



Oifig an
Office of the

Stiúrthóra Ionchúiseamh Poiblí
Director of Public Prosecutions

Candidate Information Booklet

Please read carefully

Prosecutor in the Office of the Director of Public Prosecutions

The Office of the Director of Public Prosecutions is committed to a policy of equal opportunity.

The Office of the Director of Public Prosecutions will run this competition in compliance with the Code of Practice for Appointments 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

Closing time and date: 3:30pm on Thursday 21 June 2018

CONTACT: Prosecutor2018@dppireland.ie

The Office of the Director of Public Prosecutions
Infirmery Road, Dublin 7

www.dppireland.ie

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Prosecutor Positions in the Office of the Director of Public Prosecutions

The Office of the Director of Public Prosecutions may from time to time require lawyers to fill vacancies in the Office. These vacancies may be permanent or temporary. The Office intends to set up a Prosecutor panel which will be valid for a period of 18 months and will draw down from this panel as required.

Background

The Office of the Director of Public Prosecutions was established by the Prosecution of Offences Act, 1974. The Director is independent in the performance of her functions.

The Director enforces the criminal law in the courts on behalf of the People of Ireland; directs and supervises public prosecutions on indictment in the courts; and gives general direction and advice to the Garda Síochána in relation to summary cases and specific direction in such cases where requested.

The Office of the Director of Public Prosecutions has three legal divisions:

- The Directing Division is responsible for the overall direction of serious criminal proceedings. This includes making the decision whether to prosecute and for what offence, for making any decision to withdraw proceedings or to accept pleas to lesser offences, and to bring appeals in relation to points of law or seek reviews of unduly lenient sentences.
- The Solicitors Division is responsible for providing the solicitor service in Dublin to the Director. This includes the general preparation of indictable cases, including the preparation of books of evidence, the instruction and attendance on counsel at the hearing, the conduct of summary prosecutions and the conduct of all Judicial Review cases on the Director's behalf.
- The Legal Support Services Division is responsible for knowledge management strategies, developing policy responses to a range of issues arising both nationally and internationally, devising responses as required to national and EU legislation, ensuring that victims' rights arising from the EU Victims Directive and national legislation are implemented and for work arising from international co-operation and mutual legal assistance in prosecutions.

The Role

While an appointment will be made initially to one of the legal Divisions, the policy within the Office is that staff can be moved both within and between Divisions to meet operational needs. In the Directing Division, Prosecutors will manage a personal caseload. The work in the Directing Division is primarily focused on whether a prosecution should be initiated and if so what charges should be preferred. Prosecutors will also be responsible for the giving of instructions generally regarding the conduct of prosecutions.

In the Solicitors Division, Prosecutors will have manage a personal caseload and will be focused on providing a service to the Director in all prosecutions in the Dublin Metropolitan District, the

Circuit, Central and Special Criminal Courts and Court of Appeal and on dealing with Judicial Review matters arising from prosecutions.

In the Legal Support Services Division, Prosecutors will manage a personal caseload the makeup of which will depend on which area of the Division they are assigned to.

Prosecutors are expected to have a detailed knowledge and understanding of the criminal law, particularly the legal issues which impact on the discharge of the prosecutorial function. Prosecutors are responsible for the effective management of their own caseload and delivering quality work, applying high standards of accuracy, ethics and integrity.

Essential Requirements

The successful candidate must, on or before 21 June 2018 be enrolled as a Solicitor in the State or have been called to the Bar and must also have:

- a sound knowledge of the criminal law and a good understanding of the procedures used in the general legal tasks encountered in the practice of law;
- good basic IT skills and some familiarity with office computer applications
- excellent communication, negotiation and relationship management skills with the ability to fully engage with a range of stakeholders;
- the ability to work on own initiative, to work independently and in a team environment;
- the ability to prioritise, organise and manage a multi-layered caseload in a busy environment;
- the ability to plan and organise fully an area of responsibility meeting defined performance targets with clear accountability for outcomes;
- the ability to analyse risk and to take corrective action.

Desirable Requirements

- Previous experience at professional level, particularly in criminal law.

