

## Decision of the European Ombudsman on complaint 169/2007/SAB against the European Centre for the Development of Vocational Training

Decision

**Case 169/2007/SAB - Opened on 21/03/2007 - Decision on 26/07/2007**

Strasbourg, 26 July 2007

Dear Ms H.,

On 15 January 2007 you submitted a complaint against the European Centre for the Development of Vocational Training (Cedefop) concerning, *inter alia*, the recruitment procedure for the position of secretary of the European Journal of Vocational Training (vacancy No 4312/265).

On 21 March 2007, I forwarded your complaint to the Director of Cedefop with an invitation to submit an opinion. Cedefop sent its opinion on 2 April 2007. I forwarded it to you with an invitation to make observations, which I received from you on 29 May 2007.

I am writing now to let you know the results of the inquiries that I have made into your complaint.

### THE COMPLAINT

In her complaint, the complainant explained that, in summer 2005, Cedefop announced, on its website, a vacancy for the position of secretary of the European Journal of Vocational Training (vacancy No 4312/265), for which she applied. The application deadline was 22 August 2005.

In September 2005, the complainant received an acknowledgement of receipt, stating also that she would be informed of the outcome of the recruitment procedure in due time.

On 9 February 2006, that is, five months after receiving Cedefop's acknowledgment of receipt, the complainant wrote to the Cedefop Human Resources Unit to ask about her application for the above post. By e-mail of 22 February 2006, Cedefop informed her that "*the recruitment procedure has not been completed yet. There is a delay in the procedure but you will hear from us in due course.*"

On 18 December 2006, that is, almost 16 months after having received Cedefop's



acknowledgment of receipt, the complainant sent the Centre a second e-mail. In that e-mail, she asked Cedefop " *at what stage [ was ] the selection procedure for the aforementioned vacancy (...).* " After such a long time, she thought it justifiable to be concerned about the delay in the selection procedure. She did not receive any reply.

In her complaint to the European Ombudsman, the complainant alleged that Cedefop had failed to reply to her e-mail of 18 December 2006, and had thus failed to provide information regarding the recruitment procedure for the relevant position.

The complainant also alleged that there was unreasonable delay in Cedefop's recruitment procedure for the relevant position.

The complainant claimed that Cedefop should reply to her e-mail of 18 December 2006; provide information on the recruitment procedure for the relevant position; and explain the reasons for the delay in the procedure.

## THE INQUIRY

### **Cedefop's opinion**

In its opinion, Cedefop stated that the recruitment procedure in question had, indeed, taken more time to complete than would typically be the case. This was due to internal organisational reasons. Cedefop regretted the delay in communication and stated that, in the future, it would make an effort to keep candidates informed at regular intervals should long delays occur again.

As regards the complainant's unanswered e-mail, a check in Cedefop's database revealed that the e-mail was indeed received on 18 December 2006. Cedefop, unfortunately, overlooked this letter, since it arrived in the busy week preceding Christmas. However, no reminder was received, nor was the message sent by post. Other e-mails in relation to the recruitment procedure had been answered by the Human Resources Unit.

In light of the present complaint, an internal back-up system had been put in place in the Human Resources Unit, in order to avoid the recurrence of similar incidents.

### **Complainant's observations**

In her observations, the complainant forwarded to the Ombudsman a letter of 26 January 2007 from Cedefop regarding her application for the relevant post. In that letter, Cedefop informed the complainant that the various stages of the selection procedure had been completed and that her application was unsuccessful. In the letter, Cedefop also apologised for its belated reply.

The complainant wondered why the selection procedure for a temporary secretarial position took such a long time to complete. However, since she did not expect anything more from Cedefop, she considered the matter closed and did not wish to make any further comments on the case. She thanked the Ombudsman for his attention to her complaint, for his prompt replies and for his sincere interest in ensuring that all European citizens are treated properly.



