

**ELEVENTH Report to the Minister for Public Expenditure, NDP Delivery and
Reform from the Top Level Appointments Committee (TLAC)**

2022 Developments & Trends

FEBRUARY 2024

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Part 1: Introduction

Foreword

This report is prepared for the Minister for Public Expenditure NDP Delivery & Reform, Paschal Donohoe, T.D.

On behalf of my colleagues, I am happy to present the eleventh report of the Top Level Appointments Committee (TLAC) for the period January – December 2022.

The purpose of this report is to provide the Minister with an account of the year's work and to draw his attention to any particular features that may be notable.

TLAC's role is to undertake the selection process for the top leadership positions. TLAC has a majority of independent members and also benefits from the considerable expertise of the Secretaries General serving on TLAC.

TLAC sets out to conduct a rigorous selection process which is evidence based, assessing each candidate fairly against the competencies defined for the role. The process is demanding of candidates and requires a significant investment of their time and effort to prepare an application, participate in two interviews and complete a psychological assessment. More detail on the TLAC process is available in Appendix 3.

This is my first report as Chair of TLAC, having been appointed in June 2022, replacing Conor Brady who had served as Chair since November 2019. I would like to acknowledge Conor's valuable contribution and commitment. I would also like to express my appreciation to Martin Fraser and Graham Doyle who finished their term during 2022 for their significant contributions to TLAC.

TLAC is pleased to welcome the new members who joined the committee in 2022, Philip Toomey, Brendan Gleeson and John Callinan.

I am very grateful to have worked with, and continue to work with a panel of truly committed and talented members, who have given and give so generously of their time and expertise. Without them, TLAC could not function.

I would like to express my thanks to the staff of the Public Appointments Service for their professionalism and ongoing support of TLAC, together with my sincere appreciation of the dedicated service of Patricia Scanlon, Secretariat to TLAC.

Barbara Cotter

Chairperson

15 February 2024

Executive Summary

The Top Level Appointments Committee (TLAC) is a non-statutory committee, established by Government in 1984. TLAC identifies the best candidate(s) for each position, judging each one on his/her suitability, in the context of the post to be filled, and against the other candidates who are in competition for it. TLAC then makes recommendations to the relevant Minister.

In 2022, TLAC concluded 28 competitions for posts at Secretary General, Deputy Secretary General and Assistant Secretary General level, or equivalent. This represented a decrease from the previous year. However this is aligned with the average total posts processed each year between 2012 and 2022 which stands at 28 posts.

Of the 28 recruitment campaigns undertaken by TLAC in 2022, 19 were for general service posts with 9 for specialist posts¹. All of these selection campaigns were successful in identifying and selecting suitable candidates to be recommended for appointment to the positions.

Although a greater number of eligible applicants in 2022 came from outside the Civil Service²(58%); the success rate of 82% for civil servants securing recommendation is far greater than for those from the outside the Civil Service. This continued a trend with the majority (61% - 86%) of candidates recommended for appointment coming from the Civil Service.

Continuing with the pattern observed over previous years, a high proportion of those recommended for appointment tended to come from within the hiring department or one of its agencies. Over the period 2014-2022 the average percentage of appointments recommended from within hiring department/agency has been 62%. In 2022, 53% of the TLAC appointments were filled by candidates serving in the hiring department/agency.

¹ There are specialist roles across senior grades for which a different process is undertaken as such roles require a specific professional or technical qualification. In the case of specialist posts, TLAC may, make special arrangements by delegating the final interview to a separate board or by adding an additional member from outside the members of TLAC to a final TLAC board.

² It should be noted that all references to “Civil Service” and “Public Service” refers to the Irish Civil Service and the Irish Public Service

It is noteworthy over the past three years that although males outnumber females at application stage, when it came to recommendation for appointment stage females outnumbered males. In 2022, 54% of recommendations were for female candidates and 46% were for male candidates. For the last three years a higher percentage of females have been appointed at the top grades in the Civil Service.

Previous TLAC reports have set out that more diversity statistics are required. This is the first TLAC report to include nationality and ethnicity statistics which is welcomed. While the data available for this report is quite limited, it is a step in the right direction and will set the building blocks for more robust reporting going forward.

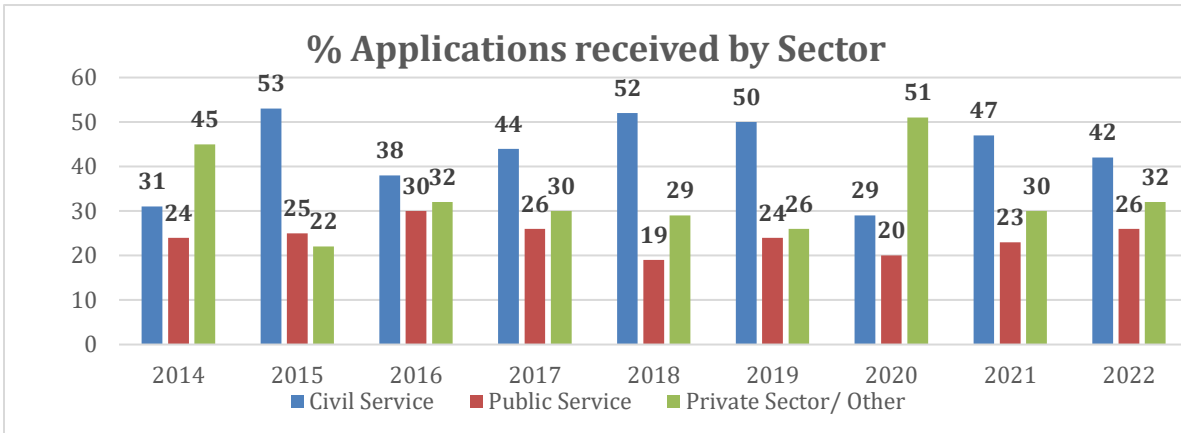
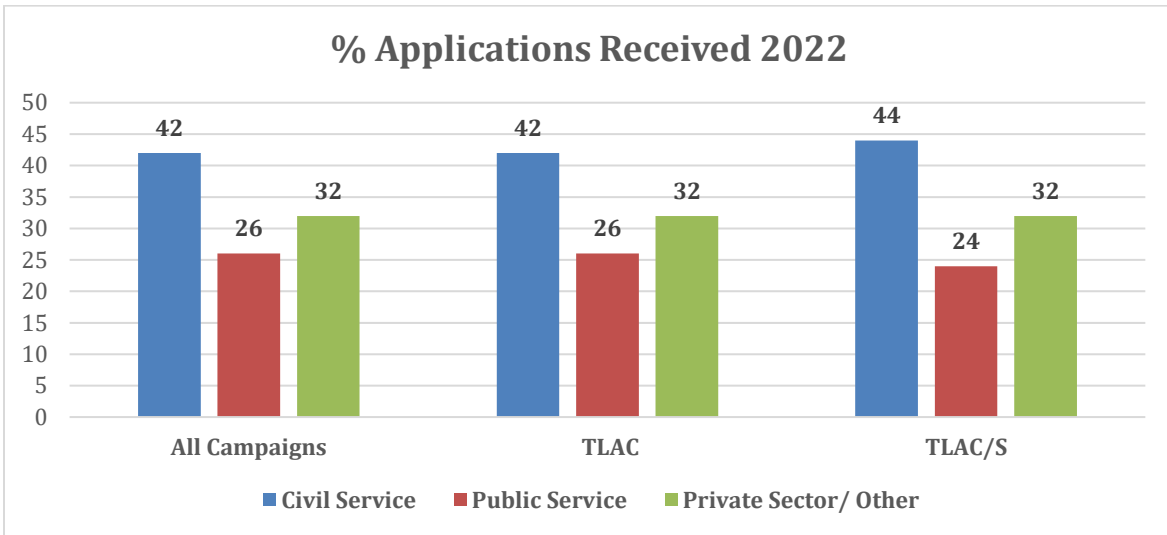
Part 2: Statistical Overview 2022

In this section the 2022 statistics will be set out in the first instance. Comprising of a graph representing all TLAC campaigns then focusing on general service TLAC posts and TLAC specialist (TLAC/S) posts separately. This is followed by a visual representation of the statistics over the previous 8 years for comparison purposes (where available).

