



An tSeirbhís Chúirteanna
Courts Service

CANDIDATES INFORMATION BOOKLET

PLEASE READ CAREFULLY

Open competition for appointment to the position of

Judicial Clerk

in the Supreme Court and the Court of Appeal

Closing Date: 16.00 on Thursday, 31st May 2018

The Courts Service is committed to a policy of equal opportunity.

The Courts Service 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

Please contact Denise Cole, Personnel Officer, for further information

Tel: (353) 1 888 6038

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Introduction

The Courts Service was established on 9th November 1999 following the enactment of the Courts Service Act 1998. Its functions are as follows:

- to manage the Courts.
- to provide support services for the judiciary.
- to provide information on the courts system to the public.
- to provide, manage and maintain court buildings.
- to provide facilities for users of the courts.

The Courts Service operates under the aegis of a Board which is responsible for determining policy in relation to the Service. The Board also oversees the implementation of its policies by the Chief Executive Officer.

Staff of the Courts Service are civil servants of the State.

Further information on the Courts Service is available on www.courts.ie

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1. ROLE & ESSENTIAL REQUIREMENTS

1.1 Overview

The role of a judicial clerk to the Supreme Court and the Court of Appeal is to provide research support to members of the Judiciary in these two jurisdictions. These employment contracts will be for a period of thirteen months starting at the beginning of September 2018. These positions will provide persons at the start of their legal career with the opportunity to work with the most senior members of the Irish Judiciary. They will also provide an opportunity to observe court proceedings in both appellant courts.

1.2 Role

Working directly with judges of the Supreme Court and the Court of Appeal, the key duties of this role are research based and will include:

- Engaging with senior members of the judiciary to understand their research requirements.
- Drafting high level, well written, comprehensive research papers on relevant legal issues, using clearly presented arguments.
- Synopsising and summarising legal submissions, case law and relevant material.
- Proof reading draft judgments, undertaking research for inclusion in draft judgments.
- Assisting the judge in the preparation of lectures, conference papers and speeches.
- Undertaking such other administrative related tasks as required by the Judge.

In the final month of their employment contract judicial clerks will be tasked with mentoring and training the subsequent intake of judicial clerks employed to provide research services to judges of the Supreme Court and the Court of Appeal.

[Candidates are expected to remain in contract for the full duration of the contract, save in exceptional circumstances]

1.3 Qualifications and Requirements for the Post

Candidates must by the 30th August 2018:¹

- have been admitted to the Roll of Solicitors of the Law Society of Ireland (or eligible to be admitted on the next Roll of Solicitors) **or** hold (or expect to hold) a Barrister at Law degree from the Kings Inns

and

hold at least a 2.1 primary degree at a minimum of level 8 on the National Framework of Qualifications **or** hold a Diploma in Legal Studies from the Kings Inns.

- demonstrate an excellent understanding of the work of the Irish law and the Irish legal system including contemporary statute and Irish case law, as well as on EU law.
- have knowledge of modern research methods and materials including available online legal research databases and other online legal resources.
- have some experience conducting legal research (this can include academic research or research in the course of court case preparation).
- be able to demonstrate high level, clear written and verbal communication skills.

Candidates should have the ability to:

- Conduct high quality but speedy legal research.
- Identify key elements of legal issues.
- Clearly present legal arguments both in writing and orally.

¹ For candidates who will be awarded their professional qualification in 2018, positions will be offered contingent on such candidates holding the required qualifications by this date. [Note this is only required if results will not be available at the closing date for applications]

Candidates should indicate if they are fluent in Irish and in particular an ability to read and understand legal materials in the Irish language.

1.4 General skills and competencies

In your application form and at interview, candidates must be able to demonstrate they have the ability to successfully carry out the duties of the role, as well as the general skills and competencies required at this level, namely:

- **Specialist Knowledge, Expertise and Self Development**

Must be able to demonstrate an excellent understanding of the Irish legal system, have knowledge of E.U. and International law and understand how the role of judicial clerk assists the work of the judiciary.

