

CANDIDATES INFORMATION BOOKLET

PLEASE READ CAREFULLY

The Department of Foreign Affairs and Trade intends to hold a competition for the purpose of recommending one or more persons for appointment to the position of

Assistant Legal Adviser

in the Department of Foreign Affairs & Trade

The Department of Foreign Affairs and Trade is committed to a policy of equal opportunity. The Department will run this campaign 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).

Codes of practice are published by the CPSA and are available on www.cpsa.ie

All enquires should be directed in writing to [ala\[at\]dfa\[dot\]ie](mailto:ala@dfa.ie)

Assistant Legal Adviser in the Department of Foreign Affairs & Trade

The Position:

Assistant Legal Advisers are responsible for the provision of legal advice and assistance to colleagues within the Department of Foreign Affairs and Trade in relation to such areas of foreign policy as are assigned to them from time to time, under the supervision of the senior management of the Department's Legal Division. Assistant Legal Advisers also liaise as appropriate with other lawyers within the Government and State legal services and with colleagues from other Foreign Ministries. Assistant Legal Advisers may be asked to represent the Department in intra and inter-Departmental meetings, in legal fora abroad and in the preparation of legal pleadings both domestically and in international courts and tribunals. They are also involved in the management and administration of the Legal Division.

Assistant Legal Advisers typically work on a number of specialised areas, such as: diplomatic law and international privileges and immunities; international terrorism and sanctions; legal aspects of UN membership and the International Court of Justice; EU law; consular law; passport law; overseas development assistance; extradition and mutual legal assistance; the International Criminal Court and other international criminal courts and tribunals; Anglo-Irish matters; treaty law; UN human rights law; the European Convention on Human Rights.

The Principal Duties of the Role Include:

- The provision of legal advice;
- Representation of the Division/Department/State at meetings in Ireland and abroad;
- Liaising with relevant Departments, the Office of the Attorney General and counsel on the preparation and submission of pleadings in cases in which Ireland appears before international courts, tribunals and other dispute settlement fora;
- Assistance in the management and administration of the Division;
- Other duties appropriate to the position, as directed by the senior management of the Division.

Requirements:**Essential for the job:**

Candidates must, on or before 28 February 2017;

- have been called to the Bar in the State or have been admitted and be enrolled as a Solicitor in the State, and
- have an excellent knowledge of public international law and a very good general knowledge of Irish law, and
- have at least 3 years experience relevant to the position, and
- be Irish citizens (as the work involves representing the State abroad).

Desirable (but not essential) for the job:

It is desirable that candidates:

- have a good knowledge of human rights and/or EU law; and
- have a good knowledge of French and/or another foreign language

Key Competencies

In addition, the successful candidate will be expected to demonstrate that they possess the skills/competencies identified as being important for roles at Assistant Principal level. These include:

- Leadership
- Analysis & decision making
- Management & delivery of results
- Interpersonal & communication skills
- Drive and commitment to public service values
- Specialist knowledge, expertise and self-development

Special Personal Attributes:

Candidates must have excellent interpersonal and communications skills, the ability to work co-operatively, flexibly and constructively with legal and non-legal colleagues and be able to provide accurate and constructive legal advice and assistance within tight deadlines. Ability to draft clearly and concisely and with sensitivity to policy considerations is important.

Key Relationships or Interpersonal Contacts:

Within the organisation:

Level: Same/higher/lower

Type of contact: In person/at meetings/by telephone/in writing

Frequency: Several times daily

Purpose: To exchange information so as to enable the giving of informed and constructive advice and assistance.

Outside the organisation (including other bodies/the general public):

Type of organisation/persons contacted: Officers from other Government Departments and Offices and from other Foreign Ministries at same/higher/lower level

Type of Contact: In person/at meetings/by telephone/in writing

Frequency: Several times weekly

Purpose: To exchange information so as to ensure an appropriate legal input into the formulation and development of foreign policy/to ensure effective participation in legal fora abroad and in legal proceedings before international dispute-settlement mechanisms.

