



AN TÚDARÁS PÓILÍNEACHTA  
POLICING AUTHORITY

**Statement of Practice**

**for**

**the Conduct of a Selection Competition for Appointment  
to the Rank of Assistant Commissioner in the Garda Síochána 2020.**

December 2019

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## Section 1 – Introduction

### **The Policing Authority**

The Policing Authority (“the Authority”) is an independent statutory body, established on 1 January 2016 to oversee the performance of the Garda Síochána in relation to policing services. The functions of the Authority are set out in the Garda Síochána Act 2005 (as amended by Garda Síochána (Policing Authority and Miscellaneous Provisions) Act, 2015) (the ‘Act’). The mission of the Authority is to drive excellent policing through valued and effective oversight and governance.

### **Appointments Functions of the Policing Authority**

The Act governs appointments to all ranks of the Garda Síochána and confers powers on the Authority to make appointments to certain senior ranks. In particular, under section 13, the Authority is given the function, in accordance with regulations and having undertaken a selection competition for the purpose, to appoint persons to the ranks of Assistant Commissioner, Chief Superintendent and Superintendent. The functions of the Authority relating to these appointments were commenced with effect from 1 January 2017. The applicable regulations are the Garda Síochána Act 2005 (Appointments to the ranks of Assistant Garda Commissioner, Chief Superintendent and Superintendent) Regulations 2016 (S.I 641 of 2016) (“the Regulations”).

### **Policing Authority Statement of Practice**

This Statement of Practice has been developed by the Authority to set out the governing principles for these functions and demonstrate their application in the conduct of a selection competition for the appointment to the rank of Assistant Commissioner in the Garda Síochána. It also sets out the practices to which the Authority commits in order to ensure the consistent application of best practice standards in accordance with those principles.

These practices are intended to maintain and enhance probity, consistency, fairness, transparency, accountability and respect for diversity in recruitment practices to produce a quality outcome and to command public confidence in the process.

This Statement of Practice reflects best practice in relation to public sector recruitment. In addition to reflecting the statutory requirements of the Garda Síochána Act 2005, as amended, and the Regulations, the following sources have been considered in its preparation:

- Existing Codes of Practice developed by the Commission for Public Service Appointments (CPSA) for appointments under the Public Service Management (Recruitment and Appointments) Act 2004 (“the 2004 Act”);
- Public Appointments Service (PAS) Guidelines for appointments not under the remit of the 2004 Act, January 2016;
- Top Level Appointments Committee (TLAC) Role and Procedures, June 2016;
- Guidance of the UK College of Policing, November 2012; and
- The practice and experience of practitioners involved in carrying out selection competitions for posts at a comparable level in the civil and public service in Ireland.

This document is not intended to interpret the law or provide an exhaustive account of all procedures followed by the Authority.

## Section 2 – Principles Governing Selection for Appointment

The Regulations provide that the selection of candidates for appointment in competitions under the Regulations shall be based on merit and the readiness and suitability of the candidates for appointment.

The Regulations also provide that the competition shall be conducted in a manner which is:

- Fair, impartial and objective;
- In line with best practice;
- Consistent throughout; and
- Open, accountable and transparent.

Furthermore, the Authority is committed to carrying out all its functions in accordance with its core values which are set out below and guide it in its approach to how it operates.



The Authority is committed to a set of behaviours, which will facilitate consistent application of the statutory principles governing the Authority’s selection processes as set out below.

