

**Legal Professional**

**(Decision Making)**

**Information Booklet**

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| **Legal Professional (Decision Making)** |

The Legal Aid Board

The Legal Aid Board is an independent, publicly funded organisation. It has been in existence since 1979 and was set up as a statutory body to provide civil legal aid and advice on foot of the Civil Legal Aid Act 1995. The Board’s remit was widened in 2011 to include responsibility for providing a family mediation service. The Board has thirty three full time law centres located throughout the country. Family mediation services are provided from 16 locations, a number of which are co-located or in the process of being co-located with law centres. The Board provides legal services through Private Practitioner Schemes and is also responsible for a Refugee Documentation Centre and the administration of three ad hoc Criminal Legal Aid Schemes.

The Board's Mission Statement, set out in its Statement of Strategy 2021-2023, is

*"To deliver timely effective inclusive and just resolution of family and civil disputes to those most in need of our assistance through high quality legal representation and advice and / or mediation and to manage other aspects of legal aid which have been entrusted to us.”*

The Board itself consists of a chairperson and twelve ordinary members. They are appointed by the Minister for Justice and have a five-year term of office.

The Board has an executive management structure primarily located at its Head Office at Quay St, Cahirciveen, Co Kerry and also at an office at 48/49 North Brunswick St, George’s Lane, Smithfield, Dublin 7.

More details about the Legal Aid Board can be obtained by accessing the Board’s website [www.legalaidboard.ie.](http://www.legalaidboard.ie.)

The Legal Professional (Decision Making) role we are seeking to fill is at Solicitor Grade III level. The position will combine administrative with specialised legal functions. Reporting to the Assistant Principal– Decision Making and Support, the post holder will be expected to decide and advise on submissions made by the Board’s solicitors, including on whether legal aid should be granted under the terms of the relevant legislative provisions. This will include consideration of complex legal issues.

Overview of the Role

The Key Features of the Role are:

Applications for legal aid and advice are considered in accordance with the provisions of the Civil Legal Aid Act 1995. A significant proportion of such decisions are the subject of submissions from solicitors across the Board’s Law Centres, and in some cases private solicitors providing legal aid via one of the Board’s Private Practitioner panels, to Decision Making and External Services (Civil) Section in Cahirciveen for decision.

The position will combine management, administrative and specialised legal functions. Reporting to the Assistant Principal – Decision Making and Support, the Post holder will be expected to both decide and advise on submissions made by the Board’s solicitors, including on whether legal aid should be granted under the terms of the relevant legislative provisions. This will include consideration of complex legal issues.

Essential Entry Requirements

Candidates must have at the closing date for this competition:

* Be qualified as a Solicitor or Barrister in Ireland and be in good standing with the Legal Services Regulatory Authority and with any professional body of which they may be a member;
* Hold a minimum of two years post qualification experience;
* Candidates will also ideally (though not essentially) have at least 2 years practical experience in the areas of personal injury / medical negligence / debt resolution and/or other tort areas or in another area of civil litigation.

It will be a matter for the Legal Aid Board to determine the eligibility of candidates having regard to their qualifications and experience.

It is not necessary, for the performance of this role, that the candidate currently hold a practising certificate as a barrister or a solicitor, provided that they have previously attained the minimum two years PQE having practised as a barrister or solicitor within the last five years.

Competencies

Candidates must be able to demonstrate clearly at interview that they possess the full range of competencies as set out in below. Candidates should have knowledge of the Civil Legal Aid Act 1995, and the Regulations made thereunder, an understanding of the role of the Legal Aid Board and its operating environment, or the capacity to quickly acquire same.

The attention of candidates is drawn to the following key competencies that have been identified for the role:

Team Leadership

* Works with the team to facilitate high performance, developing clear and realistic objectives and addressing and performance issues if they arise
* Provides clear information and advice as to what is required of the team
* Strives to develop and implement new ways of working effectively to meet objectives
* Leads the team by example, coaching and supporting individuals as required
* Places high importance on staff development, training and maximising the skills and capacity of the team
* Is flexible and willing to adapt, positively contributing to the implementation of change

Professional expertise/ knowledge and ability to provide excellent legal services

* Capacity to apply legal knowledge effectively
* Sound judgement, decisiveness, innovation and problem-solving ability when dealing with complex legal matters
* Integrates diverse strands of information, identifying inter-relationships and linkages
* Understanding of the court process and its role in dispute resolution

Using technology effectively for service delivery

* Capacity to use appropriate legal databases, case management systems and platforms
* Ability to use ICT effectively and efficiently

Interpersonal & communication skills

* Excellent interpersonal and team working skills
* Ability to communicate effectively orally and in writing with a wide variety of people
* Actively listens to the views of colleagues and others
* Capacity to work well in a team based environment
* Ability to provide an excellent level of customer service
* Ability to relate to colleagues, and to manage those reporting to you

Personal Drive and Commitment to Public Service Values

* Is self motivated and shows desire to continuously perform at a high level
* Through leading by example, fosters the highest standards of ethics and professional integrity
* Results orientated approach
* Proven organisation skills with the ability to manage a workload proactively
* Ability to work on their own and show initiative and flexibility

General Matters

Eligibility to compete

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.

