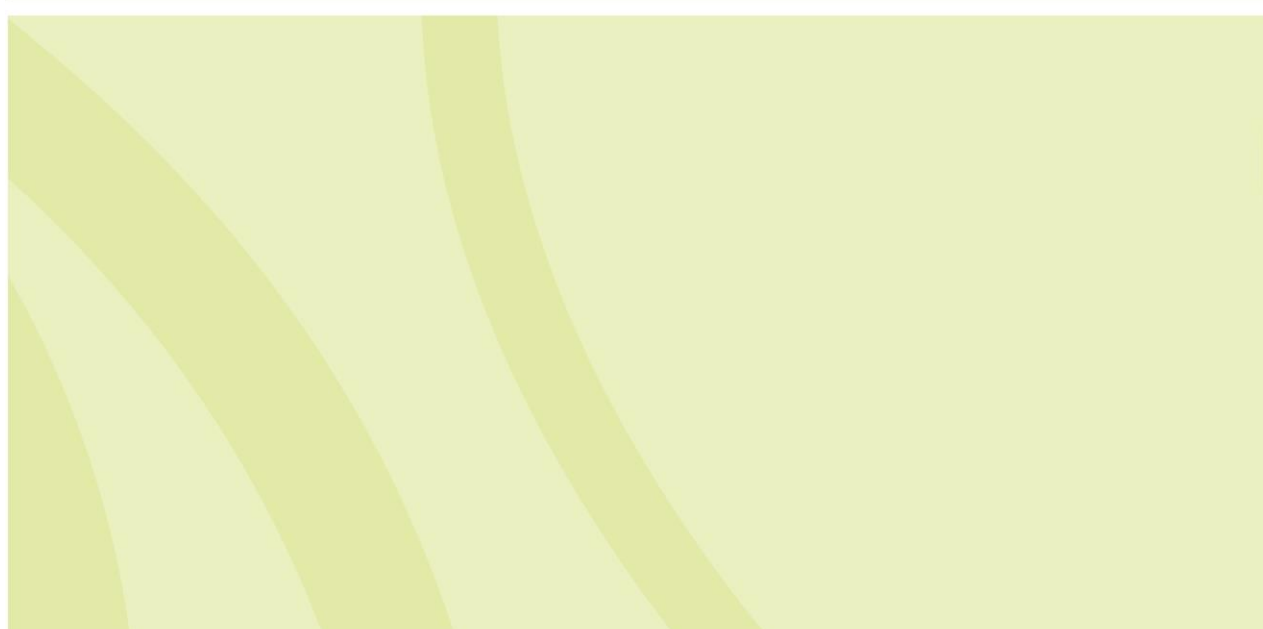




Oifig an Choimisiúin um Cheapacháin Seirbhíse Poiblí  
Office of the Commission for Public Service Appointments



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# Introduction

The year 2022 marked the Commission's 18<sup>th</sup> year as regulator of recruitment and selection in the public service. The CPSA plays 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. The standard of fairness in public service recruitment remains very high, based on the low number of complaints, the even lower number of breaches, and the engagement and collaboration of recruiters with the CPSA in advance to ensure high standards prevail from the outset.

## Statement of Strategy 2025

CPSA operates under the corporate umbrella of the Office of the Ombudsman (the Office), along with the Standards in Public Office Commission, the Office of the Information Commissioner, the Office of the Commissioner for Environmental Information, and the Office of the Protected Disclosures Commissioner. During 2022 the Office launched its [Statement of Strategy for 2022 – 2025](#).

The six different statutory functions of the Office are all supported by its “Corporate Spine”. In developing a strategy which supports and respects the functional independence of each statutory body, the Office took the approach of starting with an identification of what unites its different functions as an overall organisation. We consulted with our external stakeholders and with staff from each of the individual Offices and Business Units. This process informed a re-assessment of our vision, our organisational culture and our values; the consideration of our key strategic influences; and the development of our shared strategic themes.

This Statement of Strategy sets out our key objectives to 2025. The Statement has six overriding strategic themes. Each of these strategic themes is underpinned by separate but linked strategic objectives for each individual office and are supported by our shared services strategic objectives.

During 2022, we continued to strengthen our relationship with public bodies and their understanding of the Code of Practice. A Recruiters Network has been set up for public bodies who come under the remit of the CPSA. This Recruiters Network gives the public

bodies an opportunity to discuss the Code of Practice and the wider scope of public recruitment. The meetings are facilitated by the Public Appointments Service and attended by a member of the CPSA to address any issues raised regarding the Code.

## Activities in 2022

The Commission continued its work in the investigation of complaints under the Code of Practice in 2022. The Office of the Commission also continued its work to strengthen engagement with public bodies and to ensure a thorough understanding of their obligations, as set out in the Code of Practice. A strong emphasis was placed on the review and appeals procedures to ensure complaints were dealt with appropriately by public bodies.

The Commission continued to advise and support best practice and adherence to the Code in all recruitment campaigns.

