



CANDIDATE INFORMATION BOOKLET

Open competition for appointment to positions as:

**Legal Advisor in the
Office of the Ombudsman
(Assistant Principal Officer)**

Closing date: 5pm Monday 18th October 2021

The Office of the Ombudsman is committed to a policy of equal opportunity.

This selection process will be carried out in compliance with the Code of Practice for Appointment to Positions in the Civil Service and Public Service prepared by the Commission for Public Service Appointments (CPSA) and available on www.cpsa.ie

INTRODUCTION

The Office of the Ombudsman comprises of the Office of the Ombudsman (Ombudsman), the Standards in Public Office Commission (SIPOC), the Office of the Information Commissioner (OIC), the Office of the Commissioner for Environmental Information (OCEI) and the Commission for Public Service Appointments (CPSA). The five offices carry out separate and distinct statutory functions.

The Ombudsman examines complaints from people who feel they have been unfairly treated by certain public bodies, for example, government departments, local authorities, the HSE and publicly funded third level education bodies. It receives a large volume of complaints from individuals unhappy with the administration of public services by bodies under remit. The powers and functions of the Ombudsman are set out in the Ombudsman Act 1980, as amended. For more information, see www.ombudsman.ie

The role of the Office of the Information Commissioner is to review (on application) decisions made in relation to FOI requests and to make binding new decisions in accordance with the provisions of the Freedom of Information Act 2014 (the Act). It is also charged with keeping the operation of the Act under review with a view to ensuring maximum compliance among public bodies; to encourage the voluntary publication by public bodies of information on their activities; and to prepare and publish commentaries on the practical operation of the Act. For more information, see www.oic.ie

The role of the Commissioner for Environmental Information is to review (on appeal) decisions made in relation to requests made to public authorities for environmental information under the Access to Information on the Environment Regulations (2007) Regulations and Directive 2003/4/EC. For more information, see www.ocei.ie

The Standards in Public Office Commission (SIPOC) is an independent body comprising 6 members chaired by a former High Court Judge. SIPOC supervises compliance with the Ethics in Public Office Acts 1995 and 2001; the Electoral Act 1997, as amended; and the Regulation of Lobbying Act 2015. For more information see www.sipo.ie and www.lobbying.ie

Established under the Public Service Management (Recruitment and Appointments) Act 2004, the Commission for Public Service Appointments is responsible for setting standards for recruitment and selection in the public service and to safeguard those standards through regular monitoring and auditing of recruitment and selection activities. For more information see www.cpsa.ie.

THE ROLE

This is a unique and exciting opportunity for a talented legal professional who will be providing legal services to five distinct and diverse statutory offices. The appointment will be at the senior managerial grade of Assistant Principal Officer.

As a member of the organisation's in-house legal team, the successful candidate will report directly to the Head of Legal. They will be expected to work closely with the Head of Legal and senior managers of each statutory office in a constructive and collaborative fashion. They will assist in providing all legal advice and assistance in the organisation unless there is a need for specialised advice, or, due to high volumes of activity, surplus work needs to be contracted out. In such cases, they will complement the work of the external legal service provider. They may also be required to represent the Office in Court.

The following list of duties is indicative (but not exhaustive) of the responsibilities and duties which the successful candidate will be expected to perform:

Litigation

- Assist in the management of the process of any legal proceedings involving any of the bodies in the organisation, including representing the Office in Court
- Prepare or assist in preparing briefs for counsel for litigation involving the organisation as appropriate
- Assist in the conduct of litigation and representation at court proceedings including statutory appeals, judicial reviews, and SIPOC investigations and enforcement proceedings
- Monitor the outcome of litigation and casework and liaise with staff on proposed follow-up action and
- Liaise as necessary on procedural matters in connection with litigation

General legal

- Provide legal advice, support and expert analysis across all operational and functional areas of the Office
- Liaise with and manage the work of external legal advisors
- Prepare requests for advice and briefs for counsel as required
- Provide guidance and assistance on investigations conducted by SIPOC
- Support the development of the organisation's knowledge bank on legal issues through written guidance, verbal updates and meetings etc.
- Carry out research on behalf of caseworkers in complex cases,
- Monitor court cases involving public bodies generally
- Contribute to the drafting of responses to proposed legislative changes

- Provide in-house training on legal issues as appropriate

General

- Establish strong, collaborative relationships with other members of staff of the Office
- Efficient administration and record keeping
- Assist with the preparation of reports as appropriate
- From time-to-time to speak at public events on behalf of the Office and
- Any other duties appropriate to the grade as may be required

