



Feidhmeannacht na Seirbhíse Sláinte
Health Service Executive

Appendix 3 to SOP R2002 20th July 2007

Code of Practice Information for Applicants

Review procedures in relation to the Recruitment and Selection process,

The Health Service Executive

The Health Service Executive (HSE) came into operation on the 1st January 2005 following the enactment of the Health Act, 2004. The Act established the Health Service Executive and provided for the dissolution of the Health Boards, the Eastern Region Health Authority (ERHA) and other agencies.

With effect from the 1st April 2005 recruitment for appointments to positions in the HSE is subject to the provisions of the Public Service Management (Recruitment and Appointments) Act, 2004 (the Act) and is regulated by the Commission for Public Service Appointments (CPSA)

Code of Practice: External and Internal Recruitment for Appointments to Positions in the HSE

Appointments to positions in the Health Service Executive, apart from those positions which are subject to the Local Authorities (Officers and Employees) Act 1926, are subject to the Codes of Practice published by the CPSA. The Code of Practice sets out how the core principles of probity, merit, equity and fairness, the need to ensure that candidates are selected on the basis of merit, and the implementation of best practice might be applied on a principle basis.

Confidentiality

Applications will be treated in strict confidence, subject to the provisions of the Freedom of Information Acts 1997 and 2003 and other provisions that have been identified in the published documentation.

Obligations Placed on Candidates who Participate in The Recruitment Process

The Act makes very specific provisions in relation to the responsibilities placed on candidates who participate in recruitment campaigns and these are detailed in Section 4 of the Code of Practice, These obligations are as follows:

- 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 and / or imprisonment.

- In addition, where a person found guilty of an offence was or is a candidate at a recruitment / selection 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 as a result of that process, he / she shall forfeit that appointment

Review procedures in relation to the Recruitment and Selection process and allegations of breach of the Code of Practice

The Code of Practice also outlines procedures in relation to requests for a review of the recruitment and selection process and review in relation to allegations of a breach of the Code of Practice. These procedures enable you to seek a review if you believe that an action or decision taken in relation to the selection process was unfair or unreasonable, or if you believe there was a breach of the Code of Practice

These review processes are listed in this document at appendix 1, Review of the Recruitment and Selection process and Appendix 2, Review in relation to allegations of a breach of the Code of Practice.

Full details on the Code of Practice are available at www.cpsa-online.ie

Review Processes

Introduction

Section 23 of the Public Service Management (Recruitment and Appointments) Act, 2004, in dealing with Codes of Practice, requires the establishment of an appeals process for the Health Service Executive.

The Code of Practice issued by the Commission for External and Internal Recruitment for Appointment to positions in the Health Service Executive and Appointment to Positions on a short-term basis in the Health Service Executive provides guidelines on the appeals process, including timescales for submission of complaints, the issuing of acknowledgements, decisions and/or explanations.

The codes outline two types of appeals processes available to candidates:

Appeal in relation to the Recruitment and Selection Process

Appeal in relation to allegations of a breach of the Code of Practice

Full details on the Review Procedures are available at www.cpsa-online.ie

Review process in relation to the Recruitment and Selection Process

The process enables candidates to seek a review when they believe that an action or decision taken was unfair or unreasonable. The process adopted by the Health Service Executive is set out below.

Informal review

Every effort will be made by the Health Service Executive, subject to the agreement of the candidate, to resolve the matter on an informal basis before making use of the formal review procedures set out below. The informal process may be availed of 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.

Initial formal review

This appeal is initially considered by the Recruitment Manager in the unit responsible for running the process. The Recruitment Manager should review the decision and may consult with the Interview Board, if appropriate. The Recruitment Manager will review all documentation relating to the recruitment process to ensure that the principles set out in the Code of Practice for recruitment have been followed.

If the Recruitment Manager has been involved in the initial decision under appeal then the appeal will be considered by a different Recruitment Manager, i.e. currently a Recruitment Manager in another HSE area.

Appropriate documentation regarding this intervention should be retained on file.

Review by the Decision Arbitrator

If a candidate is not satisfied with the findings of the Recruitment Manager, the file will be referred to a Decision Arbitrator

The focus of the Decision Arbitrator is to ensure that the initial review was conducted in accordance with the procedures as set out by the Code of Practice. The Decision

Arbitrator will review all documentation relating to the Initial Review to ensure that the principles set out in the Code of Practice for recruitment have been followed.

