

Department of Public Expenditure & Reform Ireland

EXPRESSION OF INTEREST

FOR

Appointment to a Panel of Appeal Officers under the Regulation of Lobbying Act 2015

Expressions of interest are invited for appointment to a panel of appeal officers who will review decisions of the Standards in Public Office Commission (Standards Commission) in relation to the Regulation of Lobbying Act 2015.

The Department of Public Expenditure & Reform (DPER) will not accept responsibility for information relayed or not relayed via third parties.

Closing date for receipt of Expressions of Interest is Friday **31 July, 2015.**

Appeal Officer under the Regulation of Lobbying Act 2015

1. Background

- 1.1. The Regulation of Lobbying Act 2015 was signed into law on 11 March 2015. The purpose of this Act is to establish a web based register of lobbying activity and to deliver appropriate transparency on “who is contacting whom about what”. [The Act will commence on 1 September 2015.](#)
- 1.2. The Department of Public Expenditure and Reform (DPER) invites applications for appointment to a panel of independent appeal officer(s) to consider appeals of decisions made by the Standards Commission under section 10(5) (Content and public availability of Register), section 14 (Delayed publication) or section 22 (Restrictions on post-term employment as lobbyist) of the Regulation of Lobbying Act 2015 in accordance with section 23 (Appeals) of that Act. A copy of the Regulation of Lobbying Act is available at <http://www.per.gov.ie/regulation-of-lobbying/>

2. The Role of the Appeal Officer

- 2.1. Appeal officers will not be employees of the DPER nor of the Standards Commission. They are engaged as independent contractors, retained on a non-exclusive “as required” basis to provide services to the Standards Commission at such times as requested by the Standards Commission, and for such hours as are reasonably necessary to properly and diligently provide the service. Appeal officers are not entitled to any additional fee (other than the fee referred to in 6.4 below), salary, bonus or other benefits from DPER nor from the Standards Commission and the appeal officer will be responsible for, if applicable, the deduction of income tax liabilities and PRSI.
- 2.2. An appeal officer will consider appeals against decisions made by the Standards Commission in accordance with the Regulation of Lobbying Act 2015.
- 2.3. The duties will be of an ad hoc nature and will be assigned by the Standards Commission as appeals arise from time to time.
- 2.4. The number of appeals arising will be determined by requests for appeals under the Regulation of Lobbying Act 2015.
- 2.5. Appeal officers shall be independent and impartial in the carrying out of their duties.
- 2.6. Appeal officers cannot be civil servants of the Government or the State.

3. Main Duties and Responsibilities

- 3.1. Duties will include the following:
 - 3.1.1. Organisation and management of the appeal within the appeal time frame set out in the Regulation of Lobbying Act 2015.
 - 3.1.2. Ensuring the appeal is dealt with fully and speedily.
 - 3.1.3. Review of the decisions of the Standards Commission under sections 10(5), 14 or 22 of the Regulation of Lobbying Act 2015.
 - 3.1.4. Providing reports to the appellant and to the Standards Commission on the appeal officer's decisions regarding appeals with the reasons for these decisions.
 - 3.1.5. Ensuring all decisions are fair and in accordance with the rules of natural justice.
- 3.2. The successful applicant will demonstrate:
 - 3.2.1. An in-depth knowledge of the Regulation of Lobbying Act 2015.
 - 3.2.2. An ability to critically analyse complex issues, reach conclusions and make sound judgments.
 - 3.2.3. An appreciation of the special nature of the environment and work involved in processing appeals including the need for consistency and logic across cases over time so that the justice of decisions can be clearly explained.
 - 3.2.4. Excellent interpersonal skills.
 - 3.2.5. Excellent written and oral communication skills.
 - 3.2.6. Previous experience of an appeals or similar process.
 - 3.2.7. Good ICT skills.
 - 3.2.8. A strong sense of ethics.

4. Application Process

- 4.1. Completed applications must be emailed to lobbying@per.gov.ie by 5pm on Friday 31 July, 2015. The subject line must state **DPER Appeal Officer, Regulation of Lobbying**. It is the applicant's responsibility to ensure that the application is received by DPER by this deadline.
- 4.2. The successful applicant should be able to demonstrate the expertise, skills and experience commensurate with the scope and nature of the services required. Qualifications and professional experience, including CVs, should be included in the application.

- 4.3. As a guide to potential applicants some experience of working with a public service environment and the management of appeals would also be desirable.
- 4.4. Applications should include information on particulars of experience and expertise in providing and delivering similar work to that specified in Section 3 above. This may include details of previous contracts/employment within the last five years. These should demonstrate the applicant's skills, efficiency, experience and reliability in areas linked to the subject matter of this invitation.

