



An Roinn Leanaí
agus Gnóthaí Óige
Department of Children
and Youth Affairs

Governance Framework for the Department of Children and Youth Affairs

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Foreword by the Secretary General

Governance is concerned with the structures, policies and processes in place to manage efficiently and effectively as an organisation. For the Department of Children and Youth Affairs, good governance is about ensuring that we discharge our legal, policy and service obligations in a way that delivers on our objectives, as set by Government. Good governance also allows an objective assessment of our management and corporate performance.

As a Department, we are committed to the highest standards of integrity, impartiality, fairness and respect. We believe that good governance fosters a culture of openness, honesty and transparency in all of our work.

We are committed to positive public consultation, genuine engagement with stakeholders and to serving the Government and people of Ireland in accordance with the role we have been given.

Part of good governance is about developing our own capacity as a Department, including that of our leadership team and senior management. However, we are conscious that good governance must extend throughout the organisation, as an integral part of how we examine, plan, design and deliver on policies and operational work at all levels.

This Corporate Governance Framework describes the main details of our governance processes, structures and procedures. Of course, a range of these are already set out in existing documents such as [Public Financial Procedures](#), the [Public Spending Code](#) and the [Civil Servants Code of Standards and Behaviour](#), but this document draws together in one place the details that are specific to the Department of Children and Youth Affairs.

We will continue to implement this Framework, and we will treat it as a living document to be regularly reviewed and updated as necessary.

Fergal Lynch
Secretary General

1. Department Overview

Governance Principle:

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Good governance supports a culture and ethos which ensures behaviour with integrity, a strong commitment to ethical values, and respect for the rule of law.

1.1 Mission/Purpose of the Department

The Department of Children and Youth Affairs focuses on harmonising policy issues that affect children in areas such as early childhood care and education, youth justice, child welfare and protection, children and young people's participation, research on children and young people, youth work, parenting support and cross-cutting initiatives for children.

In this regard, the Department has a mandate to put in place a unified framework of policy, legislation and service provision across Government for children and young people. Executive functions were transferred to the Department through a series of [Transfer of Functions Orders](#) available on the Department's website (dcya.gov.ie).

The Department's current Strategy Statement 2016-2019 articulates our mission as¹:

'to lead the effort to improve the outcomes for children and young people in Ireland'.

The Department's Statement of Strategy is in accordance with [section 4 of the Public Service Management Act 1997](#).

The [Programme for a Partnership Government May 2016](#) set out an important range of commitments in respect of children and young people, which the Department was charged with implementing.

¹ [Department of Children and Youth Affairs Statement of Strategy 2016-2019 / Ráiteas Stratéise 2016-2019](#)

The following are the key pieces of legislation which underpin the Department's core functions:

- [Child Care Act 1991](#)
- [Education \(Welfare\) Act 2000](#)
- [Children Act 2001](#)
- [Youth Work Act 2001](#)
- [Education and Training Boards Act 2013](#)
- [Adoption Act 2010](#)
- [Child and Family Agency Act 2013](#)
- [Children First Act 2015](#)
- [Adoption \(Amendment\) Act 2017](#)
- [Childcare Support Act 2018](#)

1.2 Values, Behaviours and Culture

As a Department of State, our employees are civil servants and are governed by a number of key values and principles.

This chapter describes the values that we strive to embody across the Department. It also sets out the Civil Service standards that are generally incumbent on members of the Civil Service and which are to be observed in their professional duties. Finally, the chapter sets out the very specific public office ethical requirements that must be complied with by certain grades in the Department.

1.2.1 *Our Values*

The Department subscribes to the vision, contained in the [Civil Service Renewal Plan](#) (2014), of being part of a Civil Service that delivers a world-class service to the State and the people of Ireland. We offer objective and evidence-informed advice to Government, respond to developments, and deliver Government objectives while striving to achieve optimal outcomes in the long-term national interest. We

aim to serve our citizens and stakeholders efficiently, equally and with respect, in a system that is open, transparent and accountable. Our core values are:

- a deep-rooted public service ethos of independence, integrity, impartiality, equality, fairness and respect;
- a culture of accountability, efficiency and value for money; and
- the highest standards of professionalism, leadership and rigour.

We are committed to encouraging creative and innovative thinking, constructive problem-solving and openness to change and flexible working methods. We are committed to appropriate merit-based recruitment, training and life-long learning and development that will ensure our staff have the necessary expertise to implement public policy in a complex and changing world. We aim to maximise the contribution of all staff, by nurturing and rewarding talent and by encouraging development of their potential in a workplace that is committed to equality, diversity and mutual respect.

In addition to the vision, values and commitments as set out in the [Civil Service Renewal Plan](#), the Department aims to sustain and foster a culture and related shared values that exemplify ethical behaviour and effective governance. These shared values drive our behaviour and define a culture that supports our efforts to deliver our mission in a professional, efficient, fair and balanced manner. In our [Statement of Strategy](#) 2016-2019 we set out our values as a Department:

We place children, young people and families at the heart of our work, aiming for better outcomes as the centre of policy development and service delivery. In doing this we:

- value our staff and create an environment where they learn, develop and contribute to the goals of the organisation;
- place outcomes for children and young people at the centre of policy and service delivery, informed by evidence;
- support prevention and early intervention approaches;
- seek to innovate and collaborate with other departments, agencies and sectors;
- are accountable, open to change, customer-focused and respectful in our dealings with the public and work colleagues; and
- recognise the positive duty to ensure a human rights and equality approach to our work.

In addition to the above, the Department is fully committed to equality of opportunity in all its employment practices. Equality of opportunity means that:

- all employees can be confident that their rights under the Employment Equality Acts 1998 and 2004 are guaranteed and that no one will receive less favourable treatment because of gender, marital status, family status, sexual orientation, religious belief, age, disability, race or membership of the Traveller community;
- throughout their working lives, employees can be assured of equality of participation regardless of gender, marital status, family status, sexual orientation, religious belief, age, disability, race or membership of the Traveller community;
- all employees have a responsibility to create a working environment in which differences are respected and in which all people – staff, clients and customers – are valued as individuals; and
- as an employer, the Department will strive to achieve real equality of opportunity by continually monitoring its employment practices to ensure that they do not perpetuate existing inequalities.

The Civil Service vision, values and commitments as espoused in the Civil Service Renewal Plan are regularly brought to the attention of employees through Renewal Plan updates and information sharing.

The Department is also committed to the development and implementation of improved measures to promote and support the employment of individuals with disabilities.

1.2.2 Code of Standards and Behaviour

All staff are obliged to operate under the [Civil Service Code of Standards and Behaviour](#) which sets standards for service delivery, behaviour at work and integrity. This Code applies to permanent civil servants and those employed on a short-term contract basis and all are expected to adhere to the following principles:

- we must be impartial in the performance of our duties;
- we should show due respect to our colleagues and respect their beliefs and values;
- we must maintain high standards of service in all our dealings with the public;

- we are required to attend at work as required and comply with the terms of sick leave regulations;
- the receipt of gifts from those with whom we have official dealings are governed by the highest standards and we apply the rules as set out in the Code on the receipt of such gifts;
- it is forbidden to use our official positions to benefit ourselves or others with whom we have personal or business ties. It is also forbidden to seek to influence decisions on matters pertaining to our official positions other than through established procedures;
- the [Official Secrets Act 1963](#) requires us to avoid improper disclosure of information gained during the course of our work;
- we are generally not permitted to stand for General or European elections or engage in political activity. However some more junior grades, if permitted, may stand for local elections and engage in political activity;
- we are required to have due regard for State resources;
- we must respect the constraints of the law;
- we may not engage in outside business or activity which would in any way conflict with the interests of the Department or impair us in carrying out our duties;
- if we are convicted of criminal offences, or given the [Probation of Offenders Act 1907](#) when tried for a criminal offence, we must report that fact to the Department; and
- where we occupy '*designated*' positions under the [Ethics in Public Office Acts, 1995 and 2001](#), there are certain obligations in relation to disclosure of interests.
- we must comply with the [Regulation Of Lobbying Act 2015](#), including identifying and publishing the details of Designated Public Officials in the Department, along with adhering to the related [Transparency Code](#).

1.2.3 Ethics in Public Office

The [Ethics Acts](#)² provide for the disclosure of interests, including material interests, which could influence certain civil servants, including Special Advisers, in the performance of their official duties. All staff at Principal Officer level and above are automatically prescribed as '*designated positions*' under the Acts. In

² The [Ethics in Public Office Act 1995](#) and the [Standards in Public Office Act 2001](#)

addition, the Department has prescribed a number of officers at Assistant Principal Officer and Higher Executive Officer level in the Finance, Human Resources, Corporate Support functions and those with authority to purchase in other Units across the Department as '*designated positions*'.

Under the Acts, each officer filling a '*designated position*' must submit an annual written statement in respect of their interest (and those of a spouse, child or stepchild) which could materially influence them in the performance of official duties. If an officer believes they have an interest to declare they must submit a '*Statement of Interests*' to the Human Resources Unit of the Department. If there is no interest to declare, a '*Statement of Nil Interest*' must be submitted. Officers are restricted in performing official duties where a material interest is declared.

1.2.4 Regulation of Lobbying Act 2015

In accordance with the [Regulation of Lobbying Act 2015](#), certain Department individuals are defined as '*Designated Public Officials*' (DPO) under the Act. This includes the Minister, all Special Advisers, the Secretary General, and individuals holding a position of Assistant Secretary or Director in the Department.

The Department maintains and publishes an [up-to-date list](#) on the Department's website of the name, grade and brief details of the role and responsibilities of each DPO:

- a) to allow members of the public to identify those persons who are DPOs; and
- b) as a resource for lobbyists filing a return to the Register who may need to source a DPO's details.

Departmental correspondence that issues from DPOs indicates their status under the Act.

It is the intention that the DPO role will in the future be designated to officials at the grade of Principal Officer (and equivalent).

The Department complies with the terms of the Transparency Code under the Act by publishing the details of certain types of Working Groups and Committees that avail of exemptions under the Code.

1.2.5 Tax Compliance

In addition to the above, the [Standards in Public Office Act 2001](#) also places a duty on senior public servants to furnish evidence of tax compliance. The tax clearance provisions of the Act apply to persons appointed to '*senior office*', which includes any designated position of employment in the Department for which the remuneration is not less than the lowest remuneration in relation to the position of Deputy Secretary General in the Civil Service.

1.2.6 Protected Disclosures

The [Protected Disclosures Act 2014](#) provides comprehensive protections for workers in both the public and private sectors against penalisation by their employers in circumstances where they have raised concerns about potential wrongdoing.

The Department is committed to fostering an appropriate environment for addressing concerns and supporting staff in '*speaking-up*' relating to potential wrongdoing in the workplace and to providing the necessary support for staff who raise genuine concerns.

A staff member who makes a protected disclosure under the [Protected Disclosures Act 2014](#) is protected from penalisation (or threatened penalisation), which includes suspension, lay-off or dismissal, demotion, and unfair treatment.

The Department produced its [policy](#) in December 2014 and it is available to all staff and management on the Department's intranet. These procedures represented an interim set of guidelines pending the issuing of guidance to all public bodies under section 21 of the Act by the Minister for Public Expenditure and Reform and a Review of the 2014 Act.

