



An Roinn Leanaí, Comhionannais,  
Míchumais, Lánpháirtíochta agus Óige  
Department of Children, Equality,  
Disability, Integration and Youth

# Governance Framework for the Department of Children, Equality, Disability, Integration and Youth

Foreword by the Secretary General.....	1
1 Department Overview .....	2
1.1 Mission/Purpose of the Department .....	2
1.2 Values, Behaviours and Culture .....	4
1.2.1 Our Values.....	4
1.2.2 Code of Standards and Behaviour.....	6
1.2.3 Ethics in Public Office .....	7
1.2.4 Regulation of Lobbying Act 2015 .....	8
1.2.5 Tax Compliance .....	8
1.2.6 Data Management .....	9
1.2.7 Freedom of Information (FOI).....	9
1.2.8 Protected Disclosures .....	10
1.2.9 Children First .....	11
1.2.10 Customer Service .....	11
1.2.11 Confidentiality and other policies and procedures governing conduct.....	11
1.2.12 Complaints by staff .....	12
1.2.13 Department's approach to policy-making .....	13
1.3 Organisation Structures .....	14
1.4 Strategic Planning, Decision-Making and Performance Management .....	18
1.5 Annual Report .....	19
1.6 Internal Communication Arrangements .....	19
1.7 Engagement with External Stakeholders .....	20
1.8 Review of Effectiveness of Governance Framework .....	21
2 Ministerial and r Management Roles and Assignment of Responsibilities.....	23
2.1 Role and Responsibilities of the Minister .....	23

2.2	Relationship with the Minister.....	24
2.3	Recording of Ministerial Decisions.....	25
2.4	Leadership and Organisational Capacity/Capability .....	26
2.5	Role and Responsibilities of the Secretary General and Accounting Officer .....	27
2.5.1	Role of the Secretary General .....	27
2.5.2	Role of the Accounting Officer .....	28
2.6	Special Adviser(s) to the Minister .....	30
2.7	Assignment of Senior Management Roles and Responsibilities .....	31
2.8	Responsibilities of all Staff .....	31
3	Management Board and other Governance Structures .....	32
3.1	The Management Board .....	32
3.2	The Terms of Reference for the Management Board.....	32
3.2.1	Membership.....	32
3.2.2	Relationship with the Minister and Special Advisers.....	33
3.2.3	Roles.....	33
3.2.4	Committees.....	34
3.2.5	Decisions and Reporting .....	35
3.2.6	Performance and Evaluation.....	36
3.3	Management Board Information/Documentation .....	36
3.4	Support to the Management Board.....	37
3.5	Governance across Organisational Boundaries .....	37
3.6	Climate Action.....	38
4	Audit, Assurance and Compliance Arrangements .....	39
4.1	Statutory Governance Requirements .....	39
4.2	Accounting Officer Assurance Arrangements.....	40

4.2.1	Annual Internal Statement of Financial Controls.....	40
4.2.2	Annual Assurances from Accounting Officers of other Departments .....	41
4.3	Role of the Audit Committee and reporting arrangements to the Secretary General .....	42
4.4	Internal Audit Unit and reporting arrangements to the Accounting Officer .....	43
4.5	Internal Audit Unit as the designated Audit Authority for the Asylum, Migration and Integration Fund (AMIF).....	45
4.6	Risk Management .....	45
4.6.1	Risk Appetite Statement .....	46
4.7	Public Procurement.....	48
4.8	Digital Governance.....	48
4.9	Compliance Framework .....	49
5	Bodies under the Aegis of the Department .....	54
5.1	External Governance and Oversight of bodies under the Aegis of the Department.....	54
5.2	The Child and Family Agency ('Tusla').....	56
5.3	Adoption Authority of Ireland.....	62
5.4	Ombudsman for Children's Office .....	63
5.5	The Oberstown Children Detention Campus .....	64
5.6	Gaisce - the President's Award .....	66
5.7	Irish Human Rights and Equality Commission .....	67
5.8	The National Disability Authority.....	68
5.9	The Office of Director of Authorised Intervention, Tuam .....	69
5.10	External Governance and Oversight of bodies not under the Aegis of the Department .....	71
5.10.1	POBAL.....	71
5.10.2	Health Service Executive (HSE) - Specialist Disability Services .....	72
5.11	State Board Appointments.....	77

## Foreword by the Secretary General

This Governance Framework outlines the structures, policies and processes in place to efficiently and effectively manage the Department of Children, Equality, Disability, Integration and Youth. Good governance is about ensuring 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.

Good governance extends to how we optimise and enhance our own capacity as a Department, including that of our leadership team and senior management. However, we are conscious that good governance must be evident 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 [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, Equality, Disability, Integration and Youth.

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

Kevin McCarthy  
Secretary General  
26 March 2024

# 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, Equality, Disability, Integration and Youth's priorities are:-

- Ensuring we have the right policies, legislation, resources and systems in place so that we address the particular needs of all people in Ireland and that we continue to be a diverse and equal society.
- Looking at policies across Government through the lens of children, young people, families, people with disabilities and diverse groups.
- Developing the frameworks needed for the protection and welfare of children.
- Supporting children and young people in active learning and participation in decision making.
- Working effectively across Government to promote the well-being of Irish society and developing policies and services that are responsive to its changing nature.
- Ensuring that we address inequalities and barriers which prevent women, migrants, refugees, applicants for international protection, LGBTI+ individuals, Travellers, Roma and disabled people from participating fully in Irish society.
- Promoting the values of equality, respect for children's rights and human rights and freedom from racism, xenophobia and discrimination.
- Collaborating with partners across Government, Local Authorities, Communities, NGOs, Agencies and EU Stakeholders to ensure that Ireland meets its obligation to provide temporary protection for those fleeing the war in Ukraine.
- Critically evaluating our performance, making necessary improvements and taking decisions informed by the best available evidence and research.

The Department's current Statement of Strategy 2023-2025 articulates that our mission is to<sup>1</sup>:

"Enhance the lives of everyone in Ireland from childhood onwards by upholding rights, promoting equality of opportunity, recognising diversity and delivering supportive legislation, policies and services."

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<sup>1</sup> [Department of Children Equality Disability Integration and Youth Statement of Strategy 2023-2025/ Ráiteas Straitéise 2023-2025](#)

The Department's Statement of Strategy is in accordance with [Section 5 of the Public Service Management Act, 1997](#). The [Programme for Government – Our Shared Future - October 2020](#) sets out an important range of commitments in respect of children and young people, which the Department was charged with implementing.

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

- [Childcare 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](#)
- [Assisted Decision Making Capacity \(Amendment\) Act 2022](#)
- [The Child Care \(Amendment\) Act 2022](#)
- [The Institutional Burials Act 2022](#)
- [The Birth Information and Tracing Act 2022](#)
- [The Child and Family Agency Amendment Act 2021](#)
- [Work Life Balance and Miscellaneous Provisions Act 2023](#)
- [Mother and Baby Institutions Payment Scheme Act 2023](#)
- [Commission of Investigation \(Mother and Baby Homes and Certain Related Matters\) Records, and Another Matter, Act 2020](#)
- [Family Leave and Miscellaneous Provisions Act 2021](#)
- [Health Miscellaneous Provisions Act 2022](#)
- [Disability Act 2005](#)

## 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](#) (2024), of being part of “an innovative, professional and agile Civil Service that improves the lives of the people of Ireland through excellence in service delivery and strategic policy development”. 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. The Civil Service’s core values are:

- independence
- integrity
- impartiality
- equality
- fairness and
- respect

We are committed to encouraging creative and innovative thinking, constructive problem-solving, 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 that 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 \(2024\)](#), 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 2023-2025 we set out our values as a Department:

