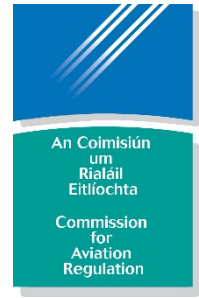


COMMISSION FOR AVIATION REGULATION



Recruitment of Director of Legal Affairs Candidate Information Booklet

December 2020



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THE POSITION

Role:	Director of Legal Affairs
Reporting to:	Commissioner
Office address:	3rd floor, 6 Earlsfort Terrace, Dublin 2 (currently remote due to COVID-19)
Position:	Permanent, Full-time
Organisation website:	https://www.aviationreg.ie/

THE ORGANISATION

The Commission for Aviation Regulation (the Commission) is an independent public body under the auspices of the Department of Transport. The principle functions of the Commission are to promote a vibrant aviation sector and to protect the interests of air passengers by focusing on delivering five strategic goals:

- Efficient, high-quality and safety conscious airport services
- Safe and financially robust airlines based in Ireland and ground-handlers at the three state airports
- Financially strong Irish travel agents and tour operators
- A robust framework to enforce passenger rights in all Irish airports
- A regulatory framework that represents best international practice

In addition to the above the Department of Transport appointed the Commission as a National Supervisory Authority for the Single European Sky regulation with responsibility for the economic regulation of the IAA Air Navigation Service Provider (ANSP).

As part of the Government's ongoing aviation regulation reform initiative, the Irish State's aviation regulation regime will be re-organised by incorporating the Commission into the Irish Aviation Authority to create a single, unified aviation regulator. The new IAA will become the State's standalone aviation regulator, responsible for safety, security, consumer affairs and economic regulation of civil aviation in the State.

JOB DESCRIPTION

The Director of Legal Affairs reports to the Commissioner and forms part of the senior team. This person is the Commission's general counsel and in-house solicitor responsible for day-to-day provision of legal services to the Commission's regarding all its functions and the conduct of its activities as an independent State body, in addition to the commencement of criminal or civil proceedings and defence of litigation, as required. In addition, the person filling the role has line management responsibility for the air carrier licensing, ground-handler approval and air passenger rights functions of the Commission.

As part of the senior team, the successful candidate will contribute to the development and implementation of strategy and corporate governance of the organisation.

The duties and responsibilities specified below mainly reflect the role as currently constituted within the Commission. While the contractual terms and conditions will not be affected, the scope of the role will be subject to change when the Commission is merged into the new Irish Aviation Authority. This will provide the successful candidate with an exciting opportunity to make an influential contribution to the establishment of a modern Irish aviation regulator with responsibility across the full range of regulatory issues affecting industry and consumers.

PRINCIPLE DUTIES AND RESPONSIBILITIES

The principle duties and responsibilities of the role are as outlined:

- As part of the senior team, contribute to the strategy and corporate governance of the organisation and provide assistance in the event of travel trade collapses or any other unexpected major event.
- Input to the development of the Commission's policies and procedures across the organisation.
- Provide legal advice and support to the Commission in all aspects of its work.
- Support and manage the work of the air passenger rights, ground-handling and air carrier licensing teams.
- Maintain and operate the Commission's Freedom of Information process.
- Manage all proceedings (including enforcement and directions) initiated by or taken against the Commission.
- Support all Commission divisions to ensure best practice regulatory processes and procedures are applied.
- Prepare advice, as requested, for the Department.
- Input to the regulatory reform process and take on all changed responsibilities as required following the establishment of the new IAA.
- Represent the Commission both nationally and internationally and actively engage with other relevant agencies in relation to the regulation of Dublin Airport and other Commission functions.
- Keep up-to-date and provide information to stakeholders in a timely manner.

