



POLITICAL INDEPENDENCE OF CIVIL SERVANTS AND THE ROLE OF SENIOR CIVIL SERVANTS





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SUMMARY

This study concerns the institute of the senior civil servant/service (SCS), also referred to as the institute of the senior public servant/service (SPS), the first reference to which in Georgia can be found in the Public Administration Reform (PAR), Roadmap 2015 prepared by the Administration of the Government of Georgia. The PAR Roadmap provided for the creation of a merit-based, professional, and effective civil service system, free of political influence. The institute of the SCS, together with other instruments, forms part of the foundation of said system. This document aims to provide readers with a clear understanding of the SCS institute and the specifics of its implementation in Georgia.

The sources of information for the study were secondary literature complemented by 25 in-depth interviews with foreign and local respondents. Notably, the foreign respondents comprised experts involved in the reform and those who had held SCS positions in the past.

The document analyzes key SCS models based on the status afforded to SCSs, an organization's level of centralization, and the special conditions which differentiate SCSs from other civil servants. It separately deals with the distinction between the functions of political office-holders and SCSs, while also discussing SCS models in relation to rules of employment.

The report refers to the United Kingdom, the Netherlands, Estonia, Belgium, Lithuania, and Latvia as the examples of the best international experience/practice in this regard¹. It also discusses the experiences of the countries of the Western Balkans (Albania, The Republic of North Macedonia, Montenegro, Serbia, and Bosnia and Herzegovina) as well as Ukraine within the context of developing relevant recommendations, the aim of which is to help avoid potential risks and failures. Although the issues concerning the functioning and management of the SCS are analyzed in light of the experiences of various countries, the key focus is on EU Member States. An annex to the study provides a description of several countries with respect to the employee selection procedures, working conditions, and other different aspects of activities in their respective SCS systems.

The report covers the following areas: the significance of the SCS institute; selection and appointment procedures and tools (with a special emphasis on the role of SCS selection committees); employment models; the position, status, level, functions, and tenure of SCSs; the specifics of SCSs' relations with political office-holders; the qualifications and competences of SCSs; and remuneration, appraisals, professional support, mobility, and other issues.

A separate sub-chapter of the report deals with the analysis of mechanisms and reviews the relevant tools which ensure diversity and fairness in the SCS systems.

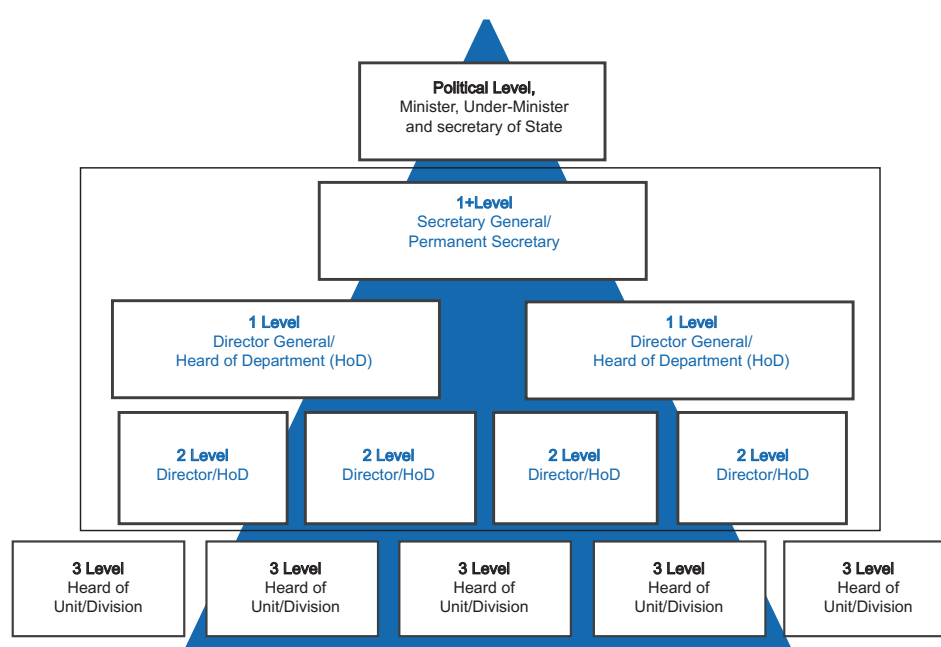
The report aims to propose recommendations to decision-makers and stakeholders involved in public sector reform and specifically civil service reform, highlighting the issues that need to be considered and reviewed prior to introduction of the SCS institute. To this end, the final part of the report provides a recommendations package that needs to be taken into account in its entirety, as opposed to picking and choosing individual recommendations.

¹ Presented in the extended report in Georgian

STUDY FINDINGS

The existence of the SCS institute in the public sector dates back centuries but only started to gain widespread prominence in the 1990s. SCS positions have various names in different countries (e.g. permanent secretary, secretary-general, or director-general, with 'senior civil servants' or 'senior civil managers' used as collective terms), but each refer to a civil servant who are the highest-ranking officials in an apolitical system of professionals, unlike political office-holders. A distinction is usually made between first- and second-category SCSs: the first category includes SCSs at governmental and ministerial level; and the second category refers to SCSs at agency and departmental level. In addition to these are third-category SCSs, which are heads of units, which do not come under the focus of this publication. The functional levels and titles relevant for SCS are presented in the graph #1 below.

Table 1: SCS functional levels and titles



Source: H. Kuperus and A Rode - Top Public Managers in Europe (2016)

Although there is no universally agreed definition of "senior civil servants" SIGMA's Methodological Framework for the Principles of Public Administration Public Service and Human Resource Management (2019) determines the term as follows: "professional civil servants employed in top-level management positions in the national civil service, formally or informally recognized as a separate group." SIGMA limits the definition an SCS role to the following civil service positions:

- 1) managerial positions one level below the relevant minister or deputy minister, if the deputy minister is a political position (e.g. secretary-general, state secretary, or permanent secretary), or equivalent;
- 2) managerial positions two levels below the relevant minister or deputy minister (e.g. director general, deputy secretary-general, deputy permanent secretary of a ministry and, in some cases, directors of departments) responsible for leading several policy areas and managing numerous managerial units within a ministry; and
- 3) heads of bodies subordinate to the ministries, the prime minister or the council of ministers (CoM). Lower management levels, such as heads of units, are not categorized under SCS (SIGMA, 2019).

The definition presented here excludes so-called 1+ category SCSs due to these being considered political positions in many countries. For this publication, 1+ category SCSs identified as non-political public sector positions have been treated as first-category SCSs.

The analysis presented in this document confirms that, as opposed to other civil servants, SCSs actively communicate with political office-holders in public agencies. Their key role is to increase the efficiency of a public agency with a secondary aim of meeting public interests. It is incumbent on SCSs to consult and support political office-holders—a duty which is based on the principles of independence and meritocracy. The word ‘permanent’ when referring to SCSs is often applicable because the majority of SCSs are appointed for the long term, with some states even affording them life tenure. In countries where the term of appointment is actually defined, it usually extends beyond election cycles thereby maintaining political neutrality regardless of government change.

According to the 2016 data of the Organisation for Economic Co-operation and Development (OECD), this category of civil servants, namely SCS, constitutes less than 1% of the total number of civil servants in OECD member states. Notably, a uniform senior civil service model does not exist, due to the varying features of the civil sector and differing historical experiences of different countries. The analysis presented in this document confirmed that an SCS’s status, compatibility with civil servant rank, and usage of this institute outside executive authority—as well as at governmental, ministerial, and departmental levels—varies from country to country. For instance, SCS positions exist at regional and/or local levels in some states but not others.

The analysis also shows that the ways in which the SCS institute is accommodated in the statutory apparatus vary as well. In particular, the majority of EU Member States have a special legislative framework governing this institute, while a minority regulate SCS activities under general employment legislation (Bojanov, K., Milanov, R., 2018).

Special conditions that apply to SCSs may include: a selection procedure that is different from that of other civil service positions; an obligation to pass a special exam or undergo special training before appointment; a distinctive employment system (career- or position-based); a distinctive appointment term (for life or a defined term); special support for SCSs (training, mobility, etc.); and/or additional benefits and incentives in terms of compensation, working time, etc. (Kuperus & Rode, 2008; Kuperus & Rode, 2016).

If at least one of the foregoing conditions is present in a country, it is deemed that the country has special conditions in place for its SCS system.

Scientific literature recognizes that today the high quality of public administration and the performance of civil servants significantly depends on the work of SCSs. At the same time, SCSs are deemed to be the best tool for keeping public sector administration free from political influence (Kuperus & Rode, 2016; Kuperus & Rode, 2008; SIGMA, 2018; Bojanov & Milanov, 2018; Matheson, A. et al., 2007; World Bank, 2005). Hence, two main dimensions can be identified when discussing the SCS system: management and political neutrality.

Within the ambit of management, the focus is placed on the fact that SCSs are responsible for ‘good governance’ as well as continuous modernization and improvement of state administration. They are considered as catalysts for public policy, especially in terms of reforming and efficiently implementing corresponding policies. In this respect, the 1990s served as a watershed period: emerging challenges in different countries and the need for an effective response necessitated that persons with distinguished managerial and coordination skills be engaged in transformed civil service systems.

In the dimension of political neutrality, the emphasis is placed on maintaining neutrality when dealing with political office-holders and carrying on activities that are based on a meritocratic system. Significantly, in western systems where the position of an SCS has existed for a while, managerial competencies are today afforded greater importance compared to political neutrality. This is because the key function of an SCS position is to increase the effectiveness of governance. However, it should be noted that in Central and Eastern European states, where the implementation of a senior civil service system has failed, the protection and maintenance of political neutrality has become a challenge.

The study of the secondary literature demonstrates that the SCS institute is considered as a counterbalance to, rather than standing in opposition to, political offices. A person occupying an SCS position ensures political neutrality of the merit-based civil service apparatus, as well as the coordinated and effective performance thereof. This is achieved through close cooperation with political office-holders. Accordingly, despite there being some sharp conceptual differences between politics and administration, there is an important link between the two. It is thus pivotal that the sharing of political responsibility does not entail succumbing, or being subjected, to political influence.

The analysis reveals that the functions of an SCS include developing internal regulations and organizational structures, as well as liaising with political office-holders regarding human resources and budgeting issues (SIGMA, 2018). In the majority of EU Member States, SCSs not only handle organizational matters (e.g. monitoring results and overseeing performance deadlines), but they also develop policies and mobilize necessary subject-matter experts (SIGMA, 2018).

In some countries, ministerial-level SCSs (or secretary-generals, as they are commonly referred to) formally lead civil servants and are fully responsible for the management of a ministry in general. In other countries, administrative management is kept separate from the management of policy-making.

The study contains a detailed and thorough review of the foregoing and other connected matters.

KEY MODELS OF SENIOR CIVIL SERVICE

The study identifies five key models of SCS in light of varying statuses, organizational structures, and special conditions afforded to SCSs (Kuperus & Rode, 2016; Kuperus & Rode, 2008; SIGMA, 2018; Bojanov & Milanov, 2018; Matheson, A. et al., 2007; World Bank, 2005). Hence, Georgia can consider the SCS institute through the prism of these five models, each of which are introduced below:

- 1) **Centralized Senior Civil Service:** Under this model, national legislation formally provides that SCSs are a special group of civil servants. A specially-established central office selects SCSs, determines their compensation, and manages their career. Meanwhile, SCSs enjoy special conditions which distinguish them from other civil servants. In the EU, this model is employed in the Netherlands and Estonia. The UK has also implemented this model.
- 2) **Senior Civil Service with official status and special conditions:** Under this model, national legislation formally provides that SCSs are a special group of civil servants. However, unlike in the first model, there is no central office to manage SCSs. Instead, a bureaucratic unit responsible for the management of the civil service in general also administers SCS. Similar to the first model, SCSs under this model are also distinguished by special conditions afforded to them. In the EU, this model has been implemented in Belgium, Czech Republic, Ireland, France (for first-category SCSs), Italy, Malta, Luxembourg, Poland, Portugal, and Romania.
- 3) **Senior Civil Service with official status, but without special conditions:** Under this model, national legislation formally provides that SCSs are a special group of civil servants. Similar to the second model, there is no central office responsible for administration and support. The senior civil service is managed by an office responsible for the administration of civil service at large. The only factor that distinguishes SCSs from other civil servants is their status; however, SCSs do not enjoy special conditions. In the EU, this model has only been implemented in Bulgaria.
- 4) **A recognized group of SCSs, with special conditions:** Under this model, national legislation does not formally regulate SCS. However, this category of civil servants is afforded special status. They enjoy special conditions with respect to selection, appointment, support, and receiving benefits. This model is most actively used in the following EU Member States: Denmark, Germany, Spain, France (for second-category SCSs), Austria, Greece, Sweden, Slovenia, Latvia, Lithuania, Hungary, Cyprus, and Slovakia.
- 5) **SCSs without official recognition and/or any kind of organization:** Under this model, national legislation does not regulate the status of SCSs. They do not enjoy any special conditions different from other civil servants—they are considered their equal and accorded similar advantages. Within the EU, this model is only used in Croatia.

TYPOLGY OF SENIOR CIVIL SERVICE MANAGEMENT

The study of the secondary literature and in-depth interviews reveals various rules for employment regarding SCSs and some of the newest tendencies in this regard, which need to be considered when managing relevant changes in Georgia.

There are two main traditional types of employment in civil service: career-based and position-based. However, the study shows that, after civil service systems have been refined, we often encounter intermediate, hybrid versions, which integrate elements from both types.

Political hybrid systems are considered separately where a country has a career-based employment system. However, SCSs may be politically appointed in exceptional cases. In this system, SCSs may be selected from internal or external candidates—based on political decisions and preferences, rather than their career (or tenure) and achievements to date. Recently, within the real hybrid system, a typical concept of ‘political hybrids’ was developed in Spain, France, and Hungary, which focuses specifically on the first-category SCSs who are politically appointed by their minister.

The current SCS selection and employment systems are broken down into the following five types (Koperus & Rode, 2016): mainly career-based; mainly career-based, with an element of the position-based system; a hybrid system where elements from both systems (career- and position-based) are combined in equal proportion; mainly position-based, with an element of the career-based system; and mainly position-based.

The table # 1 below outlines the civil service employment systems deployed by the Member States of the EU at two points in time (2008 and 2015), and highlights any shifts made by certain states with respect to their system of choice in the intervening period.

Table #1: Civil Service Employment Systems across EU Member States (2008 and 2015)

	Mainly career-based (No.1)	Career-based + position-based elements (No.2)	Real hybrid (No.3)	Position-based + career-based elements (No.4)	Mainly position-based (No.5)
SCS - Top Public Managers (2008)	Germany		Belgium		Czech Republic
	Greece		Latvia		Denmark
	France		Slovenia		Estonia
	Luxembourg		Slovakia		Finland
	Eu Commission		Lithuania >		Sweden
	Belgium >>		Italy >		United Kingdom
	Austria >>		Malta		< Netherlands
	Portugal >>		< Poland		
	Ireland >				
	Spain >>		→ Cyprus		
	Romania >		→ Hungary		
	(11 MS)		(10 MS)		(10 MS)

SCS - Top Public Managers (2015)	Germany >	Luxembourg	Spain	Belgium	Czech Republic
		Romania	France	Bulgaria	Estonia
		EU Commission	< Hungary	Croatia	Ireland
	Greece >		Italy		Cyprus
			Lithuania		Latvia
			Malta		Austria
			Slovenia		Poland
					Portugal
					Slovakia
					Finland
					Sweden
					United Kingdom
					< Denmark
			All three states are political hybrids ²		< Netherlands
	(1 MS)	(4 MS)	(3 MS)	(7 MS)	(14 MS)

Source: H. Kuperus and A Rode - Top Public Managers in Europe (2016)

The analysis confirms that the tendency to apply an exclusively career-based system has all but vanished in the EU, with Germany being the only Member State in which this system is still deployed. In the period covered above (2008-2015) we observe an increase in the number of Member States to have implemented a hybrid system by adopting mostly a career- or position-based system but integrating some elements of the other system.

The picture has significantly changed from 2008 to the present day. More precisely, all EU Member States which had a career-based and/or a hybrid system in place have leaned towards the position-based system. The majority of countries with hybrid systems according to the 2008 data, now have a position-based system in place for SCSs. This trend is actively spreading outside the EU (Kuperus & Rode, 2016).