<b>1. Respect and Inclusivity</b>	<ul style="list-style-type: none"><li>• We place everyone in Ireland at the heart of what we do</li><li>• We respect the rights of all people to participate fully in society</li><li>• We recognise the diversity of Irish society and the importance of ensuring that we are responsive to diverse needs</li><li>• We acknowledge our role in supporting integration</li><li>• We deal respectfully with each other and with all of our stakeholders</li></ul>
<b>2. Equality and Human Rights</b>	<ul style="list-style-type: none"><li>• We adhere to the principles of equality and respect for human rights</li><li>• We recognise the role and importance of all families in our society</li><li>• We listen to children, young people and adults, realising their right to have a voice in decisions that affect their lives</li><li>• We act to protect children and all the most vulnerable and disadvantaged people and to champion their needs</li></ul>
<b>3. Integrity and Commitment</b>	<ul style="list-style-type: none"><li>• We act with integrity and impartiality at all times and are accountable for our actions</li><li>• We value and support our staff and we encourage creativity and innovation in the delivery of our vision and mission</li></ul>

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 to 2021 are guaranteed and that no one will receive less favourable treatment because of gender, marital status, civil 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 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;
- 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; and
- 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](#)<sup>2</sup> 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 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

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

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 Data Management*

Effective data management is central to the overall management and implementation of data protection across the Department. The function includes the coordination of data access requests, data breaches and data exchange agreements. Management and staff are routinely advised to familiarise themselves with the relevant codes, rules and regulations as they apply to them in the course of their work.

#### **Data Sharing**

Security measures and policies are in place to secure data and protect confidentiality. Data exchanges between the Department and other bodies can only be carried out in accordance with statutory requirements.

#### **Data Protection**

All staff are routinely advised of their responsibilities in relation to the data they access. To ensure that the access to and usage of data is appropriate, system audits are undertaken to ensure access and usage complies with the Department's data protection policy. In May 2018 the General Data Protection Regulation (GDPR) came into effect replacing the EU Data Protection Directive of 1995. GDPR is a regulation in EU law covering data protection and the privacy rights of data subjects. The new regulation strengthens data governance giving individuals greater control over their personal data that is collected and maintained by data controllers including the Department.

### *1.2.7 Freedom of Information (FOI)*

The Department is committed to promoting transparency in policy-making, administrative decision-making and government service delivery. The FOI regime is key to enshrining public confidence as it allows citizens and commentators to become much more informed on the deliberations which preceded decisions affecting them and others.

The Act does provide for a number of exemptions that the FOI body ("the body") can apply in cases where it deems that the release of certain records will have an adverse impact on the performance of the

body. In applying these exemptions, the body must consider also whether the public interest is better served by releasing the records requested.

Individuals may seek records held by the Department under FOI. FOI Requests made to the Department follow due process as set out in FOI legislation.

If the requestor is unhappy with a decision to refuse or redact records, they may seek an internal review of the decision. This request for a review will be independently considered by a more senior person in the Department.

In the event that the requestor is dissatisfied with the outcome of their internal review, they may submit an appeal to the Office of the Information Commissioner. The Information Commissioner is fully independent in the performance of his functions and publishes comprehensive guidance notes not least on the interpretation of the public interest test to decisions taken by bodies on the application of the exemptions.

### *1.2.8 Protected Disclosures*

The [Protected Disclosures Act 2014](#) and [Protected Disclosures \(Amendment\) Act 2022](#) provide comprehensive protections for workers in both the public and private sectors against penalisation 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 Legislation](#) is protected from penalisation (or threatened penalisation), which includes suspension, lay-off or dismissal, demotion, and unfair treatment.

The Department updated its [policy](#) in January 2023 and it is available to all staff and management on the Department's intranet.

### *1.2.9 Children First*

The Children First Act 2015 places obligations on providers of relevant services to children to keep them from harm. This Department provides limited relevant services directly to children. In accordance with our statutory obligations under the legislation and our duty of care to minimise the risk of harm to a child to whom we are providing a service, the Department has developed a Sectoral Implementation Plan and a Child Safeguarding Statement. The Statement and Plan were reviewed and updated in Q1 2024.

### *1.2.10 Customer Service*

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

The Department of Children, Equality, Disability, Integration and Youth is committed to delivering quality of service and equality of treatment to all of 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. The Customer Service Charter and Action plan were updated in Q1 2024.

### *1.2.11 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 and procedural guidance posted on the Department's intranet.

### *1.2.12 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 see:- [Dignity at Work - Anti-bullying, Harassment and Sexual Harassment Policy](#)
- Allegations of wrongdoing may be raised under the Department's [Protected Disclosures policy](#). Workers who report a wrongdoing are protected from penalisation (or threatened penalisation), which includes suspension, lay-off or dismissal, demotion, and unfair treatment under the [Protected Disclosures Legislation](#).
- 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 - [Child Safeguarding Statement](#).

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 by speaking directly to their line manager or during regular business meetings at local Unit level where the allocation of work and other issues are discussed. If they do not consider that they can raise their concern with a manager within their Division or they are unhappy with how the matter has been addressed, they may also bring their concerns to the attention of HR Unit. (\*) HR is currently updating this Handbook.



### *1.2.13 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, Equality, Disability, Integration and Youth as well as a considerable cross-departmental mandate regarding children's policy generally.

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 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 for Children and Young People including the Sponsors Group, Advisory Council and the Consortium are also utilised to inform all cross-cutting policy developments.

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 advisers also have a key role in advising both sets of units on an ongoing basis as an integral part of these processes.

## 1.3 Organisation Structures

The Department comprises the Offices of the Minister and Ministers of State, the Management Board<sup>3</sup>, and nine divisions.

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

1. **The Office of the Secretary General (OSG)** Division consists of the Department's Project Management Office, Communications Unit and Internal Audit Unit.

The **Project Management Office** provides leadership and project management expertise that drives workplace transformation and cultural change necessary for the achievement of key strategic goals.

The **Communications Unit** works closely with the Government Information Service in the development and delivery of information campaigns and managing the Department's Internal Communications.

**The Internal Audit Unit** reports directly to the Secretary General as Accounting Officer of the Department and acts as the liaison between the Risk Committee and the Audit Committee.

2. **Child Policy and Tusla Governance Division** is responsible for policy, legislative developments, operational standards and performance relating to child welfare and protection and alternative care. It has responsibility for Departmental governance, oversight and development of Tusla, the

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<sup>3</sup> Further details on the Management Board are set out in [Chapter 3](#) and its Terms of Reference are attached in the [Appendix](#).

Child and Family Agency and Oberstown Children's Detention Centre. The Division also has responsibility for parenting support, prevention and early intervention initiatives, and leading on cross-cutting innovations to support outcomes for children, young people, families and communities. In addition, the Division leads on international matters relating to the Department and in the implementation of Ireland's response to the EU Child Guarantee to address child poverty. The Division is also responsible for the development and monitoring of the next National Policy Framework for Children and Young People and reporting on the State's implementation of the United Nations Convention on the Rights of the Child.

**3. Disability Division** has responsibility for developing policy, delivering legislation, securing investment and overseeing a range of specialist disability services delivered by the HSE and voluntary service providers to around 80,000 people with disabilities. Implementation of the comprehensive *Action Plan for Disability Services* and the rollout of the *Children's Services Roadmap* will critically underpin this work. Disability Division also coordinates, facilitates and steers national policy development on disability. The new National Disability Strategy will advance Ireland's implementation of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD). The Strategy will be implemented on a mainstream first basis, where the needs of people with disabilities will be integrated into decision-making across Government and the wider public sector.

**4. 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).

**5. Adoption, Mother and Baby Homes and Research Division** is responsible for developing policy and legislation in the area of adoption and for leading the Government response to the final report

of the Commission of Investigation into Mother and Baby Homes, including driving implementation of the Government Action Plan for Survivors and Former Residents of Mother and Baby and County Home Institutions, development of the Mother and Baby Institutions Payment Scheme, the development of Birth Information and Tracing legislation, and the development of legislation to enable intervention at the Mother and Baby Home site at Tuam and any other comparable site. The Division also leads the research, evaluation and data functions within the Department.