- **Delivery of Results**

Assumes personal responsibility for and delivers on agreed objectives/goals, manages and progresses multiple projects and work activities successfully, manages own time efficiently, anticipating obstacles and making contingencies for overcoming these, ensures all outputs are delivered to a high standard and in an efficient manner, uses resources effectively, improves efficiencies where possible.

- **Team work**

Shows respect for colleagues, develops and maintains good working relationships with others, sharing information and knowledge as appropriate, offers own ideas and perspectives, understands own role in team and makes every effort to play his/her part.

- **Information Management and Processing**

Has an ability to use all modern ICT systems, approaches and delivers all work in a thorough and organised manner, follows procedures and protocols, keeps

high quality records that are easy for others to understand, draws appropriate conclusions from information.

- **Interpersonal & Communication Skills**

Communicates in a fluent, logical, clear and convincing manner verbally and in writing, is able to listen effectively, with an ability to develop and maintain professional working relationships with the most senior members of the Judiciary.

- **Analysis and Decision Making**

Effectively deals with a wide range of information sources, investigating all relevant issues, quickly gets up to speed in a complex situation, rapidly absorbing all information/data (written and oral).

- **Drive and Commitment to Public Service Values**

Consistently strives to perform at a high level and deliver a quality service, is personally trustworthy and can be relied upon, upholds the highest standards, demonstrates flexibility and is resilient.

2. MATTERS RELATING TO ELIGIBILITY TO APPLY

2.1 Citizenship Requirement

This competition is open to citizens of the European Economic Area which consists of all member states of the EU together with Iceland, Liechtenstein and Norway. Swiss citizens under EU agreements may also apply.

2.2 Department of Finance Circular 12/09

Any person who retired under the Incentivised Scheme for Early Retirement (ISER) as set out in the above circular 12/09 is not eligible to apply for another position in the same employment or the same sector. Therefore, such person is not eligible to compete in this competition.

2.3 Department of Health and Children Circular 7/2010

Any person who availed of the Targeted Voluntary Early Retirement Scheme set out in the above circular 7/2010 is not eligible for re-employment in the public health sector, the wider public service or in a body wholly or mainly funded from public moneys. Therefore, such person is not eligible to compete in this competition.

Any person whose employment was terminated under the Voluntary Redundancy Scheme set out in the above circular 7/2010 is not eligible for re-employment in a body wholly or mainly funded from public moneys for a period of 7 years from the date of said termination. Thereafter re-employment is subject to the consent of the Minister for Finance. Any successful candidate to whom this circumstance applies will not receive an offer of employment without proof that the period of non-eligibility has expired and the consent of the Minister for Finance has been secured.

2.4 The Department of Public Expenditure and Reform letter of 28 June 2012

Any person whose employment was terminated under the terms of the Collective Agreement on voluntary redundancy as set out in the above letter

of 28 June 2012 is not eligible for re-employment in the public service (as defined by the Financial Emergency Measures in the Public Interest Acts 2009 – 2011) for a period of 2 years from the date of said termination. Thereafter re-employment is subject to the consent of the Minister for Public Expenditure and Reform.

Any successful candidate to whom these circumstances apply will not receive an offer of employment without proof that the period of non-eligibility has expired and the consent of the Minister for Public Expenditure and Reform has been secured.

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

Any person whose employment was terminated under the terms of the Voluntary Redundancy Scheme for Local Authorities set out in the above circular 06/2013 is not eligible for re-employment in the public service (as defined by the Financial Emergency Measures in the Public Interest Acts 2009 – 2011) for a period of 2 years from the date of said termination. Thereafter re-employment is subject to the consent of the Minister for Public Expenditure and Reform.

Any successful candidate to whom these circumstances apply will not receive an offer of employment without proof that the period of non-eligibility has expired and the consent of the Minister for Public Expenditure and Reform has been secured.

2.6 Other

Any person who by virtue of any scheme, agreement or any other arrangement whatsoever, including any variant of those listed above, terminated his or her employment in the civil or public service may not be eligible to compete in this competition under the terms thereof. Where a person is unsure as to the meaning or effect of such terms, he or she should contact the body with whom

such arrangement was reached prior to making any application under this competition.

