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

2023 Developments & Trends

JUNE 2024

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Part 1: Introduction

Foreword

This report is prepared for the Minster for Public Expenditure NDP Delivery & Reform,

Paschal Donohoe, T.D.

On behalf of my colleagues, I am happy to present the twelfth report of the Top Level

Appointments Committee (TLAC) for the period January – December 2023.

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 in the Irish

Civil Service. 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 second report as Chair of TLAC, having been appointed in June 2022. I would also

like to express my appreciation to Jim Breslin who finished his term as Alternate member in

September 2023 for his significant contribution to TLAC. I was pleased to welcome Mary

Hurley who was appointed as a TLAC member in September 2023.

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 publicious for their professionalism and

ongoing support of TLAC; together with my sincere appreciation of the dedicated service of,

the secretariat to TLAC.

Barbara Cotter

Chairperson

25 June 2024

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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 2023, TLAC concluded 46 competitions for posts at Secretary General, Deputy Secretary General and Assistant Secretary level, or equivalent. This represented an increase from the previous year 2022 (28 campaigns) and the average number of 29 campaigns per annum in the period 2013-2023. This increase was facilitated by the commitment of TLAC members and publicious to work through a backlog of campaigns.

Of the 46 recruitment campaigns undertaken by TLAC in 2023, 38 were general service posts and 8 specialist posts¹. Of the 46 competitions, 3 competitions did not result in a candidate being recommended for appointment, 2 campaigns did not progress to Final Interview Stage and in 1 competition no candidate was recommended for appointment at Final Interview stage.

Although the greater number of eligible applicants in 2023 came from outside the Civil Service² (53%); the success rate of 88% for civil servants securing recommendation is far greater than those outside the Civil Service. This is continuing the trend with the majority on average 80% from 2013-2023 (61%-88%) of candidates recommended for appointment coming from the Civil Service. In 2023, 12% of the recommended candidates were from the wider Public Service and no candidates from the Private Sector/Other³ sector recommended for appointment.

Continuing with the pattern over the last 11 years, a higher proportion of those recommended for appointment tended to come from within the Hiring Department/Agency. In 2023 74% of recommended candidates were from the Hiring Department/Agency, from the period 2013-2023 on average 63% of the recommended candidates were from the Hiring

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.

³ Private Sector/Other refers to candidates from the Private Sector, Civil/Public Servants from other jurisdictions'

Department/Agency. Of this percentage in 2023, 53% of the candidates from the Hiring Department/Agency were male, 47% were female.

At application stage the number of males outnumber females, on average 70% of applicants are male (period 2013-2023). At final interview stage the number of males outnumber females, on average 62% of candidates are male (period 2013-2023). In the last few years there had been a trend where a higher percentage of females were appointed to the top grades in the Civil Service (average 56% over 2020-2022 period). In 2023 this was reversed with a higher percentage of males appointed to the top grades in the Civil Service (53% were male).

This is TLAC's second Report to include nationality and ethnicity data. As it is optional for candidates to provide information to publicjobs, the data shown is based on information disclosed by candidates rather than a full data set. Nonetheless, the inclusion of this data is welcome and hopefully can be extended in the future.

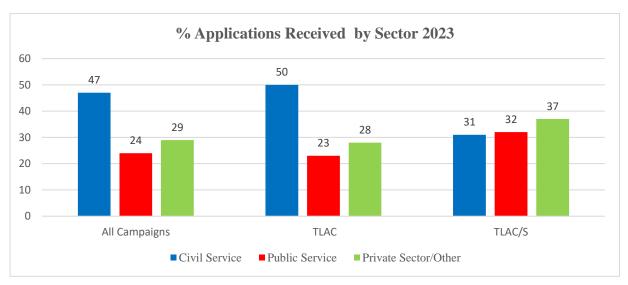
Part 2: Statistical Overview 2023

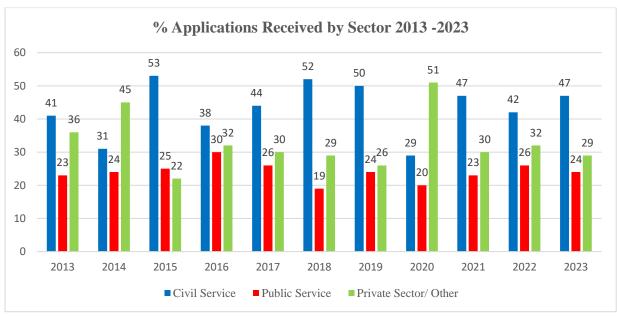
In this section the 2023 statistics will be set out in the first instance. Comprising of a graph representing all TLAC 2023 campaigns, then focusing on general service TLAC posts and TLAC specialist (TLAC/S) posts separately. This is followed by a visual representation of the statistics over an 11 year period from 2013 to 2023 for comparison purposes (where available).