6. **International Protection and Integration Division** has responsibility for the initial reception, welfare and accommodation of International Protection Applicants. The Division is responsible for the International Protection Accommodation policy and Anti-Racism policy. The Division is also responsible for the International Protection procurement and accommodation policy and for the provision of longer term accommodation.
7. **Ukraine Division** is responsible for providing immediate temporary accommodation for displaced persons arriving in Ireland. The Division's main areas of work include:
  - Procurement of accommodation, contract negotiation, oversight of accommodation and facilities management services for Beneficiaries of Temporary Protection (BOTPs) under the European Union Directive;
  - Providing strategic supports to implementing partners in the delivery of accommodation streams as part of the all-of-government Humanitarian Response Accommodation Working Group;
  - Coordinating operations, developing Ukraine policy and engaging with stakeholders including other Departments, the Health Service Executive, Local Authorities, Community Response Forum, Non-Governmental Organisations, Implementing partners and with both the Ukrainian Embassy and Ireland's embassy network at international level;
  - Managing the Ukraine National Transit Hub in Citywest Co Dublin including the cross-government administration, processing and allocation of accommodation functions.

8. **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 is responsible for establishing a dedicated modern ICT support infrastructure to further the objective of a more focused IT solution for business needs.

9. **Equality, Youth and Participation Division** is responsible for funding, oversight, reform and policy development of youth work services and ensuring that the voice of children and young people is heard in decision making in relation to youth issues. The Division has oversight of progressing all issues in relation to equality including gender equality and Traveller & Roma policy, developing and promoting policy on equality across nine equality “grounds” (gender, marital status, family status, age, disability, sexual orientation, race, religion, traveller community) covered by Equality legislation. It also has responsibility for developing policy on human rights, Traveller and Roma issues, LGBTI+ rights, migrant integration and antiracism. It coordinates a series of whole-of-Government strategies in these areas – the Migrant Integration Strategy, the National Strategy for Women and Girls, the Traveller and Roma Inclusion Strategy and the LGBTI+ Inclusion Strategy. The Division is also responsible for developing policy and legislation on family leave and on flexible working. The **Legal Unit** is responsible for delivering quality legal advice to assist in progressing Ministerial priorities, both legislative and operational. This Division includes **Corporate Governance and Climate Action Unit** leads the development of the Department’s Statement of Strategy, Business Planning and Risk Management process. It prepares the Department’s Annual Report outlining the main achievements and developments during the year. It also plays a co-ordination role in a range of cross Departmental activity including the management of FOI. This Unit prepares reviews, progress reports and updates on the Department’s Climate Action Roadmap. The Division’s **International Unit** engages with relevant international regulatory bodies particularly in relation to EU Governance compliance.

Divisions consist of a number of Units, each headed by a Principal Officer or equivalent. The Department currently has 59 Units. Each Unit has responsibility for preparing a business plan and delivering a set of corporate objectives as outlined in Section 1.4 below.

The Secretary General has made a number of assignments under [section 4 \(1\) of the Public Service Management Act 1997](#) at Assistant Secretary 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 2023 - 2025](#) 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 Government – Our Shared Future - October 2020](#).

Departmental priorities informed by the objectives of the Strategy are set annually following engagement between the Management Board and the Minister and advisers. The priorities are then communicated to staff of the Department, as part of the instructions for the completion of each business planning 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 on a regular basis to consider key issues including Departmental priorities, performance matters and deadlines.

In drafting business plans, the Department's commitments under the Strategy and other relevant documents are considered. Guidance on the development of business plans and the integration of Risk Management is circulated to staff in each yearly cycle.

The business planning cycle is managed and supported by senior management. Heads of Units will involve all team members in preparing their business plans which are signed off by the relevant Head of Division. The divisional mid-year reporting process provides an opportunity for divisions to outline their progress

on key items and review developments in respect of their business priorities. The business planning cycle informs the Management Board's engagement with the Minister.

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. It also aids in the identification of staff learning needs. Where a learning need is identified, the Department's Learning and Development Unit will work with the staff member to provide the learning intervention required to support them in their role. Performance Management centres on 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 an online 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 that the overall objectives of the Department are understood and appreciated at all levels across the organisation.

## 1.5 Annual Report

Each year, the Department prepares and publishes its Annual Report outlining the main achievements and developments during the year. Once this is approved by the Minister, it is laid before both Houses of the Oireachtas and published on the Department's website.

## 1.6 Internal Communication Arrangements

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, business plans and risk. The minutes of the Management

Board are available on the Department's website. Information which is necessary to assist staff across the Department to perform their functions is available through the Department's intranet.

## 1.7 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, Equality, Disability, Integration and Youth 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 in the Terms of Reference of the Management Board in Section 3.2.

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 across its remit. The Department has a wide range of interactions with organisations in the community, voluntary and not-for-profit sectors and is committed to developing and deepening these relationships.

The Department continues to place significant emphasis on the participation of children and young people in decision-making. The participation of children and young people in decision making on issues which



impact their lives is central to the enabling environment envisioned for the new Policy Framework for Children and Young People. A new Action Framework for children and young people's participation in decision-making is also being developed, to align with the overarching policy Framework. Both will ensure that children and young people continue to 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 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.

## 1.8 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, Equality, Disability, Integration and Youth 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.

Section 4(1) of the Public Sector 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 or her functions. The assignment of responsibility for the performance of functions by individual officers, or grade or grades of officer, below Principal Officer-level shall be handled administratively on the basis of the personal (or team) work objectives identified under or associated with the Department's Divisional business plans. The latter, which are reviewed and updated on an annual basis to keep pace with changing needs and priorities, are informed both by the Department's Statement of Strategy and by its Performance Management and Development System.

This Framework of Assignments should have due regard to the factors which from time to time affect the distribution and discharge of responsibilities across the Department. This includes the exigencies of work in a particular area, the alignment of activities spanning or involving more than one area, and the coordination of shared or related responsibilities. It should also have regard to the assignment of functions in respect of appointments, performance and discipline of personnel under the Civil

Service Regulation Acts 1956 - 2005 which are made from time to time by the Secretary General under separate regulations.

Details on the organization structure and is available [here](#).

Arrangements for meetings between the Management Board and the Minister, including matters covered, are detailed in the Terms of Reference which is outlined in Section 3.2.

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 eSubmissions system. The eSubmissions application, digitalises the internal submissions processes.

Following discussions at official/adviser/Ministerial level on policy or operational issues, formal submissions are sent via the eSubmissions 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 eSubmissions 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).

## 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.

Each member of management, at Management Board and Principal Officer-level, has a 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;
- manage the performance of staff by setting high standards and taking 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; and
- 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 a member of the Civil Service Management Board. 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 DPENDR'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 2,5,2, 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 [DPENDR'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 NDP Delivery 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, Equality, Disability, Integration and Youth 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.

Furthermore, under sections 4(1)(i) and 9(1)(f) of the [Public Service Management Act 1997](#) and the [Civil Service Regulation Acts 1956 to 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, 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, Equality, Disability, Integration and Youth may authorise identified officers of the Department to authenticate by his/her signature the seal of the Minister for Children, Equality, Disability, Integration and Youth and orders and instruments made by the Minister for Children, Equality, Disability, Integration and Youth.

## 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 fulfilment 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 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, developing and monitoring of business planning, and in advising on resource allocation.

#### 3.2.1 Membership

The Management Board comprises the Secretary General and the Heads of the Department's Divisions who are all 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.

