson when a Commissioner. May be given at outset in certain circumstances.

Other approvals

- Obtain Ministerial approval when appropriate.
- Obtain Treasury approval for Accounting Officers.
- Obtain approval from Cabinet Office Civil Service Corporate Management Command for "SLC Group" posts.

Pre-appointment checks

- Check character, health, nationality, security and any conflict of interest.

Terms of appointment

- Settle salary terms etc and give candidate a formal written contract.
- Obtain Cabinet Office Civil Service Corporate Development Group approval if any question of exceeding previously agreed special terms,

Competition report form (see Annex E)

- Complete form and return to OCSC

Retention of papers

- Retain all recruitment papers for 12 months.

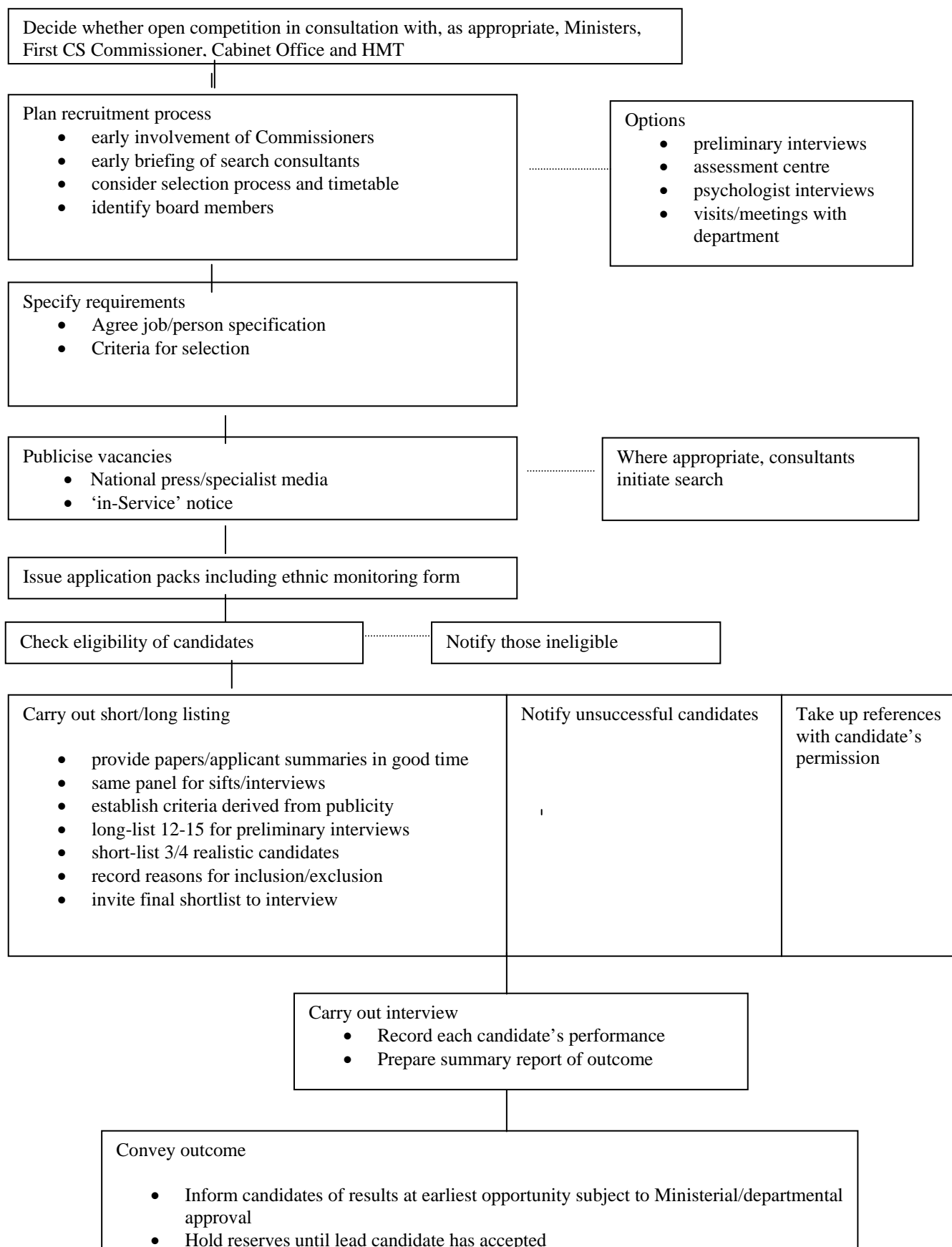
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Outline timescale of open competition