2.7 Declaration

Each applicant is required to declare whether he or she has previously availed of any Public Service scheme of voluntary redundancy or incentivised early retirement, including but not confined to those set out above.

Each applicant is also required to declare any entitlement to a public service pension benefit (in payment or preserved) from any other public service employment and/or receipt of a payment-in-lieu in respect of service in any public service employment.

Failure to make such a declaration may disqualify a candidate from proceeding further in this competition, the final determination of which shall be made by Courts Service in its absolute discretion.

3. PRINCIPAL CONDITIONS OF SERVICE

3.1 The appointment is subject to the Civil Service Regulation 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. The appointee will be subject to the Civil Service Code of Standards and Behaviour.

3.2 Tenure

The appointment is to a temporary unestablished position on a 13 month non-renewable contract (from the start of September 2018 to October 2019). Candidates must be available to take up duty no later than 10th September 2018.

3.3 Salary

The salary for this position is **€28,651 per annum**.

Salary is payable weekly in arrears by Electronic Funds Transfer (EFT) into a bank account of the appointee's choice. Payment cannot be made until the appointee supplies a bank account number and bank sort code to the Human Resources Unit of the Courts Service. Statutory deductions will be made from salary as appropriate by the Courts Service.

Candidates should note that the salary quoted will not be subject to negotiation and the rate of remuneration may be adjusted from time to time in line with Government pay policy.

Important Note:

In certain circumstances, different conditions may apply for existing civil or public servants.

3.4 Duties

The appointee will be expected to perform all acts, duties and obligations as appropriate to this position (which may be revised from time to time).

3.5 Probation

The appointee will be required to serve a 6 month probationary period. During the period of the probationary contract, an officer's performance will be subject to review by the appropriate supervisor(s) to determine whether the officer:

- (i) has performed in a satisfactory manner.
- (ii) has been satisfactory in general conduct.
- (iii) is suitable from the point of view of health with particular regard to sick leave.

Prior to completion of the probationary contract, a decision will be made as to whether or not the appointee will be retained pursuant to Section 5A(2) of the Civil Service Regulation Acts 1956-2005. This decision will be based on the appointee's performance assessed against the criteria set out in (i) to (iii) above.

The details of the probationary process will be explained to the appointee by the Courts Service as the employer and a copy of guidelines on probation issued by the Department of Public Expenditure and Reform will be provided.

In the event that the appointee is not considered as suitable to the position of judicial clerk (Supreme Court and Court of Appeal) having been assessed against stated criteria, the appointee will be notified in writing of the action to be taken.

3.6 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 appointee will be required to work such additional hours from time to time as may be reasonable and necessary for the proper performance of his or her duties subject to the limits set down under working time regulations.

3.7 Annual Leave

Annual Leave runs from January to December. Annual leave for this position is 22 days per annum on a pro-rata basis. This leave is on the basis of a five-day week and is exclusive of the usual public holidays.

Annual leave, other than in exceptional circumstances, is unlikely to be granted during the legal term.

3.8 Headquarters

The appointee's headquarters will be such as may be designated from time to time by the Courts Service, but generally appointees will be based in the Four Courts or in the Criminal Courts of Justice.

There may be a requirement for some travel associated with this post. When absent from home and headquarters on official duty, an officer will be paid appropriate travelling expenses and subsistence allowances subject to normal Civil Service regulations.

3.9 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 governing sick leave circulars.

The appointee will be required to sign a mandate authorising the Department of Social Protection to pay any benefits due under the Social Welfare Acts to such office as will be directed by the Courts Service and payment during illness

will be subject to the appointee making the necessary claims for social insurance benefit to the Department of Social Protection directly within the required time limits.

3.10 Unfair Dismissals Act 1977 – 2005

The Unfair Dismissals Acts 1977-2005 will not apply to the termination of your employment by reason only of the expiry of the probationary period of this contract without it being renewed.

3.11 The Organisation of Working Time Act 1997

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

3.12 Official Secrecy and Integrity

The appointment will be subject to the provisions of the Official Secrets Act 1963, as amended by the Freedom of Information Acts 2014. Successful candidates will agree not to disclose to third parties any confidential information either during or subsequent to the period of employment.