SCS RECRUITMENT AND APPOINTMENT PROCEDURES

The majority of EU representatives stated that SCSs are appointed in line with specially designed recruitment procedures. In some Member States, however, either standard national competitions are held or SCSs are appointed by political office-holders or heads of administration. Mandatory qualification requirements for first-category SCSs usually include a university degree and 6-10 years of professional/managerial experience (SIGMA 2018). The analysis of secondary literature indicates that almost all EU member states require that SCSs possess long-term working experience in a managerial position in the public sector. In some states (Belgium, Denmark, and Czech Republic), it is mandatory to have four years of work experience in the private sector. Professional qualification requirements for SCSs are prescribed by civil service regulations in Czech Republic, by the law on civil service in Greece, and by the relevant top civil service competency framework in Estonia. In terms of qualifications, some countries (e.g. Czech Republic) require a minimum of a master's degree, while other countries place greater emphasis on competencies in the relevant field. In Denmark, a person seeking to be appointed to the position of the secretary-general must present a performance report from their previous job and demonstrate financial and business management experience (Kuperus & Rode, 2008).

² TPM systems in these three countries can be called political hybrids. They have a mainly career-based civil service system (also for TPMs at lower levels), but at the highest level(s) these appointments are not made through a merit-based recruitment procedure but are instead politically-motivated.

According to the European Commission's Quality of Public Administration Toolbox (2015), the goal of the recruitment process must be to select the best candidate, regardless of their work experience in the private or public sector. The European Commission does not define prior work experience in the public sector or a specific department thereof as mandatory prerequisites for a person to be accepted into or promoted within the SCS system. It is indeed considered that persons recruited from the private sector bring different skills to the system, and can thus make it stronger (Kuperus & Rode, 2016; Kuperus & Rode, 2008; SIGMA, 2018; Bojanov & Milanov, 2018; Matheson, A. et al., 2007; World Bank, 2005).

SCSs' employment conditions are distinctive in the following regards: (1) the amount of compensation and the employment term are contingent upon the results achieved by SCSs; (2) there is clear delineation of political responsibilities (i.e. explicit stipulation of the SCS's role and functions in the contract with implications of non-compliance with specific requirements clearly stated); and (3) a different compensation system compared to ordinary civil servants to support talent retention and to prevent staff turnover (Kuperus & Rode, 2008; Kuperus & Rode, 2016).

Clearly, one approach cannot fit all EU Member States given the different political, legal and historical contexts therein. Generally, these countries ensure talent retention in their systems using various mechanisms and not by primarily focusing on monetary rewards. This approach is taken on the assumption that the private sector will almost always offer higher compensation compared to the public sector, and that SCSs will be motivated by more than money alone to work in the public sector.

For countries with career-based systems, it is common for SCSs to be appointed in an agency in which they have long-term professional experience. Such candidates are considered most suitable for an SCS position. The aforementioned approach is indeed used in Italy where an organization itself selects candidates among civil servants for an SCS position. A similar approach is used in Germany where SCSs are appointed in their organizations for an indefinite term, with the intention of guaranteeing political neutrality. In states with position-based systems, any person, either within or outside the civil service, can apply for an SCS position. In some countries (Malta and Luxembourg) we observe hybrid systems in which those not already employed in the public sector can apply for specific public sector positions only (Kuperus & Rode, 2016).

The graph #2 below presents a scale showing how openly and transparently SCS recruitment processes are conducted across the EU.

Graph #2: Transparency Scale for SCS Recruitment Systems in the EU



Source: H. Kuperus and A. Rode - Top Public Managers in Europe (2016)

* In CZ, mainly civil servants and employees of municipalities can be selected for TPM positions; but the second round of competition for state secretary positions (in their case: level 2) is open to external candidates.

The recruitment processes differ between the first-category SCSs (governmental and ministerial levels) and the second-category SCSs (agency and departmental levels). Here, the role of political office-holders in the appointment of a shortlisted SCS candidate is important, particularly when this role is formal (i.e. they have unconditional power to appoint a shortlisted candidate) or where the role is that of a determiner which carries with it the right to make a final decision. The latter case clearly entails political appointments given the decision-making power of a political office-holder in the appointment process. According to 2016 data, the following trend is detectable: in the majority of Member States, a political office-holder (a minister) makes a formal appointment from shortlisted candidates (Belgium, Czech Republic, Ireland, Hungary, Croatia, Luxembourg, Malta, Austria, Portugal, Slovenia, Finland, and the UK). This rule applies only to the appointment of the first-category SCSs in six other countries (Bulgaria, Denmark, Latvia, the Netherlands, Romania,

and Sweden). The case of Bulgaria is somewhat different in that a candidate proposed by the selection committee requires approval from a governmental agency. As a result, the level of involvement of political office-holders is greater in Bulgaria. In Italy and France, only SCSs at departmental/divisional levels are appointed by formal agreement with political office-holders. Italy has a relatively different approach in that ministers propose a candidate to the president of the Council of Ministers for appointment to the position of a director-general (Kuperus & Rode, 2008; Kuperus & Rode, 2016).

The table # 2 below presents five SCS appointment models and describes the level of political office-holders' involvement therein.

Table #2: SCS/TPM Appointment Models in the EU: Persons Responsible for the Appointment of all Categories of SCSs

#	Short description of the model	Member States (and degree to which model is used therein)
1.	Political appointment: The candidate has to be in agreement with political aims of the government; the appointment term is often linked with the term of the minister in charge, and the TPM can be dismissed at any time.	Used only for the highest level of TPMs: DE (1), ES (1+&1), FR (1), IT (1+), HU (1), SK (1+) = 6
2.	Formal political appointment: Minister(s) take(s) the final appointment decision from a shortlist of selected/recommended candidates. 2.1. Only for the highest-level TPMs 2.2. Only for the lowest-level TPMs	BE, CZ, EE, IE, HRV, LU, MT, AT, PT, SI, FI, UK, EC = 13 MS BG*(+1), DK (1+), LV (1+), NL (1+), RO (1+), SE (1) = 6 FR (2), IT**(1) = 2
3.	Appointment by higher-level civil servant: A higher-level civil servant, who will directly manage the TPM, makes the appointment.	Used only for the lower-level TPM positions: BG (1-2), ES (2), LV (1), NL*** (1-2), HU (2), PL (1-2), RO (1-2), SK (1-2) = 8
4.	Appointment by a selection committee: A selection committee selects and appoints the candidate.	EL (1-2), CY = 2
5.	No appointment: There is no appointment as such, but rather a regular selection or promotion process.	DE (2), LT = 2

Source: H. Kuperus and A. Rode - Top Public Managers in Europe (2016)

* In Bulgaria, the candidate proposed by the Selection Committee should be approved by the relevant state authority.

** In Italy, the appointment of Directors General (level 1) within the ministries is largely operated by the Minister who makes a proposal (upon the selection of internal, and in some specific cases external, candidates) to the President of the Council of Ministers in order to adopt a decree of appointment.

*** But the Minister still formally appoints the selected person.

As the table shows, there are various forms of political appointment in the EU. Here, the term 'political' refers more to the need for future working coordination between a political office-holder and an SCS rather than to political preferences. According to Kuperus & Rode (2016), the first-category SCSs must share the priorities and the agenda of the incumbent political power in Germany, France, Italy, Hungary, and Slovakia. Consequently, their candidacy must be agreed to by political office-holders (Kuperus & Rode, 2008; Kuperus & Rode, 2016). One of the international experts who participated in the study suggested: "The level of responsibilities and responsiveness to the political agenda, which in some literature is referred to as 'cohabitation,' is becoming more and more significant and important for the effective functioning of the senior civil service institute." [2020, March, 30, Skype Interview].

In eight countries (Bulgaria, Spain, Latvia, the Netherlands, Hungary, Poland, Romania, and Slovakia), the first-category SCSs appoint the second-category SCSs (at departmental/divisional levels). However, the formal approval of a minister is still required for an official appointment of a candidate in the Netherlands. Meanwhile, a selection committee directly appoints candidates in only two countries: Greece and Cyprus.

In Germany and Latvia, SCS appointments at departmental and divisional levels are subject to a regular recruitment and promotion process. For example, in Germany it is necessary to successfully complete a two-year probationary period in an SCS position, following which a special certificate is issued. The appointment of a certified SCS is then automatically put into effect. In these states, there is no formal appointment procedure and they are thus categorized as having no official appointment procedure (see the 5th model: SCSs without formal recognition and/or any type of organization).

Among Member States, there has been a general trend whereby the involvement of political office-holders is more often encountered in the case of first-category SCS appointments given that these persons have direct and close links to the governing political office-holders (Kuperus & Rode, 2016).

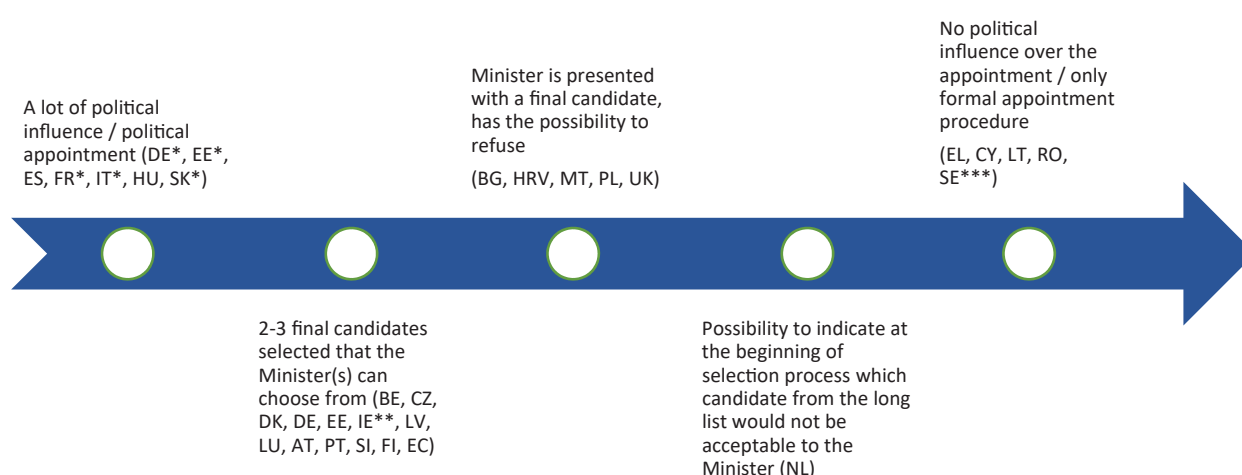
MECHANISMS OF REDUCING POLITICAL INFLUENCE IN THE SCS RECRUITMENT AND APPOINTMENT PROCESSES

Countries use different approaches to reduce political influence in the SCS recruitment and appointment processes. In some Member States (Germany, Estonia, Spain, France, Italy, Hungary, and Slovakia), political office-holders are actively involved in the SCS recruitment and appointment process. In others (Belgium, Czech Republic, Denmark, Germany, Estonia, Ireland, Latvia, Lithuania, Austria, Portugal, Slovenia, and Finland), a minister selects 2-3 proposed SCS candidates based on an interview. Political influence is relatively lower in countries where a minister has a right to reject a shortlisted candidate proposed to them (Bulgaria, Croatia, Malta, Poland, and the UK). In such countries, the relevant minister must substantiate their decision, however, and the selection committee subsequently decides whether the substantiation is sufficient to warrant the initiation of a new recruitment process.

Political influence is especially low in the Netherlands where a minister is involved at the initial stage only (i.e. reviewing a full list of candidates and striking off those considered unacceptable). The minister is not involved in the subsequent stages and only formally approves the candidate proposed by the committee. Political influence in the SCS selection process is not observed in Greece, Cyprus, Lithuania, Romania, and Sweden. In each of these countries, the selection committee chooses candidates and a minister or the government officially appoints them (Kuperus & Rode, 2016).

The graph #3 below presents a scale measuring the political influence in the SCS selection process, particularly with regard to first-category SCSs. The scale clearly reveals a correlation whereby countries with a hybrid political recruitment model tend to experience higher levels of political influence in the SCS recruitment and appointment process.

Graph # 3: Scale of Political Influence during Selection and Appointment of SCS (the first- and the first+-categories).



Source: H. Kuperus and A. Rode - Top Public Managers in Europe (2016)

* Refers to level 1+ (or the highest-level) TPM positions only.

** In Ireland, when selecting a TPM for a level 1+ position, the minister can choose from three candidates; for levels 1 and 2, appointments of one final selected candidate are made only formally by the minister.

*** In Sweden, SCS be transferred to another position.

Despite different SCS employment contracts and appointment methods being in place across countries, we do find some common approaches. SCSs generally have an employment contract for an indefinite term; however, unlike ordinary civil servants, they are appointed for a specific tenure and with special conditions. Candidates' qualifications and their readiness for challenges are evaluated using performance assessment (annually and at the end of the term). As already mentioned, in some countries SCSs are re-appointed for another term if their performance is highly appraised. As stated above, in some countries anyone from both public and private sectors can apply for an SCS position. SCSs are appointed to the position for a fixed term and are subject to specific conditions, while still holding permanent contracts. Candidates from the private sector are often offered a contract with specific conditions and of a fixed term, after the expiry of which they can apply for a different position in the civil service or return to the private sector (Kuperus & Rode, 2008; Kuperus & Rode, 2016).

TERMS OF APPOINTMENT OF SCSS

The appointment of SCSs for a fixed term is considered as a guarantee of political neutrality and professional development. Another advantage of fixed-term appointment is that, by changing SCS positions regularly in different ministries and agencies, they are constantly ready to deal with challenges outside their office and, regardless of the given area of civil service, their professional development is also a more active process. An SCS is appointed to the position of secretary-general/permanent secretary for a fixed term (3-7 years) in 14 Member States (Malta, Croatia, Lithuania, Czech Republic, Greece, Latvia, Austria, Portugal, Slovenia, Belgium, the Netherlands, Luxembourg, Ireland, and Italy). Moreover, SCS appointment terms coincide with election cycles in Denmark, Spain, Slovakia, and France. Meanwhile, Finland has adopted a different approach and, with a view to preventing political influence, defined the appointment term of SCSs as five years in light of the four-year election cycle in place in that country (Kuperus & Rode, 2008; Kuperus & Rode, 2016). Specific appointment terms have not been statutorily stipulated in the UK where such decisions are made by the given organization itself. A permanent appointment rule is effective in Bulgaria, Cyprus, Hungary, Poland, and Romania. Significantly, the appointment terms for both categories of SCSs is the same in some countries (e.g. in Malta, Croatia, Belgium, Italy, Bulgaria, and Hungary) (Kuperus & Rode, 2008; Kuperus & Rode, 2016).

SCSs at departmental/divisional levels are mostly appointed for an indefinite term (Bulgaria, Czech Republic, Denmark, Ireland, Spain, Cyprus, Lithuania, Latvia, Hungary, the Netherlands, Poland, Romania, Slovakia, and the UK). In the other Member States (France, Malta, Croatia, Greece, Portugal, Slovenia, Austria, Belgium, Luxembourg, the Netherlands, and Italy), the second-category SCSs are appointed for a fixed term (3-7 years).

The table # 3 below (adapted from Kuperus & Rode) shows the length of appointment terms for the first- and second-category SCSs according to the relevant employment models. This information is classified according to, on the one hand, the first+-category and, on the other, the first- and second-category SCSs (Kuperus & Rode, 2016).

Table # 3: Length of SCS Appointments and Type of Employment Model Used

A) For SCS/TPM level 1+ (Secretary General / Permanent Secretary):			B) For SCS/TPM level 1 and 2 (Director General – Director / Head of Division):		
Term in TPM post (years)	Fixed-term appointment	Temporary contract	Term in TPM post (years)	Fixed-term appointment	Temporary contract
3	MT		3	FR(2), MT	
4	HRV, LT (1+&1) ³		4	HRV	
5	CZ (1++&1+) ⁴ , EL, LV ⁵ , AT, PT, SI	EE, FI	5	EL, PT (1), SI, AT (1) ⁶	EE (1), FI
6	BE	SE	6	BE	SE
7	NL LU IE		7	LU NL (1)	
3-6	IT		3-5 (-6)	IT	DK ⁷
No official term but is decided by the given organization	UK ⁸		Unlimited	BG, CZ, DE ⁹ , IE, ES, CY, LV, LT ¹⁰ , HU, NL (2), PL, RO, SK, UK, EC ¹¹	
Unlimited	BG, CY, EC ¹² , HU, PL, RO				
Linked to political confidence	DE, ES (1+&1), SK, FR (1)				

Source: H. Kuperus and A. Rode - Top Public Managers in Europe (2016)

Furthermore, for first-category SCSs in 10 EU Member States and for second-category SCSs in 11 EU Member States, it is allowed to be re-appointed at least once. In some countries where such a re-appointment is allowed only once (Belgium, Lithuania, Portugal, Sweden), that decision is made based on an SCS's performance assessment and a new selection process does not take place. On the other hand, in the states where an SCS may be re-appointed an unlimited number of times (Luxembourg, Malta, Finland), they have to go through the selection process each time. In some countries, SCSs cannot be re-appointed to the same position for second term (Czech Republic, Croatia, Italy, Slovenia, the UK; in the Netherlands this rule applies only to first-category SCSs).

The table # 4 below shows the restrictions in place for each Member State with respect to re-appointment for both first- and second-category SCSs.

³ Four-year tenure is in place for head of institution positions, which are most often TPMs at level 1+ and level 1.