Skills, Competencies and Qualifications

Ideally, the successful candidate will have;

- Relevant educational qualifications.
- Fully qualified solicitor with relevant experience in administrative law, EU law, competition law and litigation.
- Excellent decision making and judgement skills at a senior level in an organisation.
- Excellent interpersonal and communications skills.
- A knowledge of the technical, legal, economic and passenger related issues, trends and developments within the Irish and international aviation sector relevant to the division, to the successful economic regulation of the aviation sector in Ireland, and more generally within the organisation.
- Well-developed conceptual, analytical and decision-making skills with the ability to identify the key issues and form positions that will stand up to external scrutiny.
- Exceptional managerial skills including resource management to achieve organisational objectives.
- Strong managerial and organisational ability at a senior level and have a record of proven achievement in career to date.
- Demonstrated ability to contribute actively and strategically as a member of a senior team to the overall leadership and development of the Commission.
- Proven ability to build and maintain effective working relationships across a range of stakeholders including industry, consumer representatives, national and international institutions, Government, the Oireachtas and the wider political system.
- Ability to credibly represent the Commission in all relevant forms, national and international, including the media.
- Ability to work on own initiative with minimum supervision, good judgement and personal drive.

- Awareness of and ability to demonstrate commitment to public service values.
- Ability to respond flexibly and productively to changing requirements within the context of the amalgamation of Commission with the new Irish Aviation Authority and to take a leadership role in ensuring the success of the merger and the new Authority.

Key competencies required for effective performance

The competency model as issued by the Department of Public Expenditure and Reform reflects the changing and more complex environment in which those at this level operate. Each of the key competences in the model is supported by a list of key performance indicators set below.

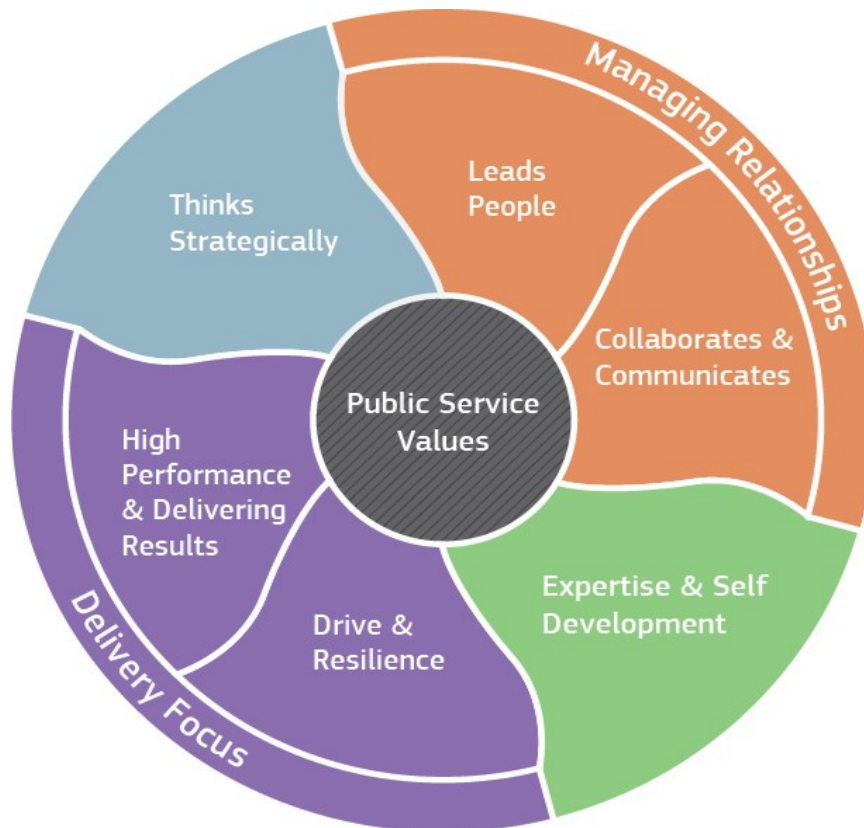


Figure 1. (above): Key competencies for the post

Effective Performance Indicators

Exemplifies Public Service Values:

- Serving the public interest in line with the Commission’s Mission, Vision and Values
- Acting at all times with integrity
- Treating others with respect
- Being responsible for own actions
- Operating with professionalism and probity

Strategic Thinking:

- Creating a vision for the organisation & sector and anticipating the requirements to deliver it
- Analysing complex issues quickly and anticipating knock-on consequences
- Taking a system-wide approach and seeing connections, risks and the potential for innovation in the wider environment
- Leading on the implementation of risk assessment practices and engaging in balanced risk

- taking
- Showing courage in making difficult decisions

Leads People:

- Being a visible and energetic leader who fully engages others
- Building and supporting cross functional and inter-organisational teams
- Delegating responsibility and ensuring accountability in others
- Setting challenging goals and implementing effective performance management
- Coaching and supporting others to optimise their contribution and development

Collaborates and Communicates with Conviction:

- Playing a full and active part on the senior management team in shaping and leading the organisation
- Communicating professionally and credibly, managing the expectations of others
- Skilfully negotiating and influencing with conviction
- Anticipating stakeholder issues and complexities and responding in an informed and constructive manner
- Building and maintaining effective working relationships with key stakeholders
- Facilitating collaboration, partnerships and networks internally and externally to achieve common goals

High Performance and Delivering Results:

- Assuming accountability for own actions and decisions
- Ensuring the full range of management disciplines are used to deliver quality outcomes at pace and within budget
- Challenging processes to improve organisational capacity, responsiveness and public interest focus
- Ensuring successful implementation through a range of delivery methods, including use of external parties
- Focusing effort on priority tasks to maximise results
- Ensuring a strong feedback loop between regulatory policy development and implementation

Drive and Resilience:

- Showing initiative and sustaining high levels of personal drive and energy
- Leading and managing multiple complex priorities effectively
- Speaking own mind with confidence and conviction
- Keeping perspective and utilizing personal support strategies to help maintain focus and bounce back from disappointments
- Staying positive and professional in the face of difficult situations

Specialist Expertise and Self-Development:

- Maintaining a sound knowledge of organisational, sectorial, policy, legislative, technology and international issues and their wider implications for consumers and the broader public interest
- Continuously updating and demonstrating expertise in relevant areas
- Being self-aware and seeking opportunities to act on areas for own development
- Seeking feedback and reviewing own practices and behaviours
- Being regarded as an expert in own area(s) of specialism

THE SELECTION PROCESS

The Selection Process may include:

- shortlisting of candidates, on the basis of the information contained in their application;

- a competitive preliminary interview;
- psychometric testing;
- work sample/role play/media exercise, and any other tests or exercises that may be deemed appropriate;
- a second competitive interview which may include a presentation

Shortlisting

The number of applications received for a position generally exceeds that required to fill 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, we may decide that a smaller number will be called to the next stage of the selection process. In this respect, we provide for the employment of a shortlisting process to select a group who, based on an examination of the application forms, appear to be the most suitable for the position.

This is not to suggest that other candidates are necessarily unsuitable or incapable of undertaking the job, rather that there are some candidates, who based on their application, appear to be better qualified and/or have more relevant experience.

An expert board will examine the application documents against agreed shortlisting criteria based on the requirements of the position. The shortlisting criteria may include both the essential and desirable criteria specified for the position. It is therefore in your own interest to provide a detailed and accurate account of your qualifications/experience in your application.

Interview

Shortlisted applicants will be invited to attend for an interview, which may include a competency-based interview, a presentation on a topic of relevance to the role and/ or other such assessment methods as deemed appropriate. The Commission reserves the right to invite candidates to a second-round interview and to undergo further assessment, including the use of psychometric assessment if so required.

Please note, Interviews may take place over video-conference or other remote technology where appropriate.

References

It would be useful if you would begin to consider names of people who would be suitable referees and that we might consult (3 names and contact details). The referees do not have to include your current employer but should be in a position to provide a reference for you. The referees should be able to provide relatively recent information on your performance and behaviour in a work context.

You may wish to select referees that can provide such information from different perspectives or in different work contexts. Please be assured that we will only contact referees should you come under consideration after preliminary interview stage. Please note, should you be successful at final interview, we will require a reference from your current employer prior to recommendation for appointment.

Successful candidates may be required to complete a number of clearance processes such as Health and Character Declaration and any other relevant checks required for the particular role.