<ul style="list-style-type: none">• Preparation of particulars, drafting and placing the advertisement (depends on choice of media)	2/3 weeks
<ul style="list-style-type: none">• Candidate response time from appearance of advertisement	2/3 weeks
<ul style="list-style-type: none">• Agreeing a list of candidates for interview (assuming a two sift process)	3 weeks
<ul style="list-style-type: none">• Sift to board	1/2 weeks
<ul style="list-style-type: none">• Approvals	1/2 weeks
TOTAL	9/13 weeks

Note: Timescale will be extended if occupational psychologist interviews are needed (say an extra 2 weeks), or if executive search is involved (say an extra 3-4 weeks).

SUMMARY FLOW CHART OF MAIN STAGES OF RECRUITMENT TO SENIOR POSTS





For OCSC use only

OCSC file number:

Approval date:

Office of the Civil Service Commissioners

End of Competition Report on Appointments to the Senior Civil Service

Please note that we will also need a copy of:

- Board Report
- CV of successful and reserve candidates
- Media advert (final)
- Candidate information pack (final)

(To be completed even if no successful candidate found)

THE COMPETITION

Job title (if any) : _____

Department/Agency : _____

JESP score : _____

Senior Civil Service Pay Band : _____

Number of Vacancies : _____

Location : _____

b. How was the duration of appointment stated?
(eg fixed term, permanent)

DETAILS OF APPOINTEE

Name of appointee

a. Source of appointee (advertisement or search):

CONDUCT OF THE COMPETITION

a. State whether recruitment consultants were used?

(Yes/No)

Please give name of consultants: _____

b. State whether a search was conducted

(Yes/No)

• Appointee's most recent salary £ _____

Remuneration package on appointment £ _____

• Base salary: £ _____

• Performance Pay: £ _____

• Pension £ _____

• Other (e.g. relocation expenses) £ _____

ADVERTISEMENT

a. Was the post advertised in the national/specialist press?

(Yes/No)

If yes, list media used. _____

Terms of appointment (eg fixed term for 3 years, possibility of extension or permanence)

• Date of taking up appointment _____

SENIOR CIVIL SERVICE COMPETENCE FRAMEWORK

GIVING PURPOSE AND DIRECTION <i>Creating and communicating a vision of the future</i>	
EFFECTIVE BEHAVIOUR	INEFFECTIVE BEHAVIOUR
<ul style="list-style-type: none"> ➤ Is clear what needs to be achieved ➤ Involves people in deciding what has to be done ➤ Communicates a compelling view of the future ➤ Sets clear short and long term objectives ➤ Creates practical and achievable plans ➤ Establishes standards of behaviour which promote diversity ➤ Agrees clear responsibilities and objectives to deliver results ➤ Initiates change to make things happen 	<ul style="list-style-type: none"> ➤ Looks to others to provide direction ➤ Takes an overly cautious approach ➤ Assumes people know what is required of them without being told ➤ Loses sight of the big picture ➤ Allows a culture which is intolerant of diversity

MAKING A PERSONAL IMPACT <i>Leading by example</i>	
EFFECTIVE BEHAVIOUR	INEFFECTIVE BEHAVIOUR
<ul style="list-style-type: none"> ➤ Visible and approachable to all ➤ Acts with honesty and integrity ➤ Is valued for sound application of knowledge and expertise ➤ Resilient and determined ➤ Challenges and is prepared to be challenged ➤ Says what people may not want to hear ➤ Takes difficult decisions and measured risks ➤ Accepts responsibility for own decisions ➤ Takes personal responsibility for making progress in equality and diversity ➤ Implements corporate decisions with energy and commitment 	<ul style="list-style-type: none"> ➤ Says one thing and does another ➤ Takes contrary views as a personal criticism ➤ Fights own corner, ignoring wider interests ➤ Accepts the status quo ➤ Aloof and arrogant ➤ Aggressive not assertive