A. Breakdown of candidates by sector per stage in TLAC process

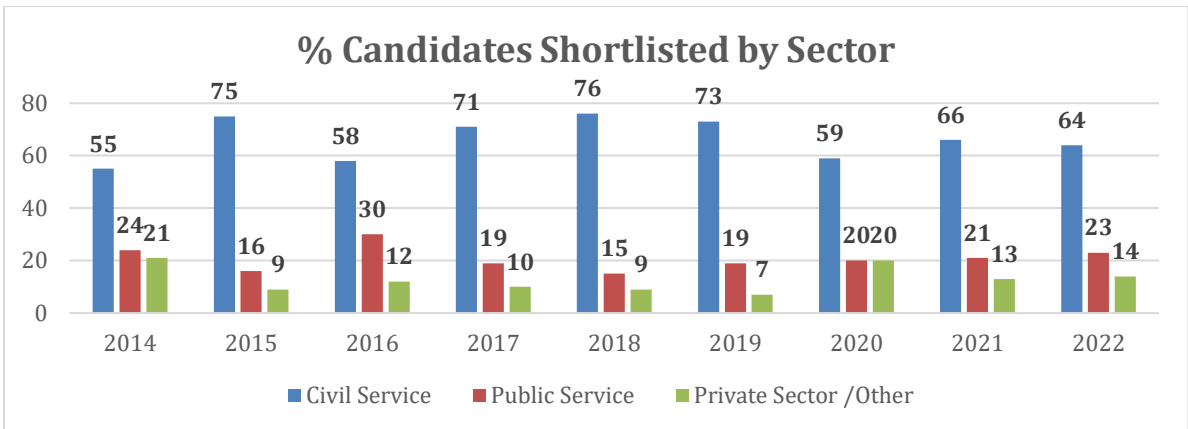
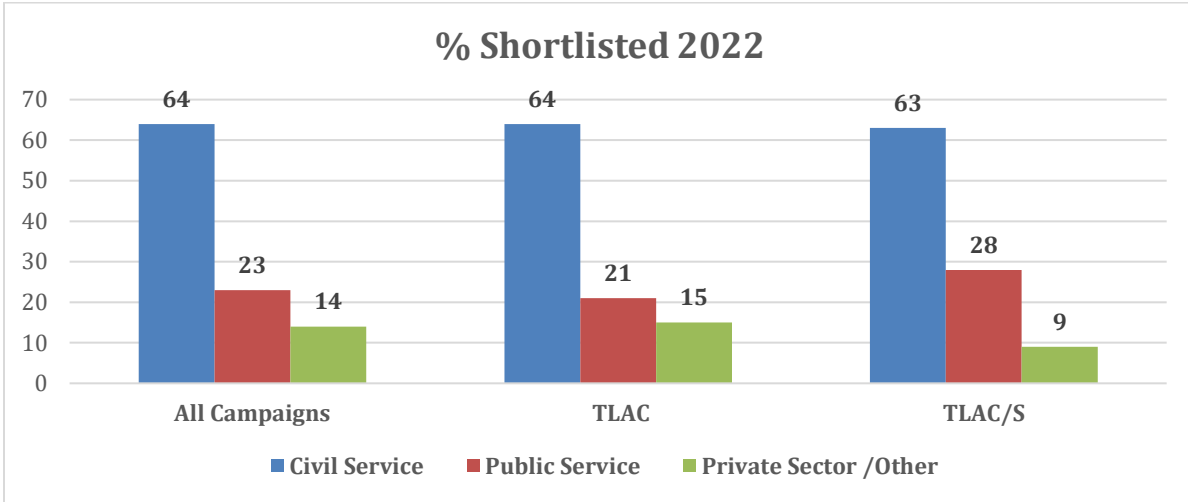
Applications received by sector

In 2022, there were 486 eligible applications received. The largest cohort of eligible applicants to TLAC came from within the Civil Service itself, representing 42% of all eligible applicants. The private sector provided 32% of eligible candidates while the wider Public Service provided 26% of eligible applicants.



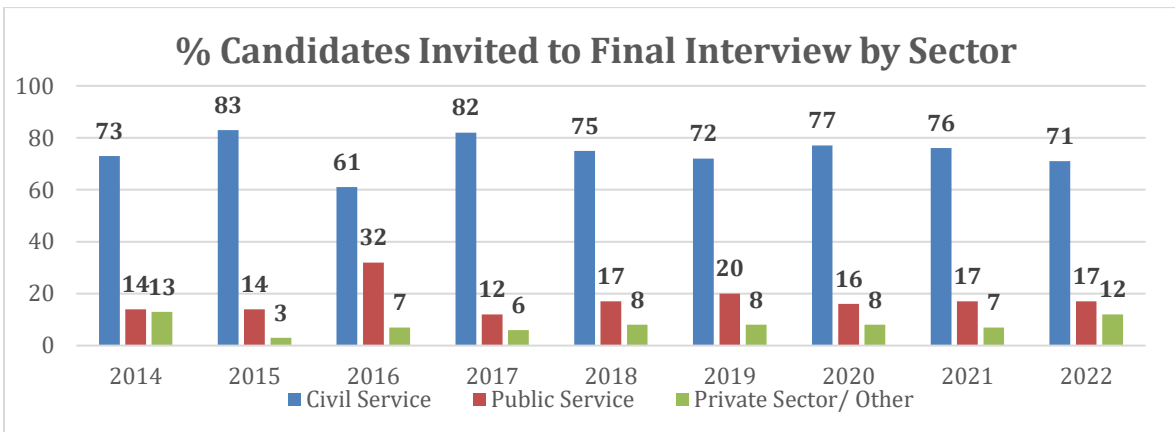
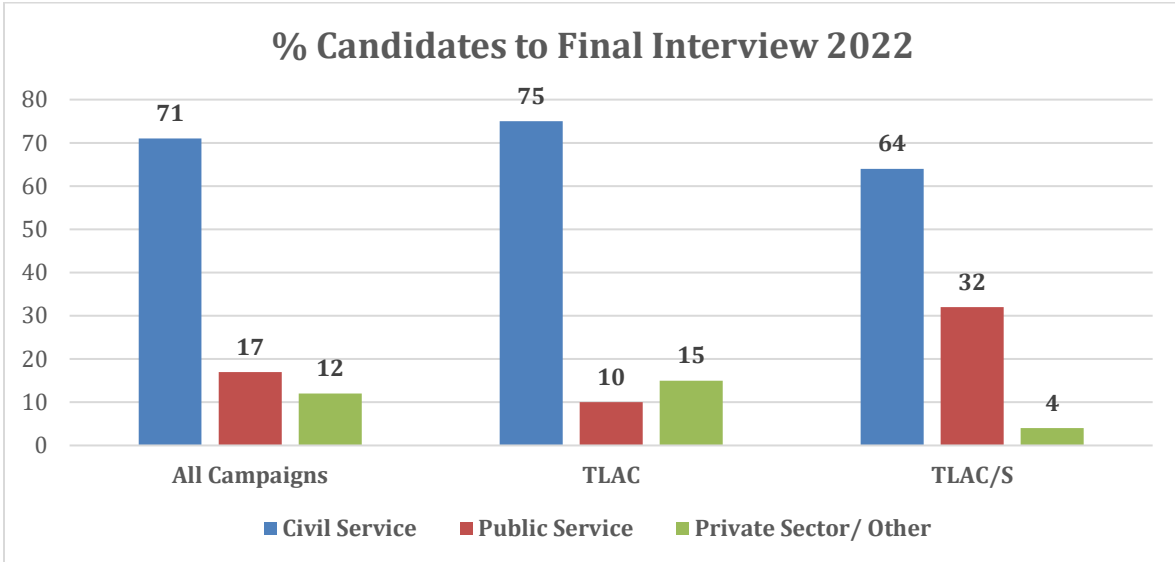
Candidates shortlisted by sector

In 2022, there were 177 candidates shortlisted. Of those shortlisted for Preliminary interview, 64% were from the Civil Service, 23% were from the Public Service, 14% were from the private sector.



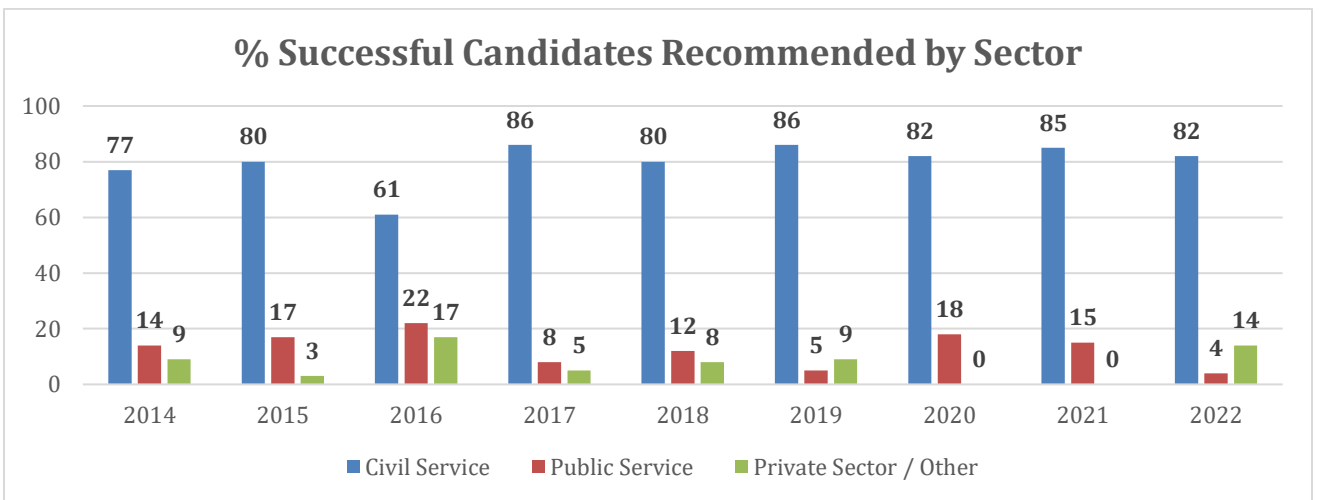
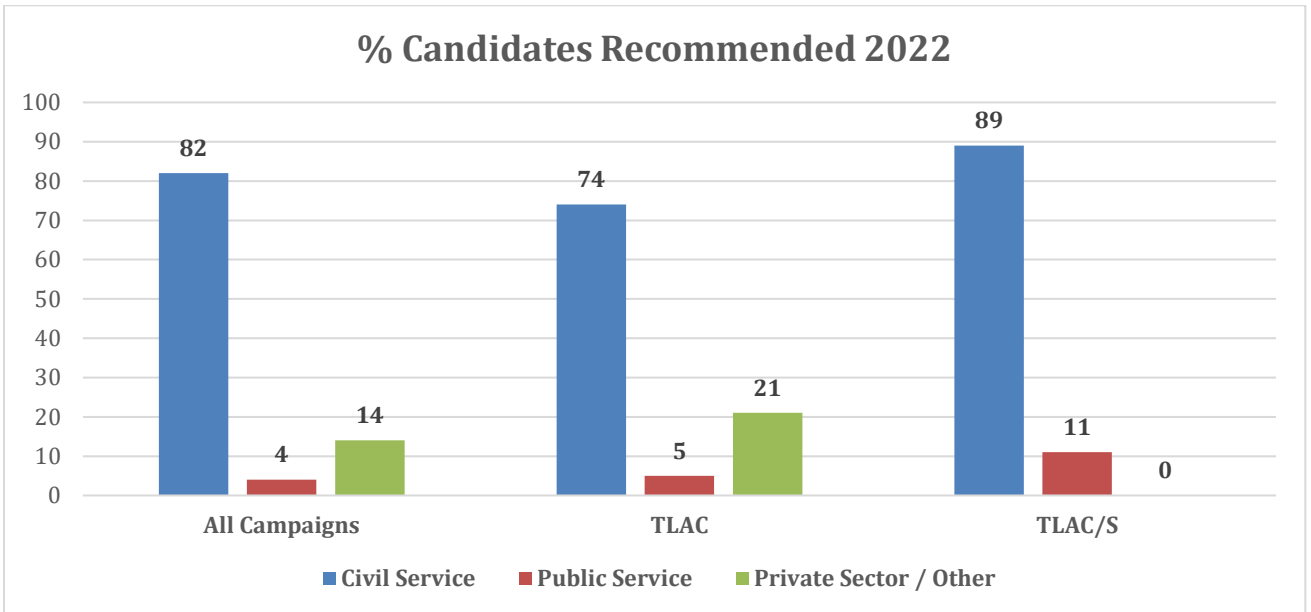
Candidates to final interview per sector