Principle	Associated Behaviour
<b>Appointments based on merit, readiness and suitability</b>	Appointment on merit means the appointment of the best person(s) for a rank or post through a transparent, competitive selection process where the criteria for judging readiness and suitability of candidates can be related directly to the competencies, qualifications, training, skills, expertise or experience required to fulfil the duties and responsibilities of that rank or post. Appointments resulting from any selection process will also take into consideration the health and character of the candidate as provided for in the Regulations.
<b>Fair, impartial and objective</b>	<p>The Authority will ensure acceptable standards of probity in all appointment processes underpinned by the core values of integrity, impartiality, fairness, reliability, ethical conduct and respect for all.</p> <p>The Authority will ensure that its processes do not provide unjustifiable advantage or disadvantage to any particular candidate or group of candidates and will embrace genuine equality of opportunity.</p>
<b>An appointment process in line with best practice</b>	All appointment processes will be efficient, cost-effective and in line with best practice. Best practice extends to all aspects of the appointment process, including defining job and person specifications, notifying potential candidates of the selection competition and selecting appropriate assessment mechanisms. It also includes putting management systems in place, provision of training, and supporting the creation and maintenance of appropriate records.
<b>An appointment process applied with consistency</b>	The Authority will oppose any form of unacceptable or unlawful direct or indirect discrimination, whether active or passive. The selection process adopted and the manner in which it is applied will be undertaken with real commitment to equality of opportunity. All candidates will be treated fairly, to a consistent standard and in a consistent manner. The selection process will be subject to oversight and quality assurance processes.
<b>Appointments made in an open, accountable and transparent manner</b>	The Authority will endeavour to ensure there is transparency in the appointment process and that candidates are dealt with in an open, accountable and transparent manner in line with best practice with due account to candidate privacy. The Authority is committed to offering timely feedback to candidates who seek it.

## Section 3 – Practices for the Conduct of the Selection Process

In complying with these principles, the Authority is committed to applying the following practices in the conduct of its selection process for appointment to the ranks to which this Statement of Practice applies:

### Respecting Confidentiality

- All applications, enquiries, and aspects of the selection competition will be treated as strictly confidential and, unless required by law, will not, subject to the Regulations, be disclosed to anyone outside those directly involved in that aspect of the process.

### Compliance with Legislative Requirements

- The Authority is committed to complying with all relevant legislation including:
  - The Garda Síochána Act 2005;
  - The Garda Síochána Act 2005 (Appointments to the Ranks of Assistant Garda Commissioner, Chief Superintendent and Superintendent) Regulations 2016;
  - Employment Equality legislation;
  - Irish Human Rights and Equality Commission Act 2014;
  - Disability Act 2005;
  - The General Data Protection Regulation and all other relevant data protection law;
  - Freedom of Information legislation; and
  - Employment Equality legislation.
- The Authority is committed to compliance with the Code of Practice for the Employment of People with Disabilities, published by the Department of Finance and other such codes as may be relevant.

### Defining Requirements of the Job

- The Candidate Information Booklet will set out the key responsibilities of the rank and/or post and will specify the competencies, qualifications, training, skills, expertise or experience required for appointment to a specified rank and/or post. Candidates will be assessed against those requirements throughout the selection process.
- There will be consultation with, and regard given to the views of, the Garda Commissioner in determining the competencies, qualifications, training, skills, expertise or experience required for appointment to a specified rank and/or post.
- Role and person requirements will be free from bias.
- Essential requirements will not be unduly restrictive and will reflect what is necessary to perform the duties of the rank and/or post without providing any unjustifiable advantage or disadvantage to any particular candidate or group of candidates.
- Desirable criteria, where identified, will not be regarded as a prerequisite for the job.

## **Advertising**

- Information in relation to a selection competition will be made available on the Authority's website. In addition, published material in relation to the competition will be provided to the Garda Commissioner and the Chief Constable of the PSNI for the purpose of their making potential candidates aware of it in sufficient time to enable them to enter the competition.
- Selection competitions will be advertised for a reasonable period and include sufficient information to allow applicants to meet the application requirements.

## **Application Process**

- All reasonable efforts will be made to provide an application process, including information about the requirements of the role and the appointment process, which is accessible to all candidates.
- Candidates who do not satisfy the eligibility criteria will be disqualified from the process and notified accordingly. This includes candidates who do not supply sufficient information to enable their eligibility to be verified.