Eligibility to Compete and Certain Restrictions on Eligibility

Candidates should note that eligibility to compete is open to citizens of the European Economic Area (EEA). The EEA consists of the Member States of the European Union along with Iceland, Liechtenstein and Norway. Swiss citizens under EU agreements may also apply.

Collective Agreement: Redundancy Payments to Public Servants

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 not eligible to apply 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 moneys. 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).

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.

Principal Conditions of Service

PROSECUTOR

General

The appointment 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.

Pay

The salary for the position is as follows:

PPC (Personal Pension Contribution) Pay Scale

€31,835	€34,234	€34,922	€37,926	€41,770	€44,706
€47,630	€50,571	€53,505	€56,424	€65,837	€68,217
€70,583	€72,957	€75,327	€76,693	€79,085	€81,485
			NMAX	LSI1	LSI2

Long Service Increment 1 (LSI1) may be payable after 3 years satisfactory service at the normal maximum (NMAX).

Long Service Increment 2 (LSI2) may be payable after 6 years satisfactory service at the normal maximum (NMAX).

Important Note

While in the normal course, salary entry point will be at the minimum of the scale, different pay and conditions may apply subject to Government pay policy procedures. For the purposes of this competition, candidates may be offered appointment up to Point 7, i.e. €47,630 at the discretion of the Director of Public Prosecutions who will take into account the post qualification experience of candidates. In exceptional circumstances and where candidates can provide evidence that they hold a salary at a point higher than €47,630, the Director of Public Prosecutions may consider offering appointment at a salary point higher than €47,630 in light of the potential value to the Office of the Director of Public Prosecutions of the post qualification experience of candidates.

Candidates should note that different pay 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 will current Government Policy.

Tenure

Appointment will be to established positions on probationary contracts in the Civil Service. The probationary contract will be for a period of one year from the date of appointment. Temporary posts may also be filled from this competition.

Duties

The officer will be required to perform any duties appropriate to the position which may be assigned from time to time. The officer may not engage in private practice or be connected with

any outside business which would interfere with the performance of official duties or conflict in any way with the position to which the candidate is appointed.

Headquarters

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

Hours of attendance

Hours of attendance will be fixed from time to time but will amount to not less than 43 hours and 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 will be 25 working days, rising to 29 days after 5 years service and to 30 days after 10 years service. This allowance, which is subject to the usual conditions regarding the granting of annual leave, is on the basis of 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 Public Service Management (Sick Leave) Regulations (SI 124 of 2014), the Public Service Management (Sick Leave) (Amendment) Regulations 2015 (SI 384 of 2015) and any relevant circular.

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 Office of the Director of Public Prosecutions. 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.

Secrecy, Confidentiality and Standards of Behaviour

Official Secrecy and Integrity

During the term of the probationary contract, an officer will be subject to the provisions of the Official Secrets Act, 1963, as amended by the Freedom of Information Acts 1997 and 2003. The officer will agree not to disclose to third parties any confidential information either during or subsequent to the period of employment.

Civil Service Code of Standards and Behaviour

The officer will be subject to the Civil Service Code of Standards and Behaviour.

Ethics in Public Office Acts

The Ethics in Public Office Acts will apply, where appropriate, to this employment.

Prior approval of publications

An officer will agree not to publish material related to his or her official duties without prior approval by the Head of Office/Department.

Political Activity

During the term of employment the officer will be subject to the rules governing civil servants and politics.

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.

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).

Ill-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”).

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>

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.

COMPETITION PROCESS

How to Apply

Applications should be made **by e-mail** to Prosecutor2018@dppireland.ie All sections of the form must be fully completed.

Applications will not be accepted after the closing date.

Closing Date

Your application must be submitted by e-mail to Prosecutor2018@dppireland.ie not later than 3:30 pm, Thursday 21 June 2018. If you do not receive an acknowledgement of receipt of your application within 24 hours of applying, please contact: Pamela O'Connor (01) 858 8531 or humanresources.unit@dppireland.ie.

The interviews for these posts are likely to be held in mid July 2018.