Candidates must, by the date of any job offer, be:

* A citizen of the European Economic Area. The EEA consists of the Member States of the
European Union, Iceland, Liechtenstein and Norway; or
* A citizen of Switzerland pursuant to the agreement between the EU and Switzerland on the free movement of persons; or
* A citizen of the United Kingdom of Great Britain and Northern Ireland; or
* A non-EEA citizen who is a spouse or child of an EEA or Swiss citizen and has a stamp 4 visa; or
* A person awarded international protection under the International Protection Act 2015 or any family member entitled to remain in the State as a result of family reunification and has a stamp 4 visa; or
* A non-EEA citizen who is a parent of a dependent child who is a citizen of, and resident in, an EEA member state or Switzerland and has a stamp 4 visa.

Incentivised Scheme for Early Retirement (ISER)

It is a condition of the Incentivised Scheme for Early Retirement (ISER) as set out in Department of Finance Circular 12/09 that retirees, under that Scheme, are debarred from applying for another position in the same employment or the same sector. Therefore, such retirees may not apply for this position.

Department of Health and Children Circular (7/2010)

The Department of Health Circular 7/2010 dated 1 November 2010 introduced a Targeted Voluntary Early Retirement (VER) Scheme and Voluntary Redundancy Schemes (VRS). It is a condition of the VER scheme that persons availing of the scheme will not be eligible for re-employment in the public health sector or in the wider public service or in a body wholly or mainly funded from public 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.

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

General

The appointment is to a position of Legal Professional (Decision-Making) in the Legal Aid Board and is subject to the Civil Service Regulations Acts 1956 to 2005, the Public Service Management (Recruitment and Appointments) Act 2004 and any other Act for the time being in force relating to the Civil Service. Employees of the Board are Civil Servants and are subject to all of the terms and conditions which apply to civil servants generally.

The appointment is to a permanent position in the Civil Service on a probationary contract
for a period of one year from the date of appointment. Notwithstanding this paragraph and
the paragraph immediately following below, this will not preclude an extension of the
probationary period in appropriate circumstances. During the period of probation, the
appointee’s performance will be subject to review by the relevant supervisor(s) to determine
whether the appointee:

* has performed in a satisfactory manner;
* has been satisfactory in general conduct; and
* is suitable from the point of view of health with particular regard to sick leave.

Prior to completion of probation a decision will be made as to whether or not the appointee
will be retained pursuant to Section 5A(2) of the Civil Service Regulations Act 1956-2005.
This decision will be based on the appointee’s performance being assessed against the
criteria set out in (i) to (iii) above. The detail of the probationary process will be explained
to the appointee and the appointee will be given a copy of the Department of Public
Expenditure and Reform’s guidelines on probation.

Pay

**Solicitor Grade III PPC Salary Scale – from 1st July 2021**

This rate will apply where the appointee is newly recruited to the Civil Service and is making a personal pension contribution.

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| **1** | **2** | **3** | **4** | **5** | **6** | **7** | **8** | **9** |
| 37,148.00 | 41,966.00 | 46,511.00 | 51,910.00 | 57,457.00 | 63,004.00 | 68,551.00 | 70,739.00 | 72,924.00 |
|  |  |  |  |  |  | NMAX | LSI1 | LSI2 |

LSI1 may be payable after 3 years satisfactory service at the maximum, LSI2 may be payable after 6 years satisfactory service at the maximum.

LSI1 may be payable after 3 years satisfactory service at the maximum, LSI2 may be payable after 6 years satisfactory service at the maximum. This rate will apply where the appointee is newly recruited to the Civil Service and is making a personal pension contribution. Different pay and conditions may apply for existing civil / public servants. The rate of remuneration may be adjusted from time to time in line with Government pay policy. Increments may be awarded annually subject to satisfactory performance.

