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30 September 2009

Dear Mr Jones

Freedom of Information request 270: recruitment

Thank you for your email of 1 September 2009 seeking an internal review of the Wales Office's handling of this request, and for elucidating that your concerns had arisen from temporary promotions in particular.

The reply to your request acknowledged that it was some days outside the statutory time limit, because of staff absences in August, and apologised. In seeking clarification of your concerns I added my own apology for this too.

You alleged that Wales Office staff had 'deliberately misinterpreted and ignored parts of [your] question in order to avoid answering truthfully and to withhold information'. This is a grave charge. I can find no foundation for it. On the contrary, my staff gave you information going beyond your request.

With the imminent change of Director, it will be valuable to the Office to have a base record of staff in post and how they reached present grades. I therefore commissioned a major exercise by my HR manager to produce this. As a result, I can now give you a wealth of information, far more than you requested, showing staff recruitment in recent years on a systematic basis. This

information was not available to disclose when we responded to your original request, but has been generated since.

Your request of 18 July 2009 referred to the Civil Service Order in Council 1995. The Civil Service Commissioners' Code relates only to recruitment into the civil service from outside, as our reply said. The line "As such no permanent staff have been substantively recruited or promoted in the last 3 years without fair and open competition being applied" sought to meet your question – on staff who had been "recruited" or "promoted" – accurately, precisely and with helpful clarification.

You asked for paperwork relating to any staff who had been recruited or promoted without fair and open competition. There were none, so this part of your request had nothing to apply to.

Were you to seek papers on individual appointments, we should have to consider the rights of individuals to have some employment details kept private. It is also relevant that in line with the MoJ's record retention policy, conforming to data protection principles, we do not hold papers on competitions for more than 12 months. We periodically destroy old papers, and did so a few months ago, after our new HR manager took up post.

Reverting to your present request, my Office went on to volunteer additional information, beyond your request, in case your query had arisen from concerns about the temporary promotion of three key senior managers.

Through the special exercise mentioned – which would not have been warranted to respond to an FOI request alone, but serves a business need - I have now obtained information which covers the full six years you asked for in seeking this internal review.

In the last six years the Wales Office has followed the recruitment policies of three organisations; the National Assembly for Wales, the Department for Constitutional Affairs, and now the Ministry of Justice. In all three the recruitment policies and practices meet the Civil Service Commissioners' Code and equality best practice. Internal recruitments, while not covered by the Code, follow its principles, taking account of the staff we have, and business need. If we have a post to offer internally, we first consider staff in the same grade who have been displaced within the Ministry of Justice, and need to be redeployed. Then staff already in the Wales Office have opportunity to apply, in their existing grade or on promotion, in response to a Ministry wide advertisement (which may be run in the Welsh Assembly Government too, seeking staff on loan from there). If we do not find a suitable candidate through these processes, we consider advertising across the civil service. If this too fails we may seek to recruit externally, but as this adds to the overall size of the civil service, we do so only with Ministry of Justice approval, which is sparingly given.

We choose to apply the Code's principles of fair and open competition to internal selections, as a matter of policy. Posts are advertised, and a panel sifts

applications and interviews applicants. Posts are offered to candidates in order of merit. Candidates are judged on their competence for the role and against consistent criteria of assessment.

The Code, now the “Civil Service Commissioners Recruitment Principles”, has nine exceptions. The only exception we have applied in the last six years is for “short term appointments up to a maximum of 2 years”, which we have used when posts are not permanent, or where we have trawled internally but have not been given permission to recruit externally.

Annex A shows all recruitment activity for the last six financial years. A recruitment campaign was held for every post, except the redeployments or internal transfers, which were lateral moves, at the same grade, not promotions. Different considerations apply if we take someone in a casual role, who cannot then become established as a civil servant without successfully going through the external recruitment process.