THINKING STRATEGICALLY <i>Harnessing ideas and opportunities to achieve goals</i>	
EFFECTIVE BEHAVIOUR	INEFFECTIVE BEHAVIOUR
<ul style="list-style-type: none"> ➤ Sensitive to wider political and organisational priorities ➤ Assimilates and makes sense of complex or conflicting data and different perspectives ➤ Finds new ways of looking at issues ➤ Homes in on key issues and principles ➤ Considers the potential and impact of technology ➤ Identifies opportunities to improve delivery through partnership ➤ Anticipates and manages risks and consequences ➤ Gives objective advice based on sound evidence and analysis ➤ Communicates ideas clearly and persuasively 	<ul style="list-style-type: none"> ➤ Works only from own perspective or assumptions about the world ➤ Fails to make connections between ideas or people ➤ Focuses solely on the detail ➤ Focuses on intellectual debate at the expense of action ➤ Fails to consider the needs of a diverse community

GETTING THE BEST FROM PEOPLE <i>Motivating and developing people to achieve high performance</i>	
EFFECTIVE BEHAVIOUR	INEFFECTIVE BEHAVIOUR
<ul style="list-style-type: none"> ➤ Gets to know individuals and their aspirations ➤ Adapts leadership style to different people, cultures and situations ➤ Identifies and brings on talent, especially amongst under-represented groups ➤ Knows when to step in and when not to ➤ Listens and takes account of diverse views ➤ Gives and expects frequent constructive feedback ➤ Coaches individuals so they give of their best ➤ Tackles poor performance or inappropriate behaviour ➤ Praises achievements and celebrates success 	<ul style="list-style-type: none"> ➤ Works only with the most competent people ➤ Writes rather than speaks ➤ Has a fixed management style ➤ Does not delegate challenging or interesting work ➤ Is uncomfortable working with people from diverse backgrounds ➤ Blames others ➤ Wields the red pen ➤ Avoids giving bad news

LEARNING AND IMPROVING	
<i>Drawing on experience and new ideas to improve results</i>	
EFFECTIVE BEHAVIOUR	INEFFECTIVE BEHAVIOUR
<ul style="list-style-type: none"> ➤ Aware of own strengths, weaknesses and motivations ➤ Applies learning from own and others' experience ➤ Builds productive relationships with people across and outside the organisation ➤ Understands, values and incorporates different perspectives ➤ Seeks new or different ideas and opportunities to learn ➤ Readily shares ideas and information with others ➤ Encourages experimentation and tries innovative ways of working ➤ Works with partners to achieve the best practical outcomes ➤ Adapts quickly and flexibly to change 	<ul style="list-style-type: none"> ➤ Can't see things from other people's perspective ➤ Assumes at the outset different perspectives need not be taken on board ➤ Does not listen ➤ Sticks to outdated methods ➤ Unwilling to be exposed to risk or uncertainty

FOCUSING ON DELIVERY	
<i>Achieving value for money and results</i>	
EFFECTIVE BEHAVIOUR	INEFFECTIVE BEHAVIOUR
<ul style="list-style-type: none"> ➤ Organises the work to deliver to time, budget and agreed quality standards ➤ Negotiates for the resources to do the job ➤ Rigorous in monitoring and reviewing progress and performance ➤ Puts customers first ➤ Is not deflected by obstacles or problems ➤ Shifts resources as priorities change ➤ Seeks continuously to improve performance ➤ Makes best use of diverse talents, technology and resources to deliver results 	<ul style="list-style-type: none"> ➤ Commits to delivery regardless of impact on team or self ➤ Focuses on the process rather than getting results ➤ Avoids dealing with difficult problems ➤ Continually fire fighting ➤ Takes sole credit for achieving results ➤ Does not manage risks

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ANNEX G

MODEL PARAGRAPHS FOR INCLUSION IN INFORMATION PACKS FOR COMPETITIONS CHAIRED BY A CIVIL SERVICE COMMISSIONER

“A Civil Service Commissioner will chair the selection process. The Commissioners have two key functions.

