



An Coimisiún um Cheapacháin Seirbhíse Poiblí  
Commission for Public Service Appointments

ANNUAL  
REPORT  
**2013**





# OUR MISSION

Our mission is to safeguard the integrity of the recruitment, selection and appointment of people to publicly funded positions and, by continually improving standards, to engender widespread confidence in the ability of those appointed to contribute to the delivery of public services.

## MEMBERS OF THE COMMISSION



**Seán Barrett T.D**  
An Ceann Comhairle



**Martin Fraser**  
Secretary General,  
Department of the  
Taoiseach and  
Secretary General to the  
Government



**Robert Watt**  
Secretary General,  
Department of Public  
Expenditure and Reform



**Peter Tyndall\***  
Ombudsman  
and Information  
Commissioner



**Justice Daniel O'Keeffe\*\***  
Chairman, Standards  
in Public Office  
Commission

\* Mr. Tyndall replaced Ms. Emily O'Reilly in December 2013 following his appointment as Ombudsman

\*\* Justice O'Keeffe replaced Justice Matthew P. Smith who stepped down as Chairman of the Standards in Public Office Commission in December 2013

## INTRODUCTION

2013 marked the Commission's ninth full year in operation as regulator of recruitment and selection to the Civil Service, An Garda Síochána, the Health Service Executive, the Health Information and Quality Authority and a number of other public service bodies.

The Commission is responsible for engendering trust and confidence in public sector appointments processes that exemplify the principles of probity, merit, transparency, impartiality, consistency and fairness. The Commission is committed to ensuring that these core principles are not mere ends in themselves but the means to achieving the greater goal of attracting and selecting the strongest possible candidates, thus facilitating the delivery of most efficient and effective public services.

In recent years public confidence in many institutions has been shaken, many questions have been asked and doubts have been raised about the performance of these institutions. The Commission has a significant role to play in underpinning confidence in the system of appointments as a way of engendering trust in those persons appointed to fill these positions. The systems through which individuals are appointed to positions in public bodies are key to recruiting and selecting the most competent candidates and building trust and confidence in the institutions of the State.

In carrying out its brief, the Commission publishes codes of practice for recruitment and selection to positions in public sector organisations. It monitors the performance of office holders under its remit on their adherence to the codes through regular monitoring and auditing. It also advises on and promotes the codes of practice and processes allegations of breaches against them as required.

Current economic difficulties and the ensuing moratorium on appointments to public service positions has resulted in far fewer public service appointments. However, it is vitally important that the Irish public can continue to have faith and confidence in the impartiality and objectivity of decisions arrived at throughout public service appointments processes. Given that recruitment activity levels have fallen as a result of the moratorium on recruitment and promotions in the public service, the Commission was mindful of the risk that standards might also fall. As experienced recruitment staff are inevitably reassigned across organisations, the Commission is particularly keen to ensure that Offices have in place well documented recruitment and selection processes and procedures to support the continued delivery of high standards. The onus is on public bodies involved in recruitment to ensure ongoing appropriate training of staff involved in recruitment and selection processes, informed by the codes of practice.

The Commission is satisfied that the audit and assurance function, developed since its establishment, has proven a robust and effective mechanism for improving efficiency by ensuring that selection for appointment is made on merit, following a fair, open, and competitive process. The Commission is happy to note that public service recruitment and selection practices are, in the main, being conducted in line with the standards established in its codes of practice and that the values and principles defining merit are being respected.

The membership of the Commission changed in 2013. Following her election as European Ombudsman and her move to Strasbourg, Emily O'Reilly stepped down as Ombudsman and as a member of the Commission. She has been replaced on the Commission by Mr. Peter Tyndall. Justice Matthew P Smith also stepped down from the Commission on completion of his term as Chairman of the Standards in Public Office Commission (SiPOC). He was replaced on the Commission by the new Chair of SiPOC, Justice Dan O'Keeffe. Ms. O'Reilly and Justice Smith had both served on the Commission since its establishment in 2004. Their colleagues on the Commission thanked them for their sterling service and wished them well in the future.

The Commission also wished to express its gratitude to the staff of the Office for their continuing dedication and commitment.

## CODES OF PRACTICE

One of the Commission's primary functions is to establish and safeguard the standards to be observed by those responsible for the appointments process in each of the public bodies within its remit. In so doing, the Commission must ensure public confidence in an appointments process that is open, fair, inclusive and, above all, firmly based on merit. The standards established by the Commission are published as codes of practice.

The codes also set out the procedures which those responsible for the appointments process must follow when handling complaints and grievances brought by candidates. There are specific procedures for complaints in relation to a decision affecting a candidate's participation in the appointments process and separate procedures for an allegation of a breach of the code.

