



# An tSeirbhís um Cheapacháin Phoiblí Public Appointments Service

## CANDIDATE INFORMATION BOOKLET

The Public Appointments Service intends to hold a competition for the purpose of recommending a person for appointment to the position of

**Ombudsman and Information Commissioner**

**Closing date: 3pm Thursday 26<sup>th</sup> August 2021**

The Public Appointments Service is committed to a policy of equal opportunity.

The Public Appointments Service will run this campaign in compliance with the Guidelines for appointments to positions not under the remit of the Public Service Management (Recruitment and Appointments) Act 2004 which are available at

[https://www.publicjobs.ie/documents/Guidelines\\_for\\_Campaigns\\_Not\\_coveredby\\_CPSA\\_Code.pdf](https://www.publicjobs.ie/documents/Guidelines_for_Campaigns_Not_coveredby_CPSA_Code.pdf)

This recruitment campaign is being complemented by an Executive Search Process

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## Ombudsman and Information Commissioner

**Role:** Ombudsman and Information Commissioner

**Location:** Dublin

Applications are sought from suitably qualified individuals who wish to be considered for the role of Ombudsman and Information Commissioner.

This is an important role with a significant public profile and the successful candidate will be independent in the performance of all of their functions. The appointment will be made by the President, following Resolutions passed by Dáil Éireann and by Seanad Éireann. The appointment is for six years and the person may be re-appointed for a second or subsequent term.

Candidates for this position will be required to have a strong commitment to the delivery of efficient and effective public services for citizens, and to support the ongoing improvement of those services. The successful candidate will bring energy and vision to this role, and will use the functions of the role in a constructive and positive manner to improve public service delivery.

The successful candidate will have strong stakeholder engagement skills including the ability to foster constructive working relationships across a range of areas including with Government Departments, Local Government, healthcare providers, other public sector providers (PSPs), elected representatives, NGO's, community organisations and the media.

### Overview of Roles and Responsibilities

The successful candidate will:

- Hold the roles of Ombudsman and Information Commissioner simultaneously.
- The Information Commissioner is also the Commissioner for Environmental Information.
- The Ombudsman is an ex-officio member of the Standards in Public Office Commission (SIPO), the Commission for Public Service Appointments (CPSA) and the Referendum Commission (when established).

### Role of Ombudsman

The primary role of the Ombudsman is to investigate complaints against certain Public Service Providers and to determine whether or not their actions have resulted in maladministration and adverse effect.

The Ombudsman also has the power to carry out own initiative investigations, without having received a specific complaint which allow the Ombudsman to bring to public attention matters of significant public interest and drive improvements in the wider public sector.

Further information on the role of the Ombudsman can be found in Annex A of this document.

## **Role of Information Commissioner**

The role and powers of the Information Commissioner are set out under the Freedom of Information Act 2014 which provides for, upon application to the Commissioner, the power to carry out a review of the decisions of public bodies, made under the provisions of the Act.

The Information Commissioner will be required to make complex and legally binding decisions, which are appealable only to the High Court.

The Information Commissioner is also the Commissioner for Environmental Information pursuant to Article 12(2) of the AIE Regulations.

The Information Commissioner is also the designated officer for the purposes of appeals under the Open Data and Re-Use of Public Service Information Regulations 2021.

Further information on the role of the Information Commission and Commissioner for Environmental Information can be found in Annex B.

## **Other roles (Protected Disclosures Office, SIPO, CPSA and the Referendum Commission)**

The Ombudsman is an ex-officio member of the Commission for Public Service Appointments (CPSA) and the Standards in Public Office Commission (SIPO). Both Commissions meet several times per year to make binding decisions and to direct the work of the Commission Secretariats.

The Ombudsman is also an ex-officio member of the Referendum Commission when established. The Commissioners meet very regularly during a Referendum campaign, to direct the work of the Commission Secretariat.

The Ombudsman's Office will encompass the Protected Disclosures Office when it is established before the end of 2021.

Further information on these roles can be found in Annex C.

## **Person Specification**

The successful candidate will:

- Embody the values of integrity and leadership
- Possess the necessary presence to champion the rights of the citizen and groups within society in respect of their interactions with public administration.
- Demonstrate sound judgement on complex issues

- Have a record of accomplishment as a senior leader in either the public or private sector
- Have excellent stakeholder management skills
- Have relevant professional knowledge and experience relevant to the role of Ombudsman and Information Commissioner
- Have the ability to strategically lead and direct the work of the Office, and deliver an investigation service in which the public and public service providers can have confidence.

The following skills and experience are also desirable:

- Strong media skills and experience of public speaking
- Possess a broad understanding and knowledge of public administration in Ireland and the governance of public bodies (or the ability to quickly develop this understanding)
- Possess a broad understanding and knowledge of the political landscape in Ireland (or the ability to quickly develop this understanding).

