

Public Administration and Constitutional Affairs Committee

Oral evidence: [The Work of the Civil Service Commission, HC 625](#)

Tuesday 27 January 2026

Ordered by the House of Commons to be published on 27 January 2026.

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Members present: Simon Hoare (Chair); Markus Campbell-Savours; Lauren Edwards; Peter Lamb; John Lamont; Mr Richard Quigley; Michelle Welsh.

Questions 88-132

Witness

[I](#): Rt Hon Baroness Stuart of Edgbaston, First Civil Service Commissioner.

Examination of witness

Witness: Baroness Stuart of Edgbaston.

Q88 **Chair:** Good morning, colleagues, and welcome to this session where we continue our deep dive into and exploration of issues regarding standards, their importance to public life, and how a number of our institutions are working. We have two panel sessions this morning. We are pleased to welcome Gisela Stuart, in charge of the Civil Service Commission, for our first session. Lady Stuart, you are welcome, and thank you for joining us again.

I am going to kick off the questioning, if I may. We know that standards in public life are important, and increasingly dominate quite a swathe of public discourse about how politics in Parliament and governance are delivered. We know the importance of an effective standards system. I wondered if you might say a word or two about how you see your commission playing its part in this important area.

Baroness Stuart: In a broad sense, the Nolan principles have been remarkably resilient and operate to a set of agreed standards. As a professional regulator, we also have enduring standards. We ensure that competitions and entry into civil service follow open and fair processes, and the decision is made on merit. These things are important because the values themselves are enduring but, as circumstances change, the



HOUSE OF COMMONS

way we maintain, allow flexibility and regulate them change, and they have to be adaptable.

The commission is a classic example of an organisation that has existed for more than 170 years. It is fulfilling a function that the Government cannot fulfil because the Government cannot mark their own homework. Therefore, as a regulator that ensures compliance of standards, it plays a part in democratic structures.

Q89 Chair: You have obviously been a Member of the House of Commons, a Member of the House of Lords, and are leading the commission. On the cynicism wheel, if you will, how concerned should Parliament and the agencies of Government and governance be of what appears to be a growing sense of cynicism among the public that can effectively be translated as, "It doesn't really matter who is in charge; they're all the same. They will look after each other"? There is a general cynicism that politics is not on the side of the public; it has been less about public service and more self or party service. Have you detected a trend? If so, what would your prescription be to try to remedy it?

Baroness Stuart: If you will allow me to make a personal observation, because I was the first former politician in some 120 years to fulfil that role. It has usually been fulfilled by former civil servants. Similarly, the last chair of ACOBA was a former politician.

It is really important that, if you have a regulator, they know the rules of the game: the rules of engagement, the frustrations and the tensions. However, they must then remind themselves very firmly that, for the period of the office, they are a referee not a player. They observe and they regulate. These are the first set of boundaries.

The second set of boundaries is transparency, and we may later come on to things like our use of exceptions and so on. You publish things in time so that people know what decisions are being made close to the point when decisions are being made.

In terms of cynicism, when you get a dissonance between what is promised and what is delivered, that is when you give space for cynicism. The most effective way of dealing with cynicism is to actually show utility. That is why we, as a regulator, make sure that we are proportionate, predictable and act at pace. That goes for every part of Government. That is probably the most enduring way of tackling this.

Q90 Chair: Do you think we are anywhere near the time the British public give up? Or is there still light at the end of the tunnel?

Baroness Stuart: It is very easy to think that what we experience at any one moment is unprecedented. Governments and societies go through cycles. In the wake of a pandemic, questioning the free flow of trade and all those things are shifting. That is when it is the role of the Government and institutions like the civil service to adapt and reflect.



HOUSE OF COMMONS

The biggest challenge is to be able to distinguish between the urgent and the important and not be run adrift because the urgent demands keep calling your attention but focus on the important. That is why, when I look at the civil service, it comes back to skills. Technology is changing, so what are the new skills that we need in there? That is where we need to focus.

There is nothing unique in terms of the United Kingdom. I still start the day by reading international press cuttings and there are days when I sometimes feel like “insert country”. It is not unique, it is not insoluble, but we have to focus on the important.

Chair: “Events, dear boy, events,” as Macmillan would have said.

Q91 **John Lamont:** Good morning, Baroness Stuart. It is good to see you again. The Government have created the Ethics and Integrity Commission, which has replaced the CSPL. What is your view on this change?

Baroness Stuart: I welcome the fact that there is now an overarching body because, coming back to what I said earlier about the enduring standards and the various demands—standards in public life, parliamentary standards, the Electoral Commission and all those kinds of bodies—they now come together in a more structured way. It is like an early warning system: where may the system, in certain places, start to go wrong and our other bodies experience something similar?