5. Selection Process

- 5.1. The selection process may include:
 - 5.1.1. Shortlisting of applicants on the basis of the information provided in the application to reduce the list of applicants for interview. It is therefore in your interest to provide a detailed and accurate account of how your skills, personal qualities, qualifications and experience meet the requirements of the position.
 - 5.1.2. Notification to attend interview will issue at least one week in advance. Applicants will be required to attend interviews at their own expense. (Applicants who do not inform DPER that they are not available to attend the interview will have no claim for further consideration and may be deemed to have withdrawn their application).
 - 5.1.3. Applicants must produce satisfactory documentary evidence of all qualifications claimed by them, on request. Failure to produce such documentary evidence may lead to disqualification.
 - 5.1.4. Applicants supplying false or misleading documents will be disqualified.
 - 5.1.5. Canvassing will disqualify and will result in exclusion from the process.

6. Appointment to Panel

- 6.1. The successful applicant(s) will be placed on a panel and appeals will be assigned at the discretion of the Standards Commission. Initially the panel will consist of three appeal officers. DPER reserves the right to place further applicants from this process on the panel at a later date. This will be at the sole discretion of DPER and will depend on the volume of appeals.
- 6.2. Appointment to the panel does not create any automatic entitlement to a guaranteed minimum number of appeal cases from the Standards Commission. It is not possible to estimate the number of appeals likely to arise. The referral

of cases will be at the sole discretion of the Standards Commission or any officer nominated for that purpose by the Standards Commission.

- 6.3. Those appointed to the panel will be required to sign a binding Service Level Agreement. This Agreement will amongst other things, specify the timeframes by which the appeal must be decided by the appeal officer (in accordance with the provisions of section 23 (Appeals) of the Regulation of Lobbying Act 2015) and the report returned by the appeal officer to the Standards Commission. The Standards Commission will specify the format of such reports.
- 6.4. An appeal officer will receive a per diem rate of €400. Travel and subsistence or other expenses will not be paid. Fees may be adjusted according to instructions from the DPER. It is expected that most appeals would require ½ day's work.
- 6.5. An appeal officer will terminate their appointment to the panel of appeal officers in writing to the Minister for Public Expenditure and Reform if he or she is nominated as a member of Seanad Éireann, is elected as a member of either House of the Oireachtas or to be a representative in the European Parliament or becomes a member of a local authority or a civil servant.
- 6.6. The term of the appointment to the panel will be for 12 months commencing on 1 September 2015, with a possible extension of up to 3 years at the sole discretion of the Minister for Public Expenditure and Reform depending on service requirements and performance. The appointment may be terminated by the Minister for Public Expenditure and Reform at any time, on the basis of reasons to be stated by the Minister for Public Expenditure and Reform.
- 6.7. Once an offer of a place on the panel has been rejected the applicant will have no guarantee of another offer.

7. Confidentiality

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

8. Applicants Obligations

- 8.1. Applicants are fully responsible for the safe and timely delivery of their applications to DPER.
- 8.2. Completed applications should be in an editable Word document attached to the email. The document should be named as YourName.docx.
- 8.3. It is strongly recommended that you do not change your email address in the course of this process as any correspondence will be through the email address originally supplied by you.

- 8.4. If you consider that you are missing any information, the absence of which would prevent you from submitting a comprehensive application, please email lobbying@per.gov.ie as soon as possible but within the deadline for applications.
- 8.5. Applicants shall immediately notify DPER should they become aware of any ambiguity, discrepancy, error or omission in the application.
- 8.6. DPER will not be liable for any costs incurred or loss suffered by the applicant in the preparation or submission of applications or any associated work effort or attendance at meetings with DPER.
- 8.7. DPER shall not be responsible for any travel or accommodation costs incurred by the applicant.

9. Conflict of Interest

- 9.1. Any conflict of interest involving an applicant must be fully disclosed to DPER.
- 9.2. Any registerable interest involving the applicant and DPER or employees of DPER, or any registerable interest involving the applicant and the Standards Commission or employees of the Standards Commission must be fully disclosed in the application or should be communicated to the DPER immediately upon such information becoming known to the applicant, in the event of this information only coming to their notice after the submission of an application and prior to the award of the contract.
- 9.3. The terms 'registerable interest' and 'relative' shall be interpreted as per Section 2 of the Ethics in Public Office Act, 1995. Failure to disclose a conflict of interest may disqualify an applicant or invalidate an award of contract, depending on when the conflict of interest comes to light.