Training (other than on-the-job training which is provided/encouraged):

Officers are encouraged to attend appropriate legal conferences where possible at least once a year and to obtain, maintain and improve foreign language skills.

Working Environment:

The Legal Division currently consists of a Legal Adviser, a Deputy Legal Adviser, a Legal Counsellor and Assistant Legal Advisers, two Executive Officers, two Clerical Officers, two interns and the Legal Adviser's Personal Assistant. The Division is currently located at 2 Clonmel Street, Dublin 2. Attendance at meetings in Ireland and abroad is a normal feature of the work of Assistant Legal Advisers. Assistant Legal Advisers work both as part of a team with other legal and policy colleagues, and also on their own initiative.

Special Equipment and facilities available in connection with the work:

Officers have access to the Department's library, to the Division's own specialist legal library and to electronic legal databases. Access to the libraries of the Office of the Attorney General and universities can be arranged.

Eligibility to Compete

Health

A candidate for and any person holding the office must be fully competent and capable of undertaking the duties attached to the office and be in a state of health such as would indicate a reasonable prospect of ability to render regular and efficient service.

Character

A candidate for, and any person holding the office, must be of good character.

Citizenship Requirement:

As the work involves representing the State abroad, candidates must be Irish citizens.

Collective Agreement - Redundancy Payments to Public Servants (DoF letter to Personnel Officers dated 28 June 2012):

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. Thereafter the consent of the Minister for Public Expenditure and Reform will be required prior to re-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 non-eligibility) 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 debarred from applying 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 re-employment in the public health sector or in the wider public service or in a body wholly or mainly funded from public monies. The same prohibition on re-employment applies under the VRS, except that the prohibition is for a period of 7 years, after which time any re-employment will require the approval of the Minister for Public Expenditure and Reform. People who availed of either of these schemes are not eligible to compete in this competition.

Department of Environment, Community & Local Government (Circular Letter LG(P) 06/2013):

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. Thereafter, the consent of the Minister for Public Expenditure and Reform will be required prior to re-employment. 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).

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, 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 persons 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).

Career Breaks:

Subject to satisfying the eligibility requirements, the competition is open to staff who are on a Career Break, provided their Career Break conforms to the provisions of Department of Finance Circular 18/98, or on secondment arrangements.

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.

Maximum Recruitment Age:

Candidates should be aware that a maximum recruitment age will apply to this competition. Candidates must not yet be 67 years of age on the closing date and time for the competition.

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.

Salary:

The salary scale for this position is as follows*:

Personal Pension Contribution Scale (PPC), with effect from 1 November, 2013:

€58,667 - €62,898 - €65,000 - €65,000 - €66,040 - €68,262 - €70,479 - €71,758

Long Service Increment 1(LSI1) - €73,995 Long Service Increment 2(LSI2) - €76,224

**Different pay and conditions may apply where an appointee is already a serving civil or public servant.*

Important Note:

The Personal Pension Contribution (PPC) rate applies to new entrants and will also apply where the appointee is an existing civil or public servant appointed on or after 6th April 1995 and is required to make a personal pension contribution. Long service increments may be payable after 3 years (LSI1) and 6 years (LSI2) satisfactory service at the maximum of the scale.

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.

As above, different terms and conditions may apply if immediately prior to appointment the appointee is a serving civil or public servant.

Subject to satisfactory performance increments may be payable in line with current Government Policy. (See Haddington Road Agreement paragraph 2.19 for recent changes.)

Tenure:

The appointment is to an established position on a probationary contract in the Civil Service for a period of one year. Should the appointee be satisfactory as regards health, conduct and efficiency generally during the probationary period, the appointee will, on completion of the period, be appointed on a substantive basis. Should the appointee's service be unsatisfactory, the appointment may be extended or terminated at any time during the contract period.

During the term of this contract, the successful candidate may be reassigned other and/or additional duties, as required, for the remainder of their contract.