### **Key Competencies for effective performance**

The attention of candidates is drawn to the key competencies required for the Ombudsman role.

- **Leadership & Strategic Vision**
- **Judgement & Decision Making**
- **Stakeholder Management & Communication**
- **Personal Drive for Results through a Values based approach**

### **Governance arrangements in the Office of the Ombudsman**

The Ombudsman is supported in their work by a staff of civil servants working in each of the distinct areas outlined above.

The Office of the Ombudsman is funded by Dáil Eireann via Vote 19. The Director General, as Accounting Officer for this Vote, is responsible for the safeguarding of public funds and property under their control and for the efficiency and economy of administration in the Office, as well as line management responsibility for all staff in the Office.

While the Office operates independently of the Government, normal Civil Service structures, policies and procedures apply to the operation of the office.

In addition to the Office of the Ombudsman, Vote 19 also funds:

- the Office of the Information Commissioner (OIC);
- the Office of the Commissioner for Environmental Information (OCEI);
- the Standards in Public Office Commission (SIPO); and
- the Commission for Public Service Appointments (CPSA)

The five Offices each carry out separate and distinct statutory functions. Nonetheless they function as a single amalgamated agency under one Vote and one Accounting Officer (the Director General) and a management team which manages the Office, while simultaneously protecting and preserving the statutory independence and functions of each of the constituent parts.

## Values based approach

A values based approach is key to the work of the Ombudsman (and Information Commissioner, Commissioner for Environmental Information) who is independent in the performance of all their functions, and ensures that citizens and other users of public services can have confidence that their complaints will be dealt with objectively and independently and that their requests for information will be dealt with in a fair, transparent manner.

In line with *Our Public Service 2020* the Office of the Ombudsman is committed to ensuring ways of working that are focused on making public services more transparent, decision-making more accountable, and service delivery more effective.

Within this context the work of the Office is managed in keeping with the following values focused approach:

- **Independence** – the Office will examine complaints, conduct reviews, and make decisions in a fair, objective, and impartial manner.
- **Customer Focus** – the Office aim for excellence and professionalism in the delivery of our services. We will meet defined quality standards and continuously review our performance to ensure that the customer remains at the heart of everything that it does.
- **Fairness** - Treating all people with respect, dignity and fairness is fundamental to the Office's relationships with all stakeholders. It also contributes to a healthy work environment that promotes engagement, openness and transparency.
- **Empathy** – the Office understands that customers generally avail of services having exhausted all other avenues open to them. The Office will listen carefully to customers with a view to understanding and being sensitive to their concerns.
- **Innovation** – The Office will deliver continuous performance improvements and avail of best practice methods for delivering a first class service and in doing so enhance confidence in public service delivery.

## Location

The position will be based in Earlsfort Terrace, Dublin 2, however some element of remote working may be possible.

## **Eligibility to compete and certain restrictions on eligibility**

### **Citizenship Requirements**

Eligible Candidates must:

- (a) A citizen of the European Economic Area (EEA). The EEA consists of the Member States of the European Union, Iceland, Liechtenstein and Norway; or
- (b) A citizen of the United Kingdom (UK); or
- (c) A citizen of Switzerland pursuant to the agreement between the EU and Switzerland on the free movement of persons; or
- (d) A non-EEA citizen who is a spouse or child of an EEA or UK or Swiss citizen and has a stamp 4 visa; or
- (e) A person awarded international protection under the International Protection Act 2015 or any family member entitled to remain in the State as a result of family reunification and has a stamp 4 visa or
- (f) A non-EEA citizen who is a parent of a dependent child who is a citizen of, and resident in, an EEA member state or the UK or Switzerland and has a stamp 4 visa

### **Ineligible Persons**

A person is not eligible for appointment as Ombudsman and Information Commissioner if the person:

- (a) is a member of either House of the Oireachtas or is, with the person's consent, nominated as a candidate for election as such a member or is nominated as a member of Seanad Éireann; or
- (b) is a member of the European Parliament or is, with the person's consent, nominated as a candidate for election as such a member or to fill a vacancy in the membership of that Parliament; or
- (c) is a member of a local authority or is, with the person's consent, nominated as a candidate for election as such a member.

A person who holds the office of Ombudsman shall not hold any other office or employment in respect of which emoluments are payable or be a member of the Reserve Defence Force.

