



An Coimisiún um Cheapacháin Seirbhíse Poiblí
Commission for Public Service Appointments

A Guide to the Functions, Records and Rules of the Commission

Freedom of Information Acts 1997 and 2003 – Sections 15 & 16 Reference Book

CONTENTS:

1.	PREAMBLE	2
2.	DESCRIPTION and FUNCTIONS	2
2.1	Commission for Public Service Appointments	2
2.2	Legislation	2
3.	MISSION STATEMENT	2
3.1	Mission Statement	2
3.2	Policy on confidentiality and Freedom of Information	2
4.	STRUCTURE AND ORGANISATION	3
5.	GLOSSARY OF TERMS	3
6.	THE COMMISSION	3
6.1	Functions of the Commission	3
6.2	Role of the Office of the Commission for Public Service Appointments	4
6.3	Delivery of Service	5
6.4	Available Information	5
6.5	Where the Information is Available	5
6.6	Classes of Records	5
7.	COMPLAINTS AND REQUESTS FOR REVIEW	6
8.	FREEDOM OF INFORMATION IN THE COMMISSION	6
8.1	Statutory Rights Established by the Acts	6
8.2	How to Make Requests	6
8.3	Decisions	6
8.4	Internal Review	7
8.5	Review by the Information Commissioner	7
9.	FEES (in connection with FOI requests)	7
10.	INFORMATION IN ACCORDANCE WITH SECTION 16 OF THE FOI ACTS 1997 and 2003	8
10.1	Publications	8
10.2	Decision Making Process	8
10.3	Audit Policy	8
10.4	Procedure for Evaluating an Application for Recruitment Licence	9
10.5	Procedure for Evaluating and Listing External Recruitment Agencies	9
10.6	Review Procedures	9
10.6.1	Review Procedures in Relation to the Recruitment and Selection Process for all appointments with the exception of Garda Trainee	9
10.6.2	Review Procedures in Relation to Allegations of a Breach of the Code of Practice for all appointments processes	9
10.6.3	Recruitment and Selection Process for Appointment to the position Review Procedures in Respect of those Aspects of the Garda Trainee delegated by the Garda Commissioner to the Public Appointments Service	12
10.6.4	Review Procedures in Respect of the Recruitment and Selection Process Carried out by the Garda Commissioner in relation to the Appointment of Garda Trainee	14
	APPENDIX TERMINOLOGY	16

1. PREAMBLE

This manual is prepared in accordance with the publication requirements set out in Section 15 of the Freedom of Information (FOI) Acts 1997 and 2003.

The Acts assert the rights of members of the public to obtain access to official information to the greatest extent possible consistent with the public interest and the right to privacy of individuals.

The Acts establish three statutory rights

- A legal right for each person to access information held by public bodies
- A legal right for each person to have official information relating to himself/herself amended where it is incomplete, incorrect or misleading
- A legal right to obtain reasons for decisions affecting oneself.

Information routinely available

The Commission makes information routinely available to the public in relation to its functions and activities without the need to use the FOI Acts.

The FOI Acts are designed to allow public access to information held by public bodies which is NOT routinely available through other sources. Access to information under the Acts is subject to certain Exemptions and involves specific procedures and time limits. This manual provides a guide to the structure and role of the Commission so as to help you access information under the FOI Acts.

2. DESCRIPTIONS AND FUNCTIONS

2.1 Commission for Public Service Appointments

The Commission is responsible for regulating and monitoring the recruitment of personnel in the Civil Service, the Health Service Executive, the Health Information and Quality Authority and at certain levels in An Garda Síochána, local authorities and VECs. The Commission is bound by law to ensure recruitment is carried out by fair, open and merit-based means.

The Commission licenses public service bodies to recruit, on their own behalf, or with the assistance of private sector recruitment agencies specifically approved by the Commission.

The standards for recruitment established by the Commission are publicly available in codes of practice and must be observed by licence holders in recruitment to the civil and public service.

2.2 Legislation

The legislation dealing with the establishment and role of the Commission for Public Service Appointments is the Public Service Management (Recruitment and Appointments) Act 2004.

3. MISSION STATEMENT

3.1 Mission Statement

The Commission adopted a mission statement in 2004 as follows:

To support the provision of excellent public services by fostering a flexible public appointments process which upholds the principles of probity, merit, equity and fairness in recruitment and selection and related services.

3.2 Policy on confidentiality and Freedom of Information

The Commission undertakes to ensure the treatment of information in strict confidence, subject to the provisions of the Freedom of Information Acts 1997 and 2003 and any other provisions that have been clearly identified in its published documentation. The Commission is also bound by the Data Protection Acts 1988 and 2003.

