GUIDELINES FOR APPOINTMENTS TO POSITIONS NOT UNDER THE REMIT OF THE PUBLIC SERVICE MANAGEMENT (RECRUITMENT AND APPOINTMENTS) ACT 2004

February 2025

FOREWORD

The Public Appointments Service (publicjobs) mainly operates under the Public Service Management (Recruitment and Appointments) Act 2004 (PSM (R&A) Act), as amended and the Code of Practice published by the Commission for Public Service Appointments (CPSA) under the terms of that Act. However from time to time publicjobs is requested to conduct, or assist with, recruitment and selection processes which do not fall under the remit of this Act. These Guidelines have been prepared to provide guidance in respect of these processes. It also sets out the requirements in relation to the conduct of candidates in the selection process.

These Guidelines set out the framework for such recruitment, selection and appointment processes and centres on the five recruitment principles that have been set out in the Codes of Practice prepared by the CPSA for appointment to positions falling under the remit of the Act. The Guidelines are generally based on the CPSA Codes of Practice thereby ensuring that a consistent approach to recruitment is adopted in all campaigns conducted by publicjobs.

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Section 1 – Making a decision in relation to our involvement

1. Requests from all bodies employing public servants will be considered by the Senior Management Team, having regard to activity levels at that particular time.

2. The client manager/campaign lead will discuss the details with the organisation and identify any requirements they may have (e.g. legal obligations in relation to make up of selection board or how process is to be conducted). The campaign lead/recruitment manager should be advised by the public body concerned of any relevant legislation and must review that legislation in order to identify to any statutory requirements impacting on the appointments process and to inform the type of person required for the role. The client should be asked to affirm, in writing, what the relevant legal obligation(s) are or to confirm none exist if that is the case.

3. Once sufficient information is made available by the client in relation to the proposed campaign, the matter will be discussed at the Senior Management meeting, and a decision on the capacity and our ability to support the client's requirements will be made.

4. Prospective clients should be informed that the process will be conducted in line with these Guidelines and in line with best practice in recruitment and selection. This means that:

    - post will be advertised on publicjobs.ie and any other advertising medium required by the client (additional advertising to be funded by client); we may provide advice on appropriate advertising medium;
    - Essential criteria and requirements for the post must be identified in advance and all candidates will be informed as to the requirements and the selection methods to be used (we must be satisfied in relation to the specified criteria that they are relevant to the job);
    - all applications will be vetted to ensure they meet the essential criteria;
    - selection boards will be set up by us with agreed input from the client organisation where appropriate;
    - a review procedure will be put in place which is generally in line with the procedure set out in these Guidelines;
    - all expenses for selection board members and other non-fixed expenses (including translation costs) to be refunded by client;

- the above conditions should be included in the project plan being prepared for client.

5. Should the client have any legal restrictions or internal requirements which we consider does not allow the above procedures to be followed, We may opt only to provide assistance for particular parts of the process for which the above procedures can be followed (e.g. advertising and application management stage) and the client will in such cases be required to conduct the rest of the process (candidate documentation should clearly state in which parts of the process we will be involved and where our involvement commences and ends).

6. We will prepare a project plan and letter of engagement and have this signed by the client and publicjobs.

Section 2 – Introduction

What are these Guidelines?

These Guidelines set out our core recruitment and selection principles and informs their interpretation and application. These standards will be observed in all recruitment and selection processes which do not fall within the remit of the PSM (R&A) Act, as amended but are conducted, or partly conducted, by publicjobs. Separate Guidelines apply in respect of the State Boards process. This principle-based approach is intended to maintain and enhance consistency, fairness, transparency, accountability and diversity in recruitment and selection practices.

These Guidelines provide staff with a clear and concise guide to the approach they must take to ensure a fair, open and transparent appointment process that produces a quality outcome and commands public confidence. All appointments made will also comply with relevant employment and equality legislation.

When do these Guidelines apply?

These Guidelines apply to campaigns/appointments which fall outside of the remit of the 2004 PSM (R&A) Act, as amended.

What to do if you are unsure whether or not a client/post falls under the remit of the Public Service Management (Recruitment and Appointments) Act

Look up the legislation that governed the establishment of the employing body at the following link - http://www.irishstatutebook.ie/ - to check how the appointments are to be made. If the legislation does not specify that appointments are to be made under the PSM (R&A) Act or by publicjobs, and if the employees are not civil servants, then it is not covered by the Act and therefore the CPSA Code of practice does not apply.