**To qualify candidates must be eligible by the date of any job offer.**

### **Collective Agreement: Redundancy Payments to Public Servants**

The Department of Public Expenditure and Reform letter dated 28th June 2012 to Personnel Officers introduced, with effect from 1st June 2012, a Collective Agreement which had been reached between the Department of Public Expenditure and Reform and the Public Services Committee of the ICTU in relation to ex-gratia Redundancy Payments to Public Servants. It is a condition of the Collective Agreement that persons availing of the agreement will not be eligible for re-employment in the Public Service by any Public Service body (as defined by the Financial Emergency Measures in the Public Interest Acts 2009 – 2011) for a period of 2 years from termination of the employment. People who availed of this scheme and who may be successful in this competition will have to prove their eligibility (expiry of period of non-eligibility)

### **Incentivised Scheme for Early Retirement (ISER):**

It is a condition of the Incentivised Scheme for Early Retirement (ISER) as set out in Department of Finance Circular 12/09 that retirees, under that Scheme, are not eligible to apply for another position in the same employment or the same sector. Therefore, such retirees may not apply for this position.

### **Department of Health and Children Circular (7/2010):**

The Department of Health Circular 7/2010 dated 1 November 2010 introduced a Targeted Voluntary Early Retirement (VER) Scheme and Voluntary Redundancy Schemes (VRS). It is a condition of the VER scheme that persons availing of the scheme will not be eligible for re-employment in the public health sector or in the wider Public Service or in a body wholly or mainly funded from public moneys. The same prohibition on re-employment applies under the VRS, except that the prohibition is for a period of 7 years. People who availed of the VER scheme are not eligible to compete in this competition. People who availed of the VRS scheme and who may be successful in this competition will have to prove their eligibility (expiry of period of non-eligibility).

### **Department of Environment, Community & Local Government (Circular Letter LG(P) 06/2013)**

The Department of Environment, Community & Local Government Circular Letter LG(P) 06/2013 introduced a Voluntary Redundancy Scheme for Local Authorities. In accordance with the terms of the *Collective Agreement: Redundancy Payments to Public Servants* dated 28 June 2012 as detailed above, it is a specific condition of that VER Scheme that persons will not be eligible for re-employment in any Public Service body [as defined by the Financial Emergency Measures in the Public Interest Acts 2009 – 2011 and the Public Service Pensions (Single Scheme and Other Provisions) Act 2012] for a period of 2 years from their date of departure under this Scheme. These conditions also apply in the case of engagement/employment on a contract for service basis (either as a contractor or as an employee of a contractor).

### **Declaration**

Applicants will be required to declare whether they have previously availed of a Public Service scheme of incentivised early retirement. Applicants will also be required to declare any entitlements to a Public Service pension benefit (in payment or preserved) from any other Public Service employment and/or where they have received a payment-in-lieu in respect of service in any Public Service employment.

## **PRINCIPAL CONDITIONS OF SERVICE**

### **General**

The appointment is subject to the provisions of the Ombudsman Act 1980 (as amended).

### **Salary**

The salary for this position (rate w.e.f. 01<sup>st</sup> October 2020) is as follows:

#### **Personal Pension Contribution (PPC) rate:**

**€200,598**

#### **Non-Personal Pension Contribution (Non-PPC) rate:**

**€190,568**

The PPC pay rate applies when the individual is required to pay a Personal Pension Contribution (otherwise known as a main scheme contribution) in accordance with the rules of their main/personal superannuation scheme. This is different to a contribution in respect of membership of a Spouses' and Children's scheme, or the Additional Superannuation Contributions (ASC).

The Non-PPC pay rate will apply where the appointee is not required to make a Personal Pension Contribution.

Depending on a person's public service employment history different terms and conditions may apply for existing civil / public servants. The rate of remuneration will not be subject to negotiation and may be adjusted from time to time in line with Government pay policy.

The successful candidate will agree that any overpayment of salary, allowances, or expenses will be repaid in accordance with Circular 07/2018: Recovery of Salary, Allowances, and Expenses Overpayments made to Staff Members/Former Staff Members/Pensioners.

### **Tenure**

The Ombudsman and Information Commissioner shall hold office for a fixed term of 6 years, and may be reappointed to the office for a second or subsequent term.

A person appointed to be the Ombudsman:

- May at their own request be relieved of office by the President;
- May be removed from office by the President upon resolutions passed by Dáil Éireann and by Seanad Éireann for stated misbehaviour, incapacity or bankruptcy;
- Shall vacate the office on attaining the age of 70 years, except in the case of a New Entrant as defined in the Public Service Superannuation (Miscellaneous Provisions) Act 2004. Tenure will cease on expiry of the contract term, if earlier.

The appointment, which is strictly temporary, carries with it no entitlement to permanent status (by way of limited competition or otherwise).

### **Unfair Dismissals Acts 1977-2005**

The Unfair Dismissals Acts 1977-2005 will not apply to the termination of the employment by reason only of the expiry of the term of office without it being renewed.

