



An Coimisiún um Cheapacháin Seirbhíse Poiblí  
Commission for Public Service Appointments

# Annual Report 2018



2019 Commission for Public Service Appointments  
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# Introduction

2018 marked the Commission's 14th year as regulator of recruitment and selection in the public service. From the beginning, we have played a key role in promoting values of fairness and transparency. We have supported offices and departments in recruiting high quality employees and helped to promote confidence in services provided to the public.

Resourcing remained a priority for many public bodies in 2018, reflected in high levels of recruitment and selection activity. This saw an increase in the number of complaints received and demand for services provided by the Commission.

During 2018, a strong focus was placed on strengthening resources, building a strong and knowledgeable team internally and introducing new processes to carry out our work more effectively. We are therefore pleased to report an increase in both the number of complaints examined in 2018 as well as those completed within a six-month timeframe.

The total number of complaints received by the Commission, given the high levels of recruitment activity, remained notably low. We feel this was reflective of licence holders maintaining high standards in selection processes as well as having appropriate internal review and appeals mechanisms in place, in line with our codes, which addressed concerns at an early stage.

## The Commission

The Commission was set up under the Public Service Management (Recruitment and Appointments) Act in 2004. Our current members are:

- Seán Ó Fearghail TD, Ceann Comhairle
- Peter Tyndall, Ombudsman
- Martin Fraser, Secretary General to the Government
- Robert Watt, Secretary General, Department of Public Expenditure and Reform
- Mr Justice Daniel O’Keeffe, Chairperson of the Standards in Public Office Commission

We are supported in our operations by our secretariat staff. During 2018 our secretariat was led by Ms Jacqui McCrum, as its Director and Mr Liam Duffy, as Secretary to the Commission. It was supported by Ms Maire Ni Fhiachain, Assistant Principal, and a team of dedicated and committed staff members.

We would like to express our appreciation to all staff members of the secretariat for their continued dedication and hard work throughout 2018. We would also like to thank staff of the shared services units in the Office of the Ombudsman for their ongoing support.

## Our role

Our role is to make sure appointments to the civil and public service are fair, transparent and merit-based. We aim to support the effective delivery of public services by continuously promoting best practice in recruitment and selection.

In our codes of practice we set out the key recruitment principles and standards for appointments. We have an oversight role in ensuring public bodies within our remit adhere to these standards when carrying out a selection process.

We also outline how a candidate can review and appeal an appointment, if they believe it was unfair or wrong.

Our key responsibilities include:

- Setting out and promoting good recruitment practice
- Publishing codes of practice
- Issuing recruitment licences
- Outlining how to review and appeal an appointment
- Examining complaints about alleged breaches of the codes
- Ensuring public bodies comply with the codes
- Auditing recruitment and selection conducted by public bodies
- Helping and guiding public bodies

## Codes of practice

One of our primary functions is to set out the principles and standards that should be followed by a public body when carrying out a recruitment process. These are set out in our codes of practice. Our key recruitment and selection principles are:

1. Probity
2. Merit
3. Best practice
4. Consistency
5. Transparency

The codes give guidance on the meaning and application of these principles in everyday practice. They also set out the standards which should be followed at each stage of the selection process.

We have five codes of practice. These are the:

- Code of Practice for Appointment to Positions in the Civil Service and Public Service
- Code of Practice for Emergency Short-term Appointments 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 Positions where the Garda Commissioner has Statutory Responsibilities

Most appointments are made under the Code of Practice for Appointment to Positions in the Civil Service and Public Service. However, in some cases, appointments are made under one of the other specified codes.



## Recruitment licences

For an appointment to be made under the Public Service Management (Recruitment and Appointment) Act, 2004, the selection process must be carried out by an approved licence holder.

In many cases, the Public Appointments Service will carry out a recruitment process on behalf of a public body. In these cases, a recruitment licence is not needed. However, if a body wants to carry out its own recruitment, it must apply to us for a recruitment licence. A recruitment licence is a permit allowing a public body to carry out its own recruitment.

Licences are granted either generally, in relation to all positions within an organisation, or specifically, in relation to one or more positions. They are issued with a number of terms and conditions attached that must be strictly adhered to at all times.

While we have the power to terminate a licence in certain circumstances, this power has not been invoked to date.

### Recruitment licences issued

We granted four new general recruitment licences in 2018. These were to the:

- Tax Appeal Commission
- Nursing and Midwifery Board of Ireland
- Department of Rural and Community Development
- State Laboratory

We also engaged in a number of information and training sessions with new licence holders and staff members within their HR units. This gave them an overview of their obligations as a licence holder as well as guidance on our codes of practice and their application.

To date, 39 general licences were issued to public bodies within our remit. A full list of licence holders is attached at Appendix 3

## Recruitment activity

A total number of 11,546 appointments were reported by licence holders during 2018. Of these, 3,080 were new appointments, made following a selection process carried out by the Public Appointments Service and 3,550, following an open selection process carried out by individual offices/departments.

In addition, 3,027 appointments were made by way of internal promotion and 1,889 people were awarded to acting up positions within licence holder organisations. A detailed breakdown of the recruitment and selection activity reported by licence holder is attached at Appendix 1.