The current codes of practice are:

Appointment to Positions in the Civil Service and Public Service (No. 01/07)

Emergency Short-Term Appointments to Positions in the Health Service Executive (No. 02/07)

Appointment of Persons with Disabilities to Positions in the Civil Service and Certain Public Bodies (No. 03/07)

Atypical Appointments to Positions in the Civil Service and Certain Public Bodies (No. 04/07)

Appointment to Positions Where the Garda Commissioner has Statutory Responsibilities (No. 01/09)

The codes reflect the Commission's intent that all appointments processes are conducted with integrity and that decisions are always made on the basis of merit. They offer guidance rather than prescriptive instructions to those who will operate them. This enables recruiters to adopt a flexible and innovative approach to recruitment procedures without compromising the principles of integrity and merit.

The standards that the Commission has established are fundamental to ensuring a recruitment system that is genuinely open to values such as fairness, equality and respect for diversity, as well as meeting the professional imperatives of efficiency and effectiveness.

As part of its ongoing commitment to quality assurance, the Commission acknowledges that these standards must be reviewed from time to time, and revised where necessary, to remain relevant. In keeping the codes under review, the Commission will continue to take account of feedback from licence holders, office holders and other interested parties, insight gained through audit work and the general flow of queries from departments, offices and other public bodies.

## SAFEGUARDING STANDARDS

Since the establishment of the Commission and the introduction of the Codes of Practice in 2004 it has been the aim of the Commission to ensure high standards are developed and maintained for all appointments to public service bodies within remit. In the intervening years the Commission, through its audit function, has examined the recruitment practices of Office Holders to establish compliance with their obligations under the Public Service Management Act 2004.

The Commission has established an ongoing agenda for reviewing recruitment and selection practices within Departments/Offices and is generally satisfied that the Code principles have become embedded within appointment processes being conducted by Office Holders. The Commission believes there is a real commitment among Office Holders to achieve and maintain high standards in recruitment to the public service by selecting and appointing candidates on the basis of merit and through fair and transparent practices.

During 2013 the Commission's audit programme focussed on the examination of general recruitment and selection practices in place in those organisations that were the subject of a Section 8 complaint. This provided an opportunity for the Commission, when examining the complaint, to review specific aspects of recruitment within that organisation. Any areas for improvement identified during such a review were then discussed with the Office Holder with a view to introducing revised procedures in line with the principles set out in the Code of Practice. The Commission is satisfied that any such issues arising have been addressed by the Office Holder concerned and will be subject to further review and audit.

In addition to ongoing review the Commission is committed to pursuing an audit programme employing audit methodologies that include:

- Conducting in-depth reviews of specific appointments processes including evaluating recruitment policies and procedures and assessing compliance with the terms and conditions of the recruitment licence(s), and
- Carrying out thematic audits that encompass a number of Office Holders involving self-completion questionnaires and follow up.

The Commission acknowledges the continued assistance and co-operation it receives from all organisations within remit. While recognising that these organisations have many competing pressures, the Commission's view is that the benefits of internal reviews of appointment processes by Office Holders warrant consideration. Taking this further, the Commission urges the use of periodic internal auditing of recruitment and selection policies and practices as part of each organisation's risk management process.

## Review and Evaluation

Audit reports are placed on the Commission's website – [www.cpsa.ie](http://www.cpsa.ie) – and can be viewed by all organisations and used as a tool to benchmark their own policies and practices. Where appropriate, each audit report includes recommendations for improvement. It is important that the Office Holder addresses any identified shortcomings and the Commission will continue to monitor progress in this regard. The Commission also acknowledges that many organisations demonstrate good practices developed through ongoing review and evaluation of policies and procedures, development of management systems, training and staying abreast of good recruitment practices.

## COMPLAINTS/REQUESTS FOR REVIEW

Throughout 2013 the Commission received a significant number of enquiries and informal complaints in addition to the large number of formal requests for review under Section 8 of the Code of Practice. That said, the Commission is satisfied that there is, in the main, a genuine commitment among Office Holders to achieve and maintain high standards in the selection and appointment of candidates to public service positions. Furthermore based on its experience of examining complaints the Commission believes there is a keen awareness and understanding among Office Holders of their responsibilities and obligations under the Codes of Practice.

The management of complaints both formal and informal was, once again, a significant feature of the Commission's workload during the year. There was a marked increase in the number of requests for review received by the Commission in 2013 albeit from a very low base relative to the previous year. Many of these complaints were made against the Health Service Executive (HSE) which conducted a number of national campaigns involving large volumes of candidates. However the Commission is satisfied that the number of complaints against the HSE is relatively small in comparison to the overall number of candidates and the numbers of appointments made across the health service.