⁴ Refers to the highest-level TPM positions: level 1++ (Deputy Minister for the Civil Service) and 1+ (Director of Human Resources of the Civil Service Section and State Secretaries).

⁵ Planned reform to increase to a seven-year term for the head of the institution.

⁶ Only TPMs at levels 1+ and 1 are appointed for a fixed term. This regulation does not apply to TPMs at level 2. Heads of department are normally appointed once and will hold this position until they apply for another, possibly higher-level, position.

⁷ Although a majority of directors general (level 1) receive a temporary appointment of three to five years, a small proportion may receive a permanent contract. Permanent secretaries (level 1+) do receive a permanent contract.

⁸ In the UK, there is no set procedure and it is left to the discretion of the individual and the given organization.

⁹ In Germany, TPMs at the director general level (level 1) are civil servants with lifetime employment; however, at this level they can remain in a particular position only as long as they have the confidence of the relevant politician(s).

¹⁰ There is no official limit, but susceptible to change after five to seven years.

¹¹ However, the type of contract for the jobholder makes a difference: for temporary agents there is a limit on their contract – a maximum of six years.

¹² However, the type of contract for the jobholder makes a difference: for temporary agents there is a limit on their contract – a maximum of six years.

Table # 4: Restrictions on Re-appointment of SCSs in the EU

Is it renewable?	Level 1+ (Secretary General / Permanent Secretary)	Level 1 and 2 (Director General – Director / Head of Unit)
Once (based on performance results; no recruitment procedure)	BE LT PT SE	BE FR (2) LT PT SE DK (can be renewed 3 times)
Unlimited no. of times (but needs to re-apply and be selected again through the standard recruitment procedure)	EL ¹³ LU MT FI LV ¹⁴ (decision to extend the term, no need to re-apply) AT ¹⁵ (depends on the performance evaluation by the Re-appointment Board)	EL LU MT ¹⁶ FI AT (only for level 1; depends on the performance evaluation by the Re-appointment Board)
No (in these countries, TPMs are appointed for a determined term in office, but their appointment is not renewable)	CZ, EE, IE, HRV, IT, NL, SI, UK	CZ, EE, HRV, IT, NL (level 1), SI

Source: H. Kuperus and A. Rode - Top Public Managers in Europe (2016)

In the countries where re-appointments are restricted, a former SCS may nevertheless be employed in other bodies. These countries have SCS databases in place where former SCSs can submit applications or SCSs may be recruited for different SCS positions (Kuperus & Rode, 2008; Kuperus & Rode, 2016).

In states with a position-based SCS model, persons are employed in a specific position on a contractual basis. Consequently, upon the expiration of the term, they have to look for another position at another organization or move to the private sector. Exceptions in this respect are Slovenia and Latvia where SCSs receive support in finding a suitable position within the same system (Kuperus & Rode, 2016).

¹³ According to the newly-proposed provisions

¹⁴ In Latvia, TPMs can be re-appointed for another five years as many times as they are selected. In the Draft Public Service Law (which will replace the State Civil Service Law) it is planned to limit the term in one position (to seven years) and to provide additional methods to favor mobility. This applies to TPMs at level 1+.

¹⁵ In Austria, there is a fixed-term appointment for positions at levels 1+ and 1. For both levels, a board of review checks the quality and performance of TPMs. If the performance was good, their appointment to the position is extended; if TPMs do not perform well, they should receive a notice about this before the appointment term ends, would be able to re-apply or look for another position. The report has to be prepared by a special re-appointment board. If the relevant TPM is re-appointed, the position does not have to be published. If not, the whole selection procedure has to be implemented.

¹⁶ Assistant Directors need to re-apply and performance evaluation must be taken into account; for other levels the three senior managers' evaluation reports can allow for re-appointment without selection.

TOOLS AND CRITERIA USED DURING THE RECRUITMENT OF SCS

The most common recruitment methods used in the EU Member States are candidate interviews and CV screening. Written tests are also often used which assess a candidate's competencies, ranging from personal aptitudes (psychometric and general) to knowledge of (and skills in) management, public administration, finances, foreign languages, and IT.

In addition to these methods, the shortlisted candidates are assessed against their interpersonal and leadership skills as well as personality in some countries (Belgium and Portugal); and motivation in another pair of countries (Portugal and Romania).

Various other methods are used in different countries such as: review of references (Slovenia); practical cases/exams (Slovenia and Bulgaria); personality tests (Estonia and Ireland); case study analysis; essays (Bulgaria and Estonia); psychological tests (Sweden and the UK); presentations of strategic vision for the development of the specific sector (Latvia); self-assessment (Portugal); and direct recommendation (Malta).

Despite the disparate SCS recruitment requirements, we can observe some common criteria across EU Member States. These common criteria are listed as follows in descending order, from most common to least common: (1) professional experience; (2) qualifications and competencies required for a specific position; (3) core qualifications/competencies such as leadership skills (which in France are assessed using a management skills grid) or the strategic vision (e.g. in Latvia); (4) basic mandatory requirements that are applied to civil servants in a country as a standard (e.g. citizenship, no criminal record, etc.); and (5) an educational degree, a career rank, and a performance assessment of the candidate's previous employment (Kuperus & Rode, 2016).

The foregoing criteria have varied importance and weight in the recruitment process from country to country. For instance, in Romania the recruitment process is divided into two stages. In the first stage, the mandatory criteria include professional experience, qualification, and competencies; in the second stage, the main criterion is leadership skills. The majority of the aforementioned countries apply at least three of the criteria listed in the paragraph above.

For purposes of illustration, we discuss the approaches of the Netherlands and Denmark. The former requires that a candidate meet at least three of the following four criteria for a first-category SCS position: (1) experience of working in an international organization; (2) work experience in at least two different ministries; (3) work experience in at least two of the four categories of public sector administration (policy formulation, service delivery, inspection, and operational management); and (4) work experience outside the central public administration.

In Denmark, the selection criteria are as follows: (1) work experience in a political organization; (2) experience and knowledge of financial management and/or management of business; (3) work experience in another ministry, municipality, region, or the private sector; and (4) experience of working in a top position in one of the following areas: policy formulation, service delivery, inspection, operational management, or economy and international relations (Kuperus & Rode, 2008; Kuperus & Rode, 2016).

ADMINISTRATION AND DECISION-MAKING IN RELATION TO SCS RECRUITMENT AND APPOINTMENT

The SCS recruitment practices and strategies vary from state to state. The involvement of a committee is an accepted practice to ensure political neutrality and objectivity across a majority of states. In some countries (e.g. Estonia, the Netherlands, and the UK), there is a special SCS office that is responsible for coordination and can participate in the recruitment process; however, this is not a selection committee per se.

In four EU Member States (Denmark, Ireland, Cyprus, and the Netherlands), there is a pre-recruitment committee that assesses and select candidates for the subsequent stage. Meanwhile, in the majority of EU Member States (Belgium, Czech Republic, Estonia, Ireland, Spain, France, Croatia, Cyprus, Malta, Poland, Portugal, and Romania), the process is centralized and there are committees or advisory boards in place which choose one or several final candidates. Moreover, in many countries (Bulgaria, Denmark, Germany, Greece, Lithuania, Latvia, Hungary, Austria, Poland, Slovakia, Finland, and Sweden), the selection committees are organized at a decentralized administration level. Elsewhere, in several countries (Italy, Lithuania, the Netherlands, Slovenia, and the UK), the SCS selection process is mixed: it starts with an exam organized by a central selection committee, after which the process is taken over

by the given organization that has announced the vacancy for an SCS position. In Croatia, Cyprus, Estonia, Ireland, Malta, Portugal, and Slovenia, there is an independent commission which conducts CV screening, tests, and interviews, and selects candidates for the final stage. In Cyprus specifically, this independent commission (Public Service Commission) also appoints the selected candidates. In three EU Member States (Spain, France, and Hungary) there is no specialized body responsible for the recruitment of SCSs and the process is managed by a common recruitment system for civil servants.

The first-category SCSs (e.g. the permanent secretary, the secretary of state, or the secretary-general) or line managers (Bulgaria, Estonia, Greece, Cyprus, Lithuania, Hungary, Malta, the Netherlands, Austria, Slovenia, Slovakia, Sweden, and Denmark) are generally involved in the SCS selection committees. The committees often comprise: members of the directorate of the agency; other (neutral) directorate/department representatives; and representatives from private and non-governmental sectors (e.g. HR management experts). Moreover, the committees may also include: representatives of the HR unit; representatives of the Ministry of Public Administration or a similar body; representatives of trade unions; and employee representations (Kuperus & Rode, 2008; Kuperus & Rode, 2016).

THE ROLE AND IMPORTANCE OF THE CIVIL SERVICE COMMITTEES IN THE SCS SYSTEM

A civil service committee (CSC) is an independent unit that ensures recruitment and merit-based promotion in the civil service. It is also responsible for mitigating against patronage (protectionism) and inappropriate or unlawful political involvement (Polidano and Manning, 1996). Generally, the CSC reports to the executive branch. Despite this, CSC members have independent status and are protected from groundless dismissal. CSC members are selected based on recognized work reputation and, although they are appointed by the head of the state, they do not belong to the civil service. As a general rule, CSCs publish an annual report of their activities.

These types of commissions were first created in the mid-nineteenth century in the UK when the civil service was still relatively modest in size and recruitment was mainly conducted based on patronage and through references of relatives in top positions. With time, as the functions of the State became more varied, it became necessary to establish suitable criteria for candidates to ensure that the work would be performed satisfactorily. As a result, competition tests were implemented as a prerequisite to enter the civil service. Meanwhile, the promotion system also became merit-based.

Similar commissions were created in other countries as well (e.g. Australia, Canada, and New Zealand). The US also supported the introduction of CSCs and adopted a similar approach under the Pendleton Act in 1883. However, it was initially applied to a very limited group of civil servants. In addition, the commission was not fully independent and the president was authorized to replace any member. In time, the commission's coverage and influence gradually increased though.

Today, of course, we observe many types of commissions with various functions, ranging from those with minimal regulatory and policy-formulation functions to managing bodies that control the entire civil service.

Given that the CSCs of some countries still very much resemble the first commissions of the UK and the US—where the primary emphasis was on recruitment and promotion—it should be noted that these CSCs (mainly in OECD member states) mostly focus on standards and values, and pay less attention to potential conflicts of interests.

In the UK, New Zealand, and South Africa, these commissions are concentrated on the functions of oversight and appeal, while recruitment and promotion are the responsibility of different bodies. With respect to the UK and New Zealand, it should be noted that their CSCs perform an important, albeit limited, role in terms of protecting and maintaining the core values of the civil sector (honesty, integrity, impartiality, objectivity, and merit). The CSCs often issue recommendations to organizations in the civil service to advise them of the civil service code. They also perform the function of an appellate body to which civil servants can apply in the event of a violation of the civil service code.

Notably, in the UK and New Zealand, CSCs have gone beyond their traditional functions (given that the principle of merit during the recruitment process is well-established). Internal and external accountability mechanisms are also strong in these countries. Meanwhile, unlike in the UK, the Merit Systems Protection Board in the US is more of an appellate body with quasi-judicial functions which aims to ensure that the merit-system principle is observed in all recruitments and promotions of federal servants, and to protect civil servants (including the SCSs) from politically-biased and other unlawful practices. Elsewhere, in South Korea, a similar commission is equipped with wide-ranging authority including both managerial and supervisory functions (World Bank, 2012).

In this context, the forms of CSC involvement in the SCS appointment process are also divergent and thus interesting. In the UK, a commission chairs the process and approves SCSs where candidates come from outside the public sector. In New Zealand, the commission selects an executive director and, together with the ministers, determines SCS contracts. Meanwhile, in South Korea, a commission reviews SCS recruitments and promotions (World Bank, 2012).

SCS ASSESSMENT AND CAREER DEVELOPMENT

We can classify the information on the assessment of civil servants integrated in the SCS system into the following categories: the term of assessment; the assessor; the method used in the assessment system; the purpose of the assessment; and the assessment criteria.

The EU Member States differ with respect to the level of formalization in the process. For instance, Estonia does not have formalized performance assessment rules and regulations. Importantly, within the EU, there is no common approach as to who should assess SCSs.

In **Latvia**, SCSs are assessed by the relevant ministry's commission which follows the procedures established by the Council of Ministers. In **Belgium**, assessments are carried out by the relevant minister, as well as the head of the management committee and the director-general.

The UK has a relatively complex assessment system: SCSs are assessed, on the one hand, by a superior at the upper level within the system and, on the other, by colleagues at the same level. Meanwhile, SCSs are assessed by the organization/person involved in their appointment in various countries including **Greece** and **Lithuania**.

In **Denmark**, an SCS's performance is appraised by the closest superior manager in the relevant hierarchy.

In **Estonia**, SCSs are required to create their development portfolios together with their line managers. SCSs are involved in their own appraisal process: they assess themselves, and then their performance is appraised by colleagues and subordinate employees.

In **Germany**, general appraisal regulations apply to SCSs at departmental and divisional levels, while SCSs at a higher level (a deputy director-general and their superiors) are exempt from the regular appraisal system.

In **Ukraine**, SCSs are appraised by the appointing organization.

A similar practice can be observed in Belgium where the appointing unit is involved in the appraisal process (Kuperus & Rode, 2008). The process is led by an evaluation leader under the supervision of a controlling leader and with the involvement of trade unions. (Kuperus & Rode, 2008).

SCS appraisal terms also vary. In some countries, these rules do not apply to the top level of the civil service apparatus at all. In **Latvia** and **Belgium**, appraisals are conducted at least once biennially. Indeed, in Belgium, SCSs are also assessed six months prior to the expiry of their term. **The UK, Greece, Ukraine** and **Denmark** all appraise SCSs once a year, while **Germany** assesses SCSs once every 2-3 years (Kuperus & Rode, 2008).

The SCS performance appraisal system is usually based on the norms and procedures recognized in the civil service. For example, in **Germany**, federal ministries have different appraisal procedures and regulations but they nonetheless do observe general principles enshrined in the Federal Career Ordinance. Meanwhile, in the UK, the framework for managing the performance of SCSs developed by the Civil Service Capability Group is effective. In **Bulgaria**, the appraisal procedure is subject to attestation requirements which consist of the following three phases: (1) developing and coordinating a work plan; (2) interim personal review; and (3) the final meeting and scored appraisal (Kuperus & Rode, 2008). Here, it should be noted that the **UK and Estonia** both use 360-degree feedback systems.

The practices of Member States are more or less uniform in terms of their appraisal criteria. In Germany, the core assessment guidelines and regulations provide two categories of criteria: (1) performance results during the assessment period; and (2) capability criteria (future development potential). In Bulgaria, SCSs are assessed using the following criteria: (1) the extent to which objectives set out in the work plan have been achieved; (2) the quality of the performance of duties laid down for a given position; and (3) the necessary competencies for the position. In Belgium, the achievement of target indicators is assessed both in terms of management and operational activities. At the same time, the assessment covers the personal contribution of an SCS toward the achievement of the set goals,

and the potential development of their competencies and skills. In Greece, the following criteria are applied in the SCS performance appraisal process: subject-matter competencies; effectiveness; behavior and the observance of ethical norms; the ability to take initiative and possession of a creative attitude towards their work; and participation in committee and work meetings (Kuperus & Rode, 2008).

Generally, the key goal of performance management is to refine and improve future performance. Consequently, the data obtained from appraisals is taken into account for the promotion of SCSs and thus serves as a source of motivation. For example, in Latvia, the assessment results have a bearing on compensation and, where appraisal results are positive, the SCSs' compensation may increase by as much as 23%. In the Czech Republic, such performance-induced increases can generally amount to 20%, although where special achievements are recorded this increase can be as high as 100%. A rewards system is also utilized in the Czech context. In the UK, an SCS's base salary and bonus—which must not exceed 8.6% of the annual salary—is determined based on their performance appraisal results at the end of the budget year.

In **Ukraine**, the appointing authority exclusively decides on the promotion of an SCS in light of their performance appraisal results (Ukraine's Law on Civil Service, 2015).

In **Belgium**, if an SCS receives the highest possible appraisal, the SCS will be granted a new term for the same position; if the assessment is negative, their tenure is terminated but they can re-apply for the same position.

Looking outside the EU, Japan has strict regulations regarding SCS appraisal which apply not only to managers but their subordinates and colleagues as well. In New Zealand, SCSs are assessed by the State Services Commissioner based on the work performance appraisal process, which takes into account the views of different persons on managerial positions (the relevant minister and the heads of central agencies). The commissioner directly meets with an SCS to conduct the assessment. Nearby, in Australia, the duties, the scope, and the performance indicators of an SCS are primarily agreed between the manager and the supervisor. At the end of the work-cycle, an SCS and the supervisor jointly review performance results, following which the supervisor appraises the SCS's performance in line with the pre-agreed indicators, using the agency's scale. The assessment forms determine the SCS's future compensation and promotion prospects. Conversely, in India, appraisals are confidential and supervisors do not inform officers save for where the officer wishes to appeal a negative score (World Bank 2005).