## The Commission

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

- Seán Ó Feargháil TD, Ceann Comhairle
- Ger Deering, Ombudsman
- John Callinan, Secretary General to the Government
- Mr Justice Garrett Sheehan, Chairperson of the Standards in Public Office Commission
- David Moloney, Secretary General, Department of Public Expenditure and Reform (DPER)

The Commission is supported in our operations by staff of our secretariat. During 2022, our secretariat was led by Ms Elaine Cassidy, as its Director and Mr Sean Garvey as Secretary to the Commission. The Commission was supported by 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 2022. 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 Code 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 a Code of Practice
- ❖ Processing recruitment licence applications
- ❖ Processing excluding order applications
- ❖ Processing approved agency applications
- ❖ Outlining how to review and appeal an appointment
- ❖ Examining complaints about alleged breaches of the Code
- ❖ Ensuring public bodies comply with the Code
- ❖ Auditing recruitment and selection at public bodies
- ❖ Helping and guiding public bodies

# Code of Practice

One of our primary functions are 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 Code of Practice. Our key recruitment and selection principles are:

1. Probity
2. Merit
3. Best practice
4. Consistency
5. Transparency
6. Appointment promoting equality, diversity and inclusion

The Code gives guidance on the meaning and application of these principles in everyday practice. It also sets out the standards which should be followed at each stage of the selection process.

- [Code of Practice for Appointment to Positions in the Civil Service and Public Service](#)

# 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 can be 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

The CPSA granted two new general recruitment licences in 2022.

These were to the:

- Data Protection Commission - (General)
- Office of the Director of Corporate Enforcement - (General)

To date, 46 general licences and 3 specific licences have been issued to public bodies within our remit. A full list of licences holders is attached at Appendix 3.

## Recruitment activity

A total number of 26,626 appointments were reported by licence holders including appointments made in the HSE during 2022. Of these, 4,974 were new appointments, made following a selection process carried out by the Public Appointments Service and 17,183, following open selection processes carried out by individual offices/Departments.

In addition, 2,965 appointments were made by way of internal promotion and 1,504 people were appointed 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 Code of Practice sets 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 Code, or make a complaint about the process itself, under Section 8.

If a candidate wants to request a review of the decision, they can do this, by contacting the public body directly. If a candidate believes that the selection process was not carried out fairly, they can make a complaint to the public body in the first instance and

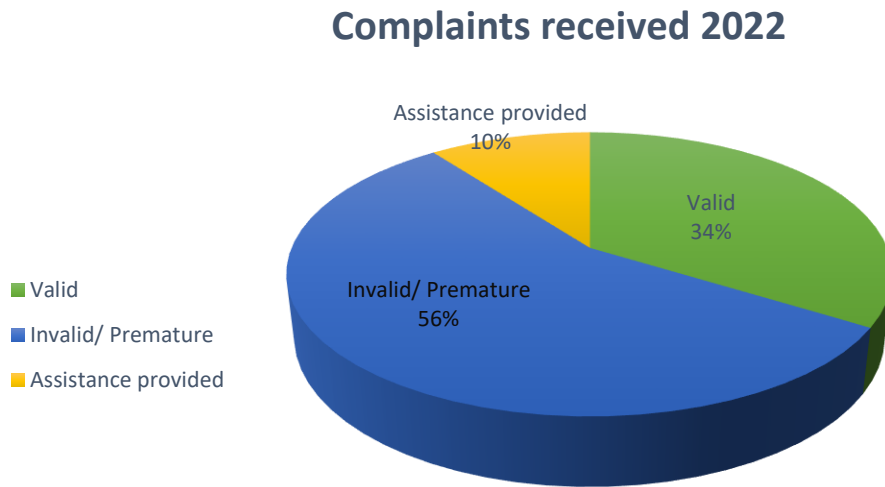


to the Commission on appeal. An in-depth examination is carried out into the process by the public body, in order to identify whether any breaches in the Code of practice have occurred. Where breaches are identified, these are highlighted and recommendations are made to the public body to amend its processes and make sure the issues giving rise to the complaint do not reoccur.

In total, 224 requests for a review under Section 7 were made to licence holders including the HSE during 2022. In addition to this, 25 complaints were made to licence holders under Section 8.

## Complaints received

During 2022, the Commission received 69 complaints on appeal. This is a decrease from the 72 received in 2021. Of these, 23 were considered valid and accepted by the Commission. A number of cases were brought to the Commission where the candidates had raised valid concerns but had not yet raised the matter formally with the public body. Of the remaining invalid complaints, most related to where the Secretariat of the Commission had decided that insufficient evidence had been provided to review the Section 7 appeals under exceptional circumstances.



Below is the breakdown of complaints received to the Commission per public body in 2022.

Licence Holder	Valid	Invalid/ Premature	Not a case but assistance provided	Total
Department of Education	3			3
Dept. of Justice		1		1
Dept. of Transport			1	1
HIQA	1			1
Health Service Executive	14	19*	4	37
Irish Prisons Service		1		1
Other bodies/positions outside remit		3		3
Public Appointments Service	5	13	2	20
Tusla		2		2
<b>Total</b>	<b>23</b>	<b>39</b>	<b>7</b>	<b>69</b>