4. STRUCTURE AND ORGANISATION

4.1 The Commission consists of five ex-officio members, known as Commissioners. The Commissioners are:

- An Ceann Comhairle
- Secretary General to the Government
- Ombudsman
- Chairman, Standards in Public Office Commission
- Secretary General, Public Service Management and Development, Department of Finance

4.2 The Commission is assisted in carrying out its functions by an office – the Office of the Commission for Public Service Appointments. The Office, which is headed up by a Director, Andrew Patterson, has a staff complement of twelve and is structured as follows:



5. GLOSSARY OF TERMS

The following section (Section 6) describes the functions of the Commission, and the support role of the Office of the Commission for Public Service Appointments. It also describes the categories of information held, and the ways in which they can be accessed, either through existing publications or through the procedures set out in the Freedom of Information Acts 1997 and 2003.

As civil servants use terminology to describe their work and the information they hold which may not be familiar to the general public, an explanatory glossary of the more common terms which are repeated in the following sections is set out at the end of this document. Terms appearing in the text which are explained in the Appendix are marked *.

6. THE COMMISSION

6.1 Functions of the Commission

Establishing Standards for Recruitment and Selection for Promotion

- establishing standards of probity, merit, equity and fairness, and other principles to be followed in the recruitment and selection of persons for positions in the Civil Service and other public service bodies

Codes of Practice

- publishing the standards established as codes of practice

Monitoring Standards

- auditing and evaluating recruitment policies and practices to safeguard the standards and to establish whether the code of practice is being observed

Licensing

- evaluating applications for *recruitment licences
- granting *recruitment licences
- revoking *recruitment licences where necessary
- issuing instructions and advices to *licence holders

Appeals Procedures

- establishing and setting down appropriate appeal procedures

Providing Information

- reporting to both the Oireachtas and the Government,
- providing information to ministers on the operation of recruitment and selection processes

*Listing External *Recruitment Agencies*

- preparing, approving and publishing a list of external professional *recruitment agencies who may provide assistance to *licence holders in the task of recruitment.

6.2 Role of the Office of the Commission for Public Service Appointments

The Office of the Commission for Public Service Appointments is structured as a single unit where the day-to-day functions of the Commission together with the associated finance, HR and general office administrative matters are managed.

In addition to assisting the Commission in the execution of its functions, the significant features associated with the general administration of the Office are as follows:

Finance

- preparing the yearly budgetary estimate for submission to the Department of Finance
- effective budgetary control
- preparation of the Annual Appropriation Account
- recording, on a monthly basis, the amounts paid in respect of salaries, services, goods, work activities, etc.
- preparing a record (a “monthly profile”) of expenditure for issue to the Department of Finance
- processing claims/invoices by goods/services providers in an efficient manner while ensuring that the terms of the Prompt Payment legislation are met.
- payroll functions

Human Resources

- managing staffing matters (e.g. leave arrangements, internal promotion)
- training and development of staff
- staff welfare matters
- consultation/negotiations with Staff Representatives

Office Management

- maintenance of office accommodation
- provision, monitoring and maintenance of the telephone system
- procurement and day-to-day housekeeping in relation to stationery, small stores, office equipment,
- cleaning services, records management
- maintenance of IT systems to facilitate the Commission in carrying out its functions

6.3 Delivery of Service

As the regulator of civil and public service recruitment, the Commission delivers a service to the following:

Heads of government departments/offices
The Commissioner of the Garda Síochána
Local Authorities
Health Boards
Vocational Education Committees
Central and Regional Fisheries Boards
Members of the public

6.4 Available Information

The following information is currently available:

- Code of Practice for Appointment to Positions in the Civil Service and Public Service
- Code of Practice for Emergency Short-term Appointment to Positions in the Health Service Executive
- Code of Practice for Appointment of Persons with Disabilities to Positions in the Civil Service and Certain Public Bodies
- Code of Practice for Atypical Appointments to Positions in the Civil Service and Certain Public Bodies
- Code of Practice for Appointment to the Position of Garda Trainee in An Garda Síochána

6.5 Where the Information is Available

The above information can be accessed by visiting the Commission's website www.cpsa-online.ie or by contacting Danny Smith: 01-8779954

6.6 Classes of Records

Records are classified by a range of series which represent the major themes/topics encompassing the activities of the Commission. Each theme is further divided into a range of sub-series representing specific aspects of the theme/topic. The main classes of records relate to:

General Administration
Personnel
Office Files
Publications
Finance
Licensing
FOI
Recruitment Management
*Excluding Orders

7. COMPLAINTS AND REQUESTS FOR REVIEW

Section 13 (1) (g) of the Public Service Management (Recruitment and Appointments) Act 2004 requires the Commission to establish and set down appropriate appeal procedures. The procedure to be followed by the Commission in dealing with appeals in relation to allegations of a breach of a code of practice is detailed at section 10.6.