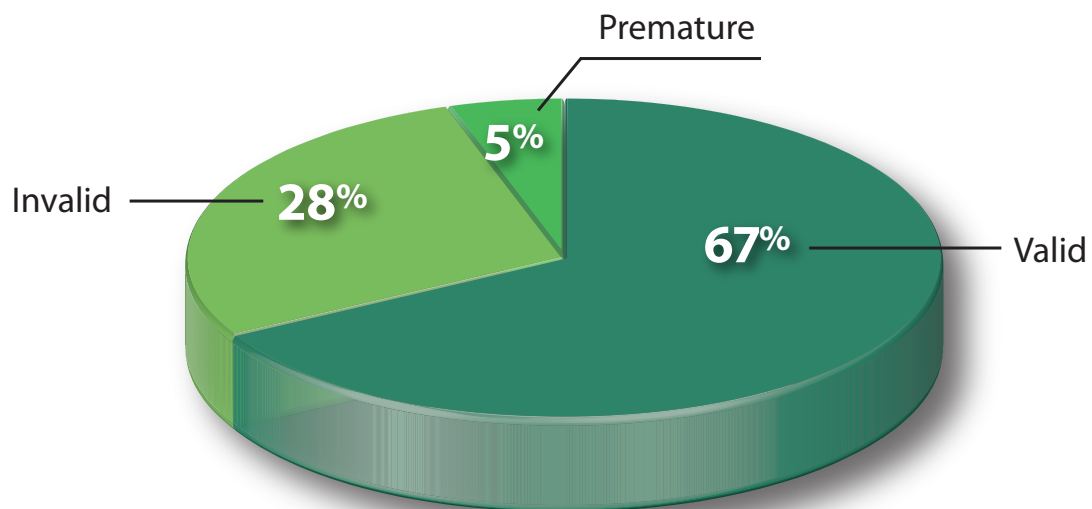
# Complaints

Our codes of practice set out the review and complaint mechanisms open to a candidate if they are unhappy with a selection process. They can either ask for a review of a decision made during the selection process, under section 7 of the codes, or make a complaint about the process itself, under section 8.

If a candidate wants a decision to be reviewed, they ask the public body directly. If they believe that the selection process was not carried out fairly, they make an initial complaint to the public body and if they are still unhappy, to us on appeal.

In total, 605 requests for a review under section 7 were made to licence holders during 2018. In addition to this, 120 complaints were made to licence holders under section 8.

## Complaints received 2018



## Complaints received

During 2018, the Commission received 63 complaints on appeal. Of these, 42 were accepted. Of those not accepted, most related to selection processes carried out by bodies not within the remit of the Commission. In three cases, the complaints were premature, where candidates had raised valid concerns but had not yet raised the matter formally with the public body.

The breakdown of complaints received per public body is below.

Licence Holder	Valid	Invalid	Total
Public Appointments Service	12	5	17
Health Service Executive	12	5	17
An Garda Síochána	9	5	14
Irish Prisons Service	4	-	4
Dept of Culture, Heritage and the Gaeltacht	1	-	1
Office of the Revenue Commissioners	2	1	3
Dept of Employment Affairs and SP	2	-	2
Dept of Agriculture, Food and the Marine	-	1	1
Department of Foreign Affairs	-	1	1
TUSLA	-	1	1
Bodies/positions outside remit	-	2	2
Total	42	21	63

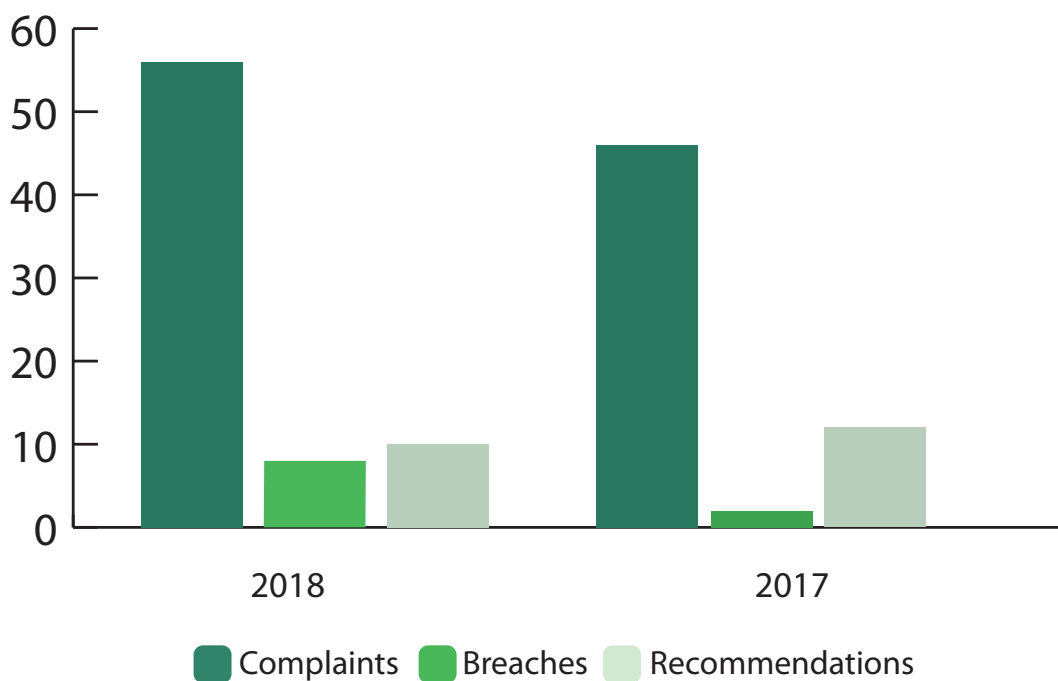
## Complaints examined

The examination of complaints makes up a large amount of our day-to-day activity. An in-depth examination is carried out into the selection process followed, in order to identify whether any breaches in the codes of practice occurred. Where breaches are identified, instructions and/or recommendations are made to the public body to amend its processes to make sure they don't re-occur.