### **Hours of attendance**

Hours of attendance will be fixed from time to time but will amount to not less than 43 hours and 15 minutes gross per week. The Ombudsman and Information Commissioner will be required to work such additional hours from time to time as may be reasonable and necessary



for the proper performance of his/her duties subject to the limits set down in the working time regulations. The rate of remuneration payable covers any extra attendance liability that may arise from time to time.

### **Annual Leave**

In addition to the usual public holidays the annual leave for this position is 30 working days.

### **Sick Leave**

Pay during properly certified sick absence, provided there is no evidence of permanent disability for service, will apply on a pro-rata basis, in accordance with the provisions of the sick leave circulars.

Officers who will be paying Class A rate of PRSI will be required to sign a mandate authorising the Department of Social Protection to pay any benefits due under the Social Welfare Acts direct to Department of Public Expenditure & Reform and payment during illness will be subject to the officer making the necessary claims for social insurance benefit to the Department of Social Protection within the required time limits.

### **Retirement/Superannuation**

The successful candidate will be offered the appropriate superannuation terms and conditions as prevailing in the Public Service at the time of being offered an appointment. In general, an appointee who has never worked in the Public Service will be offered appointment based on membership of the Single Public Service Pension Scheme ("Single Scheme") in accordance with the Public Service Pensions (Single Scheme and Other Provisions) Act 2012. Full details of the Scheme are at [www.singlepensionscheme.gov.ie](http://www.singlepensionscheme.gov.ie)

Key terms attaching to membership of the Single Scheme are as follows:

- Pensionable Age: The minimum age at which pension is payable is the same as the age of eligibility for the State Pension, currently 66.
- Retirement Age: Scheme members must retire on reaching the age of 70.
- Career average earnings are used to calculate benefits (a pension and lump sum amount accrue each year and are up-rated each year by reference to CPI).
- Post retirement pension increases are linked to CPI.

Different terms and conditions related to superannuation and retirement may apply to a candidate where they were a member of pre-existing public service pension scheme (non-Single Scheme terms) and any subsequent breaks in public service employment (whether those employments were pensionable or not) after 1 January 2013 have been 26 weeks or less. The pension entitlement of such appointees will be established in the context of their public service employment history.

### **Pension Abatement & Previous Public Service Pension Entitlements**

**Declaration:** Applicants will be required to declare any entitlements to a public service pension benefit (in payment or preserved) from any other public service employment, and/or any payment-in-lieu received in respect of service in any public service employment, in accordance with section 51 of the Public Service Pensions (Single Scheme and Other Provisions) Act 2012.

**Pension Abatement:** If the appointee has previously been employed in the Civil or Public Service and is in receipt of a pension from the Civil or Public Service or where a Civil/Public Service pension comes into payment during his/her re-employment that pension will be subject to abatement in accordance with Section 52 of the Public Service Pensions (Single Scheme

and Other Provisions) Act 2012. Please note: In applying for this position you are acknowledging that you understand that the abatement provisions, where relevant, will apply. It is not envisaged that the employing Department/Office will support an application for an abatement waiver in respect of appointments to this position.

**Entitlements under ISER/VER schemes:** The Department of Public Expenditure and Reform should be consulted in advance of formal appointment in all cases where the prospective appointee availed of a previous ISER/VR/VER arrangement in the public service. The implications of their new appointment on their ISER/VR/VER payment/pension entitlements will be determined by the terms and policies governing the ISER/VR/VER scheme in question. One example includes:

**Department of Education and Skills Early Retirement Scheme for Teachers Circular 102/2007:** The Department of Education and Skills introduced an Early Retirement Scheme for Teachers. It is a condition of the Early Retirement Scheme that with the exception of the situations set out in paragraphs 10.2 and 10.3 of the relevant circular documentation, and with those exceptions only, if a teacher accepts early retirement under Strands 1, 2 or 3 of this scheme and is subsequently employed in any capacity in any area of the public sector, payment of pension to that person under the scheme will immediately cease. Pension payments will, however, be resumed on the ceasing of such employment or on the person's 60th birthday, whichever is the later, but on resumption, the pension will be based on the person's actual reckonable service as a teacher (i.e. the added years previously granted will not be taken into account in the calculation of the pension payment).

**Ill-Health-Retirement:** Please note that where an individual has retired from a Civil/Public Service body on the grounds of ill-health his/her pension from that employment may be subject to review in accordance with the rules of ill-health retirement within the pension scheme of that employment.

Please note more detailed information in relation to pension implications for those in receipt of a civil or public service ill-health pension is available [via this link](#) or upon request to PAS

#### **Limitation on Pension Accrual**

Section 52(6) of the Public Service Pensions (Single Scheme and Other Provisions) Act, 2012 limits the amount of pensionable service an individual may accrue across all pre-existing public service schemes (non-Single Scheme terms) to a maximum of forty years or equivalent; where pensionable service exceeds forty years on 28 July 2012, section 52(7) provides that they may retain the benefit of that service. This may have implications if the appointee acquired pension rights in a previous public service employment. Department of Public Expenditure & Reform Circular 13/2020, which is available on the website <https://www.gov.ie/en/circulars/>, provides guidance on the method of calculating pension entitlements in such cases.