Temporary promotion in the civil service is at managerial discretion, offered to cover maternity or paternity leave, extended sick leave or posts vacant while being advertised or where a recruitment campaign has failed to secure suitable appointees. Whenever we have offered temporary promotion, we have told those concerned that temporary promotion “must not be regarded as conveying any expectation of, or any right to, substantive promotion. To achieve substantive promotion it is necessary to be a successful applicant for a vacant post following a recruitment campaign.”

The force of this has been shown in the case of the temporary promotions referred to in our earlier response; one person was successful, one was unsuccessful, and one chose not to apply.

It was helpful that you drew attention to our organisation charts. These show the organisation in functional lines, and for this purpose use ‘temporary promotion’ or ‘TP’ as convenient shorthand, not seeking to describe a person’s exact employment status. Thus some staff marked on the charts as having ‘TP’ are, to be exact, receiving a temporary responsibility allowance, for doing work beyond the requirements of their grade, as opposed to being temporarily promoted into a higher grade. A full list of people who have received temporary promotion in the last six years is at Annex B.

With the benefit of this new comprehensive report, it is evident that our statement – which was part of the additional information volunteered - that there were only three temporary promotions exceeding one year was slightly inaccurate. There were another two cases at lower grade where it extended up to 16 months. But in all cases such promotions had come to an end, with substantive promotions following fair and open competition, by the time of our original response.

I hope this detailed information will show you that there was nothing misleading in our response.

If you remain dissatisfied, following this internal review of our handling of your request, you may apply to the Information Commissioner at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

As I mentioned, I am now retiring from this Office. My successor is Fiona Adams-Jones, who knows of your request and this review, and will be ready to deal with any follow up queries you may have.

Yours sincerely

Alan Cogbill

ALAN COGBILL

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ANNEX A - OVERVIEW OF WALES OFFICE RECRUITMENT 2003-2009

Total level of recruitment over last 6 years									
Financial Year	Total no. of new staff recruited to Civil Service	Total no. of staff promoted internally within Civil Service	Total no. of staff transferred internally on lateral grade	No. of staff in each grade					
				SCS	G6	G7	SEO	HEO	EO
2003-04	1	12	7	0	2	3	3	5	3
2004-05	2	6	4	0	0	0	1	2	4
2005-06	2	14	10	2	2	1	1	8	5
2006-07	4	7	3	0	2	1	3	1	3
2007-08	4	7	8	0	1	4	0	4	4
2008-09	2	16	5	1	0	4	6	4	2
2009-10 To date	0	7	3	4	0	1	1	3	0

Abbreviations used in Tables below

P	= Promotion	TP	= Temporary Promotion	LT	= Lateral Transfer at same grade	R
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**ANNEX A continued - DETAILED INFORMATION RELATING TO
RECRUITMENT 2003-2009**

2003-04

Grade	Title	Action
G6	Principal Private Secretary To Secretary Of State	Internal Recruitment (P)
TP G6	Strategy Policy Adviser & Deputy Director	Internal Recruitment (TP)
G7	Head Of Local Government & Transport	Internal Recruitment (P)
G7	Head Of Social Affairs Policy	Internal Recruitment (LT)
Deputising G7	Head Of Economic Affairs	Internal Recruitment (TP)
HEO	Parliamentary Clerk	Internal Recruitment (P)
HEO	Policy Manager	Internal Recruitment (P)
HEO	Policy Adviser (Local Government & Transport)	Internal Recruitment (P)
HEO	Personal Secretary to Head Of Division	Internal Recruitment (P)
HEO	Team Leader Industry & Employment	Internal Recruitment (LT)
EO	Adviser Economic & External Affairs	Internal Recruitment (LT)
EO	Policy Officer Health & Social Care	Internal Recruitment (P)
EO	Diary Secretary	Internal Recruitment (P)
AO	Administrative Clerk	Internal Recruitment (P)
AO	Accommodation Officer	Internal Recruitment (P)
AO	Branch Support Officer	Internal Recruitment (LT)
AO	Administrative Officer	Internal Recruitment (LT)
AO	Administrative Officer	Fixed Term Appointment (
AA	Messenger	Internal Recruitment (LT)
Driver	Driver	Internal Recruitment (LT)