We completed examination of 55 complaints during 2018. This was an increase of 19% on those examined in 2017. Of the complaints examined, in 47 cases no breaches of the codes were found to have occurred. In eight cases, breaches were found.

Notwithstanding the relatively small number of breaches identified, in 10 other cases the Commission found that, although the actions taken did not amount to a breach, some aspects of the process fell below the standards we would like to see. In these cases, recommendations were made to the public body to amend its processes.

On the whole we were satisfied there was a genuine commitment from public bodies to maintaining high standards in the selection of candidates. There was also evidence of awareness among public bodies of their responsibilities and obligations under the codes.



## Breaches of the codes

Of the complaints examined, in eight cases, breaches of the codes of practice were found. In a number of these, several breaches were found to have occurred during the same selection process.

These included:

1. Failure to have appropriate mechanisms in place to identify connections between selection board members and candidates and manage potential conflicts of interest.
2. Failure to appropriately investigate allegations of breaches received under section 8 and issue reports in a timely manner.
3. Breaches of candidate confidentiality, where details of complaints received under section 8 and their findings were unnecessarily disclosed to third parties.
4. Failure to fully document procedures relating to recruitment and selection, which led to inconsistent and unfair treatment of candidates.
5. Candidates being inappropriately offered positions from panels to which the selection process did not relate.
6. Candidates being offered positions outside of the order of merit.

## Recommendations

Notwithstanding the relatively small number of breaches identified, in 10 other cases the Commission found that, while the actions taken did not constitute a breach of the codes, some aspects of the selection process fell below the standard that we would like to see. In these cases, recommendations were made to the public body to amend its processes.

These recommendations included ensuring that:

- Clear information is given candidates on the review and appeal mechanisms open to them
- All selection processes are carried out under the appropriate code of practice and all staff involved in selection are fully trained on where each code should apply
- Appropriate planning and selection activities are carried out in advance of the process, to determine the vacancies likely to arise and resources required
- The timeframes for dealing with review and appeal mechanisms set out in the codes are followed
- Clearly defined eligibility criteria are applied, that are accompanied by documented procedures setting out how candidates will be assessed
- Any information provided to candidates in advance of a process is clear, accurate and representative of the process
- Actions are taken to minimise the risk of disclosing confidential information to third parties when seeking references
- Reference checks are carried out only after a public body is satisfied, in so far as possible, that a candidate has met the eligibility requirements

## Case studies

The complaints examined in 2018 covered a number of different aspects and stages of the selection process. In many cases, similar themes and concerns were evident. In these cases, the decisions made by the Commission can serve as useful learning tools for public bodies carrying out selection processes in the future.

A summary of some common complaints received in 2018 and our decisions are outlined below.

### Preliminary interview

#### Complaint

The complainant applied for promotion to sergeant in An Garda Síochána in 2017. The selection process was separated into two main stages, regional (preliminary) interview and central interview. Candidates had to be successful at regional interview to be invited to central interview.

At regional interview, the complainant met the qualifying standard in each competency area. However, he was told that as he had not scored within the top 40% of candidates in his board, he was not being invited to central interview. After this, he learned that a number of candidates from other boards, who had received lower scores than him, had been invited to central interview.

The complainant believed that a number of breaches of the code of practice occurred. He alleged that:

1. The decision to progress the top 40% of candidates from each regional interview board, as opposed to the top performing candidates overall, was unfair and did not support selection on the basis of merit.
2. When he made a complaint about the matter, a copy of the report was inappropriately issued to the reviewer's line manager, which brought attention of the allegations to third parties unnecessarily.

#### Findings

In this case, applications were invited from members at Garda rank nationwide. 14 regional interview boards were employed in different areas across the country. Each board was told to place candidates on an order of merit, based on the marks awarded.

Due to the difficulty in ensuring consistency in the marking of candidates and the number of regional boards being used, a decision was made to bring the top 40% of candidates from each



regional board through to central interview, as opposed to the top scoring candidates overall.

The actual scores awarded to candidates invited to central interview varied. The lowest scoring candidate received 35 marks less than the complainant. It was clear that a considerable number of applicants who had received a lower mark than him were invited to central interview.

Following the selection process, the complainant made a complaint under section 8 of the code of practice. A superintendent, independent to the selection process, was assigned to carry out the review. Before the final report issued, they forwarded a copy of the report to his line manager. This included details of the complaint, the complainants name, ID number and unit.

### **Commission's decision**

In a selection process of considerable size and geographical spread, it is difficult to make sure selection boards are consistent in how they mark candidates. Even if benchmarking exercises are used, a mark awarded by one board can hold a higher or lower relative weighting across the candidate pool as a whole.

We found that, faced with a choice of bringing forward the top 40% of candidates from each board or the top 40% of the candidates overall, the option chosen by An Garda Síochána in this case was, on balance, the fairer one.

