



An Coimisiún um Cheapacháin Seirbhíse Poiblí
Commission for Public Service Appointments

2012

CONFIDENCE
SECURITY
INTEGRITY
TRUST
STANDARDS
SERVICE
SAFEGUARD

ANNUAL REPORT

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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
(CHAIRPERSON)
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



Justice Matthew P. Smith
Chairman, Standards in
Public Office Commission



Emily O'Reilly
Ombudsman and
Information Commissioner

INTRODUCTION

2012 marked the Commission's eighth 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.

The Commission considered a number of complaints from individuals concerned that they had effectively been excluded from competing for positions on the basis of the eligibility criteria for these positions. In certain cases, the Commission accepted the validity of the complaints. It prepared a report for the Minister for Public Expenditure and Reform on controls in place in the Civil Service which prevented professional staff applying for promotion to administrative positions. The Commission recognised that confining some processes to staff serving within organisations can help to increase staff loyalty and commitment, promote career progression and serves to incentivise staff development. That said, in examining these complaints and in its subsequent review of the arrangements within the Civil Service, the Commission noted that the public interest is best served by removing restrictive practices that serve to limit the opportunities for a public service body to appoint the most suitable candidates. These cases are dealt with in greater detail later in the report. The Minister has advised the Commission that he supports the removal of barriers to appointments within the public service and in particular wishes to see promotions within the Civil Service opened up to staff with the requisite knowledge, skills and experience. However, he notes that the Department of Public Expenditure and Reform continues to explore this matter through industrial relations mechanisms.

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.

In expressing its gratitude to the staff of the Office for their continuing dedication and commitment, the Commission notes that its secretariat are now staff of the Office of the Ombudsman. The Ombudsman Amendment Act 2012 formalised the merger of the Office of the Commission for Public Service Appointments with the Office of the Ombudsman. The Commission notes the synergies the amalgamation of the two bodies has generated in terms of flexibility in the deployment of staff, shared experience and learning and streamlining of administrative processes.

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 that 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 \(No. 05/07\)](#)

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, thereby enabling recruiters to adopt a flexible and innovative approach to recruitment procedures without compromising the principles of integrity and merit.

The Commission is confident that the standards it 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. Completion of the Commission's annual audit programme provides assurances that the principles set out in the Codes of Practice are being adhered to throughout the appointment process by office holders that have been subject to audit.

Having completed audits across all the bodies under remit over the past number of years, the Commission is satisfied, in the main, that the Code principles have become embedded within recruitment and selection processes being conducted by office holders for public service appointments. The Commission believes, based on experience to date, that office holders have embraced the audit findings, particularly in relation to recommendations made to improve practices throughout the recruitment process. This is also evident through follow-up audits carried out to monitor the implementation of recommendations, where appropriate, to ensure compliance with the Code principles.

This year, in recognition of the general reduction in overall external recruitment activity across the public service, the Commission curtailed its audit programme and carried out the following audits and reviews:

- Senior Recruitment to the Civil Service
- Recruitment by the Public Appointments Service (PAS) to Local Authority Positions
- Review of the Written Assessment for the Mature Code Nursing Campaign carried out by the Public Appointments Service (PAS) on behalf of the Nursing Careers Centre (NCC)

The audit methodologies used by the Commission 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 audited organisations. 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 – 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

In 2012, the overall number of requests for review under the Codes of Practice remained relatively low. The Commission is satisfied that there is a continuing commitment to the application of high standards in recruitment and selection practices by the bodies under its remit, together with a greater awareness among office holders of their responsibilities and obligations under the Codes of Practice.

The Commission received seven formal requests for review during the year alleging breaches of the Codes. In the case of four of these complaints, the Commission conducted an investigation and finalised its report during the year. Reports on the outcome of the investigation of a further three cases were finalised early in 2013. The Commission also completed six reports on complaints received in 2011.

Throughout 2012 the Commission received enquiries and informal complaints from candidates who were unhappy with one or more aspects of the appointments process. In response to these requests the Commission continued to provide advice and information to candidates as appropriate. It is interesting to note that there were again a considerable number of enquiries received relating to the Codes and whether they were applicable to certain public bodies that are outside the remit of the Commission, which reflects an awareness among candidates in general of the Code principles and the Commission's role in advocating best practice in recruitment and selection.

The management of complaints, both formal and informal, continued to be a considerable part of the Commission's workload. The investigation of complaints is a complex function that invariably involves a comprehensive review of relevant documentation along with interviews, where appropriate, with those involved in the appointments process. In dealing with a complaint, the Commission's remit is to address and respond to the complainant's allegations of breaches of its Code following the conduct of a thorough and fair investigation in line with the standards and procedures outlined in the Code.

Following receipt of a formal complaint, the Commission engages with the relevant office holder to establish whether the complainant's allegations of breaches of the Code of Practice have occurred. This provides an opportunity for the Commission to offer guidance and advice on best practice in the appointments process which is an important aspect of the Commission's work 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 2012 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

During 2012, in addition to providing advice to informal enquiries, the Commission carried out investigations of formal complaints of alleged breaches of the Code, some of which, following a preliminary investigation, were resolved informally or were not considered to be within the remit of the Commission under Section 8 of the Code.