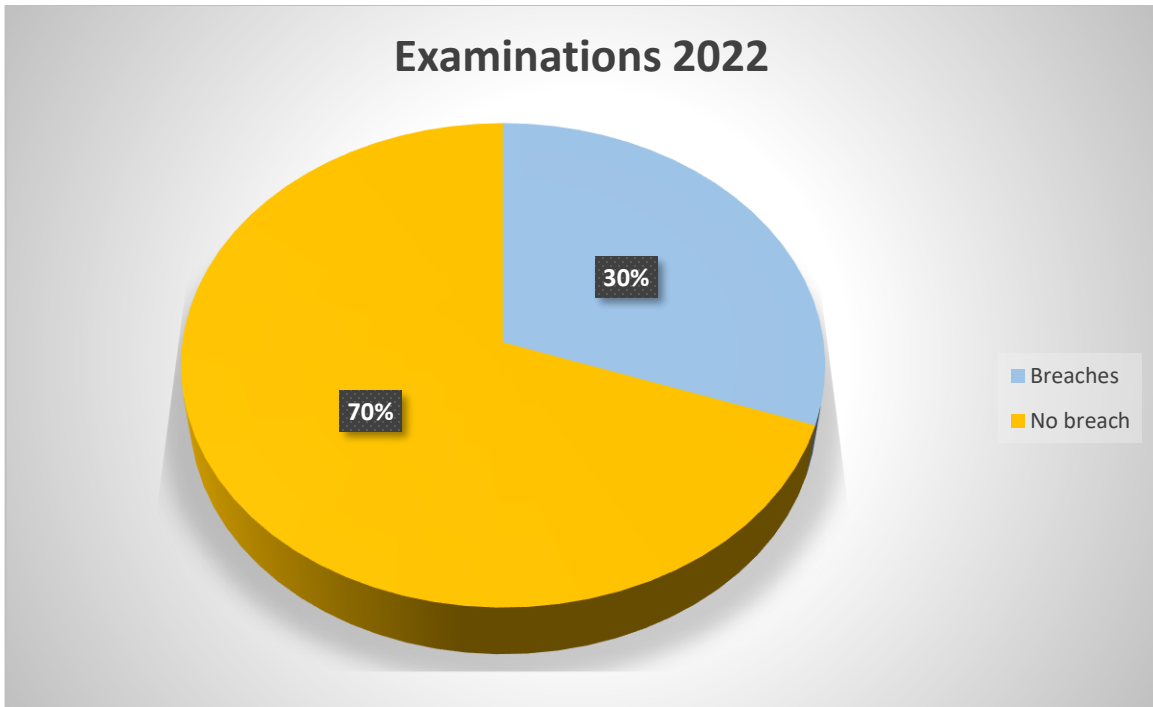
\* 1 request withdrawn

## Complaints examined

We completed examination of 23 complaints during 2022, these also included a rollover of complaints from 2021. Of the complaints examined, breaches were found in 7 cases.

In certain 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.

During 2022, we noted a continued increase in the engagement with public bodies and their willingness to improve recruitment processes and the review and complaints procedures. The Commission welcomes this continued engagement and hopes to promote future similar discourse.



## Breaches of the codes

Of the complaints examined, in 7 cases, breaches of the Code of Practice were found to have occurred. In a number of these, several breaches occurred during the same selection process.

These included:

- 1) Failure to apply a conflict of interest process when raised by a candidate
- 2) Failures to maintain communication and provide updates to the complainant over the course of a delayed review process
- 3) The late replacement of an external interview board member with an internal member
- 4) Failure to complete a review within a reasonable time period
- 5) Failure to provide transparency on the closing of panels
- 6) Progressing a candidate to shortlisting without using the correction application form

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

These included ensuring that:

- 1) All interview board members are fully trained in the tone and manner which should be used when questioning candidates.
- 2) For greater transparency board members should complete forms regarding any conflicts in advance of signing off on candidate applications
- 3) Clearer instructions on applications forms so that applications are better able to determine their eligibility.
- 4) Ensure that candidate booklets set out how appointments are made from rolling campaigns with supplementary panels
- 5) That feedback requests are managed in a timely manner
- 6) Ensure that the appointed formal reviewer is either an equivalent grade or of a higher grade to the informal reviewer

## Case studies

In 2022, the complaints received by the Commission continued to be diverse and covered all areas of recruitment. Below we have outlined some outcomes that arose through our early engagement process and also some examples of issues identified in recruitment competitions. These illustrations are intended as a learning and training tool and to highlight how issues can be resolved and safeguards implemented.

### Early Engagement Outcomes

#### Competition within the Education Sector

##### **The complaint:**

The candidate complained that;

- The date of the competition had been pushed out to include many more candidates that should not have been eligible in line with the normal six months acting up period;
- They were not given the opportunity to display their competence in Irish, and questions about Applied Mathematics was not a relevant means of assessing the level of specialist knowledge and expertise and they believed other candidates were not asked questions on that topic
- The reviews took too long to complete;

- There was a conflict of interest between the new reviewer (who was appointed during the review as the original person could not complete the reviews) and the chairperson; and
- The reviewer did not speak with the complainants and did not address all points raised.

**Recruiter's actions:**

The recruiter provided records on the candidate's involvement in the competition and explained that:

- The Covid pandemic required the recruiter to prioritise its core functions so there was unavoidable slippage in completing some competitions and reviews, including this competition. This delay resulted in more candidates being eligible than would otherwise have been the case;
- Its candidate booklet listed 7 competencies under the 'Specialist Knowledge and Expertise and Ability' heading and candidates were questioned on those competencies based on the examples in their application forms. This meant that all candidates were asked questions across the 7 competencies generally but the specific questions varied on the basis of the examples provided by each candidate.
- All candidates had equal opportunity to include examples of their own expertise under the Specialist Knowledge competency. This included proficiency in the Irish language.
- The questions from the board were generated based on the examples given by the candidates on their application forms but the candidates were also at liberty to include additional information.
- One candidate sought a review on 10 December which was completed on 28 January. This included a substitute reviewer being sourced. While the substitute reviewer had worked in the same area as the Chair of the interview board, there was no conflict as the substitute reviewer did not report directly to the Chair.
- The recruiter stated that the review conducted was completed in line with the Code and the reviewer determined that he had received sufficient information from the complainant and did not require additional consultation.
- The public body also stated that the review addressed all of the points that were covered by the Code of Practice and that the complaints had been advised previously through email correspondence of the scope of complaints under the Code which did not include re-visiting or changing the marks of candidates.

