



**An Roinn Gnóthaí  
Eachtracha agus Trádála**  
Department of  
Foreign Affairs and Trade

## Assistant Legal Adviser

The Department of Foreign Affairs and Trade has decided to hold a recruitment campaign for the purpose of recommending persons for appointment to the above position in the Department of Foreign Affairs and Trade.

This campaign will be conducted in compliance with the codes of practice prepared by the Commission for Public Service Appointments (CPSA). These codes are available on [www.cpsa.ie](http://www.cpsa.ie).

The Department of Foreign Affairs and Trade is committed to a policy of equal opportunity.

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**CONTACT:**

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**Closing Date: 12 noon Friday 6 March 2020**

## **Introduction**

Assistant Legal Advisers are responsible for the provision of legal advice and assistance to colleagues within the Department of Foreign Affairs and Trade in relation to such areas of foreign policy as are assigned to them, under the supervision of the senior management of the Department's Legal Division. Assistant Legal Advisers also liaise as appropriate with other lawyers within the Government and State legal services and with colleagues from other Foreign Ministries and international organisations. Assistant Legal Advisers may be asked to represent the Department in intra and inter-Departmental meetings, in legal fora abroad and in the preparation of legal pleadings both domestically and in international courts and tribunals. They are also involved in the management and administration of the Legal Division.

Assistant Legal Advisers typically work on a number of specialised areas, such as: diplomatic law and international privileges and immunities; international terrorism and sanctions; legal aspects of UN membership and the International Court of Justice; EU law; consular law; passport law; overseas development cooperation; extradition and mutual legal assistance; the International Criminal Court and other international criminal courts and tribunals; Ireland-UK matters; treaty law; UN human rights law; the European Convention on Human Rights. There is also a legal adviser post in Ireland's Permanent Mission to the United Nations in New York, dealing with legal issues related to Ireland's membership of the United Nations, to which an Assistant Legal Adviser is assigned.

### **Principal Duties of the Role Include:**

- The provision of legal advice;
- Representation of the Division/Department/State at meetings in Ireland and abroad;
- Liaising with relevant Departments, the Office of the Attorney General and counsel on the preparation and submission of pleadings in cases in which Ireland appears before international courts, tribunals and other dispute settlement fora;
- Assistance in the management and administration of the Division;
- Other duties appropriate to the position, as directed by the senior management of the Division.

### **Requirements:**

#### **Essential for the job:**

Candidates must, on or before **14 February 2020**;

- have been called to the Bar in the State or have been admitted and be enrolled as a Solicitor in the State, and
- have an excellent knowledge of public international law and a very good general knowledge of Irish law, and
- have at least 3 years' experience relevant to the position, and
- be Irish citizens (as the work involves representing the State abroad).

### **Desirable (but not essential) for the job:**

The following additional attributes are desirable:

- a good knowledge of human rights and/or EU law;
- an understanding of, and sensitivity to, the policy context in which international legal matters arise
- a good knowledge of French and/or another foreign language.

### **Key Competencies:**

In addition, the successful candidate will be expected to demonstrate that they possess the skills/competencies identified as being important for roles at Assistant Principal level. These comprise:

- Leadership
- Analysis & decision making
- Management & delivery of results
- Interpersonal & communication skills
- Drive and commitment to public service values
- Specialist knowledge, expertise and self-development

### **Special Personal Attributes:**

Candidates must have sound judgement, the ability to work cooperatively, flexibly and constructively with legal and non-legal colleagues, taking into account policy considerations, and be able to provide accurate and constructive legal advice and assistance, whilst remaining calm, within tight deadlines and under pressure. Ability to draft clearly and concisely is important.

### **Key Relationships or Interpersonal Contacts:**

#### **Within the organisation:**

Level: Same/higher/lower

Type of contact: In person/at meetings/by telephone/in writing

Frequency: Several times daily

Purpose: To exchange information so as to enable the giving of informed and constructive advice and assistance.

#### **Outside the organisation (including other bodies/the general public):**

Type of organisation/persons contacted: Officers from other Government Departments and Offices and from other Foreign Ministries and international organisations at same/higher/lower level

Type of Contact: In person/at meetings/by telephone/in writing

Frequency: Several times weekly

Purpose: To exchange information so as to ensure an appropriate legal input into the formulation and development of foreign policy. To ensure effective participation in legal fora abroad and in legal proceedings before international dispute-settlement mechanisms.

**Training (other than on-the-job training which is provided/encouraged):**

Officers are encouraged to attend appropriate legal conferences where possible at least once a year and to obtain, maintain and improve foreign language skills.