However, we did have concerns with the use of preliminary interviews as a shortlisting mechanism in this case. Where such a high number of candidates are being assessed, by different boards, across different geographical areas, preliminary interviews are seen as an outdated, less efficient and less effective mechanism for selection than competency-based selection tests.

The use of preliminary interviews in this case was of particular concern, as our position was previously outlined to An Garda Síochána. In 2015 an audit was carried out into selection processes for positions at sergeant and inspector grade. We noted in our report that:

*‘The Commission has concerns about the suitability of large scale preliminary interviews as the vehicle for fairly and objectively differentiating between such large volumes of candidates and picking the best candidates to send forward for final interviews.*

*The Commission considers that An Garda Síochána must replace the preliminary interviews with a suite of competency based selection tests that can evaluate candidate’s suitability for promotion in an impartial, objective and cost efficient manner.’*

In addition, it was clear that a draft copy of the report on the complainant’s section 8 review was given, unnecessarily, to the reviewer’s line manager. Any involvement of a third party should be kept to a minimum and must be justified by a direct and evident need. On this basis, we found that a breach of the code of practice had occurred.

We instructed An Garda Síochána to:

1. Provide a report outlining the reasons for the lack of progress in relation to the introduction of selection tests at preliminary stages of the process.
2. Outline its intended actions in relation to the introduction of selection tests in place of preliminary interviews.
3. Take actions to ensure that any information relating to any aspect of the selection process is not unnecessarily provided to a third party

### Assessment of experience

#### Complaint

The complainant applied for a permanent nursing position in a HSE hospital in January 2018. She was told that she had been successful at interview, however received an offer of appointment for a temporary post only, of unknown duration. During this time, the hospital continued to advertise for permanent positions.

The complainant believed that the process was in breach of the Code of Practice. She alleged that:

1. She was given conflicting information about the permanent status of the post
2. She was offered a temporary post despite having applied and interviewed for a permanent position
3. The hospital had unfairly proceeded to advertise permanent posts, when she had only been offered a temporary position

#### Findings

A rolling recruitment process was in operation in this case. An open call for nursing applications issued and applicants were interviewed at the earliest opportunity.

Guidance given to candidates before the selection process began told them that:

*‘Following interviews a panel may be created from which permanent and specified purpose vacancies of full or part time duration may be filled.’*

It outlined that panels would be drawn from which both permanent and specified purposes posts would be filled. It also noted that, if a candidate was offered a specified purpose contract, this would not affect their placement on the permanent panel.

At interview, the chairperson of the board told the complainant that a temporary post of 24 hours per week was available. The complainant indicated that their preference was for a permanent contract.

The notes relating to the complainant's interview referred to the competition as for 'permanent staff nurse'. The complainant's marking sheet and interview board report also referred to the selection process as for 'permanent staff nurse'.

The hospital confirmed however, that its general practice was to give all new appointees temporary positions only on initial appointment. After a period of employment with the hospital, appointees could attend for a further interview and if deemed satisfactory, be offered a permanent contract, at that stage.

### **Commission's decision**

It was clear that the information given to candidates in this case indicated that both permanent and specified-purpose posts would be filled from panels formed. This suggested that, if successful, candidates would be placed on order of merits for both panels.

The guidance was not in line with the hospital's actual practice of awarding temporary contracts only on appointment. This practice was not only contrary to the information given to candidates in advance, it was also contrary to fair, merit-based recruitment and the principles underlying the code of practice. On this basis, we found that a breach of the code had occurred.

We instructed the HSE to:

1. Immediately end its practice of confining permanent nursing positions to existing temporary nursing staff.
2. Ensure all new permanent nursing positions are recruited through open, merit-based competition.
3. Where a competition caters for both temporary and permanent positions, put separate panels in place for appointment to each.
4. Ensure clear information is given to candidates on the terms and conditions of the position at the outset of the selection process.
5. Ensure documentation supporting the selection process is clear, unambiguous and representative of the position applied for.
6. Immediately contact all relevant local recruiters to ensure that similar practices were not being carried out in other hospitals across the HSE.

## **Psychometric testing**

### **Complaint**

The complainant applied for the position of recruit prison officer in the Irish Prisons Service (IPS). The Public Appointment Service carried out the selection process, on its behalf.

The complainant was unsuccessful at stage two of the selection process, supervised psychometric tests. They alleged that the use of psychometric tests as a shortlisting mechanism in this case was in breach of the code of practice. Specifically they alleged that:

1. The tests did not reflect the requirements of the role.
2. They did not provide an opportunity for suitably experienced candidates to present their capability or skills at an early stage in the process.
3. They gave an unfair advantage to academically skilled candidates.

### **Findings**

A candidate information booklet was issued alongside the advertisement for the role. This included a job description, an outline of the duties and responsibilities of the role and details of the application process.

The job description was agreed following a job-analysis project carried out by two chartered psychologists, both with considerable experience in the UK Prison Service. A PAS occupational psychologist was responsible for oversight of the project.

The project included an examination of samples of different prison settings, interviews with senior and middle managers within the prison service, prison officers and a selection of prisoners, focus groups and observational studies.

After the job description was agreed, from this a competency framework was developed. This outlined the essential skills and competencies needed for the role.

Each of the three tests used during testing were specifically designed to assess candidates on the skills and competencies presented in the competency framework. The tests included a situational judgement test, which presented candidates with a number of scenarios that a recruit prison officer would be likely to encounter. They also included an assessment questionnaire, designed to collect information on the skills, interests and preferences of candidates and their responses to a number of general scenarios.

