

Civil Service Conciliation and Arbitration Scheme

General Council Report 1511

(Meeting/s of 30 May 2007, 25 July 2007, 30 April 2008)

Claim to grade the post of Deputy Chief Appeals Officer at PO level.

**Conciliation and Arbitration Scheme for the Civil Service
General Council Report No. 1511
(Meetings of 30 May 2007, 25 July 2007 & 30 April 2008)**

Claim: To grade the post of Deputy Chief Appeals Officer (DCAO), Department of Social and Family Affairs, at PO level

1. The basis of the claim, by the Staff Side, is that the post was at Principal level and was downgraded by Management without consultation or without a change in functions of the job.
2. The Staff Side presented the claim at the General Council meeting of 30 May 2007 stating that (a) this claim has been subject to a lot of correspondence and meetings, (b) the individual concerned was given the impression at the time of appointment that the post would be upgraded and (c) external management reports also support the upgrading of the post. The Staff Side subsequently made a detailed written submission in support of the claim (copy attached at Appendix 1).
3. At the General Council Meeting of 25 July 2007, the Official Side, stated that the matter was reviewed, in consultation, with the Department of Social & Family Affairs on foot of the oral evidence adduced and, in particular, the written evidence submitted by the AHCPS. Based on this, it was the view of the Official Side that the post of DCAO was not graded substantively at Principal level on the establishment of SWAO - rather that the assignment of DCAO duties to a Principal in 1991 was very much a reflection of the circumstances surrounding the appointment of a new Chief Appeals Officer at that time. The Staff Side disagreed with this argument and pointed to evidence dating from 1987 showing that the Department had accepted that the post would have additional responsibilities following the establishment of the new Social Welfare Appeals Office (in 1991) that merited PO grading. The Official Side further stated that the action taken on appointing the present incumbent to the post was a matter for the Department to handle under its delegated authority. At no stage was the incumbent given grounds for believing that the post would be upgraded to Principal or

that he would be promoted to Principal. Accordingly, the Official Side would not agree that the post was at Principal level and downgraded by Management. The Staff Side disagreed and maintained that such an assurance was given to the current incumbent when he was offered the post.

4. The Staff Side further responded by stating that, in their view, there was a general and widespread acceptance throughout the Department that the post of DCAO was at Principal level. While accepting that responsibility for the filling of the post in 2002 following the retirement of the previous incumbent was a matter for the Department of Social and Family Affairs the Staff Side did not agree that the post should have been downgraded. In response, the Official Side disagreed that the post was downgraded and reiterated its stance as per Section 3 above.

5. The Staff Side requested that disagreement be recorded on the issue which was agreed to by the Official Side.

6. This report, recording disagreement, was adopted on 30 April 2008.

Aengus O Riain
Official Side Secretary

Joan Byrne
Staff Side Secretary

Agreed Report recording disagreement

This report was adopted on 30 April 2008