Where an issue is raised under the Act, the following principles are applied by the Department:

1. of wrongdoing in the workplace should, as a matter of routine, be the subject of an appropriate assessment and/or investigation and the identity of the discloser should be adequately protected; and
2. Providing that the worker discloses information relative to wrongdoing, in an appropriate manner, and based on a reasonable belief, no question of penalisation should arise.
3. If the principles outlined at bullets 1 & 2 are respected, there should be no need for disclosers to access the protections and redress contained in the 2014 Act.
4. A discloser should be informed that appropriate action has been taken but the discloser is not generally entitled to know what that action was

In 2016, the Minister for Public Expenditure and Reform published [guidance](#) for public bodies on the performance of their functions under the Protected Disclosures Act. In 2017, a review commenced as provided for in the 2014 Act. As part of the review a public consultation was undertaken and, while a number of issues were raised in the course of the review, the guiding principles which underpin the 2014 Act were generally accepted. The review concluded that no legislative amendments should be made at this time and that the issues raised were mainly concerned with implementation and procedural matters. In this context, the Review noted that the EU Commission's *"Proposal for a Directive of the European Parliament and of the Council on the protection of persons reporting on breaches of Union law"*, is currently under negotiation. The proposed Directive is expected to result in amendments to the 2014 Act following its transposition. Accordingly, any further amendment to the Act would be more appropriately considered in the context of the outcome of the negotiations on the proposed Directive.

In light of the above, the Department of Children and Youth Affairs is reviewing its protected disclosure policy and expects to finalise it during 2019.

1.2.7 Customer Service

The Department's [Customer Service Charter and Action Plan 2019-2021](#) is a public statement on the levels of service that customers can expect to receive when dealing with the Department.

The Department of Children and Youth Affairs is committed to delivering quality of service and equality of treatment to all our customers.

The Action Plan and Charter affirm our commitment to the delivery of high quality services and equality of treatment to all our customers. Our Customer Charter outlines the standards of service that customers can expect to receive when they interact with us and how complaints will be addressed. The Action Plan sets out how we will implement the Charter commitments and review and report on our performance in this regard.

1.2.8 Confidentiality and other policies and procedures governing conduct

All employees are bound by the provisions of the [Official Secrets Act 1963](#), the [Freedom of Information Act 2014](#) and a series of internal policies and procedures around financial controls and records management.

Employees are informed of their various responsibilities by way of the Staff Handbook (latest edition September 2015) and procedural guidance posted on the Department's intranet.

1.2.9 Complaints by staff

The mechanisms by which Departmental staff may make complaints in various situations are set out in the relevant topical areas of the Staff Handbook. Examples of this include:

- allegations of bullying, harassment and/or sexual harassment;
- complaints of individual members of staff which are not appropriate for discussion under the Conciliation and Arbitration (C&A) Scheme for the Civil Service;
- assessment of performance under the Department's Performance Management and Development System; and
- complaints or issues arising which concern the safety or welfare of any child/young person who attends any events or meetings organised by the Department.

In addition to the more formal procedures as set out above, staff are encouraged to '*speak-up*' if they consider work is unfairly distributed, if they are feeling overburdened or are otherwise unhappy with the manner in which their Unit or Division is operating. This can be done during regular business meetings at local Unit level where the allocation of work and other issues are discussed and also at Departmental '*Townhall*' meetings chaired by the Secretary General where an '*open-mic*' is available to express opinions on agenda items. While not expressly a formal mechanism for raising individual complaints, it provides an opportunity for staff to ask questions, seek clarification and/or raise concerns in a culture of openness and transparency.

1.3 Organisation Structures

The Department comprises the Management Board³, the Office of the Minister, and four divisions. Many activities are carried out on a co-operative basis by two or more divisions.

The Department is structured as follows to deliver on its corporate objectives:

Child Policy and Tusla Governance Division is responsible for operational standards and performance, policy and legislative developments relating to child welfare and protection, alternative care and related issues of children's rights. It also has responsibility for DCYA oversight of Tusla governance and performance, and support, including cross-government assistance, for the development of programmes within Tusla. The latter work encompasses parenting support, early intervention programmes and educational welfare. The Division also has responsibility for the cross-government co-ordination of policy direction and activity relating to parenting support. It has responsibility for leading cross-government working in respect of children's services through oversight of the implementation of Better Outcomes Brighter Futures; the Area Based Childhood Programme (ABC) and the development of the Children and Young People's Services Committees (CYPSCs) interagency structures. It leads a number of other cross-departmental initiatives including (i) Ireland's engagement with the UN Committee on the Rights of the Child; (ii) cross-sectoral implementation of child welfare and protection guidelines and legislation, and (iii) collaboration with the Department of Health on issues relating to child health.

Corporate and Business Support Division is responsible for overall expenditure and HR policy advice to support units in ensuring the optimisation of resource allocation for the Department and agencies under its remit and the corporate support function of the Department.

In addition, this Division contributes to the policy objectives of the Department by assisting policy units in the programme of legislative reform. The Division further contributes to the research,

³ Further details on the Management Board are set out in [Chapter 3](#) and its terms of reference are attached in the [Appendix](#).

evaluation and information functions of the Department, including through the Growing Up in Ireland Study.

The Division also assists in the co-ordination of reporting and governance responsibilities as well as through the provision of legal advices. The Division is commencing the process of putting in place a dedicated modern ICT support infrastructure to further the objective of a more focused IT solution for business needs.

Youth Justice, Adoption, Youth and Participation Division is responsible for leading and driving reform in the youth justice services; developing policy and legislation in the area of adoption and the effective administration of youth service funding and the reform of youth funding programmes and for ensuring that the voice of children and young people is heard in decision making.

The Division is also responsible for supporting the work of the Commission of Investigation into Mother and Baby Homes and the development of legislation in line with the Government's decision in relation to the Mother and Baby Home site at Tuam.

Early Learning and Care and School-Age Childcare Division is responsible for ensuring access to high quality and affordable Early Learning and Care and School-Age Childcare. This includes the development of policy and legislation; the administration of a range of schemes and the associated budgetary, governance and compliance functions; regulation of the Early Learning and Care and School-Age Childcare sector; and a number of initiatives to develop the workforce and improve the quality of services.

The Division is also responsible for overseeing and reporting on the implementation of First 5, A Whole-of-Government Strategy for Babies, Young Children and their Families (2019-2028).

Divisions consist of a number of Units, each headed by a Principal Officer or equivalent.

The Department has 27 Units headed by a Principal Officer or equivalent grade. Areas of responsibility organised by function to deliver on corporate objectives are set out in the Department's [organisation structure](#) which is published on the Department's website.

The Secretary General has made a number of assignments under [section 4 \(1\) of the Public Service Management Act 1997](#) at Assistant Secretary, Director and Principal Officer level across the Department. This information is publicly available on the [Department's website](#) and on the [Who Does What](#) website.

Further information in relation to the Framework of Assignments is detailed at [Chapter 2](#).

1.4 Strategic Planning, Decision-Making and Performance Management

The [Statement of Strategy 2016-2019](#) charts the Department's vision for the three year period and will be a benchmark against which to review progress in implementing the Department's priority actions. It reflects the commitments in the Programme for a Partnership Government May 2016.

The engagement between the Management Board and the Minister and advisers, informed by the objectives of the Strategy, enables the setting of the Department's priorities for each year. The priorities are then communicated to staff of the Department, as part of the instructions for the completion of each Business Plan cycle. The Risk Management process, integrated with Business Planning, enables the risks arising from the implementation of these priorities to be managed. The Secretary General meets the Minister for a structured meeting each week and matters covered in regular briefings include key Departmental priorities, including performance and deadlines.

In drafting Business Plans, the Department's commitments under the Strategy and other relevant documents are considered. In addition, Units strategically incorporate documents or reports that will feed into the development of the Plan. Business Plans are drafted in consultation with staff to ensure they are aware of their responsibilities before being submitted to and approved by the relevant Management Board member. Guidance to all staff on the development of Business Plans and the integration of Risk Management with the Strategic Management and business planning functions is circulated to staff in each yearly cycle.

The business planning cycle is managed and supported by senior management. Each Unit's Business Plan is only signed off by the Head of Division after the staff of the Unit meets with the Management Board at

the start of the year to discuss its draft Plan and make any required adjustments. The divisional mid-year reporting process requires each division to summarise progress on key items and provides an opportunity to review developments in respect of business priorities. The business planning cycle informs the Management Board's formal and on-going engagement with the Minister. The process also informs the on-going role of the Management Board, when it meets as the Risk Committee⁴, in managing corporate and unit-level risks.

The Business Planning system is further supported by the Performance Management and Development System (PMDS). PMDS is a tool that helps all managers and staff across the Department to manage and improve performance. Performance Management centres around the role and effectiveness of line managers in setting and agreeing goals for each staff member in line with the objectives of the Department's Business Plan, and reviewing and strengthening the performance of staff. The formal recording of this information is done through a computerised PMDS facility.

One of the most critical elements of the Business Planning system is that time is taken to consult with staff when preparing a Unit's plan in order to embed the linkage between strategic objectives, Departmental priorities, Unit level priority projects and on-going day to day commitments. The preparation of these plans provides a valuable tool for ensuring the overall objectives of the Department are understood and appreciated at all levels across the organisation.

1.5 Internal Communication arrangements

The internal communications arrangements are set out in the Department's Internal Communications Plan approved by the Management Advisory Committee (now the Management Board) in 2013. The Plan was developed following an organisational review with significant input from staff to address perceived communications gaps in the Department as identified in the review. The purpose of the Plan is to support the improvement of staff engagement and information-sharing across the Department and to facilitate greater intra-divisional and cross-divisional communications. The plan addresses structured meetings,

⁴ Further information on the Risk Committee is available in [Chapter 4](#).

briefing and learning sessions on areas of the Department's work, good practice in the use of electronic communications and support for the Department's website and intranet.

The main channel of internal communication is from the Management Board through the Heads of Divisions to the Heads of Units and onwards to all staff. Each Unit holds a monthly meeting with a number of standing items including communications and risk. The minutes of the Management Board, Divisional and Unit meetings are recorded and available on the Department's intranet. The minutes of the Management Board meetings are also made available on the Department's website. The Department holds a number of *'Townhall'* meetings each year which are open to all staff and usually attended by the Minister. Information which is necessary to assist staff across the Department to perform their functions is available through the Department's intranet.

1.6 Engagement with External Stakeholders

The Department is committed to openness and transparency in all aspects of its work and is committed to providing a professional, efficient and courteous service to all our customers, providing and delivering the highest quality of service.

This ranges from how policy is developed to engagement and communication with the Oireachtas, the public and external stakeholders.

The Department's engagement with the Oireachtas is primarily through the Minister in line with established parliamentary processes and structures. This encompasses the legislative process and accountability to both Houses through questions in accordance with Standing Orders. When requested by the Joint Oireachtas Committee on Children and Youth Affairs and the relevant Dáil Select Committee on matters relating to the Department's Vote the Minister provides updates to these Committees. Department officials support and attend with the Minister in these engagements and as required, may also assist the Joint Oireachtas Committee on specific themes it may examine.

The Department's engagement with stakeholders in its approach to policy-making is detailed at section 2 of the terms of reference of the Management Board which is attached in the [Appendix](#).

In order to achieve its goals, the Department works in close partnership with other Government Departments, statutory agencies and non-governmental organisations on a range of cross-cutting issues in relation to policy, legislation and service provision as they relate to children, young people and their families. In relation to the community, voluntary and not-for-profit sectors, the Department has a wide range of interactions with organisations and is committed to developing and deepening these relationships.