### **Commission's decision**

Psychometric tests are not designed to assess candidates directly on their qualifications or experience. They are designed to assess candidates on when they have the skills, abilities and

competencies needed to carry out the role.

It was clear that the tests used in this case were chosen on the basis of a detailed job-analysis exercise and competency framework. They assessed candidate's abilities to reason quickly and accurately with relevant information and to make informed decisions in job-related scenarios.

While the tests did not assess candidates directly on their experience and qualifications, they gave candidates an opportunity to present the skills and abilities they had developed through previous experience and qualifications obtained. They also formed only one part in a multi-stage process, which allowed successful candidates an opportunity to discuss their experience and qualifications directly, at a later stage.

On this basis, we found that the use of psychometric tests in this case was in line with best practice and merit-based appointment. We did not find that any breach of the code of practice occurred.

## **Conflict of Interest**

### **Complaint**

The complainant applied for a senior position in a HSE hospital. Prior to this, they had made a protected disclosure relating to allegations of bullying and harassment against a line manager.

The complainant was invited to interview stage of the process. One of the interview board members was a line manager of the person against whom the allegations of bullying were made. The complainant advised that, at interview, they were asked inappropriate questions relating to their experience of bullying and harassment in the workplace.

The complainant was unsuccessful at interview and believed that a number of breaches of the code of practice occurred. They alleged that:

1. There was a conflict of interest on the selection board as one of the board members had knowledge of their protected disclosure.
2. They were unfairly questioned at interview on whether they had been bullied in the past and on their experience of bullying. A question they believed originated from confidential information in their protected disclosure.

### **Findings**

In this case, the board member in question confirmed that, while they were aware that the complainant had made complaints of bullying against their line manager, they were not aware that they had made a protected disclosure. They confirmed that they did not share any information in relation to allegations of bullying, or a protected disclosure, to other members of the board. The other members all confirmed they had no knowledge of the allegations at the time of interview.

Before interview, each board member was given guidelines outlining the role, competencies needed, the structure of the interview and a list of suggested questions. They were also asked to sign a conflict of interest form. All board members declared that they had no conflicts of interest to report. While two of the forms were dated the day of interview, two were signed and dated two weeks after the interviews took place.

There was no reference in any of the documentation given to board members on questioning in relation to bullying. However, one of the board members confirmed that they had requested that a question on bullying in the workplace be included, as bullying was an issue within the organisation. This was not the same board member to whom knowledge of the protected disclosure was alleged.

The complainant and one other candidate were invited to interview. An examination of interview notes suggested they were both questioned on their experience of bullying in a similar manner.

During the course of the section 8 review, the reviewer found the line of questioning relating to bullying to be unfair and not clearly related to the topic. On this basis, a decision was made to re-advertise the selection process and recruit new interview board members. Additional and appropriate training was given to the new board members, in advance of interview, on the questioning technique and areas to be adopted.

### **Commission's decision**

It was clear there were a number of shortcomings in the selection process in this case. The HSE did not have appropriate mechanisms in place to manage potential conflicts of interest, nor was the line of questioning at interview entirely in line with competency based interviewing. On that basis we found that breaches of the code of practice had occurred.

While these issues were highlighted by the formal reviewer, and the selection process was re-advertised, to make sure that future competitions are run fairly and in line with the codes of practice, we made the following recommendations:

1. The HSE review the information and training given to board members in relation to the management of connections and potential conflicts of interest.
2. All conflict of interest declarations are signed and reviewed with appropriate action taken to mitigate any risks identified.
3. Interview board members understand the interview process and carry out interviews consistently with the documentation given in advance.
4. Questions relating to potentially sensitive topics are managed carefully and questions are asked in a manner, insofar as possible, that candidates are not unsettled.

# Audits

As part of the Commission's oversight role, audits are undertaken annually of licence holder recruitment and selection activity. This serves as an essential learning tool, setting benchmarks for good practice and highlighting areas for improvement.

In 2018 a follow-up audit was carried out into policies and practices relating to local recruitment by HR units in HSE hospital groups, University Hospital Waterford (UHW) and University Hospital Limerick (UHL).

## Follow-up audit of recruitment practices in University Hospital Waterford and University Hospital Limerick.

### Background

In 2016 we carried out an audit of policies and practices in place in relation to local recruitment in HSE hospital groups, UHL and UHW.

We found the level of safeguards in place when appointing candidates at a local level to be insufficient. We made a number of recommendations and instructions on actions to be taken to ensure future compliance with the codes of practice.

The purpose of the follow-up audit was to examine the actions taken by the HSE on foot of the recommendations made in 2016 and progress made.

### 2016 Recommendations

The key recommendations/instructions made in 2016 were in relation to:

#### 1. Governance

It was noted that there was no little or no central monitoring or controlling of standardisation in relation to how posts were advertised, how selection board members were chosen and trained, job and person specifications and eligibility criteria.

We recommended that the HSE review its governance for each hospital group and assume greater responsibility for oversight of local recruitment centrally.

## 2. Awareness of the codes of practice

There appeared to be limited appreciation at a local level of the HSE's statutory obligations to adhere to codes of practice and the terms and conditions of its recruitment licence.

We recommended that action be taken immediately to make sure staff involved in recruitment and selection at a local level were fully trained in and aware of their obligations.

