



Cabinet Office

MANAGEMENT AND PERSONNEL OFFICE

From the Minister of State
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Prime Minister 2

to note that new regulations will soon be published formally giving Civil Service Commissioners powers to vet secondments (like hevenes) into the Civil Service. (No need to read N.L.W. in full.)
4 March 1986
7-3
Dear Geoffrey,

SECONDMENTS INTO THE CIVIL SERVICE: CIVIL SERVICE COMMISSION GENERAL REGULATIONS

The Prime Minister announced on 18 March 1985, in the context of the appointment of Mr Peter Levene as Chief of Defence Procurement, that measures were being taken to provide that future appointments to the Home Civil Service and Diplomatic Service which took the form of secondment from an outside organisation were made in compliance with the Civil Service Order in Council 1982 and any regulations made under the Order.

... The Civil Service Commissioners have been giving effect to that announcement by approving secondments since last March under their discretionary powers, pending the introduction of new General Regulations which would cover secondments for the longer term. These Regulations have now been drafted with legal advice, and I attach the draft for your approval, as is required by article 2 of the Order in Council.

The main changes bearing on secondments are:

Regulation 1.3c, defining secondment;

Regulation 7c, allowing less stringent health requirements to be applied to secondees and others who will not be covered by Civil Service superannuation arrangements; and

Regulation 11e, allowing the Commissioners to dispense with or modify tests of knowledge and ability and open competition in relation to secondments.

The effect of these changes is to provide the maximum flexibility in maintaining the programme of inward secondments, to which departments attach considerable importance, consistent with the Commissioners' responsibilities under the Order in Council.

In addition, the opportunity has been taken to make purely clarifying amendments to Regulations 11, 12.4, 12.5 and 12.6 and to correct references to the Republic of Ireland.

I should be grateful if you would approve the attached draft Regulations - no more is required than that you should signify that you are content with them. An early reply would be helpful, since we are aiming to introduce them on 1 April. They will be issued by the Civil Service Commissioners together with guidance, which follows consultation with departments, about how they are to be applied.

I propose to announce the issue of the revised Regulations by means of the attached Written Answer.

I am copying this letter to the Prime Minister's office.

W *—*
Richard

RICHARD LUCE

DRAFT PQ FOR WRITTEN ANSWER BY MR LUCE

To ask the Minister for the Civil Service whether arrangements have yet been made for future appointments on secondment to the Home Civil Service and Diplomatic Service to be made in compliance with the Civil Service Order in Council 1982.

DRAFT ANSWER

My Right Honourable Friend the Prime Minister announced on 18 March 1985 that measures were being taken to provide that future secondments to appointments in the Home Civil Service and Diplomatic Service were made in compliance with the Civil Service Order in Council 1982 and any regulations made under that Order. Since that date, such secondments have been subject to the approval of the Civil Service Commissioners, acting under the discretion conferred by article 1(2)(g) of the Order in Council, pending the issue of new regulations.

New regulations covering secondments have now been made by the Civil Service Commissioners with the approval of the Minister for the Civil Service and the Secretary of State for Foreign and Commonwealth Affairs. These regulations are effective from 1 April 1986. They are designed to provide flexibility in maintaining the programme of inward secondments, to which the Government attaches importance because of the benefits it brings to the departments and individuals concerned, consistent with the Civil Service Commissioners' responsibilities under the 1982 Order in Council. Under the new arrangements, the qualifications of a person being proposed for a secondment which is subject to the new General Regulations will need to be approved by the Commissioners and no such appointment can be made unless the Commissioners have issued their certificate of qualification. The revised General Regulations provide the Commissioners with a discretionary power to waive the normal requirement of open competition in appropriate cases.

A copy of the revised General Regulations has been placed in the Library.