The quorum for a meeting of the Management Board is four members. The Management Board normally meets fortnightly with the exception of those periods when it is unlikely that a quorum will be reached. It may hold separate meetings on selected key issues, particularly those which carry significant risk to the

Department. Other officials may be invited to attend Management Board meetings as required for particular agenda items covering such areas as finance, human resources and individual areas of strategy or service.

### *3.2.2 Relationship with the Minister and Special Advisers*

The Secretary General meets the Minister regularly for a structured meeting. 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.

The Minister meets with the Management Board as and when determined by the Minister. Further interactions take place between the Minister, the Secretary General and individual Management Board members, as appropriate. The Special Adviser(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.

### *3.2.3 Roles*

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) develop, oversee and deliver of Divisional programmes and services;
- d) 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;
- e) oversee effective strategic management of resources;
- f) ensure effective governance, assurance and risk management arrangements/structures are in place and are operating effectively;
- g) using their experience to challenge and critically examine items under discussion by the Board;
- h) notifying the Board of any matters that threaten the propriety or value for money with which the Department carries out its business; and
- i) 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 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](#) and [Chapter 2](#).

### 3.2.4 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:

- ensuring the Department's Risk Policy is fit for purpose and up to date;
- review and update the corporate risk register;
- propose actions and deliverables to mitigate or address identified high level risks; and

- ensure that roles and responsibilities for risk management are clearly defined and communicated throughout the organisation.

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 reviewed by the Risk Committee quarterly and, once approved, provided to the Minister.

### *3.2.5 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.

### *3.2.6 Performance and Evaluation*

The Management Board will review these Terms of Reference periodically and will amend them where it considers appropriate. The Board reviewed and updated its Terms of Reference in April 2023.

## **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.; and
- (iii) Freedom of Information applications, Government Memoranda and communications issues.

Minutes of previous meetings and agenda for the meeting are also provided for consideration and approval.



### 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, Equality, Disability, Integration and Youth 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 the National Policy Framework for Children and Young People;
- A range of Departments, Agencies and NGOs in finding accommodation for Ukrainian Nationals and International Protection applicants including the Department of Housing, Local Authorities and Irish Red Cross
- 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.

## 3.6 Climate Action

In line with the Government's Climate Action plan, the Management Board has nominated Andrew Patterson, PO in the Corporate Governance and Climate Action Unit (CG&CAU), as Department's Climate and Sustainability Champion. The Climate Action and Sustainability Champion is a member of the Department's Green Team. The Assistant Principal Officer in Facilities Management Unit is the Department's designated Energy Performance Officer and is also a member of the Green Team. The Green Team's key function is to develop, influence and support activities of the Department which will have a positive impact on the environment. It is a sub-committee of the Department's broader Partnership Group. CG&CAU will work with the Green Team and Partnership in maintaining the Department's Climate Action Roadmap and will report to the Management Board on its work.

## 4. Audit, Assurance and Compliance

### 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.

### 4.1 Statutory Governance Requirements

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 in 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 provides essential guidance to employees on 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 a system of financial delegation, segregation of duties and accountability to ensure that risks of fraud and error are contained, minimised and avoided.

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). Any such 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.

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

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

## 4.2 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.

### 4.2.1 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 that:

- They are satisfied that adequate internal financial controls and procedures are in place and in operation in their area of responsibility;
- Grants and other fund disbursements within their area of operation were consistent with the relevant subhead provision and the approved budget allocation;
- All expenditure was processed and approved in line with Departmental instructions and consistent with the requirements of Public Financial Procedures;
- Expenditure was reviewed on a monthly basis with regular assessment made of the budgetary position and financial performance against forecasts;
- 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:

- Proof of service provision/ goods received were verified; and
- Valid tax clearance requirements were obtained where necessary;
- Procurement, where entered into, was conducted in line with relevant procurement guidelines and governing legislation;
- All capital projects were conducted in accordance with the Public Spending Code as published by the Department of Public Expenditure NDP Delivery 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 Section 4.4 for the role of the Head of Internal Audit in providing his/her opinion in relation to the Statement of Internal Financial Controls.

#### *4.2.2 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 – *NSSO<sup>4</sup> (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*.

### 4.3 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. The Internal Audit Function and Audit Committee 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. A key role of the Audit Committee is in providing independent oversight of the Department's Internal Audit Function. The Audit Committee operates under the authority of a written charter. Audit Committee Guidance was issued by the Department of Public Expenditure NDP Delivery and Reform (DPENDR) in 2014 which the Department adheres to. The Guidance recommends that the Chair is independent and that the Committee: '*should 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 Department's Audit Committee Charter and Terms of Reference (at time of writing) determine that:

- a) The Committee shall be comprised of a minimum of five members and a maximum of seven (including the Chair) appointed by the Secretary General of DCEDIY;
- b) There shall be minimum of three external members (i.e. members of the Committee who are not DCEDIY 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;

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<sup>4</sup> National Shared Services Office

- c) At least one and preferably two members of the Committee should be qualified accountants and at least one member should have a qualification/experience in ICT;
- d) Appointments to the Committee shall be for an initial maximum period of three years with the option to extend by up to three years;
- e) The Chairperson shall be one of the external members of the Committee and shall be appointed by the Secretary General for period(s) not exceeding the maximum for ordinary membership above.

The Department has the required independent representation and expertise on the Audit Committee. The Charter for the Audit Committee is approved by the Secretary General and Chair of the Audit Committee and is updated periodically, as necessary.

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.

An Annual Internal Audit Plan is produced by the Head of Internal Audit 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 Audit Committee monitors the effectiveness of the Internal Audit Unit on an ongoing basis and the Head of Internal Audit attends all Audit Committee meetings.

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.

#### 4.4 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, two full-time Higher Executive Officers and two full-time Executive Officers. 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. The Internal Audit Unit operates under a charter agreed with the Chair of the Audit Committee and the Secretary General and is reviewed and updated periodically. 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 'Internal Audit Standards for Government Departments and Offices 2018' comprises the Mission of Internal Audit, the Definition of Internal Auditing, the Core Principles for the Professional Practice of Internal Auditing, the Code of Ethics and the International Standards for the Professional Practice of Internal Auditing (the 'Standards') issued by the global professional body, the Institute of Internal Auditors (the IIA). The IIA Standards have been adopted without amendment for the purposes of the practice of internal audit in the Central Government Sector.

The approved annual Internal Audit Plan is a key document, which can be updated when required. For each individual audit, the Internal Audit Unit prepares Terms of Reference before each audit starts. Terms of Reference are also reviewed by the Audit Committee. 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.

An external quality assessment was carried out on the Department's Internal Audit Function in 2019/2020. The objective of this review was to provide an independent assessment of conformance to the global standard for internal auditor work and Civil Service and DPENDR Internal Audit Standards for Government Departments and Offices 2018.

The report of this assessment was issued in February 2020. The overall assessment of the IA function was very positive. The Audit Committee periodically monitors the implementation of the recommendations contained in the report.



Internal Audit produces an annual report on its activities annually for the Audit Committee and the Secretary General.

## 4.5 Internal Audit Unit as the designated Audit Authority for the Asylum, Migration and Integration Fund (AMIF)

The EU funded Asylum, Migration and Integration Fund supports national and EU initiatives that promote the efficient management of migration flows and the implementation, strengthening and development of a common Union approach to asylum, migration and integration.

Ireland's allocation under AMIF is €55.5 million for the period 2014-2020. €34.4m of this is funding to provide a grant per person resettled or relocated to Ireland under an EU or UN programme.

The AMIF 2014-2020 programme was originally scheduled to end in June 2023, however this has been extended by one year to allow member states the ability to provide support to refugees fleeing the war in Ukraine. In Ireland, the AMIF fund is managed by the Funds Administration Unit of the Department of Children, Equality, Disability, Integration and Youth (*the Responsible Authority*). This unit oversees the distribution of AMIF funds in a number of ways in order to help Ireland meet its objectives under the national programme. DCEDIY's Internal Audit Unit was designated as the AMIF Audit Authority (AA) on the 26th November 2021 by the Minister for Children, Equality, Disability, Integration and Youth.