## 3. Fair and equal practice

In the interest of ensuring fair and equal treatment of all candidates, we recommended that the HSE have:

- Selection processes supported by clear, concise and effective marketing
- Centrally approved job specifications/role profiles
- Pre-determined job related selection criteria
- Set protocols for training and briefing selection board members
- Specific and meaningful feedback
- Appropriate candidate vetting
- Clear information on the codes of practice and its review procedures

## 4. Delays

We recommended that the HSE assess whether improvements could be made centrally to reduce delays in the appointment of staff from permanent panels.

## 5. Training and information sharing

We recommended that all those involved in recruitment receive training as a priority and that relevant and up-to-date information on national policies and procedures are shared with hospital groups in a timely manner.



## 6. Sourcing appropriate candidates

We instructed the HSE to immediately end the practice of confining competitions to those who had submitted unsolicited CVs.

## 7. Use of recruitment agencies

We told the HSE that it must immediately review how recruitment agencies operate in making appointments to positions in the HSE.

# Findings

## Increased compliance

Following the findings in 2016, an action plan was submitted by the HSE. During the course of the follow-up audit a number of updates were sought on this as well as detailed information on any changes made to the HSE's governance structure. A follow-up on-site visit was also carried out in UHL to assess any changes that had taken place at a local level as well as a desk-based audit of ongoing practices in UHW.

On the whole, we found that efforts had been made to strengthen compliance with the codes of practice locally. A number of new communication structures were introduced linking national HR to local recruiters. General delays in hiring permanent staff members from central panels had been reduced and the practice of hiring candidates on foot of unsolicited CVs had stopped completely.

While a standardised suite of documentation had not been introduced, job specifications for a significant amount of roles were available centrally. Standard, centrally approved eligibility criteria were also used, without exception, across the HSE.

We found that local recruiters appeared to liaise on an ongoing basis with staff in HBS Recruit, who played offered guidance and support on the administration of selection processes. A framework agreement was also introduced for the use of agency staff within the HSE.

In addition to this, a number of measures were under active consideration or in development stage, which we found should have a considerable effect on the HSE's ability to address the shortcomings originally identified in the future.

## Concerns

However, following our investigations, we remained concerned about some aspects of the HSE's activities as well as its ongoing compliance with the codes. These concerns are outlined below.

1. Notwithstanding the communications structures in place, there was still limited evidence that the HSE were appropriately monitoring the amount and type of appointments being made at a local level. There was also limited evidence that it was assuming responsibility for making sure appointments made locally were being done so in line with the codes.
2. While delays were generally reduced, significant delays remained in recruiting permanent clerical/administrative grade staff from HBS recruit panels. This was placing considerable pressure on front line staff, resulting in an increased need to run local competitions for short-term appointments or recruit administrative staff from local recruitment agencies.
3. Concerns in relation to the level of understanding, at a local level, of certain provisions of the codes remained. This was in relation, in particular, to:
  - The advertisement/marketing of posts
  - Sourcing candidates from appropriately wide candidate pools
  - Documentation of the assessment of candidates at each stage
  - The information provided to candidates throughout the process
  - The information provided to candidates in relation to reviews/complaints
4. Limited or restricted advertising remained a concern. This was particularly concerning in the case of clerical/administrative posts where staff were recruited through local recruitment agencies by way of CVs retained on file or where the advertising and marketing of a post was restricted. This was of particular concern as, in some cases, where permanent panels were not in place, temporary administrative staff were retained on rolling 12 month contracts, ultimately converted to permanent posts.
5. The agency framework introduced did not cover the engagement of administrative/clerical staff. There was no formal requirement on local recruiters to have a service level agreement in place with agencies for administrative/clerical staff or to ensure that staff sourced through same had been done so in accordance with the codes.

## Conclusions

On the whole, we found that considerable efforts had been made to strengthen compliance centrally and address the shortcomings identified. It was also clear that a number of active measures were under consideration or in development stage which would support the HSE in enhancing fair, consistent and merit-based recruitment in the future.

However, we found that the HSE still needed to continue to assume greater responsibility, at a national level, for any recruitment or selection carried out locally. On this basis we instructed the HSE to:

- Put formal mechanisms in place to ensure that recruitment and selection practitioners, in every area of the HSE, are fully aware, and have a full understanding of, each provision of the Codes of Practice
- Put formal mechanisms in place to assess the ongoing compliance of local recruiters with the Codes of Practice

We requested that the HSE revert, without delay, outlining a revised action plan to address the issues identified. A schedule of quarterly updates was also agreed in order to monitor progress on the HSE's actions.

## Approved agencies

In most cases a licence holder will carry out all aspects of the selection process. However, it is open to a licence holder, where relevant, to seek the assistance of a private sector recruitment agency with some of the tasks associated with the recruitment process.

We publish a list annually of 'approved recruitment agencies'. These are agencies that have applied to the Commission and, on examination, we were satisfied that they have appropriate processes in place to support public bodies in carrying out fair merit-based selection.

All approved agencies are listed on the register of licenced employment agencies maintained by the Department of Business, Enterprise and Innovation and have given statements of compliance confirming that they will adhere to the standards and principles outlined in the codes of practice.

During 2018 the Commission approved the following agencies:

- GatenbySanderson
- Intersearch
- PEGlobal
- Computer Futures (Sthree)

To date, 16 agencies have been included on our list of approved agencies. A full list of approved agencies is attached at Appendix 4.

