



An Coimisiún
um Cheapacháin
Seirbhíse Poiblí
Commission
for Public Service
Appointments

Audit of Policies and Practices relating to Internal Appointments
within the Irish Prison Service

AUDIT REPORT
November 2014

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Chapter 1 - Introduction and Background

1.1 Introduction

This report has been prepared under section 43 (5) and section 13 of the Public Service Management (Recruitment and Appointments) Act 2004.

The report provides an account of an audit of the policies and practices regarding internal appointments in the Irish Prison Service, including appointments made on an acting-up basis.

While the Prison Service was granted a Recruitment Licence by the Commission for Public Service Appointments in 2009 there was no external recruitment under licence in the period under audit. External appointments, when required, are conducted by the Public Appointments Service on behalf of the Prison Service. The Commission noted that the IPS conducted a number of internal appointment processes over the last few years.

The Commission is committed to undertaking audits in a spirit of improvement and with the goal of sharing knowledge and best practice rather than focusing solely on compliance.

1.2 The Public Service Management (Recruitment and Appointments) Act 2004

Appointment processes to all positions within the remit of the Public Service Management (Recruitment and Appointments) Act 2004 are subject to Codes of Practice published by the Commission. The Codes set out the regulatory framework for such appointment processes and centre on five recruitment principles. Through its audit function, the Commission safeguards the standards established in the Codes of Practice and ensures compliance by the Office Holder with these standards for the recruitment of staff to positions within the organisation.

1.3 Irish Prison Service

The mission of the Irish prison Service is *to provide safe and secure custody, dignity of care and rehabilitation to prisoners for safer communities*. Our vision is for a safer community through excellence in a prison service built on respect for human dignity.

Political responsibility for the prison system in Ireland is vested in the Minister for Justice and Equality. The Irish Prison Service operates as an executive agency within the Department of Justice and Equality. It is headed by a Director General supported by 5 Directors. The Irish Prison Service deals with male offenders who are 17 years or over and female offenders who are 18 years or over. The Irish Prison Service is administered centrally with its headquarters located in Longford Town.

There are currently 3,270 Prison based staff in the Irish Prison Service spread across 19 locations. Within this number there are over 40 different grades

ranging from entry level grades such as Recruit Prison Officer and Prison Administrative and Support Officer (PASO) 3 up to Governor level.

1.4 Purpose of the Audit

The purpose of this audit is to confirm compliance by the Office Holder with the recruitment principles and to ensure that procedures in place for managing appointment processes are designed and operated in accordance with the Code of Practice. The audit focussed on reviewing internal competitions conducted during the last twelve months.

The audit entailed an examination of the competition file for each of the processes selected, together with meetings and discussions with key personnel in the Staff and Corporate Services Directorate in the Prison Service who have responsibility for the management of recruitment and selection in the organisation.

1.5 Details of Work Undertaken and Areas Reviewed

The audit reviewed the following internal appointment processes, conducted during the period covered by the audit, for appointment to positions as:

- Chief Officer II
- Governor Grade II
- Governor Grade III
- Incident Negotiator

Appointments made to higher duties on a temporary basis to address critical short-term needs were also reviewed as part of the audit.

1.6 Acknowledgements

The Commission would like to thank the personnel in the Staff and Corporate Services Directorate of the Irish Prison Service who gave their time and cooperation to this audit process.

Chapter 2 - Audit Findings in respect of Internal Appointment Processes

2.1 Introduction and background

Earlier this year the Commission issued a report on foot of complaints it received about an appointment process conducted by the IPS. The Office Holder has notified the Commission of a number of actions it has already implemented, and other proposed actions, in response to the findings in the report, including:

- The IPS has undertaken to include an external expert on its Shortlisting and Interview boards
- It has reviewed and improved the briefings it provides to its selection boards including clear written guidelines/instructions and the provision of refresher training where required
- A different approach will be employed when managing large numbers of candidates, e.g. use of PAS and/or external agency to shortlist/filter candidates
- Where possible, a single board rather than multiple boards will be used in appointment processes to ensure consistency
- Where multiple boards are required, the IPS has introduced measure to enhance the consistency of assessment eg
 - a representative from HR will support the different selection boards and sit with them during some of the interviews to observe the process, compare marks (highest/lowest/average) and communicate the marks and tone between boards
 - board members will be rotated for consistency
- Marks for courses/qualifications, if relevant, will be monitored by the Irish Prison Service College to ensure consistency and ensure relevance to the role.

A review of the implementation of these actions by the IPS has formed part of the Commission's audit.

The Commission also considered issues highlighted in other complaints as well as its previous audit of the Office Holder back in 2010.

The following information relates to the processes and procedures in place for the appointment of Chief Officer and Governor grades which are conducted in a similar manner. The report notes any deviations from the standard process.