ELIGIBILITY AND REQUIREMENTS

Essential requirements

Candidates **must**, on or before 13th October 2021 have:

1.
 - a. been called to the Bar of Ireland and/or be enrolled as a barrister in the State
or
been admitted and be enrolled as a solicitor in the State
and
 - b. A minimum of 2 years' experience as a practising barrister or practising solicitor in the State
or
A minimum of 2 years' experience in a legal advisory capacity in a comparable organisation
2. Considerable knowledge of Irish administrative law, statutory appeals and regulatory law
3. Experience in the conduct of litigation or in managing the conduct of litigation

In addition, the successful candidate should:

- Have an ability to develop competence in the diverse range of areas for which the Office has responsibility
- Have excellent organisational and time management skills and the ability to learn quickly
- Have the capacity to undertake high volumes of work to strict deadlines
- Have sophisticated legal analytical, research and drafting skills
- Have sound judgement and good decision making skills
- Have the capacity to communicate clearly and concisely, both in writing and verbally
- Have strong interpersonal skills and demonstrated experience working as a member of a legal services team, whether in-house or in practice
- Have the ability to work under pressure, keep to deadlines for the delivery of work products and maintain a professional demeanour at all times while managing his/her responsibilities
- Have an excellent capacity to develop, manage and maintain effective working relationships and

- Be self-motivated and self-reliant in managing tasks and keen to take the initiative in developing and progressing projects

Candidates must also be able to demonstrate the key competencies identified for effective performance at Assistant Principal Officer Level, as set in the Public Appointment Service's competency framework [here](#).

Desirable requirements

- Advocacy experience
- Experience of administrative decision-making processes, quasi-judicial decision-making processes or regulatory enforcement
- Experience of criminal investigations and prosecutions and/or
- Experience of advising on data protection law, freedom of information law, procurement law and the Protected Disclosures Act, 2014

Citizenship requirements

Eligible candidates must be:

- a) A citizen of the European Economic Area. 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 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 Switzerland and has a stamp 4 visa

To qualify candidates must meet one of the citizenship criteria above 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 noneligibility) and the Minister's consent will have to be secured prior to employment by any Public Service body.

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 reemployment 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 either of these schemes are not eligible to compete in this competition.

Department of Environment, Community & Local Government

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.

COMPETENCIES

Key competencies for effective performance at Assistant Principal Officer Level:



Please click [HERE](#) for a comprehensive list of the Assistant Principal Officer Competencies.

PRINCIPAL CONDITIONS OF SERVICE

General

The appointment is to an established post in the Civil Service and is subject to the Civil Service Regulations Acts 1956 to 2005, the Public Service Management (Recruitment and Appointments) Act 2004 and any other Act for the time being in force relating to the Civil Service.

Pay

The Assistant Principal Standard Salary PPC Scale is as follows:

Personal Pension Contribution (PPC)

€69,659 - €72,268 - €74,871 - €77,483 - €80,090 - €81,593 - LSI1 €84,225 - LSI2
€86,865

This rate will apply where the person is appointed on or after 6 April 1995 and is required to make a personal pension contribution.

A different rate will apply where the appointee is a civil or public servant recruited before 6 April 1995 and who is not required to make a Personal Pension Contribution.

Long service increments may be payable after 3(LSI1) and 6(LSI2) years satisfactory service at the maximum of the scale.

Important note

Entry will be at the minimum of the scale and the rate of remuneration will not be subject to negotiation and may be adjusted from time to time in line with Government pay policy.

Different terms and conditions may apply if you are a currently serving civil or public servant.

Subject to satisfactory performance increments may be payable in line with current Government policy.

Tenure

The appointment is to an established post in the Civil Service. The appointee will be required to serve a 12-month probationary period.

Headquarters

The officer's headquarters will be at 5-6 Earlsfort Terrace, Dublin 2. This may be subject to change from time to time by the Head of the Department/Office. When required to travel on official duty the appointee will be paid appropriate travelling expenses and subsistence allowances, subject to normal civil service regulations.

Hours of attendance

Hours of attendance will be fixed from time to time but will amount to not less than 43 hours 15 minutes' gross per week. The successful candidate 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

The annual leave allowance for the position of Assistant Principal is 30 days. This allowance is subject to the usual conditions regarding the granting of annual leave in the civil service, is based on a five-day week and is exclusive of the usual public holidays.

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 directly to the employing Department/Organisation. 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.