In 2022, of the 78 candidates sent forward to Final interview 71% were from the Civil Service, 17% were from the wider Public Service and 12% from the private sector.



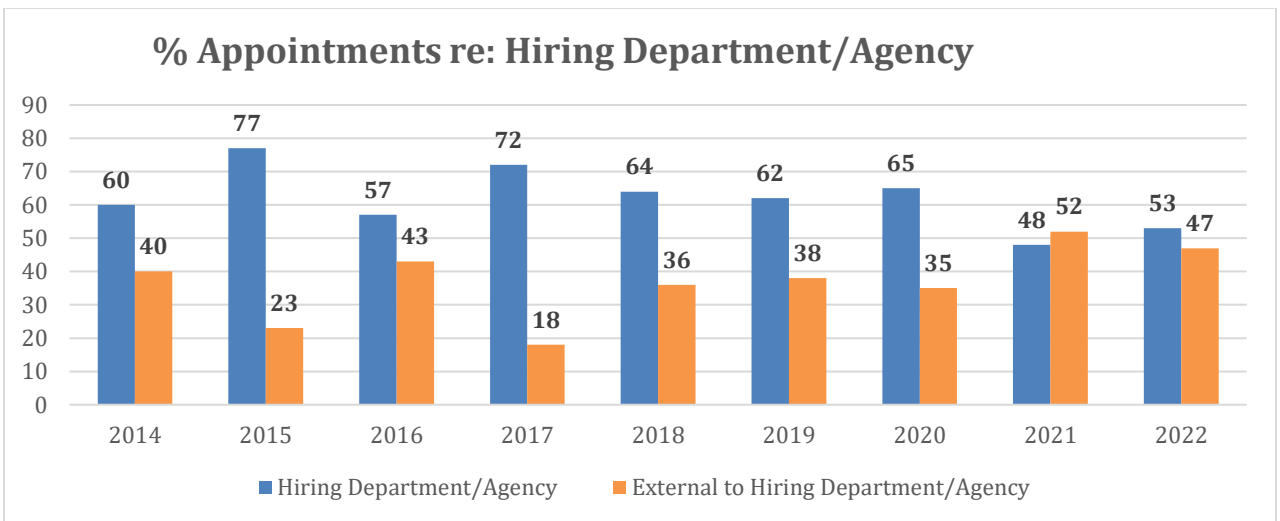
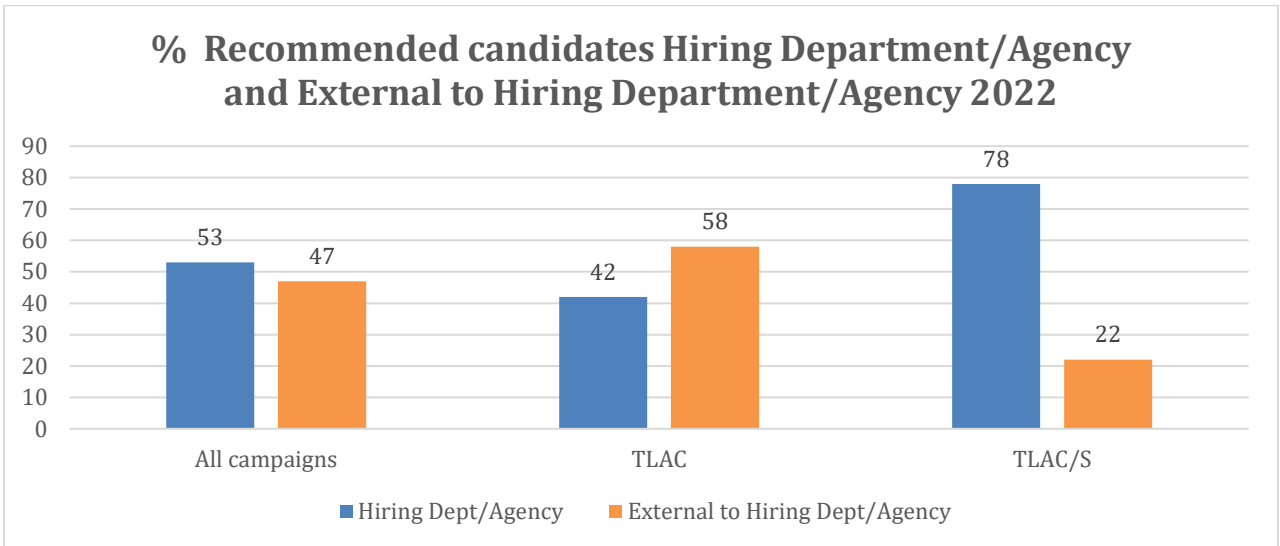
Candidates recommended by sector

In 2022, of the candidates recommended for appointment, 82% were from the Civil Service, 4% were from the wider Public Service and 14% were from the private sector.



B. Percentage of TLAC from hiring Department/Agency

In 2022, 53% of the TLAC appointments were filled by candidates serving in the hiring Department/Agency.

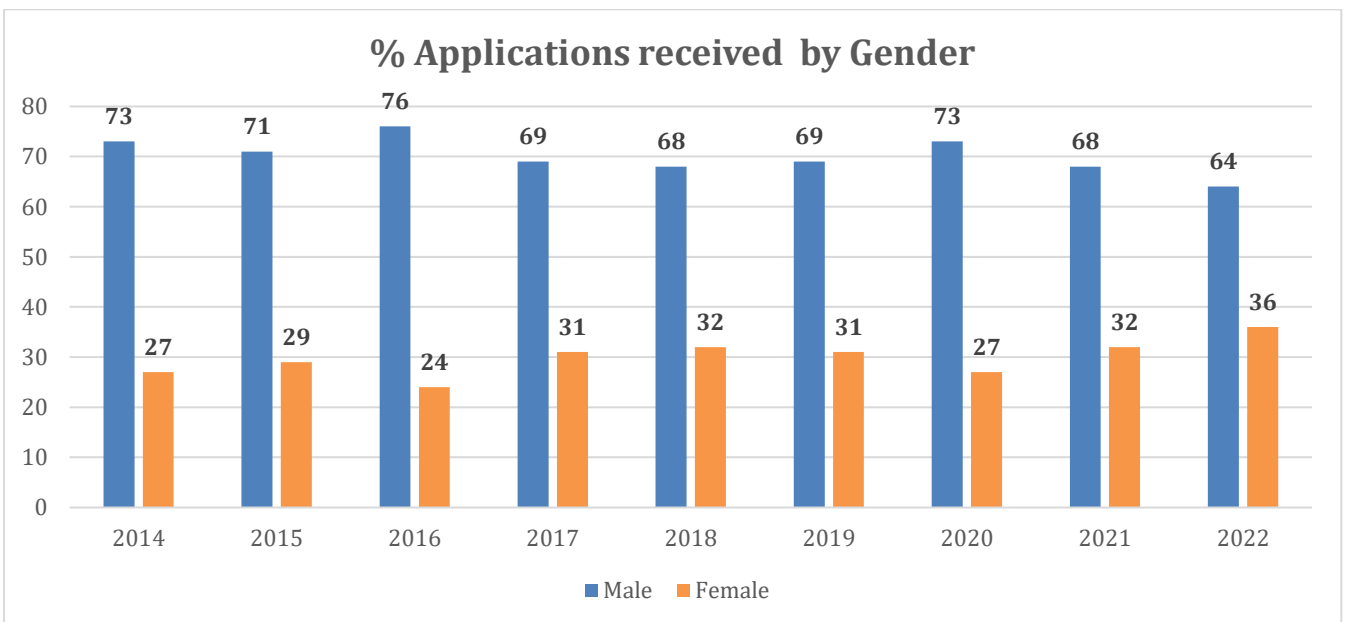
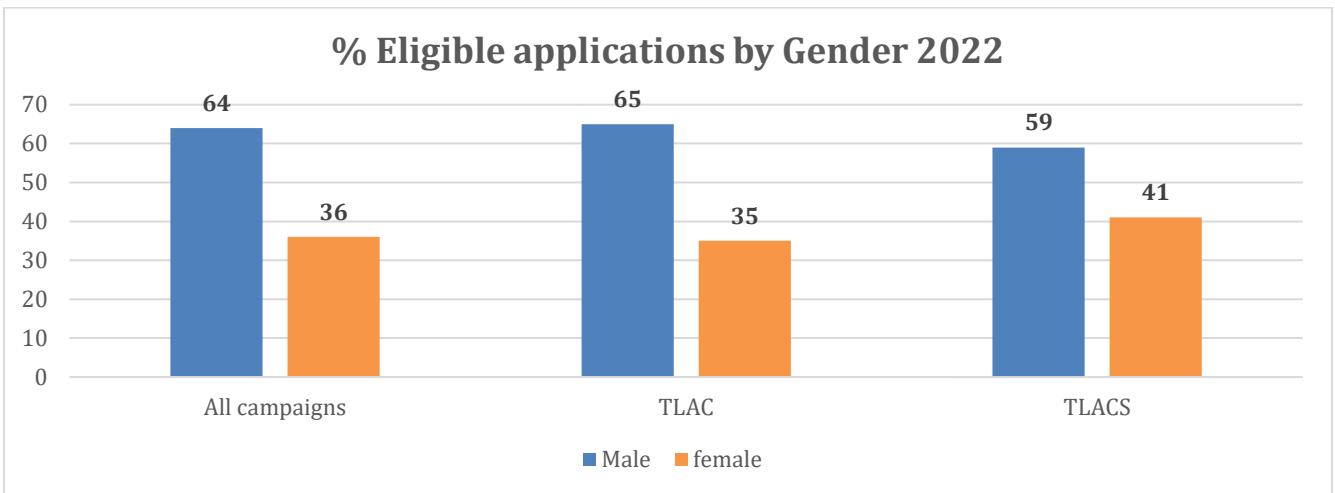