The findings set out below are based on discussions with relevant SCSD personnel and have been verified following a detailed review of the relevant competition files.

2.2 Overview of the appointment processes

All recruitment and selection in the Irish Prison Service is conducted centrally in the Staff and Corporate Services Directorate (SCSD), which has responsibility for managing all stages of the appointment process from planning the competition through to making the offer of appointment. Based

on the information gathered during the course of this Audit, the staff involved in the management of the selection processes have the requisite recruitment experience and knowledge of the Codes of Practice.

Circulars

All circulars for internal appointments are drafted by personnel in SCSD and are sent to the Prison Officers Association for comments before being issued. The job and person specification are developed based on previous drafts and in consultation with the Governor who has the relevant operational expertise.

Information in the circulars covers all aspects of the process including duties, responsibilities and requirements for the role, the selected core competencies, application and selection process and conditions of appointment. There is reference to the Commission's Code of Practice and the review procedures available to candidates.

Attached to the circulars are notes for completion of a competency based application form together with a guide to demonstrating each of the selected competencies.

Candidates are advised in the circular that feedback in relation to the assessment of abilities, qualifications and suitability will be provided on request on completion of the competition.

Selection Boards

Where possible, SCSD tries to ensure that the members of the shortlisting board also sit on the interview board to facilitate a consistent approach to the assessment of candidates. A record is held by SCSD of all those trained in competency based assessments from which board members are selected. Training is conducted by an external provider as required.

All board members are briefed by a member of SCSD in advance of a competition and are provided with documentation relating to the competition as well as a 'Guide to Effective Interviewing' which was prepared by the SCSD to reflect the IPS's appointment process. They are also required to sign a Confidentiality Statement and are reminded of their responsibilities and the requirements under the Code of Practice. A notetaker is provided for the interviews where possible.

Application and Selection Process

Candidates are required to complete a standard job application form that includes particulars of education and work experience, as well as providing examples that demonstrate the competencies and essential requirements that have been identified for the position.

The assessment of candidates is based on a competency based selection process that involves shortlisting and a competitive interview. In some instances a presentation exercise may be required. Candidates are advised that the shortlisting procedure is based on information contained in the

application form that is assessed against the competencies identified for the role.

Candidates are assessed under the headings set out in the circular and application forms. Scores are awarded by the board members at both shortlisting and interview on individual marking sheets in accordance with a rating scale provided by SCSD. These marking sheets, including summary comments under each heading, are provided to the candidates as feedback on their performance after each stage of the process. Further feedback is available on request.

Panels and Appointments

Following the interview process a panel of candidates deemed suitable for appointment to the particular role is presented to SCSD by the selection board. Appointments are made from the panel in order of merit as vacancies arise. Panels are generally in place for 18 months which is decided in advance in consultation with the Prison Officers Association.

Requests for Review

There were a large number of requests for review under Section 7 of the Code of Practice received by SCSD in relation to the shortlisting stage of the Chief Officer Grade II competition. Informal reviews of these appeals were examined by a member of SCSD which related mainly to the marks awarded by the shortlisting board. None of these 50 appeals were upheld.

A further 28 requests for formal review were received. On foot of these reviews the original decision was overturned in a small number of cases and these candidates were invited to interview.

There were 27 requests for review by a Decision Arbitrator. These reviews were carried out by an individual not employed by the IPS. None of the appeals to the Decision Arbitrator were upheld..

There were no requests for review under Section 7 or Section 8 received in relation to the other processes examined.

In cases where it is unclear whether a request for review is being made under Section 7 or Section 8 of the Code, the SCSD has advised that clarification is sought from the candidate before initiating a review.

Quality Assurance and Developments in the IPS

Over the last number of years staff in SCSD has developed a number of documents setting out the processes and procedures for conducting a competition. These include

- HR Protocol for Internal Appointments to Irish Prison Service Positions
- Guidelines for Interviewers
- Completing a Competency Based Application Form

A more recent development has been the establishment of a group of members from across the Prison Service to review current competition procedures and to make recommendations on how to improve the process.

In October 2014 this group made a number of recommendations for future promotion competitions in relation to the shortlisting process, the recognition of academic and/or job related qualifications and training for future applicants. The introduction of shortlisting is a relatively new process for the IPS and they are looking at ways to adapt the process to fit the needs of the organisation in line with the requirements of the Code of Practice. The group is currently working on the development of a DVD for the purposes of training staff for internal competitions particularly in relation to the application process and to provide information on the process for those who wish to attend organised sessions. The Office Holder has advised that group will continue to meet on a regular basis to discuss issues arising relating to internal recruitment and selection processes.