Just as we, in the commission, are very much educators, and success for us is that everything is done as it should be, then the overarching body is the right way forward. It makes it more formal in terms of how it meets. I am sure Doug Chalmers will be able to tell you more about where he thinks it should be going, but I welcome this step.

Q92 **John Lamont:** You previously took part in informal meetings that the CSPL chaired. It is now much more formal in terms of how these meetings take place, which you have already referred to. Has anything been lost by the move from informal meetings to a more formal structure?

Baroness Stuart: The commission has always been represented at those meetings in some way, but it is probably too early to say that. Will you take evidence from Doug Chalmers at a later stage? When different organisations come together in new formations, they have to find their feet in terms of what the best way forward is.

What is valuable to me is that we, in the commission, try to be predictable. There also has to be some uniform clarity on what we expect from people when they enter into public life, whether as an elected politician, a civil servant, or serving in other capacities. That is where a body can bring some coherence, which would be very welcome.

Q93 **John Lamont:** Are there any standards bodies not included in that



structure that you think should be?

Baroness Stuart: From the remit, as I understand it, they could bring in other bodies and will come to a point where they decide for themselves. It is really something for Doug to decide.

Q94 **John Lamont:** Looking ahead, how would you measure success for the EIC? If you fast forward to 10 years from now, how would you measure its success or failure looking back?

Baroness Stuart: Almost the same way as I would measure the success of the commission. If you go back, you have the Nolan principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership. The civil service has three of those, and then I have impartiality. Those are pretty enduring principles.

One of the changes coming our way, which we will need to assess and has ethical implications, is the use of artificial intelligence. How do we apply the changes that are coming our way without deviating from those core principles that have proven their worth? That would be my sign of success.

Q95 **John Lamont:** The Government have made a commitment to restore confidence in Government and ensure Ministers are held to the highest standards. Beyond the creation of the commission, what else should the Government do to achieve that?

Baroness Stuart: You will take evidence after me that will tell you more about Ministers being held to standards, but it comes back to showing that you are delivering—that a civil service actually implements the policies of the Government of the day in an impartial way. Effectiveness is the greatest sign of success. For the civil service, that requires quite an adaptation of its workforce at the moment. We at the Civil Service Commission want to make sure that people come in, come out and adapt in a fair and appropriate way. I genuinely think that is the best way of restoring confidence.

Q96 **Chair:** You mentioned the enduring nature of the Nolan principles, and the whole Committee would agree with you on that. They have been around a long time. Is there a danger that, in essence, they have become part of the unnoticed landscape and architecture? Do they need to be refreshed or re-calibrated to become relevant today, rather than to the time John Major asked Lord Nolan to have a look at this important area?

The point I am trying to make is whether, if you asked somebody what the fourth principle was, it would be like the seventh commandment. They know there are 10—one is to do with killing, one with coveting and another with honouring—but they are not going to be able to get them all in the right order. Is there a danger of that and that, therefore, their relevance and likely importance are just taken for granted?

Baroness Stuart: That is why these standards bodies also have to be educators and a constant reminder of them. When I look at where the



HOUSE OF COMMONS

commission, the civil service code and our recruitment principles are not complied with, we have not found evidence of people wilfully ignoring them.

You have to continuously educate. We now do recruitment principle training sessions, and over 500 people log into each one of those sessions. I know there is always a temptation to say that we must come up with something new, but sometimes the best way is to make sure that people are aware of those codes.

In a survey, we make sure people are aware of the civil service code. It consistently scores high numbers, but we then have training sessions to remind people what those principles mean in practice, and what it means in their daily life. We all find that sometimes something happens to make you say, "That is a registerable interest, I really should have declared it," or, "This has happened; I should have checked it." The educational function of those bodies is easily overlooked but it is essential to keep renewing them to keep awareness going.

Q97 Mr Quigley: Hello, Baroness Stuart. It is nice to see you again. If you were to give an assessment of the work carried out by the Civil Service Commission over the last year, what would you list as achievements and challenges? What would you say the handbrakes have been to achieving what you wanted to achieve?

Baroness Stuart: I may be chronologically out of sync, because these things flow together, but the biggest one would be that we got a new framework agreement, which was really important. It built on the original memorandum of understanding.

We now have a set of 11 commissioners in a composition, as three are rotating off in October. We have started the recruitment process. It also means that, as they come to the end of the term, their skillset is fairly spread.

After the change of Government and the general election, we looked at the way exceptions were used, not just by Departments, and at ourselves. We asked if that was still the right way of doing it. We started to publish things on a much more regular and contemporaneous basis.

I am expecting our website to be more user-friendly before too long. We have now started the business appointment rules process, but it is pretty much early days.

We had a board effectiveness review to look at how we, as independent offices, work together. That has made really good progress. I have to pay tribute to the staff at the independent offices for their adaptability and for rising to the challenge.