#### **Additional Superannuation Contribution**

This appointment is subject to the Additional Superannuation Contribution (ASC) in accordance with the Public Service Pay and Pensions Act 2017. **Note:** ASC is in addition to any personal pension contributions (otherwise known as main scheme contributions) and Spouses' and Children's Scheme contributions that are payable in the accordance with the rules of any pension scheme.

#### **Please note:**

As an Employer of Choice the Civil Service has many flexible and family friendly working policies including some opportunities for remote working. Please note, successful candidates

may request flexible working opportunities, however, this is at the discretion of the employer and decided in line with the business needs of the organisation, and on a case by case basis.

### **IMPORTANT NOTICE**

Candidates should note that different terms and conditions may apply if, **immediately prior to appointment**, the appointee is already a serving civil or public servant.

**The above represents the principal conditions of service and is not intended to be the comprehensive list of all terms and conditions of employment which will be set out in the employment contract to be agreed with the successful candidate.**

### **THE SELECTION PROCESS**

#### **How to Apply**

Applications must be made by submitting an on-line application and attaching a single document with the following elements included:

- **A comprehensive CV, including an organisation chart** (See **Senior Executive CV Guidance** [note here](#))
- **The 'Key Achievements Form'** (Available [here](#))
- **A short cover letter/ personal statement** (*i.e. no more than 2 pages*) outlining why you wish to be considered for the post and where you believe your skills, experience and values meet the requirements of the position.

**Closing Date: 3pm on Thursday 26<sup>th</sup> August, 2021.**

#### **Selection Process:**

The Selection Process may include:

- shortlisting of candidates, on the basis of the information contained in their application;
- a competitive preliminary interview;
- completion of an online questionnaire(s);
- case study/work sample/role play/media exercise, and any other tests or exercises that may be deemed appropriate;
- a final competitive interview.

Please note interviews may take place virtually by Zoom.

### **Please Note**

We acknowledge receipt of all applications. If you do not receive an acknowledgement within 3 days of applying, please email [emily.dillon@publicjobs.ie](mailto:emily.dillon@publicjobs.ie) You can expect to receive emails from us at the relevant stages notifying you to check your secure publicjobs.ie message board for campaign updates. We endeavour to give as much notice as possible for interview dates etc., candidates should make themselves available on the date(s) specified by the Public Appointments Service.

It is important to be aware that candidates must let the PAS know of any extenuating circumstances prior to or during the particular stage of the selection process. Any documentary evidence must be supplied within 5 working days. Please note that submission of such document(s) is not a guarantee that the circumstances outlined will alter the decision/outcome. A candidate who undertakes any part of the selection process and who subsequently claims extenuating circumstances should note that this will not be considered. Examples of possible extenuating circumstances include hospitalisation or bereavement.

The onus is on candidates to ensure that they perform to the best of their ability. Therefore, issues such as tiredness, nerves, travel to tests/interviews or expected results/performance not achieved, are not considered extenuating circumstances.

### **Candidates with Disabilities**

Candidates who have indicated on their application or profile that they would like to avail of reasonable accommodations are asked to submit a psychologists/medical report. The purpose of the report is to provide PAS with information to act as a basis for determining reasonable accommodations, where appropriate.

These reports must be forwarded to the Assessment Services unit, Public Appointments Service, Chapter House, 26-30 Abbey Street Upper, Dublin 1 by close of business on **Thursday 26<sup>th</sup> August 2021**. You should email a scanned copy of the report to [asu@publicjobs.ie](mailto:asu@publicjobs.ie)

**If you have previously applied for a competition with PAS and submitted a report, please email [asu@publicjobs.ie](mailto:asu@publicjobs.ie) to confirm that your report is still on file.**

If you would like to talk about your candidature and any accommodations that may be of benefit during the recruitment process, please contact our Disability Champion, Amanda Kavanagh, at

[amanda.kavanagh@publicjobs.ie](mailto:amanda.kavanagh@publicjobs.ie) For further information on the accessibility of our service please see our [Accessibility page](#).

### **Shortlisting**

Normally the number of applications received for a position exceeds that required to fill the position. While a candidate may meet the eligibility requirements of the competition, if the numbers applying for the position are such that it would not be practical to interview everyone, the Public Appointments Service may decide that a number only will be called to interview. In this respect, the Public Appointments Service provide for the employment of a short listing process to select a group for interview who, based on an examination of the application forms, appear to be the most suitable for the position. An expert board will examine the application forms against a pre-determined criteria based on the requirements of the position. This is not to suggest that other candidates are necessarily unsuitable or incapable of undertaking the job, rather that there are some candidates, who based on their application, appear to be better qualified and/or have more relevant experience. It is therefore in your own interest to provide a detailed and accurate account of your qualifications/ experience on the application.