A strategic and structured approach to such engagement has been developed through the design and delivery of '*Better Outcomes, Brighter Futures*': the National Policy Framework for Children and Young People 0-24 (2014-2020), which provides the overarching framework for the development and implementation of policy and services for children and young people. Further details on the provision of a stakeholder forum through '*Better Outcomes, Brighter Futures*' is provided in [Chapter 3](#).

The Department also places a significant emphasis on the participation of children. The goal of the [National Strategy on Children and Young People's Participation in Decision-making, 2015-2020](#) is to ensure that children and young people have a voice in decisions made about their individual and collective lives in their communities, in education, on their health and wellbeing and in legal settings. The Strategy sets out measures to ensure that children are listened to, asked the right questions and better protected with actions that emphasise the importance of staff training and support.

The Department operates in a global context and framework, provided primarily through Ireland's membership of the United Nations, the European Union and the Council of Europe. International human rights norms ratified by Ireland, in particular the UN Convention on the Rights of the Child (UNCRC) and the Hague Convention on Adoption, provide a framework for domestic policy and practice relating to children's rights.

For example, the UNCRC spells out the basic human rights to which children everywhere are entitled, including the right to survival, the right to the development of their full physical and mental potential, the right to protection from influences that are harmful to their development, and the right to participation in family, cultural and social life.

The Department engages with the UNCRC and various other monitoring processes (e.g. Universal Periodic Review, International Covenant on Economic, Social and Cultural Rights), and reports on a six-monthly basis to the Oireachtas on EU matters.

1.7 Review of Effectiveness of Governance Framework

The objectives of this Governance Framework are to ensure that:

- the Department's systems of accountability and responsibility are effective, robust, clear, and identifiable, and
- the Governance Framework for the Department evolves so that we can better adapt to social, political, environmental and economic changes.

The officer within the Department with the relevant functional responsibility will be tasked with keeping the Department's Governance Framework and any associated guidance up-to-date.

The Management Board will formally review the operation of the Governance Framework at least annually.

2. Ministerial and Senior Management Roles and Assignment of Responsibilities

Governance Principle:

2

Good governance helps to define priorities and outcomes in terms of sustainable economic and societal benefits and to determine the policies and interventions necessary to optimise the achievement of these priorities and outcomes. It means implementing good practices in transparency, reporting, communications, audit and scrutiny to deliver effective accountability.

2.1 Role and Responsibilities of the Minister

Article 28.4.2 of the Constitution provides that the Government shall be collectively responsible for Departments of State *'administered'* by the members of the Government. Under Article 28.12 of the Constitution, Ministers are *'in charge of'* Departments of State. The principal legislative provisions governing the Minister's powers are the [Ministers and Secretaries Acts 1924 to 2013](#) and the [Public Service Management Act 1997](#). The structures of Departments and distribution of Departmental business are regulated by these Acts.

The [Ministers and Secretaries Act 1924](#), as amended, provides that each Minister shall be the responsible Head of the Department or Departments under his/her charge and *'...shall be individually responsible to Dáil Éireann alone for the administration of the Department or Departments of which he is head...'*. This gives statutory effect to the Constitutional principle of Ministerial responsibility. The Minister bears political responsibility under the Act of 1924 for all actions within his/her Department.

This Ministerial responsibility, a central element of the structure of Government, ranges from significant political decision-making on major policy issues to routine administrative responsibilities discharged by civil servants on the Minister's behalf.

This Governance Framework does not replace or usurp the *'Carltona Doctrine'* whereby powers vested in the Minister may be exercised, without any express act of delegation, by officials of certain seniority and responsibility.

The key legislation relating to the functions of the Minister for Children and Youth Affairs is detailed in [Chapter 1](#).

2.2 Relationship with the Minister

A key governance process is a Department's relationship and communication with the Minister and his/her advisers. The successful delivery of business priorities and programmes relies heavily on these relationships operating effectively.

The function of the Department is to advise and support the Minister and give effect to the Minister's decisions and policies. The [Framework of Assignments](#) which assigns responsibility for the performance of functions to the Management Board members and Principal Officers under [section 4\(1\) of the Public Service Management Act 1997](#) supports the delivery of corporate objectives.

Arrangements for meetings between the Management Board and the Minister, including matters covered, are detailed in the Terms of Reference which is attached in the [Appendix](#).

Interactions between the Minister and the Department can occur routinely at any time and may not be confined to normal working hours and normal office arrangements.

2.3 Recording of Ministerial Decisions

The Minister's decisions are recorded on the e-submissions system. The e-Submissions application, digitalises the internal submissions processes..

Following discussions at official/adviser/Ministerial level on policy or operational issues, formal submissions are sent via the e-Submissions system to the Minister for decision. The submission is routed

through the Head of the relevant Policy Division (at Assistant Secretary/Director level) and then provided, with any additional commentary, to the Secretary General. The Secretary General may subsequently add comments/clarifications to the submission. The submission is then sent to the Minister via the Minister's Private Secretary.

The Minister may consult further with advisers/officials where further details or clarifications are required. The Minister's decision is subsequently recorded on E-Submissions and a notification is sent to the relevant Unit. The decision may also be communicated verbally, particularly in cases where an immediate action is required (e.g. to formally seek legal advice or to issue a press release).

At each meeting of the Management Board the members review a list, compiled by the Minister's Private Office, of all submissions currently with the Minister for consideration. This acts as a prompt to seek further progress where required.

2.4 Leadership and Organisational Capacity/Capability

Leadership and Organisational Capacity relates to the ability to get things done, to address challenges, follow through on commitments and ultimately to achieve valued outcomes for the citizen. Therefore a clear focus on:

- (i) ability to deliver services;
- (ii) capacity to give effective advice; and
- (iii) capacity to deploy and renew basic values of good public management,

is a central responsibility of management at all levels across the Department.

Any consideration of developing organisational capacity needs to be framed in the context of delivering services in a manner that meets the needs of the customer, to advise wisely and to act consistently on the basis of public service values.

Each member of management, at Management Board and Principal Officer level, has an individual responsibility to show leadership, to contribute to the management of the Department as a whole and

actively to support colleagues in meeting their objectives. In particular, the Department expects those with leadership and management responsibilities to:

- convey a clear sense of strategic direction to staff and other stakeholders and display a strong commitment to the strategic objectives of the Department;
- maintain and promote high standards of behaviour (including ethical standards) in the organisation;
- personally behave in such a way that clearly reinforces high standards across the Department;
- recognise and encourage high standards of behaviour;
- take appropriate action where standards of behaviour do not meet acceptable standards;
- project the Department's voice in key fora, promote consensus around key challenges in its policy domain and attract support for policy responses; and
- manage the performance of staff.

These responsibilities are reflected in the specific responsibilities assigned by the Secretary General to the Management Board members and the Principal Officer and equivalent grades across the Department under [section 4\(1\) of the Public Service Management Act 1997](#).

In terms of organisational capacity, the Department has a number of key strategies, policies and plans in place. Examples of these are:

- a Performance Management System;
- a Workforce Planning Strategy;
- a Human Resources Strategy;
- a Training Needs Analysis;
- a Records Management Policy;
- an ICT Governance and Security Policy;
- an Annual Business Planning and Review cycle;
- a Risk Management Policy and Register;
- a Communications Policy;
- various data protection policies.

HR provides regular data to the Management Board to support workforce planning and resource allocation decisions.

2.5 Role and Responsibilities of the Secretary General and Accounting Officer

The Secretary General is the administrative Head of the Department as well as having a statutory role as the Accounting Officer of the Department.

2.5.1 Role of the Secretary General

The Secretary General is the senior civil servant and non-political head of the Department and is accountable to the Minister for the discharge of his/her duties. He/She is responsible for the effective and efficient management of the Department including particular financial responsibilities, non-political strategic planning and direction, providing policy advice to Ministers on all matters within the remit of the Department, delivering outputs and outcomes, addressing cross-cutting matters involving the Department, and being accountable before Oireachtas Committees as required.

The [Ministers and Secretaries Act 1924 to 2013](#) and the [Public Service Management Act 1997](#) outline the statutory responsibility of the Secretary General. Under the 1997 Act, certain duties are assigned to the Secretary General within the Department (sections 4 (1), 9 (1) and 9 (2)), including, but not limited to:

- managing the Department;
- implementing Government policies appropriate to the Department;
- delivering outputs as determined with the Minister;
- providing advice to the Minister on matters relating to the remit of the Department;
- preparing Strategy Statements for submission to the Minister;
- providing progress reports to the Minister on the implementation of the Strategy Statements;
- ensuring proper use of resources in accordance with the requirements of the [Comptroller and Auditor General \(Amendment\) Act 1993](#) and the provision of cost-effective public services;
- making sure arrangements are in place to maximise efficiency in cross-departmental matters;

- preparing an outline of how specific responsibilities are to be assigned so as to ensure that the functions performed on behalf of the Minister are performed by an appropriate officer, or an officer of an appropriate grade or rank in the Department; and
- managing matters relating to appointments, performance, discipline and dismissal of civil servants below the grade of Principal or its equivalent.

The list of duties specified in the [Public Service Management Act 1997](#) while extensive, is not necessarily exhaustive and the Secretary General may also be required, under the Act, to carry out other functions on behalf of the Minister. While the Secretary General may delegate responsibility and accountability by way of assignment (where each officer is accountable to the Secretary General) he/she retains ultimate responsibility and accountability for the actions of the Department, irrespective of the delegation of assigned responsibilities.

2.5.2 Role of the Accounting Officer

The Secretary General for the Department is also its Accounting Officer. The role of Accounting Officers is laid down in *Role and Responsibilities of Accounting Officers – A Memorandum for Accounting Officers* (2011). The Comptroller and Auditor General Acts 1866 to 1998 and DPER's Public Financial Procedures are also of particular relevance.

The Secretary General, as Accounting Officer, is personally responsible for the safeguarding of public funds and property under his or her control; for the regularity and propriety of all the transactions in each Appropriation Account bearing his/her signature; and for the efficiency and economy of expenditure. The Accounting Officer can be called to appear before the Committee of Public Accounts of the Dáil to give evidence about the Appropriation Account, and in relation to any other account the Department is required to prepare.

The Accounting Officer must have the Appropriation Account prepared and presented for audit to the Comptroller and Auditor General no later than 31 March of the year following that to which the account relates. The Appropriation Account must comply with the requirements of Public Financial Procedures and other directions of the Minister for Public Expenditure and Reform. As part of the Appropriation Account the Accounting Officer also submits a Statement of Internal Financial Control which details the

measures that are undertaken to ensure that an appropriate system of financial control is in place, the position regarding the financial control environment and the framework regarding administrative controls, management reporting, significant financial risk and internal audit.

The Accounting Officer is personally answerable to the Oireachtas Committee of Public Accounts (PAC) for regularity, propriety and value for money by means of rigorous post-factum examination of the manner in which Accounting Officers have discharged their responsibilities by means of independent audit and examinations by the Comptroller and Auditor General.