C. Breakdown of candidates by gender per stage in TLAC process

It is Government policy to encourage gender diversity in the Civil Service, aiming to close the gender gap that had existed for many years in top positions.

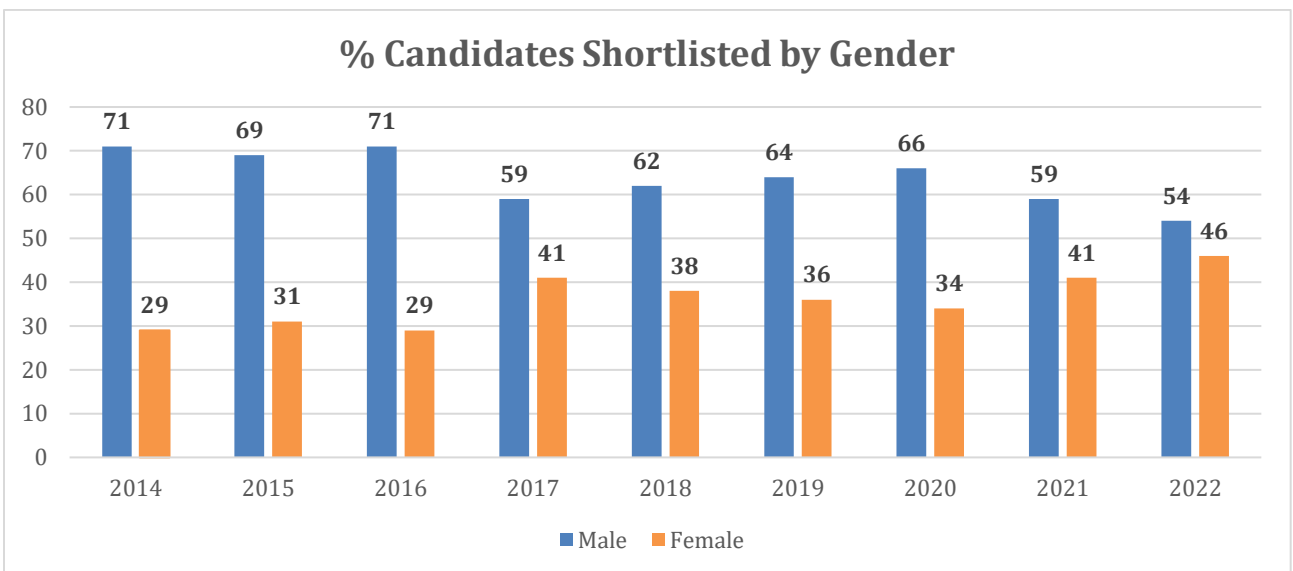
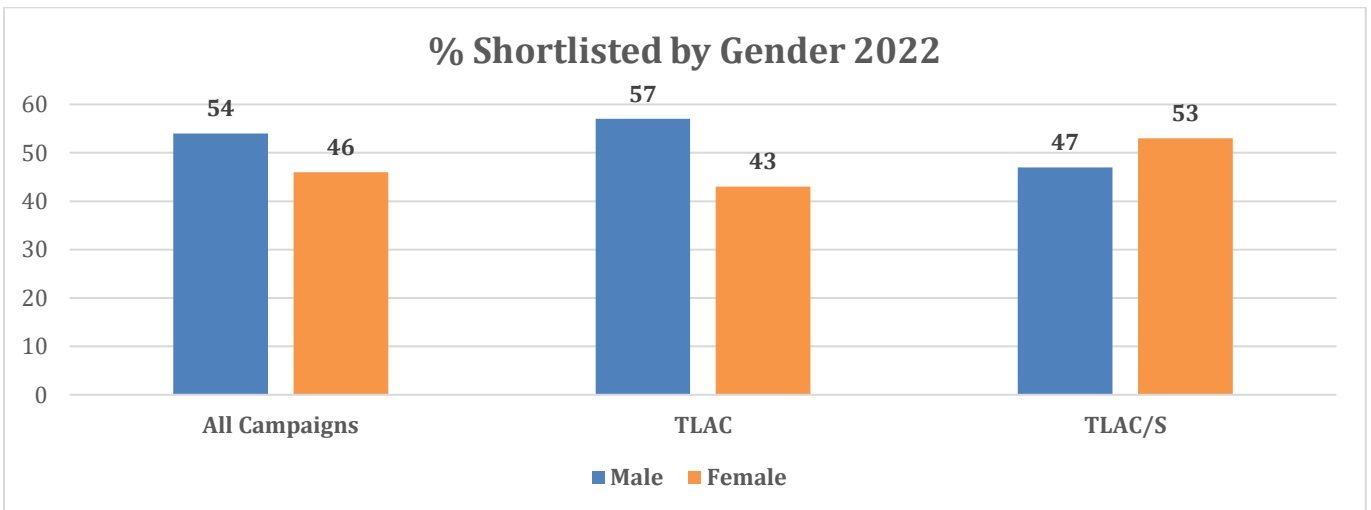
Applications received

In 2022, of the 486 eligible application, 64% were male and 36% were female.