What are the challenges ahead? Recruitment. We are currently advertising for new commissioners and the deadline is next Monday. If



HOUSE OF COMMONS

anybody wishes to apply to become a Civil Service Commissioner, there is still time.

Chair: Where do we sign?

Baroness Stuart: We are looking for two particular skills on top of being commissioners: a link commissioner for Scotland, because we work for the devolved Administration, and a new chair for the audit and risk committee.

Then, of course, there is my replacement. My term comes to an end next March and, if I reflect on how long it took from the position being advertised to it actually being filled, I very much hope that Ministers will start the appointment process before Easter, so that they can have confirmation hearings before Christmas. That would allow a couple of months of induction training. That is currently the biggest challenge.

Q98 **Mr Quigley:** Do you feel Ministers are listening to you saying, "I'm going and we are recruiting; what we are doing about it?"

Baroness Stuart: Yes, and I keep telling them.

Q99 **Mr Quigley:** I can well believe that. You mentioned the framework agreement, and I note that it includes the CSC, the Public Appointments Commission and the ACOBA, which no longer exists. Are you expecting the framework to be updated again or are you happy with it as it is?

Baroness Stuart: We are again reviewing the board effectiveness and looking at the structure for the best way forward, because it is now no longer three organisations. One is being brought in, and we have a good relationship with our sponsoring Department. We are revisiting it to make sure we reflect that work.

Q100 **Mr Quigley:** In terms of ACOBA disappearing and being absorbed partly into the CSC, are you happy that everything will be covered and that the role ACOBA used to play will not fall apart?

Baroness Stuart: By then you will probably have a view of the civil service one. We do the civil servants and special advisers; your next witness does Ministers. In a sense, the Ministry of Defence has its own process of dealing with it. The key thing for me is that we will also apply part of the audit function. We have looked at how exceptions are being delegated or recruitment is done by Departments, and we are in the process of developing an audit function for the business appointment rules, so there is some coherence and we can tell if it is applied.

Ministers, when they gave us the new task on business appointment rules, said that we should update on a three-monthly basis. Next week, I will be taking a paper to the board with recommendations, having had conversations with Ministers on how we think it should develop. The big challenge for us with the commission work is that we are on a statutory basis, the recruitment principles are ours, and we apply them. For the



HOUSE OF COMMONS

business appointment rules, we are advisory and the code is really owned by Ministers. So there is a bit of a challenge for us here as well.

- Q101 **Peter Lamb:** Among other changes, the Government have committed to try to deliver a more agile state in terms of changing the civil service to enable greater recruitment externally. Have you discussed any potential changes to the hiring process to enable this?

Baroness Stuart: Not in those terms. If I go back to what Ministers can do at the moment, and look at our recruitment principles on entering the civil service, there is a list of exceptions for people entering the civil service, and sometimes really bespoke aspects for bringing in people with a skill set.

If you go on the Cabinet website, as I did this morning, the headline says, "No. 10 innovation fellowships expand bringing top tech talent to the heart of Government." The Government generally wanted to bring in AI specialists with a very unusual set of skills. We put a bespoke deal in as a class exemption, which we monitor to make sure it is complied with. It allows new skills to be brought in.

We also very much encourage secondments. We encourage civil servants to leave the civil service, go in the private sector and then come back in again. It is the same with the private sector coming into the civil service. That is why the business appointment rules are important to us. It means that we not only deal with entry, but also know under what conditions they leave and their expectations. It is that full cycle.

We continuously try to innovate when dealing with Departments. Largely, Government can do what they want to do within the current framework if they think about it early enough.

- Q102 **Peter Lamb:** All those different aspects of the framework tend to be temporary rather than long-term appointments. If the Government are trying to transform the civil service overall by having a more fluid system in which the best talent can always be brought in and out, they are going to be looking for more permanent appointments. What changes to the civil service recruitment practice do you think might be needed to facilitate what the Government are seeking to do, rather than just making use of existing flexibilities?

Baroness Stuart: A lot of it centres on the fact that when anybody enters the civil service, they have a contract. Whether the contract additions are on entry or business appointment rules are on exit, the Government should really look at how they deal with the contractual terms. Did you have something in particular in mind that you think we should be doing? I had the sense there was something you hoped we were doing. It would be useful to know if there is.

- Q103 **Peter Lamb:** No. I listen to the excellent Institute for Government podcasts, and they recently had a conversation on the transformation of the civil service, around all these points. They highlighted a number of



areas, and this was one of the main ones, and it was first highlighted as a problem, in terms of how the civil service operates, in the Fulton report in 1968. It has been in every subsequent report and, despite Governments committing to it, they have failed to do it. What needs to be done to actually make this happen? We have tried lots of minimal adjustments and they have not worked in the last 60 years.