If you feel you would benefit from a confidential discussion about any aspect of this significant opportunity, please contact the Mazars Executive Recruitment Team on +353 (1) 449 4400 or execrecruit@mazars.ie.

Other important information

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

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

Prior to recommending any candidate for appointment to this position the Commission will make all such enquiries that are deemed necessary to determine the suitability of that candidate. Until all stages of the recruitment process have been fully completed a final determination cannot be made nor can it be deemed or inferred that such a

determination has been made. Should the person recommended for appointment decline, or having accepted it, relinquish it, the Commission may at its discretion, select and recommend the candidate who came second for appointment on the results of this selection process.

The importance of Confidentiality Subject to the provisions of the Freedom of Information Acts 1997 and 2013, applications will be treated in strict confidence.

Deeming of candidature to be withdrawn - Candidates who do not attend for interview when and where required, or who do not, when requested, furnish such evidence as the Commission require in regard to any matter relevant to their candidature, will have no further claim to consideration.

General information - The Commission will consider requests for review in accordance with the provisions of the codes of practice published by the CPSA. Candidates can seek a review by a person in the recruiting body (initial reviewer). Where a candidate remains dissatisfied following this initial review, they may seek to have the conduct of the initial review examined by a "decision arbitrator".

As an alternative to the above, it is open to a candidate to seek to have the matter resolved on an informal basis, as set out below. If a candidate remains dissatisfied following any such discussion it is open to him/her to seek a formal review.

The Codes of Practice are available on the website of the Commission for Public Service Appointments, www.cpsa.ie.

Informal process

The candidate can avail of the Informal Review within 5 working days of notification of the initial decision and should normally take place between the candidate and the person who communicated the decision (or relevant person).

- Where the decision being conveyed relates to an interim stage of a selection process, the request for informal review must be received within 2 working days of the date of receipt of the decision.
- Where a candidate remains dissatisfied following any such informal discussion, they may adopt the formal procedures set out below.

If the candidate wishes the matter to be dealt with by way of a formal review, they must do so within 2 working days of the notification of the outcome of the informal review.

Formal process

Initial review

- The candidate must address their concerns in relation to the process in writing to the Commission's Director of Corporate Services, setting out those aspects of the action or decision in relation to their candidature that they wish to have reviewed.
- A request for review must be made within 10 working days of the notification of the initial decision. Where the decision relates to an interim stage of a selection process, the request for review must be received within 4 working days.
- Any extension of these time limits will only be granted in the most exceptional of circumstances and will be at the sole discretion of the Commission
- The outcome must generally be notified to the candidate within 20 working days of receipt of the complaint or request for review. The candidate will receive the outcome of the review by means of a written report.
- Should a candidate be dissatisfied with the outcome of the initial review, they may request a review by a decision arbitrator of the conduct of the initial review.

Review by the decision arbitrator

The decision arbitrator is appointed by the Commission. The decision arbitrator is unconnected with the selection process and they will adjudicate on requests for review in cases where a candidate is not satisfied with the outcome of the initial review. The decision of the decision arbitrator in relation to such matters is final.

- A request made to the decision arbitrator must be received within 7 working days of the notification of the outcome of the initial review.
- The outcome of the investigation must be notified to the candidate in the form of a written report within 10 working days.

Candidates' Obligations

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

Candidates must not:

- knowingly or recklessly provide false information
- canvass any person with or without inducements
- interfere with or compromise the process in any way

In addition, where a person found guilty of an offence was or is a candidate at a recruitment process, then:

- where they have not been appointed to a post, they will be disqualified as a candidate and

where they have been appointed subsequent to the recruitment process in question, they shall forfeit their appointment.

Data Protection Acts 1988 & 2003

In line with GDPR and Data Protection Act 2018, please find attached a link to our Privacy Notice detailing how and why we process your personal data in relation to our Recruitment process: <https://www.aviationreg.ie/about-the-commission-for-aviation-regulation/current-vacancies.526.html>.

CONDITIONS OF SERVICE

TENURE

The position is permanent and is subject to a probationary period of 6 months from the date of actual commencement and is subject to the provision of satisfactory performance during that period.

