

CONSTITUTIONAL REFORM AND GOVERNANCE ACT 2010

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 3: Management of the civil service

80. *Section 3* provides a power for the Minister for the Civil Service to manage the civil service and a parallel power for the Secretary of State in relation to the diplomatic service. The power to manage includes the power to appoint and dismiss. The general power to manage the civil service, including the power of appointment and dismissal, set out in the Act must be read in conjunction with other sections in the Act, in particular provisions about the Civil Service Commission and requirements about fair and open competition. The power to appoint and dismiss individual civil servants will, as now, continue to be delegated to the Head of the Civil Service and the permanent Heads of Departments provided for under existing statutory powers in the Civil Service (Management Functions) Act 1992.
81. *Subsection (4)* expressly excludes national security vetting from the power to manage the civil service and the diplomatic service. This confirms that national security vetting will continue to be carried out under existing prerogative powers.
82. *Subsection (5)* requires the Secretary of State to seek the agreement of the Minister for the civil service in relation to remuneration and retirement conditions for civil servants in the diplomatic service.
83. *Subsection (6)* provides that the Minister for the Civil Service shall have regard to the need to ensure that civil servants who advise Ministers are aware of the constitutional significance of Parliament and the conventions concerning the relationship between Government and Parliament.