Baroness Stuart: Those 60 years already tell you something. Ministers, when it comes to civil service reform, need to do that bit about the urgent and important, and realise that if you really want to reform a workforce of 600,000, it will not be a project of one or two years. That transition will be a project over three to five years.

There is a responsibility on us, the people from within the system. There is an appetite for public service out there, but we are not very good at describing the challenges of working for Government and how satisfying it is. We then have to have the contractual arrangement to allow people to come in and out.

One of the areas where we have not yet done enough is with local authorities and local government, strengthening that and having greater interchange. These things are possible but, in the political landscape, you will find on reflection that, among the politicians, you could name very few individuals over the last 50 years who have taken a consistent, long-term interest in civil service reform.

Peter Lamb: So the challenge is having someone to drive it through as opposed to having a particular problem in terms of the mechanisms.

Baroness Stuart: Yes. Resolving individual problems is important but it has to be part of a much wider strategic approach.

Q104 **Peter Lamb:** I would certainly agree on the local government point. I was thinking the other day that, with a dozen local government chief executives, you could probably fix Whitehall fairly rapidly.

If we are shifting to a system where there is going to be a greater move toward external hiring, how do you manage to ensure that the existing principles around merit continue to be reflected in civil service appointments?

Baroness Stuart: When you agree on the candidate pack, you have essential criteria. It is very clear what the key things are. You have to prove, both in the application and interview process, that you can meet those particular requirements. Then, at the end of the interview when we write our reports, there is always a reference back to what was required. That is how you measure merit.

Can I come back on something you said? It is right, but I would slightly challenge it. A bit of me also says that if you brought a couple of big chief executives from local authorities into central Government, they could fix it. The real difference is that, depending on which particular area you



work in, you pull a lever and someone else has to pull the next lever for something to happen. The scaling up is a real difficulty sometimes, and I am not sure we have that quite right yet. If I look at the Darlington campus, for example, the civil service is moving out to have a real local presence and a mutual understanding. However, the biggest challenge is still the scaling up of the whole Government compared to when you are a local authority chief.

Q105 Peter Lamb: Do you think the business appointment rules might currently be deterring members of the private sector from moving into civil service roles? In particular, do you think restrictions might prevent them from taking on new roles in the private sector following their time in the public sector?

Baroness Stuart: The biggest deterrence is a lack of predictability. That is why I said earlier that it is important that we now do the full scale: the entry and exit. To have real clarity at the beginning of your term as a civil servant as to what is expected of you and what the terms are on leaving is the most important thing. What we have tried to do is speed up the process when applications come in and make the conditions clearer on coming out.

The difference for us, where we are the regulator on the exit point compared to the entry point, is that we are part of a wider chain of decision making. The applicant may want to do something but it is the Department that has to tell us and, ultimately, it is the Prime Minister who signs up or delegates the signing off on what is required on exit. We try to make it as speedy and as transparent as possible.

Q106 Chair: You mentioned in an earlier answer to Mr Lamb that people want to do public service, and working for Government is fun and rewarding. In recent months, the Prime Minister has described the civil service as sitting in a "tepid bath" not doing very much. At the Liaison Committee just before Christmas, he referred to the frustrating thicket of consultation, regulation and arm's length bodies—this, that and the other—which is delaying the delivery of the Government's agenda.

The commentariat are often inclined to blame the civil service for a failure of delivery. What, if any, is your assessment of the lack of preparedness of Ministers? When Ministers are appointed, they are asked if they understand Nolan. They sign the propriety and ethics forms and give their bank details so that they can be paid. Nobody is ever asked, "Have you ever managed a team? Have you ever helped to deliver a change? Have you ever followed through and appointed chains of command to get reporting in? Is there a deficiency in the political managerial nature of politicians that is giving the civil service a bad name? In turn, could that lead to a demoralising of the civil service?" We always talk about a civil service college, do we not, but not about a Minister's college—how to be a Minister; how to drive change forward politically through your civil servants. Is that a worry for you?



HOUSE OF COMMONS

Baroness Stuart: At the risk of sounding my age, I remember when—

Chair: You are 36, Gisela, we all know this.

Baroness Stuart: I remember the 1997 election.

Chair: Yes, I remember that. You won and I lost but there we are.

Baroness Stuart: A lot of the work for the foundations and origins of the Institute for Government, if you think back on those days, was for exactly that kind of training for Ministers. Each Government will make their own decisions. The key thing I would say is: do not start the blame game. I do not think it is helpful for either side to blame the other. A really good Secretary of State starts off by saying to his or her perm sec, "These are the things that are important to me. These are the things that should be important to you. How can we jointly actually achieve them?" That is when you get clarity of purpose. That is what, in a sense, we have to return to in many ways.

I know the frustration, but it also comes back to the earlier point I made to Mr Lamb. We can bring in the No. 10 innovation fellowship and expand on that, and it is really important, but you have to allow that learning to then permeate through other bodies.

