

**Appointment to the Property Services Appeal Board**

**Closing Date: 15:00 on Tuesday 22<sup>nd</sup> June 2021**

**State Boards Division  
Public Appointments Service  
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stateboards.ie operates under the auspices of the Public Appointments Service and is committed to a policy of equal opportunity.

The Public Appointments Service (PAS), established under statute in 2004, provides an independent shared service in recruitment, assessment and selection to organisations across the Civil and Public Services. PAS also has responsibility for providing an open, accessible, rigorous and transparent system to support Ministers in making appointments to State Boards. Our dedicated website, [www.stateboards.ie](http://www.stateboards.ie), is the channel through which the PAS advertises vacancies on State Boards. It is also the means through which accomplished, experienced and qualified people, including people who might not previously have been identified as available for appointment, can then apply to be considered for particular vacancies.

## Membership of State Boards

High standards of corporate governance in all State Agencies, whether in the commercial or non-commercial sphere, are critical to ensuring a positive contribution to the State's overall social and economic development.

Members of State Boards are appointed to act on behalf of the citizen to oversee the running of the affairs of state bodies. State bodies must serve the interests of the taxpayer, pursue value for money in their endeavours (including managing risk appropriately), and act transparently as public entities. Members of State Boards, and the relevant management team, are accountable for the proper management of the organisation.

Board members should act on a fully informed basis, in good faith, with due diligence and care, and in the best interest of the State body, subject to the objectives set by Government. In that regard and in accordance with 13.2 of the Guidelines on Appointments to State Boards, "it is advisable that no member of a State Board should serve more than two full terms of appointment or should hold appointments to more than two State Boards."

The [Code of Practice for the Governance of State Bodies 2016](#) (the Code) provides a framework for the application of best practice in corporate governance by both commercial and non-commercial State bodies.

In order to be an effective contributor on a State Board it is recommended that members should:

- bring independent and objective scrutiny to the oversight of the organisation;
- be prepared to be challenging when necessary while being supportive to the delivery of organisational strategy and objectives;
- be equipped to offer considered advice on the basis of sound judgement and experience;
- be prepared to make a time commitment to their work commensurate with their role.

## Appointment to the Property Services Appeal Board

<b>Location:</b>	At present all meetings will be online.
<b>Number of Vacancies:</b>	1
<b>Remuneration:</b>	€416 payable to Ordinary Members of the Board per Appeal Board meeting, up to a maximum of 20 Appeal Board meetings, which includes some oral hearings per annum. (It should be noted that in line with the 'One Person One Salary' principle, no public servant would be entitled to receive remuneration in the form of board fees, save for situations that are statutorily provided for e.g. Worker Directors). Travel and Subsistence is payable at the appropriate Civil Service rate.
<b>Time Requirements:</b>	The Appeal Board is required as far as is practicable to ensure that appeals are dealt with and determined expeditiously. It is estimated that there will be 20 Appeal Board meetings per annum which includes some oral hearings with briefing provided in advance of meetings.

Candidates' attention is also drawn to the provisions of the Code in relation to Audit and Risk Committee membership which can be found [here](#).

### 1. Background

The Property Services Appeal Board (the Appeal Board) was formally established on 3 April 2012, pursuant to Section 74 of the Property Services (Regulation) Act 2011, to adjudicate on appeals against certain decisions of the Property Services Regulation Authority. The Appeal Board is independent in the performance of its functions.

The Property Services Regulatory Authority (the Authority) was also established on 3 April 2012. Its main statutory function is the licensing of Property Services Providers, i.e. auctioneers, estate agents, letting agents and management agents. The Authority is independent in the performance of its functions. It also operates the Property Services Compensation Fund whose purpose is to provide compensation to clients of licensees who have sustained a loss as a result of the dishonesty of a licensee.

The Appeal Board adjudicates on any appeals against decisions of the Authority to:

- (a) refuse to issue a licence
- (b) decline to carry out an investigation of the subject matter of the complaint
- (c) impose a sanction
- (d) dismiss a complaint
- (e) refuse to make a grant, or the amount of the grant made.

The Appeal Board consists of a chairperson and 4 ordinary members.

## 2. Functions of the Board

The Property Services Appeal Board is required as far as is practicable to ensure that appeals are dealt with and determined expeditiously. It is estimated that there will be up to 20 Appeal Board meetings per annum. In addition, members are required to review, in advance, any documentation supplied by the Secretary to the Appeal Board in preparation for meetings. The quorum for a meeting of the Appeal Board is three members.