## Excluded positions

Civil service bodies should be in a position to plan their staffing needs, including the filling of temporary posts, through workforce planning activities. However, in some cases, it can be necessary to appoint someone to an unestablished position on a temporary basis, outside of the requirements of the Public Service Management (Recruitment and Appointments) Act, 2004.

In these cases, a body can apply to us for an excluding order. If we grant the order, the appointment is temporarily excluded from the Act. This means that they can make an appointment without a full selection process under the codes of practice.

We only grant excluding orders for temporary, unestablished positions within the Civil Service. They are usually only granted when appointing someone to a specific short-term initiative or as ministerial office staff. Apart from this, we will only grant an order in exceptional circumstances.

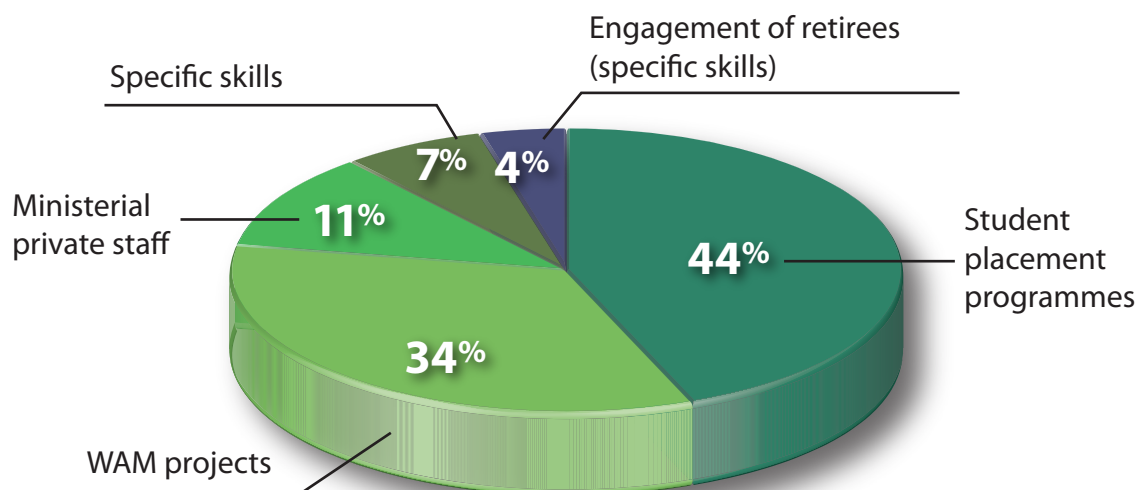
The table below details the orders which were made or extended in 2018.

Category	Orders
Student placement programmes	31
WAM projects	24
Ministerial private staff	8
Specific skills	5
Engagement of retirees (specific skills)	3
Staff exchange scheme	0
Other	1
<b>Total</b>	<b>72</b>

55 orders were granted to support specific short-term initiatives i.e. student placement programmes, WAM (Willing Able Mentoring) projects and exchange schemes. 8 orders were made for ministerial private staff.

## Excluding Orders

The remaining 9 orders enabled the engagement of staff to short-term appointments, where the timescales involved did not allow for the running of an open competitive selection process.



# Appendixes



# Appendix 1

## Licence holder recruitment and selection activity

Licence Holder	Internal	Open	Open (PAS)	Acting up	Total
Adoption Authority of Ireland	0	7	2	0	9
An Garda Síochána	1145	1	357	42	1545
Central Statistics Office	19	89	61	16	185
Chief State Solicitor's Office	13	15	1	7	36
Child and Family Agency (TUSLA)	359	410	0	165	934
Courts Service	43	68	82	11	204
Depart of Agriculture, Food and Marine	94	92	193	0	379
Depart of Children and Youth Affairs	4	0	71	4	79
Depart of Culture, Heritage and G	36	2	50	2	90
Department of Education and Skills	29	1	128	60	218
Depart of Employment Affairs and Social Protection	137	2	162	387	688
Department of Finance	13	0	49	2	64
Department of Foreign Affairs	19	21	204	25	269
Department of Health (Specific)	23	0	95	0	118
Department of Housing, Planning and Local Government	45	0	106	2	153
Depart of Justice and Equality	71	21	350	20	462
Depart of Public Expenditure and Reform	12	3	138	0	153
Depart of Rural and Community Development	18	3	24	2	47
Department of the Taoiseach	8	0	18	0	26
Health Information and Quality Authority (HIQA)	6	40	0	4	50
Health Service Executive	468	2351	4	1025	3848
Houses of the Oireachtas	31	18	61	4	114



Licence Holder	Internal	Open	Open (PAS)	Acting up	Total
Houses of the Oireachtas	31	18	61	4	114
Irish Human Rights and Equality Commission	0	6	6	1	13
Irish Prison Service	32	44	198	0	274
Law Reform Commission	1	4	0	0	5
Legal Aid Board	3	43	38	4	88
National Shared Services office	16	0	4	22	42
Nursing and Midwifery Board of Ireland	0	8	0	3	11
Office of the Comptroller and Auditor General	6	1	48	0	55
Office of the Director for Public Prosecutions	3	10	22	2	37
Office of the Ombudsman	7	0	42	0	49
Office of the Revenue Commissioners	337	206	370	40	953
Ombudsman for Children	0	8	0	0	8
Policing Authority	2	0	6	2	10
Property Registration Authority	4	0	62	10	76
Public Appointments Service	4	0	66	12	82
State Examination Commission	4	75	29	12	120
State Laboratory	9	1	7	1	18
Tax Appeal Commission	1	0	3	1	5
Valuation Office	5	0	23	1	29
<b>Total</b>	<b>3027</b>	<b>3550</b>	<b>3080</b>	<b>1889</b>	<b>11546</b>

