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## SUMMARY

### **Summary of Report 19/2018, relating to the Department for Governance and Institutional Relations, personnel expenditure, year 2015**

*Barcelona, 22 October 2018*

The Public Audit Office for Catalonia has issued Report 19/2018, relating to personnel expenditure at the Department for Governance and Institutional Relations (DGIR) in financial year 2015, in accordance with its Annual Programme of Activities.

The report, which was presented by Board Member Ms Emma Balseiro, was approved by the Audit Office Board at its meeting on 10 September 2018.

The aim of the audit was to analyse the nature and reporting of personnel expenditures in the DGIR's budget outturn for year 2015 and to revise compliance with the legislation relating to staff salary payments.

The figure for budget section 1, Staff Salaries, for year 2015 was €24.16m, covering 530 budgeted staff positions. As at 31 of December, actual staff numbers were 457 employees.

The most significant findings from the audit work carried out can be summarised as follows:

- The pay scale for senior management was not established by law and the figures for salary items were specified in an annex to the Budget Bill, which was public but not subject to publication in the official gazette. This arrangement was legal but highly questionable from the point of view of the principles of transparency and good governance.
- During year 2015 the DGIR paid a judge, seconded for special services to be a member of the Committee for Transparency and Access to Public Information, a new bonus for three additional years' service. This bonus was deemed to have accrued and was recognised while this lady was in a Catalan Government discretionary post and had not yet returned to her normal active civil service role; this was contrary to regulations.
- Through the DGIR, the Catalan Government Administration offered each of the legally constituted political groups at the Parliament a consultant to provide legal support. The DGIR admitted that in year 2015 no written agreement or compact existed between the Parliament of Catalonia and the executive Government Administration to cover the staff involved. Bearing in mind statutory requirements and the need to apply some minimum

objective criteria, the role and job description of each post should have been established in order to justify whether it was for a civil servant or a non-permanent appointee.

- Basic Spanish State legislation and Catalan legislation stipulate the need to justify that statutory legal criteria are being applied when allowing discretionary appointments to be made to fill certain posts on an exceptional basis. The DGIR did not justify the nature of these positions in accordance with statutory requirements, which envisage discretionary appointments for managerial posts, and for jobs involving special responsibilities or levels of trust.
- In the review carried out, various aspects came to light regarding how civil service posts were provisionally filled, which should be borne in mind when assessing candidates and making interim appointments.
- For civil service staff who achieved promotion to a post more than two levels above their personal consolidated civil service grade the DGIR, after two years of continued service in the higher post, consolidated that higher grade more than two levels above their previous grade; this was contrary to regulations, which state that for every two years of continued service civil servants consolidate a maximum of two levels higher than their previous personal consolidated grade.
- Civil service legislation states that the Government can hire non-permanent labour-contract personnel to carry out temporary tasks or as an emergency measure, which must be properly justified. According to the information provided, the twelve employees who in year 2015 were on the DGIR's payroll with a temporary labour contract had been working there for an average of ten years. Jurisprudence by Spain's Supreme Court states that certain public sector temporary labour contracts, depending on the amount of time that has lapsed since they were signed, can be declared indefinite, but not fixed, by a court ruling, until such time as the corresponding selection procedure has been put in motion.
- In 2015 a member of the Committee for Guaranteeing the Right of Access to Public Information requested that their role be designated as compatible with a second activity as an associate lecturer in a public university. This activity was authorised by the DGIR. However, the post of Committee member was not compatible with any paid public activity whatsoever, including university teaching. Compatibility would only have been feasible if the person concerned had waived all paid income from their teaching activities.

The report includes a series of recommendations which, in the Audit Office's opinion, would help to improve some aspects of the way the Department manages its personnel expenditures.

<p>This summary is solely for information purposes. The audit report (in Catalan and Spanish) can be consulted at <a href="http://www.sindicatura.cat">www.sindicatura.cat</a>.</p>
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