Superannuation and retirement

The successful candidate will be offered the appropriate superannuation terms and conditions as prevailing in the Civil 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"). Full details of the Scheme are at <http://www.per.gov.ie/pensions>

Where the appointee has worked in a pensionable (non-single scheme terms) public service job in the 26 weeks prior to appointment or is currently on a career break or special leave with/without pay different terms may apply. The pension entitlement of such appointees will be established in the context of their public service employment history.

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

- Pensionable age: The minimum age at which pension is payable is set, initially at 66 (rising in step with state pension age increases)
- Retirement age: Scheme members must retire at 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

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.

However, if the appointee was previously employed in the Civil or Public Service and awarded a pension under voluntary early retirement arrangements (other than the Incentivised Scheme of Early Retirement (ISER), the Department of Health Circular 7/2010 VER/VRS or the Department of Environment, Community & Local Government Circular letter LG(P) 06/2013 which, renders a person ineligible for the competition) the entitlement to that pension will cease with effect from the date of reappointment. Special arrangements may, however be made for the reckoning of previous service given by the appointee for the purpose of any future superannuation award for which the appointee may be eligible.

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).

III-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.

Pension accrual

A 40-year limit on total service that can be counted towards pension where a person has been a member of more than one pre-existing public service pension scheme (i.e. non-Single Scheme) as per the 2012 Act shall apply. This 40-year limit is provided for in the Public Service Pensions (Single Scheme and other Provisions) Act 2012. This may have implications for any appointee who has acquired pension rights in a previous public service employment.

Additional Superannuation Contributions

This appointment is subject to an Additional Superannuation Contribution in accordance with Part 4 of the Public Service Pay and Pensions Act 2017.

SELECTION PROCESS

How to apply

Applications must be submitted on the official application form attached. Completed applications should be sent to legaladvisor@ombudsman.ie. All sections of the form must be fully completed.

Only applications fully completed will be accepted. Applications will not be accepted after the closing date.

Any queries in relation to the selection process should also be addressed to legaladvisor@ombudsman.ie

Closing date

Applications must be submitted no later than **5pm Monday 18th October 2021**.

Selection methods

The selection may include:

- a) shortlisting of candidates on the basis of the information contained in their application
- b) a competitive preliminary interview
- c) completion of online questionnaire(s)
- d) presentation or other exercises
- e) a final competitive interview
- f) work sample/role play/ media exercise, and any other tests or exercises that may be deemed appropriate

The onus will be on candidates to make themselves available for any relevant stages of the selection process, on the dates specified. They should also make sure that the contact details specified on the application form are correct.

Shortlisting

The number of applications received for a position generally exceeds that required to fill existing and future vacancies for 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, a smaller number may be called to interview. In this respect, a short listing process will be carried out to select a group for interview who, based on an examination of the application forms, appear to be the most suitable for 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.

An expert board will examine the application forms against agreed shortlisting criteria based on the requirements of the position. The shortlisting criteria may include both the essential and desirable criteria specified for the position. It is therefore in applicants interest to provide a detailed and accurate account of your qualifications/ experience in your application.

Confidentiality

Subject to the provisions of the Freedom of Information Act, 2014 applications will be treated in strict confidence.

Security clearance

You will be required to complete and return a Garda vetting form should you come under consideration for appointment. This form will be forwarded to An Garda Síochána for security checks on all Irish and Northern Irish addresses at which you resided. However should your application for the competition be unsuccessful this form will be destroyed.

If you have resided / studied in countries outside of the Republic of Ireland for a period of 6 months or more, it is mandatory for you to furnish a Police Clearance Certificate from those countries stating that you have no convictions recorded against you while residing there. You will need to provide a separate Police Clearance Certificate for each country you have resided in. Clearance must be dated after the date you left the country.

It is the applicant's responsibility to seek security clearances in a timely fashion as they can take some time. An appointment cannot be made without this information.

Other important information

The admission of a person to a campaign, or invitation to attend an interview, is not to be taken as implying that they fulfil the requirements of the competition or is not disqualified by law from holding the position and does not carry a guarantee that your application will receive further consideration. It is important, therefore, for you to note that the onus is on you to ensure that you meet the eligibility requirements for the competition before attending for interview. If you do not meet these essential entry requirements but nevertheless attend for interview you will be putting yourself to unnecessary expense.

Prior to recommending any candidate for appointment to this position all enquiries that are deemed necessary to determine the suitability of that candidate will be made. 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 or if an additional vacancy arises the Board may, at its discretion, select and recommend another person for appointment on the results of this selection process

Review and complaint mechanisms

If you are unhappy following the selection process, the Commission for Public Service Appointment's Codes of Practice set out the review and appeal mechanisms open to you. You can either request a review of a decision made during the selection process, under section 7 of the relevant code, or you can make a complaint that the selection process followed was unfair, under section 8.