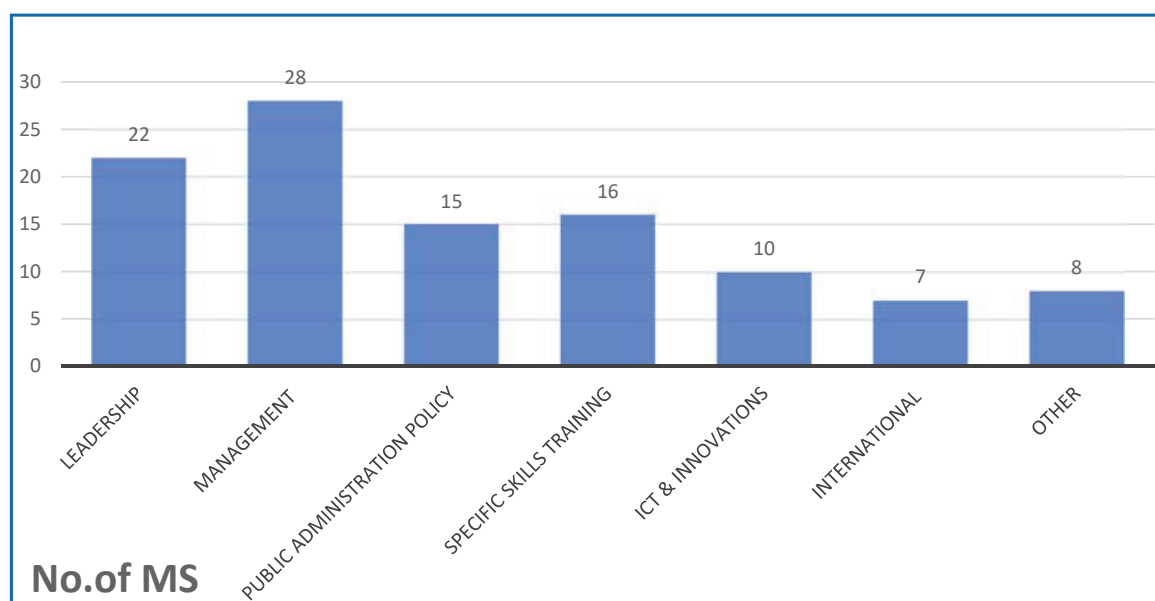
A common trend can be identified in terms of the experiences of some countries under which career advancement is dependent upon work performance appraisals. For example, in Singapore, promotions are directly linked to high achievement, while in Canada the highest possible appraisal of civil servants is considered grounds to propose them for the position of an SCS. In Australia, SCS regression provisions also define cases where SCSs fail to perform their duties. Based on performance assessment, the department's secretary can determine lower compensation for an SCS within the established range or demote the SCS subject to the approval of the Public Service Commission (World Bank 2005).

TRAINING AND DEVELOPMENT OF SCSS

It is interesting that specific training and development programs are linked to SCSs' competencies in less than half of the EU Member States: in 14 countries, the competencies framework and training offered to SCSs have some kind of linkage. In the other countries, this link is not clearly defined but can be established through the performance assessment process or in the training process.

When comparing SCSs' competencies profile and comprehensive management training, the following trends can be identified between 2008 and 2015: the number of EU Member States that use a competency framework and comprehensive training for SCSs increased by nearly 50% (rising from 10 Member States to 14) (Kuperus & Rode, 2016).

Graph # 4: Main topics of training and development for SCS in 2015 in EU



Source: H. Kuperus and A. Rode - Top Public Managers in Europe (2016)

In some Member States (Estonia, Ireland), and in the European Commission itself, a new trend can be observed of **training that is tailored** to the individual needs of the SCS. Notably, such an approach was not used at all in 2008. This shows that there is now a greater focus on assessing the SCS's performance and identifying any competencies that need to be developed. Different countries approach this issue in various ways of course. Some of them focus on **specific development needs** and tailor the training's thematic context and format, as well as the agenda, to individual needs.

E-learning is not very popular and has been implemented in only nine Member States so far (Czech Republic, Denmark, Italy, Hungary, Portugal, Romania, Slovakia, Sweden, and the UK). This method could be easily and effectively adjusted to an SCS's timetable and individual needs. Researchers have explained the low rate of e-learning implementation as being attributable to the organizational culture and the difficulty in changing traditional learning methods in certain member states.

Furthermore, experience-sharing among SCSs has become a very common form of training and development in many states such as Belgium, Denmark, Germany, Greece, the Netherlands, Malta, Portugal, Romania, Finland, Sweden, and Estonia, as well as in the European Commission itself. However, in 2008 this approach was observed in Germany and Estonia only. Periodic SCS meetings (monthly, quarterly, or annually), work conferences, fora, and professional/networking events aim to discuss current affairs and to reach consensuses on decisions. These represent one of several experience-sharing and professional development/learning opportunities. Such meetings often allow participants to become better acquainted with each other, and to create common networks and values.

More recently, SCSs have been required to undergo **mandatory trainings** in the majority of the EU Member States. In 2008, such an obligation was prescribed in two countries only: Slovenia and Slovakia. In the Netherlands, SCSs are required to participate in 40 hours of training and development activities in total per year (Kuperus & Rode, 2016). However, the approaches differ from country to country in this respect as well: some countries provide the number of mandatory training days that an SCS must undergo without specifying the type or topic of training course(s) (Slovakia), while in other countries a specific course or a training component is named (Croatia, Portugal, and Cyprus). In Estonia, attendance at training is considered as a routine part of the SCS's work.

Some EU Member States require **compulsory induction training** for SCSs. In Belgium, Greece, Ireland, France, Italy, Croatia, Slovenia, and Slovakia, said training is required for the SCSs when first appointed. To summarize here, it can be stated that the trend of compulsory induction training is becoming fairly prevalent. Furthermore, more and more countries are seeing the need to conduct specific trainings for SCSs to improve their daily work and to help them to effectively respond to challenges in the public administration system. In addition, the practices of experience-sharing and the arrangement of training tailored to individual needs have become very popular. Appendices to this study provide a list of competencies that the EU Member States use in the training planning and career development processes. The lists of additional competencies to the relevant competency frameworks of the as of 2015 are also available, as well as the topics of the SCS training courses and activities (Kuperus & Rode, 2016)¹⁷. This information can be used as guidance if

such an institute is to be introduced in Georgia, particularly when planning and implementing the SCS's career development system.

ENSURING DIVERSITY AND FAIRNESS IN THE SCS SYSTEM

Studies confirm that a diverse work environment is valuable for many EU Member States with respect to improving various public services. Diversity in this context entails the creation of a representative workforce in the civil service that better represents the population in terms of age, sex, disability, and ethnicity. It is clear that diversity policies in the EU Member States are significantly determined by the specific political and cultural circumstances of the given state. For example, ethnic diversity is no longer a priority in the majority of EU Member States (Kuperus & Rode, 2016). Meanwhile, in terms of age, despite the fact that aging populations is a growing challenge, none of these states have a specific policy with regard to civil servants of pension age. Today, in the majority of EU Member States the key goal of diversity policies is to ensure equal representation of women in SCS positions and to promote the recruitment of persons with disabilities in the public sector.

Some of the measures used in the SCS systems of the EU that aim to improve gender balance include: focusing on providing equal opportunities during the recruitment process; mentorship support for women; and other tools to attract and retain women leaders in SCS positions and to reduce turnover. Further relevant measures also include defining and enforcing specific sanctions for employers if particular targets are not achieved (Kuperus & Rode, 2016).

The analysis also shows that the number of women among SCSs has increased worldwide following the implementation of the relevant tools aimed at ensuring diversity and fairness in the SCS system. In this respect, several results must also be noted. In particular, according to different studies, the appointments of women to SCS positions in the majority of EU Member States increased by approximately 10% between 2008 and 2015 compared. Moreover, in 2015, the representation of women in second-category SCS positions was at least 10% greater compared to first-category SCS positions (Kuperus & Rode, 2008; Kuperus & Rode, 2016). Even though women are clearly equally capable of holding a first-category SCS position, it has been suggested that women still face restrictive barriers including a gender-biased culture of leadership and other problems related to discrimination such as an assumption that female candidates will have more problems with achieving a satisfactory work-life balance. The following tools are commonly used to reduce the latter barrier: extended maternity leave; shared parental leave; a part-time work schedule; and financial and other additional benefits. The EU Member States acknowledge the importance of women's representation in SCS positions, even though the burdensome nature of the role can pose work-life balance problems for women who are pregnant or have recently given birth.

IMPLEMENTATION OF A SENIOR CIVIL SERVICE SYSTEM: THE PROBLEMS

The study of the Western Balkans (Albania, the Republic of North Macedonia, Montenegro, Serbia, and Bosnia and Herzegovina) and Ukraine revealed problems which should preferably be avoided when this model is implemented in Georgia. In addition to Croatia, this chapter focuses on all the Western Balkans states that are not (yet) members of the EU.

WESTERN BALKAN'S EXPERIENCE OF IMPLEMENTING A SENIOR CIVIL SERVICE INSTITUTE

Before discussing the practice of the various nations of the Western Balkans, it must be noted that, save for Albania, all of them were part of Yugoslavia. As a result, there are some important similarities shared by these countries.

An SCS, as a group of special managerial positions (i.e. positions to which different rules apply), can be found in all of the foregoing countries. However, the applicable definitions differ noticeably from one country to the next. In Albania, the understanding of an SCS is unique in the Western Balkans in that here an SCS is considered as an separate group of civil servants. In other Western Balkans

¹⁷ Presented in the extended report in Georgian

states, it is considered necessary to distinguish SCSs from other civil servants, mainly for recruitment purposes.

In the Western Balkans, the number of SCSs ranges from 100 to 350 (Albania - 115; Bosnia and Herzegovina (at state level) - 271; Bosnia and Herzegovina (at federation level) - 167; Bosnia and Herzegovina (at Republika Srpska level) - 162; the Republic of North Macedonia - 273; Montenegro - 157; and Serbia - 350). These SCSs include various offices including some or all of the following: a secretary of a ministry; an assistant minister; a secretary on a special assignment; heads, secretaries, and directors of a ministry's subordinate institutions and agencies; an assistant director; and an inspector general. A breakdown of SCSs in the Western Balkans is provided in the table # 5 below.

Table # 5. Number of senior civil service positions in Western Balkans states

Albania	115	No breakdown available, although the following positions are listed: secretary general; director of general directorate; general director; director of department (only in the Office of the Prime Minister [OPM]); and equivalent positions elsewhere (e.g. general secretaries in independent institution).
BiH State	271	52 special assignment secretaries (i.e. directors of agencies and heads of other administrative bodies); 40 secretaries; 174 assistant ministers and assistant directors; and 5 inspectors general.
FBiH	167	21 heads of administrative bodies; 20 secretaries; 8 heads of administrative bodies within ministries; 107 assistant heads (ministries and all other institutions); and 11 chief federal inspectors.
BiH RS	162	15 secretaries of the ministries; 51 assistant ministers; 13 chief republic inspectors; 1 secretary of the CSA and assistant directors (data not available); 38 heads of republic administrative bodies; 8 deputy heads of republic administrative bodies; and 36 assistant heads of republic administrative bodies.
the Republic of North Macedonia	273	14 state secretaries of ministries; a secretary general of the Government; a secretary of the secretariat for legislation; 29 heads of bodies within ministries; 177 heads of sectors in ministries; and 51 heads of sectors in bodies within ministries.
Montenegro	157	14 secretaries of ministries; 72 directors general; 19 heads of bodies within ministries; 37 deputy heads of bodies within ministries; and 15 heads of independent authorities.
Serbia	350	15 secretaries; 112 assistant ministers; 29 directors of authorities within ministries and 53 of their deputies; 17 directors of special organizations and 56 of their deputies and assistants; 14 directors and 49 deputy and assistant directors from the Government Service; and 1 deputy general secretary and 4 assistant general secretaries from the Government General Secretariat.

Source: Udelepp, A., et al. (2018), "Analysis of the Professionalisation of the Senior Civil Service and the Way Forward for the Western Balkans", SIGMA Papers, No. 55, OECD Publishing, Paris, <https://doi.org/10.1787/8535b60b-en>.

In light of SIGMA 55 and 58, it can be surmised that SCS selection and appointment procedures vary from country to country. The key similarities at a legislative level are the prohibition of discrimination throughout the selection process and the existence of a mechanism through which to appeal decisions. As for the selection and appointment of candidates, we can observe certain differences between these countries. In some countries, the selection process is administered by a permanent committee albeit, as a general rule, this is done together with representatives of a relevant agency. In other countries, this function is performed by ad hoc committees, usually comprising representatives of the body that has announced the vacancy (in the Republic of North Macedonia, such representatives form half of the total number of committee composition). In Albania and Montenegro, political office-holders make a final decision on the appointment of an SCS. However, this is not the case in Republika Srpska and the Republic of North Macedonia. Although the issues concerning political neutrality have been put on a statutory footing, a number of researchers and experts, authors of SIGMA 55 and 58 underscored the high risk of politicians exerting influence on the SCS selection procedure (SIGMA 55 and 58).

The extent to which there is a real opportunity for SCSs to exercise powers and fulfil duties must be separately examined. In particular, even though it appears that this institute has been formally implemented in the Western Balkans, none of the SCSs there have real authority to manage their affairs independently. Generally, SCS functions are unclearly formulated in the Western Balkans. The model essentially focuses on affording ministers the authority to make most decisions concerning the allocation of resources. A study conducted by SIGMA in 2017—which covered 34 ministries in the Western Balkans and examined certain categories of authority delegated by ministers to administrations—showed a low degree of delegation of relatively significant authority to SCSs by ministers and their deputies. The study found that the least delegated authority was that of recruitment (only 2 ministries out of 34). A low degree of delegation was also notable in the cases of employee business trips and training. Significantly, there is a trend among Western Bal-

kans states whereby decisions regarding employee training are made at ministerial level. This, on the one hand, amounts to unnecessary involvement of a minister in day-to-day management issues and, on the other hand, undermines the very point of an SCS, given that the effective management of an organization and the handling of day-to-day processes is supposed to fall within SCSs' functions. The most frequently delegated authorities include responding to requests for public information (16 ministries out of 34). This indicates that ministers are more inclined to give up authority which is of less significance in terms of the attached administrative powers. The foregoing illustrates that, in these countries, the real powers of SCSs are rather weak, their governing functions are limited, and their role in running relevant agencies is restricted.

In these studied countries, functions of SCSs are unclearly formulated and the state authority is reluctantly delegated by political office-holders (for example, by the ministers). The fact that the real authority of SCSs is weak limits their governing functions and their role in institutional management. When a minister retains decisive administrative leverages, the degree of the SCS institute's politicization becomes high-this point was also highlighted during the in-depth interviews with foreign experts. One of the study respondents (a SIGMA representative and a policy expert involved in public administration reform in the Western Balkans) corroborated the foregoing point in his interview: *"In the Western Balkans, the SCS selection procedure is, as far as possible, apolitical, and candidates are selected based on their professional portfolio. However, the system allows for a latitude of exerting certain political influence on the first category SCSs."* [2020, March, 30, Skype Interview].

The same respondent further noted that, in the process of transitioning to an SCS system, Albania was the only country in the Western Balkans that implemented a career-based model, while other states in the region had opted for a more position-based approach. Notably, the appointment of SCSs is quite politicized in the countries adopting the latter approach. The respondent also stated: *"Such politically appointed persons are typically characterized by high professionalism; however, they would have not been assigned to that position had they not been affiliated with a specific political party."* [2020, March, 30, Skype Interview]. According to the same respondent, in Montenegro it is widely known which political party influences appointments of first-category and second-category SCSs. The same respondent underscored: *"One could say that, in the Western Balkans, the level of political cohabitation between SCSs and political office-holders is much higher than reasonably necessary."* [2020, March, 30, Skype Interview]. He also pointed out some legal violations that allegedly take place in relation to SCSs, asserting that, in some cases, the law concerning appointments of SCSs is being publicly and openly infringed. The respondent noted: *"For example, although the law in Serbia allows for the appointment of an SCS only through a competition, a number of infringements take place; and, even though the law only allows for an extension of the incumbent SCS's term for 6 months, and despite a number of guidelines from the EU Commission, we still find cases where this regulation is contravened."* [2020, March, 30, Skype Interview]. The same respondent noted that Serbia has a central selection commission and detailed selection procedures. However, in practice, the aforementioned term extension practice is used in more than 60% of cases, relying on negotiations with political office-holders. Accordingly, the respondent surmised, persons who have not been formally appointed continue to hold these positions for an indefinite period. Moreover, according to the same respondent, the commission's lack of competence and qualification remains a challenge for Serbia and, due to this shortcoming, two-thirds of competitions are basically devoid of any purpose. Even though the selection procedures for positions at different levels should naturally differ in many respects, this is not the case in Serbia where, in practice, the same criteria are applied to all types of vacancies. As studies have demonstrated, highlighted problems in this regard include that SCSs in ministries lack full understanding of their annual budget (SIGMA 55; Sigma 58). It must be noted that heads of organizations (including ministers) are frequently involved in the decision-making process even for the most trivial matters, while the highest-ranking managers have very little control and operational discretion over the use of resources allocated to them. A problem that deserves special emphasis here is that, according to the same studies the majority of SCSs in the Western Balkans do not consider that they can, or should be able to, manage key resources at their disposal. Notably, heads of agencies under a ministry's subordination are often considered to hold politically dependent offices (this was the case in more than half of the agencies in Bosnia and Herzegovina) and frequently find themselves accountable to several superiors, such as a minister and the government (as is the case in the Republic of North Macedonia), or a minister and a director-general (Montenegro).