The onus is on each applicant to ensure that she/he is in receipt of all communication from the Office of the Director of Public Prosecutions.

The Office of the Director of Public Prosecutions accepts no responsibility for communication not accessed or received by an applicant

Candidates should make themselves available on the date(s) specified by the Office of the Director of Public Prosecutions and should make sure that the contact details specified on the application form are correct.

Selection Methods

The selection may include:

- shortlisting of candidates on the basis of the information contained in their application
- a competitive interview
- Any other tests or exercises that may be deemed appropriate

Shortlisting

Normally the number of applications received for a position exceeds that required to fill existing and future vacancies to the position. While a candidate may meet the eligibility requirements of the competition, if the numbers applying for the position are such that it would not be practical to interview everyone, the Office of the Director of Public Prosecutions may decide that a number only will be called to interview. In this respect, the Office of the Director of Public Prosecutions provide for the employment of a shortlisting process to select a group for interview who, based on an examination of the application forms, appear to be the most suitable for the position. An expert board will examine the application forms against a pre-determined criteria based on the requirements of the position. This is not to suggest that other candidates are necessarily unsuitable or incapable of undertaking the job, rather that there are some candidates, who based on their application, appear to be better qualified and/or have more relevant experience. **It is therefore in your own interest to provide a detailed and accurate account of your qualifications/ experience on the application form.**

Posts on Offer

Currently there are vacancies for permanent posts as Prosecutors in the Office of the Director of Public Prosecutions. A panel will be formed following this competition from which any Prosecutor vacancies occurring within a period of 18 months from the formation of the panel may be filled. Candidates who have already been offered a post (other than a temporary post) from this competition will not be considered for future vacancies. Candidates offered a temporary post from this campaign will remain under consideration for any future permanent posts.

Confidentiality

Subject to the provisions of the Freedom of Information Act, 1997 and 2003 applications will be treated in strict confidence.

Security Clearance

Police vetting will 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. If unsuccessful this information will be destroyed by the Office of the Director of Public Prosecutions. If the applicant subsequently comes under consideration for another position, they will be required to supply this information again.

Other important information

The Office of the Director of Public Prosecutions will not be responsible for refunding any expenses incurred by candidates.

The admission of a person to a competition, or invitation to attend an interview, is not to be taken as implying that the Office of the Director of Public Prosecutions is satisfied that such person fulfils the requirements of the competition or is not disqualified by law from holding the position and does not carry a guarantee that your application will receive further consideration. It is important, therefore, for you to note that the onus is on you to ensure that you meet the eligibility requirements for the competition before attending for interview. If you do not meet these essential entry requirements but nevertheless attend for interview you will be putting yourself to unnecessary expense.

Prior to appointment of a candidate as a Prosecutor, the Office of the Director of Public Prosecutions will make all such enquiries that 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

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

The Office of the Director of Public Prosecutions will consider requests for review in accordance with the provisions of the codes of practice published by the CPSA. The Codes of Practice are available on the website of the Commission for Public Service Appointments <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, The Office of the Director of Public Prosecutions, in the first instance. A complaint or request for review must be made 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, a request for review must be received within 4 working days of the date of receipt of the decision or within 2 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.
- In communicating the outcome to the candidate, which will be done by means of written report, the initial reviewer should indicate that he/she may seek further review by referring the matter to the Decision Arbitrator and that a request to do so must be made with 7 working days of receipt of the outcome of the initial review.

Where a candidate believes that an aspect of the process breached the CPSA's code of practice, s/he can have it investigated under Section 8 of the code by the CPSA.

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 by the Office of the Director of Public Prosecutions, or who do not, when requested, furnish such evidence as the Office of Public Prosecutions requires in regard to any matter relevant to their candidature, will have no further claim to consideration.

Feedback

Feedback will be provided on written request.

Data Protection Acts

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. To make a request under the Data Protection Acts, please submit your request in writing to: **The Data Protection Co-Ordinator, The Office of the Director of Public Prosecutions, Infirmary Road, Dublin 7**, ensuring that you describe the records you seek in the greatest possible detail to enable us to identify the relevant record.