In addition to the preparation of the Appropriation Accounts, the main responsibilities of Accounting Officers as set out in [DPER's Public Financial Procedures](#) are as follows:

- The safeguarding of public funds and property under his or her control;
- The regularity and propriety of all the transactions in each Appropriation Account bearing his or her signature;
- Ensuring that all relevant financial considerations are taken into account and, where necessary, brought to the attention of the Minister where they concern the preparation and implementation of policy proposals relating to expenditure or income for which he or she is Accounting Officer;
- Economy and efficiency in the administration of the Department. This includes ensuring that there are adequate financial management systems in place to support the proper administration of the Department in an economic and efficient way;
- The adequacy of arrangements within the Department to ensure the correctness of all payments under his/her control and the prompt and efficient recovery and bringing to account of all receipts connected with the Vote, or with any fund for which the Department is responsible;
- Ensuring that Department of Public Expenditure and Reform sanction for expenditure has been obtained and for the maintenance of a central record of both delegated and specific sanctions;

- Responsibilities for internal audit, including regularly reviewing the internal audit function to ensure there is the desired quality of assurance on the adequacy, reliability and efficiency of the Department's internal control system;
- Responsibilities in respect of Grants to outside agencies, particularly in regard to the conditions of the grant, the submission of accounts and being satisfied that the accounting systems and organisational arrangements of the grantee are adequate to ensure the proper administration of the money; and
- Ensuring that there is a clear framework for control (including financial reporting) and accountability for public funds in bodies operating under the aegis of the Department.

2.6 Special Adviser(s) to the Minister

The primary function of a Minister's Special Adviser(s) is to secure the achievement of Government objectives and to ensure effective co-ordination in the implementation of the Programme for Government. Special Advisers to the Minister for Children and Youth Affairs are charged with the responsibility of providing advice, monitoring, facilitating and securing the achievement of Departmental objectives. Special Advisers appointed to the Minister are advised in their contracts of employment that they are required to perform any duties which may be assigned to them as appropriate to their position while being accountable to the Minister in the performance of those functions, as set out in [section 11 of the Public Service Management Act 1997](#). A Special Adviser performs his/her role alongside the senior Civil Service in collectively supporting the Minister and the Government of the day. Special Advisers are not part of the line management system of the Department.

2.7 Assignment of Senior Management Roles and Responsibilities

[Section 4\(1\) of the Public Service Management Act 1997](#) empowers the Secretary General to assign to other officers of the Department (or grade or grades of officer) responsibility for the performance of his/her functions. A [Framework of Assignments](#) document is published on the Department's website. It

constitutes a consolidated statement as at February 2019 of all assignments under the Act by the Secretary General of the Department of Children and Youth Affairs.

Furthermore, under sections 4(1)(i) and 9(1)(f) of the [Public Service Management Act 1997](#) and the [Civil Service Regulation Acts 1956 – 2005](#), the Secretary General assigns responsibility for the performance of functions in respect of appointments, performance and discipline of personnel to officers holding the posts with responsibility for the Personnel or Human Resource function including Assistant Secretary, Director, Principal Officer/Personnel Officer.

Pursuant to the provisions of [section 15 of the Ministers and Secretaries Act 1924](#) and of [section 7 of the Documentary Evidence Act 1925](#), the Minister for Children and Youth Affairs may authorise identified officers of the Department to authenticate by his/her signature the seal of the Minister for Children and Youth Affairs and orders and instruments made by the Minister for Children and Youth Affairs.

2.8 Responsibilities of all Staff

All staff have a role to play in ensuring good governance. All members of staff are informed by means of the Staff Handbook of their obligation to operate under the [Civil Service Code of Standards and Behaviour](#) which sets standards for service delivery, behaviour at work and integrity. The Handbook is published on the Department's intranet. All corporate policies, procedures, circulars and Office Notices are notified to each relevant member of staff and made available on the Department's intranet.

3. Management Board and other Governance Structures

Governance Principle:

3

Good governance means developing the Department's capacity, including the capability of the leadership team, management and staff.

3.1 The Management Board

The Management Board of the Department endorses the principles of shared participation and responsibility for the operational success of the entire Department. It seeks to support the Minister and Secretary General in the fulfillment of their statutory roles. In addition, each individual Board member has a leadership role contributing to the management of the Department as a whole and to actively supporting colleagues in meeting objectives.

3.2 The Terms of Reference for the Management Board

The terms of reference for the Management Board are attached in the [Appendix](#).

3.3 Management Board Information/Documentation

Papers are provided to each Management Board member in advance of meetings. These consist of:

- (i) papers on any substantive issues being presented for consideration by the Management Board. These are generally presented on by senior official(s) of the relevant line Unit;
- (ii) other periodic updates relating to budget analysis, legal activity, HR developments, etc.
- (iii) updates on submissions to the Minister, Freedom of Information applications, Government Memoranda and communications issues. Minutes of previous meetings are also provided for consideration and approval.

The Management Board reviewed its processes in February 2019 and streamlined the arrangements for meetings. As described in its revised terms of reference, these changes include a move to fortnightly meetings, quarterly 'away' half-day meetings on key issues, and a more efficient system of dealing with brief updates on issues of importance to the Department. In addition, attendance at MB has been expanded, on a trial basis, to include two Principal Officers per meeting.

3.4 Support to the Management Board

A Secretary to the Management Board has responsibility for preparing agendas, collating and circulating papers and keeping accurate minutes. The Secretary also monitors the compliance of the Management Board with its Terms of Reference and advises the Chairperson of any issues arising.

3.5 Governance across Organisational Boundaries

The Department of Children and Youth Affairs leads significant engagement on cross-government, agency and sectoral working. This engagement is a key part of our remit.

The Department engages through such means as:

- implementation structures for *'Better Outcomes, Brighter Futures'*, the National Policy Framework for Children and Young People;
- close inter-departmental working, including co-located staff from the Departments of Education and Skills and Justice and Equality;
- participation in a range of committees and groups including Cabinet Committees; and
- participation in whole-of-government projects such as those operating under the Civil Service Reform Programme.

In all such cases, the Department places great emphasis on collaborative working between Government Departments, Tusla, the HSE, organisations in the areas of children, family and youth services, advocates in these areas, and academic and research-related stakeholders. The Department relies heavily on the

support and collaboration of these bodies and acknowledges warmly the support received in the pursuit of effective working across all boundaries.

3.5.1 *'Better Outcomes, Brighter Futures'*

A key focus of *'Better Outcomes, Brighter Futures'* is on effective implementation to ensure accountability, drive implementation and provide a forum for stakeholder engagement. This has been addressed through the establishment of a comprehensive implementation infrastructure.

These new structures consolidate many of the previously existing consultative and inter-departmental processes within the Department into the Children and Young People's Policy Consortium. The consultative and inter-departmental processes consolidated were the Sponsors Group, the Advisory Council, the Children and Young People's Services Committees National Steering Group, the Children and Young People's Participation Structures and the Implementation Team.

(i) The Children and Young People's Policy Consortium

The Children and Young People's Policy Consortium comprises high level representation from Government Departments and agencies, and key experts and representatives from a range of sectors and settings working with children and young people.

It oversees the effective implementation of *'Better Outcomes, Brighter Futures'* across Departments, agencies and sectors. The Consortium is chaired by the Minister for Children and Youth Affairs of the Department of Children and Youth Affairs, with a Deputy Chair from the Department of the Taoiseach.

(ii) Sponsors Group

The Sponsors Group is a sub-group of the Consortium. It is comprised of six sponsors – one sponsor for each of the five key Departments that are the primary lead Departments in relation

to the five national outcomes of *'Better Outcomes, Brighter Futures'*, and one sponsor for the transformational goals. Each Sponsor has been assigned a major *'outcome'* area.

The Sponsors Group has an integral role in ensuring the realisation and success of the vision underpinning *'Better Outcomes, Brighter Futures'* through active collaboration to drive and enhance cross-departmental and cross-sectoral engagement to realise the five National Outcomes for children and young people.

(iii) Advisory Council

The Advisory Council provides a forum for the community and voluntary sector and independent experts to engage with the Children and Young People's Policy Consortium and its constituent elements.

It comprises groups from the Early Years, Children and Youth voluntary sectoral pillars with nominations drawn from umbrella organisations representing each of these constituencies, and Ministerial nominees involving key individuals with experience and expertise.

(iv) Children and Young People's Services Committees National Steering Group

Children and Young People's Services Committees (CYPSC) are county-level committees that bring together the main statutory, community and voluntary providers of services to children and young people in each local area. They provide a forum for joint planning and co-ordination of activity and for oversight of local policy and provision, to ensure that children, young people and their families receive optimum services.

The CYPSC National Steering Group provides guidance and advice on strategic, policy and operational issues relevant to CYPSC. The Chairperson of the CYPSC National Steering Group is a member of the Children and Young People's Policy Consortium.

(v) Children and Young People's Participation Structures

Children and young people engage with the implementation of *'Better Outcomes, Brighter Futures'* through the Comhairle na nÓg National Executive and through the EU Structured Dialogue Working Group. Both of these groups will have a formal link with the Consortium.

(vi) Better Outcomes, Brighter Futures Implementation Team

An Implementation Team has been established as part of the Tusla Programme Development and Cross Government Framework Unit within the Department to lead the implementation of *'Better Outcomes, Brighter Futures'*. It project-manages reporting on implementation, and coordinates the work across the implementation structures. It also helps to identify emerging themes and promotes knowledge transfer.

A particular focus of the Implementation Team has been on identifying cross-sectoral priorities among the Sponsors Group, to ensure that key issues are identified and addressed in a strategic and sustainable manner.

3.5.2 Other examples of Cross-Boundary Working

The Department of Children and Youth Affairs works closely with other Government Departments on a range of issues. Of particular value and importance is the arrangement whereby staff from the Department of Education and Skills and the Department of Justice and Equality work in the Department's offices, while maintaining contact with their *'parent'* Departments.

The Department also participates actively in a range of inter-departmental groups and committees, and operates its own Inter-Departmental Group on the Implementation of the [Children First Act 2015](#). It also is the lead Department on *'First Five'* a Whole-of-Government Strategy for Babies, Young Children and their Families (2019-2028).

The Minister and Department play an active role in the Cabinet Committee on Social Policy, and officials regularly participate in the relevant Senior Officials' Group dealing with this area.

The Department supports the implementation of the [Civil Service Renewal Plan](#), which is extensively concerned with better working across sectors, and the Secretary General is one of three sponsors for Action 5 of the Plan, dealing with innovative ways of working across the whole of Government.

Governance Principle:

4

Good governance means managing risks and performance through robust internal control systems and effective performance management practices.

Financial procedures and accountability are paramount to the effective operation of the Department. It is essential that the business of the Department in managing and controlling the Exchequer resources assigned to it is carried out in accordance with correct public financial procedures.

The expenditure of public money carries with it important responsibilities concerning their usage. It is of utmost importance that these responsibilities inform the Department's thinking in its decision making process. It is also important that effective controls are put in place and are adhered to in the normal operation of the Department and its officers.

The Department is bound by various statutory requirements which are principally set out in the Public Financial Procedures, Government Accounting Circulars, the Irish Statute Book, the Public Spending Code, the Code of Practice for the Governance of State Bodies and Public Bank Accounts arrangements. These documents set out the principles and rules governing budget management and control and form the basis for the procedures outlined in the Department's 'Financial Policies and Procedures' manual.

The manual which is designed to act as a guidance for employees in relation to the range of financial matters that are likely to arise in the course of their official duties. It is the formal rulebook in operation in the Department and has been constructed on the basis of risk control. For this reason it is intended to ensure that there is an appropriate financial control environment in place by embedding system of financial delegation, segregation of duties and accountability to ensure that risks of fraud and error are contained, minimised and avoided.