**Our consideration:**

The Commission accepted that the Covid pandemic impacted on the performance of the functions of public service providers generally, and in that light was satisfied the recruiter's response was reasonable on this point. The Commission was satisfied that basing questions on the competency-based examples provided by candidates in their application forms was a reasonable approach for the recruiter to take. Therefore, it saw no issue with candidates being asked different questions within the 'Specialist Knowledge and Expertise and Ability' heading and was satisfied that each candidate was given equal opportunity to highlight their expertise in certain areas under this competency through the application form and in the interview. The Commission was satisfied that seven weeks was a reasonable timeframe to complete a review, allowing for the unforeseen need to source a substitute reviewer and some inevitable delay due to the Christmas holiday season. The Commission agreed with the recruiter that a conflict of interest does not arise where a reviewer formerly worked in the same areas as the Chair of the board but did not report directly to that person. The Commission also accepted that the reviewer was not obliged to speak with the complaint. The Commission was also satisfied that the internal review covered all of the points in the candidates' complaint that came under the scope of the Code.

**Decision:**

The Commission found no breach of the Code of Practice in this case.

**Outcome:**

As the Commission was satisfied the competition was conducted in accordance with the Code of Practice, it saw no further action arising in this case.

## Complaint about a competition for a supervisory administrative position in the health sector.

**The Complaint:**

The candidate complained that;

- A panel that had been declared closed was re-opened and another person was appointed from it;
- The interview process was poorly organised;
- There was disregard to CPSA timeframes in conducting the Section 8 review;

- The Section 8 review had discrepancies

**Recruiter's actions:**

The recruiter advertised a competition for a temporary assignment for which the complainant was placed third on the panel. The person who placed first on the panel was appointed to the post, following which the recruiter announced cessation of the panel. Six months after the cessation of the first temporary appointment, a second temporary post became available and the recruiter appointed the person who placed second on the panel for the first temporary post to that second temporary post. The recruiter stated that the panel for the first temporary post had in fact remained open and the communication that it had ceased was an administrative error that should not have happened.

The review sought by the candidate in December 2019 was not completed until January 2022. The recruiter cited the context of the Covid pandemic and the fact it had to source an alternative reviewer when the candidate objected to the original reviewer as reasons for the delay in completing the review. The reviewer found that the interview process was properly conducted, the board was properly composed and that the summary comments provided to candidates were an accurate reflection of candidate interviews.

The reviewer found there were factual errors in some of the reviewer's communication but these did not amount to a breach of the Code. The reviewer recommended that efforts should be made to prevent recurrence of the administrative error in the announcement that the panel had ceased but also that this error did not amount to a breach of the Code.

**Our consideration:**

The recruiter provided records and answered the queries that were put to it. The Commission was satisfied that the reviewer's conclusions on how the competition was run and the factual errors in the reviewer's communication were reasonable. However, we find the awarding of the post to the second-placed candidate when cessation of the panel had been announced and the length of time it took to complete the review to have been poor recruitment practice.

**Decision:**

The Commission found that there was a breach of the Code of Practice in this case. It

recommended that for all future campaigns the duration of panels is specified in campaign information provided to candidates, that steps are taken to prevent recurrence of the administrative error that happened in this case and that candidates are kept updated on the progress of reviews.

**Outcome:**

The Commission has engaged on these recommendations with the recruiter who has specified steps it will take in future campaigns to implement them. Regarding delays in completing reviews in particular, on foot of a Commission finding on a previous competition the recruiter has appointed a full-time reviewer. While this is a different action to that specified by the Commission, as it should address the situation giving rise to the recommendation, the Commission is satisfied the action is a reasonable response to it.

The Commission was satisfied taking the steps specified by the recruiter would prevent recurrence of the breach of the Code that arose in this case. Accordingly, it saw no further actions arising in this case.

## Complaint about a Programme Director competition in the Health Sector

**The complaint:**

The candidate complained that;

- His competencies for the post were not properly assessed;
- Scoring sheets for the shortlisting of candidates were not available; and
- There was a delay in conducting the review of his complaint.

**Recruiter's actions:**

The recruiter confirmed that evidence of all four required competencies for each candidate were considered by the board, who decided that the candidate did not have the required standard for two of the four competencies. The reviewer was satisfied that the board was appropriately qualified to conduct a proper assessment of the competencies and that its decision on the candidate's competencies was reasonable.



The recruiter confirmed that it did not record scoring sheets for candidates, and provided the Secretariat with a log of its candidate eligibility decisions instead. The recruiter provided a timeline for the different stages of the review process which confirmed the process took just under three months to complete.

**Our consideration:**

The recruiter provided records and answered the queries that were put to it. The Commission was satisfied that the reviewer's conclusions on the competency of the board and on how it assessed candidate competencies were reasonable. However, it found the absence of scoring sheets for candidate eligibility to have been poor recruitment practice. It also found the delay in conducting the review was inconsistent with the provisions of the Code.

**Decision:**

The Commission found that there was a breach of the Code of Practice in this case regarding the absence of scoring sheets and the delay in conducting the review. On the scoring sheets, the Commission recommended that scoring sheets are prepared and provided to candidates in all competitions when candidates progress from one stage of a competition to the next is based on candidate scores for the different competition stages.