**Working Environment:**

The Legal Division currently consists of a Legal Adviser, a Deputy Legal Adviser, two Legal Counsellors, six Assistant Legal Advisers, three Executive Officers, three Clerical Officers, two interns and the Legal Adviser's Personal Assistant. There is also an Assistant Legal Adviser posted to Ireland's Mission to the United Nations in New York. The Division is currently located at 2 Clonmel Street, Dublin 2. Attendance at meetings in Ireland and abroad is a normal feature of the work of Assistant Legal Advisers. Assistant Legal Advisers work both as part of a team with other legal and policy colleagues, and also on their own initiative.

**Special Equipment and facilities available in connection with the work:**

Officers have access to the Department's library, to the Division's own specialist legal library and to electronic legal databases. Access to the libraries of the Office of the Attorney General and universities can be arranged.

**Eligibility to compete:**

**Health:**

A candidate for and any person holding the office must be fully competent and capable of undertaking the duties attached to the office and be in a state of health such as would indicate a reasonable prospect of ability to render regular and effective service.

**Character:**

A candidate for, and any person holding the office, must be of good character.

**Collective Agreement: Redundancy Payments to Public Servants**

The Department of Public Expenditure and Reform letter dated 28th June 2012 to Personnel Officers introduced, with effect from 1st June 2012, a Collective Agreement which had been reached between the Department of Public Expenditure and Reform and the Public Services Committee of the ICTU in relation to ex-gratia Redundancy Payments to Public Servants. It is a condition of the Collective Agreement that persons availing of the agreement will not be eligible for re-employment in the Public Service by any Public Service body (as defined by the Financial Emergency Measures in the Public Interest Acts 2009 – 2011) for a period of 2 years from termination of the employment. People who availed of this scheme and who may be successful in this competition will have to prove their eligibility (expiry of period of non-eligibility) Incentivised Scheme for Early Retirement (ISER).

**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 not eligible to apply for another position in the same employment or the same sector. Therefore, such retirees may not apply for this position.

**Department of Health 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. People who availed of either of these schemes are not eligible to compete in this competition. People who availed of the VRS scheme and who may be successful in this competition will have to prove their eligibility (expiry of period of non-eligibility).

**Department of Environment, Community & Local Government (Circular Letter LG(P) 06/2013)**

The Department of Environment, Community & Local Government Circular Letter LG(P) 06/2013 introduced a Voluntary Redundancy Scheme for Local Authorities. In accordance with the terms of the Collective Agreement: Redundancy Payments to Public Servants dated 28 June 2012 as detailed above, it is a specific condition of that VER Scheme that persons will not be eligible for re-employment in any Public Service body [as defined by the Financial Emergency Measures in the Public Interest Acts 2009 – 2011 and the Public Service Pensions (Single Scheme and Other Provisions) Act 2012] for a period of 2 years from their date of departure under this Scheme. These conditions also apply in the case of engagement/employment on a contract for service basis (either as a contractor or as an employee of a contractor).

**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.

**Maximum Recruitment Age**

Candidates should be aware that a maximum recruitment age will apply to this competition. Candidates must not yet be 70 years of age on the closing date and time for the competition.

## **PRINCIPAL CONDITIONS OF SERVICE**

### **1. General**

Appointment is offered as an unestablished position on a probationary contract in the Civil Service for a period of one year on the following terms and conditions with effect from the date of appointment.

The appointment is subject to the Civil Service Regulation 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. The contract is issued in accordance with the Unfair Dismissals Acts 1977 to 2007 and the Minimum Notice and Terms of Employment Acts 1973 to 2005.

### **2. Salary**

The salary scale for this position is as follows:

Personal Pension Contribution Scale (PPC), with effect from 1 January 2020;

**€61,953 - €66,323 - €67,659 - €70,104 - €72,537 - €74,977 - €77,411 - €78,816**

Long Service Increment 1(LSI1) - **€81,274**    Long Service Increment 2(LSI2) - **€83,740**

#### **Important Notes:**

Subject to satisfactory performance increments may be payable in line with current Government policy. Long service increments may be payable after 3(LSI-1) and 6(LSI-2) years satisfactory service at the maximum of the scale.

A different rate will apply where the appointee is a civil or public servant recruited before 6th April 1995 and who is not required under law to make a Personal Pension Contribution.

Entry will be at the minimum of the scale and the rate of remuneration will not be subject to negotiation but may be adjusted from time to time in line with Government policy.

Different terms and conditions may apply, if, immediately prior to appointment the appointee is already a serving Civil Servant or Public Servant.

Appointees will agree that any overpayment of salary, allowances or expenses will be repaid in accordance with Circular 07/2018: Recovery of Salary, Allowances, and Expenses Overpayments made to Staff Members/Former Staff Members/Pensioners.