In addition to the above, the CPSA Codes do not apply to:

- Presidential appointments
- Governmental appointments
- Appointment as officer of the Houses of the Oireachtas

If we are running any of the above appointments processes, these Guidelines will therefore apply.

Structure of these Guidelines

These Guidelines confirm that the core recruitment principles of probity, equity and fairness, selection based on merit, and best practice, will be observed in all recruitment processes. It details aspects of the recruitment and selection processes and gives examples of the principles in practice.

Review procedures

The review procedures provide for recourse to two-stage review process in respect of a decision taken in relation to the candidate's application. The decision of the second stage reviewer will be final.

Monitoring the application of these Guidelines

The application of these Guidelines in the recruitment and selection processes for positions outside of the remit of the 2004 PSM (R&A) Act, as amended will be monitored in the course of reviews carried out as part of our Quality Improvement Programme.

3. Core Recruitment Principles to be observed

Probity

The principles to be observed in the conduct of campaigns under these Guidelines are underpinned by the core values that define probity such as integrity, impartiality, fairness, reliability and ethical conduct. We are committed to these values and will ensure that all aspects of the appointment process are managed ethically.

Appointments made on merit

Appointment on merit means the appointment of the best person for any given post through a transparent, competitive recruitment process where the criteria for judging suitability of candidates can be related directly to the qualifications, attributes and skills required to fulfil the duties and responsibilities of the post. This fundamentally fair and just approach to dealing with applicants results in the selection of individuals whose competencies, abilities, experience and qualities best match the needs of the organisation in question. Merit is therefore an integral principle which must underpin all appointment practices. Our selection processes will not provide unjustifiable advantage or disadvantage to any particular candidate or group of candidates and will embrace genuine equality of opportunity which will be integral to the processes by which appointments are made.

An appointment process in line with best practice

All appointment processes will be efficient, cost effective and in line with best practice including defining job and person specifications; marketing the vacancy and selecting appropriate assessment mechanisms; providing appropriate briefing/training to the selection board; and the creation and maintenance of appropriate records.

A fair appointment process applied with consistency

The selection process adopted and the manner in which it is applied will be undertaken with real commitment to equality of opportunity. All candidates will be treated fairly to a consistent standard and in a consistent manner.

Appointments made in an open, accountable and transparent manner

We will ensure transparency in the appointment process with open and active communication on the process and the basis for assessment. Timely feedback will be provided to candidates who seek it.

Appointments promoting equality, diversity and inclusion

Equality and inclusion will be promoted at each stage of the selection process. Candidates will be treated equally and fairly, with individual differences valued and respected throughout. We will ensure that equality, diversity and inclusion form part of all decisions and processes related to a competition.

4. Aspects of specific recruitment processes and examples of principles in practice

Determination of Essential Job Criteria

- ◊ Valid process must be used to determine essential criteria
- ◊ Essential requirements will not be unduly restrictive and will reflect what is necessary to perform the duties of the position
- ◊ Terms and conditions and eligibility criteria will be agreed with the Client (and/or Department of Public Expenditure and Reform or the Department of the Environment) prior to the position being advertised (and we will ensure that we are satisfied with the basis for determining the eligibility criteria).

Job and Person Specification

- ◊ Relevance to the job – the job description and the person specification will be referenced against any statutory description of the functions involved
- ◊ Job description and person specification will be reflective of the full range of duties, statutory and non-statutory, of the position to be filled and are the responsibility of the client
- ◊ A Project Plan will be developed and agreed with the client (this will emphasise the importance of ensuring that the job description and the person specification is accurate and reflective of any statutory functions of the position to be filled) and the Plan will be signed by publicjobs and the client
- ◊ Job description and the person specification will cover all of the competencies required for the post
- ◊ Key elements of the job and person specifications will be consistently reflected in the selection process.

Attracting Candidates

- ◊ Marketing approaches ensure recruitment is from the widest pool of relevant talent and expertise
- ◊ Clear and concise marketing which is designed to target the appropriate applicant field will be used and will afford equality of opportunity
- ◊ Specific marketing channels utilised will be appropriate to the vacancy under consideration
- ◊ Opportunities will be accessible to all potentially eligible applicants, including persons with disabilities.