## THE DECISION

### 1 Alleged failure to reply and the corresponding claim

1.1 The complainant applied for the position of secretary of the European Journal of Vocational Training, announced in summer 2005 by the European Centre for the Development of Vocational Training (Cedefop) on its website. In September 2005, she received an acknowledgement of receipt, stating also that she would be informed of the outcome of the recruitment procedure in due time. On 9 February 2006, that is, five months after receiving Cedefop's acknowledgment of receipt, the complainant wrote to Cedefop's Human Resources Unit to ask about her application for the above post. By e-mail of 22 February 2006, Cedefop informed her that " *the recruitment procedure has not been completed yet. There is a delay in the procedure but you will hear from us in due course.* " On 18 December 2006, that is, almost 16 months after having received Cedefop's acknowledgment of receipt, the complainant sent the Centre a second e-mail. In this e-mail, she asked Cedefop " *at what stage [ was ] the selection procedure for the aforementioned vacancy (...).* " She did not receive any reply.

In her complaint to the European Ombudsman, the complainant alleged that Cedefop had failed to reply to her e-mail of 18 December 2006, and had thus failed to provide information regarding the recruitment procedure for the relevant position.

1.2 In its observations, Cedefop stated that a check in its database revealed that the e-mail was indeed received on 18 December 2006. Cedefop responded by saying that, since the letter arrived in the busy week preceding Christmas, the e-mail was unfortunately overlooked. It went on to point out, however, that no reminder was received, nor was the message sent by post. Other e-mails in relation to the recruitment procedure had been answered by the Human Resources Unit. It added that, in light of the present complaint, an internal back-up system had been put in place in order to avoid recurrence of similar incidents.

1.3 In her observations, the complainant forwarded to the Ombudsman a letter of 26 January 2007 from Cedefop regarding her application for the relevant position. In the letter, Cedefop informed the complainant that the various stages of the selection procedure had been completed and that her application was unsuccessful. In the letter, Cedefop also apologised for its belated reply. The complainant stated that, since she did not expect anything more from Cedefop, she considered the matter closed and did not wish to make any further observations on the case. She thanked the Ombudsman for his attention to her complaint, for his prompt replies and for his sincere interest in ensuring that all European citizens are treated properly.

1.4 The Ombudsman notes that (i) Cedefop sent a letter to the complainant on 26 January 2007 regarding the recruitment procedure in question, in which it apologised for its belated reply; (ii) Cedefop acknowledged that it overlooked the complainant's e-mail and expressed regret for this; (iii) in light of Cedefop's explanations in its opinion on the present complaint, the failure to reply appears to have been the result of a genuine oversight; (iv) an internal back-up system had been put in place by Cedefop in order to avoid the recurrence of similar incidents in the future; and (v) in her observations, the complainant stated that she considered the matter closed and did not wish to make any further comments on the case.



1.5 In light of the foregoing, the Ombudsman concludes that no further inquiry into, and consideration of, the complainant's first allegation is justified.

## **2 Alleged unreasonable delay in recruitment procedure**

2.1 The complainant also alleged that there was unreasonable delay in Cedefop's recruitment procedure for the relevant position.

2.2 In its opinion, Cedefop stated that the recruitment procedure in question had, indeed, taken more time to complete than would typically be the case. This was due to internal organisational reasons. Cedefop regretted the delay in communication and stated that it would make an effort to keep candidates informed at regular intervals should long delays occur again in the future.

2.3 In her observations, the complainant wondered why the selection procedure for a temporary secretarial position took such a long time to complete. However, she considered the matter closed and did not wish to make any further comments on the case.

2.4 The Ombudsman notes that Cedefop's explanation, that the exceptionally long duration of the recruitment procedure was due to (unspecified) "*internal organisational reasons*", would not enable him to assess whether these reasons implied that Cedefop acted within a reasonable time in this context. He also remarks that, in her observations, the complainant stated that she considered the matter closed and did not wish to make any further comments on the case.

2.5 In light of the foregoing, the Ombudsman concludes that no further inquiry into, and consideration of, the complainant's second allegation is justified.

## **3 Conclusion**

On the basis of his inquiries in the present case, the Ombudsman concludes that no further inquiry into, and consideration of, the complaint is justified. He therefore closes the case.

Yours sincerely,

P. Nikiforos DIAMANDOUROS