Although the Commission makes every effort to process each complaint in a timely and efficient manner, the complexity of complaints often results in a need to extend timeframes to facilitate a thorough investigation. In such cases, both parties involved are kept informed of the status of the review and the reason for the delay. The Commission would like to express its appreciation for the patience and understanding shown from those concerned.

A sample of complaints investigated during 2012 is summarised below:-

- The Commission finalised its consideration of a complaint where the Complainant, following her interview, received two result sheets with different marks for her interview which were both signed and dated by the Chairman of the Interview Board. The Commission was advised that the Interview Board revised the original marks it had awarded to a number of candidates. However, as the Board did not retain the

scores initially awarded to candidates, it was difficult for the Commission to ascertain the extent of the changes to the scores awarded following the Selection Board's review of the marks, and, precisely how the Complainant's position on the Order of Merit was changed as a result. The Commission had major concerns about the scale of the revisions to the Complainant's marks. The Commission was of the view that such significant adjustments diminishes not only the reliability of the marks awarded to the Complainant but also undermined confidence in the manner in which the final order of merit was formed. The Commission found a breach of the Codes of Practice in this case.

- The Commission received a complaint alleging breaches of the Code of Practice by a licence holder regarding the use of supplementary panels to supplement national panels. The allegation was that the date a candidate was appointed to a panel was not relevant to the qualifications, attributes and skills required to fulfil the duties and responsibilities of the post so therefore should not be used to determine the order of merit. The Commission found the use of supplementary panels to be acceptable where there are limited resources and there is a need to be cost effective as they obviate the need to organise costly national campaigns. The Commission was satisfied that the Complainant was made fully aware of the use of supplementary panels to supplement national panels throughout the process by the licence holder.

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 2012 the Commission granted two new recruitment licences as follows;

- Department of the Taoiseach
- Department of Health. This Specific Purpose Recruitment Licence, granted under section 43 (1) (b) of the 2004 Act, arose due to the Government's decision to reform and restructure the health service, particularly in relation to the transfer of certain functions and staff in the HSE to the Department of Health.

The Commission had granted a total of thirty two recruitment licences to the end of 2012, of which eight were specific licences that issued to office holders who already hold a general 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 2012.

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. In 2012 the number of excluding orders for Ministerial Private Staff decreased from 2011 as there was a change of Government in 2011. In total **six** excluding orders were granted that covered 10 excluded posts for Ministerial Private Staff.

Fifteen orders were granted to support specific short-term initiatives, i.e. student placement programmes and WAM (Willing Able Mentoring) projects. The remaining **twenty one** 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 2012

Category	Number of Orders
Ministerial appointments e.g. personal assistants, personal secretaries, civilian drivers, press officers	6 (10 posts)
Student placement programmes	9 (25 Posts)
WAM projects	6
Temporary appointments pending permanent placement	3
Appointments where specific skills were required for time-limited periods	18 (30 Posts)
TOTAL	42

RECRUITMENT ACTIVITY REPORT



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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			
	2009	2010	2011	2012
CIVIL SERVICE				
Permanent Appointments	279	433	310	276
Temporary Clerical Staff	882	635	842	1089
GARDA SÍOCHÁNA				
GARDA Trainee	373	0	0	0
GARDA Reserve	250	309	276	241
LOCAL AUTHORITY (Local Authorities (Officers and Employees) Act 1926)				
Professional/Managerial	18	19	9	24
HEALTH INFORMATION AND QUALITY AUTHORITY	54	10	4	14
HEALTH SERVICE EXECUTIVE	2923	1772	1107	1633
TOTAL	4779	3178	2548	3277

TABLE 3: Internal Recruitment Activity

	Number of Appointments Made			
	2009	2010	2011	2012
CIVIL SERVICE	440	428	159	456
GARDA SÍOCHÁNA (Sergeant and Inspector)	52	99	9	3
HEALTH INFORMATION AND QUALITY AUTHORITY	0	0	0	0
HEALTH SERVICE EXECUTIVE	231	0	0	0
TOTAL	723	527	168	459

TABLE 4: Temporary Acting Up Positions*

	Number of Appointments Made			
	2009	2010	2011	2012
CIVIL SERVICE	265	70	314	511
HEALTH INFORMATION AND QUALITY AUTHORITY	0	2	0	0
HEALTH SERVICE EXECUTIVE	52	0	0	80
TOTAL	317	72	314	591

* 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.

FINANCIAL REPORT

Table outlines the expenditure incurred by the Office of the Commission for Public Service Appointments in 2012

TABLE 5: Financial Report 2012

Category	€000s
Staff salaries	431
Travel and expenses	1
Advertising, publications, training and incidental expenses	12
Postal and telecommunications	0
Office machinery and other office supplies	51
Office premises expenses	0
Consultancy services including legal advice	6
Legal fees	1
GROSS TOTAL	502
Less Appropriations in aid	28
NET TOTAL	474

Published in 2013 by the Commission
for Public Service Appointments,
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