2004-05

Grade	Title	Action
SEO	Head of Finance & Administrative	Internal Recruitment (P)
HEO	Finance Officer	Internal Recruitment (P)
HEO	Team Leader Social Affairs	Internal Recruitment (LT)
EO	Policy Officer	Internal Recruitment (P)
EO	Policy Adviser	Internal Recruitment (P)
EO	Accommodation & Estates Manager	Internal Recruitment (P)
EO	Policy Adviser	Internal Recruitment (P)
AO	Personnel Officer	Internal Recruitment (LT)
AO	Correspondence Clerk	External Recruitment (R)
AO	Personnel Officer	Internal Recruitment (LT)
AO	Team Support	Fixed Term Appointment (R)
AA	Messenger	Redeployed (LT)

2005-06

Grade	Title	Action
SCS	Director	Managed Move (LT)
TP SCS	Principal Private Secretary to Secretary Of State	Internal Recruitment (TP)
G6	Strategy Policy Adviser & Deputy Director	Internal Recruitment (P)
G6	Head of Finance & Corp Services	Internal Recruitment (P)
G7	Head of Strategic Policy Branch	Internal Recruitment (P)
SEO	Senior Parliamentary Clerk	Internal Recruitment (P)
HEO	Finance Manager	Internal Recruitment (LT)
HEO	Team Leader Health	Internal Recruitment (P)
HEO	Team Leader Economic Affairs	Internal Recruitment (P)
HEO	Team Leader	Internal Recruitment (P)
HEO	Team Leader Or	Internal Recruitment (P)
HEO	Team Leader Social Affairs 2	Internal Recruitment (LT)
HEO	Policy Adviser	Internal Recruitment (P)
HEO	Team Leader	Internal Recruitment (LT)
EO	Asst Private Secretary	Internal Recruitment (P)
EO	Policy Officer	Internal Recruitment (P)
EO	Asst Private Secretary To PUSS	Internal Recruitment (P)
EO	Legislation Strategy Policy Adviser	Internal Recruitment (LT)
EO	Policy Officer Branch 2	Internal Recruitment (LT)
PS	Personal Secretary	Managed Move(LT)
AO	Branch Support Officer	Internal Recruitment (LT)
AO	Accommodation Officer	Internal Recruitment (LT)
AO	Team Support	Fixed Term Appointment (R)
AO	Finance Officer	External Recruitment (R)
AO	Correspondence Asst	Internal Recruitment (P)
AO	Personal Secretary/Office Manager	Internal Recruitment (LT)

2006/07

Grade	Title	Action
G6	Legislation Adviser	Internal Recruitment
G6	Head of Communications and Chief Press Officer	External Recruitment
G7	Head of Economic and European policy	Internal Recruitment
SEO	Policy Team Leader	Internal Recruitment
SEO	Private Secretary to Parliamentary Under Secretary of State	Internal Recruitment
SEO	Private Secretary to Secretary of State	Internal Recruitment
SIO	Senior Information Officer	Internal Recruitment
HEO	Team Leader Economic Affairs	Internal Recruitment
EO	Accommodation Manager	Internal Recruitment
EO	Policy Adviser	Internal Recruitment
EO	Parliamentary Asst	Internal Recruitment
AO	Finance Officer	External Recruitment
AO	Branch Support	Fixed Term Appoi
AO	Branch Support	Fixed Term Appoi