What I thought was really quite remarkable was when ACOBA's roles were split up. It was one of the rare occasions where we looked at functions and did not think the answer was to create something new. Streamline the functions, look at what they are doing and see whether it is still needed. That is the way forward.

Q107 **Lauren Edwards:** Last week the Chief Secretary announced a new programme of change within the civil service—a sort of rewiring of Whitehall. Do you have any reflections or comments about that proposal?

Baroness Stuart: That is why we come in with enabling. Ministers have to decide what structures they want to have. They have to decide what skills they need. We can assist them in the recruitment process by making sure their skills are met. Sometimes we can prepare packages for Ministers to fulfil particular functions, not just with AI. AUKUS, in the Ministry of Defence, is where we work very closely with the Australians. We put together a package that allowed them to work together.

In a sense, as per my opening remarks, the regulator is not a player. The regulator is someone who says, "Ministers these are the decisions you take. These are the structures you want to take forward. There are some enduring principles to which you have to adhere for an impartial civil service." That is what it comes back to. We need to have a structure that, irrespective of the Government of the day, can deliver for the people of this country. That is really what we are guarding. We work with them, but the initiative has to come from Ministers.

Q108 **Peter Lamb:** Turning to the issue of exceptions, when you came to the



HOUSE OF COMMONS

Committee last year, I asked you about several appointments into civil service roles that had been made by people who were connected to the Labour party, particularly Ministers. At the time you told us that the roles were temporary and an extension would be needed with fresh approval if they were going to continue in the role. I do not think we established what temporary meant in that context, and perhaps some graphs of that would be useful. Could you update us on the process of ensuring that such roles are regularised?

Baroness Stuart: It is important to start by saying that entering the civil service via an exemption does not lead to a permanent civil service role unless it is by open and fair competition. You can compete for that role. If it is a temporary exemption or time limited, you will find that we now publish at the end of every month all the ones we have granted. If we granted an exception, it will be on the website.

The key thing on the process is that we have made it more transparent. You can check on the website. The second thing is that we are auditing much more within Departments. When they use the exceptions process, we check that it is used properly. After we had a review of both our process and the Departments' process, we were broadly satisfied that exceptions were used in the appropriate way, because they are an important tool in the machinery of government. Actually, on reflection, for the year we looked at the number of exceptions applied for there were actually fewer than we would have expected.

Q109 **Peter Lamb:** Could you tell us what temporary might mean in this context? If it is a temporary appointment and you need a permanent role through open competition, how long would we expect someone to remain in one of these roles?

Baroness Stuart: When you apply for the exception, you have to make a business case as to why you are asking for it. If you are a Department that is restructuring itself, which is going to take six to 12 months, you may then have a competition. They may say that it is for a particular project that would come to an end in three months. On the other hand, if you are recruiting people and lawyers for a tribunal or an inquiry, you may end up renewing it for the lifetime of that inquiry.

The temporary nature is always in relation to the specific task you are asked to do. When they are applying for the business case, we expect them to give us some indication as to when it should be completed or when they will advertise it as a substantive post. If they come back for an extension, they have to make a very good case as to why they are looking for that extension.

Q110 **Peter Lamb:** Theoretically, someone could move a person from a role on one project to another project without falling afoul of that, could they not?

Baroness Stuart: No. The business case has to be very precise about the scope and expected length of the role.



HOUSE OF COMMONS

Q111 **Peter Lamb:** We are aware of two people who are still in post from last year, one of whom is in a director general role. Would we have expected, by this point, that they would have come back to you for an extension, permanent approval, or gone out to open competition?

Baroness Stuart: I cannot comment on individual cases but what I would say is that, on our website, exceptions are published. The length of the exemption is published and we publish any extensions to that.

Q112 **Peter Lamb:** You would not usually have thought that a director general would be a temporary role. It is sufficiently senior in the civil service that you would have thought you would want someone in that role permanently.

Baroness Stuart: We have done some exemptions for temporary appointments for restructuring within the Department of Health and Social Care. The grade and whether it is a temporary appointment is not necessarily a causal link. Now that we publish everything on a monthly basis, it is very good. You will be able to see if any extensions are granted.

Q113 **Peter Lamb:** The potential concern around the original appointments was over cronyism—of people getting jobs by virtue of who they knew rather than innate ability. They may well be very capable but have relationships with the Ministers appointing them to those roles. If we were several years down the line from this and still find those people in their roles, would there not be a reasonable level of concern among the public as to why that person was still undertaking a job for which there had not been an open competition?

Baroness Stuart: If you go back to our review, when we looked at and made recommendations as to how Departments should deal with exceptions, we were absolutely clear that exceptions are exceptional. They should only be used in extenuating circumstances, which they have to explain in their business case. If a currently granted exception comes to the end of its line, another business case has to be made and we will look at that very carefully. Whatever decision we reach will be published on the website. The Departments have to prove their case as to why it is an exception that requires continuation or extension. The one occasion where exceptions can be very long is when you have projects like tribunals or public inquiries, which are now all out in the open.