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| Entry will be at the minimum of the scale and the rate of remuneration will not be subject to negotiation and may be adjusted from time to time in line with Government pay policy.Success candidates will agree that any overpayment of salary, allowances, or expenseswill be repaid by you in accordance with Circular 07/2018: Recovery of Salary, Allowances,and Expenses Overpayments made to Staff Members/Former Staff Members/Pensioners. |

Tenure

The appointment is subject to termination at any time by either side in accordance with the Minimum Notice and Terms of Employment Acts 1973 to 2005. In the case of serious misconduct, the employment may be terminated at any time without notice and without penalty.

The appointment is to a permanent, established position in the Legal Aid Board with a 12 month probationary established period and will be offered on a full-time basis.

A Panel will be established from which any additional Legal Professional (Decision Making) position that may arise will be filled in the 12 months following the Panel’s establishment. Human Resources reserve the right to extend the length of the panel for an additional 12 months.

Duties

Appointees will be required to perform any duties which may be assigned to them from time
to time as appropriate.

Outside Employment

The successful candidate 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 of a Legal Professional (Decision Making) in the Legal Aid Board.

Headquarters

The successful candidate will be based within the Decision Making and External Services (Civil) Section, located in the Legal Aid Board, Head Office, Quay Street, Cahirciveen, Co. Kerry. When absent from home and headquarters on official duty the Legal Professional (Decision Making) will be paid appropriate travelling expenses and subsistence allowances, subject to normal civil service regulations.

Hours of attendance

Hours of attendance will be fixed from time to time but will amount to not less than 43.25 hours gross per week. The Legal Professional (Decision Making) may 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 for this position is 25 days rising to 29 after 5 years service and to 30 after 10 years service. This allowance is subject to the usual conditions regarding the granting of annual leave in the civil service, is based on a five-day week and is exclusive of the usual public holidays.

Sick Leave

Pay during properly certified sick absence, provided there is no evidence of permanent disability for service, will apply on a pro-rata basis, in accordance with the provisions of the sick leave circulars for the civil and public service.

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 direct to the Legal Aid Board. Payment during illness will be subject to the officer making the necessary claims for social insurance benefit to the Department of Social Protection within the required time limits.

Superannuation and Retirement

The successful candidate will be offered the appropriate superannuation terms and conditions as prevailing in the Civil Service at the time of being offered an appointment. In general, 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 [www.singlepensionscheme.gov.ie](file:///C%3A%5CUsers%5Cjamcdaid%5CAppData%5CLocal%5CTemp%5CnotesBCBF1C%5Cwww.singlepensionscheme.gov.ie).

Candidates should be aware the Public Service Pensions (Single Scheme and Other Provisions) Act 2012 became law on 28 July 2012. The Act provides for a Single Public Service Pension Scheme (the “Single Scheme”) for new public servants. It also makes certain other changes affecting existing public service pension arrangements. A copy of the Act can be viewed at <http://www.irishstatutebook.ie/2012/en/act/pub/0037/index.html>

Candidates should note that this may mean that pension and retirement age terms different from those currently set out below may accompany an offer of appointment.

At present the terms of the Pension Scheme and of the associated Spouses’ and Children’s Pension Scheme apply to appointments of this kind. Membership of these schemes is compulsory, and includes the following provisions with respect to pension terms, retirement age and associated conditions:

* Pensionable Age: The minimum age at which pension is payable is 66 (rising to 67 in 2021 and 68 in 2028 in line with changes in State Pension age).
* Retirement Age: Scheme members must retire on reaching 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 the Consumer Price Index (CPI).
* Post retirement pension increases are linked to CPI.

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/Public Service pension comes into payment during his/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.

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| In applying for this position you are acknowledging that you understand that the abatement provisions, where relevant, will apply. It is not envisaged that the employing Department/Office 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 voluntary early retirement arrangements (other than the Incentivised Scheme of Early Retirement (ISER), the Department of Health Circular 7/2010 VER/VRS or the Department of Environment, Community & Local Government Circular letter LG(P) 06/2013, any of which renders a person ineligible for the competition)the entitlement to that pension will cease with effect from the date of reappointment. Special arrangements may, 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.

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.

Additional Superannuation Contribution

This appointment is subject to the Additional Superannuation Contribution (ASC) in accordance with the Public Service Pay and Pensions Act 2017.

For further information in relation to the Single Public Service Pension Scheme please see the following website: [www.singlepensionscheme.gov.ie](file:///C%3A%5CUsers%5Cjamcdaid%5CAppData%5CLocal%5CTemp%5CnotesBCBF1C%5Cwww.singlepensionscheme.gov.ie). In relation to the pension scheme for Civil Servants recruited pre 2013 please see the following website: <http://www.cspensions.gov.ie>.
The successful candidates will be offered the appropriate superannuation terms and conditions (including retirement age) 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.per.gov.ie/pensions>.