**Outcome:**

The Commission has engaged with the recruiter on the provision of scoresheets to candidates who have accepted the recommendation and confirmed it has put steps in place to do so immediately. Regarding delay, on foot of a Commission finding on a previous competition the recruiter has appointed a full-time reviewer. As this action should address the situation giving rise to the recommendation the Commission is satisfied the action is a reasonable response to it.

As the Commission was satisfied the recruiter's actions ensures that its recommendations have been implemented, no further action arose in this case.

## Breaches, recommendations and safeguards

### Complaint 1

#### **Complaint about an Associate Director competition**

**The complaint:**

The complainant had applied for a position of Associate Director in a competition where he was unsuccessful following interview. He had applied for the post twice previously through the public body's expression of interest (EOI) mechanism but did not get a response to these applications. The complainant was not satisfied with the running of the competition and pursued a Section 8 (flawed procedures) complaint. He complained that:

- The Section 8 complaint dealt only with the most recent running of the competition and did not include the previous two EOI processes through which he had applied for the post but on which he did not get any response;
- He was discriminated against due to his having made a formal grievance procedure complaint against one of the interview board for the most recent competition. As the grievance complaint was still open at the time of interview, the candidate considered the board member in question had a conflict of interest. The complainant asked for that member to be replaced but this was refused;
- He believed that another candidate was already given the post in 2020 unofficially and this was the candidate that was awarded the post following the interviews in 2021. He believed that the competition was rerun again in February 2021 due to questions he raised surrounding the competition in a bid to legitimise the post; and
- the time in which it took for the review to be carried out and the decision to be issued to him was excessive.

**Our Consideration:**

Having examined them, our view on the public body's actions are as follows:

- We did not find it unreasonable that the reviewer did not take into account the previous EOI's and grievance procedure. However, we advised that for future campaigns a full explanation be provided to the complainant for the reasoning as to why the review is restricted to specific aspects of the complaint;
- The public body should have communicated updates to the candidate following his application submissions as to the status of his application. We also found that the timeline in which the review was carried out to be unacceptable. We understand that due to unforeseen events the public body could not communicate at full capacity, but efforts should have been made to inform the complainant of this. There were also delays in securing a reviewer to conduct the review. Reviewers should be identified in advance of a competition so that reviews can be carried out in timely manner.

We found the following flaws in how the public body's conflict of interest process was carried out:

1. The Chairperson did not fill out the conflict of interest forms which should have been identified by the HR department prior to the interviews commencing;
2. Another member filled in the conflict of interest forms on different dates, some were completed before the interview with others completed after it;
3. No action was taken in response to the candidate raising the matter of his ongoing grievance procedure against a panel member;
4. One of the panel members ticked "Yes" on the conflict of interest forms to the statement "I am aware of or involved in a Dignity at Work related incident regarding an applicant for the above campaign" yet, in another section he wrote the following: "The interview panel are not subject to any grievance/dignity at work investigation."

**Decision:**

There were breaches of the Code of Practice regarding the lack of communication provided to the candidate, the delay in completing the review, the way the interview board was set up and the conflict of interest process that was followed. The HSE was instructed to review the follow up action recommended below to ensure future compliance with the Code.

**Follow-up action required:**

The Commission recommended that candidates are notified if there are any changes to job advertisements. It was also advised that where possible, formal reviewers are appointed before a competition starts so that reviews are carried out in a timely manner. The Commission noted that this recommendation has been made previously so it is of concern that the issue has recurred.

The Commission requested that the conflict of interest procedure is reviewed to specifically include the matter of grievance cases involving candidates and board members, and that measures are put in place to ensure it is implemented correctly. It is essential that all board members properly fill in conflict of interest forms when appropriate and that any details included in these forms that may raise concern are investigated thoroughly to ensure a transparent appointment process. The Commission also advised that interview board members are appointed through the HR department to ensure independence in the competition process.

The Commission agreed with the three recommendations made by the reviewer in her report and the Commission requested an update from the public body in relation to their follow up on these.

**Outcome:**

All recommendations and requests of the Commission were fully implemented.

## Complaint 2

### **Complaint about a temporary assignment, Assistant Staff Officer competition in the Health Sector**

**The complaint:**

The complainant applied for a temporary assignment, Assistant Staff Officer post. Following an interview, he was placed third on the panel. However, he was informed that only one post was available and following the appointment of the first candidate, the panel was closed. Several months later, the panel was reopened and a second temporary assignment position was offered to the candidate who placed second on the panel in December 2019. Once again the panel was closed following the appointment. The complainant was not satisfied with the running of the competition and pursued a Section 8 (flawed procedures) review. Specifically, he alleged that;

- The interview process was poorly organised;
- There was an unfair advantage given to one particular candidate;
- Disregard to CPSA timeframes in conducting the Section 8 review; and
- The Section 8 review had discrepancies.