3.13 Civil Service Code of Standards and Behaviour

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

3.14 Political Activity

The appointment will be subject to the rules governing civil servants and politics.

3.15 Ethics in Public Office Act 1995

The Ethics in Public Office Act, 1995, will apply, where appropriate, to your employment.

3.16 Prior Approval of Publications

You will agree not to publish material related to your official duties without prior approval by the Chief Executive Officer of the Courts Service.

3.17 Superannuation and Retirement

The appointee 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, an appointee who has never worked in the Public Service will be offered appointment based on membership of the Single Public Service Pension Scheme ("Single Scheme"). Full details of the Scheme are at <http://www.v.per.gov.ie/pensions>.

Where the appointee has worked in a pensionable (non-single scheme terms) public service job in the 26 weeks prior to appointment or is currently on a career break or special leave with/without pay different terms may apply. The pension entitlement of such appointees will be established in the context of their public service employment history.

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

- Pensionable Age: The minimum age at which pension is payable is 66 (rising to 67 and 68) in line with changes in State Pension age.
- Retirement Age: Scheme members must retire at the age of 70.
- Career average earnings are used to calculate benefits (a pension and lump sum amount accrue each year and are up-rated each year by reference to CPI.
- Post retirement pension increases are linked to CPI.

3.18 Pension Abatement

If the appointee has previously been employed in the Civil or Public Service and is in receipt of a pension from the Civil or Public Service or where a Civil or

Public Service pension comes into payment during his or her re-employment that pension will be subject to abatement in accordance with Section 52 of the Public Service Pensions (Single Scheme and Other Provisions) Act 2012. Please note: In applying for this position the candidate is acknowledging that he or she understands that the abatement provisions, where relevant, will apply. It is not envisaged that the Courts Service will support an application for an abatement waiver in respect of appointments to this position.

However, if the appointee was previously employed in the Civil or Public Service and awarded a pension under a voluntary early retirement arrangement (and where the terms of that arrangement does not render a person ineligible for the competition in the first instance), the entitlement to that pension may cease with effect from the date of re-employment. This is conditional on the terms of that arrangement, and the appointee should be fully aware of the terms of any such arrangements he or she has entered into. If appropriate, special arrangements may, 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.

3.19 Ill-Health and Retirement

Please note that where an individual has retired from a Civil or Public Service body on the grounds of ill-health his or 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.

3.20 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 (“2012 Act”). However the key exception case (in the context of this competition and generally) is that an

appointee 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. The pay and pension entitlement of such an appointee will be established in the context of his or her public service employment history.

3.21 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 pre-existing public service pension scheme (i.e. non-Single Scheme) as per the 2012 Act shall apply. This 40-year limit is provided for in the Public Service Pensions (Single Scheme and other Provisions) Act 2012. This may have implications for any appointee who has acquired pension rights in a previous public service employment.

3.22 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 public service superannuation issues please see the following website: <http://per.gov.ie/pensions>.

3.23 Personnel Code

Further details and circulars regarding these terms and conditions can be found in An Cod Pearsanra and are available at www.circulars.gov.ie.

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.

4. APPLICATION AND SELECTION PROCESS

4.1 Making an Application:

The application form can be accessed online at www.courts.ie.

Applications should be made by email to careers@courts.ie

To apply for this post, you are requested to complete the application form and submit an up to date CV.

Applications received after the closing date and time will not be accepted. Only fully completed applications will be accepted into the competition.

It is important, 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 as the Courts Service will not be responsible for refunding any expenses incurred. **[Offers may be made contingent on holding the required academic result on the date referred to in section 1.3].**

4.2 Closing Date:

The completed application form and up to date CV must be submitted to careers@courts.ie by **16.00 on Thursday, 31st May 2018**.

If you do not receive an acknowledgement of receipt of your application by Thursday, 31st May 2018 please contact Denise Cole, Personnel Officer, at (01) 8886038 or email careers@courts.ie.

Interviews for these posts are likely to be held in June 2018.