Financial policies and procedures must be in compliance with the high level guidance provided in the 'Financial Policies and Procedures' manual unless specific derogation is received from the Secretary General. Each Management Board member and Head of Unit (Principal Officer or equivalent level) is responsible for ensuring Divisional and unit level financial policies and procedures are fully documented and available for review by the Finance Unit, Internal Audit and/or the Comptroller & Auditor General (C&AG).

These measures are supplemented by other guidelines of relevance and include the following separate documents developed by Finance Unit:

- Petty Cash Policy and Procedures
- Fraud Prevention and Awareness Policy
- Statement of Practice for Credit Card Usage
- Appropriation Account Procedures

4.1 Accounting Officer Assurance Arrangements

Accountability for the Department's assurance, audit and scrutiny functions and arrangements rests with the Secretary General as Accounting Officer. In fulfilling this function, the Accounting Officer provides, as part of the annual Appropriation Account, a *Statement of Internal Financial Control*. The provision of this Statement is guided by a number of separate assurances the Accounting Officer receives during the preparation of the Appropriation Account

Annual Internal Statement of Financial Controls

Each Head of Unit (generally a Principal Officer) completes an *Annual Statement of Financial Control* in respect of their area of responsibility. This asks each Head of Unit to confirm if:

- They are satisfied that adequate internal financial controls and procedures are in place and in operation in their area of responsibility;
- That grants and other fund disbursements within their area of operation were consistent with the relevant subhead provision and the approved budget allocation;

- That all expenditure was processed and approved in line with Departmental instructions and consistent with the requirements of Public Financial Procedures;
 - That expenditure was reviewed on a monthly basis with regular assessment made of the budgetary position and financial performance against forecasts;
 - That all Invoices, grant and other payment requests were processed in accordance with Departmental instructions and consistent with the requirements of Public Financial Procedures.
- In particular:
- That proof of service provision/ goods received were verified; and
 - Valid tax clearance requirements were obtained where necessary;
- That procurement, where entered into, was conducted in line with relevant procurement guidelines and governing legislation;
 - That all capital projects were conducted in accordance with the Public Spending Code as published by the Department of Public Expenditure and Reform.

In addition, each member of the Management Board is asked to complete their own Annual Statement of Financial Control which confirms if they are satisfied that adequate internal financial controls and procedures are in place and in operation within their Division and if each Head of Unit under their area of responsibility has completed a Statement of Financial Control. They also confirm if all relevant officers under their responsibility have supplied Statements of Interest to the Secretary General in compliance with the Ethics in Public Office Acts 1995 and 2001 and that they are not aware of any circumstance which would significantly impact on the Statement on Internal Financial Control for the Department

Any weaknesses in controls identified as part of this process are addressed by the Department's Finance Unit in the context of its on-going interactions with budget-holders.

See also under 4.3 as regards the role of the Head of Internal Audit in providing his/her opinion in relation to the Statement of Internal Financial Controls

Annual Assurances from Accounting Officers of other Departments

In addition, the Accounting Officer relies upon annual assurances from the Accounting Officers of other Departments which provide shared service arrangements to the Department. The Department has a number of such shared service arrangements in place:

- Provision of certain finance functions and ICT services for Departmental staff – *Department of Health*;
- Provision of operational HR services (including pensions) for Departmental staff – *NSSO⁵ (Peoplepoint)*;
- Provisions of payroll services for Departmental staff - *NSSO (Payroll Shared Services Centre)*;
- Provision of certain finance functions (payroll and pensions) and ICT services to Oberstown Children Detention Campus - *Department of Justice and Equality*

4.2 Role of the Audit Committee and reporting arrangements to the Secretary General

In the context of an increased focus on value for money in public spending, it is important that Government Departments strive to achieve the highest levels of accountability, ensuring they continue to drive efficiency and have a clear understanding of returns on spending. Internal audit services and audit committees have an important role to play in supporting this objective. The Department's Audit Committee has an independent role in the provision of advice to the Secretary General, including consideration of the adequacy and effectiveness of internal control systems and risk management. The Audit Committee operates under a written charter.

Updated Audit Committee Guidance was issued by the Department of Public Expenditure and Reform (DPER) in 2014. The Guidance recommends that the Chair is independent and that the Committee *'should*

⁵ National Shared Services Office

consist of significant external representation'. The Department's Audit Committee generally meets quarterly, approximately five times per year or more frequently if required. There are currently five members of the Audit Committee.

The Audit Committee Charter and Terms of Reference determine that:

(i) the Committee shall be comprised of a minimum of five members and a maximum of seven (including the Chair) approved by the Secretary General.

(ii) there shall be a minimum of three external members (i.e. members of the Committee who are not Departmental employees), if the Committee is comprised of five members or a minimum of four external members if the Committee is comprised of six or seven members.

(iii) at least one and preferably two members of the Committee should be qualified accountants and at least one member should have an ICT qualification or experience in this area.

The Charter for the Audit Committee was updated and approved by the Secretary General in June 2016. The Charter is due for review in 2019.

The Chair of the Audit Committee maintains a direct line of communication with the Head of Internal Audit and the Accounting Officer throughout the year.

The Annual Internal Audit Plan is produced in draft form at the beginning of the year following analysis of the risks and consultation with senior managers and a number of other factors. The Plan is then presented to the Audit Committee by Internal Audit and discussed and agreed by the Audit Committee and finally approved by the Secretary General. The approved Internal Audit Plan is a living document, which can be updated when required. For each individual audit, the Internal Audit Unit prepares terms of reference before the audit starts which are circulated to the Audit Committee before being finalised. Written reports with findings and recommendations are issued at the conclusion of each audit. All audit reports, when finalised (including management responses) issue to the Audit Committee and Secretary General for review (and also to the Management Board for information/discussion).

The Audit Committee invites the Comptroller and Auditor General (C&AG) to a meeting at least annually and prepares an annual report on its activities for the Secretary General.

4.3 Internal Audit Unit and reporting arrangements to the Accounting Officer

The Department's Internal Audit Unit is comprised of a full-time qualified Head of Internal Audit who is a qualified accountant, one full-time HEO and one full-time EO. Internal Audit has also availed of the Office of Government Procurement (OGP) framework for audit services and the Department enters a contract for this service as required. The Head of Internal Audit reports to the Accounting Officer.

Internationally, the standards governing internal audit practices and the activities of Audit Committees are set by the Institute of Internal Auditors (IIA), an international body with members in over 180 countries. The Department of Public Expenditure and Reform (DPER) has determined that the standards should apply across all Departments and Vote holders. These IIA standards were adopted in an Irish context and published by DPER in November 2012. Any updates to the international standards since 2012 also apply in Ireland. Changes in training and development, quality control, internal assessment and the audit of governance etc., are required to bring Ireland fully in line with best practice. As part of this process, Internal Audit in the Department is implementing the IIA standards.

The Office of the C&AG undertook a review of Internal Audit functions in 2015. The Department was one of a number of 'pilot' Departments chosen for this review. The examination was carried out under section 9 of the Comptroller and Auditor General (Amendment) Act 1993. The review assessed the effectiveness of internal audit in Government Departments and Offices, having regard to current requirements and international best practice. The Internal Audit Unit is currently implementing the recommendations contained in the report received from the C&AG in July 2017. Internal Audit produced an annual report on its activities in 2017 for the Audit Committee and the Secretary General and intends to continue this in subsequent years as recommended in the C&AG report.

4.4 Role of Finance Unit

The role of Finance Unit is to assist with the overall management of the financial affairs of the Department.

The Unit provides a range of support services that include:

- The provision of an accounting and financial framework for the Department;
- Operation of a general Financial Management System (processing, managing and recording of all payments);
- Preparation of Departmental Estimates and monthly monitoring and reporting on expenditure against approved budgets to senior management and the Department of Public Expenditure & Reform;
- Preparation of financial briefing material for the Secretary General and the Minister;
- Embedding a system of financial delegation, segregation of duties and accountability;
- Preparation and compilation of the Appropriation Account at the end of each financial year and assist in the audit of the Account by the Comptroller and Auditor General; and
- Assisting with financial related audits by the Comptroller and Auditor General and Internal Auditors.
- Providing support and guidance to other Units across the Department

4.5 Risk Management

The Management Board constitutes the Department's *'Risk Committee'* and meets on a quarterly basis.

The role of the Risk Committee is to aid the Department in embedding risk management and oversee its risk function including identification, assessment, and mitigation steps. It agrees the Department's Corporate Risks which are submitted to the Minister. The Department's Risk Management Policy outlines the process for the escalation of unit risks for further examination.

The establishment of the risk management system in this Department and the development of the accompanying policy have due regard to the Department of Public Expenditure and Reform's Risk Management Guidance for Government Departments and Offices (2016).

The Department's [Risk Management Policy](#) is available on the Department's website and intranet. The Department's [Risk Appetite](#) Statement is outlined in the Appendix.

4.6 Public Procurement

All procurement in the Department is governed by public procurement rules and procedures. These are set out in the Department's Internal Procurement Policy and Procedures document. These rules are informed by National and European guidance on the procurement of supplies and services as set out in the [Public Procurement Guidelines for Goods and Services July 2017](#), available on the Office of Government Procurement (OGP) website – www.ogp.gov.ie. These guidelines set out the steps to be followed in conducting an appropriate competitive process under EU and national rules.

Under the terms of [Circular 40/02: Public Procurement Guidelines](#) the Secretary General, as Accounting Officer, is required to provide a report annually to the C&AG outlining details of any contracts awarded which exceed a value of €25,000 exclusive of VAT and which were not subject to a competitive tendering process. These reports are forwarded to the Comptroller and Auditor General (C&AG) by 31 March of the year following the award of the contract with a copy being sent to the Office of Government Procurement at the same time.

All procurement processes in the Department must be carried out in conjunction with the Procurement Unit which acts as a central point of contact for OGP, maintains a centralised Contracts Register and a repository of the supporting procurement documentation. The Unit also provides advice on the procurement process.

4.7 Digital Governance

Information and Communications Technology (ICT) spend within the Department is governed by the general procedures regarding budgeting and procurement. However, spend on ICT related activities has additional layers of governance. The arrangements are set out in *DPER Circular 02/16: Arrangements for ICT-related Expenditure in the Civil and Public Service*.

The Department is required to submit returns on ICT expenditure. Units and Agencies are also obliged to complete 'Request for Specific Approval' applications for: all new ICT expenditure of €25,000 or higher, all initiatives with any costs which do not follow strategy or policy of DPER (centralised procurement, frameworks etc.), and/or expenditure on approved projects where there is significant variation in scope, deliverables, cost or quality.

4.8 Compliance Framework

As an accompaniment to its Governance Framework, the Department has developed a separate Compliance Framework. This is an important tool in the management of the Department's risk and will assist in identifying key statutory and other compliance requirements and the arrangements in place to oversee, monitor and ensure compliance.

5. Bodies under the Aegis of the Department

Governance Principle:

5

Good governance ensures openness, effective public consultation processes and comprehensive engagement with domestic and international stakeholders.

5.1 External Governance and Oversight of bodies under the Aegis of the Department

The relationship between Government Departments and bodies under their aegis is determined primarily by:

- the underpinning legislation establishing the body; and
- the requirements set out in the [Code of Practice for the Governance of State Bodies](#).