The first is to maintain the principle of selection for appointment to the Civil Service on merit on the basis of fair and open competition. For the most senior posts in the Civil Service, the Commissioners discharge their responsibilities directly by overseeing the recruitment process and chairing the final selection panel.

The second is to promote an understanding of the Civil Service Code which sets out the constitutional framework in which all civil servants work and the values they are expected to uphold, and to hear and determine appeals made under it. A copy of the Code is enclosed.”

***NOTE:** Departments and agencies are free to adjust the first paragraph if it is their practice to name the selection panel.*

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ANNEX H

**CIVIL SERVICE COMMISSIONERS'
AIDE-MEMOIRE FOR
BOARD MEMBERS INVOLVED IN SENIOR
RECRUITMENT**

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INTRODUCTION

1. The 'Civil Service Commissioners' Guidance on Senior Recruitment' sets out procedures for departments and agencies covering the whole of the recruitment process to senior posts, where the appointment requires the approval of the Commissioners. This aide-memoire provides good practice guidance on the role of the members of selection boards in that process. Its purpose is to outline the arrangements and procedures typically used in senior selection. These notes are not concerned with interviewing techniques. They assume that members of senior selection boards are experienced interviewers, but where necessary departments can provide appropriate training.

COMPOSITION OF THE SELECTION BOARD

2. Where the Civil Service Commissioners participate directly in the selection procedures a Commissioner will chair the selection process. Boards for the most senior posts are normally chaired by the First Commissioner. Boards normally comprise four or five members, representing the employing department or agency, any other interested department or agency and relevant stakeholders.

ROLE OF THE SELECTION BOARD

3. The key elements of the board's role are:

- to determine which applicants should be short-listed on the basis of the available information about them, ensuring equal consideration of both internal and external candidates;
- to interview each short-listed candidate against the selection criteria they have established;
- to assess which candidates are suitable for the job in the light of all the available evidence including the interview;
- to rate suitable candidates in order of merit and to recommend the best candidate to the appointing authority;
- to preserve the confidentiality of candidates throughout the selection process. If candidates are required to participate in group assessment exercises, they should have been made aware of that in the recruitment information pack.

SIFTING AND SHORT-LISTING

4. A sifting process will normally be necessary to reduce the number of applications to a manageable short-list for final interview. In some cases the sifting process may require a preliminary stage to produce a long-list of candidates on whom further enquiries have to be carried out. The sifting process is overseen by the selection board, meeting for that purpose.

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5. If consultants are engaged to assist in identifying candidates for short-listing either from search or advertisement, their role is advisory. Responsibility for decisions rests with the selection board.

6. Matters to be decided include:

- the selection criteria, derived from the requirements published in the advertisement and supporting information for applicants;
- where there is a preliminary long-listing stage, to agree what further information is needed;
- which candidates should be short-listed for final interview. Three or four candidates, with a realistic prospect of being judged appointable, will often be enough to offer a satisfactory choice. It should rarely be necessary to interview more than five.

7. The short-listing meeting is also a convenient time to set in hand preparations for the conduct of the final interviews. In particular:

- if it is intended that the interview should include an initial presentation by each candidate, to settle the topic so that notice can be given to the candidates;
- to identify the broad areas of questioning to be pursued by each member of the board;
- to agree how much time needs to be allocated to each interview.

8. It may not always be practicable for all members of the board to meet at the sifting stage. It is, however, desirable that sifting decisions are taken by at least two members of the board including the chairperson, where possible after the department has gathered the views of other board members.

FINAL INTERVIEWS

9. Before the interview programme commences, the chairperson will wish to be satisfied that the physical arrangements are suitable. It is a matter of fairness to candidates that, within the limits of practicality, external distractions (e.g. undue noise) are minimised. By the same token all board members will want to make arrangements to avoid interruptions.