The Commission's examination of complaints involves a comprehensive review of all aspects of the appointment process and, where appropriate, of relevant personnel. In dealing with a complaint, the Commission's remit is to address and respond to the complainant's allegations of breaches of the Code principles following a full and thorough investigation in line with the standards and procedures outlined in the Code. Besides the Section 8 reviews conducted by the Commission, candidates are also provided with informal advice and information in response to enquiries about different aspects of the appointments process.

During the examination of a complaint the Commission engages with the relevant Office Holder which provides an opportunity to offer guidance and advice on best practice in the appointment process. This is an important aspect of the Commission's role in upholding the principles of probity, merit, equity and fairness in recruitment and selection practices.

## Review Procedures

There are two distinct review procedures. The first applies in cases in which a candidate is unhappy with a decision in relation to his or her candidature (but does not believe that there was a breach of the Code) and wishes to have that decision reviewed. The review of a recruitment decision is conducted by the Office Holder. The Commission cannot overturn the decision of the licence holder and, aside from setting out how the review should be conducted, has no role in this process.

The second review procedure applies in cases where a person believes that an appointments process has breached the Code and wishes to have it investigated. The complainant must make the complaint to the Office Holder in the first instance. If the complainant remains dissatisfied with the outcome of the Office Holder's review, he or she may request the Commission to investigate the alleged breach of the Code. In this particular regard, the Commission's powers are limited. The Commission may, amongst other things, amend or revoke the recruitment licence of a public body, however, it does not have the power to alter a recruitment decision once it has been made and is, in fact, expressly precluded from doing this by the terms of the Public Service Management (Recruitment and Appointments) Act 2004. In 2011 the Commission made a number of recommendations to Office Holders with a view to addressing shortcomings identified during its investigations.

## Breaches of the Code of Practice

A summary of some of the complaints investigated during 2013 is provided below:-

- A complaint was received from a candidate who took part in a confined competition for a senior position in a Government Office. The Complainant was unhappy with the assessment process and had concerns that the marking system for assessing candidates did not reflect the specific duties and responsibilities set out in the circular advertising the post.

Having reviewed the supporting documentation for the process, and taking account of the views of the interview board members, the Commission was satisfied that the approach adopted by the selection board was underpinned by clear job and person specifications and was directly related to the skills necessary for the role. However it found some of the technical aspects to the role, while properly recalled by the board members in their discussion with the commission and indeed reflected in the interview notes, were not clearly identifiable in the recorded selection criteria. The Commission recommended a review of the correlation between the stated requirements for the role and the selection criteria used to assess candidates at interview to ensure an open and transparent process and to support meaningful feedback to candidates.

- The Commission examined a complaint alleging breaches of the Code arising from a decision of the Office Holder to deviate from its planned selection process. The documentation available to candidates and indeed the correspondence from the Office Holder provided for three separate stages. However, at the end of the second stage, the Office Holder decided it did not need to deploy the third stage which involved a presentation exercise.

In this case, the interview board members reached the view that the most suitable candidate for the job had been identified by stage 2 and that no further selection stage was necessary.

The Commission concluded that while the Office Holder had provided for a three stage process in the candidate information booklet, its principle error was in writing to candidates at the end of stage one saying that there would be two more stages to the process. While it was of the view that the complainant's expectations had been poorly managed, in light of the relative performance of candidates at interview, it did understand why the final stage was unnecessary.

## LICENSING

The Commission is responsible for granting recruitment licences to certain public service bodies who wish to conduct their own recruitment. Recruitment licences may be granted either in respect of all positions in the public body (a general licence) or in relation to one or more particular positions (a specific licence).

An application for a recruitment licence must be made to the Commission in which the office holder is required to demonstrate its capability to carry out the selection process in line with the Commission's code of practice. The Commission is available to provide appropriate advice or assistance during the application process.

Each licence granted has certain terms and conditions attached which must be strictly adhered to by the licence holder. The Commission monitors compliance with the terms and conditions of a recruitment licence through its audit function. Although a recruitment licence is not time-limited the Commission has the power to terminate a licence in certain circumstances. This power has not been invoked to date.

During 2013 the Commission granted one new recruitment licence as follows:

- Department of Arts, Heritage and the Gaeltacht

The Commission had granted twenty eight recruitment licences to office holders to the end of 2012 – this includes both general and specific licences. In some instances office holders hold both types of recruitment licence.