SALARY AND PAYMENT ARRANGEMENTS

A salary of €142,421 rising, subject to satisfactory performance assessment, in annual increments to €162,920 based on the current Assistant Secretary scale. Entry will be at the minimum of scale and the rate of remuneration may be adjusted from time to time in line with Government pay policy. Candidates should note that different pay and conditions may apply if immediately prior to appointment the appointee is a serving civil or public servant.

OTHER BENEFITS

- Access to cycle to work scheme
- Tax free Bus/ Luas/ Rail to assist with travel costs to and from work
- Access to Employee Assistance Programme
- Access to Commission health and wellbeing initiatives
- Learning and Development opportunities

LOCATION

The Commission is based on the 3rd floor, 6 Earlsfort Terrace, Dublin 2 opposite the National Concert Hall. We are convenient to the Luas St. Stephen's Green stop; several Dublin Bus routes including 46a, 44, 145, and 184 are nearby and we are about 15 minutes from Pearse Station on Westland Row. We are also a two-minute walk from the Matthews UCD route Bus stop on Leeson Street Lower.

Due to COVID19, the role will initially be remotely based, and appropriate technology will be provided by the Commission.

HOURS OF WORK

The hours of work are 37 hours per week. Standard working hours at the Commission are:

- Monday to Thursday: 09:00 to 17:30 with 1-hour lunch break
- Friday: 09:00 to 17:00 with 1-hour lunch break

Flexible working hours are also available to staff members of the Commission

ANNUAL LEAVE

Annual Leave excluding public holidays is 30 days per annum.

THE ORGANISATION OF WORKING TIME ACT, 1997

The terms of the Organisation of Working Time Act, 1997 will apply, where appropriate, to this appointment. Further information on the conditions of employment will be outlined in the contract of employment for the successful candidate.

SUPERANNUATION AND RETIREMENT

The appointee will be offered the appropriate superannuation terms and conditions as prevailing in the Public Service at the time of being offered an appointment. In general, an appointee who has never worked in the Public Service will be offered appointment based on membership of the Single Public Service Pension Scheme ("Single Scheme"). Full details of the Scheme are at <https://singlepensionscheme.gov.ie/>.

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

Pensionable Age

The minimum age at which pension is payable is at present 66 years, rising to 67 on 1 January 2021 and 68 on 1 January 2028 in line with Contributory State Pension qualifying age changes. A constraint on pension size for most members is that they must retire on reaching age 70 years.

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 the Public Service Pensions (Single Scheme and Other Provisions) Act 2012.

If the appointee was previously employed in the Civil Service and awarded a pension under voluntary early retirement arrangements (other than the Incentivised Scheme of Early Retirement (ISER), Department of Health Circular 7/2010 VER/VRS or the Department of Environment, Community & Local Government Circular Letter LG (P) 06/2013 which, as indicated above, renders a person ineligible for the competition) the entitlement to that pension will cease with effect from the date of reappointment. Special arrangements will, 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.

Ill-Health Retirement

For an individual who 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 Treatment of Existing Public Servants

While the default pension terms, as set out in the preceding paragraphs, consist of Single Scheme membership, this may not apply to certain appointees. Full details of the conditions governing whether or not a public servant is a Single Scheme member are given in the Public Service Pensions (Single Scheme and other Provisions) Act 2012. However, the key exception case (in the context of this competition and generally) is that a successful candidate who has worked in a pensionable (non-single scheme terms) capacity in the public service within 26 weeks of taking up appointment, would in general not become a member of the Single Scheme. In this case, such a candidate would instead, where applicable, be offered membership of the Commission Staff Superannuation Scheme and its associated Spouses' and Children's Pension Scheme. This would mean that the abatement provisions above would apply, and in addition there are implications in respect of pension accrual as outlined below:

Pension Accrual

The Public Service Pensions (Single Scheme and other Provisions) Act 2012 introduced 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.

Additional Superannuation Contribution

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

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 excluded from applying for another position in the same employment or the same sector. Therefore, such retirees cannot apply while the above restrictions continue in force.