10. **Preliminaries.** Before the first interview, it is helpful for the chairperson to remind members of the agreed selection criteria against which the candidates will be assessed; and to confirm the broad areas of questioning to be pursued by each board member (see paragraph 6 above).

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11. **Timetable.** A typical timetable allows one hour per candidate of which some 45-50 minutes may be allocated to the interview itself. The board will need to decide how to structure this time. It is usual to allow a few minutes at the end for any questions the candidates may have and to advise them about the decision process and when they will be told their result.

12. **Interview Good Practice.** Anything relevant to the job and the candidate's suitability for it can be discussed in the interview, but there are some points to note:

- **Equal Opportunities.** Board members need to be, and be seen to be, impartial, particularly on matters relating to age, disability, gender, religion, politics, marital status, sexual orientation, race, colour, nationality or national origin, (or, in Northern Ireland, community background). Should any of these matters appear to be in issue, the board will need to make it clear that it is not concerned with them. Supplementary notes on the legal provisions relating to discrimination, which are relevant to selection interviewing, are in the appendix.

- **Conflicts of Interest.** Candidates should be assessed on merit, and they should not be treated more or less advantageously because of their previous or current activities, affiliations, or the employment of their partner or family members. It is for the appointing department to decide, in accordance with its own rules of conduct, how to proceed where it appears that an actual or perceived conflict of interest may arise. Subject to the Department's view, it is legitimate for selection boards to explore any such concerns with candidates, to establish whether they are sufficiently significant to prevent the candidate from carrying out the requirements of the post. The board will wish to decide whether to explore this or leave these matters to the department.

ASSESSMENT

13. The Commissioners' marking scale is:

A	an outstanding candidate
B	a very good candidate
B/C	clearly above the minimum acceptable level
C	acceptable

D	near-miss
E	clearly not acceptable

14. It is good practice for the board to make an initial assessment of each candidate immediately after each interview, recognising that assessments made earlier in the day may need to be reviewed as standards are clarified in the light of their assessments of later candidates. Usually, the chairperson will invite each member to give a provisional mark and the reasons for it based on all the evidence including that available before the interview

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15. The board acts as a college in making its decisions and its recommendation is a collegiate one. Where opinions differ, the board will need to review the evidence until a consensus is reached. Taking all the evidence into account, the board's task is to establish which candidates are suitable for the job, and to draw up an order of merit. If acceptable terms cannot be agreed with the lead candidate, or the candidate otherwise turns the job down, the job can then be offered to the reserves in merit order. This means that by placing a candidate above the line, the board is recommending their appointment, in the eventuality that the candidate(s) above in the order of merit drop out.

BOARD REPORT

16. The proceedings of the board are confidential. The chairperson reports the outcome in the form of a letter to the department summarising the reasons for the board's conclusions, including the reasons why those not recommended for appointment were considered less suitable than those who were recommended. Apart from the assistance this may give to the department in providing any feedback to candidates, the board report may have to be produced in Employment Tribunal hearings if an unsuccessful candidate lodges a complaint of unlawful discrimination. Board members should also be aware that the same may apply to any personal notes they may decide to retain. It is also possible that information produced by the Board may be discloseable in accordance with the Freedom of Information Act 2000.

SUPPLEMENTARY NOTES ON EQUAL OPPORTUNITIES

Discrimination on Grounds of Sex or Marital Status

The Sex Discrimination Act 1975 makes it unlawful to discriminate directly or indirectly on the grounds of sex or marriage. The board must ensure that all candidates are assessed on the basis of the same objective job-related criteria regardless of gender, marital status, domestic responsibilities or pregnancy.

Subtle and unconscious discrimination, which can result from general assumptions about men's or women's capabilities, characteristics and motivation, must be avoided.

If an assessment of candidates' future potential is relevant, no assumptions should be made about the potential of men or women or their motivation to advance in the Service.

Questions which are relevant to the job - for example, about candidates' ability to undertake travel when this is a feature of the work - should be asked of men and women; both may be asked about mobility in relation to family circumstances, but no unwarranted assumptions or enquiries should be made about the future mobility of candidates based on hypothetical circumstances.