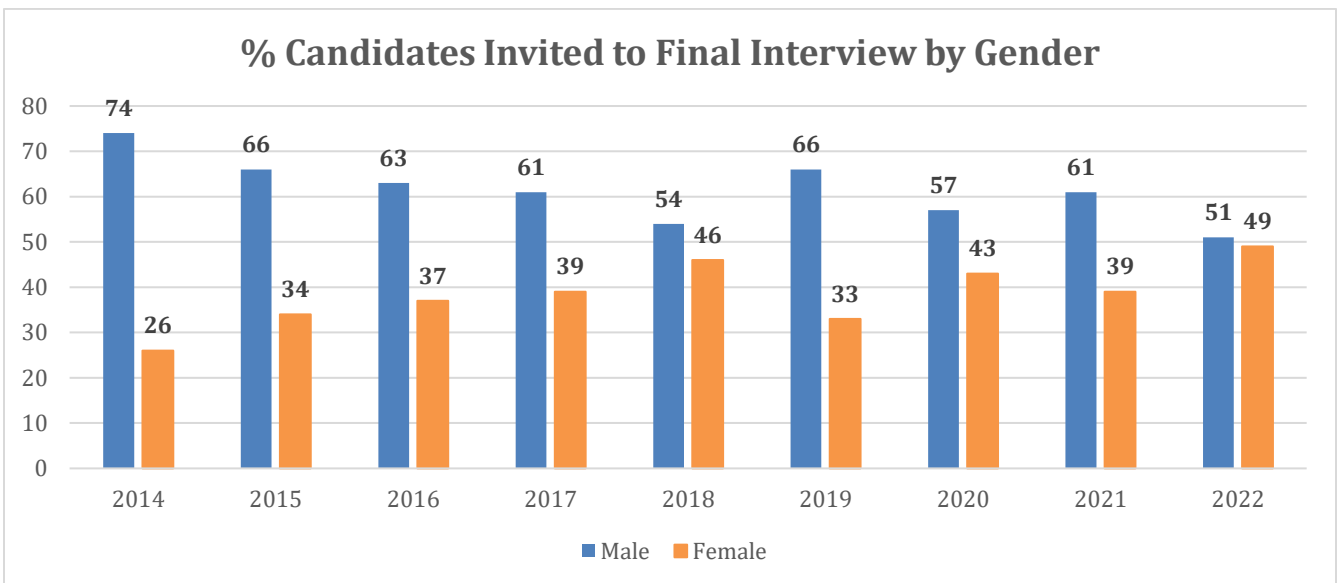
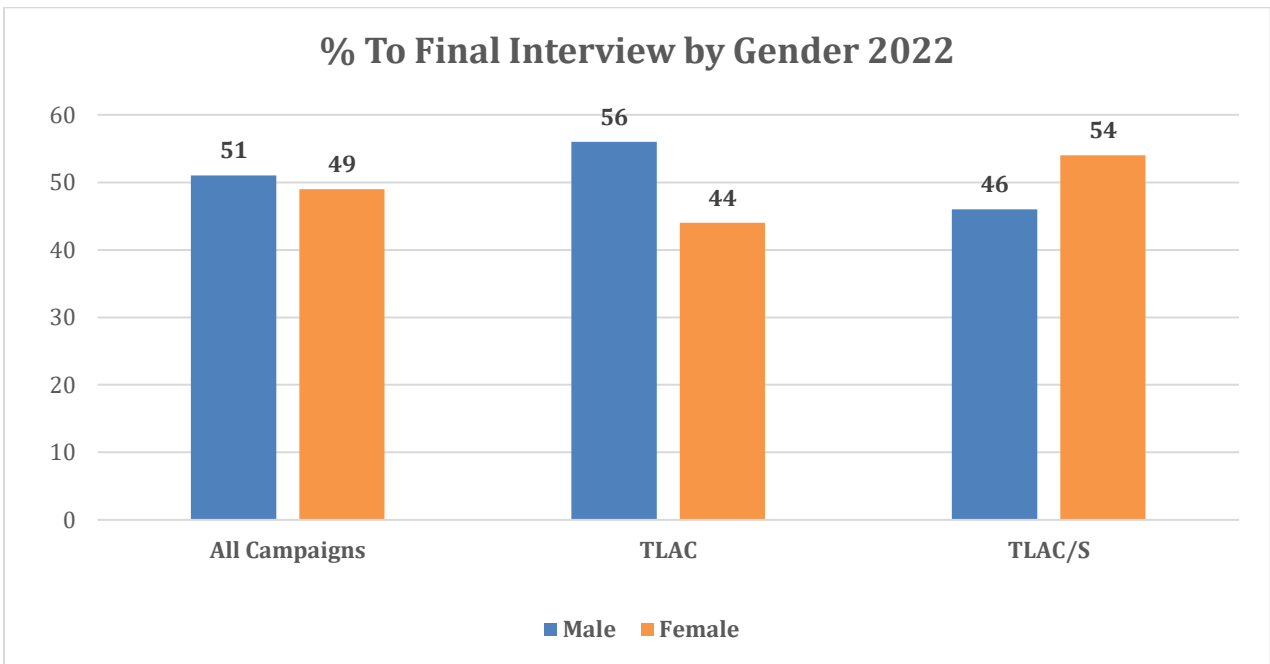
Shortlisted for preliminary interview

In 2022, of the 177 candidates shortlisted for preliminary interview, 54% were male, 46% were female.



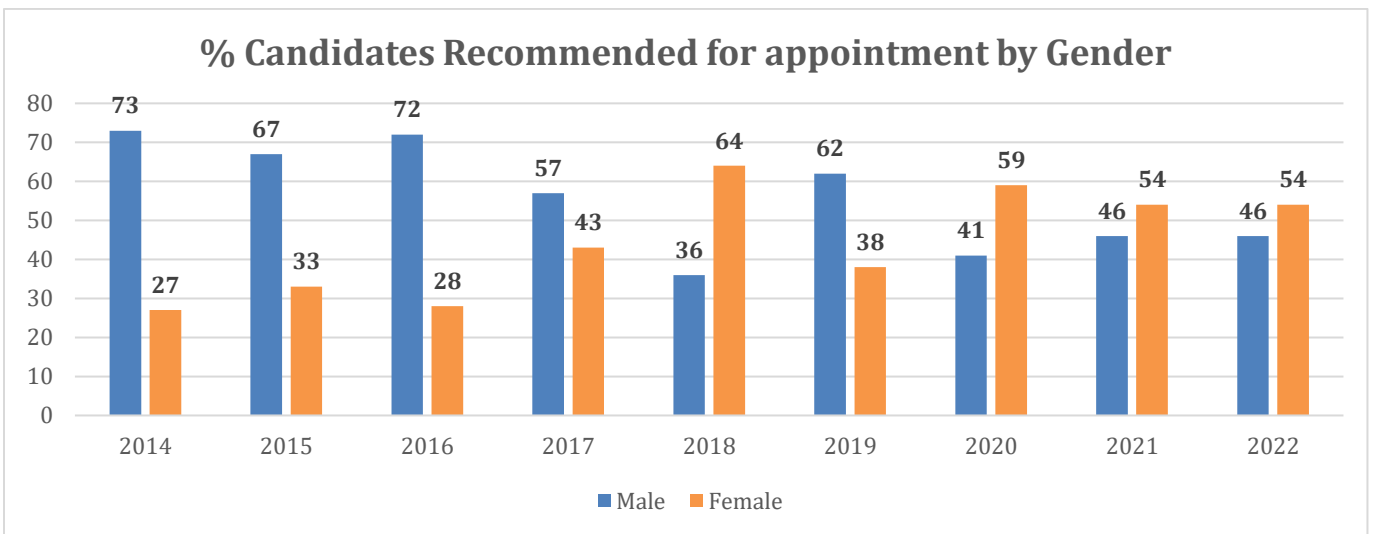
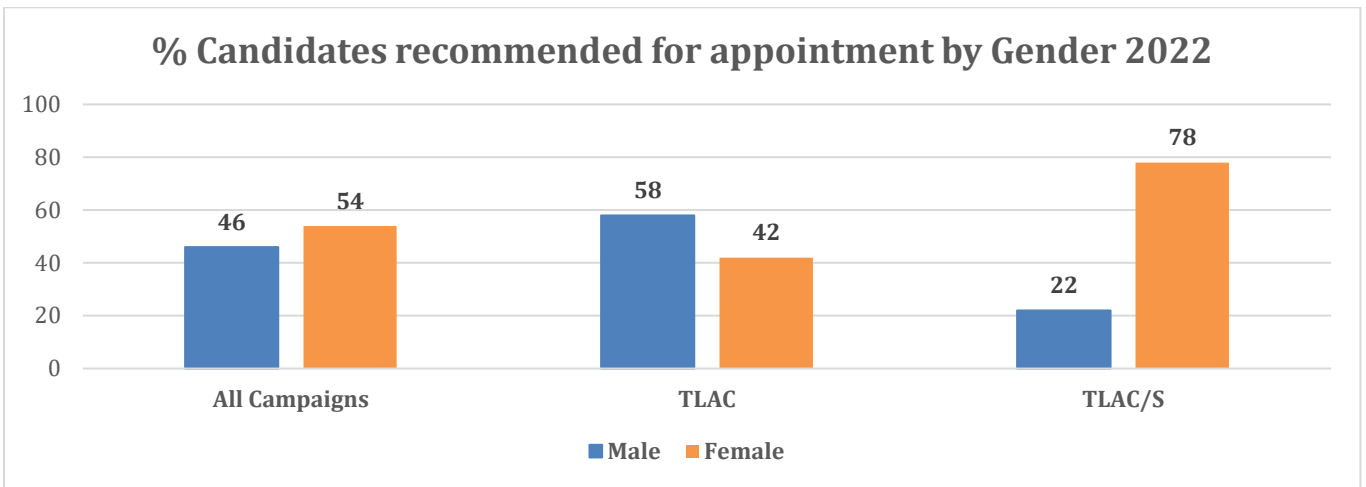
Candidates invited to final interview by gender

In 2022, of the 78 candidates sent forward for final interview, 51% were male and 49% were female.



Successful candidates recommended by gender

In 2022, of the 28 TLAC recommendations for appointment, 54% were female and 46% were male.