There were 11 sittings of the Appeal Board in 2019 during which the Board considered 43 appeals. In 2020, there were 12 sittings of the Appeal Board during which the Board considered 35 appeals; The Board affirmed the decision of the Authority in 26 instances; 1 appeal was withdrawn by the appellant; 5 appeals were allowed and the decision of the Authority was overturned; 2 appeals were outside the remit of the Appeal Board and 1 appeal was sent back to the Authority for reconsideration.

There are no sub-committees that report to the Appeal Board.

<b>Name</b>	<b>First Appointed</b>	<b>Reappointed</b>	<b>Expiry Date</b>	<b>Position type</b>	<b>Basis of appointment</b>
Philip O'Leary	29/05/2020		28/05/2024	Chairperson	Appointed by Government following PAS Process
Dairine MacFadden	14/02/2017	14/02/2021	13/02/2025	Board Member	Appointed by Government following PAS Process
Dorothy Donovan	14/02/2017	14/02/2021	13/02/2025	Board Member	Appointed by Government following PAS Process
Vacancy				Board Member	Appointed by Government following PAS Process
Philip Moynihan	24/07/2012	14/02/2021	13/02/2025	Board Member	Appointed by Government after PAS Process

## 3. Person Specification

The Minister for Justice invites expressions of interest, from suitably qualified candidates to fill one vacancy on the Property Services Appeal Board.

Candidate's attention is drawn to the provisions of the Code in relation to the role of a Board member, where the principle states: -

- Each State body should be headed by an effective Board which is collectively responsible for the long-term sustainability of the body.

- Non-executive Board members should bring an independent judgement to bear on issues of strategy, performance resources, key appointments and standard of conduct.

Details on the role of Board Members can be found in Section 3 of the Code which can be found [here](#).

### **Essential**

The Minister for Justice invites applications, from suitably qualified candidates with significant senior level experience in one or more of the following areas:

- Senior Level experience of the property services sector
- Executive/managerial/professional experience in dispute resolution
- Senior level legal experience, particularly in an adjudicatory body or role

### **Desirable**

Other areas of experience which would also be desirable for the position are:

- Experience of board membership
- Corporate Governance and Compliance
- Risk

The Minister shall have regard to the desirability for gender balance, diversity and inclusion on the Board as the Minister considers appropriate and determines from time to time when making appointments, in line with the updated Code.

In order to qualify for appointment a person must not have any legal impediment or conflicts of interest likely to interfere with his/her ability to assume the role of a member of the Board. Please give careful consideration to the possibility of any potential conflict of interest that may exist and address this in your cover letter. The Assessment Panel may decide, based on the perceived level of conflict, not to forward your name for consideration.

## **4. Term of Appointment**

Appointments to the Board will be for an initial period of 4 years with an option to extend the term of engagement for a second or subsequent term of office, subject to:

- The membership of any member of the Board may be terminated by the Government at any time, on the basis of reasons stated in Schedule 5 of the Act.
- A member of the Board may resign his or her membership of the Board by notice in writing sent or given to the Secretary General to the Government, and the resignation shall take effect on the date specified in the letter or the date the letter is received by the Secretary General to the Government, whichever is the latter.
- Members of the Board shall, subject to the provisions of this Schedule, hold office upon such terms and conditions as shall be specified by Government when appointing the member.

- The roles and responsibilities of Board Members are described in the Code of Practice for the Governance of State Bodies 2016 which is available here [Code of Practice for the Governance of State Bodies](#).
- A board member shall cease to be a member of the board if he or she is nominated as a member of Seanad Éireann, is elected as a member of either House of the Oireachtas or as a representative in the European Parliament, elected to the European Parliament, or becomes a member of a local authority.

## 5. Submitting your Application

Before submitting your application, please review the self-assessment questionnaire which can be found [here](#). This questionnaire is designed to help you in considering whether to submit an expression of interest - you are not required to submit the questionnaire as part of the application process.

Having considered the general suitability criteria for membership of a State Board, you should consider carefully how your background and experience fits with the specific appointment criteria set out in the Person Specification section in this booklet.

Your submission should be made via the following link [www.stateboards.ie](http://www.stateboards.ie) together with your **Curriculum Vitae** and a **cover letter** (see Appendix 1 of this booklet for help with the online process).