The Decision Arbitrator will confine consideration of the appeal to the content of the original information submitted by the candidate, any written information available in respect of the matter, or written submissions made, and will not generally conduct interviews, although he/she may do so if felt warranted by the particular circumstances of the individual cases. In the interest of fairness to other candidates' new areas of work, academic history, etc will not be admitted.

Procedure

The Recruitment Manager and Decision Arbitrator will require prompt access to all relevant documentation to facilitate adherence to deadlines. The review process will consider,

- **All documentation issued by the Health Service Executive relative to the post** and available to the candidate prior to application, to seek to understand the candidate's expectations of how s/he met the job and person specification for the post.
- **The selection process employed** – competency profile, marking schemes, application of marking scheme, guidance given to the selection board, etc.
- **The candidate's application** in detail, with particular reference to educational/professional qualifications (where appropriate), work experience, relevance of experience, evidence put forward in support of competencies and in compliance with performance indicators, evidence put forward in support of application, etc.
- **The marks awarded** under each selection heading, comments of Interview Board, communication of outcome of the selection process to the candidate, etc
- **Correspondence with candidate** at each of the earlier stages of the appeals process, and the extent to which concerns raised by the candidate were addressed.
- **Applications of other candidates for the post** to evaluate the consistency with which the selection process was applied by the selection board. The Recruitment Manager and Decision Arbitrator will have regard to the nature of the appeal, i.e. test result; shortlisting decision; preliminary interview decision; final interview decision, and the time window available before the decision is irreversible.

Decision

The decision of the Decision Arbitrator in relation to such matters is final. The Decision Arbitrator may bring any related findings to the attention of the Head of HR, Shared Services and/or Assistant Director of HR, HSE Corporate in the event that further action may be required.

Timescales

Informal review

The informal process may be availed of 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.

Initial Review

Requests for review must be received within 10 working days of the notification of the initial decision or within 5 working days of the outcome of the informal review stage, if availed of. However, where the decision being conveyed relates to an interim stage of a selection process, the request must be received within 3 working days of the receipt of the decision or within 3 working days of receipt of a decision under the informal process; candidates electing to use the informal process at the interim stage must do so within 2 working days of communication of the decision to them.

- The candidate must set out concerns in writing.
- An acknowledgement of the request must issue within **3** working days.

- The outcome must, where possible, be conveyed to the candidate within **20** working days of the receipt of the request.
- If a decision is not possible within this timeframe, the candidate must be kept informed of the status of the review and the reasons for the delay.

Review by Decision Arbitrator

- If the candidate is unhappy with the outcome of the initial review, any request for a review by the Decision Arbitrator must be received within **7** working days of the notification of the outcome of the initial review.
- The Decision Arbitrator must acknowledge receipt of the appeal papers within **3** working days.
- The Decision Arbitrator is obliged to issue the findings of the appeal within **10** working days
- The decision of the Decision Arbitrator is final.

Appeals Process in relation to allegations of a breach of the Code of Practice

Introduction

The review process enables persons to seek review by the Commission when they believe that there was a breach of the Code of Practice by the Chief Executive Officer. Allegations of such breaches should be addressed in writing to the Chief Executive Officer, Health Service Executive, in the first instance.

Initial Review

The complaint should be reviewed by a person at a senior level other than the individual directly associated with the selection process in question.

The Chief Executive Officer must keep a full record of all correspondence and any relevant documentation, including e-mails and notes of telephone conversations.

Timescales

- A complaint in relation to the Code of Practice must be made to the Chief Executive Officer without delay
- Upon receipt of the complaint the Chief Executive Officer should issue an acknowledgement within **3** days
- The outcome must be notified to the complainant within 20 working days of the receipt of the complaint.
- Where the investigation does not allow a decision within this timeframe, the complainant must be informed of the status of the review and the reasons for the delay.

Review by the Commission

If a candidate is not satisfied with the findings of the Chief Executive Officer the person may refer the issue to the Commission within 7 working days of receipt of the notification of the decision of the Chief Executive Officer. The Chief Executive Officer will transfer the complete file to the Commission

The Commission may take whatever action it deems necessary where there has been failure to comply with the Code of Practice.

The decision of the Commission is final.