The standards and procedures to be followed by a licence holder / office holder in processing appeals received in relation to the recruitment and selection process are detailed at section 10.6.1. In relation to the appointment of Garda Trainee, the procedures are set out at 10.6.3 and 10.6.4.

The procedures for processing allegations of a breach of a Code of Practice are set out at 10.6.2.

8. FREEDOM OF INFORMATION IN THE COMMISSION FOR PUBLIC SERVICE APPOINTMENTS

8.1 Statutory Rights Established by the Acts

Under the Freedom of Information Acts, anyone is entitled to apply for access to information not otherwise publicly available. Each person has a right to:

- access to records held by the Commission
- have personal information held by the Commission, relating to the requester, corrected, where such information is inaccurate, incomplete or misleading
- obtain reasons for decisions made by the Commission directly affecting the requester.

The following records come within the scope of the Acts:

- all records relating to personal information held by the Commission, irrespective of when created
- all other records created from the commencement date i.e. 21 April, 1998
- all personnel records of serving staff created after 21 April, 1995, or earlier if used adversely against staff member
- any other records necessary to the understanding of a current record.

8.2 How to make requests:

Requests for information under the Freedom of Information Acts must be made in writing and addressed to -

Danny Smith
Commission for Public Service Appointments
Chapter House
26 – 30 Abbey Street Upper
Dublin 1
Tel +353 (01) 8779954 Fax +353 (01) 8779950
e-mail danny.smith@cpsa-online.ie

Your request should include the following:

- a statement to indicate that the request is being made under the FOI Acts
- as much information as possible to enable the records sought to be identified. If you have difficulty in identifying the precise records which you require, the staff of the Commission will be happy to assist you in preparing your request
- the desired format in which the records should be provided e.g. photocopy, computer disk, etc.
- the appropriate fee (if applicable – please see below)
- a contact telephone number

8.3 Decisions

A request must be acknowledged within 2 weeks and, in most cases, a decision must be conveyed within 4 weeks of receipt of the request.

The Acts provide for the exemption from release of certain types of Information in some circumstances. Where these provisions are invoked to withhold information, the decision may be appealed. Decisions in relation to deferral of access, charges, forms of access, etc. may also be the subject of appeal. Details of the appeals mechanism are as follows.

8.4 Internal Review

You may seek an internal review of the initial decision within four weeks of notification of the decision, if you are dissatisfied with the initial response received i.e. refusal of information, form of access,

charges etc., or if you have not received a reply within four weeks of your initial application. The internal review will be conducted by an official of a higher grade than the official whose decision is being appealed. The internal review must be completed within three weeks of receipt of the request.

Requests for internal review should be submitted in writing to

Ann Cullen
Commission for Public Service Appointments
Chapter House
26 – 30 Abbey Street Upper
Dublin 1.
Tel +353 (01) 8779952 Fax +353 (01) 8779950
e-mail ann.cullen@cpsa-online.ie

8.5 Review by the Information Commissioner

If you are continue to be dissatisfied, you may appeal the decision to the Information Commissioner. Furthermore, if you have not received a reply to your application for internal review within three weeks, this is deemed to be a refusal and you may appeal the matter to the Commissioner.

An application for an independent review must be made within six months by writing to the Information Commissioner. All such appeals should be addressed to The Information Commissioner, Office of the Information Commissioner, 18 Lower Leeson Street, Dublin 2.

9. FEES

Fees may be charged in respect of requests under the Freedom of Information Acts, in accordance with the provisions of Section 47 of the Acts:

A standard processing fee must accompany all applications, with the exception of those requesting only personal information. Please note that if claiming a reduced application fee, the request must be accompanied by the medical card registration number, the relevant Health Board name and your consent to the verification of these details with that Health Board.

Other charges may be applied for the time spent finding records and for any photocopying costs incurred by the Office in providing you with the material requested. It is unlikely that any fees will be charged in respect of personal records, except where a large number of records are involved.

