



**An Roinn Airgeadais
Department of Finance**

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E109/52/09

7th July 2009

**Circular 19/2009: Confined Competition for Appointment as
Deputy Director of Conciliation Services (Principal Officer – Standard Scale)
in the Labour Relations Commission (LRC)**

A Dhuine Uasail,

1.1 I am directed by the Minister for Finance to seek applications from officers currently serving in the grades of:

- i) Principal Officer or equivalent PO grades as set out in Appendix 1
- ii) Assistant Principal Officer or equivalent APO grades as set out in Appendix 1 and have not less than 2 years service in their existing grade on **23rd July 2009.**

for appointment to the post of Deputy Director (Principal Officer - Standard Scale) of Conciliation Services in the Labour Relations Commission. Appointments to posts in the Labour Relations Commission are treated as part of the staffing allocation of the Department of Enterprise, Trade and Employment.

1.2 The mission of the LRC is to promote the development and improvement of Irish industrial relations policies, procedures and practices through the provision of appropriate, timely and effective services (including Conciliation in industrial dispute situations) to employers, trade unions and employees.

1.3 The Conciliation Services Division of the LRC provides a voluntary conciliation service whereby a professional external Conciliator assists employers and their employees to resolve industrial disputes when their own efforts to do so have not succeeded. The process can be described as a facilitated search for agreement between disputing parties.

Nature of Work

2.1 The post of Deputy Director of Conciliation Services is a senior management post within the Labour Relations Commission.

Duties of Deputy Director of Conciliation Services

2.2 The Deputy reports to the Director of Conciliation Services. The Deputy Director will:

- i) be directly involved in the resolution of industrial relations disputes as required
- ii) work with the Director to prioritise and manage the work and resources of the Conciliation Service, particularly, those focused on the Commission's work in the public sector
- iii) work with the Director to maintain the high standards of dispute settlement, impartiality and integrity of the Conciliation Service
- iv) be involved in the recruitment and training of Industrial Relations Officers
- v) manage/mentor/coach a team of dedicated field officers and support staff in the Conciliation Service
- vi) contribute as a member of the Senior Management Team to policy formation and to the deliberations of the Board
- vii) make the Labour Relations Commission's Conciliation Service the dispute settling agency of choice and provide the best possible service to clients
- viii) speak at conferences, education programmes at third level, professional groupings, training programmes, etc
- ix) develop and oversee the management information flows in the Conciliation Service
- x) monitor and analyse industrial relations trends.

3. Eligibility

3.1 Candidates must, on **23rd July 2009**, be serving in an established, unestablished or acting capacity in the civil service in:

- i) the grade of Assistant Principal or in one of the equivalent AP grades as set out in Appendix 1 and have not less than 2 years service in their existing grade,
- or**
- ii) the grade of Principal Officer (Standard Scale) or in one of the eligible equivalent PO grades listed in Appendix 1.

3.2 Candidates must be certified by the Personnel Officer as being suitable for consideration with regard to:

- i) Eligibility - Personnel Officers should verify that a candidate is serving in the grade of Assistant Principal or Principal Officer (Standard Scale) or in one of the eligible grades set out in **Appendix 1**.

- ii) Performance of work in the present grade - Personnel Officers should verify that the candidate has received an annual review rating of at least grade 3 under the Integrated PMDS model (agreed in General Council Report 1452).
- iii) General conduct.
- iv) Suitability for promotion.
- v) Health, especially sick leave.

3.3 Officers who are on special leave with pay may apply, if otherwise eligible. Officers who are on special leave without pay (e.g. to serve with the EU) may be eligible – applicants should check with their Personnel Unit if they fall into this category.

3.4 Officers on career break may apply if the terms of their career break conform to the provisions of Circular 18/98 and if they are otherwise eligible. Officers who avail of the incentivised career break under the provisions of Circular 13/2009 are not eligible to apply.