### **3. Tenure and Probation**

The appointee will be required to serve a 12-month probationary period. 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:

- (i) has performed in a satisfactory manner;
- (ii) has been satisfactory in general conduct; and
- (iii) 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.

In the event that you are not considered as suitable to the position having been assessed against stated criteria, you will be notified in writing of the action to be taken prior to the expiry of this contract and any extensions thereof.

### **Suspension of Probation**

The Department may suspend the probationary period and, as a result, extend the term of the probationary contract in the following circumstances:

- the probationary period will be suspended if the officer is on Maternity or Adoptive leave,
- the probationary period may, at the discretion of the Department, be suspended where the employee is absent on any other form of statutory or non-statutory leave.

Where the Department's ability to assess the officer and/or the officer's ability to demonstrate their suitability for permanent appointment is compromised by the officer's absence on leave, the contract period will be extended by the period of leave taken.

### **4. Headquarters**

The successful candidate will be based in Dublin. When absent from home and headquarters on duty appropriate travelling expenses and subsistence allowances will be paid subject to the normal civil service regulations.

### **5. The Organisation of Working Time Act 1997**

The terms of the Organisation of Working Time Act 1997 will where appropriate apply to this appointment.

### **6. Hours of Attendance**

Hours of attendance will be as fixed from time to time but will amount to on average not less than 43 hours and 15 minutes' gross including lunch breaks or 37 hours' net per week. Where extra attendance is necessary, payment or time off in lieu may be allowed in accordance with the Civil Service regulations.

### **7. Annual Leave**

The annual leave allowance for the position of Assistant Legal Adviser is 30 days. 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.

### **8. 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.

Officers who are paying Class A rate of PRSI will be required to sign a mandate authorising the Department of Employment Affairs and Social Protection to pay any benefits due to you under the Social Welfare Acts direct to the Department of Business, Enterprise and Innovation. Payment of salary during illness will be subject to you making the necessary claims for social insurance benefit to the Department of Social Protection within the required time limits.

## **9. 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, and except for candidates who have worked in a pensionable (non-single scheme terms) public service job in the 26 weeks prior to appointment (see paragraph d below), this means being 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>

Where the appointee has worked in a pensionable (non-single scheme terms) public service job in the 26 weeks prior to appointment or is currently on a career break or special leave with/without pay different terms may apply. The pension entitlement of such appointees will be established in the context of their public service employment history.

Key provisions attaching to membership of the Single Scheme are as follows:

- Pensionable Age: The minimum age at which pension is payable is 66 (rising to 67 and 68) in line with changes in State Pension age.
- Retirement Age: Scheme members must retire at 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 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. Please note: 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 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.

### **Pension-Related Deduction**

This appointment is subject to the pension-related deduction in accordance with the Financial Emergency Measure in the Public Interest Act 2009. Please note that from 1 January 2019 PRD will be replaced by an 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 for Public Servants please see the following website: <http://www.per.gov.ie/pensions>.

### **10. Official Secrecy and Integrity**

You will during the term of your probationary contract be subject to the provisions of the Official Secrets Act 1993 as amended by the Freedom of Information Acts 1997 to 2003. You will agree not to disclose to third parties any confidential information either during or subsequent to the period of employment.

### **11. Civil Service Code of Standards and Behaviour**

You will be subject to the [Civil Service Code of Standards and Behaviour](#).

### **12. Ethics in Public Office Act 1995**

The Ethics in Public Office Act 1995 will apply, where appropriate, to your employment.

### **13. Publication of any Material**

You will agree not to publish material related to your official duties without prior approval by the Minister.

### **14. Political Activity**

During the term of your employment, you will be subject to the rules governing Civil Servants and politics.

All Circulars are available on the website <http://circulars.gov.ie> or from the Personnel Section.

**The above 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(s).**

## **FORMAT OF THE COMPETITION**

### **Application and Selection Process**

Applications should be made on the official application form (available on request from [competitions@dfa.ie](mailto:competitions@dfa.ie)). Subject to the provisions of the Freedom of Information Acts, 2014, applications will be treated in strict confidence.

The completed application form should be returned by email to: [competitions@dfa.ie](mailto:competitions@dfa.ie) with the subject line – **Assistant Legal Adviser Application** or by post to: Competitions Team, Human Resources Unit, Department of Foreign Affairs and Trade, 76-78 Harcourt St, Dublin 2.

### **Closing Date**

The closing date for completed applications is **12 noon on Friday 6 March 2020**. Late applications cannot be accepted.

All applications will be acknowledged. If you do not receive an acknowledgment within three working days of applying, please contact the competitions team.

All queries should be submitted in writing in the first instance to [competitions@dfa.ie](mailto:competitions@dfa.ie)

NOTE: Qualifications/eligibility may not be verified by the Department until the final stage of the process. Therefore, those candidates who do not possess the eligibility requirements, and proceed with their application, are putting themselves to unnecessary effort/expense and will not be offered a position from this campaign.