The Courts Service accepts no responsibility for communication not accessed or received by an applicant. Candidates should make themselves available on the date(s) specified by the Courts Service and should make sure that the contact details specified on the application form are correct.

4.3 Selection Methods

The selection may include:

- shortlisting of candidates on the basis of the information contained in their application and from the CV provided,
- a competitive interview based on the information contained in the application form. This will also include a detailed verbal exploration of a legal topic, which will be provided in advance to candidates.

4.4 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 Courts Service may decide that a number only will be called to interview. In this respect, the Courts Service provides for the employment of a short listing 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.

4.5 Ranking

Those candidates who achieve the required standard will be ranked accordingly. Only those who qualify and are placed highest will be invited to participate in the next stage. However, the number to be offered a position will be determined by the Courts Service from time to time, having regard to the likely number of vacancies to be filled.

4.6 Confidentiality

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

4.7 Security Clearance

Garda 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. If the applicant subsequently comes under consideration for another position, they will be required to supply this information again.

4.8 Other important information

Prior to recommending any candidate for appointment to this position the Courts Service 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 Courts Service may, at its discretion, select and recommend another person for appointment on the results of this selection process.

4.9 Procedures where a candidate seeks a review of a decision taken in relation to their application

A request for review may be taken by a candidate should they be dissatisfied with an action or decision taken by the Courts Service. The Courts Service will consider requests for review in accordance with the provisions of Section 7 of the Code of Practice Appointments to Positions in the Civil and Public Service published by the Commission for Public Service Appointments (Commission). When making a request for a review, the candidate must support their request by outlining the facts they believe show that the action taken or decision reached was wrong. A request for review may be refused if the candidate cannot support their request.

The Commission recommends that, subject to the agreement of the candidate, where the office holder (in this instance the Chief Executive Officer of the Courts Service) considers the matter could be resolved they should first seek to engage on an informal basis, before making use of the formal review procedure.

Procedure for Informal Review

- A request for Informal Review must be made within 5 working days of notification of the decision, and should normally take place between the candidate and a representative of the Courts Service who had played a key role in the selection process.
- 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.
- 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.

Procedure for Formal Review of Selection Process

- The candidate must address his or her concerns in relation to the process in writing to the Chief Executive, outlining the facts that they believe show an action taken or decision reached was wrong.
- A request for review must be made within 10 working days of the notification of the selection decision. Where the decision relates to an interim stage of a selection process, the request for review must be received within 4 working days. 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 Chief Executive.
- The outcome must generally be notified to the candidate within 25 working days of receipt of the request for review.

4.10 Complaints Process

A candidate may believe there was a breach of the Commission's Code of Practice by the Courts Service that may have compromised the integrity of the decision reached in the appointment process. The complaints process enables candidates (or potential candidates) to make a complaint under Section 8 to the Chief Executive Officer of the Courts Service in the first instance, and to the Commission for Public Service Appointments subsequently on appeal if they remain dissatisfied.

Allegations of a breach of the Code of Practice should be addressed in writing, and within a reasonable timeframe, to the Chief Executive Officer in the first instance. The complainant must outline the facts that they believe show that the process followed was wrong. The complainant must also identify the aspect of the Code they believe has been infringed and enclose any relevant documentation that may support the allegation. A complaint may be dismissed if they the complainant cannot support their allegations by

setting out how the Courts Service has fallen short of the principles of this

Code. On receipt of a complaint the Courts Service may determine to engage with the complainant on an informal basis.

For further information on the above procedures please see the Code of Practice Appointments to Positions in the Civil and Public Service which is available on the website of the Commission for Public Service Appointments, www.cpsa.ie.

There is no obligation on the Courts Service to suspend an appointment process while it considers a request for a review. Please note that where a formal review of a recruitment and selection process has taken place under Section 7 of this Code of Practice, a complainant may not seek a further review of the same process under Section 8, other than in the most exceptional circumstances that will be determined by the Commission at its sole discretion.

4.11 Requests for Feedback

Feedback in relation to the selection process is available on request. There are no specific timeframes set for the provision of feedback.