In addition to Internal Audit's auditing role and oversight from the Audit Committee, the fund (and the AA) are subject to audit by the European Court of Auditors and the European Commission.

## 4.6 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 NDP Delivery 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.

#### *4.6.1 Risk Appetite Statement*

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

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 responsibilities and strategic objectives. Risk Appetite is the amount of risk, at a broad level, that an organization is willing to accept. It reflects the risk management philosophy that the Management Board wants the organisation to adopt and, in turn, influences its risk culture, operating style and decision-making.

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, operational, reputational, financial or related to compliance.

Our approach is to minimise the exposure to strategic, operational, reputational, compliance and financial risk, whilst accepting and encouraging an acceptable level of risk in pursuit of our mission and objectives. The Department's acceptance of risk is subject always to ensuring that potential advantages and disadvantages are fully understood before developments are authorised, and that sensible measures to mitigate risk are established.

The Department is prepared to take controlled risks to capitalise on new opportunities so that it can meet its responsibilities and find innovative ways of furthering its objectives.

It recognises that its appetite for risk varies according to the activity undertaken across the Department's broad range of functions.

It will have no tolerance for risks that (i) affect the protection, safety and welfare of children (ii) impact on the application of sound financial controls or (iii) compromise the delivery of legislative or regulatory requirements. It has a high risk appetite for areas of our work involving (i) the development and implementation of new services and (ii) the management of emergency or crisis events.

The following table presents the framework of Risk Appetite under which this response is controlled.

### **Framework of Risk Appetite**

Low Risk Appetite	Avoidance of risk and uncertainty is a key organisational objective.
Moderate/Low Risk Appetite	Preference is for ultra-safe business delivery options that have a low degree of inherent risk and may only have a potential for limited reward.
Moderate Risk Appetite	Preference for reasonably safe delivery options that have a low degree of residual risk and may only have limited potential for reward.
High Risk Appetite	Willing to consider all potential delivery options and choose the one that is most likely to result in successful delivery while also providing an acceptable level of reward (and value for money etc.).
Very High Risk Appetite	Eager to be innovative and to choose options offering potentially higher business rewards, despite greater inherent risk.

This Risk Appetite Statement was agreed by the Risk Committee of the Department on 19 March, 2024 and will fall for review in 12 months' time.

## 4.7 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](#). 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 above €25,000 exclusive of VAT 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.

## 4.8 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 DPENDR *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 DPENDR (centralised procurement,

frameworks etc.), and/or expenditure on approved projects where there is significant variation in scope, deliverables, cost or quality.

## 4.9 Compliance Framework

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

The Department of Children, Equality, Disability, Integration and Youth's functions entail a significant amount of work and attention to compliance with governance arrangements. The Department's initial compliance framework set out 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	Publish Statement of Strategy	PO - Corporate Governance & Climate Action Unit	Every 3 years or on the appointment of a new Minister.

Corporate Governance	Publish Annual Report	PO - Corporate Governance & Climate Action Unit	Annual – Q2
Corporate Governance	Departmental Programme for Government Commitments	PO - Corporate Governance & Climate Action Unit	Ongoing
Corporate Governance	Complete & Review Business Plans	PO - Corporate Governance & Climate Action Unit	Annual – Q1 & Mid-year and End of Year review
Corporate Governance	Departmental Risk Register including corporate risks	PO - Corporate Governance & Climate Action Unit	Reviewed quarterly by Risk Committee
Corporate Governance	Management Board Terms of Reference	PO - Corporate Governance & Climate Action Unit	Annual
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	Corporate Governance & Climate Action Unit	Every 3 years
Corporate Governance	Official Languages Act	Corporate Governance & Climate Action Unit	Every 3 years

Corporate Governance	Review of Governance Framework	Management Board	Annual
Corporate Governance	Publication of Minister's mileage and travel costs	Corporate Governance & Climate Action Unit	Annual
Data Protection	Data Protection: (i) Requests (ii) Departmental Policy	Data Protection Officer Data Protection Officer	(i) Ongoing (ii) Periodic review
Financial Governance	Preparation of Appropriation Account	Finance Officer	Annual – Q1
Financial Governance	Approval of Appropriation Account	Accounting 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

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	Head of Human Resources and Learning & Development Unit	Annual – Q1
HR-related activities	Framework of Assignments under the PSMA ...	Head of Human Resources	Ongoing
HR-related activities	Office regulations  - Annual Returns	Head of Human Resources	January
HR-related activities	Regulation of Lobbying Act– Publish List of Designated Public Officials	Head of Human Resources	Ongoing
HR-related activities	Standards in Public Office annual declarations	Head of Human Resources	Annual
HR-related activities	Protected Disclosures (i) Departmental Policy (ii) Annual Reporting  Review by Management Board / Audit Committee	Head of Corporate Governance & Climate Action Unit	Annual
HR-related activities	CPSA Codes of Practice	Head of Human Resources	Ongoing
HR-related activities	Disability Legislation (3%)	Head of Human Resources	March
HR-related activities	Health and Safety Legislation	Head of Human Resources & Head of Facilities Management	Ongoing
HR-related activities	Employment law and Circulars	Head of Human Resources	Ongoing



ICT & Content Management	ICT Strategy / Cyber Security	Head of ICT	Ongoing
Physical and Electronic Records Management	National Archives Act	Head of IMU	Annual
Physical and Electronic Records Management	Records Management	Head of IMU	Ongoing

## 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](#);
- the Children Detention Schools established under the [Children Act 2001](#);
- the National Disability Authority (NDA), established in June 2000 under the [National Disability Authority Act 1999](#);

- The Irish Human Rights and Equality Commission (IHREC), established in November 2014 under the [Irish Human Rights and Equality Commission Act 2014](#), is funded through its own Vote for which the Director of IHREC is the Accounting Officer.
- The Office of Director of Authorised Intervention, Tuam, established in March 2023 under the [Institutional Burials Act 2022](#).

The Department also provides the primary source of funding for Gaisce, the President's Award. Gaisce is a limited company and registered charity.

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 NDP Delivery and Reform (DPENDR). 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 DPENDR, and engagement with the recruitment process.

- Corporate Governance and Climate Action Unit (CG&CAU) 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. CG&CAU 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 1<sup>st</sup> January 2014 following the commencement of the [Child and Family Agency Act 2013](#). It has approximately 5,000 members of staff and a budget allocation for 2023 of €935.453m (subhead A03 of Vote 40). This includes €17.5m in capital funding.

Staffing matters are generally 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 children and family services, domestic and sexual violence services (to move from Tusla to a new agency led by the Department of Justice in 2023), 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 (see section 41 of the CFA Act) and the Performance Statement (see section 44 of the CFA Act).

- 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.

Under Section 8.4 of the Code of Practice for the Governance of State Bodies 2016 (the Code), the Department of Children, Equality, Disability, Integration and Youth (DCEDIY) is required to ensure that it has a written Oversight Agreement in place with Tusla, the Child and Family Agency.

***Tusla Education Support Service (TESS) and Alternative Education Assessment and Registration Service (AEARS)***

The Child and Family Agency (Amendment) Act 2021 (No. 34 of 2021) was commenced in full on 15 December 2021, which provides the statutory authority for the Minister of Education for the transfer of functions. A Memorandum of Understanding (MOU) outlining all matters, including roles and responsibilities, relating to the transfer of functions in respect of TESS and AEARS from DCEDIY to Department of Education (DoE) was agreed between the DCEDIY, DoE and Tusla in early 2022.