## **Selection Process**

- The selection process will be undertaken by selection boards, which are properly constituted in accordance with the Regulations.
- The criteria on which selection decisions will be made will be decided by the selection board in advance of conducting a shortlisting or interview process.
- Applications will be considered on the basis of merit, readiness and suitability for the rank and/or post in question, with decisions taken throughout the selection process based on the competencies, qualifications, training, skills, expertise or experience required for appointment to the rank and/or post for which a selection competition is being undertaken.
- Shortlisting may be carried out in respect of the competition. Where shortlisting is carried out, it will be appropriate to the selection process.
- The selection board may make use of properly validated selection tools and techniques in making its decisions. Such assessment tools and techniques will:
  - be appropriate to the selection criteria;
  - facilitate the identification and selection of the person(s) who best match the requirements of the post as set out in the job and person specifications;
  - be used in line with best practice; and
  - comply with requirements on fairness and freedom from bias.
- Where a selection process determined for a competition includes an exercise or test or both, these will be conducted on behalf of the Authority and the outcome or result will be provided to the selection board.
- Candidates who, in the view of the selection board, meet the required standard for the job will be placed in order of merit by the selection board.
- All appropriate and reasonable accommodations will be provided to candidates with disabilities thereby ensuring that they have the opportunity to demonstrate their suitability for the role.

- The Authority will establish a panel of candidates deemed suitable for appointment in the order of merit determined by the selection board.

### **Deeming of Candidature Withdrawn**

- Candidates who do not attend for interview or any test when and where required or who do not, when requested, retake a test when selected for the purposes of random validation, or furnish such information as the Authority requires in regard to any matter relevant to their candidature, will be deemed to have withdrawn their candidature.

### **Selection Boards**

- Members of selection boards will be suitably experienced, appropriately trained, competent in the selection process and capable of bringing different perspectives to the assessment and evaluation of candidates.
- In advance of commencement of the process, members of selection boards will have received appropriate training to ensure that they have the necessary skills and knowledge to undertake the process and will be briefed so that they fully understand the selection process, their role and responsibilities and the requirements of the relevant rank and/or position.
- As a matter of policy, the Authority will ensure that there will be male and female interviewers on all interview boards.
- There will be systems in place to ensure that selection boards carry out the selection process in a fair and consistent manner, including to manage potential conflicts of interest and avoid risk of bias arising from prior knowledge of a candidate by a member of the selection board.
- There will be consistency between selection boards at different stages of the competition with at least one member common to the selection board across each stage of the competition.
- Throughout the selection process, decisions by the selection board, based on the individual merit, readiness and suitability of candidates relative to other candidates will determine which candidates progress to the next stage of selection.
- The Authority will appoint a person to attend at the proceedings of a selection board to ensure that the business of the board is conducted in accordance with the selection process determined by the Authority and maintain a record of those proceedings.

### **Clearance and Appointment**

- In advance of appointment of individuals from the established panel of candidates, the Authority will make such enquiries as it considers necessary to verify the information provided in the candidate's application.
- The Authority will carry out clearance processes in accordance with the Regulations to establish the health and character of the candidate.
- When considering the relevance of any record for criminal or disciplinary offences as part of its clearance process, the Authority will take into consideration matters such as the nature of the conduct involved and the sanction applied.



- When considering any outstanding criminal or disciplinary investigation, the Authority will have regard to the entitlement of candidates to fair procedures.
- The Authority will make appointments to fill vacancies from the panel of candidates in the order of merit in accordance with the Regulations where it is satisfied as to the outcome of enquiries and its clearance process.

### **Communication**

- There is a commitment to open, timely and effective communication to candidates.
- Enquiries will be dealt with in an efficient and timely manner.
- In general, communication with candidates will be by email. It is the responsibility of candidates to check the email account they provide in their application regularly during the selection competition to view any communications relating to their application.

### **Feedback**

- Systems will be in place to manage the provision of feedback to candidates.
- Candidates will be made aware that they can seek feedback.
- Clear feedback that explains the basis for the decision reached will be provided when requested by candidates.
- The provision for feedback from the Authority does not remove the onus on candidates to learn independently and individually from their participation.

### **Requests for Review**

- Requests for review of a selection decision will be dealt with in an efficient and timely manner and in line with the procedures set out in section 6 of this Statement of Practice.

### **Management Systems and Administration**

- Effective management and control systems will be in place for the conduct of all aspects of selection competitions and to facilitate compliance with regulations, policies, procedures and this Statement of Practice.
- The effectiveness of the selection processes will be regularly reviewed and issues arising addressed.
- Effective systems will be in place to monitor and evaluate selection processes utilised and positive initiatives undertaken to tackle any matters arising.
- Appointment processes will not be subject to undue delays, with reasons for any delay recorded.

