



PUBLIC SECTOR RECRUITER NETWORK

Best Practice in Reviews

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Presentation Overview

- Overview of the 2021 Code of Practice (Section 7 & 8)
- Administration Overview and Timelines
- Key Steps
- Tips and Good Practice
- Preparing your Response
- Next Steps
- Good Administrative Practices
- Key Themes & Metrics
- Case Studies



Overview of 2021 Code

Why do we have a review and complaints process?

- Public Service Management (Recruitment and Appointments) Act 2004 (Section 23 - 2) provides that Codes of Practice be published by the CPSA to include the general procedures (including review procedures) to be adopted in respect of grievances and complaints brought forward by candidates.
- Even if there was no obligation, it is good recruitment practice to have a review process to ensure that there is accountability and transparency. PAS has prepared Guidelines based on the Code which must be used where a recruitment or selection process is not within the scope of the CPSA, which includes an appeal process



Overview of 2021 Code

Section 7 Reviews

- Applies where a candidate is unhappy with an **action or decision taken** in relation to their candidature and wishes to have it reviewed
- Requests must be submitted in writing, detailing their concerns and setting out the aspect(s) of the action/decision they wish to have reviewed
- A request may be refused if the candidate cannot support their request
- A request for **Informal Review** must be made within **five working days** of the candidate receiving notification of the original action/decision
- A request for **Formal Review** must be made within **five working days** of the candidate either receiving notification of the original action/decision **or** of their Informal Review response



Overview of 2021 Code

Section 8 Complaints

- Applies where a candidate believes that an appointment process was in breach of the Principles of the CPSA Code of Practice, and wishes to have this investigated
- Complaints must be submitted in writing, providing details of the alleged breach, and enclosing any relevant information which might support their allegation
- A complaint may be refused if the candidate cannot support their allegations by setting out how the Office Holder has fallen short of the Principles of the Code
- A request for **Informal Review** must be made within **five working days** of the candidate receiving notification of the original selection decision
- A request for **Formal Review** must be made within **five working days** of the candidate either receiving notification of the original selection decision **or** of their Informal Review response

Administration of Reviews/Complaints



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PAS Process

Informal Requests

- Submitted to and acknowledged by the Recruitment Unit responsible for overseeing the competition
- Desk based examination of relevant information, generally conducted by the Recruitment Manager, and the response is issued as soon as possible

Formal Requests

- Submitted to the CEO's Office, where the request is acknowledged and clarified as required
- CEO's Office notifies the Recruitment Unit and Formal Reviewers of the request, including when response is due to issue.
- Outcome must be communicated to requester within **25 working days** of receipt of the request. Where in exceptional circumstances this is not possible, the candidate must be advised prior to the deadline and given the reason for delay

Administration of Reviews/Complaints

PAS Process- Template Documents Used by PAS



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- **Request for Review Form**
 - Clearly lays out whether the request is Informal, Formal, 7 or 8
 - Collects important particulars on the requester (i.e. candidate ID, preferred email address, reason for request)
 - **Not mandatory** but can assist in administration of requests
- **Review File Checklists** (for Formal Requests)
 - Outlines standard information generally required by Formal Reviewer in order to carry out investigations (such as relevant correspondence, papers, Board Member contact information etc.)
 - Non-exhaustive but good basis for starting to look into requests

Administration of Reviews/Complaints



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Key Timeframes for Formal Responses

- Response letter should issue within **25 working days** of receipt of the request
- Request should be acknowledged by CEO's Office within **2 working days**
- Recruitment Unit should provide Review File to Formal Reviewer within **3 working days**

Key Steps

Formal Section 7 & Section 8



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- Obtain file and appropriate papers from the Recruitment Manager (including any informal review, and the paperwork for other candidates), and/or use your recruitment platform/system to view application forms of other candidates.
- Consider the written submission and all of the necessary information on the campaign.
- Examine all of the documentation, paying particular attention to any issues raised by the candidate (e.g. if a review following shortlisting check how candidates similar to the candidate seeking a review fared; if the candidate states that particular groups were not shortlisted, check to see if this appears to be the case; examine a number of those shortlisted/not shortlisted against the person seeking the review).