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

Applications received by Sector

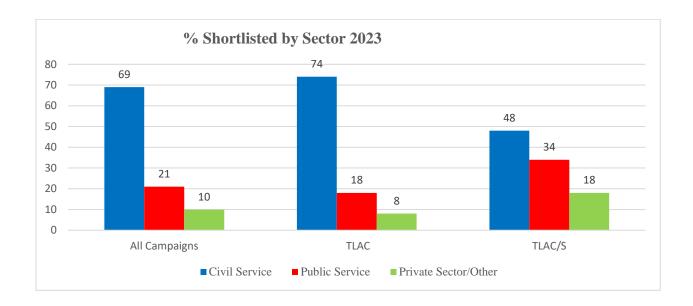
In 2023, there were 1,245 eligible applications received. The largest cohort of eligible applicants to TLAC came from within the Civil Service itself, representing 47% of all eligible applicants. The Private Sector/Other provided 29% of eligible candidates while the wider Public Service provided 24% of eligible applicants.

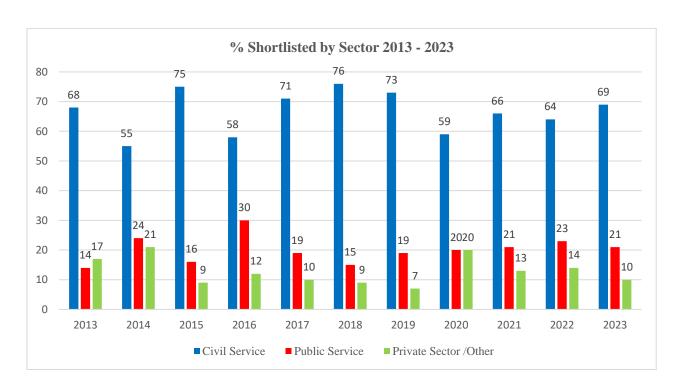




Candidates shortlisted by sector

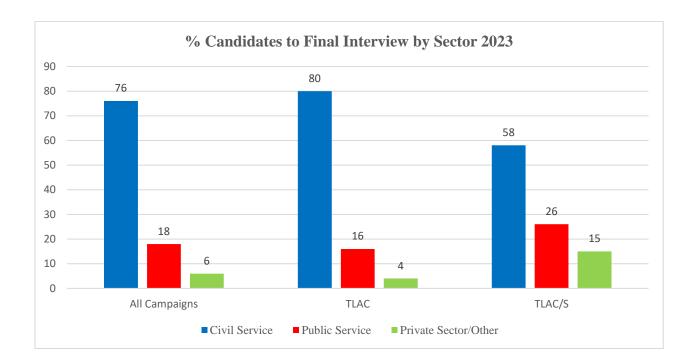
In 2023, there were 312 candidates for Preliminary interview. Of those shortlisted for Preliminary interview 69% were from the Civil Service, 21% were from the Public Service, and 10% were from the Private Sector /Other.

