

Appendix 1 of R09

OVERVIEW OF REVIEW / APPEALS PROCEDURES APPOINTMENT TO POSITIONS IN THE CIVIL SERVICE AND PUBLIC SERVICE

The Commission has a statutory role to establish and set down procedures to address candidates' requests for review and candidates' complaints in relation to an appointment process.

There are two distinct procedures and they are mutually exclusive.

- Section 7 sets out the precise manner in which a request for a review of a decision relating to an appointment process should be made by a candidate as well as the manner in which the request should be dealt with once made.

Section 7 review procedures apply in cases where a candidate is unhappy with an action or decision in relation to his/her candidature and wishes to have that decision reviewed, in circumstances where the candidate, while unhappy with the action or decision, does not believe it to have amounted to a breach of the Code of Practice. A Section 7 review is carried out by, or on behalf of, the office holder. The Commission has no role in a review process conducted under this section.

- Section 8 sets out the precise manner in which an allegation of a breach of this Code of Practice should be made by a candidate, as well as the manner in which the complaint should be dealt with once made.

Section 8 review procedures apply in cases where a candidate believes that there has been a breach of the Commission's Code of Practice. Allegations of such breaches should be addressed to the office holder in the first instance. If a candidate is dissatisfied with the outcome of the office holder's review, he/she may then request the Commission to undertake an examination of the alleged breach.

A candidate seeking feedback relating to his/her candidature should obtain this from the office holder in charge of the recruitment process and need not invoke any of the procedures referred to above. It is expected that such feedback will be managed by an office holder as an integral part of the appointment process. Before submitting a request for review, candidates should determine which procedure is appropriate to their particular circumstances. Office holders are advised to satisfy themselves, as far as is practicable, that the appropriate procedure has been invoked by the complainant when accepting a request for review.

The review procedures allow for matters to be resolved on an informal basis and the Commission recommends that the office holder, subject to the agreement of the candidate, should endeavour where feasible to avail of the informal process before making use of the formal review procedures.

It is important to note that where a selection process is reviewed under Section 7, a complainant may not then seek a further review in respect of the same matter under Section 8, other than in exceptional circumstances, as may be determined by the Commission in its sole discretion.