The public bodies funded through the Department's Vote and for which the Secretary General is the Accounting Officer, are as follows:

- the Child and Family Agency ('Tusla'), established in January 2014 under the [Child and Family Agency Act 2013](#);
- the Adoption Authority of Ireland (AAI), established in November 2010 under the [Adoption Act 2010](#);
- the Ombudsman for Children's Office (OCO), established in 2004 under the [Ombudsman for Children Act 2002](#); and
- the children detention schools established under the [Children Act 2001](#).

The Department also provides the primary source of funding for Gaisce, the President's Award. Gaisce is a limited company set up under the [Companies Acts](#).

In general, the relationship between the Department and the respective bodies under its remit, including on governance matters, is managed by the relevant unit or division. This includes oversight of the functions of the body and the respective responsibilities of the Minister, Secretary General as Accounting Officer, Board and Chief Executive. It also involves all related parliamentary support to the Minister on matters relating to the governance of the body.

Arrangements are in place in the Corporate and Business Support Division of the Department to support units in their relationships with the respective bodies:

- Finance Unit leads on annual budget/estimates negotiations for the Department and its agencies with the Department of Public Expenditure and Reform (DPER). It works with line Units to confirm the annual budget and related matters to each body in a letter of allocation each year. In the case of Tusla, which is in receipt of the largest allocation, the financial notification letter is supported by a Performance Statement issued in accordance with the relevant legislation.

Finance Unit sets out in the Department's Financial Policies and Procedures the arrangements to be followed by units and the respective bodies regarding the profiling of intended expenditure, regular drawdown of funds and monitoring of actual expenditure against profile.

- External Human Resources Unit monitors the staffing of bodies under the Department's remit and manages the Minister's functions to approve the staffing arrangements of each body with the approval of the Minister for Public Expenditure and Reform. This includes arrangements with each body for developing business cases for staffing proposals, necessary sanctions from DPER, and engagement with the recruitment process.
- Communications and Corporate Governance Unit (CCGU) ensures that arrangements are in place for the Department to monitor compliance by the bodies under the Department's remit with governance requirements arising from relevant governing legislation and the [Code of Practice for Governance of State Bodies \(2016\)](#) and to take corrective action to address deficiencies. This is done through a system of checklists against both the Code and relevant legislation, which are completed each year by the bodies and monitored by the units dealing

with each body. Regular updates are provided to the Management Board and 'Agency Governance' is a standing item at the Department's Audit Committee. CCGU provides support to ensure compliance with [Government Guidelines on appointments to State Boards](#), details of which are set out below.

The relationship between the Department and those bodies under its aegis varies in terms of the nature of the work and scale of operation of each body and its governing legislation.

The following sets out the specific arrangements for governance and oversight of each of the bodies. It also provides an overview and references the periodic measures taken to provide on-going governance assurance as to who is responsible for what.

5.2 The Child and Family Agency (Tusla)

Tusla was established on 1st January 2014 following the commencement of the [Child and Family Agency Act 2013](#). It has approximately 4,000 members of staff and had a budget allocation for 2019 of €787 million in 2019..

This includes €17.194m in capital funding.

Any staffing matters are referred to the Department's External Human Resources Unit which deals directly with Tusla on matters concerning terms and conditions of staff, but may refer to Child Policy & Tusla Governance Division with regard to any business case for new staffing.

Tusla has statutory responsibility for services previously provided by the Health Service Executive (HSE), the former National Educational Welfare Board and the Family Support Agency. Services which were previously delivered by the HSE include children and family services, domestic and sexual violence services, certain psychological welfare services, and pre-school inspection services. The coming together under one agency of such a range of services provides a platform for the delivery of more efficient and effective services to children and families with a focus on prevention, early intervention and community engagement.

Tusla performance is overseen for the Department by the Child Policy & Tusla Governance Division with inputs provided from a number of policy and business support units across the Department. Other members of the Management Board and the senior management team contribute to performance oversight in relation to their specific areas of responsibility.

The main statutory provisions defining the governance relationship between the Department and Tusla are set out in Part 6 of the Act. The Department developed a checklist against the statutory obligations which identifies the respective responsibilities of Tusla and the Minister.

The two significant documents which define the on-going relationship and respective responsibilities of Tusla and the Department and which have a statutory basis are the Performance Framework and the Performance Statement

- The **Performance Framework** sets out the Minister's policy guidance, direction and prioritisation parameters for the preparation of Tusla's three year Corporate Plan, in accordance with the provisions of the Act. This is an important aspect of an improved performance process.
- The **Performance Statement** is issued by the Minister each year to provide Tusla with specific policy guidance, direction, prioritisation and resource parameters to inform the preparation of its annual Business Plan. The Performance Statement typically includes a number of sections which set out (i) the financial allocation for the year; (ii) the important governance/probity requirements in respect of expenditure; and (iii) a detailed articulation on which key priorities to advance.

Formal reporting by Tusla occurs through monthly reports on performance across three areas - Finance, Human Resources and Performance Activity. In addition, a more detailed performance report is submitted to the Department on a quarterly basis.

The reports are submitted by Tusla to the Department once they have been considered by its Board. In terms of timing, the Finance and Human Resources reports are generally received at the end of the third week in the month following the particular reporting month. The Performance Activity report is received a further month in arrears i.e. approximately seven weeks following the end of the reporting month. The

introduction of Tusla's National Child Care Information System will allow for more timely reporting of the activity data.

The content of the reports is the subject of detailed examination and discussion at cross-divisional level and at subsequent monthly meetings held with members of the Tusla Senior Management Team. Following this process, an analysis is presented to the Department's Management Board. Tusla also submits Quarterly Activity reports to the Department. Follow-up discussions with Tusla relating to the quarterly reports require wider Departmental representation beyond the Child Policy & Tusla Governance Division. The meetings are led on behalf of the Department by the Head of the Child Policy & Tusla Governance Division, and on behalf of the Tusla by the Chief Operating Officer.

In addition, the Minister, Secretary General and the Head of the Child Policy and Tusla Governance Division meet on a quarterly basis with the Chairperson, of the Tusla Board and the Chairpersons of the Tusla Board sub-committees to consider strategic issues and progress against the annual Business Plan. The Minister meets the full Board at least once each year.

- **Finance** - The Department's oversight of Tusla financial performance involves consideration of the monthly report and agreed weekly cash profile. Regular meetings are held with Tusla's Head of Finance, at which performance is discussed in detail, including progress in meeting, for example, any agreed cost control measures as determined by the Board of Tusla.
- **External Human Resources** - A similar process is in place on the HR side and regular bilateral meetings with Tusla's Human Resources team take place in addition to the provision of the monthly HR activity report.
- **Quality and Performance** - Performance is closely monitored, both through the formal monthly and quarterly reports and also through bilateral engagement with Tusla's Director of Quality Assurance. Given the timing of reporting arrangements, the Department has asked Tusla to supplement the monthly reporting on activity with an '*early warning*' mechanism to ensure that the Department is given early notice of any particular shift in activity and associated cost pressures. The Quality and Performance oversight is further informed by inspection reports

carried out by the Health Information and Quality Authority, investigation reports by the Ombudsman for Children's Office, the National Review Panel on serious incidents and specific service issues highlighted by advocacy groups.

The monthly and quarterly operational information offers a good indication of Tusla performance and emerging service trends over the course of the financial year. The information provided also helps to inform the Department's policy development and oversight function, as particular operational issues and service delivery patterns emerge.

Compliance by Tusla with the requirements of the [Code of Practice for the Governance of State Bodies](#) is also closely monitored by the Tusla Governance and Performance Oversight (Coordination) Unit. Tusla furnishes completed checklists to the Department on compliance with the Child and Family Agency Act, 2013, the Code of Practice for the Governance of State Bodies (2016) and other relevant legislation. Meetings are held bi-annually between the Department's Head of the Tusla Governance and Performance Oversight (Coordination) Unit, the Director of Quality Assurance in Tusla and the Secretary to the Tusla Board. A meeting is also held with the Tusla Board's Governance sub-committee to discuss compliance with relevant governance obligations.

5.3 Adoption Authority of Ireland

The Adoption Authority of Ireland (AAI) was established in November 2010 under the [Adoption Act 2010 \(The Act\)](#). The AAI is responsible for implementing the Act, public policy relating to adoption and Ireland's adherence to the Hague Convention in relation to inter-country adoption. Its budget allocation for 2019 is €4.9 (subhead C6 of Vote 40).

The key governance obligations in relation to the AAI are set out in various sections of Part 12 of the Act. For each of the statutory obligations, the Department ensures that the AAI is aware of its responsibilities and they are properly discharged. All appropriate communications involving the Minister and Department with the AAI are properly recorded.

The Adoption Policy Unit (APU), reporting to the Director of the Youth Justice, Youth Justice, Adoption, Youth and Participation Division, manages the Department's relationship with the AAI. APU monitors and evaluates performance through strong governance and accountability systems. Effective communication arrangements are in place. The Unit meets with the Authority regularly (approximately every six weeks) and governance is a standing agenda item for these meetings.

Any staffing matters are referred to the Department's External Human Resources Unit which deals directly with the AAI on matters concerning terms and conditions of staff but may refer to APU with regard to any business case for new staffing.

APU deals with monthly drawdown requests from the AAI in accordance with arrangements set out by the Finance Unit in the Financial Policies and Procedures of the Department. The APU also arranges the laying of the Corporate Plan, the Annual Accounts and the Annual Report of the AAI before the Houses of the Oireachtas.

Compliance with statutory requirements and the obligations outlined in the [Code of Practice for the Governance of State Bodies](#) are monitored with reference to the AAI's Annual Report, Business Plan, Corporate Plan, Annual Accounts and its own Code of Governance.

The AAI has its own internal controls including financial, operational and compliance controls and risk management.

Performance is monitored against the Business Plan and Corporate Plan objectives as approved by the Minister and progress is reported in the Annual Reports of the AAI.

5.4 Ombudsman for Children's Office

The Ombudsman for Children's Office (OCO) was established under the [Ombudsman for Children Act 2002](#). The Ombudsman for Children is responsible for the safeguarding and promotion of the rights and interests of children and young people under the age of eighteen years, including the investigation of

complaints and carrying out research and inquiries. The 2019 budget allocation is €2.7million (subhead C7 of Vote 40).

The current Ombudsman for Children was appointed in February 2015 for a period of six years. The Ombudsman can be reappointed for a second term. In accordance with the Act, the post-holder is appointed by the President, rather than the Minister, a provision which underlines the independence of the office.

The key provisions relating to the governance relationship between the Department and the OCO are in Part 2 of the Act. The Communications and Corporate Governance Unit manages the governance relationship between the Department and the OCO. It also provides parliamentary support for the Minister on matters relating to the operation of the Act. CCGU also has a *'liaison officer'* role on complaints relating to the Department which are under the remit of the OCO.

The OCO is a public body but its compliance with the [Code of Practice for the Governance of State Bodies](#) is adapted to reflect that it does not have a Board or Chief Executive and the Ombudsman for Children is independent in the exercise of his functions, reporting directly to the Oireachtas. Accordingly, the governance relationship essentially looks at compliance but not performance.

The main practical arrangements concern finance. The financial procedures and form of accounts to be kept by the OCO are outlined in the letter of allocation and documented in the Financial Policies and Procedures of the Department. The Ombudsman for Children provides the statement of assurance required by the Code of Practice with the annual accounts when submitted in draft to the Department prior to audit by the Comptroller and Auditor General (C&AG). The audited accounts are laid by the Department before the Houses of the Oireachtas.