**Our consideration:**

Having examined them, our view on the public body's actions were as follows:

1. The Commission found that candidates were treated equally in relation to the information provided for the competition. The HR Unit communicated the change of job specification and the names of the interview board members to each candidate at the same time;
2. The Commission noted some factual errors in the formal review. However, these errors did not consist of a breach of the Code;
3. The Commission did, however, find that the public body did breach the Code in re-opening the panel to fill a second temporary vacancy. If it was an administrative error to prematurely declare the panel closed, then in the interest of fairness and transparency, all panellists should have been notified of this. We found this to be a minor breach of the Code; and

4. The Commission found that the timeline in which the review was carried out to be unacceptable. While it is understandable that the review would need to be suspended following the onset of the pandemic, efforts should have been made to relay updates to the complainant. It should also be noted that there was difficulty in securing a reviewer to conduct the review. It is advised that, where possible, reviewers are identified in advance of a competition commencing so as reviews can be carried out in a timely manner. The Commission also found that the lack of communication from the public body to the candidate to be unreasonable, as per Principle 5 of the Code, which states, 'transparency in the appointment process and the openness with which candidates are dealt by office holders will enhance candidate confidence. Open and active communication on the process and the basis for assessment is essential'. The public body should have communicated updates to the candidate following his appeal.

**Decision:**

There was a breach of the Code of Practice with regard to the lack of communication provided to the complainant, the delay in completing the review and the transparency of selecting a second person from the panel, more than nine months after it had initially been declared closed. The recruiter was instructed to review the follow up action recommended below to ensure future compliance with the Code.

**Follow-up action required:**

The Commission recommended update from the public body on what procedures have since been identified and put in place to ensure that administrative errors with regard to panels, does not re-occur.

The Commission recommended for all future campaigns, that the duration of panels is specified in campaign information provided to candidates, and that all candidates/panellists are notified in relation to any unavoidable changes in a competition.

The Commission recommended that in instances where the report cannot be completed within the twenty-five working day time-frame, a procedure is put in place, where by complainants are informed periodically of the status of their complaint.

**Outcome:**

The HR Unit confirmed that these recommendations have now been put in place and the Commission is satisfied that no further action is required.

# The Commission Audit Function

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

No audits were undertaken by the Commission for Public Service appointments in 2022.

The Commission authorised the Secretariat to commence a structured programme of a compliance verification of competitions for which the CPSA have not received any complaints. This is so the Secretariat can assure the Commission that recruiters are functioning in compliance with the terms of their Recruitment Licences. Such verification is provided for in Section 43(5) of the Public Service Management Act, 2004 (PSMA).

The Commission has also authorised the Secretariat to carry out a compliance verification on the next competition following any for which a breach was previously found or where the Commission made improving recommendations. This will allow the Secretariat to assure the Commission that its recommendations have been implemented going forward.

## 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 Enterprise, Trade and Employment and have given

statements of compliance confirming that they will adhere to the standards and principles outlined in the Code of Practice.

During 2022, the Commission approved the following agencies:

- Hero Recruitment
- Nuvo Recruitment
- RSM Ireland
- Shikilla Healthcare

This approval means 32 agencies are now included on our list of approved agencies, a full list of which is attached at Appendix 4.

We have implemented a programme to assess all approved agencies and ensure they are compliant with the conditions and standards set out by the Commission. We are now reviewing the current listed recruitment agencies and intend to do so every two years to ensure they remain compliant with the standards set out by the Commission and in accordance with the Codes of Practice. Any agency that no longer meets the standard, will be removed from the list.

## 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 a position on a temporary basis, outside of the requirements of the Public Service Management (Recruitment and Appointments) Act, 2004.

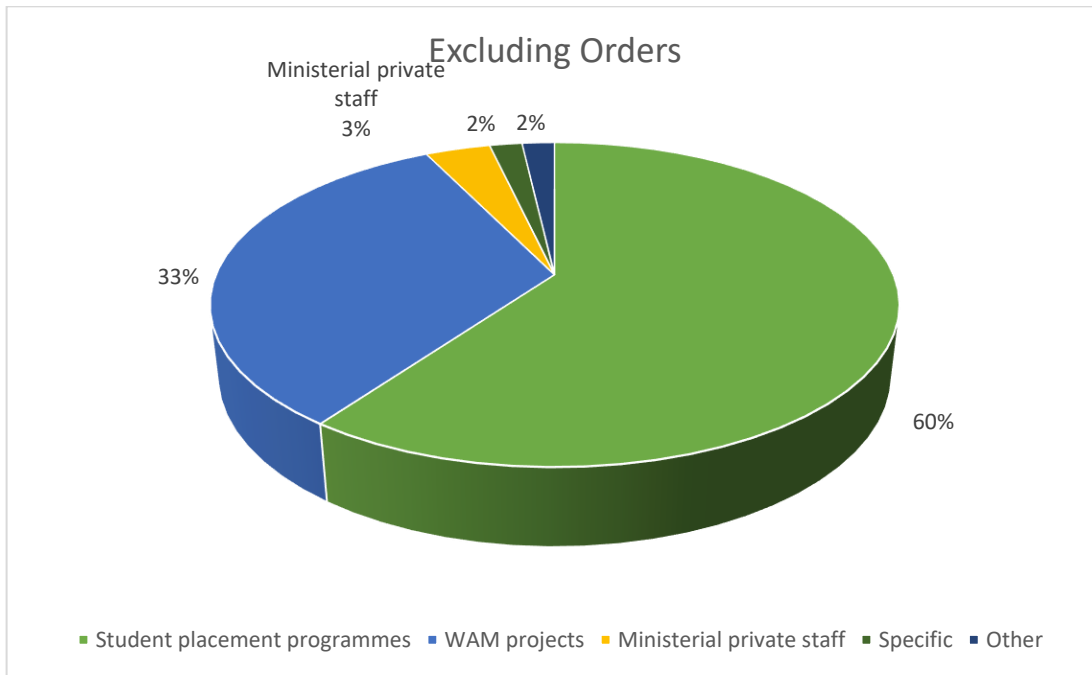
In these cases, a body can apply to us for an excluding order. If we grant the order, the appointment is temporarily excluded from the Act. This means that they can make an appointment without a full selection process under the Code of Practice.