Important Note: Pensionable benefits are determined in accordance with Section 9, Financial Emergency Measures in the Public Interest Act, 2010.

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| Candidates should note that different terms and conditions may apply if, immediately prior to appointment, the appointee is a serving civil or public servant.The information in this booklet 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

In order to apply a candidate must submit a completed application form. Application forms are only available from our website at <https://www.legalaidboard.ie/en/about-the-board/recruitment/>

Candidates should note that the onus is on the candidate to submit a fully completed application. Where an incomplete or blank application form is submitted, a candidate’s application may be cancelled without further notice.

Application forms submitted by email must be sent in **.PDF or MS Word format only**.

Completed application forms must be submitted by email to recruitment@legalaidboard.ie by 4pm on the specified closing date.

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| Only applications fully submitted electronically by email will be accepted into the campaign. Applications will not be accepted after the closing date.  |

The admission of a person to a competition, or invitation to attend an interview, is not to be taken as implying that the Legal Aid Board 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 as the Legal Aid Board will not be responsible for refunding any expenses incurred.

Prior to recommending any candidate for appointment to this position the Legal Aid Board 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.

Closing date

The completed application form must be forwarded so as to reach the Board not later than **4.00 pm on Tuesday 14th September 2021.** If you do not receive an acknowledgement of receipt of your application within 2 working days of applying, please contact: Human Resources at 066 9471021.

Candidates should make themselves available on the date(s) specified by the Board and should make sure that the contact details specified on the application form are correct.

The Board will not be responsible for refunding any expenses incurred by candidates.

Selection Methods

* Shortlisting of candidates on the basis of the information contained in their application form;
* Candidates shortlisted will be invited for interview;

The admission of a person to a competition, or invitation to attend interview, or a successful result letter, is not to be taken as implying that the Board is satisfied that such a person fulfils the requirements or is not disqualified by law from holding the position.

Due to the risks associated with COVID-19 interviews will be held remotely. The Legal Aid Board is an Equal Opportunities Employer. Reasonable accommodation will be provided to candidates who identify that they have a disability which would render it more difficult for them to participate effectively in a remote interview process.

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 Board may decide that a number only will be called to interview. In this respect, the Board will select, based on an examination of the application forms and the requirements of the position, those who appear to be the most suitable for 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.

Confidentiality

Subject to the provisions of the Freedom of Information Act, 1997 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.

Health, character, Garda Vetting

Applicants must be in good health, capable and competent of carrying out the work assigned to them and they must be of good character. Those under consideration for a position will be required to complete a health and character declaration. References will be sought. Applicants will be required to complete and return a Garda Vetting Form as part of their application (this must be done for each individual job application) and vetting information will be requested from An Garda Siochana for any candidate being considered for an offer of a position. Job offers will only be made where the Board has deemed the candidate suitable following consideration of the outcome of the Garda vetting process.

The Board will fully comply with the requirements of GDPR at all stages.

The appointment of a candidate is also dependant on satisfactory reference checking.

General Information

CPSA Code of Practice Review and Complaint Procedures

* The Commission for Public Sector Appointments (CPSA) is Ireland’s regulator for public service recruitment. The CPSA’s primary statutory responsibility is to set standards for recruitment and selection, which they publish as Codes of Practice.
* The Legal Aid Board will consider requests for review in alignment with the review and complaint procedures outlined in the Code of Practice published by the CPSA. The Code of Practice are available on the website of the Commission for Public Service Appointments http://www.cpsa.ie/

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, and
* 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 Board, or who do not, when requested, furnish such evidence as the Board require in regard to any matter relevant to their candidature, will have no further claim to consideration.

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| **Data Protection Act 2018**When your application 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 and as part of the recruitment process, certain information you provide will be forwarded to the employing organisation. Such information held by the Legal Aid Board is subject to the rights and obligations set out in the Data Protection Act 2018. For more information on how we retain and use your personal data, please review our Data Protection Data Statement, which includes instructions on their right to withdraw consent at any point: This is available at <https://www.legalaidboard.ie/en/Contact-Us/Data-Protection/>To make a subject access request under the Data Protection Act 2018, please submit your request in writing to; Data Protection Officer, Legal Aid Board, 48-49 North Brunswick St, Georges Lane, Smithfield, Dublin7. D07 PE0C or via dataprotection@legalaidboard.ie. Ensure 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.  |

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Contact Us

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Legal Aid Board
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**Website** **www.legalaidboard.ie**
**Twitter** Legal\_Aid\_Board