Any staffing matters are referred to the Department's External Human Resources Unit which deals directly with the OCO on matters concerning terms and conditions of staff but may refer to CCGU with regard to any business case for new staffing.

The Department meets formally with the OCO on a bi-annual basis to review governance matters.

It is usual practice that the Secretary General and the Ombudsman for Children correspond directly on significant governance issues. They meet on a periodic basis.

5.5 The Oberstown Children Detention Campus

Oberstown Children Detention Campus (OCDC) was established on 1 June 2016 following the amalgamation of 3 former detention schools. The campus provides detention facilities for children who are remanded in custody or sentenced to a period of detention by the courts. The aim of Oberstown is to reintegrate young people who offend back into the community, capable of making a positive and productive contribution to society. The campus has a budget allocation of €24.818 million for 2019 (subhead A4 of Vote 40). The Minister for Children and Youth Affairs has overall legal responsibility for the children detention schools under Part 10 of the [Children Act 2001](#).

The Board of Management, which is appointed by the Minister for Children and Youth Affairs, has 12 members in total and reports to the Minister via the Irish Youth Justice Service (IYJS), an executive office located in the Department. The Board has an important role in ensuring the campus provides safe and secure custody for children in detention and in addition, the safest possible working environment for staff.

Any staffing matters are referred to the Department's External Human Resources Unit which deals directly with the OCDC on matters concerning terms and conditions of staff but may refer to IYJS with regard to any business case for new staffing.

The Board of Management meets regularly, usually monthly, and more often as required to perform its functions in accordance with section 165 the Children Act 2001. The Children Act 2001 provides that the Board of Management shall manage the children detention school in accordance with the policies and criteria of the Minister for Children and Youth Affairs. The Act allows that the Minister may assign additional functions and consequential powers to the Board of Management as required. The Board also signs off on Oberstown audited accounts each year, which are prepared by Oberstown management and external auditors and is required to submit these accounts for audit to the Comptroller and Auditor General.

The Board has a number of sub-committees to ensure good governance of the Campus, including an Audit and Finance sub-committee, and a Governance and Risk sub-committee. In addition, as particular issues arise the Board of Management may establish a sub-committee to deal with those specific issues. All sub-committees report to the Board of Management.

The Board of Management has developed and adopted a Strategic Plan (2017-2020) for Oberstown and presented its first progress report on the Plan's implementation (for 2018) and the priorities for 2019 to the Minister for Children and Youth Affairs in December 2018.

The Director of Oberstown is responsible for the immediate control and supervision of the Oberstown facility on a day-to-day basis and acts *in loco parentis* to each child in custody. The Director reports to the Oberstown Board of Management. IYJS has effective communication and oversight arrangements in place with the Chair and Director of Oberstown. The Unit meets with the Director on a monthly basis.

IYJS also processes monthly drawdown requests from Oberstown in accordance with arrangements set out by the Finance Unit in the Financial Policies and Procedures of the Department. This Unit arranges the laying of the Annual Accounts and the Annual Report of Oberstown before the Houses of the Oireachtas. Staffing matters are referred to the Department's Human Resources Unit which deals directly with Oberstown Children Detention Campus on all Human Resources matters.

A Review Implementation Group (RIG) was established in March 2017. The RIG collated and categorised recommendations from independent reviews of key areas at the Oberstown Children Detention Campus: Security Review, Health and Safety and Behaviour Management and overall operation of the Campus (Operational Review). The Department continues to monitor the progress of these recommendations. The First and Second Report on the implementation of the Review Recommendation Action Plan were published on the Departments website in June 2018 and January 2019.

The Health Information and Quality Authority (HIQA) undertakes annual inspections of the campus under Part 10 of the Children Act 2001. Action plans are agreed between the Oberstown Director and HIQA on foot of this process, and these plans are approved by the Board of Management and IYJS. In addition, the campus is under the remit of the Ombudsman for Children's Office.

At international level, the campus may be inspected by the Council of Europe Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT). All reports and action plans on foot of such inspections are publicly available.

5.6 Gaisce- the President's Award

Gaisce - the President's Award came under the aegis of the Minister for Children and Youth Affairs on the establishment of the Department in 2011. The relationship between the Department and Gaisce is managed by the Youth Affairs Unit. Gaisce was incorporated as a limited company in 1996 and holds charitable status. It is governed by its Memorandum and Articles of Association. Under these, the Board of Directors (the Council), comprising 15 members including the Chair, are appointed by the Minister for Children and Youth Affairs. Vacancies on the Council are filled in accordance with the [Guidelines for Appointments to State Boards \(2014\)](#).

The appointment of the Chief Executive and staff, associated terms and conditions and salary scales are subject to the approval of the Minister and consent of the Minister for Public Expenditure and Reform. In carrying out its main objectives, Gaisce, through the Council, acts in accordance with such policies as may be determined from time to time by the Minister.

The 2019 allocation for the organisation is €0.72m. Gaisce provides an annual progress report and audited accounts to the Department which are examined by the Department's Finance Unit.

The Department regularly meets with the Chief Executive to receive updates and revised financial projections where necessary and to discuss policy issues. The Department is also in regular contact with and meets the Chair of the Council.

5.7 External Governance and Oversight of bodies not under the Aegis of the Department

POBAL

Pobal is a not for profit company and registered charity, which acts as an intermediary for Government in the delivery and administration of a range of programmes and social supports. Its parent Department is the Department of Rural and Community Development (RCD) and the Minister for RCD is its single shareholder.

The Department of Children and Youth Affairs uses the services of Pobal to operate and support a range of Early Learning and Care (ELC) and School Age Childcare (SAC) schemes and initiatives. These services occur under a multi-level governance framework, operated in accordance with the Code of Practice for the Governance of State Bodies.

The key provisions relating to the governance relationship between the Department and Pobal are set out in Service Level Agreements (SLAs), which form the general understanding between both parties in relation to the purpose, objectives and conditions of the relationship.

The Department and Pobal agree specific services that are to be delivered over a given period. These are formalised in detailed annual Programmes of Work and also at a high level in a suite of multi-annual Programme Delivery Agreements which is currently under development. The Department allocates administrative funding to Pobal in respect of these services on an annual basis.

DCYA is currently conducting a review of the ELC & SAC operating system, which currently includes Department of Children and Youth Affairs (DCYA) as lead Department with responsibility for early learning and care, Pobal as scheme administrator and funding intermediary, 30 City and County Childcare Committees (CCCs), 7 National Voluntary Childcare Organisations (NVCOs), and Tusla - the Child and Family Agency.

5.8 State Board Appointments

The governing legislation in relation to each of the bodies currently under the remit of the Department sets out the composition of each Board either in terms of qualifications and experience, or the Government Minister or body that is responsible for nominating representatives to them or who must be consulted in the nomination process. In making decisions on appointments to Boards, subject to the governing legislation and following the process undertaken by the Public Appointments Service (as required by relevant Government guidelines), the Minister considers the most suitable persons for the positions available with due regard to the body or agency in question and its particular responsibilities, and seeks to ensure that the appropriate mix of skills and experience is in place to best serve the Board and the organisation.

Under arrangements approved by the Government in November 2014, the Public Appointments Service (PAS) manages the process of advertising vacancies and selecting suitable potential appointees to State Boards. A website was established for this purpose (stateboards.ie). Each Government Department nominates at Principal Officer Level a State Boards Liaison Officer (SBLO) who operates as the focal point for that Department on any communications with PAS.

6.1 Department of Children and Youth Affairs Terms of Reference of the Management Board

Effective from 11 February 2019

1. Department's Vision and Purpose

The Department's vision is

'to lead the effort to improve the outcomes for children and young people in Ireland'.

This vision is set in the context of the Department's Strategy Statement and is in keeping with the Civil Service Vision in the [Civil Service Renewal Plan](#) *'to provide a world class service to the State and to the people of Ireland.'* The Department's Vision and Purpose is further detailed in [Chapter 1](#).

2. Department's approach to policy-making

The Department has a wide range of policy responsibilities which include discrete issues of policy relating solely to the remit of the Minister for Children and Youth Affairs as well as a considerable cross-departmental mandate regarding children's policy generally. The Department is represented on a number of cross departmental committees as outlined in the DCYA's Participation on Interdepartmental Groups/Fora – 2017.

The development of policy is normally led at Principal Officer level and may include both cross-divisional as well as cross-department engagement at a very early stage.

In general terms, the approach to policy-making in the Department contains a number of key stages/elements:

- (i) identify the key policy imperatives;
- (ii) scope the areas for change;
- (iii) assess national and international approaches and evidence; and
- (iv) undertake a consultation process.

These inputs form the basis for the policy. Consultation processes may include direct engagement through 'round tables' and bilateral meetings with key stakeholders; the holding of Open Policy Debates; the seeking of written submissions from the stakeholders and the public in hard copy and on-line. The Department includes consultation with children and young people in the development of all major policy documents, in line with the *National Strategy on Children and Young People's Participation in Decision making*. The implementation structures put in place under the National Policy Framework '*Better Outcomes, Brighter Futures*' including the Sponsors Group; Advisory Council; and the Consortium are also utilised to inform all cross-cutting policy developments.

Major policy proposals are assessed at Assistant Secretary level in consultation with the Secretary General and the Minister. Major policy initiatives including those that have a cross-departmental aspect are considered by the Management Board prior to final submission to Government for decision. From time to time, use is also made of the Senior Officials Group on Social Policy and Reform and the related Cabinet Committee structure in respect of all cross-cutting policy proposals.

Policy which is being developed for the purposes of legislative change is managed on a cross-divisional basis. Policy and Legislation Units work together on the development and finalisation of the General Scheme and Heads of Bill consistent with the policy proposal and throughout the legislative drafting process. The Department's legal advisors also have a key role in advising both sets of units on an ongoing basis as an integral part of these processes.

3. Membership

The Management Board is comprised of the Secretary General and four other members, four at Assistant Secretary level. Areas of responsibility organised by function to deliver on corporate objectives are set out in the Department's [organisation structure](#) which is published on the Department's website. Principal Officers are invited to attend meetings on a rotating basis, two at a time. They are not members of the Board but are invited to contribute their views and experience on the issues under discussion. This arrangement will be reviewed after one complete cycle of attendance by all Principal Officers at MB meetings.

The quorum for a meeting of the Management Board is three members, but the Secretary General's practice is to have at least four members Board members present at all meetings unless a further absence is unavoidable. The Management Board normally meets fortnightly, and more regularly where required. It also holds quarterly half-day meetings on selected key issues, particularly those which carry significant risk to the Department. In addition to the rotational attendance of two Principal Officers per meeting, other officials attend as required for particular agenda items covering such areas as finance, human resources and individual areas of strategy or service.

4. Relationship with the Minister and Special Advisers

- a) The Secretary General meets the Minister for a structured meeting each week. Matters covered in regular briefings include, but are not limited to:
- progress on Government priorities including legislation and policy initiatives;
 - proposals for strategic or service-related initiatives;
 - other key Departmental priorities, including performance and deadlines; and
 - Performance of the agencies falling within the remit of the Department.

In addition, other Board members brief the Minister periodically on issues for which they have responsibility including agencies' performance.

- b) The Minister meets with the Management Board on a regular, usually monthly, basis. Further interactions take place between the Minister, the Secretary General and individual Management Board members, as appropriate.
- c) The Special Advisor(s) are briefed regularly on matters as they arise. They attend the Minister/Management Board meetings and a range of other meetings with officials as issues arise.