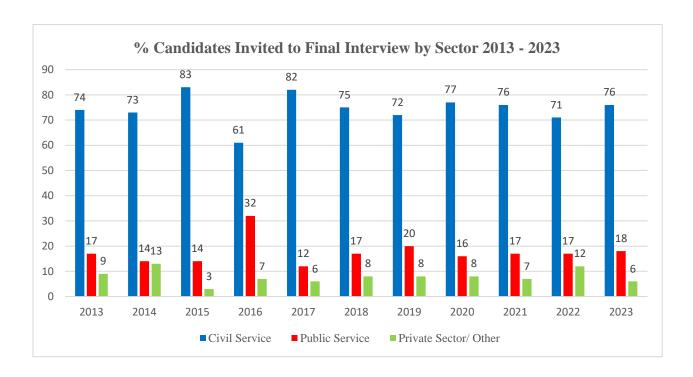




Candidates to final interview per sector

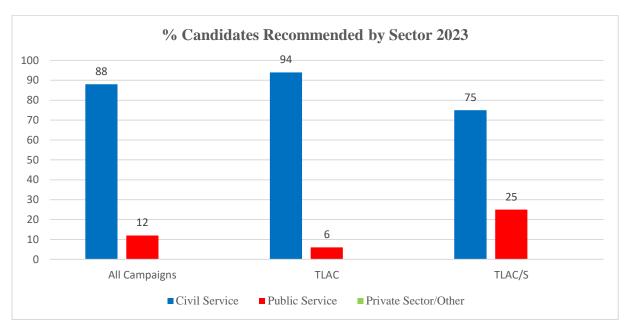
In 2023, of the 144 candidates sent forward to Final interview 76% were from the Civil Service, 18% were from the wider Public Service and 6% from the private Sector/Other.

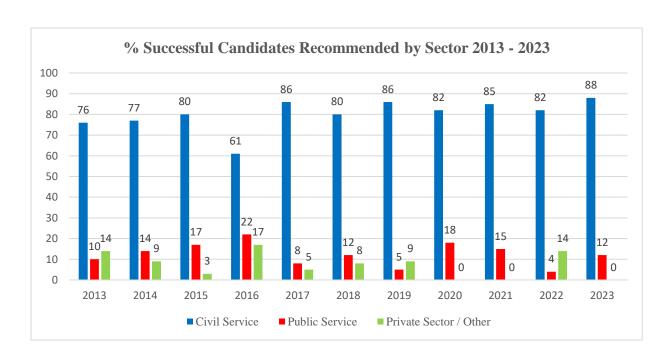




Candidates recommended by sector

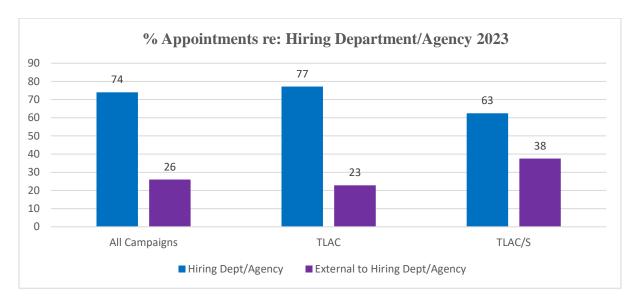
In 2023, of the 43 candidates recommended for appointment, 88% were from the Civil Service, 12% were from the wider Public Service and no candidates from the Private Sector/Other were recommended for appointment.





B. Percentage of TLAC from hiring Department/Agency

In 2023, 74% of recommended candidates were from the Hiring Department/Agency. Over the period 2013 – 2023, on average 63% of the recommended candidates were from the Hiring Department/Agency.



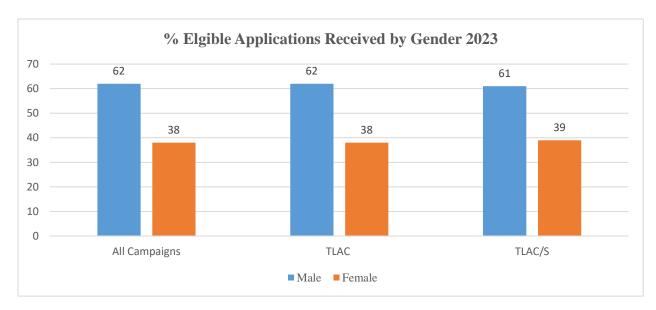


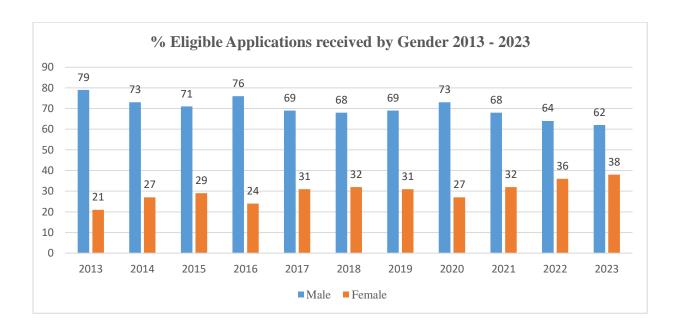
Of the candidates appointed who were serving in the Hiring Department/Agency, 53% were male, 47% were female.

