

Evaluation of the nomination procedure to positions of senior management by the Federal Council. Follow-up investigation.

Summary of the report by the Parliamentary Control of the Administration for the National Council Control Committee

1 November 2018

Summary

In response to recommendations made by the National Council Control Committee, the Federal Council and the departments have made substantial changes to the procedure for nominating senior managers. These include the systematic implementation of security screening of candidates before nomination and the creation of selection committees. Certain weaknesses were however identified, in particular regarding the quality of information submitted to serve as a basis for the Federal Council's decision.

On 15 November 2013, the National Council Control Committee (CC-N) sent the Federal Council its investigation report on nominations to positions of senior management by the Federal Council, which had been drawn up on the basis of an evaluation study by the Parliamentary Control of the Administration. This contained six recommendations, focusing in particular on the establishment of a transparent process which clearly sets out the key elements to be complied with by all departments. Following a series of exchanges with the Federal Council, the CC-N decided to close its investigation and informed the Federal Council that it would carry out a follow-up investigation several years later, and commission the Parliamentary Control of the Administration to produce a brief evaluation.

The CC-N's FDF/EAER subcommittee decided to launch the follow-up investigation at its meeting on 9 November 2016. On the basis of a draft project submitted by the PCA, the subcommittee commissioned the PCA to investigate whether security screening of candidates is compliant with the legislative basis and whether guidelines regarding the procedure for preparing nominations to the Federal Council and regarding the content of the proposals submitted to the Federal Council are followed.

In its investigation, the PCA studied the nominations and security screening of all appointments by the Federal Council from 2015 to 2017. It also carried out a detailed investigation of four procedures carried out by the departments before submission of their nominations to the Federal Council, and of the content of these proposals. These four nominations were made in 2017 and 2018.

Having completed its evaluation, the PCA concludes that some of the CC-N's recommendations on processes for selecting nominees have been very well implemented by the departments, but that there are still weaknesses in the procedures.

The main results are the following:

- The procedures carried out by the departments before submitting a nomination to the Federal Council generally conform to the guidelines set out by the Federal Council. The departments have set up suitable selection committees, including in military and diplomatic career systems; the positions are advertised and the opinions of third parties are sought. In one of the four cases studied in detail, the standard procedure was not applied, but in the nomination submitted to the Federal Council the reasons for this were made clear;*
- Security screening of candidates takes place systematically and in accordance with the relevant legal provisions;*

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- *The content of the proposals made to the Federal Council is of varying quality. Certain information is given systematically and is of high quality, while other elements are not mentioned or only to a very limited extent. For example, contrary to the CC-N's recommendations some contain no specific information justifying the choice of the nominated candidate and no comparison is made with other candidates. It is unclear why the departments withhold this information, since the Federal Council's guidelines state that this information must be anonymised so that the rejected candidates cannot be identified. Moreover, the Federal Council's guidelines and the Federal Chancellery's nomination template are imprecisely expressed, meaning that the information received is not always comparable;*
 - *The content of nominations for diplomatic or military career system appointments is generally concise and standardised. Information on the candidate's background, profile and career path is given in DDPS nominations and information on the candidate's background and career path is provided in FDFA nominations. In both cases, the nominations generally start with a brief, standard introduction to the career system, suggesting that the procedures are more open to a range of applicants than is in fact the case;*
 - *Lastly, the PCA notes that the information it was sent was sometimes imprecise or even erroneous: close reading of the documents revealed that some information did not correspond to the departments' statements in interviews with the PCA. Moreover, the PCA noted that the Federal Council had informed the CC-N incorrectly concerning the issuing of the FDFA guidelines.*

The full report is available in German, French and Italian (www.parliament.ch).