Q114 **Peter Lamb:** Roughly what proportion of exceptions are rejected by the commission?

Baroness Stuart: I have the data here but a small number are actually rejected. When they are completely rejected, it is because the business case is not sufficient for what we are looking for. We ask for a small number of them to have slight amendments but the vast majority, by the time it comes to us, will be in such a shape that we say this is a case that merits an exception. What you do not see is that we have continuous relationships with Departments. If something comes up, we see it as our



HOUSE OF COMMONS

role to ask, "What is it you are looking for? What do you as a Department have to do to make this work?" So by the time it actually comes to us, it is as rule-compliant as it could possibly be.

Q115 **Chair:** Setting aside the exceptions—a public inquiry, a restructure, a task and finish and so on—for a DG role in a stable Department that is not going through restructuring and is just delivering the job day after day, what is the shelf life of the term temporary?

Baroness Stuart: So if nothing else is happening in the Department but you have an unexpected vacancy—something happens where a gap suddenly opens that has to be filled?

Chair: Yes.

Baroness Stuart: We are looking at the moment at something called interim appointments, whether it is exceptional or interim. I would expect them to say that a proper recruitment process takes about six months from beginning to end but, if you need to bring in external people, it could take a bit longer. I would say that a commitment to start a proper competition within six to nine months would probably be something I would be looking for.

Q116 **Chair:** So nobody should be in a position that is described as a temporary appointment, in non-exceptional circumstances, for longer than nine months.

Baroness Stuart: No.

Chair: Is that no-yes or no-no?

Baroness Stuart: The one thing I have learned in this job is that every day something else comes up that I had not thought could happen. The hypothetical is always a very dangerous road to go down. What I would expect, if an unexpected vacancy arises at that level that has to be filled through speed and immediacy, is for the Department to say, "Fill it now but start a process of open and fair competition within six to nine months." That is what I would expect, but then things happen.

Q117 **Chair:** Yes, but in normal operating circumstances it is not an eccentric expectation that somebody is appointed, irrespective of what the job is and how good they are at it or, indeed, the circumstances that arose needing the vacancy to be filled. It would be eccentric to be defining somebody as being there temporarily over a period of nine months—meaning a nine-month period to find and recruit somebody permanently.

Baroness Stuart: Eccentric is not the word I would use. For that to happen, for that to be right, there would have to be some circumstances very specific to that case. It is not wrong per se, but there have to be circumstances that—

Q118 **Chair:** Would you have an expectation that at the chime of nine months, when somebody has advertised and tried to recruit, but nobody of calibre



HOUSE OF COMMONS

or nobody appointable has come forward, and the person who was deemed to be temporary does not want to do the job permanently, for reasons specific to them, but is happy to continue in a temporary role while the recruitment process begins again, that somebody comes back and checks with the commission that it is acceptable to extend the temporary appointment beyond the envisaged nine months?

Baroness Stuart: The scenario you now paint is that you had a failed competition. They could not recruit and therefore have another interim appointment. That is something we would expect to be aware of, yes

Chair: What Mr Lamb and I have been keen to try to understand is what would happen if somebody was appointed temporarily, and then "Events, dear boy, events" take over and one forgets the temporary description of the position, and five years down the line can you go, "Weren't they supposed to be a temporary appointment?" "Oh yes—oh damn! We forgot." As long as there are processes in place, that is encouraging.

Peter Lamb: The other thing is the point about there being only a very small number of positions. I accept that it is not a regular thing, but it only takes one wrong appointment for confidence in the system to take a knock back. That is an area where I would have a lot of concern.

Q119 **Markus Campbell-Savours:** Good morning, Baroness Stuart. The Civil Service Commission has now taken over the administration of the business appointment rules following the abolition of ACOBA. Could you set out to us how you are carrying out this function?

Baroness Stuart: First, we took over the rules as they exist. We were very keen that there was a seamless handover from the point of division, where civil servants and spads went to the Civil Service Commission and Ministers went to the Prime Minister's adviser on ministerial standards.

What we have done is form a small sub-committee of commissioners—a small number of commissioners—which I chair. We receive cases and arrange, on a weekly basis, meetings to assess the cases as they come to us. We are applying the rules as they have been given to us and provide our advice but, at the same time, we are in the process of forming, as a whole commission group, suggestions as to how they might change, because they have not been changed for 50 years.

Q120 **Markus Campbell-Savours:** Is there an appetite for suggesting changes already?

Baroness Stuart: The previous chair of ACOBA has been very robust in his view that some changes were necessary. The world of work has changed, the expectations of people in public life have changed and employment terms have changed. The appetite is to be more in line with what modern employment contracts and expectations are. I hope we can help in that process.