- ◊ All reasonable efforts to provide an accessible application process
- ◊ All marketing material is accessible and unbiased

Eligibility Sift

- ◊ Candidates who do not satisfy the eligibility criteria will be disqualified from the process and notified accordingly
- ◊ Adequate checks will be in place to ensure that a candidate meets the eligibility requirements before any offer of appointment is made
- ◊ Only candidates who fulfil the eligibility criteria, and who successfully complete the selection process (including compliance with these Guidelines), will be deemed eligible for appointment.

Selection and Assessment Methods

- ◊ The selection process will be underpinned by objectively written effective job and person specifications, focusing on the purpose of the job, its main accountabilities and the essential skills needed to perform the job effectively
- ◊ Criteria for selection will promote the principles of equality of opportunity, inclusiveness and diversity
- ◊ An appropriate means of short listing will be employed where applicable; with job related criteria used and applied consistently across all candidates
- ◊ The selection process will consist only of properly validated assessment tools and techniques
- ◊ Chosen assessment tools and techniques will be used only by appropriately qualified individuals who are properly trained in their administration, scoring and interpretation, and who are also qualified to select a test which is valid for a particular purpose
- ◊ Assessment tools and techniques will:
    - Be appropriate to the selection criteria
    - Facilitate the identification and selection of the person(s) who best match the requirements of the post
    - Be used in line with best practice
    - Comply with requirements on fairness and freedom from bias
- ◊ Information on the approach to be adopted in determining the order of merit will be communicated to candidates at the outset (i.e. those elements of the selection process which might influence a candidate’s placing on the order of merit)

- ◊ All appropriate accommodations will be provided for candidates with disabilities, thereby ensuring that they have the best opportunity to perform to their optimum
- ◊ Gender representation will be taken into account when constituting selection boards

Selection Boards

- ◊ Systems will be in place to ensure that selection boards carry out the selection process in a fair, open and transparent manner
- ◊ All selection board members fully understand their roles and have the necessary skills to carry out that role
- ◊ All selection board members understand and fulfil their responsibilities with regards to current Freedom of Information, Data Protection and Employment Equality legislation
- ◊ All selection board members are fully informed about disability awareness and equal opportunities policy
- ◊ Throughout the selection process decisions based on the individual merit of candidates will determine which candidates progress to the next stage of selection (relative to other candidates for the campaign)
- ◊ At the final stage candidates who meet the required standard for the job will be placed in order of merit and offered appointment in that order (unless the selection process provided for in legislation requires that a list of qualified candidates be provided to the appointing authority for selection)
- ◊ Provision in relation to the award of additional credit for proficiency in both the English and Irish languages will be made in line with Government policy.

Equality, Diversity & Inclusion

- ◊ Information on the different stages of the appointment process made available to candidates in advance in a universally designed format
- ◊ There will be open and active communication on the process and the basis for assessment
- ◊ Universally designed communications (including feedback) will be accessible to everyone
- ◊ Candidates will be made aware that they can request reasonable accommodations in advance of any stage of the selection process

- ◊ Universally designed EDI recruitment and selection processes will be used, which have following core elements: Accessible Services; Accessible Procurement; Accessible Communications and Monitoring of Recruitment and Selection Processes from an ED&I point of view.

Documentation

- ◊ Accurate, sufficient and appropriate documentation will be issued to candidates including information on how to access these Guidelines, in particular information relating to review procedures
- ◊ Documentation supporting the assessment stages of the process will reflect the selection criteria
- ◊ Documentation will specify any areas of the recruitment and selection process which are not under the control of publicjobs
- ◊ Records of selection methods utilised, including interview records will be maintained
- ◊ All documentation and its use will comply with relevant employment legislation, including Freedom of Information and Data Protection legislation, and equality legislation and guidelines.
- ◊ Fully documented records that clearly support each stage of the process will be retained (in line with our Record Retention Policy)

Management Systems

- ◊ Effective management systems will be in place
- ◊ The effectiveness of assessment processes will be regularly reviewed and issues arising addressed
- ◊ Effective systems will be in place to monitor and evaluate recruitment processes utilised and positive initiatives undertaken to tackle any matters arising
- ◊ Effective communication will take place with candidates throughout the process
- ◊ The process will not be subject to undue delays
- ◊ Appropriate feedback systems will be in place to provide prompt feedback to candidates which is specific and clear
- ◊ Enquiries and complaints will be dealt with in an efficient and timely manner.

