

# Appendix: CODE OF PRACTICE FOR COMMISSIONERS

## Introduction

1. This Code sets out the standards of conduct the Members of the Civil Service Commission will observe whilst undertaking their public duties as Commissioners. The Code's provisions are intended to be proportionate to the Commission's functions, as set out in the Constitutional Reform and Governance Act 2010.
2. The Code was approved by the Civil Service Commission to come into effect from November 2010. It replaces the Code that previously applied to the Civil Service Commissioners operating under the Civil Service Order in Council 1995 (as amended) and the Diplomatic Service Order in Council 1991 (as amended). The Code has been endorsed by the Cabinet Office as sponsoring department.
3. The Code will be reviewed formally by the Commission at least once every five years. The Commission may make amendments to the Code at any time prior to a formal review.

## Standards in Public Life

4. Civil Service Commissioners will:
  - observe the highest standards of integrity, honesty, objectivity and impartiality in relation to the management of their affairs and the discharge of their duties; operate in a way that is open and transparent and in compliance with the Freedom of Information Act, regularly placing in the public domain information about their activities, publishing an annual report, and accounting to Parliament as invited;
  - not misuse information gained in the course of their public service for personal gain or for political purpose, nor seek to use the opportunity of public service to promote their private interests or those of others;
  - not hold any paid or unpaid posts in a political party; publicly support or criticise a political party; or canvass on behalf of a political party. Where they wish to engage in political activities, or comment in public on political issues, Commissioners will be mindful of their independent and impartial public role and exercise proper discretion.
5. The First Civil Service Commissioner may be consulted by Commissioners where there are any doubts about the application of these standards.

## The Commissioners

6. Civil Service Commissioners take collective responsibility for the discharge of their functions under the Civil Service Commission. These functions are laid on the Commission by the Constitutional Reform and Governance Act 2010. In summary,

they are: maintaining the principle of appointment on merit on the basis of fair and open competition; prescribing and publishing Recruitment Principles; chairing selection panels and approving appointments at the most senior levels of the Civil Service; auditing appointing authorities; and hearing and determining appeals under the Civil Service Code.

7. Collective responsibility means that the Civil Service Commissioners will:

- discharge their duties as members of the Commission's Board;
- engage fully as individuals in collective consideration of issues that impact on the discharge of their functions while supporting the Board's decisions when decisions have been reached;
- exercise their role as Commissioners in accordance with any protocols, guides and frameworks they have collectively agreed;
- seek to preserve the good reputation and independence of the Commission;
- ensure that they do not misrepresent the views or actions of the Commission.

### **The First Civil Service Commissioner**

8. The First Civil Service Commissioner:

- is the Chair of the Board of Commissioners;
- provides strategic leadership and encourages high standards of propriety including adherence by Commissioners to this Code of Practice;
- ensures that the Commission is fit for purpose, undertakes annually an assessment of the contribution of individual Commissioners and ensures that there is a proper balance of skills and experience on the Commission;
- seeks annually an assessment from the other Commissioners on his or her contribution; enables collective consideration and ensures that the Commissioners have an appropriate forum for deliberation, and that minutes of meetings accurately record the decisions taken;
- formally represents the views of the Commissioners;
- promotes the efficient and effective use of staff and other resources by the Commission and provides support and leadership for the Chief Executive, managing his/her contract and performance, including appointment and dismissal, and managing the relationship between the Commission and the Chief Executive and staff;
- ensures that communication between the Commission and staff is good, and the Chief Executive is managing the Commission in an effective manner.

### **Conflicts of Interest**

9. Civil Service Commissioners are appointed on a part time basis, and may hold other positions and have other interests in addition to their role as Commissioners. However in order to operate effectively as Commissioners, there must be public confidence that they are wholly objective in the exercise of their responsibilities and, in particular, are free of any party political or governmental influence or favour. The following provisions are intended to avoid Commissioners being influenced or appearing to be influenced, by their private interests in the exercise of their duties as a Commissioner.