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

Applications received

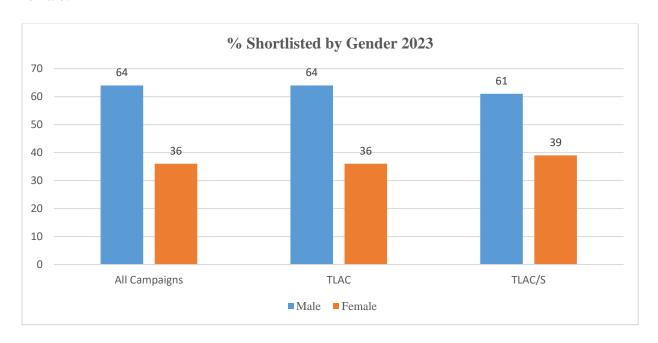
In 2023, of the 1,245 eligible applications, 62% were male and 38% were female.

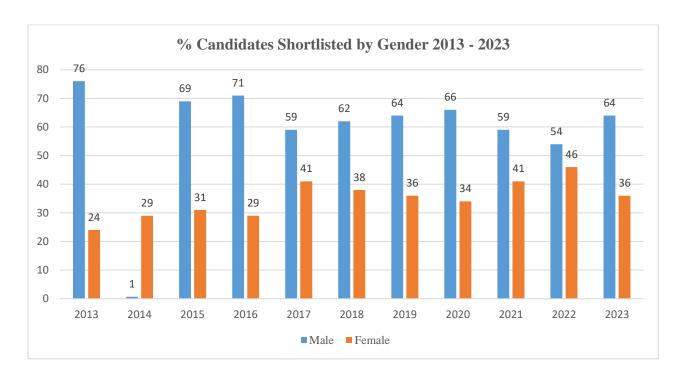




Shortlisted for preliminary interview

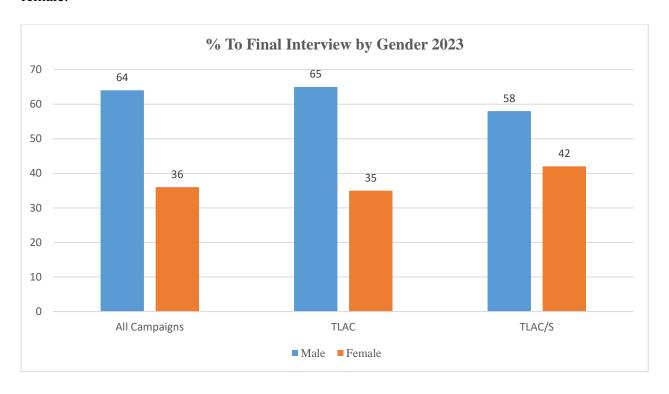
In 2023, of the 312 candidates shortlisted for preliminary interview, 64% were male, 36% were female.

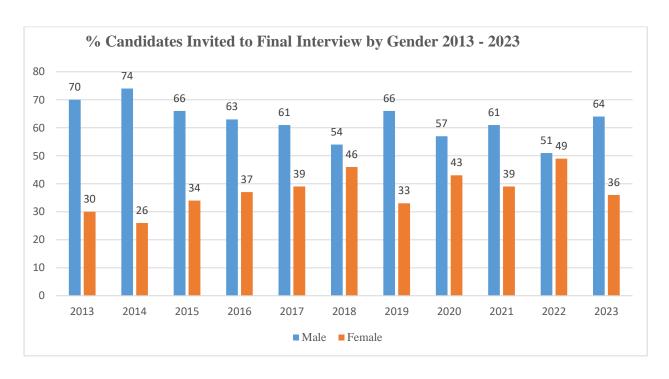




Candidates invited to final interview by gender

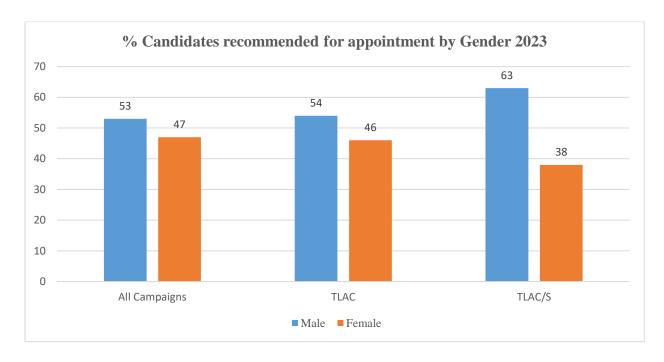
In 2023, of the 144 candidates sent forward for final interview, 64% were male and 36% were female.

