

Appendix 2 of R09

SECTION 7

REVIEW PROCEDURES WHERE A CANDIDATE SEEKS A REVIEW OF A DECISION TAKEN IN RELATION TO HIS/HER APPLICATION APPOINTMENT TO POSITIONS IN THE CIVIL SERVICE AND PUBLIC SERVICE

General Information

- 7.1 The review procedures established and set down in this section (Section 7) apply in cases where a candidate wishes to have an action or decision in relation to his/her candidature reviewed. The procedures and standards to be followed by the complainant and the office holder in the handling of requests for review are set out below.
- 7.2 As with the recruitment processes themselves, and within reason, fair procedures should be applied by all bodies dealing with requests for review made under this section.
- 7.3 The Commission has no remit to investigate complaints from candidates which do not amount to a breach of the Code of Practice.
- 7.4 It is essential for office holders to have effective systems in place for handling requests for review. Office holders must keep a full record of all correspondence and any relevant documentation, such as minutes of meetings, records of emails and notes of telephone conversations, in relation to all candidates who present for any form of assessment whether successful or not.
- 7.5 Each office holder should appoint a Decision Arbitrator (a person at a senior level unconnected with the selection process) who will adjudicate on requests for review in cases where a candidate is not satisfied with the outcome of an initial review. The office holder may appoint a suitably qualified external decision arbitrator if he/she so wishes.
- 7.6 The review procedure comprises two stages. The first stage involves a review by a person in the recruiting body referred to as the "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 "Decision Arbitrator". As an alternative to the above, it is open to a candidate to seek to have the latter 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

- 7.7 When a request for a review of a selection decision is received from a candidate, the Commission recommends that every effort should be made by the office holder, 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. Should the candidate remain dissatisfied following any such discussion, or not wish to have the matter dealt with informally, then he/she may adopt the formal procedures in accordance with the process set out below.
- 7.8 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 (or such other person acting on behalf of the office holder as may be appropriate depending on the circumstances).

- 7.9 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.
- 7.10 The office holder must carry out the informal review without delay and within a period of time that enables the candidate to avail of the formal review procedures within the specified timelines should he/she so wish.
- 7.11 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 procedures and standards to be followed by the complainant and by the office holder in the handling of requests for review are set out below.

- 7.12 The candidate must address his/her concerns in relation to the process in writing to the office holder, setting out those aspects of the action or decision in relation to his/her candidature that he/she wishes to have reviewed.
- 7.13 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. This is necessary to ensure that delays in the recruitment process are avoided.
- 7.14 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 office holder.
- 7.15 The review procedure:
 - Upon receipt of the request for review, the office holder should issue an acknowledgement within 3 working days.
 - The case should be reviewed by a person other than any individual directly associated with the decision in question.
 - The person(s) conducting the initial review (the “Initial Reviewer(s)”) should consider any written submissions made by the candidate, and all other relevant information, including any emails, notes or memoranda held by the office holder in respect of the selection process. Where necessary, the Initial Reviewer should meet with the personnel of the office holder involved in the selection process and/or the candidate for the purpose of eliciting further information. Subject to any statutory (or other relevant) restrictions on disclosure, the Initial Reviewer shall provide the candidate with any relevant and material emails, notes or memoranda held by the personnel of the office holder in respect of the selection process, on request.
 - The outcome must generally be notified to the candidate within 20 working days of receipt of the complaint or request for review. Where the investigation does not allow a decision within this timeframe, the Initial Reviewer must keep the candidate informed of the status of the review and the reasons for the delay.

- In communicating the outcome to the candidate, which will be done by means of a written report, the Initial Reviewer should indicate that the candidate may seek to have the outcome of the initial review reviewed by referring the matter to the Decision Arbitrator. The Initial Reviewer must further state that a request to do so must be made in writing within 7 working days of receipt of the outcome of the initial review.

Review by the Decision Arbitrator

- 7.16 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.
- 7.17 The role of the Decision Arbitrator is to assess whether the initial review has been carried out in line with proper procedures.
- 7.18 The decision of the Decision Arbitrator in relation to such matters is final.
- 7.19 A request made to the Decision Arbitrator must be received within 7 working days of the notification of the outcome of the initial review.
- 7.20 **The Review Procedure:**
- Upon receipt of the request for review, the Decision Arbitrator should issue an acknowledgement within 3 working days.
 - The outcome of the investigation must be notified to the candidate in the form of a written report within 10 working days.
 - The decision of the Decision Arbitrator in relation to such matters is final. The Decision Arbitrator will make his/her decision on the basis of 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 warranted by the particular circumstances of individual cases.
- 7.21 Where a review of a recruitment/selection process has taken place under this Section 7, a complainant may not seek a further review of the same matter under Section 8 other than in the most exceptional circumstances (which will be determined by the Commission in its sole discretion).