Department of Health and Children Circular (7/2010)

The Department of Health Circular 7/2010 dated 1 November 2010 introduced a Targeted Voluntary Early Retirement (VER) Scheme and Voluntary Redundancy Schemes (VRS). It is a condition of the VER scheme that persons availing of the scheme will not be eligible for re-employment in the public Health sector or in the wider public service or in a body wholly or mainly funded from public moneys. The same prohibition on re-employment applies under the VRS, except that the prohibition is for a period of 7 years, after which time any re-employment will require the approval of the Minister for Public Expenditure and Reform. People who availed of either of these schemes are not eligible to compete in this competition while the above restrictions apply.

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. Thereafter the consent of the Minister for Public Expenditure and Reform will be required prior to re-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) and the Minister's consent will have to be secured prior to employment by any public service body.

Department of Environment, Community & Local Government (6/2013)

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 and/or the collective agreement outlined above. 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.

OTHER CONDITIONS OF EMPLOYMENT

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 appointee.

HOW TO APPLY

Mazars have been retained by the Commission to assist with the appointment of the Director of Legal Affairs.

Mazars, on behalf of the Commission, are inviting applications from suitably qualified candidates and will be undertaking a comprehensive recruitment process as part of this recruitment campaign. Mazars will be managing all aspects of this recruitment project on behalf of the Commission. No enquiries or canvassing should be made directly to the Commission.

Applications are to be submitted online to www.mazars.ie/Consulting/HRServices and must include a single document containing:

- A cover letter (max. two A4 pages) outlining why you wish to be considered for the post and where you believe your skills and experience meet the requirements of the position;
- A comprehensive CV;
- Completed "Key Achievements Form" (Appendix 1);
- An organisation chart indicating your current (or most recent position) within the Senior Management Team (see Appendix 2).

For more information or for details on how to apply for this role, contact the Mazars Executive Recruitment Team on +353 (1) 449 4400, by email to execrecruit@mazars.ie, or visit www.mazars.ie and search **Ref. CAR0120**.

The Commission is an equal opportunities employer and welcomes applications from people from diverse backgrounds and under-represented groups including ethnic minority and people with disabilities.

Closing Date

The deadline for applications is **Monday, 11th January 2021 at 5pm**.

Applications will not be accepted after the closing date/time.

An acknowledgement email will be issued for all applications received. If you do not receive acknowledgement of your application within two working days of submission, please contact the Mazars Executive Recruitment Team by email (execrecruit@mazars.ie) to ensure your application has been received.

Deeming of candidature to be withdrawn

Candidates who do not attend for interview or other test when and where required, or who do not, when requested, furnish such evidence as the Commission / Mazars require in regard to any matter relevant to their candidature, will have no further claim to consideration.

Feedback

Feedback will be provided to applicants on written request.

APPENDIX 1

Key Achievements

Name: _____ Title of Post: _____

Having read the competencies and thought about the demands of the role, for each of the areas below, please briefly (*max 250 words for each*) highlight specific achievements, contributions or expertise you have developed during your career to date which clearly demonstrate your suitability to meet the challenges of the role.

Strategic Thinking	<i>(Max. 250 words)</i>
Delivery Focus: incorporating 'High Performance and Delivering Results' & 'Drive and Resilience'	<i>(Max. 250 words)</i>
Managing Relationships: incorporating 'Leads People' & 'Collaborates and Communicates with Conviction'	<i>(Max. 250 words)</i>
Specialist Expertise and Self-Development:	<i>(Max. 250 words)</i>

APPENDIX 2

Guidance Note on the Organisation Chart

We would appreciate it if you would forward, along with your application, a copy of an organisation chart indicating your current/most recent position within the Senior Management Team in your organisation/company.

There is no fixed requirement here in terms of format, and we will accept whatever format is convenient for yourself (e.g. an existing published chart from your organisations website/annual report), however we would emphasise that the selection panel have requested this to help them understand your level within your current / most recent organisation and your positioning relative to other senior managers.

If you are independent, a chart is not necessary.