Discrimination on grounds of race

Other than permitted exceptions relating to the Civil Service nationality rules, the Race Relations Act 1976 make it unlawful to discriminate directly or indirectly on grounds of colour, race, nationality or ethnic or national origin. The interview must therefore be completely objective and give candidates every chance to show their qualities.

Care should be taken to see that all candidates are asked relevant questions related to the requirements of the job and that the agreed criteria finally adopted for the assessment of candidates do not in themselves discriminate indirectly against members of a particular racial group.

Subtle and unconscious varieties of discrimination which can result from general assumptions about the capabilities, characteristics and interests of ethnic minority groups should be avoided together with any preconceptions about the possible reactions of colleagues to the employment of ethnic minority workers in particular posts.

Candidates should not be placed at a disadvantage by questions which are based on a common cultural background or experience similar to that of the board members.

Security considerations, such as a candidate's length of residence in this country are the responsibility of the prospective employing department and must not influence the board's assessment.

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Discrimination on grounds of sexual orientation and religion or belief

Since December 2003 discrimination on the grounds of sexual orientation and religion or belief has been unlawful. There are two sets of regulations that apply: the Employment Equality (Sexual Orientation) Regulations 2003 and the Employment Equality (Religion or Belief) Regulations 2003. These regulations follow the broad pattern of the Sex Discrimination Act 1975 and the Race Relations Act 1976 in the way that they prohibit direct and indirect discrimination.

Candidates with Disabilities

The Disability Discrimination Act (1995) protects people who have a disability or have had a disability in the past from unfair discrimination in employment. A person is disabled if they have a physical or mental impairment, which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities.

The Act states that an impairment is only to be treated as affecting the person's ability to carry out normal day-to-day activities if it affects: mobility; manual dexterity; physical co-ordination; continence; ability to lift, carry or otherwise move everyday objects; speech, hearing or eyesight; memory or ability to concentrate, learn or understand; or perception of the risk of physical danger.

The chairperson should put candidates at ease by explaining to them that disability will not affect the consideration they will receive and board members should focus on the ability of the disabled person to do the job with a reasonable adjustment if necessary. There must be no less favourable treatment of a candidate for a reason related to the person's disability unless this can be justified within the terms of the Act.

The Act also places a duty on employers to take reasonable steps to reduce or remove any substantial disadvantage which a physical feature of the premises or employment arrangements causes a disabled employee or job-applicant compared to a non-disabled person. Therefore any discussion about the disability or notes in the board report should be confined to the person's ability to do the job after such reasonable adjustment has been made.

Rehabilitation of Offenders Act 1974

The purpose of the Act is to help former offenders 'live down' the damaging effects of their old convictions without fear that their past will be resurrected to their disadvantage. An offender who remains free of further convictions for a specified period (the 'rehabilitation period') then becomes a 'rehabilitated person' and the conviction becomes 'spent' unless it is one of the special cases covered by the Exceptions Order (1975) in which case the board papers should say so.

A gap in a candidate's employment history might mean that he or she was in prison during the relevant period and special care should be exercised when questioning about such gaps since the candidate is not obliged to declare or discuss any spent convictions.

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The board must ensure that any adverse information about spent convictions, which comes to light, even if accidentally is not taken into account when the assessment of the candidate is made. The chairperson should tell the candidate that it will be disregarded but should record what is said at the interview as a basis for dealing with any consequences.

Fair Employment Law in Northern Ireland

Any Home Civil Service posts where the work is done wholly or mainly in Northern Ireland would be subject to the Fair Employment and Treatment (Northern Ireland) Order 1998. The Order re-enacts the provisions of the Fair Employment Acts 1976 and 1989 which make it unlawful to discriminate, directly or indirectly on the grounds of religious belief or political opinion, in respect of employment in Northern Ireland.

A Code of Practice has been produced which provides advice on how the duties and obligations imposed by the legislation can be given maximum effect. Although the Code does not have the status of law, it will be taken into account by a Fair Employment Tribunal where considered relevant. The Code is available on the Equality Commission for Northern Ireland's website: www.equalityni.org.