THE CIVIL SERVICE COMMISSION GENERAL REGULATIONS 1986

By virtue of the powers conferred on them by Articles 2 and 3 of the Civil Service Order in Council 1982, Her Majesty's Civil Service Commissioners (hereinafter called "the Commissioners"), with the approval of the Minister for the Civil Service and Her Majesty's Secretary of State for Foreign and Commonwealth Affairs, hereby make the following Regulations:

PRELIMINARY

1.1 These Regulations may be cited as "The Civil Service Commission General Regulations 1986" and shall come into operation on [1 April] 1986.

1.2 These Regulations are applicable to candidates of both sexes and to all appointments, transfers or promotions in respect of which, by virtue of the Civil Service Order in Council 1982, a certificate of qualification is required to be issued by the Commissioners.

1.3 In these Regulations, unless the contrary intention appears,

a. the expression "Civil Service" shall mean Her Majesty's Home Civil Service and Diplomatic Service, and

b. the expression "specified" shall mean specified by memoranda or other official instructions issued from time to time as occasion requires by the Commissioners for the situation or grade or group or class of situations concerned, provided that, where the situation or grade or group or class of situations is peculiar to one Department, the memoranda or other official instructions shall also be agreed with the Head of that Department, and

c. the expression "appointed on secondment" shall mean, in relation to a candidate, appointed to a situation in the Civil Service under an arrangement pursuant to which he is, for the period of the appointment, released from all or some of his obligations under any other employment, office or service or from all or some of his obligations under a partnership agreement. The expression "any other employment, office or service" includes any service, office or employment under the Crown.

CERTIFICATES OF QUALIFICATION

2. A certificate of qualification for appointment to a situation in the Civil Service will be issued by the Commissioners only when they are satisfied that a candidate is eligible under the provisions of these regulations in respect of age, health, character, knowledge and ability, and nationality, and that he fulfils any other conditions which may be specified.

3.1 In the case of an appointment or appointments of limited duration the validity of a certificate of qualification may be restricted to a limited period terminating on the date specified in the certificate.

3.2 A person in respect of whom a limited period certificate of qualification has been issued under Regulation 3.1 shall not be appointed to a further situation requiring a certificate of qualification until a further certificate has been issued.

3.3 The circumstances in which and the conditions on which persons may be appointed before the issue of a certificate of qualification to situations requiring such a certificate are specified in Regulation 13 hereof.

METHOD OF ENTRY

4. All appointments which require to be certificated under these Regulations, other than those covered by Regulation 11, shall be made solely on merit on the basis of fair and open competition. Recruitment shall be by means of specified competitions, which shall be sufficiently publicised to the satisfaction of the Commissioners and shall be open to all persons who satisfy the specified conditions and who apply at the time and in the manner specified. Such competitions shall be held at such periods and for such situations or grades or groups or classes of situations as the Commissioners shall from time to time determine.

AGE

5. Every candidate shall satisfy the Commissioners that he is within the specified limits of age, but if no limits of age are specified, the candidate shall satisfy the Commissioners that his age is suitable to the duties of the situation which he seeks.

6. The Commissioners may exceptionally at their discretion extend the specified upper age limit for any candidate if they are satisfied that there is due and sufficient cause.

HEALTH AND REGULARITY OF ATTENDANCE

7. Every candidate shall satisfy the Commissioners that his health is such as to qualify him for the situation which he seeks and that he is likely to give regular and effective service for at least 5 years or for the period of any appointment of shorter duration:

Provided that, in the case of a candidate who is

- a. already employed on functions which have been transferred to the Crown and who is being admitted for employment in the Civil Service in consequence of such transfer, or
- b. already engaged in an employment or office to which the Principal Civil Service Pension Scheme applies either directly or by analogy, or
- c. proposed for appointment on terms which exclude the provisions of the Principal Civil Service Pension Scheme other than those relating to injury benefits,

the Commissioners may at their discretion waive or modify the standard of health required of that candidate for the purposes of the issue of a certificate of qualification.

CHARACTER

8. Every candidate shall satisfy the Commissioners that his character is such as to qualify him for the situation which he seeks.