We only grant excluding orders for temporary 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 Excluding Orders which were made or extended in 2022.

Category	Orders
Student placement programmes	33
WAM projects	18
Ministerial private staff	2
Specific skills	1
Other	1
<b>Total</b>	<b>55</b>

52 orders were granted to support specific short-term initiatives i.e. student placement programmes, WAM (Willing Able Mentoring) projects and exchange schemes. 2 orders were made for ministerial private staff and 1 order were made for specific skills.





## Looking ahead to 2023

In 2023, the Commission intends to continue to expand and strengthen its outreach to public bodies. This will further support compliance and best practice in the sector. We also intend to commence a programme of candidate engagement to inform candidates and prospective candidates of their rights and inform them of the standards expected in a selection process conducted under the Commission's Code of Practice.

As stated in the Introduction above, in 2022 the concept of a unified Statement of Strategy for all of these regulatory bodies under the corporate umbrella of the Office of the Ombudsman was adopted. This approach will allow these offices to continue to support and strengthen the wider Public Service in reaching our shared goals.

## Appendix 1 Licence holder recruitment and selection activity

Licence Holder	Internal	Open	Open (PAS)	Acting up	Total
Adoption Authority of Ireland	5	22	4	0	31
An Garda Síochána	100	4	321	43	468
Central Statistics Office	28	5523	115	15	5681
Chief State Solicitor's Office	17	50	12	5	84
Child and Family Agency (TUSLA)	355	671	0	41	1067
Courts Service	94	174	4	61	333
Corporate Enforcement Authority	0	4	0	1	5
Data Protection Commission	36	0	46	2	84
Department of Agriculture, Food and the Marine	179	36	219	6	440
Department of Children and Youth Affairs					
Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media	7	12	69	4	92
Department of Education and Skills	56	22	198	58	334
Department of Enterprise, Trade and Employment	39	10	97	4	150
Department of Finance	22	13	38	1	74
Department of Foreign Affairs	24	6	154	25	209
Department of Health	34	0	57	2	93
Department of Housing, Planning and Local Government	77	43	172	4	296
Department of Justice and Equality	24	14	358	36	432
Department of Public Expenditure and Reform	6	6	56	3	71
Department of Rural and Community Development	21	0	3	8	32
Department of Social Protection	178	24	1478	266	1946
Department of the Taoiseach	7	0	19	3	29
Department of Transport	35	3	99	4	141

Financial Services and Pensions Ombudsman	0	16	0	0	16
Garda Síochána Ombudsman Commission	4	0	37	3	44
Health Information and Quality Authority (HIQA)	21	82	0	9	112
Irish Human Rights and Equality Commission	8	12	8	0	28
Irish Prison Service	106	65	153	7	331
Law Reform Commission	0	0	0	0	0
Legal Aid Board	16	122	13	13	164
National Council for Special Education	3	1	10	14	28
National Shared Services office	44	6	202	4	256
Nursing and Midwifery Board of Ireland	0	24	0	0	24
Office of the Comptroller and Auditor General	18	31	0	0	49
Office of the Director for Public Prosecutions	21	2	6	1	30
Office of the Houses of the Oireachtas	40	1	29	0	70
Office of the Ombudsman	7	2	28	0	37
Office of the Ombudsman for Children	0	10	1	1	12
Office of the Planning Regulator	0	5	0	0	5
Office of the Revenue Commissioners	681	274	568	14	1537
Policing Authority	0	1	0	1	2
Property Registration Authority	37	2	73	3	115
Public Appointments Service	11	0	91	1	103
State Examination Commission	23	61	19	16	119
State Laboratory	15	10	6	1	32
Tax Appeal Commission	7	5	9	5	26
Valuation Office	7	7	18	2	34
<b>Totals</b>	<b>2413</b>	<b>7376</b>	<b>4790</b>	<b>687</b>	<b>15266</b>

<b>Health Service Executive</b>	<b>Internal</b>	<b>Open</b>	<b>Open (PAS)</b>	<b>Acting up</b>	<b>Emergency</b>	<b>Total</b>
Health Business Services (HBS)						
CHO area 1						
CHO area 2	0	805	0	80	0	885
CHO area 3	148	483	0	66	0	697
CHO area 4						
CHO area 5	33	311	0	111	0	455
CHO area 6	90	237	8	197	0	532
CHO area 7	0	132	0	28	0	160
CHO area 8	128	248	0	245	0	621
CHO area 9	139	617	0	0	0	756
RCSI Hospital Group						
Ireland East Hospital Group	13	915	5	21	0	954
Dublin Midlands Hospital Group						
UL Hospital Group	1	529	0	69	0	599
South/South West Hospital Group						
Saolta Hospital Group						
Childrens Hospital Group						
HR Shared Services National Office	0	5530	171	0	0	5701
HR Community Operations						
DML Area Recruitment Manager						
<b>Total</b>	<b>552</b>	<b>9807</b>	<b>184</b>	<b>817</b>	<b>0</b>	<b>11360</b>