Another problem is that SCSs are in some cases accountable to two superiors: their minister and a special body responsible for the management of civil servants. Such dualism makes the accountability process much more complicated and, as a result, renders effective management of a ministry and its subordinate agencies more difficult. This casts doubt on the real advantages of the institute in these particular countries.

RISKS AND CHALLENGES

The respondents attempted to explain the problems and challenges encountered in the SCS experiences of the Western Balkans by focusing on different factors. In this respect, the respondents cited history and heritage to be a prominent impediment, including Soviet-style (except for Albania) and traditionally strict and inflexible bureaucratic practices of subordinated public officials. According to one of the experts who participated in the study, in these countries, civil service systems have not undergone major changes during their SCS reform—rather, he claimed, the reform had mostly entailed the renaming of positions. In particular, insofar as SCSs are concerned, deputy ministers had been renamed directors-general, secretaries, and so forth. Consequently, he opined, their work had not gone through meaningful change or conceptual re-evaluation, and their rights and duties had not been appropriately delegated.

The low degree of coordination among SCSs and the absence of a single coordination body, even in the form of an SCS union, were named as some of the reasons why the Western Balkans states had not succeeded thus far in this endeavor. One of the experts who participated in the study underscored: *“There is no hierarchy among SCSs in the Western Balkans where different positions still have a horizontal nature in a sense that they don’t have an SCS, even in the form of a permanent secretary at the level of the cabinet of ministers, who would ensure uniform management of processes. Hence, coordination between SCSs of the same rank becomes difficult when deciding on certain matters.”* [2020, March, 30, Skype Interview]. In the Western Balkans, unlike in some other countries and/or regions, there is no single platform for holding SCS conferences, fora, and periodic meetings where problematic issues are proactively managed before being submitted to the government for review. Crucially, the absence of coordination mechanisms limits opportunities to share experiences. Some of the interviewed experts think that the creation of such an institute in the Western Balkans has proved difficult for this very reason—none of the countries in the region have a hierarchy of SCSs where some of them would be accorded greater decision-making privileges than others.

Similarly to our respondents, the secondary literature also often points to the high degree of SCS politicization in the Western Balkans being responsible for the failure of this institute so far, even when all procedures concerning selection, appraisal, and appointment of SCSs, as well as their competences, may be clearly stipulated in the relevant national law. One of the experts participating in our study stressed: *“We face problems in terms of enforcing and observing procedures because appointments are underlain by political considerations, rather than meritocratic.”* [2020, March, 30, Skype Interview]. In an attempt to highlight the problem, one of the experts who participated in the study pointed to the situation as he perceived it in Montenegro: *“Selection committees are created for all vacancies, which is unacceptable since selection is a special activity and it is necessary that it be done continuously by persons experienced in this area. Moreover, despite it being a single system, some rules may be ambiguous and, if committee members are frequently replaced, they may be differently interpreted when selecting candidates.”* [2020, March, 30, Skype Interview].

We can observe similar problems in Ukraine, where an excessively high degree of politicization in this process can be seen even after the second wave of reforms to implement an SCS system. The reform of the state apparatus is hindered by the practices of the Soviet era, some of which survive to this day. SCS selection and appointment procedures are mostly tailored to specific persons—there is no uniform approach and exceptions are frequently made. Moreover, the scale of the reform went beyond the executive branch and SCSs’ positions have been implemented in legislative and judicial branches as well, something which is not observed in many other countries. In Ukraine, the separation of authorities between SCSs and political office-holders is insufficient and ambiguous, which renders the reform an artificial formality.

UKRAINE’S EXPERIENCE OF IMPLEMENTING A SENIOR CIVIL SERVICE INSTITUTE

Ukraine has attempted to introduce an SCS system twice. The first attempt was made at the beginning of the 2000s, which proved unsuccessful and was eventually scrapped. The second attempt, over a decade later, is still ongoing and is part of a wider public administration reform. It follows the coming-into-force of a new law on civil service, and its starting point was the development of a public administration strategy. Below, we discuss both such attempts.

THE FIRST ATTEMPT TO IMPLEMENT AN SCS MECHANISM IN UKRAINE (2001-2003)

When discussing the implementation of an SCS mechanism in Ukraine, it is important to take into account the administrative conditions that preceded such (attempted) reform. In the Soviet period, ministers of the central Soviet cabinet were civil servants responsible for implementing communist policies developed by the Central Committee of the Communist Party. Even after Ukraine gained its independence, the policy-making process remained highly politicized despite those employed in the civil service being given the status of neutral civil servants. In the early post-Soviet period, one of the significant factors in public sector politicization was that senior officials (including ministers), as well as many lower-level civil servants, held onto their positions on account of their continued support for the incumbent president and other powerful figures within the Parliament. As a result, ministers, rather than having much say in policy-making, were just politicized managers of their ministries (Balabusko, 2016).

Before 2001, the system in Ukraine mostly revolved around the role of the President-the Cabinet of Ministers, as well as individual ministers, had only minimal functions with respect to the policy-making process. Rather than bona fide ministers, they were mainly considered as managers of their own ministries responsible for implementation of politicized policies (Ukraine, SIGMA Baseline Measurement Report, 2018). However, Ukraine's constitution defined the Cabinet of Ministers as the main executive body in the country. It is to be noted that ministers and their deputies were appointed by the President (subject to a nomination by the Prime Minister). Despite ministers being accountable to the Prime Minister, whether or not they would remain in their office depended on the President's decision.

In 2001, Ukraine embarked on state secretaries reform, which sought to introduce SCSs (state secretaries) and to distinguish their duties from those of ministers. The key task of a state secretary was to professionally implement state policies. This reform provided for the separation of political and administrative functions and envisaged shifting to the Westminster-style independent SCS model from Ukraine's inherited politicized system. The role of ministers was laid out to reflect those of their counterparts in western democracies (i.e. policy-making).

A presidential decree gave the SCSs (i.e. the state secretaries) and their deputies considerable independence from the Council of Ministers. The responsibilities of state secretaries included preparing and submitting the relevant ministry's program and work plan for the relevant minister's approval; preparing budgets; approving the relevant ministry's organizational structure; making staffing decisions in the relevant ministry; and reporting on the relevant ministry's performance (Balabushko, 2016).

The functional overlap among and competition between ministers and SCSs became evident after the reform was implemented, when both found themselves having de facto similar functions, yet were accountable to different institutions. In particular, the SCSs were accountable both to a minister and the President. Notably, since the president appointed SCSs (state secretaries), they were likely to have greater regard for the President than the given minister. Ministers saw this as an attempt to undermine them. Moreover, the limited degree of reporting by SCSs to ministers caused considerable dissatisfaction among the latter as well. Despite the non-political nature of these positions, there was no competitive procedure for the selection of SCSs. The qualification criteria were very general, affording the President a wide margin of discretion for SCS appointments (this was the Ukrainian system's key difference compared to the Westminster model). Notably, the changes to the Cabinet of Ministers did not automatically result in the replacement of SCSs; rather, SCSs were appointed for the term of the President and dismissed after their presidential tenure expired. This reaffirmed the pro-presidential nature of the SCS mechanism.

It is to be noted that during the period of 2001-2003, the President issued 50 decrees that appointed and dismissed SCSs and deputy SCSs. This showcases the instability of the mechanism. In addition, it was also revealed that since some ministers did not have any political deputies, the SCS absorbed their functions as well — a practice that contradicted the essence of the reform. Ultimately, the President abolished the SCS position in 2003.

Nevertheless, some analysts consider that the abolishment of the SCS positions was a result of the change in the political situation in Ukraine and the election of a coalition government, which changed the balance of power between the President and the Cabinet of Ministers (Valevsky & Kononchuk, 2003).

According to local experts, during the reform it was overlooked by the authors of the reform that, at the time, there was no policy-making function in the executive branch—partly owing to the inheritance of a Soviet framework in which ministerial functions were limited

to those of administrative and managerial roles. In these conditions, the SCSs' functions became even more restricted (Balabusko, 2016). Frequent replacements of SCSs and mid-level civil servants in parallel with changes in the leadership demonstrated that loyalty to the President was deemed more important than professionalism.

Some have claimed that the reform was actually aimed at strengthening the President's powers (Balabusko, 2016). Moreover, the implementation of the reform caused rivalry within the ministries and amounted to a waste of financial and human resources. A further important cost of this failure was that it diminished the public's trust in the reform process (Balabusko, 2016).

In their assessment of the state secretaries reform of 2001-2003, one author drew a distinction between politics and administration by referring to political policy-making and its neutral and professional implementation. The author further noted that the state secretaries reform in Ukraine, in light of the politically-motivated appointments of senior administrative officials, merely served as mock distinction between politics and neutral administration, withholding the policy-making functions from political office-holders in the executive (in this case, the ministers), which were still in the development stage (Balabusko, 2016).

THE SECOND ATTEMPT TO IMPLEMENT A SENIOR CIVIL SERVICE MECHANISM IN UKRAINE (FROM 2015)

Public administration reform in Ukraine was revived in 2015. One of the key catalysts in this respect was the obligation that Ukraine undertook pursuant to the EU-Ukraine Association Agreement concluded in 2014 (which became effective in 2017) concerning the implementation of wide-scale institutional and structural reforms. These entailed reforms of the administration system in general, as well as that of the civil service (Center for Adaptation of the Civic Service, 2019, www.center.gov.ua).

It was decided by the authors of the reform that the civil service reform had to ensure that Ukraine's civil service would transition in line with European Union standards, one of the key priorities of which was separating politics and administration and guaranteeing the political neutrality of civil servants. A Ukrainian respondent interviewed in the study confirmed this to be the case: "The expectation in Ukraine is that senior civil servants must ensure the change of an organization in line with western values and experience, define the organization's goals, and determine motivation of individuals employed in that organization." [2020, March, 30, Skype Interview].

Law of Ukraine On Civil Service, which entered into force on 1 May 2016, was developed with the involvement of EU experts, SIGMA program representatives, and the Ukrainian public. The law laid out an SCS mechanism (whereby category "A" civil servants were established in the form of state secretaries). The law also defined the authority of state secretaries, as well as the rules for their appointment and dismissal. Furthermore, the Public Administration Strategy 2016-2020 was approved which included all six public administration principles (i.e. principles developed by SIGMA in 2014). The priorities that were highlighted during the reformation of an SCS institute in Ukraine included, amongst others: maintaining institutional memory in ministries; creating greater work stability guarantees for civil servants; attracting and retaining professionals in the civil service; reducing the day-to-day routine tasks of political office-holders; providing political office-holders with professional consulting to reduce and prevent corruption risks in the policy-making process; and maintaining the balance of priorities between public and political interests when making and implementing decisions (Колиушко, И., Дерезь В., 2016).

The following positions were defined as SCSs (category "A" civil servants): State Secretary of the Cabinet of Ministers of Ukraine and their deputies (the law does not specify their number); state secretaries of ministries; heads of executive bodies who are not members of the Cabinet of Ministers of Ukraine and their deputies; heads of secretariats of the Constitutional Court of Ukraine, the Supreme Court of Ukraine, and high specialized courts of Ukraine; heads of local state administrations; heads of civil service in other government agencies of which their jurisdiction extends into the entire territory of Ukraine (Law of Ukraine On Civil Service, 2015).

An SCS is to act as a manager of civil servants within the relevant ministry. They are responsible for approving staffing decisions in line with the budget, appointing and dismissing employees (including political advisors to the ministerial office), granting ranks, organizing training sessions, issuing bonuses, defining types of disciplinary sanctions, and deciding on when disciplinary proceedings are to be initiated (SIGMA, 2018).

THE SENIOR CIVIL SERVANT SELECTION CRITERIA AND PROCEDURE

The law laid down tangible safeguards to protect SCSs from potential political influence by creating the Commission on Senior Civil Service. SIGMA's baseline study report of 2018 stated that direct and indirect political influence on senior managerial positions had been prevented, due to the existence of commissions for selecting SCS. The National Commission on Senior Civil Service established by the Cabinet of Ministers of Ukraine for 4 years term initiates selection procedure for vacant positions only where the number of proposed candidates is more than five (Law of Ukraine On Civil Service, 2015).

The Commission's decisions are published on the website of the relevant organization. The Commission selects one candidate and one alternative candidate, and the Cabinet of Ministers appoints the candidate proposed by the Commission for a term of five years. The alternative candidate will be automatically appointed to the position if:

- The first candidate refuses to be appointed; or
- The relevant position becomes vacant within a year.

Under Ukrainian legislation, the Commission is also responsible for making decisions on the SCS's re-appointment or transfer to an equivalent or lower position in another governmental organization.

In Ukraine, the Cabinet of Ministers approves the composition of the Commission subject to the relevant organization's proposal. The tenure of the Commission members is four years, save for that of the President's representative and the SCS of the Cabinet of Ministers whose terms are defined by an organization that decided to involve them as members of the Commission members (Law of Ukraine On Civil Service, 2015).

Under the law, the Commission's duties go beyond the selection of candidates and include, amongst others: developing professional competence requirements of SCSs; reviewing and resolving proposals of the relevant (appointing) authorities regarding SCS dismissals; proposing transfer of SCSs to an equivalent or lower position upon the expiry of their tenure; conducting disciplinary proceedings against SCSs; and proposing disciplinary measures to the appointing authorities.

Apart from the authorities afforded by law to the national commission, their mixed composition is also noteworthy, especially given that they are considered as safeguards of neutrality, fairness, and equal treatment throughout the selection procedure. Pursuant to the Law of Ukraine On Civil Service, the commissions are comprised of:

- Representatives of the Parliament, the President, the Cabinet of Ministers, the National Agency of Ukraine for Civil Service, and the National Agency for Prevention of Corruption;
- Representatives of the Employers' Association, trade unions, civil society, research institutes; and
- Individual experts.

The Commission was first created in June of 2016 (Report on Implementation of the 2016-2020 Strategy of Public Administration Reform in Ukraine in 2016-2017). Notably, in 2016 and 2017, the Commission held 109 and 98 competitions respectively.

Specific recruitment criteria were defined for SCSs, distinctive from those of other civil servants, under which a candidate must have:

- A university degree of at least master's level;
- A minimum of seven years of experience of working in category "A" or "B" positions as defined by the Law on Civil Service prior to any amendments;
- In the case of self-government, a minimum three years of experience of working in, at least, the position of the head of an organizational unit or a managerial position in the relevant area; and
- Good knowledge of the state language (Ukrainian) and one of the official Council of Europe languages.

Moreover, civil servants must meet the requirement of political neutrality (i.e. they must not become a member of any political party while holding the category "A" position) (Law of Ukraine On Civil Service, 2015). However, one of the respondents who has been involved in Ukraine's public administration reform said: *"At this stage, Ukraine has not completely overcome the practice of politically selecting senior civil servants, and that cannot be fully eliminated without strict and critical reforms of the civil service, considering that politics remain a very serious part of the administration reform."* [2020, March, 11, Skype Interview]. The respondent added that

a necessary prerequisite for the SCS system's success is that candidates must primarily be selected based on their skills (rather than political preferences), vacancies must be as open as possible, and a meritocratic approach should be taken. The respondent explained that ministers are not ready to cooperate with SCSs whom they do not trust, and whose selection procedures they are not completely convinced about, which indicates a problem with regard to fully accepting the system. One of the respondents noted: *"Nowadays in Ukraine there are many cases where ministers recommend their own candidates for a senior civil servant position, however, they are almost never selected in practice as they fail even the first stage of testing process due to the lack of skills."* [2020, March, 11, Skype Interview]. The expert in question considered that, with a view to limiting political influence, it would better if the law provided for the possibility of proposing no more than three candidates after the first stage of interviewing (instead of five). Another respondent interviewed during the study who has experience of working in a selection commission, as well as experience of participating in retraining of SCSs, emphasized: *"I personally evaluate those candidates who have been proposed by political office-holders more strictly; however, in the end if a candidate who reaches the second stage is supported by a political office-holder, that political office-holder will be held politically responsible for the qualification level of the senior civil servant."* [2020, March, 16., Skype Interview].