## **Documentation / Retention of Records**

- Accurate, sufficient and appropriate documentation about the selection competition will be made available.
- Documented records, which clearly support each stage of the process, including notes of interviews, will be retained. These may be in different formats, including electronic format.
- Documentation and the use of all documents will support a commitment to offer feedback to candidates.
- Personal data will be managed, collected, processed and held in accordance with the requirements of relevant data protection law.
- Records will be retained for a reasonable period of time and only then disposed of in accordance with the terms of the National Archives Act, 1986 and the Authority's Data Protection Policy.

## Section 4 – Responsibility of Candidates

### Canvassing

Candidates should note that it is prohibited to do the following, directly or indirectly:

- canvass in relation to the process;
- personate a candidate at any stage of the process;
- influence a decision of any person in relation to the process; or
- interfere with or compromise the process in any way.

These actions will result in the disqualification of the candidate and their exclusion from the appointment process. A candidate who is disqualified from the appointment process shall not be eligible to apply for a competition for a period of 5 years immediately following disqualification.

Where the Authority is of the opinion that there may have been interference or attempted interference with the selection and appointment process, it may investigate the matter or cause it to be investigated by a person authorised on its behalf.

Authority members and staff will be obliged by their Code of Conduct to report any approach to them by or on behalf of a candidate to the Chairperson, Chief Executive or Chair of the Audit and Risk Committee of the Policing Authority, as appropriate.

### Candidates' Obligations

Candidates must ensure that in applying for a position they:

- have the knowledge and ability to discharge the duties of the post concerned;
- are suitable on the grounds of health and character; and
- are suitable in all other relevant respects for appointment to the post concerned.

Candidates are required to:

- Provide any information required as part of the application process for the competition;
- Undertake any clearance process that may be required by the Authority;
- Agree to perform the duties attached to the specified rank and/or post and to accept the conditions under which those duties are or may be required to be performed.

Candidates are bound by the Code of Ethics for the Garda Síochána. Candidates who knowingly, or recklessly, provide false or misleading information in regard to their application for selection competitions will not be considered for appointment.

## Section 5 – Quality Assurance

The objective of quality assurance is to ensure that selection practices, procedures and support systems are designed and operated in accordance with this Statement of Practice. This will ensure that these processes support the Authority in undertaking selection competitions in accordance with its statutory obligations. The quality assurance process will include both:

- ongoing monitoring and review by the Authority's *Garda Appointments Quality Assurance and Selection Governance Committee* of selection processes as an integral part of all selection competitions; and
- periodic audits or reviews which may be undertaken from time to time by the Authority's Internal Audit service and/or commissioned to be undertaken by independent external experts to examine any part of the selection and appointment process.

Audits will be commissioned, from time to time, for the purpose of giving assurance to the Authority and to focus on making ongoing improvement in systems and with the goal of sharing knowledge and best practice.

Audits will be conducted in line with the terms of reference for the audit, but typically with the objective of ensuring that:

- selection and appointment processes are operated in accordance with the Authority's statutory obligations and this Statement of Practice;
- there is no scope for patronage in the system;
- instructions and guidance are consistent with the Regulations and the Statement of Practice;
- all those with responsibility for organising selection and appointment processes understand the Authority's practice and standards for the conduct of selection processes;
- those serving on selection boards have undergone training, delivered on a timely basis and appropriate to the specific assessment process deployed and have sufficient interviewing experience at an appropriate level;
- those administering selection techniques are appropriately qualified individuals who have received proper training in the administration and assessment of those techniques; and
- action has been taken to address any instances identified by internal monitoring where processes or systems are not in line with this Statement of Practice and any new developments in recruitment processes such as new selection procedures are consistent with the Statement of Practice.

The Authority will publish the outcome of audits undertaken.

## Section 6 – Complaint and Review Procedures

### Overview

This section sets out the procedures established by the Authority to receive any complaint that a candidate may have concerning a decision made in respect of him/her arising from a failure to comply with the principles and practices set out in the Regulations or the Statement of Practice for the Conduct of a Selection Competition for Appointment to the rank of Assistant Commissioner during a selection competition and to conduct a review on foot of any such complaint.