### **Previous appointments**

10. Prior to their appointment, Civil Service Commissioners will declare any pre-existing appointments and interests which raise or might raise a question about their independence or impartiality to the First Civil Service Commissioner who will decide what, if any, actions are needed to ensure compliance with the Code. The First Civil Service Commissioner will similarly declare to other Commissioners any pre-existing appointments and interests.

11. Civil Service Commissioners will not be formally linked to, chair competitions for, or play any part in auditing or dealing with any complaints or appeals in respect of any department or agency in which they were previously employed or for which they have undertaken any consultancy work which has, or might appear to have, a direct relationship to their role as a Commissioner for at least one year from the date they leave that department's employment or complete the consultancy.

### **Concurrent and subsequent appointments**

12. Civil Service Commissioners will declare to the First Civil Service Commissioner any offers of other appointments or work which they receive and are minded to accept whilst serving as Commissioners, or within one year after stepping down which raises or might raise a question about their independence or impartiality. The First Civil Service Commissioner will decide what, if any, actions are needed to ensure compliance with the Code. The First Civil Service Commissioner will consult with other Commissioners about similar offers of appointment he or she may receive.

13. Commissioners will not undertake any concurrent appointments or work for a Civil Service department or agency which has, or might appear to have, a direct relationship to their role as a Civil Service Commissioner, in particular where they represent the formal link between the Commissioners and the department or agency.

### **Other interests**

14. Civil Service Commissioners will also declare other relevant interests. A relevant interest is any interest – whether direct or indirect, pecuniary or nonpecuniary – which might influence their judgement, or which could be perceived by a reasonable member of the public to influence their judgement, in the exercise of their duties as a Commissioner. This will also include such interests of close family members and of people living in the same household.

15. This may include where a Commissioner knows a candidate or appellant:

- as someone with whom the Commissioner has, or has had – or in his/her judgement might have – business or professional dealings;
- as a friend or relation;
- as an acquaintance, whether through their personal, business or professional life;
- having mentored, appraised or acted as their referee.

## Reporting

16. The reporting of relevant interests by Civil Service Commissioners will depend on the circumstances. Where it relates to an individual involved in:

- an appeal under the Civil Service Code or a complaint under the Recruitment Principles, the Commissioner will declare the interest and consider, in light of the nature of the interest, whether he/she should withdraw from the process in question and/or discussion of it. Where there is any doubt the First Civil Service Commissioner should be consulted;
- a recruitment panel that they are chairing, the Commissioner will declare the interest to the other panel members and consider, in light of the nature of the interest, whether he/she should withdraw from the competition or further consideration of a candidate. Where there is any doubt the First Civil Service Commissioner should be consulted.

17. Commissioners will declare all other relevant interests and consider with the First Civil Service Commissioner, in light of the nature of the interest, on any appropriate subsequent action.

18. The First Civil Service Commissioner will declare any relevant interest which relates to his or her position to the other Commissioners.

## Recording

19. Reports of relevant interests arising out of the circumstances described at para 16 above will be recorded and filed with the papers relating to the appeal, complaint or competition in question.

20. All other relevant interests will be recorded in the Commissioners' Register of Interests. The Register will be available for public scrutiny on the Commission's website.

## Gifts and Hospitality

21. Civil Service Commissioners will not accept gifts or hospitality or receive other benefits from anyone which might be seen by a reasonable member of the public to compromise his or her independence or impartiality as a Commissioner. If Commissioners are in any doubt about the propriety of accepting a gift and/or

hospitality they will consult the First Civil Service Commissioner. The First Civil Service Commissioner will discuss similar offers with other Commissioners.

22. Apart from trivial items with a value of less than £25, Civil Service Commissioners will record all offers of gifts and hospitality related to their work as Commissioners, whether or not they are accepted, in their Register of Gifts and Hospitality.

### **Personal Liability of Commissioners**

23. A Civil Service Commissioner, who has acted honestly, and in good faith, will not have to meet out of his or her personal resources any personal civil liability which is incurred in the execution or the purported execution of his or her board functions save where the Commissioner has acted recklessly.