## Appendix 2

### Licence holder recruitment and selection activity

Licence Holder	Section 7	Section 8	Total Appointments
Adoption Authority of Ireland	0	0	9
An Garda Síochána	72	29	1545
Central statistics office	2	0	185
Chief State Solicitor's Office	1	0	36
Child and family agency (TUSLA)	9	3	934
Courts Service	0	0	204
Department of Agriculture, Food and the Marine	44	5	379
Department of Children and Youth Affairs	0	0	79
Department of Culture, Heritage and the Gaeltacht	0	0	90
Department of education and skills	0	0	218
Department of employment affairs and social protection	15	3	688
Department of Finance	0	0	64
Department of Foreign Affairs and Trade	0	1	269
Department of Health (Specific)	0	0	118
Department of Housing, Planning and Local Government	1	1	153
Department of Justice and Equality	2	0	462
Department of Public Expenditure and Reform	0	0	153
Department of Rural and Community Development	0	0	47
Department of the Taoiseach	0	0	26
Health information and quality authority	1	0	50
Houses of the Oireachtas	0	0	114
Health Service Executive	165	35	3848
Irish human rights and equality Commission	0	0	13
Irish Prison Service	22	9	274
Law Reform Commission	0	0	5
Legal Aid Board	0	0	88
National shared service office	1	0	42

<b>Licence Holder</b>	<b>Section 7</b>	<b>Section 8</b>	<b>Total Appointments</b>
Nursing and midwifery board of Ireland	0	0	11
Office of the comptroller and auditor general	0	0	55
Office of the director of public prosecutions	0	0	37
Office of the Ombudsman	0	0	49
Office of the Revenue Commissioners	35	2	953
Ombudsman for Children	0	0	8
Policing authority	0	0	10
Property registration authority	0	0	76
Public Appointments Service	277	41	3080*
State examination commission	0	0	120
State Laboratory	0	0	18
Tax Appeal Commission	0	0	5
Valuation Office	0	0	29
<b>Total</b>	<b>605</b>	<b>120</b>	

\* This figure includes appointments where the selection process was carried out by the Public Appointments Service, where review and complaint processes were carried out by the Service, but candidates were appointed to another licence holder.

# Appendix 3

## Recruitment licence holders

Adoption Authority of Ireland

An Garda Síochána

Central Statistics Office

Chief State Solicitor's Office

Child and Family Agency

Department of Agriculture, Fisheries and Food

Department of Children and Youth Affairs

Department of Culture, Heritage and the Gaeltacht

Department of Education and Skills

Department of Employment Affairs and Social Protection

Department of Finance

Department of Foreign Affairs

Department of Justice and Equality

Department of Public Expenditure and Reform

Department of Rural and Community Development

Department of the Housing Planning and Local Government

Department of the Taoiseach

Health Information and Quality Authority

Health Service Executive

Irish Human Rights Commission

Irish Prison Service

Law Reform Commission

Legal Aid Board

National Shared Services Office

Nursing and Midwifery Board of Ireland

Office of the Comptroller and Auditor General

Office of the Director of Public Prosecutions

Office of the Houses of the Oireachtas

Office of the Ombudsman

Office of the Revenue Commissioners

Ombudsman for Children's Office

Policing Authority

Property Registration Authority

Public Appointments Service

State Examinations Commission

Tax Appeals Commission

The Courts Service

The State Laboratory

The Valuation Office

# Appendix 4

## Approved recruitment agencies

FRS Recruitment Society Limited

Lex Consultancy Limited

Sigmar Recruitment Consultants Limited

IT Force Ltd

Recruitment Plus

Grafton Recruitment Ltd

Osborne Recruitment

Cpl Ltd

Servisource Recruitment Limited

Hays Specialist Recruitment Limited

Orange Recruitment Limited

Mazars

InterSearch Ireland

SThree Staffing Ireland Limited

PEGlobal

GatenbySanderson

## Appendix 5

### Irish human rights and equality

The Irish Human Rights and Equality Commission Act, 2014 introduced a positive duty on public bodies to have due regard to human rights and equality issues. The Office of the Ombudsman, which provides secretariat support to the Commission, has adopted a proactive approach to implementing this duty. It has set up a staff working group, which has held a workshop on human rights and equality and met with the Irish Human Rights and Equality Commission.

The working group is in the process of identifying all of the Commission's functions and assessing what human rights and equality issues arise in relation to those functions. It will also identify the policies and procedures which are in place to address those issues. It will then propose an action plan for implementing the duty, on foot of its findings.

The office is committed to providing a service to all clients that respects their human rights and their right to equal treatment. This is equally applicable to how it interacts with its own staff as it is essential in fostering a healthy work environment that promotes engagement, openness and dignity in the workplace.

The office's approach is underlined by the core organizational values of independence, customer focus and fairness, which are evident in both the culture of the Office and its internal policies and procedures. The office has also been proactive in providing training to staff on human rights and equality.



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