Fees are currently set as follows:

- €15 standard processing fee
- €10 standard processing fee (medical card holders)
- €75 internal review fee
- €25 internal review fee (medical card holders)
- €150 appeal to the Information Commissioner
- €50 appeal to the Information Commissioner (medical card holders)
- €20.95 per hour – search and retrieval
- €0.04 per sheet for a photocopy
- €0.51 for a 3 _ inch computer diskette
- €10.16 for a CD-ROM
- €6.35 for a Radiograph (X-Ray)

10. INFORMATION IN ACCORDANCE WITH SECTION 16 OF THE FOI ACTS 1997 and 2003

10.1 Publications

The Commission establishes principles to be followed in the recruitment of personnel to the Civil Service, the Health Service Executive, the Health Information and Quality Authority and at certain levels in An Garda Síochána, local authorities and VECs. These principles are published in Codes of Practice and are available on the website www.cpsa-online.ie. There are five codes as follows:

- Code of Practice for Appointment to Positions in the Civil Service and Public Service
- Code of Practice for Emergency Short-term Appointment to Positions in the Health Service Executive
- Code of Practice for Appointment of Persons with Disabilities to Positions in the Civil Service and Certain Public Bodies
- Code of Practice for Atypical Appointments to Positions in the Civil Service and Certain Public Bodies
- Code of Practice for Appointment to the Position of Garda Trainee in An Garda Síochána

Other publications available are:

*Customer Charter

Strategy Statement 2008 - 2010

Annual Report 2007

Annual Report 2006

Annual Report 2005 (incorporating 2004)

Review Procedures under Section 7 & 8 of the Codes of Practice

Irish Language Scheme 2008 – 2010

Quality Customer Service Action Plan 2008 - 2010

10.2 The Decision Making Process

All decisions relating to the regulation of recruitment and selection are taken by the Commission. The main decisions are around the following matters:

- setting standards in relation to the conduct of recruitment and selection processes
- publishing and maintaining the codes of practice which sets out the principles, auditing and evaluating recruitment policies and practices
- the granting, amending or revoking of recruitment licences
- the issuing of instructions and advices to licence holders
- the establishing of appropriate appeal procedures
- reporting to the Oireachtas and the Government
- the establishment of a list of recruitment agencies who are available to assist licence holders in the carrying out of their functions.

10.3 Audit Policy

To maintain the integrity of the recruitment process and the high standards of probity and integrity in public service appointments, the Commission conducts audits of recruitment policies and practices from time to time for compliance with the Code of Practice.

The findings of the audit are discussed with the body audited before a report is submitted to the Commission. Where shortcomings in recruitment have been identified, the review team makes recommendations to address them. The emphasis is on providing assistance and support.

The Commission will include an account of the audit of recruitment policies and practices in each annual report which they may publish. Each audit report is also published on the Commission's website www.cpsa-online.ie

10.4 Procedure for Evaluating an Application for *Recruitment Licence

An application is considered by the Commission and evaluated against specified criteria on the basis of information provided on the application form.

10.5 Procedure for Evaluating and Listing External *Recruitment Agencies

A comprehensive application form is evaluated by an expert group against criteria set by the Commission. The Group recommends a list of those recruitment agencies most suitable to carry out the range of recruitment services that are required.

10.6 Review Procedures

10.6.1 Review Procedures in Relation to the Recruitment and Selection Process for all appointments with The exception of Garda Trainee

General information

The review procedures established and set down in this section (section 7) apply in cases where a candidate wishes to have an action or decision in relation to his/her candidature reviewed. The procedures and standards to be followed by the complainant and the office holder in the handling of requests for review are set out below.

As with the recruitment processes themselves, and within reason, fair procedures should be applied by all bodies dealing with requests for review made under this section.

The Commission has no remit to investigate complaints from candidates which do not amount to a breach of the Code of Practice.

It is essential for office holders to have effective systems in place for handling requests for review. Office holders must keep a full record of all correspondence and any relevant documentation, such as minutes of meetings, records of emails and notes of telephone conversations, in relation to all candidates who present for any form of assessment whether successful or not.

Each office holder should appoint a decision arbitrator (a person at a senior level unconnected with the selection process) who will adjudicate on requests for review in cases where a candidate is not satisfied with the outcome of an initial review. The office holder may appoint a suitably qualified external decision arbitrator if he/she so wishes.

The review procedure comprises two stages. The first stage involves a review by a person in the recruiting body referred to as the "initial reviewer". Where a candidate remains dissatisfied following this initial review, he/she may seek to have the conduct of the initial review examined by "decision arbitrator". As an alternative to the above, it is open to a candidate to seek to have the latter resolved on an informal basis, as set out below. If a candidate remains dissatisfied following any such discussion it is open to him/her to seek a formal review.

Informal process

When a request for a review of a selection decision is received from a candidate, the Commission recommends that every effort should be made by the office holder, subject to the agreement of the candidate, to resolve the matter on an informal basis before making use of the formal review procedures set out below. Should the candidate remain dissatisfied following any such discussion, or not wish to have the matter dealt with informally, then he/she may adopt the formal procedures in accordance with the process set out below.

The informal process may be availed of within 5 working days of notification of the initial decision, and should normally take place between the candidate and the person who communicated the decision (or such other person acting on behalf of the office holder as may be appropriate depending on the circumstances).

