

DPE056/039/12

4 October 2012

Circular 12/2012: Confined competition for appointment to the post of Director of Agriculture Appeals in the Agriculture Appeals Office (Portlaoise) in the Department of Agriculture, Food and the Marine

A Dhuine Uasail

Background

The Department of Agriculture, Food and the Marine is a multi-functional organisation which provides a wide range of services directly and also through specialist state agencies operating under its aegis. The Department has a wide and diverse customer base which includes farmers, taxpayers, consumers, food processors and other commercial operators, those involved in sea fishing, forestry, bio-energy, research as well as diverse EU institutions, other State Bodies and special interest groups. The mission statement of the Department, as set out in its Statement of Strategy 2011-2014, is *"To lead the sustainable development of the agri-food and marine sector and to optimise its contribution to national economic development and the natural environment"*

For 2012 the Department is planning to spend over €2.6 billion on its programmes and administration. The staff of the Department are located in the six headquarter offices (Dublin, Cavan, Portlaoise, Backweston, Clonakilty and Johnstown Castle) as well as in a wide geographical spread of regional offices, laboratories and other premises.

The Agriculture Appeals Office is an independent agency established to provide an appeals service to farmers who are unhappy with decisions of the Department of Agriculture, Food and the Marine regarding their entitlements under certain schemes. The Agriculture Appeals Act 2001, along with the Agriculture Appeals Regulations 2002, set down the functions of the Director and the Appeals Officers, the decisions that may be appealed and the procedures to be followed in respect of agriculture appeals.

1. Job Description

The Director of Agriculture Appeals acts as the Chief Appeals Officer responsible for all aspects of the operation of that Office. The post is based in Portlaoise.

The key challenges for this post include:

- The delivery of an appeals system which is in compliance with the Agriculture Appeals Act.
- The design and delivery of the highest standard of quality customer service to farmers in line with the Department's stated objective on customer service.
- Leadership and the development of an expert team, comprising a range of skills, capable of delivering an appeals service, which is seen to be fair, efficient, independent and readily accessible to the farming community.

2. Particular Responsibilities

- The organisation and management of an independent Appeals Office.
- Review, where appropriate, of the decisions of Appeals Officers.
- Ensuring that Appeals Officers are adequately trained in administrative law.
- Ensuring that appeals are dealt with fully and speedily.
- Ensuring that decisions of Appeals Officers are fair and in accordance with the rules of natural justice.
- Preparing reports for the Minister for Agriculture, Food and the Marine including annual reports on the operation of the Appeals Office and any other reports requested by the Minister.
- Accountability for the office and securing value for money.
- Ensuring effective liaison between the Appeals Office and the Department so that the appeals process operates smoothly and efficiently.

3. Personal Requirements

The successful candidate will demonstrate:

- Well developed strategic and operational management skills.
- An ability to critically analyse complex issues; reach conclusions and make sound judgements.
- An appreciation of the special nature of the environment and the work involved in processing appeals, including oral hearings and the need for consistency and logic across cases over time so that the justice of the decisions can be clearly explained.
- A good knowledge of the schemes and services administered by the Department, including the legislative and practical aspects of the schemes or otherwise can demonstrate that, having a basic understanding of and appropriate experience in the operation of similar schemes, can quickly acquire the particular in-depth knowledge.
- The ability to anticipate customer needs and maintain a top quality service to meet those needs.

- Leadership and management skills, which will enable him/her to manage the office and the team and to motivate and provide effective direction to a range of professional, technical and administrative staff.
- The capacity to perform the full range of duties at Principal Officer (Standard Scale) level in the Department of Agriculture, Food and the Marine. See appendix 1 for Principal Officer core competency areas.
- Excellent interpersonal and communication skills.

4. Eligibility

Candidates must on 18 October 2012

- (a) (i) be serving in an established, unestablished or acting capacity in the Civil Service in a grade in respect of which the maximum point is either equal to or higher than the maximum point of the Assistant Principal (standard) scale of €72,268

and

- (ii) must have not less than two years' service in their existing grade or an aggregate of two years' service in eligible grades. In this context credit is given for all job-sharing service on the same basis as full-time service.
- (b) Officers on probation are not eligible to compete except where they would have been eligible had they remained in their previous grade and they have served continuously since satisfactorily completing a period of probation. Periods of special leave without pay should not be considered to break continuity of service for this purpose.
- (c) Officers on special leave with pay may apply, if otherwise eligible. Officers on special leave without pay (e.g. to serve with the EU) may be eligible; Personnel Sections should check cases not covered by Department of Finance Circular 33/91 with this Department. Officers on career break may apply if the terms of their career break conform to the provisions of Department of Finance Circular 18/98 and if they are otherwise eligible.
- (d) The eligibility of any particular grade or group for appointment under the terms of the competition applies exclusively to the post of Director in the Agriculture Appeals Office, Department of Agriculture, Food and the Marine as covered by the terms of the circular.
- (e) The Personnel Officer of a Department/Office will be required to certify to the Public Appointments Service, that a candidate:
- has worked well and has been satisfactory in his/her present grade;
 - has been satisfactory in general conduct;
 - has received an annual review rating of at least grade 3 under the Integrated PMDS model (agreed in General Council Report 1452);