2007/08

Grade	Title	Action
G6	Legislation Adviser	Internal Recruitment (P)
G7	Head of Legislation and Strategy Policy	Internal Recruitment (P)
G7	Head of Strategy Policy	Internal Recruitment (P)
G7	Head of Legislation Policy	Internal Recruitment (LT)
G7	Head of Policy Briefing	Internal Recruitment (LT)
HEO	Policy Adviser	Internal Recruitment (P)
HEO	Parliamentary Clerk	Internal Recruitment (LT)
HEO	Policy Adviser 3 Team	Internal Recruitment (LT)
HEO	Policy Adviser	Internal Recruitment (LT)
IO	Information Officer	Fixed Term Appointment (R)
EO	Diary Sec to Parliamentary Under Secretary of State	Internal Recruitment (P)
EO	Asst Private Secretary	Internal Recruitment (LT)
EO	Corporate Services Records Manager	Internal Recruitment (P)
EO	Finance Officer	Internal Recruitment (P)
AO	Branch Support Officer	Internal Recruitment (LT)
AO	Accommodation Officer	Redeployed (LT)
AO	Correspondence Asst	Fixed Term Appointment (R)
AO	Finance Officer	Fixed Term Appointment (R)
AO	Team Support	Fixed Term Appointment (R)

2008-09

Grade	Title	Action
TP SCS	Principal Private Secretary to Secretary of State	Internal Recruitment (TP)
G7	Head of Finance & Governance	Internal Recruitment (P)
G7	Head of Corporate Services	Internal Recruitment (LT)
G7	Head of Legislation Programme Branch	Internal Recruitment (P)
G7	Head of Economic Policy	Internal Recruitment (P) reserve
SEO	Strategic Adviser	Internal Recruitment (P)
SEO	Legislation Programme Manager	Internal Recruitment (P)
SEO	Private Secretary to Secretary of State	Managed Move (LT)
SEO	Legislation Policy Adviser	Internal Recruitment (P)
SEO	Legislation Policy Adviser	Internal Recruitment (P)
SEO	Cabinet Support Officer	Internal Recruitment (P)
SEO	Legislation Programme Manager	Internal Recruitment (P)
HEOD	Policy Adviser	Fast Stream Transfer (LT)
HEO D	Policy Adviser	Internal Recruitment (LT)
HEO	Policy Briefing Adviser	Internal Recruitment (P)
HEO	Policy Team Leader	MOJ External Recruitment (P)
HEO	Policy Adviser	MOJ External Recruitment (P)
HEO	Policy Adviser	MOJ External Recruitment (P)
IO	Info Officer	Internal Recruitment (P)
EO	Asst Private Secretary	Internal Recruitment (P) reserve
EO	Legislation Policy Adviser	Fixed Term Appointment (R)
AO	Branch Support	Fixed Term Appointment (R)
AO	Finance officer	Redeployed (LT)

2009-10

Grade	Title	Action
SCS	Director	Internal Recruitment (LT within S
SCS	Principal Private Secretary to Secretary of State	Internal Recruitment (P)
SCS	Head of Policy & Strategy	Internal Recruitment (P)
SCS	Head of Legislation	Internal Recruitment (P)
G7	Head of HR	Internal Recruitment (LT)
SEO	Senior Policy Adviser	Internal Recruitment (P) reserve
HEO	Policy Adviser	Internal Recruitment (P)
HEO	Policy Adviser	Internal Recruitment (P)
HEO	Policy Adviser	Internal Recruitment (P)
EA	Executive Asst	Internal Recruitment (LT)

ANNEX B - OVERVIEW INFORMATION RELATING TO STAFF ON TEMPORARY PROMOTION (TP) 2003-2009

Total Number of staff receiving TP over last 6 years								
Financial Year	Total no. of staff commencing TP	No. of staff in each grade						
		SCS	G6	G7	SEO	HEO	EO	AO
2003-04	4		1	1	1	1		
2004-05	3				1	1	1	
2005-06	8	1		1	4	1	1	
2006-07	0							
2007-08	6	1		3	2			
2008-09	1	1						
2009-10	1			1				
To date								

