



An Roinn Dlí agus Cirt  
Department of Justice



Seirbhís Phríosúin  
na hÉireann  
Irish Prison Service

# Oversight Agreement 2022-24

**Department of Justice**

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**Irish Prison Service**

## **1. Introduction**

### **1.1 Scope of this Agreement**

This Oversight Agreement sets out the broad governance and accountability framework within which the Irish Prison Service (“the IPS”) operates, and defines the key roles, responsibilities and commitments that underpin its relationship with the Department of Justice (“the Department”). The Agreement has been drawn up by the Department in consultation with the IPS, in accordance with the Code of Practice for the Governance of State Bodies (“the Code of Practice”). It updates and supersedes the previous Oversight Agreement 2020-2022 between the two parties, following a mid-term review of that agreement as provided for therein. This revised Agreement will, in turn, be subject to a formal review approximately midway through its operation.

A separate Performance Delivery Agreement (“PDA”) is agreed annually under the governance architecture provided by this Oversight Agreement.

### **1.2 Background and context**

The IPS operates as an executive office of the Department, without separate legal identity but with a high degree of delegated operational autonomy. To support internal organisational operations, it is structured as a separate and distinct administrative body with its own Director General. The IPS is responsible for the custody of persons aged 18 or over who are sentenced to prison, held on remand, or held on immigration matters. It is also responsible for ensuring that convicted persons properly serve their sentence and for providing them with opportunities to engage in a meaningful way to reduce the likelihood of reoffending and assist their reintegration into law-abiding society.

The key responsibilities and objectives of the IPS include:

- Providing safe and secure custody with dignity of care for people committed to prison.
- Reducing the risk of harm to the public and the likelihood of reoffending by providing rehabilitation for people in prison.
- Working with the Probation Service to create an integrated offender management programme.
- Helping prisoners to maintain family relations and contact with the wider community.

While not itself a statutory body, the IPS operates within a legislative framework that includes:

- the Prisons Acts (in particular, the Prisons Act 2007 and Prisons Act 2015);
- relevant provisions in other statutes such as the Prisons (Visiting Committees) Act 1925, the Criminal Justice Act 1960, the Criminal Justice (Miscellaneous Provisions) Act 1997, the Criminal Justice Act 2007, other criminal justice Acts and the Transfer of Sentenced Persons Acts 1995 and 1997;
- the Prison Rules 2007, as amended; and
- the European Convention on Human Rights Act 2003.

For persons held on immigration-related matters the main legislative provisions are the Immigration Acts 1999, 2003 and 2004, the associated Regulations, the Illegal Immigrants (Trafficking) Act 2000 and the International Protection Act 2015.

The IPS also takes due account of various international human rights treaties, declarations, standards and recommendations, including:

- the Universal Declaration of Human Rights;
- the European Convention on Human Rights;
- the UN Standard Minimum Rules for the Treatment of Prisoners;
- the European Prison Rules 2006;
- the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment;
- the UN Covenant on Civil and Political Rights; and
- the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.

The Mission of the IPS is “*Providing safe and secure custody, dignity of care and rehabilitation to prisoners for safer communities*”. Its Vision is “*A safer community through excellence in a prison service built on respect for human dignity*”. This is underpinned by the IPS values which are Teamwork, Integrity, Potential, Safety and Support.

The IPS manages the 12 operational sites in the Irish prison estate. These comprise 10 traditional ‘closed’ prisons and two ‘open’ centres (the latter operate with minimal internal and perimeter security).

### **1.3 Strategic fit of IPS within the Justice Sector**

The functions and objectives of the IPS align with Goal 3 of the Department’s Strategy Statement 2021-2023, viz. to “*Strengthen community safety, reduce reoffending, support victims and combat domestic, sexual and gender based violence*”. In this regard the Department has responsibility, *inter alia*, for assisting the Minister in penal policy development and for driving the implementation of related reforms.

## **2. Governance and oversight – key roles and relationships**

### **2.1 The Minister and Department**

#### *2.1.1 The Minister*

The Minister has statutory responsibility for the administration of the prison system. While the day-to-day administrative functions are largely delegated to the IPS, the Minister (supported by officials in the Department) retains a direct role in determining policy, in approving overall strategy and related performance targets, and in making decisions on key matters such as the designation of prisons, capital investment in the prison estate, determining prison capacity, and (for certain prisoners or categories of prisoner) enhanced remission and temporary release.

#### *2.1.2 Accounting Officer*

The IPS is funded under the Prisons Vote (Vote 21). While the IPS manages the Vote on a day-to-day basis and prepares the annual appropriation account, the Department’s Secretary General is the Accounting Officer for the Vote. The Accounting Officer is responsible for the safeguarding of public funds and property under his/her control, for the efficiency and economy of administration by the Department and for the regularity and propriety of all transactions in the Appropriation Account. External scrutiny is facilitated by

the submission of the Appropriation Account to the Comptroller and Auditor General and ultimately to the Oireachtas through the Public Accounts Committee.