Where the decision being conveyed relates to an interim stage of a selection process, the request for informal review must be received within 2 working days of the date of receipt of the decision.

The office holder must carry out the informal review without delay and within a period of time that enables the candidate to avail of the formal review procedures within the specified timelines should he/she so wish.

Where a candidate remains dissatisfied following any such informal discussion, he/she may adopt the formal procedures set out below. If the candidate wishes the matter to be dealt with by way of a formal review, he/she must do so within 2 working days of the notification of the outcome of the informal review.

Formal process: Initial review

The procedures and standards to be followed by the complainant and by the office holder in the handling of requests for review are set out below.

The candidate must address his/her concerns in relation to the process in writing to the office holder, setting out those aspects of the action or decision in relation to his/her candidature that he/she wishes to have reviewed.

A request for review must be made within 10 working days of the notification of the initial decision. Where the decision relates to an interim stage of a selection process, the request for review must be received within 4 working days. This is necessary to ensure that delays in the recruitment process are avoided.

Any extension of these time limits will only be granted in the most exceptional of circumstances and will be at the sole discretion of the office holder.

The review procedure:

- Upon receipt of the request for review, the office holder should issue an acknowledgement within 3 working days.
- The case should be reviewed by a person other than any individual directly associated with the decision in question.
- The person(s) conducting the initial review (the "initial reviewer(s)") should consider any written submissions made by the candidate, and all other relevant information, including any emails, notes or memoranda held by the office holder in respect of the selection process. Where necessary, the initial reviewer should meet with the personnel of the office holder involved in the selection process and/or the candidate for the purpose of eliciting further information. Subject to any statutory (or other relevant) restrictions on disclosure, the initial reviewer shall provide the candidate with any relevant and material emails, notes or memoranda held by the personnel of the office holder in respect of the selection process, on request.
- The outcome must generally be notified to the candidate within 20 working days of receipt of the complaint or request for review. Where the investigation does not allow a decision within this timeframe, the initial reviewer must keep the candidate informed of the status of the review and the reasons for the delay.
- In communicating the outcome to the candidate, which will be done by means of a written report, the initial reviewer should indicate that the candidate may seek to have the outcome of the initial review reviewed by referring the matter to the decision arbitrator. The initial reviewer must further state that a request to do so must be made in writing within 7 working days of receipt of the outcome of the initial review.

Review by the decision arbitrator

Should a candidate be dissatisfied with the outcome of the initial review, he/she may request a review by a decision arbitrator of the conduct of the initial review.

The role of the decision arbitrator is to assess whether the initial review has been carried out in line with proper procedures.

The decision of the decision arbitrator in relation to such matters is final.

A request made to the decision arbitrator must be received within 7 working days of the notification of the outcome of the initial review.

The review procedure:

- Upon receipt of the request for review, the decision arbitrator should issue an acknowledgement within 3 working days.
- The outcome of the investigation must be notified to the candidate in the form of a written report within 10 working days.
- The decision of the decision arbitrator in relation to such matters is final. The decision arbitrator will make his/her decision on the basis of any written information available in respect of the matter, or written submissions made, and will not generally conduct interviews, although he/she may do so if warranted by the particular circumstances of individual cases.

Where a review of a recruitment/selection process has taken place under this section 7, a complainant may not seek a further review of the same matter under section 8 other than in the most exceptional circumstances (which will be determined by the Commission in its sole discretion).

10.6.2 Review Procedures in Relation to Allegations of a Breach of the Code of Practice for all appointments processes

General information

The review/appeals process enables persons to seek a review by the office holder in the first instance, and by the Commission subsequently on appeal, when they believe that there was a breach of the Code of Practice by an office holder. Allegations of such breaches should be addressed in writing, setting out the basis for the complaint being made, to the office holder in the first instance. The Commission has no remit to investigate complaints relating to non-selection or nonappointment unless it appears reasonable to conclude from the information provided to it that the selection process may have breached the Code of Practice, save where the complaint relates to an alleged failure to conduct a review under section 7 or 8 in accordance with the requirements of section 7 or 8.

As with the recruitment processes themselves, and within reason, fair procedures should be applied by all bodies dealing with complaints and requests for review.

A complaint in relation to an alleged breach of the Code of Practice will be accepted by the Commission only when it has been examined by the office holder in the first instance and the complainant is dissatisfied with the outcome of that examination.

Informal process

When an allegation of a breach of the Code of Practice is received from a complainant, the Commission recommends that every effort should be made by the office holder, subject to the agreement of the complainant, to resolve the matter on an informal basis before making use of the formal review procedures set out below. Should the complainant remain dissatisfied following any such discussion, or not wish to have the matter dealt with informally, then he/she may adopt the formal procedures in accordance with the process set out below.