### **Selection Method**

The methods used to select the successful candidate for this post may include:

- Shortlisting of candidates on the basis of the information provided in their application.
- Preliminary interview to reduce the numbers of candidates to a more manageable number for the main interview board if necessary.
- A competitive interview, which may include a problem question/presentation.

### **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 Department of Foreign Affairs and Trade may decide that a number will only be called to interview.

In this respect, the Department of Foreign Affairs and Trade provide for the employment of a short listing process to select a group for interview who, based on an examination of the application forms, appear to be the most suitable for the position. An expert board will examine the application forms against a pre-determined criteria based on the requirements of the position and decide if you will be shortlisted, relative to the other candidates applying 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.

## **Interviews**

Interviews will focus on each applicant's career to date with a view to eliciting evidence of their level of preparedness, compared with that of the other candidates, for appointment to the post of Assistant Legal Adviser. Each candidate will be scored under each of the six Assistant Principal Officer competency headings (with particular emphasis on Specialist Knowledge and Expertise, specifically legal expertise – this competency will receive double-weighting to reflect the central importance of legal expertise to this role. A minimum pass mark of 60% will be set for each and it will be necessary to achieve this mark in each of the six elements being scored.

The interview board will be asked to rank the candidates in order of merit.

## **Admission to the competition**

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 DFAT is satisfied that such a person fulfils the requirements.

## **Candidates with Disabilities**

Candidates who would like to avail of reasonable accommodations are asked to submit a medical report. The purpose of the report is to provide DFAT with information to act as a basis only for determining reasonable accommodations where appropriate. These reports must be submitted by the competition closing date.

## **Security Clearance**

Police vetting may be sought in respect of individuals who come under consideration for appointment. The applicant will be required to complete and return a Garda Vetting form should they come under consideration for appointment. This form will be forwarded to An Garda Síochána for security checks on all Irish and Northern Irish addresses at which they resided. Enquiries may also be made with the police force of any country in which the applicant under consideration for appointment resided. If unsuccessful, this information will be destroyed by the Department of Foreign Affairs and Trade.

## **Specific candidate criteria**

In addition to fulfilling the eligibility criteria set out, candidates must;

- Have the knowledge and ability to discharge the duties of the post concerned;
- Be suitable on the grounds of health and character;
- Be suitable in all other relevant aspects for appointment to the post concerned;
- If successful, they will not be appointed to the post unless they;
  - agree to undertake the duties attached to the post and accept the terms and conditions under which the duties are, or may be required to be performed; and
  - are fully competent and available to undertake, and fully capable of undertaking, the duties attached to the position.

## **Declining an offer of appointment**

Should the person recommended for appointment decline, or having accepted it, relinquish it, DFAT may at its discretion, select and recommend another person for appointment on the results of this selection process.

## **Non-Refund of Expenses**

Any expenses incurred by candidates whilst undertaking or attending any elements of the selection process will not be refunded.

## **General Data Protection Regulation (GDPR)**

The General Data Protection Regulation (GDPR) came into force on the 25th May 2018, replacing the existing data protection framework under the EU Data Protection Directive. Information submitted with this job application is used in processing your application. All necessary precautions will be taken to ensure the security of your data.

## **Quality Customer Service**

DFAT aims to provide an excellent quality service to all our customers. If, for whatever reason, you are unhappy with any aspect of the service you receive from us, we urge you to bring this to the attention of the unit or staff member concerned. This is important as it ensures that we are aware of the problem and can take the appropriate steps to resolve it.

## **Candidates' Obligations:**

Candidates must not:

- knowingly or recklessly provide false information
- canvass any person with or without inducements
- personate a candidate at any stage of the process
- interfere with or compromise the process in any way

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; &
- where he/she has been appointed subsequently to the recruitment process in question, he/she shall forfeit that appointment.

## **Canvassing**

Candidates should note that canvassing will disqualify and will result in their exclusion from the process

## **Code of Practice**

The selection process for appointments will be conducted in accordance with the Code of Practice *Appointment to Positions in the Civil Service and Public Service (2017)* published by the Commission for Public Service Appointments and are available at [www.cpsa.ie](http://www.cpsa.ie)

Candidates are advised to familiarise themselves with the contents of the Code of Practice including, inter alia, the provisions in relation to the responsibilities placed on candidates.

## **Complaints and Requests for Review:**

Complaints/requests for review will be considered by Human Resources in accordance with the procedures set out in the Code of Practice. The Code of Practice may be accessed by visiting [www.cpsa.ie](http://www.cpsa.ie) or by contacting the Commission.