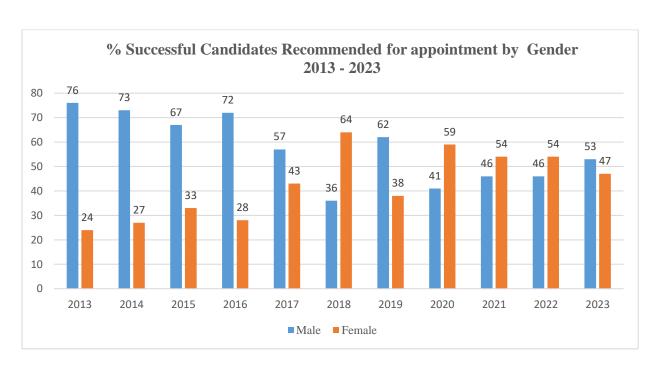




Successful candidates recommended by gender

In 2023, of the 43 TLAC recommendations for appointment, 53% were male and 47% were female.





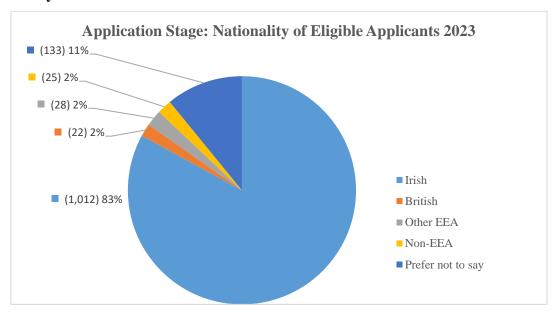
D. Diversity of the applicant pool

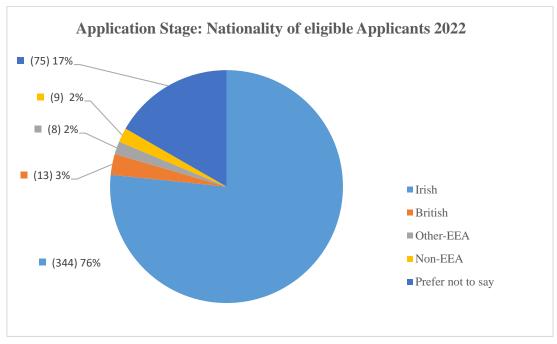
In this section the 2023 statistics are viewed in terms of eligible candidates at application stage under the headings of nationality and ethnicity. This is the second year that nationality and ethnicity statistics in relation to TLAC campaigns have been available. The 2023 statistics will be set out in the first instance followed by the 2022 statistics for comparison purposes.

It is optional for candidates to provide this information. The following graphs are based on the information disclosed rather than a full data set.

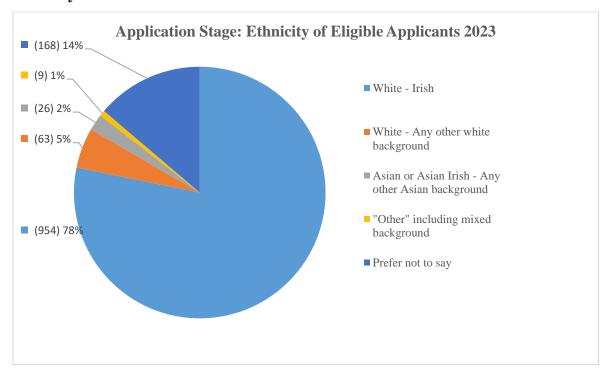
The below graphs set out the number of applications received from each cohort in brackets following by the relevant percentage figure.