Please note that the Review Process as set out in the Code of Practice is a separate process with specified timeframes that must be observed. Receipt of feedback is not required to invoke a review. It is not necessary for a candidate to compile a detailed case prior to invoking the review mechanism. The timeframe set out in the CPSA Code cannot be extended for any reason including the provision of feedback.

4.12 Candidates' Obligations:

Candidates in the recruitment process must not:

- knowingly or recklessly provide false information.
- canvass any person with or without inducements.
- impersonate a candidate at any stage of the process interfere with or compromise the process in any way.

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.

It is important to remember that this is a competitive process for a role where integrity is paramount. Sharing information on the selection process e.g. through social media or any other means, may result in disqualification from the competition.

Please note that all assessment and test materials are subject to copyright and all rights are reserved. No part of the test material (including passages of information, questions or answer options), associated materials or interview(s) may be reproduced or transmitted in any form or by any means including electronic, mechanical, photocopying, photographing, recording, written or otherwise, at any stage. To do so is an offence and may result exclusion from the selection process. Any person who contravenes this provision, or who assists another person(s) in contravening this provision, is liable to prosecution and/or civil suit for loss of copyright and intellectual property.

4.13 Contravention of Code of Practice

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, if a person found guilty of an offence was, or is a candidate at a recruitment process, they will be disqualified as a candidate and excluded from

the process and if appointed to a post following the recruitment process, they will be removed from that post.

4.14 Use of Recording Equipment

The Courts Service does not allow the unsanctioned use of any type of recording equipment on its premises. This applies to any form of sound recording and any type of still picture or video recording, whether including sound recording or not, and covers any type of device used for these purposes.

Any person wishing to use such equipment for any of these purposes must seek written permission in advance. This policy is in place to protect the privacy of staff and customers and the integrity of our assessment material and assessment processes.

Unsanctioned use of recording equipment by any person is a breach of this policy. Any candidate involved in such a breach could be disqualified from the competition and could be subject to prosecution under section 55 of the Public Service Management (Recruitment & Appointments) Act 2004.

In addition, where a person found guilty of an offence was or is a candidate at a recruitment process, then:

- Where he or she has not been appointed to a post, he or she will be disqualified as a candidate.
- Where he or she has been appointed subsequently to the recruitment process in question, he or she shall forfeit that appointment.

4.15 Specific Candidate Criteria

Candidates must have the knowledge and ability to discharge the duties of the post concerned and be suitable on the grounds of character.

Candidates must be suitable in all other relevant respects for appointment to

the post concerned. If successful they will not be appointed to the post unless they:

- Agree to undertake the duties attached to the post and accept the conditions under which the duties are, or may be required to be, performed.
- Are fully competent and available to undertake, and fully capable of undertaking, the duties attached to the position.

4.16 Deeming of Candidature to be Withdrawn

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

Candidates are expected to provide all requested documentation to the Courts Service, including all forms issued by the Courts Service for completion, within five days of request. Failure to do so will result in the candidate being deemed to have withdrawn from the competition and their candidature will receive no further consideration.

4.17 Quality Customer Service

The Courts Service aims to provide an excellent quality service to all customers. If, for whatever reason, a customer is unhappy with any aspect of the service received, this issue should be brought to the attention of the unit or staff member concerned. This is important as it ensures that the Courts Service is aware of the problem and can take the appropriate steps to resolve it.

Feedback will be provided on written request. A request for feedback does not impact on the timeframe set out for seeking a review.

4.18 Data Protection Acts 1988 and 2003

When the candidate's application form is received, the Courts Service creates a record in the candidate's name, which contains much of the personal information the candidate supplied. This personal record is used solely in processing that candidate's candidature. Such information held is subject to the rights and obligations set out in the Data Protection Acts 1988 & 2003.

To make a request under the Data Protection Acts 1988 & 2003, a candidate must submit a request in writing to: **THE DATA PROTECTION CO-ORDINATOR, THE COURTS SERVICE, PHOENIX HOUSE, 15-24 PHOENIX STREET NORTH, SMITHFIELD, DUBLIN 7**, ensuring that you describe the records you seek in the greatest possible detail to enable us to identify the relevant record.

Certain items of information, not specific to any individual, are extracted from records for general statistical purposes.