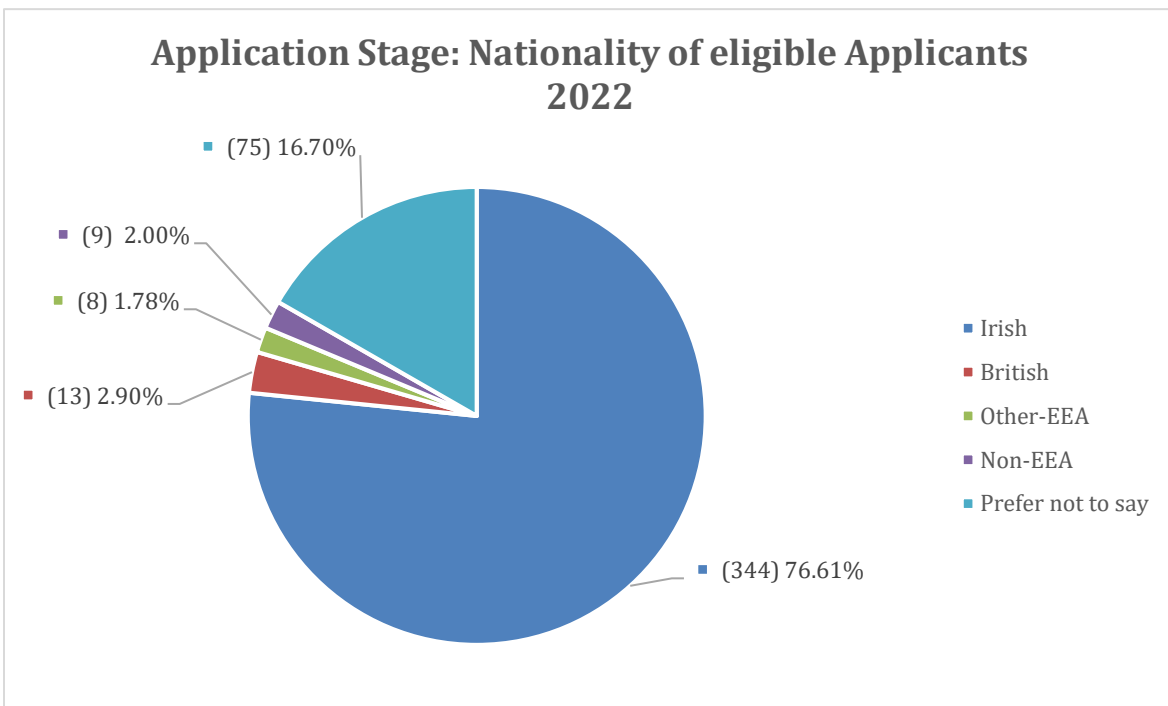


D. Diversity of the applicant pool

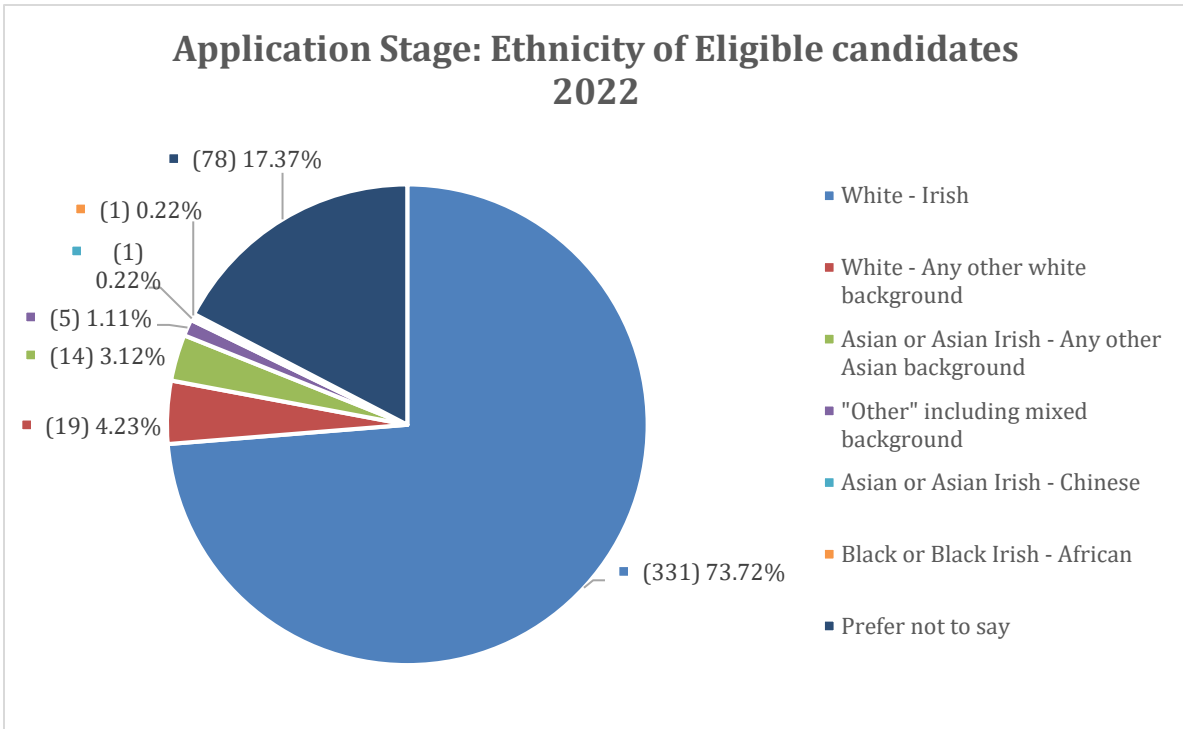
In this section the 2022 statistics are viewed in terms of eligible candidates at application stage under the headings of nationality and ethnicity. This is the first year that nationality and ethnicity statistics in relation to TLAC campaigns have been available and it is intended to build on these statistics going forward. It is optional for candidates to provide this information. The following graphs are based on the information disclosed rather than a full data set.

The below graphs set out the number of applications received from each cohort in brackets following by the relevant percentage figure.

Nationality



Ethnicity

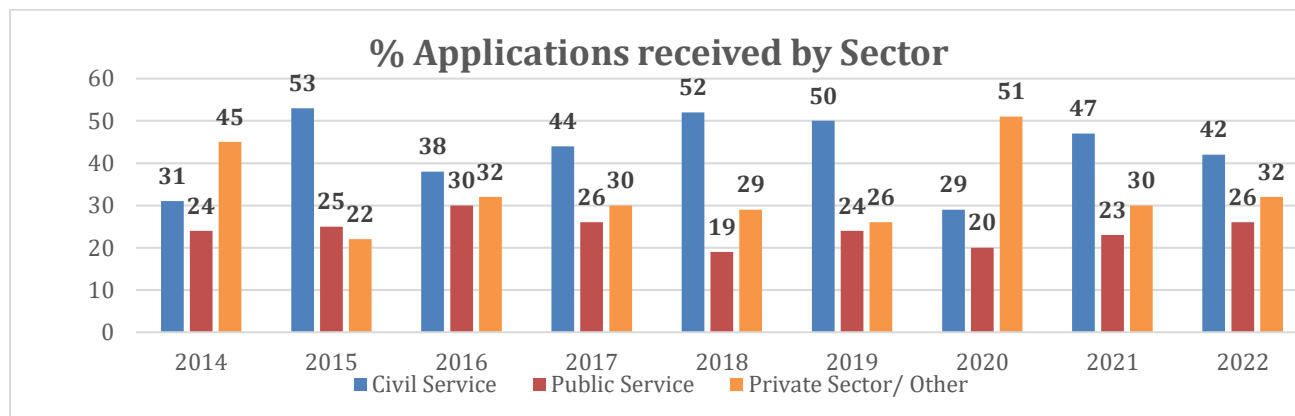


Part 3: Trends & Commentary

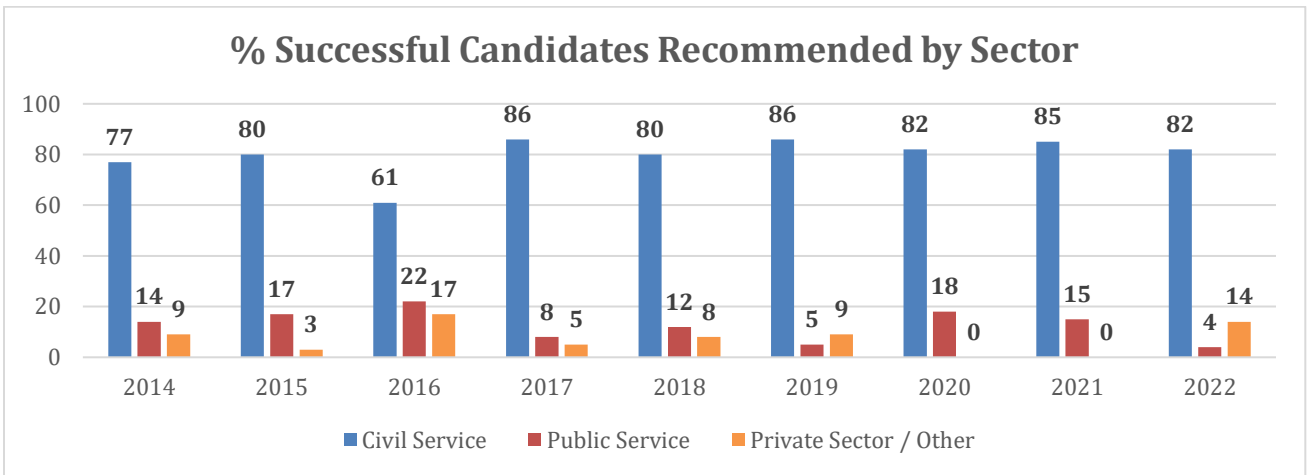
Trends

Certain trends and patterns are identified within TLAC’s processes since 2014, albeit with variations. In 2014, for example, applications for TLAC posts from the private sector exceeded those from within the Civil Service itself. In subsequent years, however, the proportion of applications from the Civil Service exceeded those from the private sector with the exception of 2020.