### **References**

It would be useful if you would begin to consider names of people who would be suitable referees and that we might consult (2 names and contact details). The referees do not have to include your current employer but should be in a position to provide a reference for you, at least one of these should be a person to whom you have had a direct reporting relationship. The referees should be able to provide relatively recent information on your performance in a work context. You may wish to select referees that can provide such information from different perspectives or in different work contexts. Please be assured that we will only contact referees should you come under consideration after the preliminary interview stage. Please note, should you be successful at final interview, we will require a reference from your current employer prior to recommendation for appointment. Successful candidates may be required to complete a number of clearance processes such as Health and Character Declaration, Garda Vetting, and any other relevant checks required for the particular role.

**If you feel you would benefit from a confidential discussion about any aspect of this significant opportunity, please contact Aoife Lyons by Email**

**[aoife.lyons@publicjobs.ie](mailto:aoife.lyons@publicjobs.ie)**

### **Important information**

The Public Appointments Service will not be responsible for refunding any expenses incurred by candidates.

The admission of a person to a competition, or invitation to attend interview, or a successful result letter, is not to be taken as implying that the Public Appointments Service is satisfied that such a person fulfils the requirements or is not disqualified by law from holding the position.

The Public Appointments Service will make all such enquiries that are deemed necessary to determine the suitability of candidates for recommendation. Until all stages of the recruitment process have been fully completed a final determination cannot be made nor can it be deemed or inferred that such a determination has been made. Should the person recommended for appointment decline, or having accepted it, relinquish it, the Public Appointments Service may at its discretion, select and recommend another person for appointment on the results of this selection process.

### **The importance of Confidentiality**

Subject to the provisions of the Freedom of Information Acts, 2014, applications will be treated in strict confidence. All enquiries, applications and all aspects of the proceedings are treated as strictly confidential and are not disclosed to anyone, outside those directly involved in that aspect of the process.

Certain items of information, not specific to any individual, are extracted from computer records for general statistical purposes.

### **Deeming of candidature to be withdrawn**

Candidates who do not attend for interview or other test when and where required by the Public Appointments Service, or who do not, when requested, furnish such evidence as the PAS require in regard to any matter relevant to their candidature, will have no further claim to consideration.

Candidates are expected to provide all requested documentation to PAS, including all forms issued by PAS for completion, within five days of request. Failure to do so will result in the candidate being deemed to have withdrawn from the competition and their candidature will receive no further consideration.

### **Quality Customer Service**

We aim to provide an excellent quality service to all our customers. If, for whatever reason, you are unhappy with any aspect of the service you receive from us, we urge you to bring this to the attention of the unit or staff member concerned. This is important as it ensures that we are aware of the problem and can take the appropriate steps to resolve it.

### **Use of Recording Equipment**

PAS does not allow the unsanctioned use of any type of recording equipment. This applies to any form of sound recording and any type of still picture or video recording, whether including sound recording or not, and covers any type of device used for these purposes. Any person wishing to use such equipment for any of these purposes must seek written permission in advance. This policy is in place to protect the privacy of staff and customers and the integrity of our assessment material and assessment processes. Unsanctioned use of recording equipment by any person is a breach of this policy. Any candidate involved in such a breach could be disqualified from the competition and could be subject to prosecution under section 55 of the Public Service Management (Recruitment & Appointments) Act, 2004.

In addition, where a person found guilty of an offence was or is a candidate at a recruitment process, then:

- where she/he has not been appointed to a post, he/she will be disqualified as a candidate; and
- where she/he has been appointed subsequently to the recruitment process in question, she/he shall forfeit that appointment.

### **Review Process**

The review procedures are set out in the Guidelines for appointments to positions not under the remit of the Public Service Management (Recruitment and Appointments) Act 2004 which are available ([here](#)). The form at Appendix 1 of these Guidelines must be used when requesting a review.

### **Feedback**

Feedback in relation to the selection process is available on request. There are no specific timeframes set for the provision of feedback.

Please note that the Review Process as set out in the Guidelines for appointments to positions not under the remit of the Public Service Management (Recruitment and Appointments) Act

2004 is a separate process with specified timeframes that must be observed. Receipt of feedback is not required to invoke a review. It is not necessary for a candidate to compile a detailed case prior to invoking the review mechanism.

### **Candidates' Obligations**

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;

and 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.

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 impersonate a candidate at any stage of the process

### **Contravention Code of Practice**

Any person who contravenes the above provisions or who assists another person in contravening the above provisions is guilty of an offence. A person who is found guilty of an offence is liable to a fine/or imprisonment.