***Domestic, Sexual and Gender-Based Violence (DSGBV)***

The transfer of functions in respect of DSGBV services from Tusla to the Department of Justice (DoJ) has been acknowledged publicly by respective Ministers. A draft MOU is in train, to be agreed between Tusla and DoJ. This MOU will be appended to the Oversight Agreement in due course to give clarity on how Tusla will effectively engage with separate departments in the discharge of its statutory functions. This MOU will ensure that appropriate oversight arrangements are in place pending the enactment and commencement of legislation amending the Child and Family Agency Act 2013 which will provide statutorily for a revised oversight arrangement in respect of the Ministers.

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 further development of Tusla's National Child Care Information System, Case Management system and Integrated Financial Management System will allow for timelier reporting of the activity data.

The content of the reports is the subject of detailed examination and discussion at cross-divisional and bilateral level and subsequent at quarterly performance review meetings held with members of the Tusla Executive Management Team. 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 Director of Services and Integration.

The key oversight meetings agreed under the Oversight Agreement are:

- 1) The Minister meets with the Chairperson of the Tusla Board on a quarterly basis, or more frequently as required, to provide an update on developments and the achievement of targets as set out in this Agreement. The Chair, as and when required, may invite the Chairpersons of the Board Committees to the quarterly meetings as and when appropriate and with the approval of the Minister.
- 2) The Secretary General meets with the Tusla Chief Executive Officer on a monthly basis.
- 3) Quarterly meetings, between Tusla's Executive Management Team and DCEDIY (Assistant Secretary General, Child Policy and Tusla Governance Division) and senior officials, with key intractable or developmental issues being elevated to this agenda. These meetings cover key financial, organisational, practice and policy considerations. The scheduling of these meetings is arranged subsequent to Tusla Board meetings. Every quarter, these meetings review quarterly performance reports and Tusla Risk Register.

4) The Department's Head of Units hold regular bilateral meetings with their respective counterparts in Tusla. Business plan performance and monitoring can be conducted through written correspondence and bilateral meetings.

- **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** - Tusla activity and performance is closely monitored, both through the formal monthly and quarterly reports and also through the Department's Child Care Performance and Social Work Unit's bilateral engagement with Tusla's Director of Quality and Regulation. 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.
- **ICT** - The Department's digital governance processes are guided by DPENDR Circular 14/21: Arrangements for Oversight of Digital and ICT-related Initiatives in the Civil and Public Service. Obligations arising out of this circular are:
  - Annual End of Year expenditure return (actual spend);
  - Annual Start of Year expenditure return (anticipated spend); and
  - Formal DPENDR approval for projects over €25k and/or within certain qualifying categories.

The Tusla ICT Directorate is responsible for ensuring obligations arising out of this circular are complied with.



Significant developmental work is underway in Tusla, for example the Tusla Case Management System (NCCIS2) and the Integrated Financial Management System.

- **Tusla Capital Plan:** Tusla's capital expenditure budget and annual capital plan will be monitored through formal engagement and bilateral meetings (4 per year) led by Tusla Governance and Performance Oversight (Co-ordination) Unit, with Tusla's Estates Management team, ICT and Finance.
- **Tusla policy and service areas:** Individual Heads of Units in the Department with responsibility for specific policy and service areas meet with their equivalents in Tusla on a regular basis to review and monitor performance in relation to requirements set out in the annual Performance Statement, issued by the Minister, and Tusla's corresponding annual Business Plan. Bilateral engagement on policy matters will assist the Department and Tusla in both informing and being informed by relevant government policy decisions.

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 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.

## 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 2023 was €7.2m (subhead C06 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 Assistant Secretary for Adoption, Mother and Baby Homes and Research 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 2023 budget allocation was €3.900 million (subhead C07 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 2021 he was reappointed for a further six years. 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 Corporate Governance and Climate Action Unit (CG&CAU) 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. CG&CAU 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/her 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).

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 CG&CAU with regard to any business case for new staffing.

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 (the Campus) was established on 1 June 2016 following the amalgamation of 3 former detention schools. The Minister for Children, Equality, Disability, Integration and Youth has overall legal responsibility for the children detention schools under Part 10 of the [Children Act 2001](#).

In fulfilment of national law and policy, the Campus accommodates young people up to the age of 18 and a half on detention or remand orders of the Courts, providing them with care and education in a safe and secure environment, while helping them to address offending behaviour and preparing them to return successfully to their families and communities. Oberstown is certified by the Minister to accommodate a maximum of 40 boys and six girls. The Campus budget allocation for 2023 was €27.2m current and €1.3m capital (subhead A04 of Vote 40).

The Board of Management of the Campus has an important role in ensuring the Campus provides a safe and secure environment for children in detention and the safest possible working environment for staff. The Board is appointed by the Minister for Children, Equality, Disability, Integration and Youth, and has

12 members. The Board of Management meets regularly, usually monthly, and more often as required to perform its functions in accordance with section 165 of the Children Act 2001.

The Children Act 2001 provides that the Board manages the children detention school in accordance with the policies and criteria of the Minister for Children, Equality, Disability, Integration and Youth. 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 Children's Rights Policy Framework, adopted by the Board with the consent of the Minister in 2020, took effect in September 2021. The Framework provides a comprehensive and holistic policy base for all aspects of Campus operations, setting down 12 Rules and associated Policies in relation to the care of young people and the various roles of staff and management on the Campus. Recognising the rights of young people, the Framework also identifies the importance of staff support and development, of a safe and secure physical environment and it reflects an ethos of mutual respect for those who live and work on the Campus. The Board of Management has developed and adopted a Strategic Plan (2022-2027) for Oberstown.

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. The Children Detention Schools Unit (CDSU) in the Department has effective communication and oversight arrangements in place with the Chair and Director of Oberstown.

CDSU 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 External Human Resources Unit which deals directly with the Campus on matters concerning terms and conditions of staff.

The Health Information and Quality Authority (HIQA) undertakes annual inspections of the campus under Part 10 of the Children Act 2001. HIQA has carried out its most recent inspection the Campus against the Children's Rights Policy Framework. 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. In addition, under the Ombudsman for Children Act, the Ombudsman has the right to carry out preliminary examination and investigation of complaints on the Campus.

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, Equality, Disability, Integration and Youth 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, Equality, Disability, Integration and Youth.

The appointment of the Chief Executive is subject to the approval of the Minister. 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 2022 allocation for the organisation is €844,219. Gaisce provides an annual progress report and audited accounts to the Department.

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 Irish Human Rights and Equality Commission

The Irish Human Rights and Equality Commission (IHREC) was established on 1 November 2014 from a merger of the Human Rights Commission and Equality Authority. The relationship between the Department and IHREC is managed by the Equality and Gender Equality Policy Unit.

IHREC is an independent public body that accounts to the Oireachtas, with a mandate established under the Irish Human Rights and Equality Commission Act 2014 (IHREC Act 2014). Since 2015, IHREC has been directly funded through a Vote (Vote 25) of the Oireachtas. Section 26 of the Irish Human Rights and Equality Commission Act 2014 provides a guide to the level of funding. The allocation for 2023 for IHREC was €8.195M.

The Commission is the employer of its staff who are civil servants in the service of the State. As at October 5th, 2022, the Commission had 89 staff.

The Commission has a broad statutory remit in relation to the protection and promotion of human rights and equality under the Act. The work of the Commission ranges from working at the policy level to review the effectiveness of human rights and equality law, policy and practice in the State and within public bodies, to working with communities and civil society to monitor and report on people's real life experiences of human rights and equality on the ground. Its legal powers include giving practical help, including legal assistance to help people defend their rights, and contributing to legal cases (*amicus curiae*) that deal with an individual's equality or human rights.