5. Roles

The Management Board is a collegiate body, established to provide vision and leadership for the Department as a whole. It takes a central role in advising on the formulation of strategy, the development and monitoring of business planning, and in advising on resource allocation.

In the context of the Management Board, the role of the Secretary General includes:

- a) scheduling and chairing regular meetings;

- b) ensuring the Management Board considers any matters that threaten the propriety or value for money with which the Department carries out its business; and
- c) ensuring the Management Board considers any significant issues which may affect the Department's medium term capacity, capability or significant risks to the delivery of its objectives, together with details of mitigating actions proposed or taken.

The role of the other members of the Management Board includes:

- a) regular attendance and active participation at meetings of the Board;
- b) specific responsibilities arising from their individual roles as Board members;
- c) acting corporately and focusing not only on their own functions but on providing wider leadership and strategic direction, driving and overseeing the implementation of strategies;
- d) using their experience to challenge and critically examine items under discussion by the Board;
- e) notifying the Board of any matters that threaten the propriety or value for money with which the Department carries out its business; and
- f) notifying the Board of any significant issues which may affect the Department's medium term capacity, capability or significant risks to delivery of its objectives, together with details of mitigating actions proposed or taken.

The Secretary General has made a number of assignments under [section 4 \(1\) of the Public Service Management Act 1997](#) at Assistant Secretary and Director level to ensure that Management Board members have the authority necessary to give effect to shared and individual responsibilities. Further information on the Framework of Assignments is detailed at [Chapter 1](#).

6. Committees

Committees are formed as required to meet the corporate objectives of the Department. At present, there is one committee in operation, dealing with risk.

The Management Board constitutes the Department's *Risk Committee* and meets formally on a quarterly basis for this purpose. The role of the Risk Committee is to aid the Department in embedding risk management and to oversee its risk function including identification, assessment, and mitigation steps. It also determines the parameters for escalation of individual level risks for further examination.

The operation of the Risk Management system in this Department and the development of the accompanying policy have due regard to the [Risk Management Guidance for Government Departments and Offices \(2016\)](#). The Department's [Risk Management Policy](#) is available on the Department's website.

The corporate risk register is updated quarterly and provided to the Minister.

7. Decisions and Reporting

The following matters are always dealt with by the Management Board:

- a) the Statement of Strategy;
- b) the Business Plan;
- c) operational strategies, as appropriate, to best implement Ministerial policies;
- d) the acceptable level of [risk appetite](#) for the Department;
- e) discussion of major strategic challenges confronting the Department and strategies affecting the long term interests of the Department (including IT, financial and Human Resource allocation, Human Resources strategies);
- f) ensuring that cross-cutting and longer term issues are fully accounted for in resource planning, policy formulation and advice;
- g) budget allocation, workforce planning and performance;
- h) ensuring effective communication throughout the organisation, including dissemination of information on the role and decisions of the Management Board where appropriate, driving engagement with staff and communication with external stakeholders;
- i) considering and debating major policy issues and wider external issues of significance;
- j) high-level consideration on significant management and investment decisions made;
- k) ensuring Strategic Human Resources and Organisational Capacity and Capability Reviews are conducted periodically;
- l) ensuring that opportunities to exploit and embrace technology and innovation to transform how services are delivered; and
- m) governance arrangements for the Management Board, the Department, Agencies and Intermediaries.

Matters that regularly feature on the Management Board agenda include the following:

- a) progress of spending against profile (analysis of the Department's Vote);

- b) progress and status of major legislative initiatives being undertaken within the Department;
- c) progress and status of major projects against expected timeframes and budget;
- d) risk management;
- e) management of bodies and issues relating to bodies under the aegis of the Department;
and
- f) review of certain documents prior to publication such as the Annual Report.

8. Performance and Evaluation

The Management Board will review these terms of reference at least annually and will amend them where it considers appropriate. The Board reviewed its terms of reference in January 2019 and made the following changes, to be implemented from 11 February 2019:

- meetings to take place normally once a fortnight, with one or two substantial strategic, policy or operational issues for each meeting;
- quarterly 'away' half-day meetings to be held on key issues, particularly those of significant risk to the Department;
- the previous arrangements for 'Brief Updates' at meetings to be replaced by the provision of a 1-2 page note by each MB member, summarising the main issues of importance. Any items of particular importance or significance can still be raised briefly; otherwise all brief updates will simply be noted at MB meetings;
- formal decisions of the MB to be recorded in a way that takes account of the circumstances where the MB advises and provides input for decisions made by the Minister or SG;
- attendance at MB meetings to be expanded, on a trial basis, of two SMT members per meeting, scheduled alphabetically by name. Some confidential issues continue to be confined to MB members only; and
- none of the above arrangements to preclude more regular meetings on urgent or unanticipated issues.

6.2 Department of Children and Youth Affairs Compliance Framework

- The Department of Children and Youth Affairs' functions entail a significant amount of work and attention to compliance with governance arrangements. The Department's initial compliance framework set out in the table below lists the compliance obligations for the Department and the responsible officers.
- Compliance starts at the top and is part of the culture of the Department. In line with the Department's Governance Framework, all senior management are expected to lead by example. All staff of the Department must carry out their duties in accordance with relevant legislative, regulatory and internal procedural obligations.
- The Management Board must be satisfied that effective compliance policies and procedures are in place and are followed and that appropriate corrective action takes place when compliance failures are identified. Staff must carry out their duties in accordance with relevant legislative, regulatory and internal procedural obligations. It is a manager's responsibility to ensure that their staff are adhering to their obligations. Compliance concerns all staff and management and should be viewed as an integral part of the Department's activities. Managers should also promote a compliance culture in their Divisions.

Activity	Obligation	Responsible Officer	Timeframe/Frequency
Corporate Governance	Policies and procedures (standard operating and financial procedures)	All Principal Officers (POs)	Bi-annually
Corporate Governance	Publish Statement of Strategy	PO - Communications & Corporate Governance	Every 3 years or on the appointment of a new Minister.
Corporate Governance	Publish Annual Report	PO - Communications & Corporate Governance	Annual – Q2
Corporate Governance	Departmental Programme for Government Commitments	PO - Communications & Corporate Governance	Ongoing

Corporate Governance	Complete & Review Business Plans	PO - Communications & Corporate Governance	Annual – Q1 & Mid-year review
Corporate Governance	Departmental Risk Register including corporate risks	PO - Communications & Corporate Governance	Annual – Q1 & reviewed quarterly by Risk Committee
Corporate Governance	Management Board Operating Procedures	PO - Communications & Corporate Governance	Weekly
Corporate Governance	Parliamentary Affairs	PO - Communications & Corporate Governance	Ongoing
Corporate Governance	Freedom of Information: (i) Requests / Appeals (ii) Publication Scheme (iii) Section 34 Certification	Deciding Officers / Reviewers FOI Officer FOI Officer	(i) Ongoing (ii) Review every 3 years (iii) Annual
Corporate Governance	State Board Appointments	POs – relevant policy units	Ongoing
Corporate Governance	Code of Practice for the Governance of State Bodies	Relevant Heads of Unit	Bi-annual Governance meetings & annual review of compliance
Corporate Governance	Quality Customer Service / Customer Charter	Communications and Corporate Governance Unit	Every 3 years
Corporate Governance	Official Languages Act	Communications and Corporate Governance Unit	Every 3 years
Corporate Governance	Review of Governance Framework	Management Board	Annual

Activity	Obligation	Responsible Officer	Timeframe/Frequency
Corporate Governance	Publication of Minister's mileage and travel costs	Communications and Corporate Governance	Quarterly
Data Protection	Data Protection: (i) Requests (ii) Departmental P	Data Protection Officer Data Protection Officer	(i) Ongoing (ii) Periodic review
Financial Governance	Preparation of Appropriation Account	Finance Officer	Annual – Q1
Financial Governance	Internal Audit Reports	Head of Internal Audit	Ongoing
Financial Governance	Public Financial Procedures	Finance Officer	Ongoing
Financial Governance	Compliance with Procurement Procedures	All POs	Ongoing
Financial Governance	Publication of Prompt Payments details	Finance Officer	Ongoing and Quarterly Publication
Financial Governance	Publication of Purchase Orders over €20k	Finance Officer	Quarterly

Activity	Obligation	Responsible Officer	Timeframe/Frequency
Financial Governance	Value-for-Money Reviews	Head of Division under whose remit the Review sits	Determined on a case-by-case basis
HR related activities	Performance Management of staff	Personnel Officer	Annual – Q1
HR related activities	Framework of Assignments under the PSMA ...	Personnel Officer	Ongoing
HR related activities	Office regulations - Annual Returns	Personnel Officer	January
HR related activities	Regulation of Lobbying Act– Publish List of Designated Public Officials	Personnel Officer	Ongoing
HR related activities	Standards in Public Office annual declarations	Personnel Officer	Annual
HR related activities	Protected Disclosures (i) Departmental Policy (ii) Annual Reporting	Personnel Officer	Review by Management Board / Audit Committee
HR related activities	CPSA Codes of Practice	Personnel Officer	Ongoing
HR related activities	Disability Legislation (3%)	Personnel Officer	March

Activity	Obligation	Responsible Officer	Timeframe/Frequency
HR related activities	Health and Safety Legislation	Personnel Officer & Head of Facilities Management	Ongoing
HR related activities	Employment law and Circulars	Personnel Officer	Ongoing
ICT & Content Management	ICT Strategy / Cyber Security	Head of ICT	Ongoing
ICT & Content Management	National Archives Act	Head of ICT	Annual
ICT & Content Management	Records Management	Head of ICT	Ongoing

6.3 Department of Children and Youth Affairs Risk Appetite Statement 2019

The purpose of this Risk Appetite Statement is to set out the level and type of risk that the Department is willing to take in delivering on its strategic objectives. As a Department we acknowledge that there will always be a level of risk inherent in what we do. The nature of risk can be strategic, financial, operational, reputational or related to compliance.

The Department's Risk Management Committee actively monitors all corporate and unit level risks. It also has in place a range of measures designed to reduce the likelihood of each risk occurring. We accept that the likelihood of something occurring can be affected by factors within or outside our control.

We are prepared to take controlled risks to capitalise on new opportunities and to find innovative ways of furthering our objectives. This is key to delivering on the objectives of the Department, given its core function of putting in place a unified framework for policy, legislation and service provision across Government for children and young people.

We will have no tolerance for risks that affect the protection, safety and welfare of children, or which impact on the delivery of legislative or regulatory requirements.

Appendix 1 sets out the Departments Risk Appetite i.e. where we want to be in terms of risk appetite.

Appendix 2 includes a description of where we are at present in terms of this objective¹

¹ This is a consciously subjective assessment of what is realistic and desirable for the future, based on deliberations of the Department's Management Board and Senior management Team.

Risk Appetite	Low	Medium	High
Protection, safety and welfare of children	▲		
Collaboration with other depts / agencies			▲
DCYA Reputation / Image / Brand			▲
Novel research and state of the art evidence based policy making			▲
Legal, Regulatory and Financial Compliance	▲		
Supporting our staff, including through learning and development			▲
Wider stakeholder engagement eg influencing nationally / internationally			▲
Governance oversight of aegis bodies		▲	
Resources aligned and invested in innovative projects			▲
Development and delivery of new policy initiatives and associated legislation.			▲
Use of appropriate technologies to support DCYA activities and communications			▲
Engagement in EU / International Affairs			▲

Department of Children and Youth Affairs Risk Appetite Comparison