The informal process should normally take place between the complainant and the person acting on behalf of the office holder. The office holder must carry out the informal review without delay.

Where a complainant remains dissatisfied following any such informal discussion, he/she may adopt the formal procedures set out below. If the complainant wishes the matter to be dealt with by way of a formal review, he/she must do so within 2 working days of the notification of the outcome of the informal review.

Formal review by the office holder

The standards and procedures to be followed by the complainant and the office holder in relation to allegations of breaches of the Code of Practice are set out below.

- A complaint in relation to a breach of the Code of Practice must be made in writing to the office holder without delay. Details of the allegation should be provided in writing, together with any relevant documentation which the complainant feels might support his/her allegations.
- Upon receipt of the complaint, the office holder should issue an acknowledgement within 3 working days.
- The complaint should be reviewed by a person other than any individual directly associated with the appointment process in question. The person(s) conducting the review (the "reviewer(s)") will have regard to all information which is material to the complaint, including any emails, notes or memoranda prepared by the personnel of the office holder, and including also any relevant documentation

provided by the complainant. Where necessary the reviewer will meet with personnel of the office holder relevant to the complaint and/or the complainant for the purpose of eliciting further information. Subject to any statutory (or other) restrictions on disclosure etc. the reviewer shall provide the complainant with any relevant and material emails, notes and memoranda held by the personnel of the office holder in respect of the appointment process in question.

- The outcome must generally be notified to the complainant within 20 working days of receipt of the complaint. Where the investigation does not allow a decision within this timeframe, the complainant must be kept informed of the status of the review and the reasons for the delay.
- In communicating the outcome to the complainant, the office holder should indicate that the complainant may seek a further review by referring the matter to the Commission by way of an appeal of the review of the office holder. The office holder must further state that any such appeal must be made in writing within 10 working days of receipt of the outcome of the office holder's review.

In order to facilitate the Commission in its review of alleged breaches of the Code of Practice, office holders must keep a full record of all correspondence and any relevant documentation, such as minutes of meetings, records of emails and notes of telephone conversations or meetings, as well as all documentation provided by the complainant in respect of the complaint.

Formal review by the Commission

The Commission may take whatever action it considers necessary where it deems there to have been a failure, on the balance of probabilities, to comply with the Code of Practice, in accordance with the provisions of the Public Service Management (Recruitment and Appointments) Act 2004, including the revocation of a recruitment licence, where appropriate.

The procedures and standards to be followed by the Commission in the handling of complaints of alleged breaches of the Code of Practice are set out below.

- An appeal to the Commission in relation to an alleged breach of the Code of Practice must be made in writing within 10 working days of receipt of the notification of the decision of the office holder. Details of the grounds of appeal, together with any documentation supporting such grounds, and any documentation provided to the office holder in respect of the original request for review, should be provided in writing to the Commission within this timeframe.
- Acknowledgement of receipt of the request will be made within 3 working days.
- The complaint will be examined by the Commission.
- The outcome will be notified, in the form of a written report, to the party making the complaint and the office holder within 25 working days. Where the investigation does not allow a decision within this timeframe, the Commission will keep both parties informed of the status of the review and the reasons for the delay.
- The Commission will make its decision on the basis of any written information available in respect of the matter, or on the basis of any written submissions made to it, and will not generally conduct interviews, although it may do so if warranted by the particular circumstances of individual cases.
- The decision of the Commission is final.

10.6.3 Review Procedures in Respect of those Aspects of the Garda Trainee delegated by the Garda Commissioner to the Public Appointments Service

The review procedures established and set down in this section apply in cases where a candidate wishes to have an action or decision in relation to his/her candidature reviewed. The procedures and standards to be followed by the complainant and the Chief Executive of the Public Appointments Service in the handling of requests for review are set out below.

As with the recruitment processes themselves, and within reason, fair procedures should be applied by all bodies dealing with requests for review made under this section.

The Commission has no remit to investigate complaints from candidates which do not amount to a breach of the Code of Practice.

It is essential for the Chief Executive to have effective systems in place for handling requests for review. The Chief Executive must keep a full record of all correspondence and any relevant documentation, such as minutes of meetings, records of emails and notes of telephone conversations, in relation to all candidates who present for any form of assessment whether successful or not.

The Chief Executive should appoint a decision arbitrator (a person at a senior level unconnected with the selection process) who will adjudicate on requests for review in cases where a candidate is not satisfied with the outcome of an initial review. The Chief Executive may appoint a suitably qualified external decision arbitrator if he/she so wishes.