Law of Ukraine On Civil Service requires a competitive selection procedure for A category of employees, as a competitive selection procedure for all employees. It is noteworthy here that Ukraine has a position-based system. As a result, a vacancy is announced publicly and everyone can submit an application, including those outside the public sector. One of the respondents supported the position-based model and stated: *"Currently there are so many people employed in Ukraine's civil service with Soviet experience that the situation needs to be improved and it is therefore necessary that a new workforce fills senior civil servant positions and that the in-flow of candidates from the private sector is not hindered."* [2020, March, 11, Skype Interview]. According to the same respondent, currently 30% of SCS positions are occupied by candidates recruited from the private sector. This particular expert considered this a fairly low proportion given the need to ensure the system's swift development and shift to incorporate western values. Moreover, there is a focus on the need to increase compensation of SCSs to reduce potential cases of corruption. In this respect, respondents, citing best practice, referred to the initiative of attracting and offering high compensation to 2,500 young and professional candidates on so-called 'reform specialist positions' in Ukraine's civil service with the support of the EU.

Even though the composition of the Commission makes SCS management procedures more transparent, it does not guarantee the recruitment of professional candidates (SIGMA 2018). Several factors have been identified as attributable to this-according to the SIGMA 2018 study, there are no clearly formulated and standardized professional competence requirements that need to be met for a given SCS position (including tests and other assessment tools). A respondent interviewed during the study who has experience of working in a selection commission and participating in retraining of SCSs corroborated this point: *"The level of basic skills of management, strategic planning, change management, and project management among SCSs is low and training is used as a mechanism of overcoming it. However, the situation is fairly severe in some cases."* [2020, March, 11, Skype Interview].

Furthermore, when evaluating the workload and day-to-day activities of SCSs, SIGMA experts pointed out that supervision over their activities is more process-oriented rather than being focused on the results of that organization's performance. It was also noted that a bureaucratic model of governance is also demonstrated by strictly centralized internal management, whereby SCSs (category "A" civil servants) are overburdened with decisions on practically all organizational matters instead of dealing exclusively with strategic management (SIGMA 2018).

The separation of authorities between SCSs and political office-holders is also interesting. In this regard, SIGMA experts emphasized that the separation between political and administrative matters is clear in ministries where an SCS is considered as a civil servant who reports to the minister and is responsible for the internal management of the given ministry (including issues pertaining to human resources). However, the delineation between political and administrative functions is not as clear in other state bodies. In particular, this rule does not apply to the head of the administration of the President. Although said rule does apply to the head of the administration of the Parliament, there are different appointment procedures in place for this position for which minimum standards are not yet established. Despite the fact that the heads of central executive bodies belong to the civil service system, in the case of state bodies with special status (regulated by a different normative act), the relevant act provides exceptions for appointments to the positions of the heads of these bodies, and the law on civil service further prescribes certain cases whereby the heads of governmental organizations are not considered as civil servants (SIGMA Ukraine Baseline Measurement Assessment Report 2018). According to SIGMA experts' assessments, the low representation (16% as of 2018) of women in SCS positions remains a problem.

A summary given by one respondent concerning SCS mechanisms in Ukraine is also interesting here. The respondent stated that in this regard the reform has started well, *"but many critical aspects need to be addressed."* [2020, March, 11, Skype Interview]. For example, the same respondent referred to expert opinions whereby the importance of management is ignored in SCS positions in Ukraine and it is therefore necessary to increase functions, responsibilities, and relevant training programs in this direction. The same respondents noted that shortcomings here include the need to introduce SCS positions outside the executive branch, while adding:

“The role of senior civil servants in the parliament is unclear and chaotic, and does not significantly differ from the work of ordinary civil servants, which ultimately calls into question the need to have senior civil servants in the parliament.” [2020, March, 11, Skype Interview].

Accordingly, we can draw several important conclusions from Ukraine’s two-stage experience concerning SCSs that could be useful with respect to the Georgian context. In particular, they reveal the importance of:

- (i) Delineating politics and administration as much as possible so as to, at the very least, avoid the problem of dual authority that was prevalent during Ukraine’s first attempt at reform;
- (ii) Separating authorities between SCSs and political office-holders and avoiding any overlaps in that respect;
- (iii) Ensuring a uniform approach during reform implementation (as opposed to what has been observed in Ukraine where there are different rules for SCS selection, appointment, activities, and performance evaluation at different levels (government, ministries, and subordinate agencies)); and
- (iv) Avoiding the practice of using the SCS institute outside the executive branch (best international experience does not support such an approach, and its implementation has not been positively assessed in Ukraine either).

Finally, it is important to ponder the relevance of using the term ‘state secretary.’ For instance, this is the title of a political office in its own right in the US and it may be more appropriate to use a term such as ‘secretary-general’ or ‘director-general’ or another alternative that leaves less room for misinterpretation.

THE ATTITUDES OF LOCAL EXPERTS AND REPRESENTATIVES OF NGOS

This part provides an analysis of the data collected from in-depth interviews with 15 respondents. The interviews were conducted using a carefully prepared manual, in which the questions covered various aspects including the reasons behind the civil service reform, its implementation process and features, as well as the challenges associated therewith.

The respondents were chosen for interview based on purposive and snowball selection principles. Considering the specifics of the topic, it was pivotal to select respondents who were informed about the issues at hand. Accordingly, the interviews were conducted with persons who had participated in the civil service reform and had good knowledge of the relevant issues. Moreover, each respondent, who was selected using the purposive sampling method, also provided references for two other persons who, in their opinion, possessed similarly valuable information pertinent to the issues covered by the interview questions. From the list of referees, those most frequently named were ultimately selected as additional respondents.

Data obtained from the in-depth interviews were processed using a thematic analysis method. The present analysis discusses each issue in light of the information obtained from various respondents, and its results reveal both areas of widespread consensus and areas in which there is a spectrum of differing viewpoints.

FOUNDATIONS FOR THE REFORM

In conversations regarding the attempts to implement an SCS institute in Georgia and the possible reasons behind the failure of this initiative, it was once again confirmed that discussions on this issue officially started in 2015-during the first stage of the review of the draft law on civil service. Several respondents noted that focus group meetings were held on this topic, participants of which were those employed in top-level management positions in the civil service and heads of LEPLs. Generally, the participants positively evaluated the efforts being made towards enhancing the political neutrality of civil servants; however, many expressed concerns about the Georgian civil service system’s preparedness (or lack thereof) to implement an SCS system. The context at the time must also be taken into account: at the initial stage of the civil service reform, the key focus was on the implementation of the reform and refinement of the system. The introduction of an SCS mechanism was seen only as a possible subsequent stage at that point. One of the NGO representatives stated: *“The logic of that time was based on these arguments-first, we need to improve the system, organize it, create a career and professional development system, incorporate servants’ political neutrality mechanisms, and we can discuss this issue*

at a subsequent stage of this reform." [2020, February, 17, Personal Interview]. It should be underscored here that a recommendation to introduce an SCS mechanism never reached the government and discussions on this particular issue stopped at the working group level.

One of the experts stated that, when working on a civil service reform concept in 2015, the SCS system was rejected due to perceived potential conflicts between political office-holders and SCSs. Several other reasons for rejection were also mentioned during public discussions, including the unsuccessful experience of a non-EU Balkan country (however they did not indicating the country names). Eventually, the SCS system was not integrated into draft law on civil service at the initial stage. However, some of the respondents indicated that compelling arguments were never presented, and detailed discussions on this concept were never held. Several interviewees mentioned the complexity of this issue being a key hindrance to its progress. One of the respondents stated in an interview: *"Time constraints did not allow for clarification of all details concerning technical, substantial, and functional separation."* [2020, February, 16, electronic response of the Interview guideline]. Consequently, the Public Administration Reform Roadmap 2015-2020 described the issue of establishing an SCS mechanism as a future objective pursuant to ensuring the political neutrality of civil servants.

SUPPORT OF INTERNATIONAL ACTORS

The respondents provided diverse answers when asked about the support of international actors. The majority of the respondents deemed that international organizations played an important role in the civil service reform process in Georgia, be it in terms of developing ideas or providing financial support for the career development of civil servants. One of the NGO representatives stated that although ensuring the political neutrality of civil servants was not a novel initiative, the EU-Georgia Association Agreement, which highlights this very issue, had served as a catalyst for advancing activities in this direction. By signing the agreement, Georgia has undertaken a number of obligations with respect to good governance, with the establishment of neutral civil service laid out as one of the priorities. One of the respondents said that, in the course of the reform, it would be necessary to thoroughly analyze the local environment to gauge the country's readiness at a local level, as well as to identify relevant human resources for SCS positions in the current system. In this regard, the support of international actors would be expected to play a significant role.

THE KEY ROLE AND PURPOSE OF THE SENIOR CIVIL SERVICE SYSTEM

The attitude of local experts and representatives of NGOs is generally positive towards the implementation of the SCS institute in Georgia, according to the interviews conducted. The majority of respondents noted that the key function of an SCS in Georgia should be to protect professional civil servants from political influence, to attend to the employment rights of civil servants, and to ensure the continuity, stability, and neutrality of public governance.

Furthermore, one of the NGO representatives stated: *"The SCS system is a mechanism for separating political and administrative functions in the civil service in a way that certain functions are performed by apolitical persons, thereby ensuring political neutrality in the civil service with a view to minimizing the political influence on the professional civil service that result from changes of ministers."* [2019, February, 16, Personal Interview].

The respondents emphasized the role of an SCS in maintaining institutional memory and ensuring the continuity of the work process in an environment in which political office-holders are frequently replaced.

Some experts also see the role of an SCS as entailing the proposing of qualified expert recommendations to political office-holders during the policy-making process. SCSs are also considered by most respondents as institutions that support the professional development of those employed in the public sector. In this respect, SCSs are seen as persons who, unlike political office-holders and those employed in managerial positions in the public sector, have a much broader vision and handle the career advancement of civil servants at a strategic level.

THE REFORM'S EFFECTIVENESS GUARANTEES

Most of the respondents stated that if the country was to proceed to undertake a reform aimed at implementing the SCS institute, the risk of politicizing the process must be prevented. Despite their different backgrounds, the respondents all agreed that the process must be carried out with the maximum involvement of stakeholders. In their view, this is necessary in order to carefully consider in advance all details associated with the implementation of the SCS institute and to control risks as much as possible.

The analysis demonstrates that the majority of respondents preferred a gradual move towards an SCS system. In the opinion of the majority of respondents, it would be desirable to first launch the system as a pilot in several ministries and then plan expansion in light of the pilot results.

When discussing the implementation of the SCS system in Georgia, the absolute majority of the respondents agreed that it would be desirable to introduce a relevant position with ministerial-level authority (as opposed to departmental or other administrative levels). One of the interviewed experts with long-term experience of working in the public sector explained that, “according to an amendment to the Law on Civil Service, ministers no longer participate in the selection of heads of departments and, therefore, political neutrality is better safeguarded throughout their appointment. At the same time, according to the same respondent, there is currently no need for SCSs to be represented at departmental and divisional levels”. [2020, February, 17, Personal Interview].

Attitudes towards the implementation of an SCS system at local self-government level are not uniform. All respondents deemed the idea of implementing this system rather premature and noted that the reorganization of self-governments in this respect may only constitute a part of the second stage of the reform—provided that the system is successfully implemented at central level. While some respondents consider it more necessary to implement this institute at a local level, some think that it would be more sensible to suggest its implementation at local self-government level at the second stage, in light of the potentially high risks and difficulty in eradicating a clientelist mentality. Most respondents agree on this position. As for respondents representing LEPLs, the majority share the view that, given the legal ambiguity surrounding their status, it would be difficult to discuss how an SCS system would affect them.

The majority of respondents consider it inadvisable to expand the SCS's position beyond the executive branch, thus opposing the replication of Ukraine's experience.

Positions regarding a coordination mechanism for an SCS system also differ. Some experts support the autonomous functioning of this mechanism at a ministerial level and oppose the creation of a centralized system. In contrast, the majority of experts and NGO representatives consider it necessary to have a centralized coordination mechanism for an SCS system in place. However, opinions regarding which agency ought to be responsible for coordination vary, even amongst the supporters of a centralized coordination mechanism. Some of the respondents underscored the active role of the Civil Service Bureau in this respect (in terms of enhancing/expanding its functions), while others opined that the Administration of the Government should assume coordination functions.

QUALIFICATION CRITERIA FOR SCSS

The study participants did not all agree on the qualification criteria that an SCS candidate must meet, but they did universally concur that an SCS must possess managerial qualities. Meanwhile, opinions differ on whether an SCS should have specific knowledge and experience (in this regard, some respondents pointed to the specific nature and purpose of the work that some ministries carry out).

The majority of respondents support a more career-based model for recruiting SCSs rather than a position-based (or competitive) model. In their view, it would be desirable for an SCS to have experience of working in the civil service. The majority of the respondents stated that a desirable duration of relevant work experience would be 5 to 10 years but the Civil Service Bureau demands at least 10 years.

The differences between study participants regarding their views on work experience in the civil sector are also interesting: the need for prior work experience in the civil sector was generally highlighted by the respondents who had worked in the civil service themselves. Conversely, representatives of NGOs generally think that, apart from some experience of working in a managerial position in the civil sector, it would be desirable for an SCS to be able to demonstrate similar experience in private, non-governmental, and international organizations.

The respondents were asked which term they would deem the best for referring to a leading SCSs in Georgia. In response, the following options were proposed: 'Secretary-General,' 'Head of the Administration,' and 'Executive Director.' The participants also overwhelmingly supported the use of the following titles: 'Senior Civil Servant' or 'Chief Civil Servant.' When suggesting the term 'Executive Director,' one of the NGO representatives alluded to the prevailing practice in the country (both in the private and non-governmental sectors) whereby this term is used to refer to persons with functions that would be similar to those of head of administration/unofficially secretary general. The respondents agreed that it is important to select a term that is understandable for all civil servants and, at the same time, highlights the special status of that position compared to other civil servants.

MECHANISMS PROTECTING SCSS FROM POLITICAL PRESSURE

Broadly similar positions were expressed when pondering mechanisms to protect SCSs from political pressure. However, for certain issues the opinions were more diverse. With respect to the selection of an SCS, NGO representatives agreed that a competition committee must select, based on pre-established evaluation criteria, a person for that position with the participation of all stakeholders. In addition, one of the NGO representatives noted: *"It would be better if a competition committee selected three best candidates and proposed them to the government/a minister for a final decision about appointing one of them."* [2020, March, 2, Personal Interview]. Moreover, some suggest that an SCS be appointed by their colleagues, whereby he/she is selected by the civil servants employed in the relevant agency.

When discussing an SCS's tenure, only one expert supported life tenure. Other respondents would prefer that appointments be made for a defined term, which must not coincide with the election cycle (i.e. appointments should be made for a term one year longer than the election cycle). Some of the respondents stated that a 5-year term would thus be reasonable.

Opinions differ notably regarding the accountability of SCSs. One of the NGO representatives argued that an SCS must be accountable to their line manager (a political office-holder) and the government, to varying degrees according to the specific nature and purpose of their work. One of the experts also espoused the idea of imposing double accountability-i.e. to both their line manager and the Civil Service Bureau. In contrast, the majority of the respondents claimed that an SCS must be accountable only to their line manager.

Positions were also divided with respect to an SCS's dismissal. Some experts argued that, to appraise the effectiveness of an SCS's performance, it is important to implement a control mechanism that should also provide for specific dismissal grounds. It was also noted that it is pivotal to afford special safeguards to SCSs, compared to other civil servants, which should make their dismissal more difficult to activate.

RISKS AND CHALLENGES OF IMPLEMENTING AN SCS SYSTEM

In the study, some respondents referred to an increase in bureaucratic processes and the duplication of positions when discussing the risks and challenges of implementing the SCS system. In this regard, the likelihood of contradictions over issues between SCSs and civil servants under their subordination was also underscored.

Furthermore, the majority emphasized the need to avoid the risks of selecting/appointing SCSs on political grounds and 'closing' the civil service system for the general public. Corruption-related risks were also pointed out in the event that a career-based model is selected. Possible personal conflicts between a minister and an SCS affecting the system's stability were also mentioned among possible risks.

It is to be noted that the representatives of NGOs and the Civil Service Bureau were more positive about the implementation of an SCS mechanism compared to the experts. One of the experts did not envisage that this mechanism would be implemented in the next 10-15 years—this projection hinged on the assumption that the degree of democracy in the country would improve during that timeline. The respondent explained that other factors such as the high turnover in the civil service, the poor condition of the civil servants' appraisal and promotion system, and the difficulty in identifying relevant candidates for an SCS position, would also contribute to such a timeframe. According to another expert who participated in the study, if the system were to be implemented, there would be a high risk of the duplication of functions of civil servants. Bearing this in mind, it would be necessary to equip SCSs with functions that are

different from those of other civil servants employed in a given agency (e.g. ensuring general coordination of the work of an agency and participating in the policymaking process). Specifically, the expert warned: “Otherwise, the introduction of this mechanism would be meaningless, as it would just amount to an increase of the bureaucratic apparatus.” [2020, February, 19, Personal Interview].