KNOWLEDGE AND ABILITY

9. The Commissioners shall satisfy themselves that every candidate is qualified in respect of knowledge and ability to discharge the duties of the situation which he seeks.

10. Subject to the provisions of Regulation 11 hereof, the tests in respect of knowledge and ability shall be such as are specified in the relevant memoranda or other official instructions and may include qualifying or competitive tests, examinations or interviews or a combination of these; the tests or examinations may be written, oral or practical. Candidates may also be required to possess specified academic, professional or technical qualifications or appropriate experience, or a combination of these.

11. Without prejudice to the provisions of Regulation 9 hereof the Commissioners may, if they think fit, dispense with or modify any tests in respect of knowledge and ability, if

- a. the Head of the Department or other appointing authority has satisfied the Commissioners that the admission of a particular candidate to a particular situation is for special and exceptional reasons justified by the needs of the public service and the proved merits of the candidate, or
- b. the appointing authority has satisfied the Commissioners that it is desirable that the candidate concerned, being, or having recently been, employed on functions which are being transferred to the Crown, should be admitted for employment in the Civil Service from the date of transfer, or, having recently been employed on functions which have been transferred to the Crown, should be admitted for employment in the Civil Service, or
- c. the appointing authority has satisfied the Commissioners that it is desirable that a candidate already holding a situation in another public service should be admitted for employment in the Civil Service, or
- d. the Commissioners are satisfied that it is desirable, by reason of a shortage of qualified candidates, to admit to a particular situation a candidate who has reached an appropriate standard in a competition for an equivalent or higher situation but has failed to secure appointment to that situation, or
- e. the appointing authority has satisfied the Commissioners that it is desirable that the candidate concerned should be appointed on secondment on the terms proposed, or
- f. a candidate for whom the Commissioners have previously issued a certificate of qualification, or who had been appointed under the provisions of Article 1(2)(b) or (f) of the Civil Service Order in Council 1982, is put forward by the appointing authority for reinstatement, or for appointment to a situation inferior to that which he previously held, and the Commissioners are satisfied as to his knowledge and ability.

NATIONALITY

12.1 To be eligible for appointment (other than to a situation to which Regulation 12.2, Regulation 12.3 or Regulation 12.4 applies) a candidate must be:

- a. a British citizen; or
- b. a Commonwealth citizen (other than a British citizen), or a British protected person, or a citizen of the Republic of Ireland, in which case he must satisfy one of the following conditions:
 - i. at least one of his parents must be, or have been at death, a Commonwealth citizen, a British protected person, or a citizen of the Republic of Ireland; or
 - ii. he must have resided in a country or territory within the Commonwealth, or in the Republic of Ireland, or have been employed elsewhere in the service of the Crown, or partly have so resided and partly been so employed, for at least 5 years out of the last 8 years preceding the date of his appointment;
- c. if not qualified under sub-paragraphs b.i or b.ii of this Regulation, he must satisfy the Civil Service Commissioners that he is so closely connected with a country or territory within the Commonwealth either by ancestry, upbringing or residence, or by reason of national service, that an exception may properly be made in his favour.

12.2 Subject to Regulation 12.4, a candidate will be eligible for appointment to a situation in the Cabinet Office or Ministry of Defence (other than the Meteorological Office, to which Regulation 12.1 applies) only if:

- a. at all times since his birth he has been a Commonwealth citizen or a citizen of the Republic of Ireland, and
- b. he was born in a country or territory which is (or then was) within the Commonwealth or in the Republic of Ireland; and
- c. each of his parents was born in such a country or territory or in the Republic of Ireland and has always been, or (if dead) always was, a Commonwealth citizen or a citizen of the Republic of Ireland;

Provided that in cases where these conditions are not satisfied a candidate may be admitted to appointment by special permission of the Minister responsible for the department concerned, if the conditions specified in Regulation 12.1 are satisfied.