The review procedure comprises two stages. The first stage involves a review by a person in the Public Appointments Service referred to as the “initial reviewer”. Where a candidate remains dissatisfied following this initial review, he/she may seek to have the conduct of the initial review examined by a “decision arbitrator”. As an alternative to the above, it is open to a candidate to seek to have the matter resolved on an informal basis, as set out below. If a candidate remains dissatisfied following any such discussion it is open to him/her to seek a formal review.

Informal process

When a request for a review of a selection decision is received from a candidate, the Commission recommends that every effort should be made by the Chief Executive, subject to the agreement of the candidate, to resolve the matter on an informal basis before making use of the formal review procedures set out below. Should the candidate remain dissatisfied following any such discussion, or not wish to have the matter dealt with informally, then he/she may adopt the formal procedures in accordance with the process set out below.

The informal process may be availed of within 5 working days of notification of the initial decision, and should normally take place between the candidate and the person who communicated the decision (or such other person acting on behalf of the Chief Executive as may be appropriate depending on the circumstances).

Where the decision being conveyed relates to an interim stage of a selection process, the request for informal review must be received within 2 working days of the date of receipt of the decision.

The Chief Executive must carry out the informal review without delay and within a period of time that enables the candidate to avail of the formal review procedures within the specified timelines should he/she so wish.

Where a candidate remains dissatisfied following any such informal discussion, he/she may adopt the formal procedures set out below.

If the candidate wishes the matter to be dealt with by way of a formal review, he/she must do so within 2 working days of the notification of the outcome of the informal review.

Formal process: Initial review

The procedures and standards to be followed by the complainant and by the Chief Executive in the handling of requests for review are set out below.

The candidate must address his/her concerns in relation to the process in writing to the office holder, setting out those aspects of the action or decision in relation to his/her candidature that he/she wishes to have reviewed.

A request for review must be made within 10 working days of the notification of the initial decision. Where the decision relates to an interim stage of a selection process, the request for review must be received within 4 working days. This is necessary to ensure that delays in the recruitment process are avoided.

Any extension of these time limits will only be granted in the most exceptional of circumstances and will be at the sole discretion of the Chief Executive.

The review procedure:

- Upon receipt of the request for review, the Chief Executive should issue an acknowledgement within 3 working days.
- The case should be reviewed by a person other than any individual directly associated with the decision in question.
- The person(s) conducting the initial review (the “initial reviewer(s)”) should consider any written submissions made by the candidate, and all other relevant information, including any emails, notes or

memoranda held by the Chief Executive in respect of the selection process. Where necessary, the initial reviewer should meet with the personnel of the Public Appointments Service involved in the selection process and/or the candidate for the purpose of eliciting further information. Subject to any statutory (or other relevant) restrictions on disclosure, the initial reviewer shall provide the candidate with any relevant and material emails, notes or memoranda held by the personnel of the Public Appointments Service in respect of the selection process, on request.

- The outcome must generally be notified to the candidate within 20 working days of receipt of the complaint or request for review. Where the investigation does not allow a decision within this timeframe, the initial reviewer must keep the candidate informed of the status of the review and the reasons for the delay.
- In communicating the outcome to the candidate, which will be done by means of a written report, the initial reviewer should indicate that the candidate may seek to have the outcome of the initial review reviewed by referring the matter to the decision arbitrator. The initial reviewer must further state that a request to do so must be made in writing within 7 working days of receipt of the outcome of the initial review.

Review by the decision arbitrator

Should a candidate be dissatisfied with the outcome of the initial review, he/she may request a review by a decision arbitrator of the conduct of the initial review.

The role of the decision arbitrator is to assess whether the initial review has been carried out in line with proper procedures.

The decision of the decision arbitrator in relation to such matters is final.

A request made to the decision arbitrator must be received within 7 working days of the notification of the outcome of the initial review.

The review procedure:

- Upon receipt of the request for review, the decision arbitrator should issue an acknowledgement within 3 working days.
- The outcome of the investigation must be notified to the candidate in the form of a written report within 10 working days.
- The decision of the decision arbitrator in relation to such matters is final. The decision arbitrator will make his/her decision on the basis of any written information available in respect of the matter, or written submissions made, and will not generally conduct interviews, although he/she may do so if warranted by the particular circumstances of individual cases.

Where a review of a recruitment/selection process has taken place under this section 7, a complainant may not seek a further review of the same matter under section 9, other than in the most exceptional circumstances (which will be determined by the Commission in its sole discretion).

10.6.4 Review Procedures in Respect of the Recruitment and Selection Process Carried out by the Garda Commissioner in relation to the Appointment of Garda Trainee

The Commission acknowledges that the Garda Commissioner is statutorily responsible for the taking of decisions relating to the final appointment of candidates as Garda Trainees (Article 5 (2) of An Garda Síochána (Admissions and Appointments) Regulations 1988 refers). Accordingly, the Commission has established the following review procedures which apply solely in the case of such decisions taken by the Garda Commissioner.