Key Steps

Formal Section 7 & Section 8



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- Discuss the issues raised by the candidate with the Recruitment Manager, the PAS Representative, the Board Chairperson/other Board Members and/or anyone else of relevance.
- When discussing the request **do not be critical of the candidate**, as they have the right to seek a review. Remember the person you are discussing the case with may be a future candidate and need to know that those seeking review receive a fair consideration.
- If you have any issues following your assessment of the documentation you should raise these with the Assessment Board. In order to uphold the original decision you must ensure that you are fully satisfied that your issues have been addressed.

Key Steps

Formal Section 7 & Section 8



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- **Keep records of discussions with all parties** – these records are disclosable under FOI/DSAR; and the CPSA will look at them (if the case is referred to their offices).
- If there are elements of the request clearly for consideration by PAS, and not relevant to the review by the Board Members, remove the text on the copy to be provided to the Board.
- For Section 8 Reviews - consider the issues identified by the candidate as they relate to the Code; remember it is not solely breaches of the principles which can be investigated, but any alleged breach of the Code.
- Avoid undue delays; where unavoidable, give the candidate as much notice as possible

Tips and Good Practice

Formal Section 7 & Section 8



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- Be independent, impartial and not defensive; look at the review from the candidate's perspective.
- Be thorough and take clear and concise notes.
- Keep proper and appropriate records. Where a candidate has contacted you directly as part of the review, type notes of your discussions immediately after the call.
- If your review has identified issues with the process, inform the Recruitment Manager before you contact the candidate.

Tips and Good Practice

Formal Section 7 & Section 8



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- Make reasonable decisions based on all relevant considerations.
- If your findings are controversial ensure that you make the management board aware of the case before you issue your response.
- Acknowledge mistakes.
- Where possible and appropriate, contextualise the decision

Tips and Good Practice



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Some Tips for Sensitive/Rare Cases

- Consider taking another person with you when meeting the Board Members if you consider there may be an issue involving any of the Board Members.
- If an issue has been raised by the candidate which particularly relates to a certain Board Member and which runs the risk of being seen as a personal attack on that individual, consider discussing the conduct of the Board discreetly with the Office Holder Representative and/or Chairperson before sharing or investigating the specific issues raised by the candidate. Alternatively, consider the appropriateness of only contacting that Board Member in relation to that specific allegation (rather than sharing generally).
- If the candidate has issues which are outside of the scope of the review (e.g. asking for a copy of their Interview Notes), refer these to the Recruitment Manager and inform the candidate accordingly.
- Occasionally it may help to meet the candidate, in any such (rare) case consider bringing another staff member with you to take notes.

Preparing your Response

General Advice



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- Personalise your response to the points the person is making. PAS does not use template responses for Formal Reviews; there are previous responses in our formal review directory which may contain relevant information, but ensure that you only use relevant sections of previous responses in tailoring your response to the issues raised by the candidate.
- The response should include information on the next stage (for Section 8 requests) if the candidate is unhappy with the outcome of the review process.
- Check your response carefully (**always** ask someone else to check it for you); ensure it is personalised, well crafted, written in plain English and addresses the queries or issues raised by the candidate.
- Remember your audience