DETAILED INFORMATION RELATING TO TEMPORARY PROMOTION (TP) 2003-2009

Job Title	Grade of Post	Length on TP	Justification
2003-04			
Head of Economic Affairs and Deputy Director	G6	6 mths	Substantive G6 left. Post advertised through fair and open competition. Not offered substantively as National Assembly did not intend to increase its headcount at this level. Post-holder returned to substantive grade as G7.
Head of Economic Affairs	G7	22 mths	Substantive G7 left. Post advertised through fair and open competition. Not offered substantively as National Assembly did not intend to increase its headcount at this level. Post-holder returned to substantive grade as SEO.
Job Title	Grade of Post	Length on TP	Justification
2003-04 continued			
Projects	SEO	8 mths	Temporary Project Role created to assist Deputy Director on Maternity Leave
Policy Adviser	HEO	20 mths	To cover above post-holder's role.
2004-05			
Team leader	SEO	10 mths	Substantive SEO on maternity leave.
Parliamentary Clerk	HEO	6 wks	To cover paternity leave
Accommodation Manager	EO	11 months	Substantive EO left. Post role was expanded to cover additional responsibilities. Person given TP until post finally advertised. Industry open competition in being promoted substantially.
2005-06			
Principal Private Secretary to Secretary of State and Deputy Director	SCS	3yrs 11 mths	Substantive G6 left. Post advertised at this level but not offered substantively due to additional responsibilities at Deputy Director level. Alternative Deputy Director post when SoS changed. Offered through fair and open competition in being promoted substantively.

Head of Strategic Policy	G7	3 mths	Branch Reorganised. Exiting G7 promoted. Current post advertised. Individual successful following fair and open competition in being promoted substantially
Private Secretary to Parliamentary Under Secretary of State	SEO	15 months	Post regarded and current post-holder offered TP until post advertised. Individual successful following fair and open competition in being promoted substantially
Legislative Policy Adviser	SEO	17 mths	Post regarded. Post-holder offered TP until post advertised. Individual successful following fair and open competition in being promoted substantially
Job Title	Grade of Post	Length on TP	Justification
2005-06 continued			
Senior Parliamentary Clerk	SEO	3 mths	Office re-organisation. New post created. Post-holder offered TP until post advertised. Individual successful following fair and open competition in being promoted substantially
2004-05 continued			
HR Manager	SEO	3 yrs 6 mths	HEO post advertised but no appointment made. Post-holder offered TP until post advertised and offered on a TP basis.
Team Leader	HEO	4 months	Substantive HEO left and the post remained unfilled on a temporary basis whilst recruitment underway. Individual successful following fair and open competition in being promoted substantially
Correspondence Manager	EO	2 mths	Substantive EO left and the post remained unfilled on a temporary basis whilst recruitment underway but Individual successful following fair and open competition in being promoted substantially
2006-07	None		
2007-08			
Head of Policy and Strategy & Deputy Director	SCS	30 mths	Post regarded. Post-holder offered TP until post advertised. Individual unsuccessful following fair and open competition.
Head of Policy Briefing	G7	6 weeks	New G7 post created. Person given TP until post advertised. Individual successful following fair and open competition.
Head of Finance and Corporate Governance	G7	7 months	Organisational Review following Departure of G6. 2 posts created. Individual covered both posts during recruitment. Individual successful following fair and open competition.
Head of Policy Briefing	G7	7 mths	Substantive G7 left. Person given TP until post advertised. Individual unsuccessful following fair and open competition.
Job Title	Grade of Post	Length on TP	Justification
2007-08 continued			
Legislative Programme Manager	SEO	16 mths	Post regarded. Post-holder offered TP until post advertised. Individual successful following fair and open competition in being promoted substantially
Legislative Policy Adviser	SEO	6 mths	Post regarded. Post-holder offered TP until post advertised. Individual successful following fair and open competition in being promoted substantially
2008-09			
Principal Private Secretary to Secretary of State	SCS	15 mths	Previous Post holder moved to different role at Deputy Secretary of State. Individual chose not to compete in the fair and open competition. Individual successful following fair and open competition in being promoted substantially Welsh Assembly Government

2009-10			
Head of Strategic Policy	G7	2mths to date	Substantive G7 left. Person given TP until post adv organisational structure at this time.