The IPS has advised that there is ongoing review and evaluation of their selection processes and procedures based on experience and learning. In addition to internal review the external board member is often asked to provide feedback on their involvement in the process to gain further insight on the effectiveness of the procedures in place to ensure the selection of the most suitable person for the job.

2.3 Overview – Incident Negotiator

Having reviewed the documentation for this competition it was established that the position of Incident Negotiator was neither a promotion nor involved the payment of an allowance. The appointment process was conducted to identify candidates who were suitable to attend an intensive training course for skilled negotiators.

While the Commission notes that the places on the training course are offered on foot of a competitive selection process, this process competition does not come within the remit of the Commission and has therefore not formed part of this audit.

Chapter 3 - Findings on Appointments to Higher Duties on a Temporary Basis

3.1 Introduction

Appointments in an acting-up capacity are made in situations where it is necessary to assign a civil servant or public servant to higher duties on a temporary basis for a defined period to address a short-term business need. All such appointments are subject to the Commission's Code of Practice.

3.2 Acting-up Appointments

There are occasions where it is necessary to assign individuals to higher duties with little or no notice. These can arise when cover is required in order to ensure that certain duties in the prison are carried out and such duties/tasks must be overseen or conducted by employees of the Prison Service at an appropriate level. This can result in officers being assigned in an acting capacity in some instances for days or weeks. Short term assignments of this nature are the responsibility of the Governor with staff chosen based on supervising panels in place or seniority on the day and are necessary to ensure the day-to-day running of the prison.

In the past acting-up appointments, once approved by HR, were managed locally and selection was at the discretion of the relevant Governor subject to criteria agreed with the Unions which generally included suitability and seniority. There was an allowance paid in respect of these temporary appointments. Since the introduction of the Haddington Road Agreement in May 2013 the payment of allowances for acting-up appointments in the Prison Service is no longer applicable.

Following a recommendation by the Commission in its previous audit report arrangements for managing all acting-up appointments in the Prison Service were reviewed by SCSD. A protocol for internal appointments in the Prison Service was introduced, including temporary and acting-up positions, to ensure that all such appointments are made in full compliance with the Commission's Code of Practice.

The protocol and relevant templates for acting-up positions were sent to all HR Governors in each prison and Prison Administrative and Support Officers (PASOs) followed by a presentation delivered by a member of SCSD in June 2013 and again in September 2014. The main thrust of the presentation was that all competitions for internal appointments with effect from 1 July 2013, including those managed locally by the Governors, must have a standardised approach and be merit based only.

Therefore, while responsibility for managing acting-up appointments is delegated to local HR Governors in each prison, since July 2013 there is a standardised approach employed that includes an application form, a job description, competencies for the role and a marking assessment form. Candidates' applications are assessed based on the criteria identified for the role by an assessment board.

Chapter 4 – Audit Conclusions

The principles established by the Commission in the Code of Practice are underpinned by the core values that define probity such as integrity, impartiality, fairness, reliability and ethical conduct. The Commission wants to nurture a values-based culture of trust, fairness, transparency and respect for all. The principle of probity encompasses all other principles and will be evidenced in every aspect of the process, through the Office Holder's overall adherence and respect for the terms of the Code of Practice.

The Commission is satisfied, in the main, that the processes and procedures in place for the recruitment and selection for internal appointments in the Irish Prison Service are in compliance with the Code principles. The audit found that the appointment processes examined were designed and managed in a fair and ethical manner and there was a genuine commitment to ensure the integrity of the process at all stages.

Based on its findings the Commission is satisfied that appointments are made by the Office Holder following a competitive, merit-based selection process in which all candidates have been treated equally at each stage. The Commission notes the introduction of protocols for internal appointments and welcomes the revised procedures for managing acting-up appointments to ensure a standardised approach in line with the Code principles.

The Commission would like to acknowledge the efforts by the Office Holder to address previous recommendations made in its 2010 audit report and in its report that issued earlier this year. The Commission welcomes the steps taken by the Office Holder to remove criteria that could give rise to somewhat subjective assessments and credit for length of service and is satisfied that these changes allow for a more robust, objective and transparent selection process. The audit found that current procedures for the selection of candidates are based on criteria that fully reflect the requirements of the role which ensures an open and transparent process that complies with the merit principle.

The audit found evidence of sufficient and appropriate documentation supporting all stages of the process that was easily retrieved for review by the Commission. The provision of clear and comprehensive documentation to candidates at the outset on how the process will be conducted and the manner in which candidates will be assessed serves to enhance candidate confidence. There was also evidence of open and active communication with candidates at all stages of the process which supports a transparent process.

The Commission welcomes the commitment by the Office Holder to review and quality assure its procedures for effectiveness in line with best practice to ensure the selection of the best person for the job.