When a complaint is received from a candidate regarding the decision taken by the Garda Commissioner in relation to his/her appointment as Garda Trainee, the Commission recommends that every effort should be made by the Garda Commissioner, subject to the agreement of the candidate, to resolve the matter on an informal basis before making use of the formal review procedures set out below. Should the candidate remain dissatisfied following any such discussion, then he/she may adopt the formal procedure set out below. The informal process may be availed of within 5 working days of notification of the initial decision, and should normally take place between the candidate and the Garda Commissioner's nominee who communicated the decision, or such other nominee of the Garda Commissioner as may be appropriate, depending on the circumstances.

The review process enables candidates to seek a review of an action or decision taken in relation to the selection process.

As with the recruitment processes themselves, fair procedures should be applied by all bodies dealing with complaints and requests for review.

The Commission has no remit to investigate complaints relating to non-selection or nonappointment unless it appears that the selection process has breached a Code of Practice (see section 9). It is essential for the Garda Commissioner to have effective systems in place for handling complaints. The Garda Commissioner must keep a full record of all correspondence and any relevant documentation, such as minutes of meetings, records of emails and notes of telephone conversations, in relation to all candidates who present for interview or any other form of assessment, whether successful or not.

Candidates must be made aware that the Garda Commissioner will only deal with requests for review received within 10 working days of the notification of the decision. Where the decision being conveyed relates to an interim stage of a selection process, the candidate should be informed that a request for review must be received within 3 working days. This is necessary to ensure that delays in the recruitment process are avoided. Any extension of these time limits will only be granted in the most exceptional of circumstances and will be at the sole discretion of the Garda Commissioner.

The Garda Commissioner should appoint a decision arbitrator (a person at a senior level unconnected with the selection process) who will adjudicate on requests for review in cases where a candidate is not satisfied with the outcome of his/her application. The Garda Commissioner may appoint an external decision arbitrator if he/she so wishes. The recommendation of the decision arbitrator in relation to any such matter will be given due consideration by the Garda Commissioner in any review of a decision by him/her.

The procedures and standards to be followed by the decision arbitrator in the handling of complaints are set out below.

Decision arbitrator

- The candidate's request for review must be received within 10 working days of the notification of the decision or within 5 working days of the outcome of the informal stage if availed of. Any extension of these time limits will only be granted in the most exceptional of circumstances and will be at the sole discretion of the Garda Commissioner.
- Upon receipt of the request for review, the decision arbitrator should issue an acknowledgement within 3 working days.
- The decision arbitrator should consider any written submissions made by the candidate, and all other relevant information, including any emails, notes or memoranda held by the Garda Commissioner in respect of the selection process. Where necessary, the decision arbitrator should meet with the personnel of the Garda Commissioner involved in the selection process and/or the candidate for the purpose of eliciting further information. Subject to any statutory (or other relevant) restrictions on disclosure, the decision arbitrator shall provide the candidate with any relevant and material emails, notes or memoranda held by the personnel of the Garda Commissioner in respect of the selection process, on request.
- The outcome of the investigation must generally be notified to the candidate in the form of a written report within 20 working days. Where the investigation does not allow a decision within this timeframe, the decision arbitrator must keep the candidate informed of the status of the review and the reasons for the delay.
- The decision arbitrator will make a recommendation to the Garda Commissioner, which will be given due consideration by the Garda Commissioner in confirming/rejecting the appointment.

Where a review of the recruitment/selection process has taken place under this section 8, a complainant may not seek a further review of the same matter under section 9, other than in the most exceptional circumstances (which will be determined by the Commission in its sole discretion).

Appendix - terminology

Customer Charter

The Customer Charter is a short statement describing the level of service a customer can expect when dealing with the Commission

Excluding Order

An order made by the Commission which removes a post from the scope of the Public Service Management (Recruitment and Appointments) Act 2004 in order to allow a temporary appointment to be made (section 8 of the Act refers). Such orders may be made for a limited or unlimited period of time.

Recruitment Licence

A licence granted to the heads of a government department/office/body which allows them to recruit, according to clear codes of practice, on their own behalf or with the assistance of private sector recruitment agencies specifically approved by the Commission (section 43 of the Act refers).

Licence Holder

Licence Holder means a person to whom a recruitment licence has been granted by the Commission

Office Holder

Office Holder means the person who is head of a government/office/body

Listed Recruitment Agency

A private sector recruitment agency approved by the Commission and placed on a list from which licence holders can seek assistance with some of the tasks of recruitment.