Forecasts of the NGO representatives were much more optimistic, albeit they did allude to some potential risks. One of the NGO representatives stated: “Implementation of an SCS system in Georgia is something worth trying.” [2020, February, 17, Personal Interview]. He elaborated that, running parallel, the de-concentration of power and the formation of a pluralistic political system were important preconditions to establishing the political neutrality of the civil service. Otherwise, he claimed, the existence of a one-party government, the likelihood of politicizing the civil service, and other factors would heighten the risk of the governing political power exerting pressure on civil servants.

In general, it can be summarized that the vast majority of respondents consider that a reform focused on the implementation of an SCS system must not be some sort of ‘pseudo’ reform. Safeguards that would assure authentic reform include full consideration of the local context, meaningful and informed implementation of an SCS institute, and its ‘fusion’ with best local practices.

RECOMMENDATIONS

In light of the study’s conclusions, the report puts forward two categories of recommendations: the first category covers recommendations that serve as a prerequisite to the implementation of the SCS institute; and the second category includes recommendations which need to be taken into account both during the institute’s implementation and throughout its functioning.

I. Recommendations necessary to set up the SCS institute:

- (1) Identify all potential needs, risks, and hindrances, and plan management measures reliant on the efforts of the Civil Service Bureau and the Administration of the Government of Georgia.
- (2) Conduct a basic study before the reform to establish the compatibility of the existing reality with the proposed SCS system. In this process, the results of other studies conducted by the Civil Service Bureau must also be considered.
- (3) Clearly separate political and administrative responsibilities and garner political will to create a politically neutral institution, which is an effective tool to achieve set goals and aims. This will reinforce the statement made in the PAR Roadmap regarding the creation of a merit-based, professional, and effective civil service system that is free of political influence.
- (4) Give preference to the integration of various elements of the SCS system from diverse international best practice, instead of following the experience of one particular country. In so doing, the best local experience should also be relied on and, at the same time, the consensus of all stakeholders involved in the reform should be considered.
- (5) The reform process should, as much as possible, take into account the requirements of the Methodological Framework for the Principles of Public Administration (2019) developed by SIGMA, with a view to creating conditions to monitor progress against the relevant indicators. This particularly concerns the sub-indicators under Indicator 3.4.1 (Merit-based recruitment and dismissal of senior civil servants) provided in the block on the prevention of direct and indirect political influence on senior managerial positions in the public sector.
- (6) Define and agree on the scale of the reform in advance. In particular, answer the following questions:
 - (a) Should the reform reach outside the first-category SCSs (the governmental and ministerial high level) and cover second-category SCSs as well (on the level of subordinate agencies and LEPLs operating under the same ministry, as well as the ministry’s departments)? Should the reform cover third-category SCSs?
 - (b) Should the reform extend beyond the central authority and include the local level as well?

However, the decision-making process should consider the fact that, pursuant to the Methodological Framework for the Principles of Public Administration (2019) developed by SIGMA, if SCSs are not employed in positions two levels below a minister -or, as the publication suggests, in so-called second-category SCS positions (e.g. director-general, deputy secretary-general, deputy permanent secretary, or a director of a department of a ministry who leads policy areas and manages several smaller managerial units within the ministry) —0 points are awarded with respect to above presented as follows: Indicator 3.4.1 (of a highest possible score of 2).

- (7) Together with stakeholders, agree on the rules and procedures for selection and dismissal of SCSs, and develop a detailed job description outlining their rights and duties.
- (8) When determining their rights and duties, allocate adequate resources to SCSs necessary to exercise their authority in full.
- (9) Together with stakeholders, agree to minimize the political affiliation of SCSs; base the SCS selection criteria not on a purely career-based approach, but rather on a model that is more position-based, which is more widely established in modern SCS systems.
- (10) Clearly define SCS performance appraisal methods and specific incentive mechanisms resulting from such appraisals with a view to minimizing employee turnover and supporting the system's stable development.
- (11) Determine the accountability framework of an SCS at the preparatory stage.
- (12) Decide which institution(s) will be afforded the authority of selecting, nominating, and appointing SCSs. To this end, review the possibility of expanding the civil service's authority and/or creating a new unit in the governmental hierarchy if centralized management of SCSs is favored.
- (13) Investigate the possibility of appointing SCSs for a probationary period and extending that period where a decision is made to that effect. Furthermore, develop safeguards to ensure that this tool is not misused to exert political pressure on SCSs.

II. Recommendations that need to be taken into account during the SCS institute's implementation and throughout its functioning:

- (1) Gradually implement the SCS institute. In the first stage, it should be implemented as a pilot in several ministries. If the pilot is then successful, it can be expanded to other ministries and later to local self-government units.
- (2) Put into effect an important principle for SCS implementation: the separation of political and administrative responsibilities between political office-holders and SCSs. At the same time, equip SCSs with policy-making authority albeit only to the extent of providing analytical support to policymaking, which means issuing evidence-based policy recommendations.
- (3) Develop a competency framework for civil servants in which the experiences of the UK and Estonia can be used as examples to follow. This competency framework should reflect, in detail, standards applicable to SCSs. This instrument can be used for internal and/or external appraisal and quality management of SCSs.
- (4) Systematically collect and analyze data on different indicators of politicization in the public sector, which if kept low will be reflected in the effective management of situations and the better observance of relevant standards.
- (5) Pay attention to career advancement and development of SCSs and managers employed in the civil service, continuously strengthen personnel in managerial positions, and mobilize necessary resources to these ends.
- (6) Implement additional programs and campaigns to promote gender equality and diversity, and to integrate women, ethnic minorities, and persons with disabilities in the civil sector, including SCS.
- (7) Involve international organizations in the SCS institute's implementation process-foreign experts and persons with experience of working in SCS positions who participated in the study confirmed that successful reform will depend heavily on international support.

Moreover, it is necessary to consider the recommendations suggested by the study participants, namely international experts and persons with experience of working in SCS positions.

These recommendations are as follows:

- (1) Attract talented managers to SCS positions, who are highly motivated, have experience of working in the private sector, and have studied and even worked abroad;
- (2) Make remuneration high for SCSs to attract a better quality of candidate for these positions in the civil service;
- (3) Determine whether it would be desirable and acceptable to propose a hierarchical system of SCSs and to introduce SCSs at governmental level who would be hierarchically superior to ministries (e.g. by introducing the position of a permanent secretary at the level of the Cabinet of Ministers who would ensure uniform management of processes and co-ordinate the work of SCSs when deciding on certain issues);
- (4) Determine whether it would be desirable, with a view to preventing a low degree of SCS co-ordination, to create a single co-ordination body (e.g. in the form of a union of SCSs as is in place in Estonia, the Netherlands and the UK);

- (5) To focus, in the SCS selection process, on leaders with a high degree of responsibility who would ensure the implementation of important projects and would not confine themselves to standard bureaucratic procedures. The selected persons would have strategic vision and thinking and would be able to, where required, provide appropriate recommendations to politicians; and
- (6) Obtain additional financial resources to enable the full implementation and functioning of the SCS system, in line with the practices of other countries to have succeeded in this respect.

CONCLUSION

As the present study has demonstrated, the SCS institute has been developing rapidly and dynamically over the past three decades. Changes in terms of the recruitment of SCSs, their status and organization, as well as the special conditions put in place for them, have been so fluid that many countries' civil service systems have been re-categorized. Despite this, the core rationale behind the SCS institute remains the same: the separation of politics and administration. This topic (the politics-administration dichotomy) has been the subject of recurring debate in public administration for over a century. How realistic is the idea that this argument could finally be settled through the widespread introduction of the SCS institute? This is the question which we have tried to address and answer in our publication by studying secondary literature, by analyzing the cases of specific countries in detail, and by conducting in-depth interviews with qualified figures.

The study reveals the specific methods, mechanisms, and standards to have been used to help delineate politics and administration, in particular through the introduction of the SCS institute and the creation of fertile conditions for the effective functioning of the civil service by freeing SCSs from direct and indirect political influence. The analysis also demonstrates the need to shield this institute against personal loyalties and preferences, in addition to politics, to ensure that the merit-based civil service system runs effectively. Meanwhile, some recent trends must also be emphasized here such as increasing cooperation opportunities between SCSs and political office-holders and the observance of political responsibilities in the work of some SCSs.

As the present study shows, the SCS institute's implementation process has proved successful in some cases but it can equally be susceptible to potential threats. In several countries, there exists a practice of superficial implementation—also known as isomorphic mimicry—which leads the public sector administration system of the given country to achieve unsatisfactory results. In such instances, the reform's initial promises (e.g. to ensure political neutrality and increase the effectiveness of management) are laid out conceptually but not put into genuine practice. The experience of the countries of the Western Balkans in this regard serves as a worthwhile illustration.

Similarly, there are often deviations in the SCS institute's implementation process whereby principles envisaged under the proposed reform are not fully implemented. In the end, this leads to a reduction of trust towards the institute, especially among representatives of the public sector.

When deliberating over the possibility of implementing an SCS institute in Georgia, we must take into account all of the problems that we have observed in the experiences of various countries. When doing so, it is important to keep an open mind: we should think carefully about how to avoid and manage potential problems and identify corresponding tools and mechanisms. This publication should be very helpful and enlightening in this respect. It contains a detailed analysis of SCS systems and common characteristics therein, assisted by a secondary analysis of the relevant secondary literature on the specific experiences of numerous countries mostly European. Ultimately, it can be put to effective use as a source for decision-makers and actors involved in the civil system reform to refer to, and to achieve desired changes in the SCS institute's implementation process. The majority of local experts and NGO representatives who participated in the study endorse a similarly open-minded approach and consider it imperative that the reform is positively but rationally managed.

This study conducted by the Georgian Institute of Public Affairs (GIPA) has demonstrated that the implementation of an SCS institute will require further activities, not previously envisaged. In particular, it will be necessary to delve deeper into all details concerning its implementation, functioning, and assessment. The analysis of international practice related to the SCS institute reveals the existence of several options in terms of the scale, form, model, functioning, and selection procedure of an SCS institute. For this very reason, all stakeholders must be involved to some extent in potential changes and relevant decisions. As the observation of the existing practice of SCS institute implementation in Europe and beyond has confirmed, the readiness and political will of the authorities are the most pivotal factors in ensuring that the SCS system fulfils its key purposes: to provide effective administrative management and to protect and ensure political neutrality.

BIBLIOGRAPHY:

1. საქართველოს ცენტრალური საჯარო დაწესებულებების ინსტიტუციური ანალიზის შედეგები საქართველოს სამინისტროები (2017), საჯარო სამსახურის ბიურო
2. *Public Administration Reform Roadmap 2020, (2015)*, Government Planning and Innovations Unit, Georgian Government, Tbilisi
3. *Law of Georgia of Public Service*, Tbilisi: 2015, retrieved from <https://matsne.gov.ge/en/document/download/3031098/1/en/pdf>
4. საჯარო სამსახურის დაყოფა პოლიტიკურ და აღმასრულებელ ნაწილებად როგორც პოლიტიკურად ნეიტრალური საჯარო სამსახურის ჩამოყალიბების წინაპირობა (შედარებითი ანალიზი), (2013), საჯარო სამსახურის ბიურო; http://www.csb.gov.ge/media/1678/kvleva_sajaro_samsaxurshi.pdf
5. საჯარო დაწესებულებების ფუნქციური ანალიზის განხორციელების მეთოდოლოგიისა და ორგანიზაციული მოწყობის სახელმძღვანელო პრინციპები (2014), საქართველოს მთავრობის 2014 წლის 20 თებერვლის N181 დადგენილება; მოძიებული <http://www.csb.gov.ge/media/1635/987123.pdf>
6. *Anti-corruption reforms in Georgia 4 th round of monitoring of the Istanbul Anti-Corruption Action Plan*, (2016), OECD, Fighting Corruption in Eastern Europe and Central Asia; file:///C:/Users/Nani%20Macharashvili/Downloads/OECD-ACN-Georgia-Round-4-Monitoring-Report-ENG%20(1).pdf
7. *Balabushko, Oleksii, State Secretaries Reform in Ukraine: Attempt to Delineate Responsibilities between Ministers and Senior Civil Servants* (June 16, 2016). World Bank Policy Research Working Paper No. 7702. Available at SSRN: <https://ssrn.com/abstract=2811349>
8. Beeck, S., Hondelghem, A., (2010), *Competency Management in the Gelgian Federal Government*, <https://soc.kuleuven.be/io/onderzoek/project/files/hrm27-country-report-belgium.pdf>
9. Bojanov, K., Milanov, R. (2018), *The Status and Role of the Secretary General in the Public Administration*, EUPAN
10. Cardona, F., (2006), *Recruitment in Civil Service System of Eu Members and in Some Candidate States*, Seminar on "Civil Service Recruitment Procedures" Vilnius, 21-22 March 2006, <https://idfi.ge/public/upload/pdf/civil%20service%20estonia.pdf>
11. Cerlin Pesti & Tiina Randma-Liiv, (2018), *Public administration characteristics and performance in EU28: Estonia*
12. Christensen, T. and P. Laegreid., (1998), *Public Administration in a Democratic Context -a Review of Norwegian Research*, in N. Brunsson and J.P. Olsen (eds), *Organizing Organizations*. Bergen: Fagbokforlaget
13. *Civil Service Act, Estonia*, (2013), retrieved from <https://www.rigiteataja.ee/en/eli/509072014003/consolide>
14. *Civil Service Management Code*, Great Britain, (2016), retrieved from <https://www.gov.uk/government/publications/civil-servants-terms-and-conditions>
15. Gajdushek, G. (2007), *Politicisation, professionalisation, or both? Hungary's civil service system*, *Communist and Post-Communist Studies* 40
16. *Gender balance in the civil service* (2019), The Institute for Government, <https://www.instituteforgovernment.org.uk/printpdf/5426>
17. Hauser, F., (ed), (2017), *Quality of Public administration*, A Toolbox for Practitioners, EC.
18. Hayward, J., Menon, A., (2004), *Governing Europe*. Oxford University Press
19. *Innovations in Public Managers' Selection Systems in EU Member States*, (2014), https://www.eupan.eu/wp-content/uploads/2019/02/2014_1_GR_Innovation_in_Public_Managers__Selection_Systems_in_EU_Member_States.pdf
20. Klaas, K., L. Marcinkowski and M. Lazarević (2018), *Managerial accountability in the Western Balkans: A comparative analysis of the barriers and opportunities faced by senior managers in delivering policy objectives*, *SIGMA Papers*, No. 58, OECD Publishing, Paris, <https://doi.org/10.1787/88be2112-en>
21. Kuperus, H., Rode, A., (2016), *Top Public Managers in Europe: Management and Employment in Central Public Administration*, Hague: EUPAN
22. Kuperus, H., Rode, A., (2008), *Top Public Managers in Europe: Management and Working Conditions of the Senior Civil Servants in European Union Member States*, Maastricht: EIPA
23. *Law on Civil Service, Lithuania*, (2002), retrieved from <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.260891?jfwid=-fxdp7815>
24. *Law of Ukraine on Civil Service*, (2015), retrieved from http://oit.org/dyn/natlex/docs/ELECTRONIC/89883/103365/F1584137912/UKR89883_English.pdf