IHREC is a national equality body under EU law. It is also accredited by the International Coordinating Committee on National Human Rights (ICC) as an 'A' status national human rights and equality institution (NHRI) in full compliance with the UN Paris Principles, with the right to participate in sessions of the Human Rights Council. Biannual governance meetings are held with IHREC and have a standing agenda, in which financial and policy updates are discussed.

## 5.8 The National Disability Authority

The National Disability Authority (NDA) was established on 12 June 2000 under the National Disability Authority Act 1999. The NDA's budget allocation for 2023 was €5.788m (subhead D03 of Vote 40).

The National Disability Authority (NDA) is the independent statutory advisory body to the Minister for Children, Disability, Equality, Integration and Youth on disability policy and practice, and Universal Design. Their principal statutory function is to provide independent and objective evidence-informed advice and information to the Minister. Other statutory roles include advice on co-ordination of disability policy, research, standards development, preparation of Codes of Practice, monitoring compliance with statutory provisions on employment of people with disabilities in the public sector and the accessibility of public service websites. Under S.I. 358/2020, the NDA was named as the national monitoring body with regard to compliance with the EU Web Accessibility Directive. The NDA was also asked by the Minister to prepare a report on the operation of the Irish Sign Language Act 2017, as per Section 10 in the Act. When the Assisted Decision Making (Capacity) Act Amendment Bill is enacted, the NDA will have a formal role to assist IHREC in the provision of information and statistics relevant to disability to assist that body in performing its function as the Independent Monitoring Mechanism for UNCRPD in Ireland. The NDA has already carried out extensive work to advise and inform on progress of implementation of UNCRPD in Ireland to date.

The NDA also work through their Centre for Excellence in Universal Design to promote the universal design of the built environment, products, services and information and communication technologies so that they can be easily accessed and used by everyone, regardless of age, size, ability or disability. This role is delivered through work including promoting awareness, guiding and assisting in the development of standards, and informing education and curriculum for professionals across a range of disciplines including architects, ICT professionals, engineers and designers.

The key provisions relating to the governance relationship between the Department and the NDA are set out in Part 15 of the Act. The Disability Policy Unit manages the governance relationship between the Department and the NDA through biannual governance meetings.



The NDA is governed by its board, ‘the Authority’, which makes the necessary decisions to enable the NDA to perform its functions, as specified in the National Disability Authority Act 1999 and the Disability Act 2005. These acts require the Authority to take a proactive approach to the delivery of the strategic direction and planning, management and control of risk, and financial and operational control.

The role of the Authority includes overseeing strategic direction and work plan delivery, reviewing budgets and expenditure, approving accounts, and selecting and reviewing the performance of the Director.

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 NDA’s Annual Report, Oversight Agreement and Performance and Delivery Agreement.

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

Performance is monitored against the goals under each of the strategic priorities set out in the annual Performance and Delivery Agreements as approved by the Secretary General. Progress on such is reported in the Annual Reports of the NDA.

## 5.9 The Office of Director of Authorised Intervention, Tuam

On 4 October 2022 the Government made the Institutional Burials Act 2022 (Director of Authorised Intervention, Tuam) Order 2022, under the Institutional Burials Act, to direct the establishment of an independent Office to lead an intervention at the site of the former Mother and Baby Institution in Tuam, Co. Galway. *The Institutional Burials Act 2022* provides the underlying legislative basis for an intervention, whereby the remains of those who died in residential institutions, in respect of which a public body has or had a relevant role, and who were buried in a manifestly inappropriate manner, may be recovered and re-interred in a respectful and appropriate way.

In March 2023 the Minister formally established the Office of Director of Authorised Intervention, Tuam, by the Institutional Burials Act 2022 (Establishment of Office of Director of Authorised Intervention, Tuam) Order 2023 for a period of 30 months, which can be extended. In May 2023 the Minister appointed the Director to head up the Office. The revised budget allocation to the Director is €432,000 in 2023 (subhead C08 of Vote 40).

The Director is a corporation sole and it is not required to establish a Governance Board. However, in line with legislative requirements, an Advisory Board has been established to provide advice and guidance to the Director regarding the performance of his functions.

The Director is assigned specific statutory functions under law. While the Director is independent of the Minister in the exercise of these functions, he is responsible for the performance of his functions to the Minister and he is also accountable to the Public Accounts Committee and other Oireachtas Committees in accordance with the 2022 Act. The Director is required to produce Annual Reports about the performance of his functions.

The Memorialisation and Historic Burials Unit (MHBU), reporting to the Assistant Secretary for Adoption, Mother and Baby Homes and Research, manages the Department's relationship with the Director. Effective communication arrangements are in place and the Unit meets with the Director regularly. A key component of the engagement is to support the establishment of and monitor the required administrative structures, corporate procedures and internal control mechanisms that ensure compliance with the requirements outlined in the 2022 Act and the Code of Practice for the Governance of State Bodies. The compliance with the Code of Practice is adapted in light of the fact that the Director does not have a Governance Board.

The Department provides initial assistance in relation to recruitment of staff. Once staff structures are established, any further staff matters will be referred to the External Human Resources Unit, which may engage with MHBU with regard to any business case for new staffing. Assistance with staff payroll is provided by the Department through the National Shared Services Office. The Department pays suppliers of the Office in line with agreed procedures. ICT services are provided by the Office of the Government Chief Information Office (OGCIO) in collaboration with the Department's ICT unit.

Information regarding budget allocation and financial procedures are outlined in the letter of allocation to the Director. The Director has to prepare Annual Accounts as per legislative provisions and also provide a statement of assurance as required by the Code of Practice and submit these to the Minister via the MHBU. The MHBU arranges the laying of the Annual Accounts and the Annual Report of the Director before the Houses of the Oireachtas.

## 5.10 External Governance and Oversight of bodies not under the Aegis of the Department

### 5.10.1 POBAL

Pobal is a not-for-profit company and registered charity, which acts as an intermediary for the 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, Equality, Disability, Integration and Youth 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 a Service Level Agreement (SLA), which forms 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 an annual Programme of Work and also at a more detailed level in a suite of multi-annual scheme-specific Performance Delivery Agreements (PDAs) which are currently being rolled out. The Department allocates administrative funding to Pobal in respect of these services on an annual basis.

The Department has completed a review of the ELC & SAC operating system, which currently includes the Department 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. Work on designing a new operating model has commenced and represents a significant programme of change aimed at creating a new agency-based model to meet the evolving needs of children, their families and the wider childcare sector.

### *5.10.2 Health Service Executive (HSE) - Specialist Disability Services*

Responsibility for policy, functions and funding for specialist community-based disability services was transferred from the Minister for Health to the Minister for Children, Equality, Disability, Integration and Youth on the 1<sup>st</sup> of March 2023. The Health (Miscellaneous Provisions) Act 2022 and Specialist Community-Based Disability Services (Transfer of Departmental Administration and Ministerial functions) Order, S.I. No. 688 of 2022, put in place the necessary measures to facilitate the HSE to report to two Ministers for different elements of its functions. It also provides for revised corporate governance and accountability arrangements with the HSE.

Specialist disability services are provided either directly by the HSE or on behalf of the HSE through voluntary and for-profit providers. These providers are funded by the HSE under Sections 38 and 39 of the Health Act 2004. The total funding for disability services in 2024 was €2,836m (subhead D11 of Vote 40). This includes €23m of funding relating to capital. Around 80,000 people with disabilities are provided with a range of specialist disability services. Services include residential, home support and personal assistant services, neuro-rehabilitation services, respite services, day services and rehabilitative training *inter alia*. The Department of Health remains the parent department for the HSE, providing the majority of funding and oversight for HSE Healthcare, Social care, corporate functions as well as other community-based services.