4. Personal Requirements

- i) Candidates for the post of Deputy Director of Conciliation Services (Principal Officer - Standard Scale) are expected to have operated at a senior management level and to have a good knowledge of current practice and strategic policy issues in Industrial Relations and Human Resource management in the public and private sectors in Ireland.
- ii) Experience in the broad area of employer/employee relations is necessary to effectively carry out the duties of the post of Deputy Director.
- iii) Candidates for the post should ideally have a relevant third-level qualification, considerable experience of making public presentations at a senior level and experience in strategic policy analysis, development and implementation.

5. Conditions of Appointment

5.1 Appointment to the post of Deputy Director will be subject to the usual conditions governing such appointments. On appointment, the officer will serve a one-year probationary period in the post of Deputy Director at the level of Principal Officer (Standard Scale). Prior to the end of this probationary period a decision will be made on substantive appointment to the grade.

5.2 It is envisaged that the appointment will be subject to PMDS procedures in relation to performance monitoring and to probationary reviews. During the probationary period, the appointee will be assessed to determine whether s/he has:

- i) demonstrated the capacity to undertake the duties of Deputy Director of Conciliation Services at the level of Principal Officer (Standard Scale), and
- ii) performed the duties in a satisfactory manner, and
- iii) been satisfactory in general conduct.

5.3 An officer whose service is not satisfactory will be notified of the action to be taken. Where a decision is made not to confirm the appointee in the post of Deputy Director of Conciliation Services, the Personnel Officer of the Department of Enterprise, Trade and Employment may be asked by the appointee to request that the Civil Service Disciplinary Code Appeal Board review the decision. [Ref. Circular 14/2006 Civil Service Disciplinary Code paragraphs 11 and 50 (ii).]

6. Selection Process

6.1 The methods used to select the successful candidate for the post may include:

- i) Short-listing of candidates on the basis of the information contained in their application form.
- ii) A Preliminary Interview to reduce the numbers of candidates to a more manageable number to invite to main interview.
- iii) Other assessment tests/exercises designed to measure the competencies required as deemed necessary by the Public Appointments Service.
- iv) A competitive interview which may include a presentation by the candidate.

6.2 In assessing candidates' suitability having regard to the requirements of the post, applicants will be tested against the competencies set out in **Appendix 2**.

6.3 Where it is decided that short-listing is necessary, the Public Appointments Service will be guided by an expert board which may include a representative of the Labour Relations Commission which will examine the application forms and assess them against pre-determined criteria based on the requirements of the position. It is therefore in your own interest to provide a detailed and accurate account of your qualifications/experience on the application form.

6.4 The onus is on applicants to make themselves available on the date(s) specified by the Public Appointments Service and to make whatever arrangements are necessary to ensure that they receive communications sent to them at the contact details specified on their application form.

7. Applications

7.1 Applications must be made on the official application form which is available on the Public Appointments Service website www.publicjobs.ie. In the event of difficulties in applying online please call Fionnuala Bourke in the Public Appointments Service at 01 8587453. Completed forms must be submitted so as to reach the Office of the Public Appointments Service **not later than Thursday 23rd July 2009**. This closing date must be strictly observed.

7.2 Admission to the competition does not imply acceptance by the Public Appointments Service that a candidate is eligible to compete in the competition.

8. Credit for Proficiency in both Irish and English

8.1 Credit for proficiency in Irish and English will be given in accordance with Department of the Public Service Circular 43/75 and Department of Finance Circular 30/90. In placing candidates in the order of merit, credit due under the above Circulars will be applied only to those candidates who are successful at the final stage.

9. Code of Practice

9.1 The recruitment and selection process for appointment to these positions will be conducted in accordance with the Code of Practice titled *Selection of Persons for Appointment on Promotion to Positions in the Civil Service (No. 02/04)* published by the Commission for Public Service Appointments.

9.2 The Code of Practice reflects the following core principles:

- i) *Probity*

- ii) Appointments Made on Merit*
- iii) An Appointments Process in Line with Best Practice*
- iv) A Fair Appointments Process Applied with Consistency*
- v) Appointments Made in an Open, Accountable and Transparent Manner.*

9.3 Candidates are advised to familiarise themselves with the contents of the Code of Practice including, inter alia, the provisions in relation to the responsibilities placed on candidates who participate in the recruitment and selection process.