In addition, if a person found guilty of an offence was, or is a candidate at a recruitment process,

- they will be disqualified as a candidate and excluded from the process;
- has been appointed to a post following the recruitment process, they will be removed from that post.



### **General Data Protection Regulation (GDPR)**

The General Data Protection Regulation (GDPR) came into force on the 25th May 2018, replacing the existing data protection framework under the EU Data Protection Directive.

When you register with publicjobs.ie or submit an application for a competition, we create a computer record in your name. Information submitted with a job application is used in processing your application. Where the services of a third party are used in processing your application, it may be required to provide them with information, however all necessary precautions will be taken to ensure the security of your data. If you are successful in the recruitment and selection competition, your application may be made available to the Human Resources section of the organisation to which you have been assigned.

To make a request to access your personal data please submit your request by email to: [dpo@publicjobs.ie](mailto:dpo@publicjobs.ie) ensuring that you describe the records you seek in the greatest possible detail to enable us to identify the relevant record(s).

Information in relation to a candidate's personal data held by the PAS are set out on the Data Protection page of [www.publicjobs.ie](http://www.publicjobs.ie) .

**Candidates should note that canvassing will disqualify.**

## ***Annex A: Role of Ombudsman***

The Ombudsman's primary role is to examine complaints regarding the administrative actions of public service providers and to determine whether or not the actions have resulted in maladministration and adverse effect.

These include:

- government departments and offices such as the Department of Social Protection or the Revenue Commissioners
- local authorities
- the Health Service Executive (HSE)
- agencies, such as charities and voluntary bodies, that deliver health and social services on behalf of the HSE
- publicly funded third-level educational bodies
- public and private nursing homes
- Direct Provision centres

Section 4 of the Act outlines the functions of the Ombudsman which provide the Ombudsman with the powers to investigate any action taken by or on behalf of a reviewable agency in the performance of administrative functions if that action has resulted in an adverse effect.

Section 5 outlines exclusions to the Ombudsman's jurisdiction which include if a person has already initiated court proceedings or has a right of appeal to another body, national security, terms and conditions of employment or where a complaint is not made within 12 months of the action occurring.

Following an investigation of a complaint against a public service provider, the Ombudsman will make a finding. If the complaint is upheld Section 6(3) provides that the Ombudsman can make recommendations to the reviewable agency concerned to remedy, mitigate and alter the adverse effect, and also provides that the Ombudsman may make a general recommendation to other reviewable agencies in similar terms.

Section 7 provides that the Ombudsman may require any person to furnish any information, document or thing that is relevant to an examination or investigation

The Ombudsman also seeks to drive improvements in the wider public sector. Normally investigations are commenced on foot of a complaint but the Ombudsman also has the power to carry out own initiative investigations, without having received a specific complaint. In addition to addressing maladministration across a particular sector through a single investigation, own initiative investigations also allow the Ombudsman to bring to public attention matters of significant public interest.

The Ombudsman also examines complaints under the Disability Act, 2005. The Act places a statutory obligation on public service providers to support access to services and facilities for people with disabilities. A complaint can be made to the Ombudsman regarding a public body's failure to comply with Part 3 of the Disability Act. Specifically, the Ombudsman may investigate complaints about access, by people with disabilities, to public buildings, services and information

## **Annex B: Role of Information Commissioner / Commissioner for Environmental Information**

The Information Commissioner is independent in carrying out his duties under the Freedom of Information (FOI) Act which include:

- Upon application to the Commissioner, he/she shall carry out reviews of the decisions of public bodies, made under the provisions of the Act. The Commissioner can annul, affirm or vary the decision of the public body and may direct release of information into the public domain. Where a review is resolved by a binding decision, such decisions are appealable to the High Court. Such decisions are also enforceable through the Courts. All decisions of the Commissioner are published.
- The Commissioner shall keep under review the operation of the Act and may prepare and publish commentaries on the practical application of the FOI Act.
- The Commissioner may carry out investigations into the practices and procedures adopted by FOI bodies or any particular FOI body.
- The Commissioner has power to require the furnishing of records and the right of entry to the premises of an FOI body for the purposes of his review/ investigation.

Decisions of the Information Commissioner are binding and only appealable to the High Court on a point of law.

The Freedom of Information Act, 2014 provides the Commissioner with significant powers to allow him to carry out his function of reviewing the decisions of bodies under remit.

- Under Section 23, if the Information Commissioner considers a decision to be inadequate, they may, require that a new one be issued.
- Under Section 45, the Commissioner may also require any person who he considers has information relevant to a case or investigation to provide it to the Office.