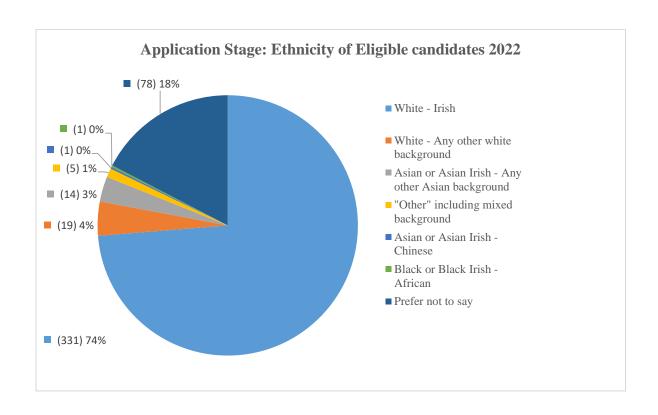
Nationality





Ethnicity

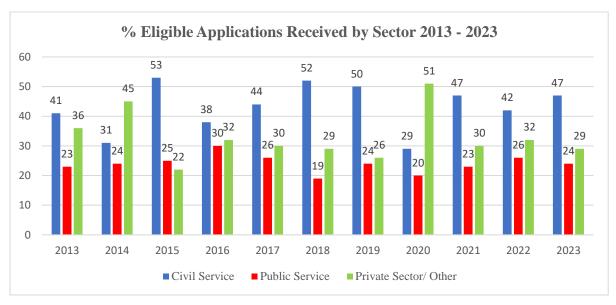




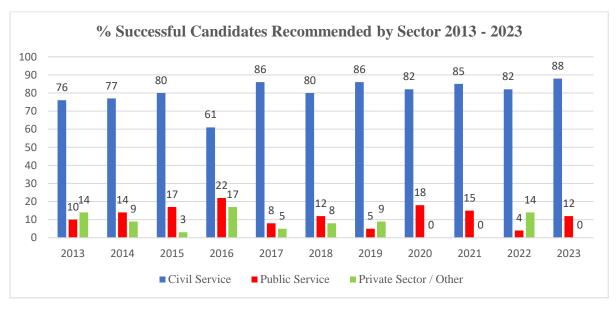
Part 3: Trends & Commentary

Trends

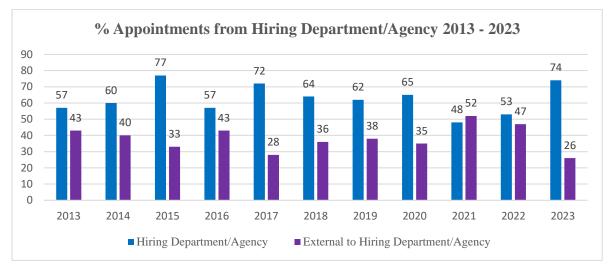
Certain trends and patterns are identified within TLAC's processes since 2013, albeit with variations. Since 2013 a higher proportion of Civil Servants have applied for TLAC roles, on average 43% of eligible applications were from the Civil Service. On average 33% of applications have been received from the Private Sector since 2013 and 24% received from the wider Public Service. The exceptions to this occurred in 2014, with 45% of eligible applications; and again in 2020, during the Covid-19 crisis, 51% of eligible applications were from the Private Sector/Other.



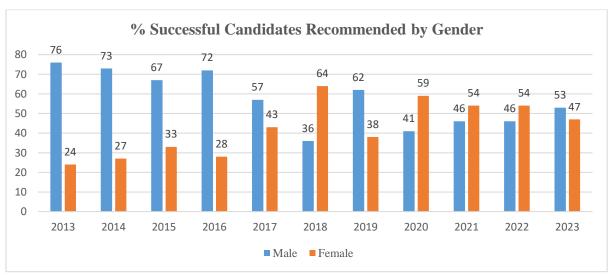
Continuing with the pattern observed over the last 11 years, on average 80% of successful applicants are serving Civil Servants, 12% were Public Servants, 7% from Private Sector/Other.



The pattern has continued of a high proportion of those recommended for appointment from within the Hiring Department/Agency. Over the period 2013-2023 the average percentage of appointments recommended from within Hiring Department/Agency has been 63%. In 2023, 74% of the appointments were filled by candidates serving in the Hiring Department/Agency this is an increase from 53% in 2022. Of the 38 general TLAC posts in 2023, 77% were filled by candidates from the Hiring Department/Agency and of the 8 TLAC Specialist posts 63% were filled by candidates from the Hiring Department/Agency.



The number of males applying for TLAC roles has consistently out-numbered females over the last 11 years, on average 70% of eligible applicants were male. During the period 2020-2022 a higher percentage of female candidates have been appointed to the top grades in the Civil Service (54%-59%). In 2023, 53% of male candidates were appointed to the top grades in the Civil Service. Over the period 2013-2023, on average 57% of the candidates recommended for appointment were male. However, the percentage gap between male and female appointees is shortening in the last few years with both sides edging closer to 50%.



Statistics are limited regarding Diversity, this report includes statistics on nationality and ethnicity, however only at application stage and as it is optional for candidates to provide this information, hence a full data set is not available. From the statistics available the majority of candidates are identifying as of Irish Nationality (83%) and white Irish ethnicity (78%) as stated in previous reports it is desirable that the Civil Service should broadly reflect the ethnic make-up of the community.