9.4 The Code of Practice may be accessed by visiting www.cpsa-online.ie or by contacting directly the Commission for Public Service Appointments, Chapter House, 26-30 Abbey Street Upper, Dublin 1.

10. Complaints and Requests for Review

10.1 Complaints/requests for review will be considered by the Public Appointments Service in accordance with the procedures set out in the Code of Practice.

10.2 Candidates' Rights and Review Procedures in relation to the Selection Process are set out at **Appendix 3**.

11. Circulation

11.1 Please bring this circular to the notice of all eligible officers serving in your Department and associated Offices without delay. Special care should be taken to ensure that eligible officers on maternity leave, career break or other relevant forms of leave are notified of the competition.

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Patricia Coleman,
Director
Personnel and Remuneration Division

APPENDIX 1

Departmental Grades eligible to compete

1) Principal Officer level

Office of the Comptroller and Auditor General

Deputy Director of Audit

Department of Foreign Affairs

Counsellor

Office of the Houses of the Oireachtas

Principal Committee Clerk

Office of the Ombudsman - Office of the Information Commissioner

Senior Investigator

2) Assistant Principal Officer level

Office of the Comptroller and Auditor General

Senior Auditor

Courts Service

Any grade at Assistant Principal Officer level in the Courts Service

Department of Foreign Affairs

First Secretary

Office of the Houses of the Oireachtas

Assistant Principal Officer Committee Clerk

Principal Clerk

Office of the Ombudsman - Office of the Information Commissioner

Investigator

APPENDIX 2

The Principal Officer Competency Framework: The five ‘core’ competency areas are presented below together with the individual competencies associated with each area.

<p>Leadership and Direction</p> <p>Contributes to the shaping of strategy and policy development consistent with the strategies of the Department/Government. Transforms the vision into meaningful objectives that others can relate to and provides a framework and structures for moving forward. Inherent to this area is the ability to balance change and continuity – to continually strive to improve service and program delivery, to create a work environment that encourages creative thinking and to maintain focus, intensity, and persistence, even under increasingly complex and demanding conditions.</p>	<ul style="list-style-type: none"> ○ Strategic Thinking & Leadership ○ Contextual Awareness ○ Creativity & Innovation ○ Initiating & Driving Change
<p>Critical Analysis & Decision Making</p> <p>Possesses the ability to rapidly assimilate information, discriminate between relevant and irrelevant information, and to see through to the core issues. It includes the capacity to acquire and to manage complex information and to base decisions on effective analysis of the data. Central to this area is the ability to challenge information, evaluate the consequences of different approaches and use sound judgment in coming to conclusions and in communicating with others. It also involves a willingness to take risks when appropriate to further the agenda and crucially, a willingness to make timely decisions and to stand by those decisions as appropriate.</p>	<ul style="list-style-type: none"> ○ Information Management & Analysis ○ Judgement & Decision Making
<p>Managing and Delivering Results</p> <p>Ensures that objectives are met by translating overall strategy into meaningful objectives that demonstrate a clear understanding of what is required and that others can relate to. Demonstrates a strong understanding and awareness of the management process, defining and implementing to deliver results. Develops capability; rolls out strategies to maximise employee potential/ performance; co-ordinates resources and manages activities to achieve high standards in the delivery of the Division, Department and/or customers objectives. Champions measurement on delivery of results and is willing to take personal responsibility to initiate activities and drive objectives through to a conclusion.</p>	<ul style="list-style-type: none"> ○ Managing Performance through People ○ Resource Allocation & Management ○ Customer Focus ○ Personal Responsibility
<p>Building Relationships / Communication</p> <p>This area involves the ability to explain, advocate and express facts and ideas in a convincing manner, and negotiate with individuals and groups internally and externally. It also involves the ability to develop an expansive professional network to remain up-to-date with and influence the internal and external politics that impact the work of the organisation and to work co-operatively with and influence senior management colleagues to drive forward the corporate agenda. Key to this is working effectively with a diverse range of people and driving forward the equality agenda.</p>	<ul style="list-style-type: none"> ○ Influencing/Negotiating ○ Networking ○ Interpersonal & Communication Skills
<p>Personal Effectiveness</p> <p>The essence of personal effectiveness is the ability to deal with challenging and sometimes difficult situations in a constructive fashion, maintaining composure when dealing with crises and keeping a sense of perspective and balance in situations that involve significant personal or work challenge. It has at its core a strong sense of personal self-belief and integrity and a willingness to be an independent voice, if that is necessary. It incorporates a sense of willingness to learn from experience and to identify opportunities to further grow and develop.</p>	<ul style="list-style-type: none"> ○ Resilience & Composure ○ Self-awareness & Career Development ○ Trust & Integrity

