



Prime Minister - 2

FEB

to note that the problem of secondments to the Civil Service before you announced the new legal advice are being 'legitimised' by a blanket amendment to the Order in Council.

CABINET OFFICE

From the Chancellor of the Duchy of Lancaster
Lord Gowrie

MANAGEMENT AND PERSONNEL OFFICE
Great George Street
London SW1P 3AL
Telephone 01-233 8610

Fortunately, part of the period covered is the Labour Government. Also there is no Parliamentary procedure applying to this Order.

The Rt Hon Sir Geoffrey Howe QC MP
Foreign and Commonwealth Secretary
Foreign and Commonwealth Office
Whitehall, SW1

22 April 1985

FEB

25.4.

CIVIL SERVICE ORDER IN COUNCIL

As you probably know, we have received legal advice, in the context of the appointment of Mr Peter Levene as Chief of Defence Procurement, to the effect that appointments by secondment to the Home Civil Service or Diplomatic Service do not (contrary to what had been thought to be the case) fall outside the ambit of the Civil Service Order in Council 1982 and that the requirements of the Order must be satisfied in relation to secondments as in relation to other appointments.

When the Prime Minister made her announcement, by Written Answer on 18 March, about Mr Levene's appointment, she said that measures were being taken to provide that future secondments are made in compliance with the Civil Service Order in Council and any Regulations made thereunder. The Civil Service Commissioners are considering urgently with the lawyers what it will be necessary to do to provide a legal framework within which future secondments can properly be made. It seems likely that this will involve some amendment of the Civil Service Commission General Regulations 1983 (which are made by the Commissioners with the approval of the Minister for the Civil Service and the Foreign and Commonwealth Secretary). I shall write to you again on this point when the position has been clarified.

The purpose of this letter is to seek your agreement to the attached draft Civil Service Order in Council 1985. The object of the draft is to regularise appointments on secondment terms made by departments, in good faith, between 1 December 1978 and the date of the Prime Minister's announcement on 18 March. The significance of the former

date is that it is the operative date of the 1978 Order in Council, which brought appointments for a period of less than 5 years within its scope. We have been advised by the Treasury Solicitor that to proceed by way of a further Order would give rise to the least administrative complications.

Apart from future secondments (as I said, I shall be writing about these) and secondments that have already been made, there remains the category of those that are in the pipeline, ie those for which departments had already started making arrangements on 18 March (and in respect of which commitments will have been entered into) but which had not been finalised at that date, although they may have been since. I have already asked Departments to provide me with details of all such proposals. The Commissioners will then consider urgently how best to deal with them under the 1982 Order in Council and 1983 General Regulations until such time as arrangements for the longer term have been completed.

There is of course a need for the 1985 Order in Council to be made at the first opportunity. The Privy Council meets on 15 May, and papers for that meeting are required to be with the Privy Council Officer by 9 May. I should, therefore, be glad to know by the end of this month whether you are content with the enclosed draft Order.

I am copying this to the Prime Minister and Sir Robert Armstrong.

Y
L
T
J
M
2

GOWRIE

THE CIVIL SERVICE ORDER IN COUNCIL 1985

At the Court at

THE DAY OF 1985

PRESENT,

THE QUEEN'S MOST EXCELLENT MAJESTY
IN COUNCIL

Whereas by the Civil Service Order in Council 1982 (hereinafter referred to as "the principal Order") (a), provision was made for certifying the qualifications of persons proposed for appointment to situations in Her Majesty's Home Civil Service or Diplomatic Service and for regulating the conduct of Her Majesty's Home Civil Service and the conditions of service therein:

And whereas it is expedient to make additional provision in respect of certain appointments to situations in Her Majesty's Home Civil Service and Diplomatic Service without a certificate of qualification:

Now, therefore, Her Majesty is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

1. In respect of any appointment on secondment, made on or after 1st December 1978 and before 19 March 1985, to a situation in Her Majesty's Home Civil Service or Diplomatic Service, nothing in the principal Order, or in any Order re-enacted in that Order, shall be taken to require, or to have required :

(a) The principal Order was amended by the Civil Service (Amendment) Order in Council 1985.

