

Complaints about a competition in the Education sector

Three similarly-structured complaints were received about this competition. Given this similarity, the summary below covers all points made across the three complaints, referring to them individually on points specific to particular complaints.

The complaints:

The candidates were called for but were not successful at interview. They complained that

1. The date of the competition had been pushed out to include many more candidates that should not have been eligible in line with the normal six months acting up period;
2. They were not given the opportunity to display their competence in Irish, and questions about Applied Mathematics was not a relevant means of assessing the level of specialist knowledge and expertise and they believed other candidates were not asked questions on that topic
3. The reviews took too long to complete;
4. There was a conflict of interest between the new reviewer (who was appointed during the review as the original person could not complete the reviews) and the chairperson; and
5. The reviewer did not speak with the complainants and did not address all points raised.

Recruiter's Actions:

The recruiter told the Secretariat that the Covid pandemic required the Department to prioritise its core functions so there was unavoidable delay in completing some competitions and reviews, including this competition. This delay resulted in more candidates being eligible than would otherwise have been the case;

Its' candidate booklet listed 7 competencies under the 'Specialist Knowledge and Expertise and Ability' heading and candidates were questioned on those competencies based on the examples in their application forms. This meant that all candidates were asked questions across the 7 competencies generally but the specific questions varied on the basis of the examples provided by each candidate. All candidates had equal opportunity to include examples of their own expertise under this competency. This included proficiency in the Irish language. The questions from the board were generated based on the examples given by the candidates on their application forms but the candidates were also at liberty to include additional information;

One candidate sought a review on 10 December which was completed on 28 January. This included a substitute reviewer being sourced;

While the substitute reviewer had worked in the same area as the Chair of the interview board, there was no conflict as the substitute reviewer did not report directly to the Chair; The Public body stated that the review conducted was completed in line with the Code and

the reviewer determined that he had received sufficient information from the complainant's request and did not require additional consultation. The public body also stated that the review addressed all of the points that were covered by the Code of Practice and that the complainants had been advised previously through email correspondence of the scope of complaints under the Code, which did not include re-visiting or changing the marks of candidates.

View from the Secretariat:

The Secretariat accepts that the Covid pandemic impacted on the performance of the functions of public service providers generally, and in that light is satisfied the recruiter's response is reasonable on this point.

The Secretariat is satisfied that basing questions on the competency-based examples provided by candidates in their application forms was a reasonable approach for the recruiter to take. Therefore, it sees no issue with candidates being asked different questions within the 'Specialist Knowledge and Expertise and Ability' heading and the Commission is satisfied that each candidate was given equal opportunity to highlight their expertise in certain areas through the application form and in the interview under this competency. The Secretariat is satisfied that seven weeks is a reasonable timeframe to complete a review, allowing for the unforeseen need to source a substitute reviewer and some inevitable delay due to the Christmas holiday season;

The Secretariat agrees with the recruiter that a conflict of interest does not arise where a reviewer formerly worked in the same areas as the Chair of the board but did not report directly to that person. The Commission also accepts that the reviewer was not obliged to speak with the complaint. The Commission is also satisfied that the internal review covered all of the points in the candidates' complaint that came under the scope of the Code.

Decision: The Commission finds no breach of the Code of Practice in these cases.

Outcome: As we are satisfied the competition was conducted in accordance with the Code of Practice, we do however, recommend that contingency plans are in place for future competitions so that acting up positions are not extended beyond the normal six-month placing.

Complaint about the competition for Executive Officer with Irish fluency in the civil service

The complaint:

The candidate was considered for selection but failed the pre-employment check on the basis of her sick leave which the candidate said resulted from bullying at work so should have been discounted.

Recruiter's Actions:

The candidate's employer told the recruiter that the candidate's performance had been rated as satisfactory in 2019 but had since then taken 371 sick days and her six-month performance for 2021 was rated as unsatisfactory. The employer did not consider the candidate's sick leave should be discounted in line with the relevant Circular. The recruiter then followed an internal procedure and had the report assessed by their Submissions Group which is made up of senior recruitment managers. That group agreed with the candidate's employer that the sick leave should not be discounted and, accordingly, the candidate was not considered further for appointment. The recruiter also gave the candidate the opportunity to revert to her employer to seek revision of its report based on her statement that the sick leave was due to bullying at work. The candidate did not do this.

View from the Secretariat:

The Secretariat is satisfied that the recruiter acted reasonably in referring the candidate's case to its Submissions Group. While the CPSA has no role regarding the reasons why the candidate took sick leave, it is satisfied the recruiter also acted reasonably in offering her the opportunity to revert to her employer on the matter of her sick leave. As the candidate did not provide any evidence to support her statement that the sick leave was due to bullying, the CPSA does not consider that the decision not to consider the candidate for appointment was unreasonable.

Decision: The Commission finds no breach of the Code of Practice in this case.

Outcome: As we are satisfied the competition was conducted in accordance with the Code of Practice, we see no further action arising on this case.