APPENDIX 3

General information

Candidate's Rights under Review Procedures in relation to the Selection Process

The Public Appointments Service will consider requests for review in accordance with the provisions of the codes of practice published by the CPSA. A candidate can seek a review by a person in the recruiting body (initial reviewer). Where a candidate remains dissatisfied following this initial review, he/she may seek to have the conduct of the initial review examined by a "decision arbitrator".

As an alternative to the above, it is open to a candidate to seek to have the matter resolved on an informal basis, as set out below. If a candidate remains dissatisfied following any such discussion it is open to him/her to seek a formal review.

The Codes of Practice are available on the website of the Commission for Public Service Appointments, www.cpsa-online.ie.

Informal Process

- The candidate can avail of the Informal Review 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 relevant person).
- Where the decision being conveyed relates to an interim stage of a selection process, the request for informal review must be received within 2 working days of the date of receipt of the decision.
- Where a candidate remains dissatisfied following any such informal discussion, he/she may adopt the formal procedures set out below.
- If the candidate wishes the matter to be dealt with by way of a formal review, he/she must do so within 2 working days of the notification of the outcome of the informal review.

Formal Process: Initial Review

- The candidate must address his/her concerns in relation to the process in writing to the Chief Executive, setting out those aspects of the action or decision in relation to his/her candidature that he/she wishes to have reviewed.
- A request for review must be made within 10 working days of the notification of the initial decision. Where the decision relates to an interim stage of a selection process, the request for review must be received within 4 working days.
- 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 Chief Executive.

- The outcome must generally be notified to the candidate within 20 working days of receipt of the complaint or request for review. The candidate will receive the outcome of the review by means of a written report.
- Should a candidate be dissatisfied with the outcome of the initial review, he/she may request a review by a decision arbitrator of the conduct of the initial review.

Review by the Decision Arbitrator

The decision arbitrator is appointed by the Chief Executive. The decision arbitrator is unconnected with the selection process and he/she will adjudicate on requests for review in cases where a candidate is not satisfied with the outcome of the initial review. The decision of the decision arbitrator in relation to such matters is final.

- A request made to the decision arbitrator must be received within 7 working days of the notification of the outcome of the initial review.
- The outcome of the investigation must be notified to the candidate in the form of a written report within 10 working days.

Candidate Obligations in relation to the Selection Process

Candidates should note that canvassing will disqualify and will result in their exclusion from the process.

Candidates 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.

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

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

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 Public Appointments Service require in regard to any matter relevant to their candidature, will have no further claim to consideration.

Quality Customer Service

The Public Appointments Service aims to provide an excellent quality service to all customers. If, for whatever reason, a candidate is unhappy with any aspect of the service received from PAS, the candidate is urged to bring this to the attention of the unit or staff member concerned. This is important as it ensures that PAS is aware of the problem and can take the appropriate steps to resolve it.

Data Protection Acts 1988 & 2003

When a candidate's application form is received, PAS creates a computer record in the candidate's name containing much of the personal information supplied. This personal record is used solely in processing a person's candidature. Such information held on computer is subject to the rights and obligations set out in the Data Protection Acts, 1988 & 2003. A candidate is entitled under these acts to obtain, at any time, copy of information about them which is kept on computer. The Public Appointments Service charges a fee of €6.35 for each request and a candidate seeking such information should enclose a cheque or postal order and address the request to: **THE DATA PROTECTION CO-ORDINATOR, PUBLIC APPOINTMENTS SERVICE, "CHAPTER HOUSE", 26-30 ABBEY STREET UPPER, DUBLIN 1.** Certain items of information, not specific to any individual, are extracted from computer records for general statistical purposes.