## EXCLUDED POSITIONS

The Commission is empowered under Section 8 of the Public Service Management (Recruitment and Appointments) Act 2004 to exclude, by Order, unestablished positions in the Civil Service from the operation of the Act.

In agreeing to exclude these positions from its remit, the Commission requires that the Civil Service Office or Department adheres to guidelines setting out the nature of positions it will exempt and also the length of time that will apply.

Table 1 sets out the principal appointment categories for which such Orders were made or extended in 2013.

Each Order relates to a specific type of position or grade in the Civil Service. Consequently, as more than one person may have been appointed to the position or grade in question, the number of orders granted does not reflect the number of persons appointed.

In the case of Orders relating to Ministerial Private Staff, the conditions of service of the appointees provide that they will cease to hold their positions when the Government or Minister leaves office.

27 Orders were granted to support specific short-term initiatives, i.e. student placement programmes and WAM (Willing Able Mentoring) projects. The remaining 40 Orders enabled persons to be employed temporarily pending the completion of formalities for permanent employment and allowed Departments and Offices to secure the services of staff for a specific period to provide specialist skills as required.

TABLE 1: Orders Made in 2013

<b>Category</b>	<b>Number of Orders</b>
Students Placement Programmes (including Internships)	15 (41 posts)
WAM Projects	12 ( 16 posts)
Secondment (specific skills)	13 ( 19 posts)
Engagement of Retired staff members (specific skills) 6 of these 17 were extensions	17 (28 posts)
Ministerial Private Staff	4 (7 posts)
Short term contracts (Interns retained)	3 (3 posts)
Temp Accountants (4 mth contracts – specific skills – ran a Competitive process)	1 (8 posts)
Temp Solicitors (6 mth contracts – specific skills)	1 (3 posts)
Training Coordinator and European Job Day Coordinator (European funded recruitment of 2 key Workers for Eures– European Employment Service – recruited through open Competition from former Fás register)	1 (2 posts)
<b>Total</b>	<b>67</b>

# RECRUITMENT ACTIVITY REPORT

## RECRUITMENT ACTIVITY REPORT

All of the figures in this report are based on information/statistics provided to the Commission for the years in question.

TABLE 2: External Recruitment Activity

	Number of Appointments Made			
	2010	2011	2012	2013
<b>CIVIL SERVICE</b>				
Permanent Appointments	433	310	276	302
Temporary Clerical Staff	635	842	1089	889
<b>GARDA SÍOCHÁNA</b>				
GARDA Trainee	0	0	0	0
GARDA Reserve	309	276	241	188
<b>LOCAL AUTHORITY</b> (Local Authorities (Officers and Employees) Act 1926)				
Professional/Managerial	19	9	24	38
<b>HEALTH INFORMATION AND QUALITY AUTHORITY</b>				
	10	4	14	27
<b>HEALTH SERVICE EXECUTIVE</b>				
	1772	1107	1633	2794
<b>TOTAL</b>	<b>3178</b>	<b>2548</b>	<b>3277</b>	<b>4238</b>

TABLE 3: Internal Recruitment Activity

	Number of Appointments Made			
	2010	2011	2012	2013
<b>CIVIL SERVICE</b>	428	159	456	308
<b>GARDA SÍOCHÁNA</b> (Sergeant and Inspector)	99	9	3	116
<b>HEALTH INFORMATION AND QUALITY AUTHORITY</b>	0	0	0	0
<b>HEALTH SERVICE EXECUTIVE</b>	0	0	0	4
<b>TOTAL</b>	<b>527</b>	<b>168</b>	<b>459</b>	<b>428</b>

TABLE 4: Temporary Acting Up Positions\*

	Number of Appointments Made			
	2010	2011	2012	2013
<b>CIVIL SERVICE</b>	70	314	511	440
<b>HEALTH INFORMATION AND QUALITY AUTHORITY</b>	2	0	0	0
<b>HEALTH SERVICE EXECUTIVE</b>	0	0	80	26
<b>TOTAL</b>	<b>72</b>	<b>314</b>	<b>591</b>	<b>466</b>

\* Note- The following figures reflects the number of new appointments to Temporary Acting Up Posts and not the total number of staff in receipt of Acting Up Allowances.

PUBLISHED IN 2013 BY THE COMMISSION  
FOR PUBLIC SERVICE APPOINTMENTS,  
18 LOWER LEESON STREET, DUBLIN 2

TEL: (01) 639 5750  
FAX: (01) 639 5769  
EMAIL: [INFO@CPSA.IE](mailto:INFO@CPSA.IE)  
WEB: [WWW.CPSA.IE](http://WWW.CPSA.IE)

designed by **catalysto**<sup>o</sup>