*2.1.3 Core areas of Departmental interaction with the IPS*

While various areas of the Department have dealings with the IPS, the day-to-day relationship is mainly embodied in the interactions between the IPS and the Department’s Criminal Justice Policy and Criminal Justice Governance functions respectively. Criminal Justice Policy liaises frequently with the IPS on matters including the ongoing penal policy reform programme. Criminal Justice Governance has primary oversight responsibility for the Department’s aegis bodies in the criminal justice sector. Four of its seven Principal Officer-led teams have specific dealings with the IPS as follows:

| <b>Team</b>  | <b>Purpose</b>   |
|--|--|
| <b>Criminal Justice Performance and Compliance</b> | Support and monitor IPS compliance with its corporate governance obligations and its achievement of agreed objectives, and manage the governance relationship on an ongoing basis.   |
| <b>Standards</b>                                   | Develop and promote consistent approaches to the Department’s governance of criminal justice agencies, propose/advise on new governance structures as required, and put in place appropriate oversight agreements and performance targets. |
| <b>Financial and Capital Resources</b>             | Oversee (in conjunction with the Department’s finance and internal audit functions) the IPS’s financial and capital resource management, and manage approvals for the accompanying resources.  |
| <b>Human Resources and Appointments</b>            | Advise and consult on strategic HR issues and requirements, and oversee senior and board recruitment/appointments for particular agencies.   |

**2.2 IPS Headquarters**

*2.2.1 Director General*

The Director General is the most senior officer of the IPS, and is appointed by the Minister following a competitive process to undertake the functions of the post as governed by the Prison Rules 2007. The Public Service Management Act 2004 also empowers the Secretary General of the Department to assign specific responsibilities to the Director General. The Director General is accountable to the Minister, via the Secretary General, for the performance of his/her functions.

The key responsibilities of the Director General are:

- Leadership and management of the IPS, including the implementation of strategic actions to ensure implementation of government policy and strategy; and
- Leading a management team with overall responsibility for operation and management of the prison system on a day-to-day basis, including all aspects of sentence administration, security, human resources, internal and financial control, and service development.

### *2.2.2 Directors*

The Director General is supported by five Directors, each of whom has responsibility (including devolved budget management responsibilities) for a particular Directorate. Directors are responsible for ensuring that there is an embedded and regularly monitored business planning management process in their Directorates, which are as follows:

- Care and Rehabilitation
- Custody, Security and Operations
- Finance and Estates
- Human Resources
- Corporate Services, ICT & Governance

### *2.2.3 New Operating Model*

The IPS has introduced a new operating model to align functional responsibility between HQ directorates and the various operational sites (including each of the 12 prisons) and to provide clarity on decision-making authority and accountability. The new model is central to the governance and management structures of IPS and is supported by a number of cross-cutting management groups/fora as set out below.

#### Directors' Leadership Team

The Directors' Leadership Team meets on a weekly basis. It is chaired by the Director General and comprises the HQ Directors and Governor 1, Prison Support & Development (PS&D). Its agenda encompasses all cross-functional matters on which decisions are required.

#### Functional Planning Groups

Each Directorate will have a Functional Planning Group (FPG) chaired by the relevant Director and comprising designated local Functional Managers from each operational site along with relevant HQ personnel. This will help to ensure close working relationships between each Directorate and the corresponding managers in each operational site. Site-specific operational data dashboards will support this process by providing accurate and actionable information for the use of each Functional Manager. The relevant Directors will be responsible for aligning FPG agendas with the overarching DPG agenda.

#### Prisons Leadership Team

Matters impacting on day-to-day prison operations are referred by the Directors' Leadership Team to the Prisons Leadership Team for detailed consideration. The Prisons Leadership Team is chaired by Governor 1 PS&D and comprises the lead Governors from each site. It meets on a monthly basis and the Director General attends at least quarterly. Outputs from these meetings are communicated by Governor 1 PS&D to the Director General as a standing agenda item for Directors' Leadership Team meetings.

#### Strategic Leadership Team

The Strategic Leadership Team is chaired by the Director General and comprises the Directors, Lead Governors, Principal Officers (and equivalents) and Governor 1 PS&D. It meets at least annually and provides overall strategic direction to the organisation and to the aforementioned working groups under the IPS operating model.

### *2.2.4 Other fora*

Other fora are convened as required by the Director General. These include strategic planning groups, capital project boards, emergency response planning teams and other

planning groups for the purpose of supporting/monitoring the oversight, review and implementation of the IPS's strategic, business and risk processes. Such groups have a role in communicating key objectives across the prison network. The IPS has also established a Risk Management Group (see below).