- is suitable from the point of view of health with particular regard to sick leave; in relation to health and sick leave the procedures set out in Department of the Public Service Circular 34/76 (as amended by Department of Finance Circular 32/91, 33/99, 17/03 and 09/10) must be followed;
 - fulfils the conditions of eligibility set out in paragraph 4(a) above.
- (f) Candidates should note that eligibility for the competition and the level of sick leave are not verified by the Public Appointments Service until a candidate comes under consideration for appointment. Admission to the competition therefore does not imply acceptance by the Public Appointments Service that a candidate is eligible to compete in the competition. If candidates have doubts about any aspect of their eligibility, they are advised to clarify their position with their Personnel Section before proceeding with the application.

5. Conditions of Appointment

The salary scale for the post is:

Non-PPC Scale: €80,051, €83,337, €86,604, €89,898, €92,672, €95,550 (LSI 1), €98,424 (LSI 2) - applies where the officer was appointed to the Civil Service prior to April 1995.

or

PPC Scale: €84,132, €87,595, €91,033, €94,496, €97,417, €100,446 (LSI 1), €103,472 (LSI 2) - applies where the officer was appointed to the Civil Service after April 1995.

Long Service Increments (LSI) are currently payable after 3 (LSI-1) and 6 (LSI-2) years satisfactory service at the maximum of the scale.

Candidates should note that the rate of remuneration may be adjusted from time to time in line with Government pay policy. Increments may be awarded annually subject to satisfactory performance.

6. Appointment on Probation

6.1 Appointment to the post of Director of Agriculture Appeals will be subject to the usual conditions governing promotion as set out in the Department of Public Expenditure and Reform Guidelines on Probation. On appointment, the Director will serve a one year probationary period in the grade. At the end of this period, a decision will be made on substantive appointment to the post. It is envisaged that the Director will be subject to the PMDS procedures in relation to performance monitoring and to probationary reviews. During the probationary period, the Director will be assessed to determine whether s/he:

- has demonstrated the capacity to undertake the duties of the Director of Agriculture Appeals, and
- has performed the duties in a satisfactory manner, and
- has been satisfactory in general conduct.

6.2 An officer whose service is not satisfactory will be notified of the action to be taken.

6.3 Where a decision is made not to confirm an appointee in the post of Director, the Personnel Officer of the Department of Agriculture, Food and the Marine 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)).

6.4 In the event of reversion an officer will, where practicable, return to fill a vacancy in the grade and Department/Office in which he or she served prior to promotion. The vacancy thus created will be filled again under the terms of the Scheme without affecting the sequence of appointments in that Department/Office provided the reversion occurred before the expiry of the panel. Any extra payment arising from the assignment would then cease

7. Selection Process

7.1 The selection will be conducted by the Public Appointments Service. The methods used to select the successful candidate for this post may include:

- Written Tests.
- Questionnaires / instruments exploring skills, motives and /or personality.
- Assessment/presentation exercises.
- Short listing of candidates on the basis of the information provided in their application.
- Preliminary and or final interview.

Should tests be employed, PAS will provide candidates with further details as appropriate.

7.2 In the event that a large number of candidates meet the minimum eligibility requirements for the post, the Public Appointments Service may decide to invite a smaller number of candidates to the various stages of the selection process.

7.3 Should it be necessary to appoint a number of selection boards, the Public Appointments Service will determine the number of candidates to be called from each preliminary board to the final interview.

7.4 During any short listing exercise that may be employed, the Public Appointments Service is guided by an expert board who examine the application forms and assess them against pre-determined criteria based on the requirements of the position. It is therefore in a candidate's interest to provide a detailed and accurate account of qualifications/ experience on the application form.

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.

8.2 In placing candidates in the order of merit, credit due under the above Circulars will apply only to those candidates who are successful at final interview.

9. Applications

How to apply:

9.1 Applications should be made online through www.publicjobs.ie. All sections of the form must be completed. Forms must be submitted no later than midnight on **Thursday 18 October 2012**. The closing date must be strictly observed.