### IMPORTANT NOTE

Please take care when submitting your expression of interest. As the Assessment Panel will generally make its recommendation(s) based on consideration of the documentation which you submit, it is most important that you do the following:

1. *Ensure your Cover Letter (and supporting CV) clearly specifies how your particular background and experience meets the requirements of the Authority position(s) specified in this booklet, and*
2. *That you fully answer any supplementary questions which are presented to you as part of our online application process.*

This will help ensure that the Assessment Panel is as informed as possible as to the basis for your candidature and why you believe you are a person who could potentially be appointed to this State Board. **Please only include information that is directly relevant to the particular role for which you are applying.**

If you have any questions regarding the application process please email [info@stateboards.ie](mailto:info@stateboards.ie).

## 6. Assessment Process

An Assessment Panel (the "Panel") will be convened by PAS to consider and assess the applications received by PAS. The Panel will:

- review and discuss the expressions of interest received against the specific appointment criteria for the role, as advertised in this Information Booklet;
- assess potential candidates further once they meet the specified appointment criteria by undertaking any or all of the following steps:
  - Consideration of the written applications; and/or

- Meeting/conference call; and/or
  - Referee checks; and/or
  - Any other selection or verification method deemed appropriate (this may include PAS requiring statutory declarations from shortlisted applicants as to the bona fides of the qualifications and experience contained in their applications).
- arrive at a shortlist of the most suitably qualified candidates (based on the information provided by the candidate) to be sent forward for consideration by the Minister.

Please note that the Public Appointments Service will not be responsible for any expenses incurred by candidates as part of our selection process.

## **7. Confidentiality**

Subject to the provisions of the Freedom of Information Acts, 2014, applications will be treated in strict confidence. All enquires, applications and all aspects of the proceedings are treated as strictly confidential and are not disclosed to anyone, outside those directly involved in that aspect of the process.

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

## **8. Data Protection**

The Data Protection Act 2018 provides that the processing of personal data shall be lawful where such processing is necessary for the performance of a statutory function of a controller. PAS is mandated by statute under the Public Service Management (Recruitment and Appointments) Act, 2004 to act as the centralised assessment and selection body for the civil service and to carry out all the procedures necessary to undertake the recruitment, assessment and selection of suitable candidates for appointment. By submitting your personal data (including your name, address, contact details and details of your education and work history contained in your curriculum vitae and cover letter) via publicjobs.ie, you acknowledge that such data may be used by the Public Appointments Service and disclosed to and used by client departments, in connection with its statutory roles to assist and advise relevant Ministers in relation to appointments to the boards of State bodies. The information contained in your publicjobs profile is yours to manage, amend, update or delete as appropriate. For more detailed information on our Data Protection Policy, please see our [Code of Practice for the Protection of Personal Data in the Public Appointments Service](#).

If your application is assessed and you are considered to be suitable for appointment your c.v. and cover letter (and any additional supplementary information requested as part of the application process), will be forwarded to the State Board Liaison Officer in the relevant Department. Once it obtains your personal data, the Department will act as data controller of such data and will retain it for up to one year following the appointment/s. Unless you request the withdrawal of your application such data may be used in considering your suitability for other similar vacancies/roles that arise for a period of up to one year for this Board.

## APPENDIX 1

### Submitting your application:

In order to submit your application, you should take the following steps:

1. Go to [www.stateboards.ie](http://www.stateboards.ie).
2. On the bar at the top of the page click on "Available Appointments".
3. This brings you to a page with all our advertised vacancies. Select whichever position you would like to apply for (you are welcome to apply for more than one position if you wish).
4. On the relevant page please click on the "apply for position" button at the bottom of the page
5. This will bring you to a page on [www.publicjobs.ie](http://www.publicjobs.ie) and, if you already have a publicjobs.ie account, will prompt you for your username and password. If you do not have an account, you will be asked to create one.
6. Once you input your details you will be brought to a page where there is a prompt in the middle of the page which says "apply here". Click on the link to the online application form beside it.
7. A form will appear on your screen, some of the text boxes will be populated with information from your publicjobs.ie profile (Name, address etc.). You will need to complete the rest of the fields and enter your name and the date at the bottom of the form.
8. If there is a supplementary question, ensure that your response complies with the word limit and that it does not contain any special characters (i.e. %, & etc.) or you may receive an error message and will be unable to submit your application.
9. Click on "continue".
10. You will then be brought to a screen where you should upload your CV and Cover Letter. These are required documents and your application cannot be processed without them. Once you have selected these and uploaded them, please click on the "submit" button at the bottom of the page.
11. You will receive an e-mail confirmation (to the address listed in your publicjobs.ie profile) to confirm that your application has been submitted.

You must confirm that you do not have any conflicts of interest or legal impediment which would be likely to interfere with your ability to play a full part on the Board. You must also confirm that you can make yourself available to attend meetings and to carry out the duties of a Board member.