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 effective. 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 an important one in the process. Although present at interview, the hiring 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.

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, and I would repeat it again here, that it would be beneficial in terms of assessing the work of TLAC, if some formalised system to enable publicjobs/TLAC to receive feedback from candidates about their experience of the process were put in place.

I was pleased to see a considerable increase in the number of TLAC competitions in 2023 by comparison with other years and while this meant more time given by TLAC members, it was very worthwhile and thanks to publicious for coordinating this.

There has been a trend whereby the number of males applying for TLAC roles (broadly over all roles) has consistently out-numbered females over the last 11 years, on average 70% of eligible applicants were male. This is something that needs further exploration as to how we can encourage more women to apply for the most senior top level posts.

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 the last number of years have 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.

As so few applicants from the private sector were recommended for appointment over the last number of years, it would be useful and should be possible, 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. We consider this to be a good model.

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 2023 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 12th 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 2023 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 2023

- Ms. Barbara Cotter, (Chairperson) Non-Executive Director and Consultant/Advisor and former partner, A&L Goodbody was appointed Chairperson on 24 June 2022. Ms. Cotter's term was extended by 1 year in September 2023;
- 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. Niall Cody, Chairman, Office of the Revenue Commissioners. Mr. Cody's 3 year term extended for a further 18 months in August 2023;
- Mr. Brendan Gleeson, Secretary General, Department of Agriculture, Food and the Marine;
- Ms. Anne Heraty, CEO, CPL;
- Ms. Mary Hurley, Secretary General, Department of Rural and Community Development.
 Ms. Hurley was appointed an Internal member of TLAC in September 2023 for a 3 year term;
- Ms. Caroline McDonnell, Independent Non-Executive Director;
- Mr. John McKeon, Secretary General, Department of Social Protection. Mr. McKeon's term was extended by 16 months in April 2023;
- Ms. Oonagh McPhillips, Secretary General, Department of Justice;
- Ms. Ann O'Connell, Former Partner, PwC Consulting. Ms O'Connell's 3 year term was extended by a further 1 year in September 2023;
- Mr. Barry O'Connor, Former Managing Partner, MERC;
- Ms. Louise Phelan, CEO, Phelan Energy Group and Former CEO PayPal. Ms. Phelan's 3 year term was extended by a further year in November 2023;
- Mr. Ian Simington, Director TruePoint;
- Ms. Fiona Tierney, Non-Executive director and former Chief Executive, publicjobs;
- Mr. Philip Toomey, Former Chair of Kerry Group. Former Global COO at Accenture and Director of UDG.
- Ms. Katherine Licken, Secretary General, Department of Tourism, Culture, Arts, Gaeltacht,
 Sport and Media. After the expiration of her term in September 2023, as a TLAC member,
 Ms. Licken was appointed an Alternate member;
- Mr. Jim Breslin, Secretary General, Department of Further and Higher Education,
 Research, Innovation and Science (DFHERIS), Alternate member. Mr. Breslin's term as

Alternate member expired in September 2023 in alignment with the end of his term as Secretary General of DFHERIS.

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.

publicjobs 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 Secretary General using the Assistant Secretary level competency framework.

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

Candidate information booklets are prepared by publicjobs 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.

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

In certain circumstances, publicious, 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 publicious. For Secretary General level posts 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 and Deputy Secretary General 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 preliminary interviews will then go forward to the final interview stage. In Assistant Secretary competitions candidates will be required to complete an Occupational Personality Questionnaire (OPQ) prepared and analysed by suitably qualified professionals retained by publicjobs. In Secretary General and Deputy Secretary General competitions candidates will be required to undertake in-depth executive assessments. This is a more detailed assessment undertaken by suitably qualified professionals retained by publicjobs.

All candidates will be required to nominate referees who will be asked by publicjobs to provide assessments of their professional competencies and their general suitability for the role to be filled.

All candidates will be required to make a 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.

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 if the Chair is unable to attend in these instances, another external TLAC member is 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.

For Assistant Secretary and Deputy Secretary General posts 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 publicious. A publicious representative will also brief the panel on the content of the references taken up from the persons nominated by candidates as referees.

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 publicjobs. A publicjobs 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 indepth, 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 and Deputy Secretary General 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.

Feedback

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.