9.2 Applicants should log-on to www.publicjobs.ie and, if they have not already done so, must register. To do this you should click on register now on the home page before applying. Please do not confuse registering with applying. Once registered, applicants must then access the application form, complete and submit it.

If you do not receive an acknowledgement of receipt of your application within two working days of applying, please contact the Public Appointments Service at **01-8587459 or 01-8587522**.

9.3 The admission of a person to a competition, or invitation to attend interview, 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.

10. Code of Practice

10.1 The selection process for appointment to this position shall be conducted in compliance with the Code of Practice for Appointment to Positions in the Civil Service and Public Service (No. 01/07), prepared by the Commission for Public Service Appointments (CPSA). Codes of Practice are published by the CPSA and are available on www.cpsa.ie.

The Code of Practice reflects the following core principles:

- *Probity*
- *Appointments Made on Merit*
- *An Appointments Process in Line with Best Practice*
- *A Fair Appointments Process Applied with Consistency*
- *Appointments Made in an Open, Accountable and Transparent Manner*

10.2 Selection processes conducted by the PAS are subject to audit by the CPSA.

Candidates are advised to familiarise themselves with the contents of the CPSA Code of Practice (No. 01/07), including, inter alia, the provisions in relation to the responsibilities placed on candidates who participate in the selection process.

11. Complaints and Requests for Review

11.1 Complaints/requests for review will be considered by the Public Appointments Service in accordance with the procedures set out at Appendix 2.

11.2 The Code of Practice may be accessed by visiting www.cpsa.ie or by contacting directly the Commission for Public Service Appointments, 18 Lower Leeson Street, Dublin 2. 01-6395750

12. Circulation

Personnel Sections should bring this Circular to the notice of all eligible officers serving in their Departments and associated Offices without delay, including eligible officers on maternity leave, career break and other relevant forms of leave. If candidates have any queries about this Circular they should contact their Personnel Section. Subsequent enquiries about their candidature should be addressed directly to the Public Appointments Service.

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Patricia Coleman
Director
Civil Service HR Directorate

APPENDIX 1 - The Principal Officer Core Competency Areas

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| <p><u>Leadership and Direction</u> 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><u>Critical Analysis & Decision Making</u> 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><u>Managing and Delivering Results</u> 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><u>Building Relationships / Communication</u> 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 |

Appendix 2

Guidelines for dealing with appeals/requests for Review

The Public Appointments Service will consider requests for review in accordance with the provisions of the codes of practice published by the Commission for Public Service Appointments (CPSA). Where a candidate is unhappy with an action or decision in relation to their application he/she can seek a review under **Section 7** of the code of practice governing the recruitment process 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.

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.

Where a candidate believes that an aspect of the process breached the CPSA Code of Practice, he/she can have it investigated under **Section 8** of the code of practice.

Informal process

- The CPSA recommends that the candidate avail of the informal process to try to resolve the matter with the recruiting body. If the candidate is still dissatisfied he/she may resort to the formal process within 2 working days of receiving notification of the informal process.

Formal process

- If you are requesting a formal review you must write to the licence holder (Chief Executive, Public Appointments Service), providing details of the breach of the code of practice and enclosing any relevant documentation that might support the allegation.
- The outcome must generally be notified to the candidate within 20 working days of receipt of the complaint or request for review. If a decision cannot be made within this timeframe, the reviewer will keep the candidate informed of the status of the review.
- Should a candidate be dissatisfied with the outcome of this review, he/she may request a further review by referring the matter to the Commission for Public Service Appointments in the form of an appeal of the review of the licence Holder. He/She must write to the Commission for Public Service Appointments within 10 working days of receiving the outcome of the licence Holder's review.

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

Candidates' Obligations

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;
- personate a candidate at any stage of the process;
- interfere with or compromise the process in any way.

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.

Admission without liability

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

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

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.

Data Protection Acts 1988 & 2003

When your application form is received, we create a record in your name, which contains much of the personal information you have supplied. This personal record is used solely in processing your candidature and should you be successful certain information you provide will be forwarded to the employing organisation. Such information held is subject to the rights and obligations set out in the Data Protection Acts, 1988 & 2003.

To make a request under the Data Protection Acts 1988 & 2003, please submit your request in writing to: **THE DATA PROTECTION CO-ORDINATOR, PUBLIC APPOINTMENTS SERVICE, "CHAPTER HOUSE", 26-30 ABBEY STREET UPPER, DUBLIN 1**, ensuring that you describe the records you seek in the greatest possible detail to enable us to identify the relevant record. A fee of €6.35 should accompany your request. Payment should be made by way of bank draft, money order, or personal cheque, made payable to the 'Public Appointments Service'. Certain items of information, not specific to any individual, are extracted from records for general statistical purposes.