To initiate either an internal or external review, a candidate must refer in his/her complaint to the particular decision that he or she wishes to have reviewed. The candidate must also outline the facts he/she believes demonstrate that there has been a failure to comply with the Regulations or the principles and practices set out in this Statement of Practice. A request for review will not be considered if the candidate does not support his/her request.

The processes set out below include specific deadlines which will be strictly adhered to. Any extension of these time limits will only be granted in exceptional circumstances and will be at the discretion of the Chief Executive.

A candidate seeking feedback relating to his/her candidature should obtain this from the designated contact point set out in the Candidate Information Booklet and need not invoke any of the procedures referred to in this section. The provision of such feedback will be provided by the Authority as an integral part of the selection process.

When a complaint in relation to a selection decision is received from a candidate, the Authority will make every effort, subject to the agreement of the candidate, to resolve the matter using the internal review process before making use of the external review process set out below. Should the candidate remain dissatisfied following this internal process, or not wish to have the matter dealt with in this manner, he/she may adopt the external review procedures.

### Internal Review Process

The process to be followed in the handling of requests for an internal review is set out below.

The candidate must address his/her concerns in relation to the process in writing to the Chief Executive, by completing the “Request for Review” form (Appendix A).

The request for review must be received within 3 working days of the notification of the relevant decision.

The Chief Executive will arrange for the internal review to be performed without delay. The review will be undertaken by a person nominated by the Chief Executive, referred to as the “Internal Reviewer” who will not have had any involvement in the selection process.

The Internal Reviewer will consider the submission by the candidate and may, if the reviewer considers it appropriate, review relevant documentation and/or discuss the matter with the Chair of the Selection Board or the Policing Authority Representative of the Selection Board, before reaching a decision in relation to the review. The decision of the Internal Reviewer will then be communicated to the candidate.

Where a candidate remains dissatisfied following this internal review process, he/she may adopt the external review process set out below.

### **Independent External Review Process**

The process to be followed in the handling of requests for an independent external review are set out below.

The candidate must address his/her concerns in relation to the process in writing to the Chief Executive, by completing the “Request for Review” form (Appendix A).

The request for review must be received within 5 working days of the notification of the decision of the Internal Reviewer or, where the internal review process has not been invoked, within 5 working days of the notification of the relevant decision.

The external review procedure is as follows:

- Upon receipt of the request for review, the Chief Executive will arrange for an acknowledgement to issue within 3 working days.
- The Chief Executive will appoint an independent person who has not been involved in the selection process to conduct the review (the “External Reviewer”).
- The External Reviewer will consider the candidate’s request for review, and all other relevant information, including any emails, notes or memoranda held by the Authority in respect of the selection process.
- Where considered necessary by the External Reviewer, the External Reviewer may meet with the personnel involved in the selection process.
- The outcome of the external review will generally be notified to the Chief Executive within 10 working days, and to the candidate within 15 working days of receipt of the request for review. This will be done by means of a written report. Where the investigation does not allow a decision within this timeframe, the candidate will be kept informed of the status of the review and the reasons for the delay.
- The decision of the external reviewer will be final.



AN TÚDARÁS PÓILÍNEACHTA  
POLICING AUTHORITY

**Request for Review**

**In accordance with the Policing Authority Statement of Practice for the conduct of Selection Competitions for Appointment to the Rank of Assistant Commissioner in the Garda Síochána.**

**Candidate's Name:** \_\_\_\_\_

**Full Address:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Contact Phone No.:** \_\_\_\_\_

**E-mail address:** \_\_\_\_\_

Please indicate below whether you want your complaint to be dealt with as an internal or external review in accordance with Section 6 of the Authority's Statement of Practice.

Internal	
External	

Please clearly set out how you believe there has been a failure to comply with the principles and practices set out in the Regulations or the Statement of Practice for the Conduct of a Selection Competition for Appointment to the Rank of Assistant Commissioner in the Garda Síochána 2020. Please note that no new information can be considered with regard to your candidature for the Selection Competition.

A review **will not** be considered if the candidate does not support his / her request with details of the matter which they wish to have reviewed.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**On completion of this form, please email it to the Chief Executive Officer of the Policing Authority, at the following email address: *assistantcommissioner@policingauthority.ie*.**