Q121 **Markus Campbell-Savours:** Concerns have been expressed to the



HOUSE OF COMMONS

Committee that the military and the MOD may be behaving as if they are not covered by the rules. Have you assessed this issue? Do you have any suggestions as to how that can be dealt with?

Baroness Stuart: You are quite right: the MOD has its own processes. The best way is for the Committee to ask someone from the MOD to explain their processes. We are quite clear that the role we have taken on as part of our statutory function is to deal with civil servants and special advisers and I would like to—

Q122 **Markus Campbell-Savours:** Are you suggesting that the MOD falls outside the scope of what you do?

Baroness Stuart: Yes, and our statutory—

Chair: Can you remind us as to why?

Baroness Stuart: When it was drawn up, the statutory remit of the Civil Service Commission excluded diplomatic service. It excluded the intelligence services and part of the military. It is enshrined in CRaG.

Chair: Yes, and is that still defensible?

Baroness Stuart: Defensible? You could bring about changes. I would always argue that the diplomatic service ought to be brought in. As to the military and intelligence services, we could deal with it. I am DV cleared. We have staff who are DV cleared. At the time it was discussed, we could handle it, but it is really a ministerial decision as to how they want to deal with that.

Q123 **Chair:** Do you think it should be?

Baroness Stuart: Yes.

Q124 **Chair:** Given the discussion at the top of the session about the importance of confidence and trust from the public, they would say, "Hang on, a civil servant working for the Ministry of Defence—does it matter that it's the Ministry of Defence? It could be the Department of Health and Social Care, the Department for Education, or the Home Office."

Baroness Stuart: It is not an insurmountable problem, but it would require a statutory change and there would need to be a ministerial decision and ministerial will that that is what they want to do.

Q125 **Chair:** In the interest of pursuing the bolstering of public confidence, would you see merit in Ministers taking that initiative and moving it forward?

Baroness Stuart: I see merit in a system that is coherent and all embracing which, broadly speaking, complies with the same standards. It is a yes.

Chair: That is a yes, good. That is helpful.



HOUSE OF COMMONS

Q126 Markus Campbell-Savours: Have you inquired about, or are you aware of, systems within the MOD that mirror this process in any way, which could reassure us that if it is not covered under your scheme, expectations are being met other ways?

Baroness Stuart: I genuinely have not inquired about what precisely its system is, other than assured myself that it has a system.

May I quickly refer to what Mr Lamb asked me about how many exceptions we did not approve? In 2024-25, the commission received 461 requests; 32 were partially approved and eight were rejected completely. The reason why they were rejected completely was because we were not satisfied with the business case.

Chair: The others were approved, we take it?

Baroness Stuart: Yes, the others were approved.

Q127 Michelle Welsh: With the abolition of NHS England, do a wider range of people fall under these rules? If so, how will that be tackled?

Baroness Stuart: If you look at the numbers of NHS England coming into DHSC following restructuring, these are really big numbers. From our point of view, because we deal with business appointment rules, we deal at director general and permanent secretary level. The numbers that would affect us in terms of business appointment rules is not that significant, but they will be lower down. As I said, one of the new things we are in the process of developing is that we want our auditing, which already happens in all Departments from entering the civil service, to have a similar system in terms of how the business appointment rules are applied on the way out. Again, that is a question of systems design.

Chair: I would like to finish this session with Lady Stuart at about 11 am, so just have that in mind.

Q128 Mr Quigley: You have mentioned quite a lot about the business appointment rules, and that the previous chair of ACOBA, Lord Pickles, was very critical of those rules. What would your current assessment of the rules and the enforcement regime be? Obviously, there are different ways of enforcing between different grades, delegated departments or, as you mentioned earlier, dealt with directly. Would you give us your assessment?

Baroness Stuart: I will tell you one thing that struck me when we started to look at business appointment rules. At the level we deal with the civil service for business appointment rules, permanent secretaries or director generals are professionals who will have performed functions in Government for quite a number of years. We will have trusted them and relied on their integrity. They will have proved their integrity; they will have an employment contract and signed the Official Secrets Act.



HOUSE OF COMMONS

At the moment when they leave, the function that this is an advisory of the expectations we have of them is important, but we should not assume that when they leave these trustworthy professionals suddenly should not be trusted. That is why modern business appointment rules will be risk-based; you look at what people have done. It is absolutely clear that certain things are prohibited. Lobbying is not allowed and you have breaks of conditions while in post.

My experience is that, by and large, people want to be rule-compliant. You just have to be clear about the processes. At the time of leaving, they should know when they can expect an answer. They should know what the conditions are so that, as they look for jobs afterwards, they can tell their new employers. It is really a risk-based approach that will allow us to proceed in a way that is fair to all concerned and protects the integrity of the state.