General

- ◊ We will respect confidentiality
- ◊ We will comply with these Guidelines
- ◊ We will comply with all relevant legislation, including Employment Equality legislation, Disability Act 2005, Official Languages Act 2003, Data Protection and Freedom of Information legislation.

5. Responsibility of Candidates

Canvassing

Candidates should note that canvassing may disqualify them and result in their exclusion from the appointment process.

Candidates' obligations

Candidates in the recruitment process must not:

• Knowingly or recklessly provide false information

• Canvass any person, with or without inducements

• Interfere with or compromise the process in any way.

A third party must not personate a candidate at any stage of the process.

Penalties for failure to comply

If a person is found to have canvassed or breached any of the candidate obligations set out above in a recruitment process, then:

- Where he/she has not been appointed to a post, he/she may be disqualified as a candidate
- Where he/she has been appointed subsequent to the recruitment process in question, he/she may forfeit that appointment.

Specific Candidate Criteria

Candidates must:

- have the knowledge and ability to discharge the duties of the post concerned
- be suitable on the grounds of character
- be suitable in all other relevant respects for appointment to the post concerned;

If successful, they will not be appointed to the post unless they:

- agree to undertake the duties attached to the post and accept the conditions under which the duties are, or may be required to be, performed
- are fully competent and available to undertake, and fully capable of undertaking, the duties attached to the position.

Unreasonable Customer Conduct

We will treat all customers politely. In most cases candidates, or potential candidates, interact with publicjobs in a reasonable and professional manner. Unfortunately a small minority may adopt an unreasonable approach in pursuing their complaint. Staff do not have to tolerate offensive, abusive or threatening behaviours. We do not expect staff to spend a disproportionate amount of time or resources in responding to any one individual or a series of requests for review of a selection decision.

Examples of unreasonable behaviour highlighted by the CPSA (with which publicjobs is in agreement) include:

- Unreasonable persistence in pursuing an issue or series of issues;
- Insisting an issue be reviewed by another staff member
- Reframing an issue to present it as a fresh complaint
- Persevering with an argument that has previously been addressed
- Taking up a disproportionate amount of staff time and resources with manifestly unreasonable or identifiable patterns of behaviour

<u>Unreasonable lack of co-operation in presenting a complaint, include:</u>

- Persistently presenting a complaint in a disorganised manner
- Failing to identify the complaint clearly
- Presenting unnecessarily large amounts of material for examination
- Expecting immediate responses to communications
- Changing the complaint while the review is underway

<u>Unreasonable arguments being employed include:</u>

- Exaggerating issues
- Presenting irrelevant or illogical arguments
- Placing too much emphasis on small unimportant details
- Insisting their version of events be accepted as fact when there is not objective evidence to support this
- Refusing to consider counter-arguments put forward by publicjobs
- Making statements the candidate cannot prove or support
- Unfairly or inappropriately disputing the honesty or integrity of others

Unreasonable behaviour includes:

- Verbal abuse of staff
- Impolite or aggressive conduct
- Threats of violence
- Threats to self-harm

Before deciding whether to apply any consequent restriction to a candidate, we will ensure:

- The original complaint or request for review has been dealt with fully in line with these Guidelines
- Any such actions are appropriate and proportionate, having regard to the severity of the behaviour in question.

Procedure

Where we consider a candidate's behaviour is unreasonable, we will inform the candidate that their behaviour has been found to be unreasonable and advise the candidate to change that behaviour.

We may consider:

- Requesting the candidate to make contact in a particular form only
- Requesting contact with a named officer only
- Restricting telephone calls to specified days /times
- Restricting access to the office
- Asking the candidate to enter into an agreement about their future conduct.

If the unreasonable behaviour continues, we may take action to restrict the candidates contact. The decision will be taken at Management Board level. Such action may include:

- Refusal to pursue complaints or requests for review
- Terminating all contact with the complainant.