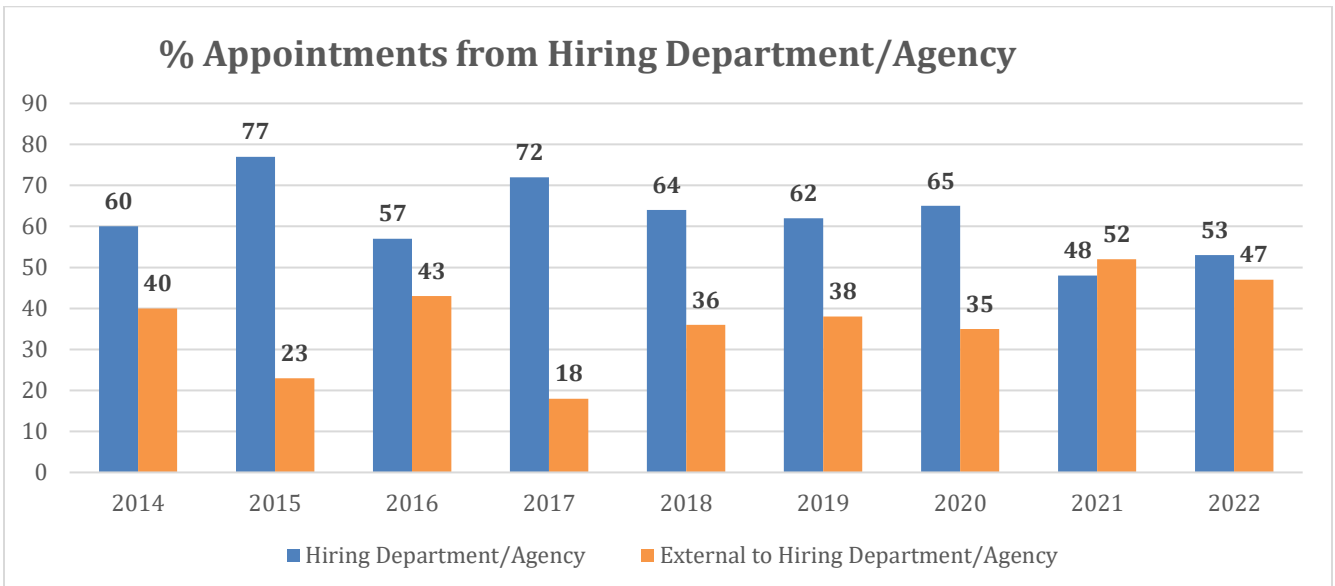
In 2020, 51% of applicants came from the private sector, with 29% coming from the Civil Service and 20% coming from the wider Public Service. This could suggest that Civil Service posts may be more attractive in a weaker economic climate and less so in a stronger economic climate. From March 2020 Covid-19 restrictions necessitated the shutting down or slowing of large sections of the economy, resulting in a sharp rise in unemployment. However, by 2021, the economy had begun to recover strongly from the effects of Covid-19. In 2022 32% of eligible candidates came from the private sector.



Although a greater number of eligible applicants in 2022 came from outside the Civil Service (58%); the success rate for civil servants securing recommendation is greater than for those from the outside the Civil Service. In 2022, 82% of candidates recommended for appointment were from the Civil Service. This continued a trend with the majority (61% - 86%) of candidates recommended for appointment are already civil servants.



Continuing with the pattern observed over previous years, a high proportion of those recommended for appointment tend to come from within the hiring department or one of its agencies. Over the period 2014-2022 the average percentage of appointments recommended from within hiring department/agency has been 62%. In 2022, 53% of the TLAC appointments were filled by candidates serving in the hiring department/agency.



In 2022, of the 19 general TLAC appointments, 42% of those were filled by candidates serving in the hiring Department/Agency. Of the 9 TLAC Specialist appointments, 78% of those were filled by candidates serving in the hiring Department/Agency. In total in 2022 53% of all appointments were filled by candidates serving in the hiring Department/Agency.

While in 2021, 48% of the TLAC appointments were filled by candidates serving in the hiring Department/Agency. Of the 36 general TLAC competitions advertised, 72% were filled by candidates from the hiring Department/Agency. Of the 5 TLAC Specialist competitions advertised, 0 were filled by candidates from the hiring Department/Agency.

It is noteworthy over the past three years that although males outnumber females at application stage, when it came to recommendation for appointment in 2022, females outnumbered males. In 2022, 54% females and 46% males were recommended for appointment. For the last three years a higher percentage of females have been appointed at the top grades in the Civil Service.

Previous TLAC reports have set out that more diversity statistics are required. This is the first TLAC report to include nationality and ethnicity statistics which is welcomed. This will set the building blocks for future reporting in this area.

Considerations

It is part of TLAC's brief to advise the Minister and the Department of Public Expenditure, NDP Delivery and Reform on the effectiveness of appointments to senior positions in the Public Service. Accordingly, the following observations are put forward for consideration.

The TLAC process is designed to be open, fair, independent, impartial and efficacious. By definition, however, there is always a judgment call to be made in nominating candidates for appointment. The role of the receiving Secretary General is a sensitive but important one in the process. The Secretary General does not participate in the final selection by the interview panel but the members will give careful attention to what s/he sets out as the priorities for the department and for the incoming appointee.

It frequently appears that a receiving Secretary General sees a choice to be made between a candidate who can "hit the ground running" and another candidate who might perhaps have long-term potential but who will take time to become familiar with the role. It may be that providing additional supports for Secretaries General in relation to continuity and succession

planning, where possible, could help in this regard. In 2022, 53% of roles were filled by candidates from the hiring Department/Agency.

Going before a TLAC panel is invariably a challenge and, to a degree, a rite of passage in the career path of a civil servant, or indeed, for candidates outside the Civil Service. Every effort is made by TLAC to put candidates at ease, to be fair, courteous and to maintain consistency across the interviews, while probing the candidates' capacities and abilities.

It has been pointed out in previous reports that there is a real need for some formalised system to enable TLAC to receive feedback from candidates about their experience of the process.

TLAC raised concerns in earlier reports that a drop in candidate numbers, as measured by the number of applications per post, could impact upon the choice that is available for key positions. We saw a drop in the average number of applications per post in 2022 to 17 compared to the average over the nine year period of 28. This is something that will need to be monitored closely in the coming years.

While we welcome the developments in terms of starting to track ethnic diversity of those applying for TLAC posts, there is still no ethnic diversity statistics on the pool of candidates currently coming to preliminary and final interview stage despite an increasingly varied ethnic intake into the workforce, as documented, for example, by ESRI. It is desirable that the composition of the Civil Service should broadly reflect the ethnic makeup of the community.

The TLAC reports for 2019, 2020 and 2021 urged that consideration should be given to measures that will serve to bring an appropriate number of persons of ethnic diversity to senior positions within the Civil Service.

In 2022, 5 applicants from the private sector were recommended for appointment. In 2020 and 2021 not a single applicant from the private sector was recommended for appointment.

It should be possible, and it would be useful to learn more about the perceptions of private sector employees towards the Civil Service. If there are perceived obstacles, whether cultural – in the broad sense - financial or anything else, it would be important for the future effectiveness of the Service to know what they are and to see how they might be addressed.

TLAC processes have not in the past operated in relation to a number of Secretary General posts. These are in the Departments of An Taoiseach, Finance, Foreign Affairs as well as the appointment of the Secretary General to the President. These Secretary General posts are filled by direct government appointment on the basis of “expressions of interest” by senior civil servants. There is a strong argument to be made for applying TLAC’s processes to these posts as well. Extending TLAC’s remit to include these posts would undoubtedly be welcomed by the Civil Service. It would also stand to the credit of the State were it to embrace the highest degree of transparency, openness and fair procedure across all of its senior recruitment processes.

TLAC has evolved from an original model established in 1984 in which all of its members were civil servants and in which there was no external input. The current model, which dates from 2012, consists of a majority of external members. In 2022 an Independent Review Panel was established by the then Minister for Public Expenditure and Reform to review a number of issues including senior recruitment. TLAC consulted with the Independent Review Panel and raised the considerations outlined above.

Appendix 1: TLAC Background

The Top Level Appointments Committee (TLAC) is a non-statutory committee, established by Government in 1984. This created for the first time an open, competitive process for the nomination of candidates to be appointed to some of the most senior positions in the Civil Service; at the level of Assistant Secretary, Deputy Secretary and Secretary General.

In practice, it should be noted, the appointments of Secretaries General in the Departments of An Taoiseach, Finance, Public Expenditure, NDP Delivery and Reform, Foreign Affairs as well as the appointment of the Secretary General to the President are not normally the subject of the TLAC competitive process. These posts are usually filled by direct government appointment on the basis of “expressions of interest” from senior civil servants. The appointment of Secretary General of Public Expenditure, NDP Delivery and Reform, in 2021 was, however, the subject of the TLAC process.

The TLAC process replaced a system that operated from the foundation of the State in which senior posts were filled without an open process by Ministers or Government, usually on the recommendations of senior members of the Service and with a strong emphasis on seniority. It is the role of TLAC to recommend suitable candidates, while actual appointments are made by Ministers and Government. In every instance during 2022 the Committee’s recommendations were accepted and implemented. It is important to note that TLAC has no role or function in the setting of the terms or conditions for any post.

In 2012 TLAC was restructured by the then Minister for Public Expenditure and Reform, Brendan Howlin T.D., to further ensure its independence and transparency. It now comprises 9 external members, one of whom acts as Chair, and 7 members of Secretary General grade from within the Civil Service, thus maintaining a majority of non-civil servants. All members are appointed by the Taoiseach on the nomination of the Minister for Public Expenditure, NDP Delivery and Reform.

This is the 11th annual report to the Minister under the current TLAC structure.

How TLAC Works

- The role of TLAC is to support the Government objective that the recruitment and selection process for the most senior Civil Service positions is accessible to the widest pool of qualified candidates from all sectors.
- TLAC identifies the best candidate(s) for each position, judging each one on his/her suitability, in the context of the post to be filled, and against the other candidates who are in competition for it.
- TLAC then makes recommendations to the relevant Minister.
- TLAC operates under the *Code of Practice for Appointments to Positions in the Civil Service and Public Service*, in accordance with the principles of merit, consistency, accountability, probity, best practice and professional confidentiality.
- TLAC operates in an independent manner and strictly on the basis of open competition and merit.
- Subject to certain exceptions, principally those set out in the introduction to this report, TLAC deals with all posts at and above Assistant Secretary level or equivalent in the Civil Service.