Headquarters:

The officer's headquarters will be such as may be designated from time to time by the Head of the Department or Office or by another appropriate authorised officer. When absent from home and headquarters on duty appropriate travelling expenses and subsistence allowances will be paid, subject to the normal civil service regulations.

Organisation of Working Time Act 1997:

The terms of the Organisation of Working Time Act, 1997 will where appropriate apply to this appointment.

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 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 Department of Foreign Affairs and Trade. 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, and except for candidates who have worked in a pensionable (non-single scheme terms) public service job in the 26 weeks prior to appointment (see paragraph d below), this means being offered appointment based on membership of the Single Public Service Pension Scheme ("Single Scheme").

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

a) Pensionable Age

The minimum age at which pension is payable is 66 (rising to 67 and 68) in line with State Pension age changes.

b) Retirement Age:

Scheme members must retire at the age of 70.

c) Pension Abatement

If the appointee was previously employed in the Civil Service and is in receipt of a pension from the Civil Service normal abatement rules will apply. However, if the appointee was previously employed in the Civil Service and awarded a pension under voluntary early retirement arrangements (other than the Incentivised Scheme of Early Retirement (ISER) or the Department of Health Circular 7/2010 VER/VRS which, as indicated above, renders a person ineligible for the competition) the entitlement to that pension will cease with effect from the date of reappointment. Special arrangements will, 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.

If the appointee was previously employed in the Civil Service or in the Public Service please note that the Public Service Pensions (Single Scheme and Other Provisions) Act 2012 includes a provision which extends abatement of pension for all Civil and Public Servants who are re-employed where a Public Service pension is in payment. This provision to apply abatement across the wider public service came into effect on 1 November 2012. This may have pension implications for any person appointed to this position who is currently in receipt of a Civil or Public Service pension or has a preserved Civil or Public Service pension which will come into payment during his/her employment in this position.

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.

d) Prior Public Servants

While the default pension terms, as set out in the preceding paragraphs, consist of Single Scheme membership, this may not apply to certain appointees. Full details of the conditions governing whether or not a public servant is a Single Scheme member are given in the Public Service Pensions (Single Scheme and other Provisions) Act 2012. However the key exception case (in the context of this competition and generally) is that a successful candidate who has worked in a pensionable (non-single scheme terms) capacity in the public service within 26 weeks of taking up appointment, would in general not become a member of the Single Scheme. In this case such a candidate would instead be offered membership of the pension scheme for non- established civil servants ("Non-Established State Employee Scheme"). This would mean that the abatement provisions at (c) above would apply, and in addition there are implications in respect of pension accrual as outlined below:

e) 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 existing public service pension scheme would apply. This 40-year limit, which is provided for in the Public Service Pensions (Single Scheme and other Provisions) Act 2012 came into effect on 28

July 2012. This may have implications for any appointee who has acquired pension rights in a previous public service employment.

f) Pension-Related Deduction

This appointment is subject to the pension-related deduction in accordance with the Financial Emergency Measure in the Public Interest Act 2009.

For further information in relation to the Single Public Service Pension Scheme for Public Servants please see the following website: <http://www.per.gov.ie/pensions>

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.

Format of the Competition

Selection Method

The methods used to select the successful candidate for this post may include:

- shortlisting of candidates on the basis of the criteria outlined in the competition booklet
- a competitive preliminary interview to reduce the numbers of candidates to a more manageable number for the final interview board if necessary
- A competitive interview, possibly including a presentation by the candidate on questions put to him or her immediately prior to the interview

In the event that a large number of candidates meet the minimum eligibility requirements for the post the Department may decide to invite a smaller number to interview. This is not to suggest that other candidates are necessarily unsuitable or incapable of undertaking the job, but rather that there are some candidates who are, *prima facie*, better qualified and/or have more relevant experience.

During any shortlisting exercise that may be employed, the Department will be guided by an expert board who will examine the application forms and assess them against pre-determined criteria based on the requirements of the position.