The key thing I go back to is: what is it that we are trying to prevent? We are trying to prevent taxpayers' money from being used inappropriately through the allocation of contracts. We are trying to stop knowledge acquired while in the service of Government being used for purposes afterwards in an inappropriate way. For that, a risk-based analysis will allow us to proceed.

Q129 **Mr Quigley:** Are you confident that, under a risk-based analysis following your review, Lord Pickles would change his mind now and not say the rules were feeble?

Baroness Stuart: It comes back to the contract in this process, which the Government issues, and to what extent the Government wishes to enforce the employment contract once someone has left. That is really a choice for Government. What we can advise on is the potential risks they should observe and the framework they are imposing, and the Government can then enforce their employment contract.

Q130 **Chair:** Prior to its abolition, the interim chair of ACOBA expressed to us the importance of the Government improving the frequency and content of transparency reporting. We would probably all agree with that. Do you think the Government should improve their transparency disclosures? Do you think that this would help in our combined endeavour for the public to have a more enduring trust that civil servants are acting with integrity and propriety?

Baroness Stuart: May I rather unusually ask for you to give me some time to progress my learning curve on this process? We have started to get the first cases; we have looked at about 45. It is something that we, as commissioners, are all coming to new. While we have some very good staff who have taken over and given us very useful and thorough advice, as a commission we are in a learning process as to what we see and how it works. I would like to say more next time I come.

Q131 **Chair:** That is fine. Could you give us an amuse-bouche, if you will, in



terms of whether you expect to find Government open and responsive to suggestions that come through this iterative learning process? Have they effectively said, "Advise on improvements and speed to make the whole landscape better," or has there been a response more like, "Frightfully interesting, but we are not really going to do anything about anything"?

Baroness Stuart: On the early conversations and in terms of writing back to Ministers on a three-monthly basis, which we will continue to do, I found them receptive. I would expect them to continue to be receptive. That is one of the reasons why we said we would report back on a three-monthly basis and publish the exchange of letters on the website. You can track our progress. I hope I am not proved wrong but, at the moment, I am hopeful that this is something people feel needs to be brought up to date.

Chair: A shared endeavour and a broadly shared vision.

Baroness Stuart: Yes.

Q132 **Chair:** That is encouraging; thank you. Finally, Lady Stuart, as you said, you have only 18 months left on your term. What are you looking to achieve in that period? The devilish question is: what should we be looking for in your successor? You mentioned that you were the first politico turned commissioner; do you think there is merit in repeating that, or should we reverse?

Baroness Stuart: I would say there is merit in repeating that. Let me tell you what I would look for, if I were to interview my successor. At the outset, you need to understand the rules, tensions, pressures and the demands of being a civil servant and what it means to be in Government. You need to know how you can ensure that you meet the needs of both sides while being rule compliant. At the same time, absolutely resist the temptation to become a player yourself. Probably the biggest risk for a politician is to say, "Yes, you could, but not, in my case, for another 13 months. You're not a player." That is the most useful function you could fulfil.

The commission itself, as an organisation, is in a sustainable place. It was probably one of the very first evidence sessions when I said, "When you create an independent regulator, the way of undermining it is by not making timely appointments and by not updating things like the framework programmes and not providing resources." We are in a place where you could always do with more resources, but we are using them wisely and very efficiently.

Succession planning, in terms of the commission, is in a good place. To me, the success as we progress further is to help Government achieve their aim of—I hate it but I have not come up with a better word—greater porosity so people move into the civil service, move out and then probably back in again. Anything we can do to aid in that process would be helpful.



HOUSE OF COMMONS

An observation I would make is that talent management at permanent secretary and director general level is pretty good. We are not as good at managing people who have come from the outside and applied for a civil service role but just narrowly missed it. It was not quite the right job. Do we keep in touch with them? Do we bring them back into public service? How much do we do on working at director and deputy director level? That is something a future commission can do more work on to support the Government.

One other thing is artificial intelligence. The recruitment processes are adapting to technology, whether by getting hundreds of CVs and identifying which ones are not relevant, or, if you are doing remote meetings, can you tell whether the person on the other end is a real person? Can you tell whether the person on the other end is very slowly repeating your question while ChatGPT shows up on the screen next to them?

Chair: You are very cynical this morning.

Baroness Stuart: As a commission, what we have tried to do is engage with artificial intelligence both as a regulator and in how a small business unit, in a sense, can utilise it in a very effective way. I would like the commission to continue to not just be a good regulator but actually be a well-run department.

Chair: Thank you very much indeed. Colleagues, I see no further hands. Lady Stuart, thank you so much for appearing before us this morning. We will now have a short interval while the cast is altered for the next panel. You are very welcome to stay and listen or you are very welcome to go off and do something else.