## Appendix 2 Number of complaints vs overall number of appointments

Licence Holder	Complaints made under Section 7	Complaints made under Section 8	Appointments Made
Adoption Authority of Ireland	0	0	31
An Garda Síochána	16	1	468
Central Statistics Office	2	0	5681
Chief State Solicitor's Office	3	0	84
Child and Family Agency (TUSLA)	10	1	1067
Courts Service	4	0	333
Corporate Enforcement Authority	0	0	5
Data Protection Commission	0	0	84
Department of Agriculture, Food and the Marine	5	0	440
Department of Children and Youth Affairs			
Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media	0	0	92
Department of Education and Skills	0	0	334
Department of Enterprise, Trade and Employment	1	0	150
Department of Finance	0	0	74
Department of Foreign Affairs	1	0	209

Licence Holder	Complaints made under Section 7	Complaints made under Section 8	Appointments Made
Department of Health	1	0	93
Department of Housing, Planning and Local Government	1	1	296
Department of Justice and Equality	3	0	432
Department of Public Expenditure and Reform	0	0	71
Department of Rural and Community Development	0	0	32
Department of Social Protection	14	0	1946
Department of the Taoiseach	0	0	29
Department of Transport	4	0	141
Financial Services and Pensions Ombudsman	0	0	16
Garda Síochána Ombudsman Commission	0	0	44
Health Information and Quality Authority	1	1	112
Irish Human Rights and Equality Commission	0	0	28
Irish Prison Service	21	8	331
Law Reform Commission	0	0	0
Legal Aid Board	0	0	164
National Council for Special Education	1	1	28
National Shared Services Office	0	0	256
Nursing and Midwifery Board of Ireland	0	0	24

Licence Holder	Complaints made under Section 7	Complaints made under Section 8	Appointments Made
Office of the Comptroller and Auditor General	0	0	49
Office of the Director of Public Prosecutions	0	0	30
Office of the Houses of the Oireachtas	0	1	70
Office of the Ombudsman	1	0	37
Office of the Ombudsman for Children	0	0	12
Office of the Planning Regulator	0	0	5
Office of the Revenue Commissioners	13	1	1537
Policing Authority	0	0	2
Property Registration Authority	5	2	115
Public Appointments Service	0	0	103
State Examination Commission	0	0	119
State Laboratory	0	0	32
Tax Appeal Commission	0	0	26
Valuation office	0	0	34
<b>Total</b>	<b>107</b>	<b>17</b>	<b>15266</b>

Health Service Executive	Complaints made under Section 7	Complaints made under Section 8	Appointments Made
Health Business Services (HBS)			
CHO area 1			
CHO area 2	0	0	885

CHO area 3	11	0	697
CHO area 4			
CHO area 5	3	1	455
CHO area 6	11	0	532
CHO area 7	5	0	160
CHO area 8	21	1	621
CHO area 9	6	0	756
RCSI Hospital Group			
Ireland East Hospital Group	0	0	954
Dublin Midlands Hospital Group			
UL Hospital Group	1	1	599
South/South West Hospital Group			
Saolta Hospital Group			
Childrens Hospital Group			
HR Shared Services National Office	59	5	5701
HR Community Operations			
DML Area Recruitment Manager			
<b>Total</b>	<b>117</b>	<b>8</b>	<b>11360</b>

Notes: In the returns submitted by the HSE, there were 0 emergency appointments made.

**\*Any areas that have been left blank reflects the Public Bodies and HSE areas that failed to return their recruitment statistics.**



## Appendix 3 Recruitment licence holders

Adoption Authority of Ireland  
An Garda Síochána  
Central Statistics Office  
Chief State Solicitor's Office  
Child and Family Agency - TULSA  
Courts Service  
Data Protection Commission  
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 Enterprise, Trade and Employment  
Department of Finance  
Department of Foreign Affairs  
Department of Health  
Department of Housing, Planning and Local Government  
Department of Justice and Equality  
Department of Public Expenditure and Reform  
Department of Rural and Community Development  
Department of Social Protection  
Department of the Taoiseach  
Department of Transport  
Financial Services and Pensions Ombudsman  
Garda Síochána Ombudsman Commission (GSOC)  
Health Information and Quality Authority  
Health Service Executive  
Irish Human Rights Commission  
Irish Prison Service  
Law Reform Commission  
Legal Aid Board  
National Council for Special Education  
National Shared Services Office  
Nursing and Midwifery Board of Ireland  
Office of the Comptroller and Auditor General  
Corporate Enforcement Authority

Office of the Director of Public Prosecutions  
Office of the Houses of the Oireachtas  
Office of the Ombudsman  
Office of the Ombudsman for Children  
Office of the Planning Regulator  
Office of the Revenue Commissioners  
Policing Authority  
Property Registration Authority  
Public Appointments Service  
State Examinations Commission  
State Laboratory  
Tax Appeals Commission  
Valuation Office

## Appendix 4 Approved Recruitment Agencies

FRS Recruitment Society Limited  
Lex Consultancy Limited  
Sigmar Recruitment Consultants Limited  
Recruitment Plus  
Osborne Recruitment  
Cpl Ltd  
Servisource Recruitment Limited  
Hays Specialist Recruitment Limited  
Orange Recruitment Limited  
Mazars  
InterSearch Ireland  
PE Global  
Gatenby Sanderson  
Conscia  
Amrop  
Yala  
Lansdowne Executive  
PWC Executive  
Signium Ireland  
Matrix Recruitment  
Excel Recruitment  
Lincoln Recruitment Specialists  
Odgers Berndtson  
Perret Laver Ltd  
Eden Recruitment  
Vertical Markets Group  
2into3  
Morgan McKinley Group  
RSM Ireland  
Hero Recruitment  
Nuvo Recruitment  
Shikilla Healthcare