The onus is on all applicants to make themselves available on the date(s) specified by the Department of Foreign Affairs & Trade and to make whatever arrangements are necessary to ensure that they receive communications sent to them at the contact details specified on their application form. The Department will not be responsible for expenses incurred by candidates.

Completing the Application Form:

Applications must be made on the official application form (available on request from [ala\[at\]dfa\[dot\]ie](mailto:ala[at]dfa[dot]ie)) and will be treated in strict confidence. All sections of the form must be fully completed. When completing the application form accuracy is essential as it may be used as a computer input document and you may be shortlisted on the basis of information supplied.

Closing Date:

Completed Application Forms should be submitted to [ala\[at\]dfa\[dot\]ie](mailto:ala[at]dfa[dot]ie) by 5.30 pm on 24 March 2017 at the latest.

All enquires should also be sent to [ala\[at\]dfa\[dot\]ie](mailto:ala[at]dfa[dot]ie)

Alternatively Applications can be mailed to:

The Personnel Officer
Department of Foreign Affairs and Trade
76-78 Harcourt Street
Dublin 2
D02 Dx45

Applications will not be accepted after the closing date.

Confidentiality

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

Security Clearance

Police vetting may be sought in respect of individuals who come under consideration for appointment. The applicant will be required to complete and return a Garda Vetting form should they 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 they resided. Enquiries may also be made with the police force of any country in which the applicant under consideration for appointment resided. If unsuccessful this information will be destroyed. If the applicant subsequently comes under consideration for another position, they will be required to supply this information again.

Other important information

The Department of Foreign Affairs and Trade will not be responsible for refunding any expenses incurred by candidates. The admission of a person to a campaign, or invitation to attend an interview, is not to be taken to imply that the Department is satisfied that such person fulfils the requirements of the competition or is not disqualified by law from holding the position.

Prior to recommending any candidate for appointment to this position the Department of Foreign Affairs and Trade will make all such enquiries as are deemed necessary to determine the suitability of that candidate. 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.

Vacancies of a closely similar nature arising elsewhere in the Civil Service may be filled from the panel established by this competition.

Candidates' Rights - Review Procedures in relation to the Selection Process

The Department of Foreign Affairs and Trade will consider requests for review in accordance with the provisions of the codes of practice published by the Commission for Public Service Appointments (CPSA). The Codes of Practice are available on the website of the CPSA <http://www.cpsa.ie/>

Where a candidate is unhappy with an action or decision in relation to an application, s/he can seek a review under Section 7 of the code of practice. The candidate must address his/her concerns in relation to the process in writing, setting out the basis for the complaint being made, to the Personnel Officer, Department of Foreign Affairs and Trade.

Candidates' Obligations

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

interfere with or compromise the process in any way

A third party must not personate a candidate at any stage of the process.

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, where a person found guilty of an offence was or is a candidate at a recruitment 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 subsequently to the recruitment process in question, he/she shall forfeit that appointment.

Deeming of candidature to be withdrawn

Candidates who do not attend for interview or other test when and where required, or who do not, when requested, furnish such evidence as the Department of Foreign Affairs and Trade requires in regard to any matter relevant to their candidature, will have no further claim to consideration.

Quality Customer Service

We aim to provide an excellent quality service to all our customers. If, for whatever reason, you are unhappy with any aspect of the service you receive from us, we urge you to bring this to the attention of the unit or staff member concerned. This is important as it ensures that we are aware of the problem and can take the appropriate steps to resolve it.

Feedback will be provided on written request.

Data Protection Acts 1988 and 2003

When your application form is received, we create a record in your name, which contains much of the personal information you have supplied. This personal record is used solely in processing your candidature. Such information held is subject to the rights and obligations set out in the Data Protection Acts 1988 and 2003. To make a request under the Data Protection Acts 1988 and 2003, please submit your request in writing to FOI Unit, Department of Foreign Affairs and Trade.