12.3 A candidate will be eligible for appointment to a situation in the Diplomatic Service only if:

- a. he is a British citizen; and
- b. at least one of his parents has been a Commonwealth citizen or citizen of the Republic of Ireland continuously from a date 30 years or more prior to the candidate's appointment or, if dead, was a Commonwealth citizen or citizen of the Republic of Ireland continuously from a date 30 years or more prior to the appointment until his or her death; and
- c. the Secretary of State for Foreign and Commonwealth Affairs is satisfied that the candidate is so closely connected with the United Kingdom, taking into account such considerations as upbringing and residence, that he may properly be appointed.

12.4 In the case of certain appointments under the Secretary of State for Defence and in the case of certain appointments under the Secretary of State for Foreign and Commonwealth Affairs, other than appointments in the Diplomatic Service, either the requirements in Regulation 12.2 and Regulation 12.3 respectively may apply or particular requirements may be prescribed.

12.5 In Regulations 12.1, 12.2 and 12.3 the term "Commonwealth citizen" means any person who has the status of a Commonwealth citizen under the British Nationality Act 1981.

12.6 Nothing in Regulations 12.1 to 12.4 shall preclude the employment of an alien in respect of which a certificate issued under section 1 of the Aliens Employment Act 1955 is for the time being in force.

APPOINTMENT BEFORE THE ISSUE OF A CERTIFICATE OF QUALIFICATION

13. The Commissioners may authorise appointments on the basis of a period of service on specified conditions designed to enable the Commissioners to satisfy themselves regarding a person's suitability for a certificate of qualification in respect of any of the requirements governing health, character, knowledge and ability or nationality, as stated in these Regulations, in the following circumstances:

- a. If there is a shortage of fully qualified candidates a person who does not fully satisfy the specified conditions of knowledge and ability but has nevertheless reached an appropriate standard and who is otherwise acceptable may exceptionally be offered an appointment on the basis of a period of trial service of not less than the probationary period for the situation; and provided such service has been satisfactory the Commissioners will accept the nomination of such a candidate for the issue of a certificate of qualification.
- b. For a candidate who does not fully satisfy the health regulation the Commissioners may authorise an appointment, specifying the manner and time for a further consideration of the health of the candidate in order that the candidate may subsequently satisfy the Commissioners that he is fully qualified in respect of the health regulation for the issue of a certificate of qualification. If, on review, there is still a doubt as to the ability of the candidate to satisfy the health regulation, the Commissioners may authorise an extension of the period of trial service.
- c. If there are doubts about a candidate's character which are insufficient to justify rejection and he is otherwise acceptable for appointment the Commissioners may authorise a period of trial service in order that the candidate may subsequently satisfy the Commissioners that he is qualified in respect of character for the issue of a certificate of qualification.
- d. For candidates who do not satisfy the nationality regulation for the issue of a certificate of qualification, but who may do so at a later date, the Commissioners may authorise a period of service on specified terms.
- e. If it is considered urgently necessary that a candidate should be appointed to a particular situation before the Commissioners' enquiries have been completed, a department may so appoint him on a conditional basis pending certification, provided that there is no *prima facie* doubt as to his eligibility for a certificate of qualification.
- f. If there is a shortage of candidates for a particular situation or grade, and a department wishes to appoint a person of high ability to that situation or grade without open competition, the Commissioners may authorise such appointment on a provisional basis for a period not exceeding 12 months, on condition that the person concerned competes in the next open competition for the situation or grade in question.

REVOCAATION

14. The General Regulations made by the Commissioners on 1 January 1983 are hereby revoked:

Provided that, save as laid down in this Regulation, all regulations, rules and notices made or issued by the Commissioners regarding the admission of candidates to situations in the Civil Service shall remain in force until revoked or cancelled by further memoranda or other official instructions issued by the Commissioners.

**CIVIL SERVICE COMMISSION
MANAGEMENT AND PERSONNEL OFFICE**

1 [April] 1986