Good Housekeeping



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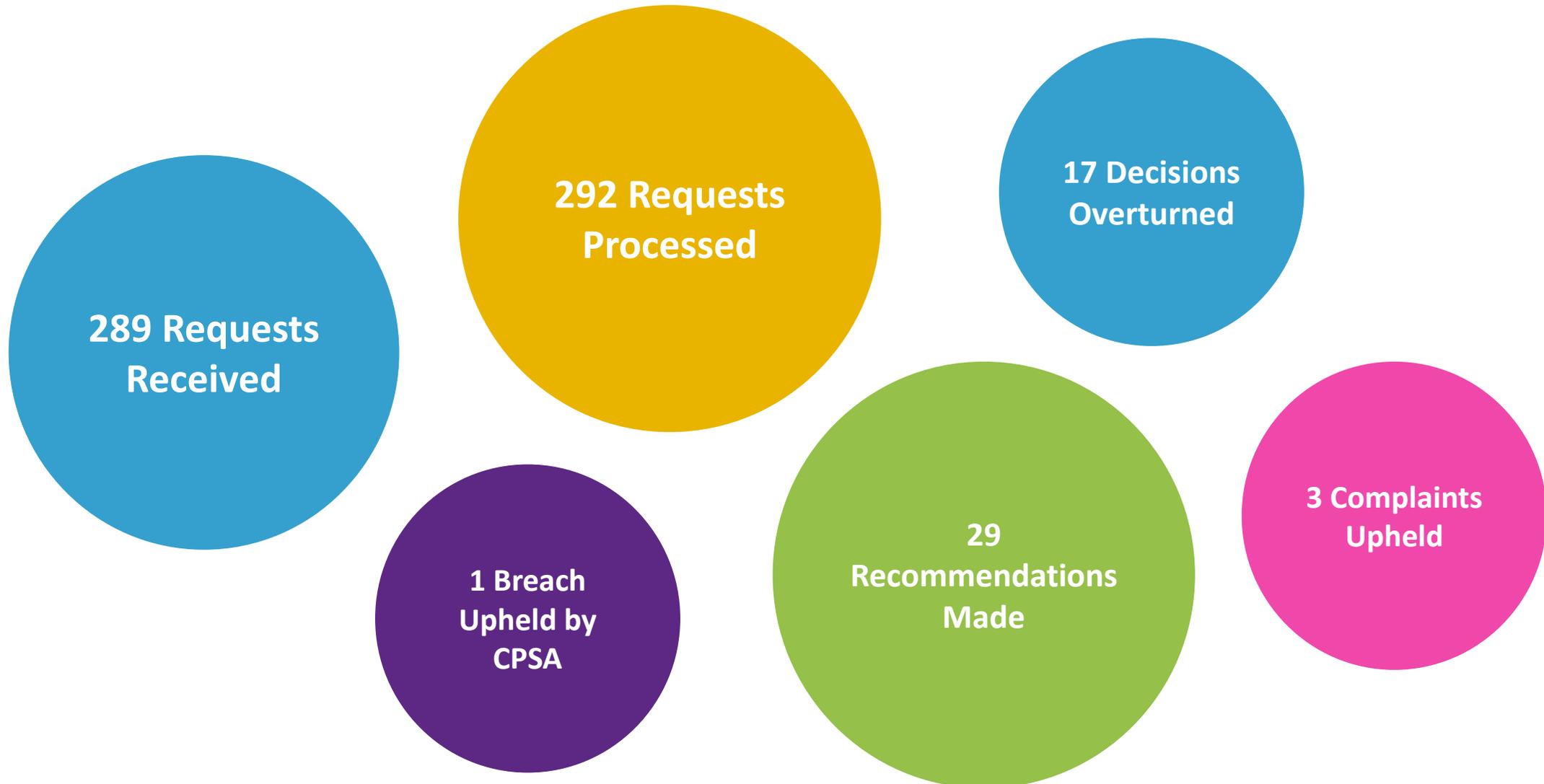
- Consider setting up a specific Formal Review directory
- If you find out a useful piece of information which may continue to be relevant, or if you have expressed something complex in a clear and succinct way which might be useful again, save that information separate to your Review File in an accessible format
- **All information considered as part of your review should be contained in the Review File**
 - This may include screenshots or URLs of websites visited, calculations conducted, emails received etc. etc.
- We update Appeal Tracker consistently and regularly
 - This includes date request received, due & issued, who the Request was assigned to, the competition and recruitment stage to which it refers, whether Section 7 or 8, if escalated to CPSA, reason for appeal, and appeal outcome
 - Consider drop-down menus if appropriate

Key Themes and Metrics

Headline Figures



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Review and Appeal Clinic



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- Will form part of Recruiters Network Meetings going forward
- 20 minutes at the end of each meeting
- Details of cases must be provided to PAS (in an anonymised format) **one week in advance of the meeting**
- Send to recruiternetwork@publicjobs.ie

Thank You