The decision to terminate all contact will be fully documented and taken with the approval of the CEO. We will inform the customer in writing why their behaviour has been defined as unreasonable and set out proposed actions. We will specify a date to review the restrictions. The restrictions will be lifted unless there are grounds to extend them further. Staff are expected to act respectfully towards the complainant and impartially with regard to the matter raised.

6. Interference with the Recruitment process

Where publicjobs is of the opinion that there may have been interference or attempted interference with an appointment process, it may investigate the matter or cause it to be investigated by a person authorised on its behalf.

Section 7 – Review Procedures

General information

The review procedures set out in this section applies in cases where a candidate wishes to have an action or decision in relation to his/her candidature reviewed or where the candidate believes that the principles contained in these guidelines have not been applied. The procedures and standards to be followed by the complainant and the Public Appointments Service in the handling of requests for review/complaints are set out below.

Please note that test results can be rechecked on receipt of a request to do so; however, test results cannot be appealed through this process.

Recruitment and selection processes will not be suspended pending the outcome of a review/complaint investigation.

Stage-one review process

When a request for a review is received from a candidate every effort should be made to resolve the matter at stage-one (including, where appropriate, providing feedback to the candidate). . Should the candidate remain dissatisfied following the Stage One process (including dissatisfaction with the feedback received), then he/she may adopt the stage-two procedures in accordance with the process set out below.

The stage-one review process may be availed of within 5 working days of notification of the initial decision and should normally take place between the candidate and the person who communicated the decision (or such other person acting on behalf of publicjobs as may be appropriate depending on the circumstances).

We will carry out the stage-one review investigation without delay and within a period of time that enables the candidate to avail of the stage-two review procedures within the specified timelines should he/she so wish.

Where a candidate remains dissatisfied following any such stage-one review investigation, they may adopt the stage-two procedures set out below. If the candidate wishes the matter to be dealt with by way of a stage-two review, they must do so within 5 working days of the notification of the outcome of the stage-one review.

Stage-two review:

The procedures and standards to be followed by the complainant and by publicjobs in the handling of requests for review at this stage are set out below.

The candidate must address their concerns in relation to the process in writing to the CEO, setting out those aspects of the action or decision in relation to their candidature that they wishes to have reviewed, or which aspects/principles of the Guidelines have not been applied/breached, as appropriate to their concerns; the basis for this review should be set out on the specified form (appendix 1).

The candidate must support their request for review by outlining the facts they believe show the action/decision taken was wrong, or show that the principles of these Guidelines have not been adhered to. A request for review may be refused if the candidate cannot support their request.

Any extension of these time limits will only be granted in the most exceptional of circumstances and will be at the sole discretion of the CEO.

The review procedure:

- Upon receipt of the request for a stage-two review/complaint, publicjobs will aim to issue an acknowledgement within 3 working days.
- The case will be r investigated by a person other than any individual directly associated with the decision in question.
- The person(s) conducting the stage-two investigation will consider any written submissions made by the candidate, and all other relevant information, including any relevant emails, notes or memoranda held by us in respect of the selection process. Where necessary, the reviewer may meet with the personnel involved in the selection process and/or the candidate for the purpose of eliciting further information.

• The outcome will generally be notified to the candidate within 25 working days of receipt of the complaint or request for review. Where the investigation does not allow a decision within this timeframe, the reviewer will keep the candidate informed of the status of the review.

The decision of the stage-two reviewer is final.

Appendix 1

REQUEST FOR REVIEW IN RESPECT OF POSITIONS CONDUCTED UNDER THE GUIDELINES FOR APPOINTMENTS TO POSITIONS NOT UNDER THE REMIT OF THE PUBLIC SERVICE MANAGEMENT (RECRUITMENT AND APPOINTMENTS) ACT 2004

Candidate's Name: _____

Candidate's I.D. _____

Position applied for: _____

Full Address: _____

Daytime Telephone No. _____

E-mail address: _____

Review being requested (please tick relevant box)

Stage One	
Stage Two	

- For Stage One reviews write to the Recruitment Manager managing the campaign within 5 working days of notification of the initial decision
- For Stage Two reviews write to the CEO, publicjobs within 5 working days of the notification of the outcome of the stage-one review

Please clearly set out the aspects of the action/decision that you wish to have reviewed/principles of the Guidelines that you believe were breached/not adhered to in the process