25. Liebert, S., Condrey, E., Goncharov, D., (2013), *Public Administration in Post-Communist Countries: Former Soviet Union, Central and Eastern Europe, and Mongolia*, CRC Press.
26. Matheson, A. et al. (2007), "Study on the Political Involvement in Senior Staffing and on the Delineation of Responsibilities Between Ministers and Senior Civil Servants", OECD Working Papers on Public Governance, 2007/6, OECD Publishing; doi: 10.1787/136274825752
27. Meyer-sahling, J. (2004), *Civil Service reform in post-communist bumpy road to depoliticisation*, Western European Politics; doi: 10.1080/01402380412331280813
28. Nakrošis, V., (2018), *Public administration characteristics and performance in EU28: Lithuania*, Public Policy and Management Institute
29. OECD (2016), *Anti-Corruption Network for Eastern Europe and Central Asia, Anti-Corruption reforms in Georgia, Fourth round of the monitoring of the Istanbul Anti-Corruption Action Plan*
30. OECD (2011), *Estonia: Towards a Single Government Approach*, OECD Public Governance Reviews, OECD Publishing, Paris, <https://doi.org/10.1787/9789264104860-en>
31. OECD (2019), *Innovation Skills and Leadership in Brazil's Public Sector: Towards a Senior Civil Service System*, OECD Public Governance Reviews, OECD Publishing, Paris; doi.org/10.1787/ef660e75-en
32. OECD (2015), *The Innovation Imperative in the Public Sector: Setting an Agenda for Action*, OECD Publishing, Paris, <http://dx.doi.org/10.1787/9789264236561-en>
33. Peters, G., & Pierre, J., (2004), *Politicization of the civil service in comparative perspective*. NY: Routledge
34. Promoting Equality, Valuing Diversity (2017), *A Strategy for the Civic Service*, <https://www.yumpu.com/en/document/read/36525936/promoting-equality-valuing-diversity-the-civil-service>
35. Public Administration Reform – *Report of implementation of the 2016-2020 Strategy of Public Administration Reform in Ukraine in 2016-2017*
36. *Public Employment in European Union Member States*, (2010), https://www.dgaep.gov.pt/upload/RI_estudos%20Presid%C3%A2ncias/Public_Employment_EUMS.pdf
37. Randma-Liiv, T., Uudelepp, A. and K. Sarapuu. 2015. From Network to Hierarchy: the Evolution of the Estonian Senior Civil Service Development System, *International Review of Administrative Sciences*, 81(2): 373-391
38. SIGMA (2018), *Baseline Measurement Report: The Principles of Public Administration*, Ukraine, retrieved from <https://www.kmu.gov.ua/storage/app/media/17-presentation-2018/06.2018/ukraine-baseline-measurement-report-2018-1.pdf>
39. SIGMA, (2019). *Methodological Framework for the Principles of Public Administration Public Service and Human Resource Management*. <http://sigmaweb.org/publications/Methodological-Framework-for-the-Principles-of-Public-Administration-May-2019.pdf?>
40. Smyth, H.R., et al (2017), *A STUDY OF GENDER IN SENIOR CIVIL SERVICE POSITIONS IN IRELAND*, RESEARCH SERIES NUMBER 66, December, The Economic and Social Research Institute Dublin: DOI <https://doi.org/10.26504/RS66> (Smyth &el, 2017/December)
41. *State Civil Service Law*, Latvia (2014), retrieved from <https://likumi.lv/ta/en/en/id/10944>
42. Uudelepp, A., et al. (2018), "Analysis of the Professionalisation of the Senior Civil Service and the Way Forward for the Western Balkans", *SIGMA Papers*, No. 55, OECD Publishing, Paris, <https://doi.org/10.1787/8535b60b-en>.
43. Valevsky, Oleksiy and Kononchuk, Svitlana (2003), *Institute of state secretaries in Ukraine: from Idea to Establishment*, Ukrainian Independent Centre of Political Studies, Kyiv
44. Van der Meer, F.M., (2018), *Public administration characteristics and performance in EU28: The Netherlands*, Leiden University
45. Visockytė, E., Civil Service and Civil Servants in Lithuania: Issues of Regulation and Status, *Baltic Journal of Law & Politics*, 4:2 (2011): 125-153 DOI: 10.2478/v10076-011-0015-2
46. World Bank (2012), *International Experiences with Senior Executive Service Cadres*, Lafuente, M., Manning, N., Watkins, J. (ed)., Recently Asked Questions Series, <http://documents1.worldbank.org/curated/en/464921468187732715/pdf/98772-BRI-PUBLIC-VC-ADD-SERIES-Box393180B.pdf>
47. World Bank (2005), *Senior Public Service: High performing managers of Government*, retrieved from <http://www1.worldbank.org/publicsector/civilservice/epublishdocs/SPS%20note%201216.pdf>
48. Колиушко И., Дерез В., (2016), *Государственные секретари министерств: старт новой управленческой реформы*, <https://zn.ua/internal/gosudarstvennye-sekretari-ministerstv-start-novoy-upravlencheskoy-reformy-.html>

APPENDIX 1: DIRECT OR INDIRECT POLITICAL INFLUENCE ON SENIOR MANAGERIAL POSITIONS IN THE PUBLIC SERVICE CHECKLIST

Source: SIGMA, (2019). Methodological Framework for the Principles of Public Administration Public Service and Human Resource Management. <http://sigmaweb.org/publications/Methodological-Framework-for-the-Principles-of-Public-Administration-May-2019.pdf?>

Indicator 3.4.1: Merit-based recruitment and dismissal of senior civil servants¹⁸

This indicator measures the extent to which the legal framework and the organisation of recruitment and tenure conditions of the senior civil service support a professional senior management, free from undue political influence in access or termination of employment in senior civil service positions. This indicator relates to all competitions for senior positions, both external and internal. Recruitment and dismissal in senior positions is treated under a separate indicator due to the importance of the role of this group of civil servants and the increased risk of politicisation and favouritism. High priority accorded to merit and competitiveness in the recruitment process reduces the possibility of political influence in appointments to such positions.

Legal framework and organisation of recruitment and dismissal of senior civil servants

	Sub-indicators	Maximum points	Full description of each sub-indicator
1	Appropriateness of the scope for the senior civil service in legislation	3	<p>Methodology</p> <p>Analysis of legislation. It is not sufficient to analyse job titles, as they can have different meanings in different countries; it is important to clarify the level of the position in the hierarchy and if it is included in the professional civil service. Examples of positions one level below the minister are secretary general, state secretary, permanent secretary and equivalent.</p> <p>Point allocation</p> <p>For each of the following criteria, 1 point is awarded (total of 3 points):</p> <ul style="list-style-type: none"> • The positions one level below the minister, and heads of agencies under ministries, are included in the scope of the senior civil service; • The position of secretary general (or equivalent) is responsible for HRM in the institution, including taking the recruitment and dismissal decisions related to non-senior civil servants; • There are separate provisions related to the recruitment or promotion to senior civil service positions that take into account the specificity of those positions.

¹⁸ If positions two levels below minister are not part of the civil service (e.g. director general, deputy secretary general, deputy permanent secretary, or a director of a department of a ministry who lead policy areas and manage several, smaller managerial units within the ministry), 0 points are awarded for this whole indicator.

2	Adequacy of the legislative framework for merit-based recruitment for senior civil service positions	15	<p>Methodology</p> <p>Expert review of legislation and regulations.</p> <p>Point allocation</p> <p>Points are allocated for each of the following 10 criteria (total of 15 points):</p> <ul style="list-style-type: none"> • The principle of merit is included in the civil service legislation as a criterion for access to senior civil service positions (1 point); • Clear and non-discriminatory eligibility criteria for access to senior civil service positions are established (2 points)¹⁹; • Competitions (internal or external) for senior civil service positions are established by law as the only way of accessing the senior civil service (2 points); • The deadline to submit applications is defined as at least ten working days from the date of the announcement (1 point); • If the legislation allows for acting senior civil servants, it sets a maximum non-renewable time limit of no longer than six months (1 point); • The law guarantees professional well-defined composition and functioning of selection committees, with no political interference (political appointees cannot be members) (1 point); • The legislation foresees that recruitment procedures to assess candidates to senior civil service positions include both written and oral assessments (2 points); • For senior civil service positions, legislation prescribes that the highest-ranked candidate should be appointed (or the second or third highest-ranked candidates can be appointed if written justification is provided) (3 points). However, if legislation stipulates that one of the three highest-ranked candidates should be appointed but written justification is not necessary (only 1 point). In pool recruitments or in career systems with corps 3 points are awarded if it is ensured that the best-ranked candidates are appointed; • The right of candidates to appeal recruitment decisions is included in the applicable legislation (1 point); • There are at least two appeal instances: an administrative instance and the courts (1 point).
3	Objectivity of criteria for the termination of employment of senior civil servants in the legislative framework	4	<p>Methodology</p> <p>Expert review of primary and secondary legislation laying down the conditions for the termination of employment of senior civil servants (not demotion). Experts verify that legislation does not allow for the dismissal of senior civil servants for any reasons other than termination of the appointment period, disciplinary or judiciary procedures, recurrent negative performance appraisal,²⁰ redundancy due to restructuring or downsizing processes, or other criteria, if they are objective.</p> <p>Point allocation</p> <ul style="list-style-type: none"> • 4 points = the civil service legislation only contains objective criteria for the termination of senior civil servants. • 0 points = the civil service legislation allows for termination of senior civil servants based on non-objective criteria.
4	Legislative protection of the rights of senior civil servants during demotion	2	<p>Methodology</p> <p>Analysis of legislation.</p> <p>Point allocation</p> <p>For each of the following two criteria, 1 point is awarded (total of 2 points):</p> <ul style="list-style-type: none"> • Senior civil servants, if demoted, have a right to be moved to their previous position or to a comparable position (for those who were recruited from existing civil servants), if the demotion is not the result of disciplinary procedures; • Demotion from senior civil service positions requires written justification. If no demotions are possible, the maximum number of points is awarded for this sub-indicator.

¹⁹ Criteria could include 1) citizenship; 2) full legal capacity to act; 3) proficiency in the country's languages; 4) a clean criminal record; 5) no prior dismissal from the civil service due to a disciplinary sanction; 6) specification of minimum age; and 7) fulfilment of requirements for the vacant position. In some cases, positive discrimination may be allowed, for example regarding disabled people and ethnic/community representation, if in line with EU Directive 2000/78/EC on Equal Treatment at Work.

²⁰ As a rule, the dismissal should not take place before the expiry of the minimum time period of 1.5 assessment cycles from the start of the assessment that resulted in the first negative appraisal, but the total period should not be shorter than 12 months.

Merit-based recruitment and termination of employment in senior civil service positions in practice

5	<p>Application in practice of recruitment procedures for the senior civil service</p>	9	<p>Methodology</p> <p>Analysis of the five most recent examples of recruitment files of senior civil servants (all documents related to the recruitment process, from announcement to appointment) in the latest full calendar year, as well as supporting materials for selection committee members. One file is selected from five central government bodies, which include the ministry responsible for economic affairs, the ministry responsible for social affairs and three central government agencies with the highest number of civil servants reporting to the government, CoM or the prime minister. If files are not available for the latest full calendar year in any of the five institutions, (because there was no recruitment for senior positions), data from the year prior to that is requested. Job announcements must contain requirements based on legislation and job descriptions if these exist; the general requirements must be in line with the requirements set by the legislation, and the specific requirements in line with the job description. Selection techniques are considered appropriate to senior positions if in all cases they were oriented to testing practices and solving problems, and not only to testing pure knowledge and other formal criteria. As a rule the highest-ranked candidate must be appointed but, for senior civil servants, the second or third highest-ranked candidate may be appointed with written justification, but only when there are more than three eligible candidates for a vacancy. Evidence that uniform and professional recruitment practices were proactively supported would be that training courses, workshops and/or networking events have been organised for the members of selection committees and recruiters in civil service organisations, and supporting materials made available.</p> <p>Quantitative data:</p> <ul style="list-style-type: none"> • The number of senior civil service positions which are staffed by competitions divided by the total number of staffed senior civil service positions, expressed as a percentage. Data relates to the government administration only; • Statistical data on number of appeals and results of appeals for recruitment decisions for the latest full calendar year. Data relates to government administration only. <p>Point allocation</p> <p>Points are allocated for each of the following 12 criteria (total of 9 points):</p> <ul style="list-style-type: none"> • Requirements in job announcements are well aligned with legislation and job descriptions (0.5 points, if the requirements are well-aligned in all cases analysed); • Requirements contained in job descriptions or job announcements are aligned with responsibilities expected in the position (0.5 points if the requirements are aligned in at least four of the five cases analysed); • The deadline to submit applications is defined as at least ten working days from the date of announcement (0.5 points if this is the case in all cases analysed); • All announcements for vacancies to senior civil service positions are accessible on the single web portal (1 point). In systems where only internal recruitments are allowed, this may be the internal civil service web-page; • The single web portal where all senior civil service vacancies are published offers the possibility of sorting vacancies and subscribing to new announcements (0.5 points); • At least 80% of senior civil service positions are staffed by internal or external competition (1 point, unless any positions were staffed permanently without competition); • No members of selection committees are political appointees (1 point if this is true for all cases analysed); • Selection included both written and oral examinations (in the form of structured interviews) (1 point if this is the case in all cases analysed); • Selection techniques were appropriate to senior positions (1 point); • The highest-ranked candidate was appointed in all five cases (1 point). One of the three highest-ranked candidates was appointed in all five cases, but written justification was not provided for one or more (0.5 points). In pool recruitments or in career systems with corps, the best-ranked candidates are appointed. There is evidence that uniform and professional recruitment practices were proactively supported (1 point); • There is statistical data available (0.5 points); • There is evidence that uniform and professional recruitment practices were proactively supported (0.5 points).
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6	Ratio of eligible candidates per senior-level vacancy	4	<p>Methodology</p> <p>Total number of eligible candidates who participated in recruitment procedures for senior management vacancies in the latest full calendar year, divided by the number of senior management vacancies offered for competitive recruitment during the same period. Data relates to the central government administration only. Pending recruitments at the end of the year are excluded from the calculation.</p> <p>Point allocation</p> <ul style="list-style-type: none"> • 4 points = more than 5 candidates per position • 2 points = 3-5 candidates per position • 0 points = fewer than 3 candidates per position or no centralised data is available
7	Effectiveness of recruitment for senior civil service positions (%)	4	<p>Methodology</p> <p>The number of persons appointed to senior positions during the latest full calendar year as a result of competition, divided by the total number of senior management vacancies announced for competition during the same period, expressed as a percentage. Pending recruitments at the end of the year are excluded from the calculation. Data relates to central government administration only.</p> <p>Point allocation</p> <ul style="list-style-type: none"> • 4 points = more than 90% • 3 points = 75%-90% • 2 points = 65%-74.99% • 1 point = 50%- 64.99% • 0 points = below 50% or no centralised data is available
8	Women in senior civil service positions (%)	4	<p>Methodology</p> <p>The number of women in senior civil service positions divided by the total number civil servants in senior level positions in the latest full calendar year, expressed as a percentage. Data relates to central government administration only.</p> <p>Point allocation</p> <ul style="list-style-type: none"> • 4 points = more than 30% • 2 point = 20%-30% • 0 point = below 20% or no centralised data is available
9	Stability in senior civil service positions (%)	4	<p>Methodology</p> <p>Assessment is based on the following data:</p> <ul style="list-style-type: none"> • Annual turnover in senior civil service positions during the year in which the government was last formed (calculated as the number of civil servants who left their position, divided by the total employment in those positions at the beginning of the year, expressed as a percentage). Data relates to central government administration only; • Annual turnover in senior civil service positions during the year after the latest formation of the government (calculated as the number of civil servants who left their position, divided by the total employment in those positions at the beginning of the year, expressed as a percentage). Data relates to central government administration only; • Annual turnover in senior civil service positions during the latest full calendar year (calculated as the number of civil servants who left their position, divided by the total employment in those positions at the beginning of the year, expressed as a percentage). Data relates to central government administration only. For the calculation of the sub-indicator the highest value of the three mentioned above is taken. If the latest formation of the government was in the second half of the latest full calendar year or later, data about previous formation of the government is analysed. <p>Point allocation</p> <ul style="list-style-type: none"> • 4 points = less than 10% • 3 points = 10%-19.99% • 2 points = 20%-29.99% • 1 point = 30%-40% • 0 points = more than 40%

10	Dismissal decisions confirmed by the courts (%)	4	<p>Methodology</p> <p>The number of decisions on dismissal of senior civil servants that were confirmed by the courts divided by the total number of court judgements (related to dismissals of senior civil servants), expressed as a percentage. Data relates to the central government administration only. If there is no central data available for this sub-indicator, the situation is analysed for five central government bodies, which include the ministry of economic affairs, the ministry responsible for social affairs and three central government agencies with the highest number of civil servants reporting to the government, CoM or the prime minister.</p> <p>Point allocation</p> <ul style="list-style-type: none">• 4 points = more than 70%, or there were no court rulings related to senior civil servants and no evidence that access to the courts is hindered• 2 points = 50%-70%• 0 points = below 50%, or appeal to the court is not possible, or there is evidence that access to the courts is hindered				
11	Implementation of final court decisions favourable to dismissed senior civil servants (%)	4	<p>Methodology</p> <p>The number of final court decisions favourable (reinstatement or financial compensation) to dismissed senior civil servants which were implemented within the last full calendar year divided by the total number of final court decisions favourable to dismissed senior civil servants during the same period, expressed as a percentage. Data relates to the government administration only. If there is no central data available for this sub-indicator, data will be requested from five central government bodies: the ministry responsible for economic affairs, the ministry responsible for social affairs and three central government agencies with the highest number of civil servants reporting to the government, CoM or the prime minister.</p> <p>Point allocation</p> <ul style="list-style-type: none">• 4 points = more than 90%, or there are no court rulings related to senior civil servants and no evidence that access to courts is hindered• 3 points = 80%-90%• 2 points = 70%-79.99%• 1 point = 60%-69.99%• 0 points = below 60%, or appeal to courts is not possible, or there is evidence that access to the courts is hindered				
Total points		0-10	11-19	20-28	29-37	38-46	47-57
Final indicator value		0	1	2	3	4	5