You must choose between requesting a review of a decision or making a complaint. You cannot choose both.

Request a review (section 7)

If you are unhappy with a decision made during a selection process, believe it was made on the basis of incorrect information or that documented procedure was not followed, you can ask for a review under section 7 of the relevant code. The decision may be reversed if it is found to have been incorrect.

You must ask for a review within five working days of the selection decision. You can request a review by contacting legaladvisor@ombudsman.ie. For more information on the review process and how to request a review, click [here](#).

Make a complaint (section 8)

If you think the selection, process was unfair and in breach of the Code of Practice, you can make a complaint about the process under section 8 of the relevant code. If the selection process is found to have been unfair, the decision will not be reversed. However, changes may be made to the process to ensure a breach does not happen again.

You must make a complaint within a reasonable timeframe. You can make a complaint by contacting legaladvisor@ombudsman.ie. For information on how to make a complaint, click [here](#).

Requests for feedback/test rechecks

Feedback in relation to the selection process will be available on written request. There are no specific timeframes set for the provision of feedback or for carrying out rechecks.

Please note that the review process set out in the Code of Practice is a separate process with specified timeframes that must be observed. It is not necessary for a candidate to compile a detailed case prior to invoking the appeals mechanism. The timeframe set out in

the CPSA Code cannot be extended for any reason including the provision of feedback and/or the outcome of rechecks.

Candidates' obligations

Candidates must not:

- knowingly or recklessly provide false information
- canvass any person with or without inducements
- impersonate a candidate at any stage of the process
- interfere with or compromise the process in any way
- it is important to remember that this is a competitive process for a role where integrity is paramount. Sharing information on the selection process e.g. through social media or any other means, may result in you being disqualified from the competition.
- a third party must not impersonate a candidate at any stage of the process.

Contravention of the 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.

Confidentiality of information and materials

It is important to remember that this is a competitive process for a role where integrity is paramount. Sharing information on the selection process e.g. through social media or any other means, may result in you being disqualified from the competition.

Please note that all assessment and test materials are subject to copyright and all rights are reserved. No part of the test material (including passages of information, questions or answer options), associated materials and/or interview related information may be reproduced or transmitted in any form or by any means including electronic, mechanical, photocopying, photographing, recording, written or otherwise, at any stage. To do so is an offence and may result in you being excluded from the selection process. Any person who contravenes this provision, or who assists another person(s) in contravening this provision, is liable to prosecution and/or civil suit for loss of copyright and intellectual property.

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 submit an application for a competition, the Office of the Ombudsman creates 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.

To make a request to access your personal data please submit your request by email to: legaladvisor@ombudsman.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 Office of the Ombudsman is set out in its Privacy Notice which can be accessed [here](#).

IMPORTANT NOTICE

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.

Appendix 1:

IMPORTANT INFORMATION

Terms and Conditions

Your attention is drawn to this important information. By submitting an application, accessing or attempting any assessment/test materials you are agreeing to be bound by the terms set out below:

1. All test and assessment materials are subject to copyright and all rights are reserved. No part of the tests/assessment materials (including any text, questions and/or potential answer options) or associated materials (including practice and/or familiarisation materials) may be reproduced or transmitted in any form or by any means including electronic, mechanical, photocopying, printing, photographing, recording, written or otherwise, at any stage. To do so is an offence and may result in you being excluded from the selection process. Any person(s) who contravenes this provision, whether an applicant or other, or who assists another person(s) in contravening this provision, is liable to prosecution and/or civil suit for loss of copyright and intellectual property.
2. Note the Commission for Public Service Appointment's Code of Practice for Appointment to Positions in the Civil and Public Service. In particular please note Section 5 - Responsibility of Candidates (see below).

Canvassing

Candidates should note that canvassing to enhance their candidature or encouraging others to do so will disqualify them and will result in their exclusion from the appointments process.

Candidates' obligations

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 personate a candidate at any stage of the process.

Penalties for failure to comply

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 and/or imprisonment. If a person found guilty of such an offence was or is a candidate in a recruitment process, then:

- Where s/he has not been appointed to a post, s/he will be disqualified as a candidate
 - Where s/he has been appointed subsequent to the recruitment process in question, s/he shall forfeit that appointment.
3. The admission of a person to the competition, or invitation to undertake any element of the selection process is not to be taken as implying that the Office is satisfied that such a person fulfils the essential requirements