TLAC Structure

At the start of 2022 the membership of the Top Level Appointments Committee (TLAC) comprised of 9 external members and 7 internal members, maintaining a majority of non-civil servants. The 16 members comprised of, (i) the Secretary General, Department of Public Expenditure, NDP Delivery and Reform; (ii) the Secretary General to the Government; (iii) 5 other senior civil servants appointed for three year terms ; (iv) 9 members from outside the Civil Service appointed for 3 year terms, 1 of whom is the Chair.

TLAC members are nominated by the Minister for Public Expenditure, NDP Delivery and Reform and appointed by the Taoiseach.

Appendix 2: Membership of the TLAC Committee in 2022

- Mr. Conor Brady (Chairperson); former editor of *The Irish Times* and former Commissioner GSOC; (Mr. Brady's term of office expired in June 2022);
- Ms. Barbara Cotter, (Chairperson) Non-Executive Director and Consultant/Advisor and former partner, A&L Goodbody. (Ms. Cotter succeeded Mr. Brady as Chairperson in June 2022 on the expiry of Mr. Brady's term of office);
- Mr. Niall Cody, Chairman, Office of The Revenue Commissioners;
- Mr. Martin Fraser, Secretary General to the Government, Department of An Taoiseach, an ex-officio member. (Mr. Fraser's term of office expired in May 2022);
- Mr. John Callinan, Secretary General to the Government, Department of An Taoiseach is an ex-officio member;
- Mr. David Moloney, Secretary General, Department of Public Expenditure, NDP Delivery and Reform is an ex-officio member;
- Mr. Graham Doyle, Secretary General, Department of Housing, Local Government and Heritage. (Mr. Doyle's term of office expired in December 2022);
- Ms. Anne Heraty, CEO, CPL;
- Ms. Katherine Licken, Secretary General, Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media;
- Ms. Caroline McDonnell, Independent Non-Executive Director;
- Mr. John McKeon, Secretary General, Department of Employment Affairs and Social Protection;
- Ms. Oonagh McPhillips, Secretary General, Department of Justice;
- Ms. Ann O'Connell, Former Partner, PwC Consulting;
- Mr. Barry O'Connor, Former Managing Partner, MERC;
- Ms. Louise Phelan, CEO, Phelan Energy Group and Former CEO PayPal;
- Mr. Ian Simington, Director Truepoint;
- Ms. Fiona Tierney, Non-Executive director and former Chief Executive, Public Appointments Service (PAS);
- Mr. Philip Toomey, Former Chair of Kerry Group. Former Global COO at Accenture and Director of UDG, appointed for a 3 year term in December 2022;

- Mr. Brendan Gleeson, Secretary General, Department of Agriculture, Food and the Marine, appointed for a 3 year term in December 2022;
- Mr. Jim Breslin, Secretary General, Department of Further and Higher Education, Research, Innovation and Science, alternate TLAC member.

Appointments to TLAC are staggered to ensure continuity. External members receive an annual honorarium of €7,695 with the person acting as Chair receiving an annual honorarium of €11,970. Internal members do not receive any payment additional to their Civil Service salaries.

Appendix 3: TLAC Process

Processes Prior to Final Interview and Selection

When a vacancy arises, a draft job specification is provided by the hiring department. The draft specification is circulated to the TLAC membership for any observations.

The Public Appointment Service (PAS) will work with the Secretary General of the hiring department (usually referred to in this context as the “hiring Secretary General”) to ascertain the key skills required for the role and to identify the current and critical issues within the organisation that would be of particular interest to potential candidates.

TLAC has developed two frameworks setting out the key competencies which will form the basis of interviews and the assessment of candidates’ suitability. The first of these is applied to posts at Assistant Secretary level while the second applies for Secretary General posts.

The four key competencies for posts at Assistant Secretary level and which provide the framework for final interview are:

- Strategic Thinking and Vision;
- Delivery Focus and Personal Drive for Results;
- Managing Relationships;
- Specialist Expertise and Self Development.

The key competencies for posts at Secretary General level and which provide the framework for final interview are:

- Leadership;
- Judgement;
- Managing Relationships;
- Personal Drive for Results.

Appointments at the grade of Deputy Secretary are made in a small number of departments, including Department of Public Expenditure, NDP Delivery and Reform, Health, Foreign

Affairs, Enterprise Trade and Employment, Social Protection and in the Department of Justice and Equality. These appointments are made following the TLAC procedures for Assistant Secretary but candidates are asked to present on the four key competencies as set out (above) for the Secretary General grade.

Further information on required competencies is to be found within the Advice Centre on the PAS website www.publicjobs.ie.

Candidate information booklets are prepared by PAS in conjunction with DPENDR and the hiring Department. Relevant information for each post will also be available on www.publicjobs.ie. This will include job title and description, pay scale, location, closing date for applications etc. Guidance notes on preparing a CV and on the selection and interview processes are also provided.

PAS advertises all posts on selected national media, on social media and by circulating relevant professional bodies and associations.

In certain circumstances, PAS, in conjunction with TLAC, may arrange an executive search process, using retained external specialists.

Candidates are required to submit an on-line application and attach a single document with the following elements included:

- A comprehensive CV, including an organisation chart
- The Key Achievements Form
- A short cover letter/personal statement outlining why they wish to be considered for the post and where they believe their skills, experience and values meet the requirements of the position.

After the advertised closing date, applications are shortlisted by a selection board formed by PAS. This will comprise an independent Chairperson, an independent expert in the relevant area of expertise, a Secretary General (but not from the hiring Department) and a member of

TLAC. The TLAC member will generally follow the competition process through to completion.

The Secretary General from the hiring department will be in attendance for Assistant Secretary level posts to provide a briefing on the role and the Department. The selection board agrees the shortlisting criteria, which is consistent with the skills, experience and competencies required for the post. The selection board reviews and assesses each application against the criteria which have been set down, and determines a shortlist of candidates who will be brought forward for further consideration at the Preliminary Interview stage.

The Selection Board will next conduct competitive preliminary interviews of those candidates who have been shortlisted. A TLAC representative will participate at this stage for Secretary General posts and specialist posts.

Suitable candidates from the preliminary interviews will then go forward to the final interview stage. They will be required to complete an Occupational Personality Questionnaire (OPQ) prepared and analysed by suitably qualified professionals retained by PAS. They will be required to nominate referees who will be asked by PAS to provide assessments of their professional competencies and their general suitability for the role to be filled.

They will finally be required to make a further presentation on paper, setting out the principal points they wish to set out in relation to the fulfilment of the role, if appointed. This may be a combination of written and graphic content.

These processes will apply for both Assistant Secretary and Secretary General posts.

For posts at the level of Secretary General, in-depth executive assessments, aimed at eliciting more detail than the OPQs employed at lower levels, are undertaken by suitably qualified professionals retained by PAS.

Competitive Final Interview and Recommendation

The interview panel for final TLAC interviews comprises 5 persons. Two Secretaries General will participate as will 3 external members, including the TLAC Chair who will Chair and conduct the interview process.

In a small number of instances during 2022 the Chair was unable to attend in these instances, another external TLAC member was nominated as Chair.

The Secretary General of the hiring Department will be in attendance to brief the panel members in advance. The hiring Secretary General will have earlier furnished TLAC with a completed questionnaire setting out the key skills and challenges relating to the post.

The hiring or receiving Secretary General will be present for the interviews. S/he will not participate directly in the dialogue between the candidates and the members of the interview panel. However, once the panel members have finished, s/he may be invited to engage with the candidate and ask some questions of the candidate also.

Prior to the interviews, the panel will be verbally briefed on the content of the OPQs which have been completed by each candidate. These briefings will be delivered by a representative of PAS. A PAS representative will also brief the panel on the content of the references taken up from the persons nominated by candidates as referees.

For posts at Secretary General level there is a longer briefing to detail and describe the outcomes of the in-depth, executive assessments by suitably-qualified, independent professionals.

An hour and fifteen minutes is allocated for each candidate, thus allowing for a one hour interview and discussion and assessment among panel members.

After introductions between the candidate and the members of the interview panel, the candidate is allocated 8 minutes to go through their presentation verbally. Then each member of the panel will engage him/her in conversation on one of the principal competencies.

The Chair may or may not then ask additional questions. Next, the hiring Secretary General may be invited to ask questions of the candidate.

Finally, the candidate will be afforded an opportunity to revisit anything that has come up during the course of the interview, to address anything that s/he feels has not been touched upon, or to make any final remarks.

Recommendations to Minister

When the last interview has concluded, the members of the panel will confer.

The hiring Secretary General has an opportunity to offer views and the panel members may ask him/her further questions relative to the role.

Having heard the views of the hiring Secretary General, the panel will then take a final decision on its recommendation. At Secretary General level, the panel may recommend up to three candidates, in alphabetical order, to the Minister as being suitable for appointment.

For posts at Assistant Secretary level, the Chair will notify the Minister in writing of the panel's recommendation. The receiving Secretary General will notify the successful candidate and the unsuccessful candidates from within the hiring department. The TLAC secretariat will notify unsuccessful candidates from outside the receiving department.

Unsuccessful candidates will be advised that they may request feedback about their interview from the Chair. This opportunity is generally if not universally availed of by interviewees. The current practice is generally, but not always to deliver this feedback in writing by email.