The integrated nature of service delivery within the HSE, and the high number of shared interest areas between the Department of Health and DCEDIY, require a significant level of coordination and integration in relation to oversight of the HSE and other related health and social care policy areas. Ongoing consultation and cooperation between the two departments and the HSE is therefore required to protect and maintain integrated service delivery and mainstream first pathways to care for persons with a

disability. Cooperation and consultation between DCEDIY and the Department of Health is provided for in a Ministerial Agreement and Memorandum of Understanding.

Performance of HSE specialist disability services is overseen by the Disability Governance and Performance Unit of DCEDIY, with inputs provided from a number of policy and business support units across the Disability Division and the wider department. Funding and budgetary management is overseen by the Disability Finance and Reform Unit.

#### *5.10.2.1 Oversight Agreement*

Although the HSE is not under the aegis of DCEDIY, due to the level of funding and responsibilities of this department with respect to specialist disability services, DCEDIY has a written Oversight Agreement in place with the HSE. This Oversight Agreement was finalised in February 2024 and serves as the overarching document outlining the governance relationship between DCEDIY and the HSE, taking into account the relevant legislative provisions and supporting agreements currently in place. It provides structured accountability and governance arrangements to support reporting, communications and liaison between the Department and the HSE. The Agreement sets out the responsibilities of the HSE in reporting to DCEDIY, while recognising that the Department of Health is the parent department of the HSE and that the HSE remains an aegis body of the Department of Health.

The HSE's annual National Service Plan outlines the health and social care services to be provided on an annual basis and is approved annually by the Minister for Children, Equality, Disability, Integration and Youth, with respect to specialist disability services, and the Minister for Health for all other health and social care areas of the plan.

Formal reporting by the HSE occurs through monthly reports on performance across the four areas of the HSE's performance management framework – Finance, Access and Integration, Quality and Safety, and Workforce. The core set of reports (Performance Profile and Management Data Report) are submitted to the Department once they have been approved by the HSE's National Performance Oversight Group. These reports are received approximately 5 weeks following the end of the month. The HSE also submits a copy of its Board Strategic Scorecard to the Minister on a monthly basis, once it has been approved by the Board of the HSE.

The content of the reports is subject to detailed examination, discussion and follow-up by units within the Disability Division, in respect of their individual areas of responsibility.

The key performance engagement meetings agreed under the Oversight Agreement are:

- 1) The Minister and Minister of State for Disability meet with the Chairperson of the HSE Board on a quarterly basis, to provide an update on annual performance against the targets set out in the National Service Plan
- 2) The Secretary General meets with the CEO of the HSE on a bimonthly basis
- 3) The Assistant Secretary meets with the relevant National Director of the HSE on a bimonthly basis
- 4) The Department's heads of disability units hold monthly operational performance meetings with their respective counterparts in the HSE

#### *5.10.2.2 Workforce*

Reflective of the HSE's role as employer or primary funder, the HSE has responsibility for all associated operational issues on a day-to-day basis (e.g. specific HR cases/issues, day-to-day allocation of workforce). Such issues, if referred to DCEDIY, will always be referred back to the HSE for direct response.

DCEDIY does not have a role in determining the provision of specialist disability services, composition and/or merits of specialist disability services teams, the use of staff for the provision of services agreed and/or funded by DCEDIY or the determination of the annual pay budget for the HSE.

The Department of Health remains the first point of contact for the HSE for advice and guidance where required on HR matters. As appropriate and as set out in an operational agreement between the departments, the Department of Health will consult with and may act as delegate to represent DCEDIY on disability service IR matters. In this context, the Department of Health and DCEDIY have undertaken to work closely to ensure no unintended consequences occur such as incorrect application of T&Cs in staff groups in disability services or the wider HSE.

DCEDIY monitors disability workforce levels and trends against targets, new measures and agreed KPIs, through analysis of monthly returns from the HSE in the form of the Social Care Disability Services Employment Report, data on disability absence rates and any new measures performance data submitted

on a monthly basis. Workforce-related data is also reported through the Management Data Report, Performance Profile and HSE Strategic Scorecard. Any concerns regarding the content of these reports are followed up by the Department with the HSE and raised as necessary at monthly performance meetings. In addition, any items of mutual concern are discussed between DCEDIY and the Department of Health as appropriate.

#### *5.10.2.3 Finance*

The Minister for Children, Equality, Disability, Integration and Youth is responsible for determining annual revenue and capital expenditure for the HSE in respect of specialist disability services. The approved level of expenditure is set out in a Letter of Determination which is issued by the Minister within 21 days following Budget Day. Following receipt of this letter, the HSE has 21 days to produce a National Service Plan setting out the detail of how this funding will be applied.

Financial oversight of the HSE in respect of funding provided by the DCEDIY is monitored on an ongoing basis from incurred expenditure reported monthly via the HSE's Income & Expenditure accounts and supporting documentation.

The following information and processes inform financial management and monitoring of the HSE:

- Estimates process
- Letter of Determination
- National Service Plan
- Monthly, quarterly, and annual data reports received from the HSE
- Data Analysis
- Internal and external engagement on foot of data analysis

Where variances in incurred expenditure are identified by DCEDIY or highlighted by the HSE through the data and reports provided, DCEDIY follows up with the HSE through the Formal Performance Engagement Model and bilaterally, where appropriate measures for corrective action are discussed and agreed, or escalated.

#### *5.10.2.4 ICT/Capital*

Annual expenditure for HSE capital projects is determined during the estimates process and informs the development of the HSE's Capital Plan. The Minister for Children, Equality, Disability, Integration and Youth is responsible for approving sections of the Capital Plan that relate to specialist disability services.

DCEDIY is responsible for performance oversight of disability projects, i.e. monitoring progress against targets set out in the Capital Plan. To this end, the HSE is also responsible for providing performance reports to DCEDIY on the progress of capital projects and attending performance meetings with DCEDIY.

Specialist disability services continue to be dependent on and avail of general HSE cross-service capital funding for minor works and infrastructural risk/climate action projects. In addition, all specialist disability ICT projects and HSE wide ICT projects are funded by the Department of Health vote. DCEDIY monitors funding and delivery of these projects, in cooperation with the Department of Health where necessary.

An agreement between DCEDIY and the HSE provides an overview of the approach to capital funding, planning and performance oversight arrangements between DCEDIY and the HSE. DCEDIY and the Department of Health cooperate and consult on capital matters of shared interest, as provided for in the legislation, and set out in the MOU between the departments.

#### *5.10.2.5 Annual Report & Financial Statements*

Under Section 37 of the Health Act 2004, the HSE must prepare and adopt a report on the performance of its functions during the year. The HSE must submit a copy of this report to the Minister for Children, Equality, Disability, Integration and Youth and the Minister for Health within 21 days of its adoption by the Board.

Upon receipt of the report, the Disability Governance and Performance Unit review compliance by the HSE with the requirements set out in Section 37 (2) of the Health Act. There is also a review conducted of the HSE's Governance Documents that are submitted along with the report, namely (a) the Chair's Comprehensive Report and (b) the Statement of Internal Control. The Disability Finance and Reform Unit provide a briefing note on the HSE's Financial Statements.

#### *5.10.2.6 HSE Code of Governance*

It is the responsibility of the HSE to update its Code of Governance to reflect any new obligations arising from the transfer of specialist disability functions to DCEDIY from the Department of Health and the provisions of the Health (Miscellaneous Provisions) Act 2022, to ensure it includes any new requirements and responsibilities of the HSE.

The HSE is required to submit a Code of Governance to the Minister for Health for approval and to have regard to any directions issued by them. The Minister for Health is required to consult with the Minister for Children, Equality, Disability, Integration and Youth before the Code of Governance can be approved



and in advance of any direction being issued to the HSE with regard to reviewing the code. The HSE must take into account any directions issued to them by either Minister when preparing the Code or making any revisions to it. This process is managed by the Disability Governance and Performance Unit in DCEDIY.

## 5.11 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. 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.

## **End of Governance Framework**