Furthermore, the Commissioner may also require the person to attend before them to present the information. The Commissioner can enter any premises occupied by a body under remit and require any person found on the premises to provide documents, which he may copy and retain for a reasonable period. Anyone who hinders the Commissioner in the performance of his review or investigative functions is guilty of an offence and, in accordance with Section 45, may have a fine imposed or be imprisoned for a term not more than 6 months.

### **Commissioner for Environmental Information**

The Office of the Commissioner for Environmental Information was established by European Communities (Access to Information on the Environment) Regulations 2007-2018 (the AIE Regulations), The role of the Commissioner is to decide on appeals by members of the public who are not satisfied with the outcome of their requests to public authorities for environmental information.

Under the AIE Regulations, following receipt of an appeal, the Commissioner for Environmental Information shall review the decision of a public authority made under the AIE Regulations.

Where a review by the Commissioner is concluded by way of a binding decision, that decision may affirm, vary or annul the public authority's decision and may direct release of environmental information where appropriate. Such decisions are subject to appeal to the High Court on a point of law.

The Commissioner has power to require the furnishing of records and the right of entry to the premises of an FOI body for the purposes of his review.

The Office of the Commissioner for Environmental Information was established by the Access to Information on the Environment Regulations, 2007. The role of the Commissioner is to decide on appeals by members of the public who are not satisfied with the outcome of their requests to public authorities for environmental information. Specifically, the Regulations provide that the Commissioner can review decisions of public authorities, and in accordance

### Open Data & Re-Use of Public Service Information Regulations

The Open Data & PSI Regulations, 2021 provide a statutory appeals mechanism, vested in the Office of the Information Commissioner, whereby a requester may appeal against:

- i. a decision of a public body to refuse to allow re-use of a document,
- ii. a decision of a public body to grant an exclusive right to re-use a document,
- iii. the imposition of a fee for re-use of a document,
- iv. the amount of a fee imposed, or
- v. any conditions to re-use imposed by a public body.

Any appeal must be sent to the Information Commissioner in a legible form within four weeks after the notification of the decision by the public body to the requester. The Information Commissioner may grant an extension to the appeal period where he / she is of the opinion that there are reasonable grounds to allow such an extension. The Information Commissioner shall, having heard an appeal, decide whether to affirm, vary or annul the decision of the public body. A decision of the Information Commissioner may be appealed on a point of law to the High Court.

## **Annex C: The Standards in Public Office Commission (SIPOC) and the Commission for Public Service Appointments (CPSA) and the Referendum Commission and the Protected Disclosures Office.**

The Standards in Public Office Commission (SIPOC) publishes statutory guidelines and information tools for persons and organisations who have obligations under the Ethics in Public Office Acts 1995 and 2001 (the Ethics Acts), the Electoral Act 1997, as amended, the Oireachtas (Ministerial and Parliamentary Offices) (Amendment) Act 2014 and the Regulation of Lobbying Act 2015. The Commission also conducts education and outreach activities directed towards Oireachtas members, office holders, designated public officials, lobbyists, public bodies, political parties, third parties, candidates and election agents to raise awareness of their statutory obligations under the acts. The Commission engages with relevant government departments, the Houses of the Oireachtas, and relevant Committees regarding proposed legislation and forms. Outreach activities also include advertising, speaking at events across the country, publishing articles in trade journals, hosting open house information sessions, and liaising with media as required. The Commission also has investigation and enforcement powers under ethics, electoral and lobbying legislation, including powers to summarily prosecute offences under the Regulation of Lobbying Act. The Commission receives complaints, conducts case assessments, preliminary inquiries and investigations, and may refer certain offences to the Director of Public Prosecutions or An Garda Síochána.

The Commission for Public Service Appointments (CPSA) is responsible for regulating recruitment and appointment processes in the public sector. It was established by the Public Service Management (Recruitment and Appointments) Act, 2004 and is bound by law to ensure that recruitment and selection is carried out by fair, open, inclusive and merit-based means.

The Referendum Commission, is an independent body and its main functions are to explain the subject matter of referendum proposals, promote public awareness of a referendum and to encourage people to vote.

The Protected Disclosures Act 2014 is Ireland's national whistleblower protection legislation. The forthcoming transposition of EU Directive 2019/1937 ("the Whistleblowing Directive") into Irish law will provide, inter alia, for the establishment of a Protected Disclosures Office in the Office of the Ombudsman before the end of 2021. Its main functions will include acting as a prescribed person of last resort where there is no appropriate prescribed person to receive a protected disclosure, supporting the directing of protected disclosures to the appropriate prescribed person, and assessing and actioning protected disclosures received by Ministers. The draft proposals for the legislation to give effect to the Whistleblowing Directive and the Protected Disclosures Office are set out in the General Scheme of the Protected Disclosures (Amendment) Bill published in May 2021: <https://assets.gov.ie/134733/3b50591f-546d-447f-bd64-bf7a499ebba6.pdf>.