- (a) that the qualifications of a person proposed for appointment to a situation in Her Majesty's Home Civil Service or Diplomatic Service be approved by the Commissioners; or
- (b)] that no person shall, or shall have, been appointed to such a situation until a certificate of qualification has, or had, been issued by the Commissioners.

2. In this Order:

(1) the expression "the Commissioners" means the persons for the time being appointed by Her Majesty in Council to be Her Majesty's Civil Service Commissioners for the purposes of the principal Order;

(2) the expression "appointment on secondment" means an appointment:

(a) the payment of wages, salary or other remuneration in respect of which is, under the terms of any arrangement between the Crown and any other person, made by that other person, whether or not that payment is in whole or in part reimbursable by the Crown under the terms of that arrangement; or

(b) for the period of which the person appointed is released by his employer

or from some or all of his obligations under a partnership agreement, whether or not the person appointed becomes, for the period of the appointment, an employee of the Crown.

3.-(1) This Order may be cited as the Civil Service Order in Council 1985 and shall come into operation on [] 1985.

(2) The Interpretation Act 1978(a) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

G I de Deney.

EXPLANATORY NOTE

(This Note is not part of the Order.)

Under the Civil Service Order in Council 1982 ("the 1982 Order"), before a person is appointed to a situation in the Home Civil Service or Diplomatic Service the approval by the Civil Service Commissioners of his qualifications and the issue by those Commissioners of a certificate of qualification are required (except in the case of those appointments listed in Article 1(2) of the 1982 Order). The 1982 Order also preserves those requirements of the Civil Service Order in Council 1978 ("the 1978 Order") as they applied to appointments under that Order. This Order provides that in respect of appointments on secondment to the Home Civil Service and the Diplomatic Service made on or after 1st December 1978 (the operative date of the 1978 Order) and before 19 March 1985, the approval of qualifications and the issue of a certificate of qualification by the Commissioners were, and are, not required.

1121
254
985

24 APR 1985



CC 20

Treasury Chambers, Parliament Street, SW1P 3AG

The Rt Hon The Earl of Gowrie
Chancellor of the Duchy of Lancaster
Management and Personnel Office
Great George Street
LONDON SW1P 3AL

MBM

20 May 1985

Dear Guy,

CIVIL SERVICE COLLEGE: NEXT STEPS ON REPAYMENT

Many thanks for your letter of 15 ~~March~~ and I am very sorry that you have not had an earlier reply.

I agree that in placing the College on the same footing as other institutions in the private and public sectors it will be necessary to examine the extent to which competitors are subsidised. But we do need to take a conscious decision about the need for a subsidy, its level and the form it should take. Although the Business Schools receive Exchequer grants, those of their courses that are comparable with courses run by the College often cover, or more than cover, their full costs: a 5-day residential senior management course at the London Business School was recently advertised at £1,100! And some of the private colleges typically charge at least £500 for an equivalent non-residential course.

I am content for this issue to be tackled in the context of the review of the longer term finance and Vote accounting structures of the College. But I hope you will agree that the review should start in 1985-86 so that any desirable changes can be introduced earlier rather than later.

I am copying this to the recipients of your letter.

Barney Hayhoe

BARNEY HAYHOE

Civil Service; Long term; Pt 17

1954
APR 1 2 3 4 5 6 7 8 9 10 11 12

24 APR 1954



CABINET OFFICE

*From the Chancellor of the
Duchy of Lancaster*
Lord Gowrie

MANAGEMENT AND PERSONNEL OFFICE
Great George Street
London SW1P 3AL
Telephone 01-233 8610

Barney Hayhoe Esq MP
Minister of State
HM Treasury
Parliament Street
London SW1

4 June 1985

Dear Barry,

Thank you for your letter of 20 May about the central payment to the Civil Service College for the Property Repayment Service charges for its two sites.

I am glad that you agree that this issue should be tackled in the context of the review of the longer term finance and vote accounting structures of the College. The Interdepartmental College Repayment Steering Group, on which your department is represented, discussed this as recently as 10 May and concluded that the central payment should continue for the time being but be reviewed as you suggest. The College has already arranged to meet Treasury officials to start this process. We shall have to see what they come up with but I think we have to accept that important changes to the financial and vote accounting structures of the College are unlikely before 1987-88.

Copies of this go to other Ministers in charge of departments, to the Prime Minister, and to Sir Robert Armstrong.

GOWRIE