## **2.3 Arrangements at individual prison level**

### *2.3.1 Governors*

The Governor in Charge of each prison is accountable to the Minister, through the Director General, for the safe and secure custody, care and rehabilitation of the prisoners in their charge. The Governor in Charge is also responsible for effective corporate governance at prison level and for cost-effective operational, financial and workforce performance against agreed plans.

Each Governor in Charge is supported by a number of governors spanning various grades and specialised roles. As senior managers in the organisation, prison governors contribute to the overall strategic direction and management of the organisation and the enhancement of prisoner services and outcomes.

### *2.3.2 Prison Management Team*

Each of the 12 prisons has a Prison Management Team, which meets on at least a monthly basis to report and review the management and operation of the prison. Each team is chaired by the relevant Governor in Charge and comprises the supporting governors and functional leads (e.g. Head Teacher, Senior Psychologist, Chaplain, and Senior Probation Officer). The Governor in Charge uses this forum to carry out prison business planning and risk management and to disseminate service-wide information, developments, policies etc. to the management team. The forum also provides an opportunity to identify issues that may warrant further consideration at a strategic level.

## **2.4 External monitoring/ inspection bodies**

### *2.4.1 Inspector of Prisons*

The Inspector of Prisons is a statutory office established under Part 5 of the Prisons Act 2007. The principal statutory role of the Inspector is to carry out periodic inspections of the 12 prisons, and to present reports on each such inspection to the Minister for publication. The Inspector also produces an Annual Report. The Inspector is appointed by the Minister and is independent in the performance of his/her functions.

Additionally, the 2007 Act provides that the Inspector may, and shall if so requested by the Minister, investigate any matter arising out of the management or operation of a prison and shall submit to the Minister a report on any such investigation. Under the terms of a formal request issued by the Minister under the Act, the Inspector investigates the circumstances surrounding the death of any prisoner while in prison custody or within the first month of their temporary release from custody.

While it is not a function of the Inspector to investigate or adjudicate on a complaint from an individual prisoner, s/he may examine the circumstances relating to the complaint where necessary for performing his/her functions. The Inspector also has specific functions in overseeing the investigation by the IPS of particular categories of prisoner complaints under the Prison Rules 2007 as amended.

## *2.4.2 Prison Visiting Committees*

Under the Prisons (Visiting Committees) Act, 1925 and the Prisons (Visiting Committees) Order, 1925, a visiting committee is assigned to each of the 12 currently operational prisons. The committee members comprise individuals from across society and are appointed by the Minister. The role of each committee is to visit its designated prison at frequent intervals and to hear any complaints which a prisoner may wish to convey to the committee. The committees focus on issues such as the quality of accommodation, catering, medical, educational, welfare and recreational facilities. Committee members have free access, either collectively or individually, to every part of their assigned prison.

Each committee provides the Minister with an annual report on its findings. The reports are published on the Department's website.

## *2.4.3 European Committee for the Prevention of Torture (CPT)*

The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) is an independent monitoring body of the Council of Europe. The CPT visits places of detention, including prisons, in the member states of the Council of Europe to see how persons deprived of their liberty are treated. After each visit, the CPT sends a detailed report to the IPS. This report includes the CPT's findings, recommendations, comments and requests for information. Upon receipt of the report, the IPS is requested to submit, within a specified period (usually between three and six months), a detailed response setting out the measures that have been or will be taken to implement the recommendations.

## **3. Key governance obligations**

### **3.1 Adherence to relevant Governance Codes and Standards**

The Director General will ensure that the IPS complies with the various statutory and other corporate governance obligations to which it is subject, including those set out in the Code of Practice and in the Corporate Governance Standard for the Civil Service. Under the latter, the IPS as a Vote-holding body is required to produce a Corporate Governance Framework document and to review it periodically. In light of its new operating model and other developments, the IPS will in 2022 review and update its current Corporate Governance Framework document (which dates from 2016) within the lifetime of this Oversight Agreement and in consultation with Criminal Justice Governance (Standards).

### **3.2 Strategy Statement/ Strategic Plan**

In accordance with section 1.17 of the Code of Practice, the IPS produces a multi-year Strategic Plan. The [current Plan](#) covers the period 2019-2022. The Director General will ensure that a successor Plan is developed in a timely manner and will submit it to the Minister/Department for consideration before it is finalised. In accordance with section 1.15 of the Code of Practice, the Plan will include appropriate objectives and goals along with relevant indicators and targets against which performance can be clearly measured.

The IPS also has other strategy documents (including joint strategies with the Probation Service, Education Training Boards and other bodies) and protocols in place that correspond to the Department's strategic objectives and with good governance.

### **3.3 Audit, Control and Risk Management**

#### *3.3.1 Internal Audit*

The Department's Internal Audit Unit (IAU) provides assurance to the Accounting Officer on the effectiveness of the control, risk management and governance processes operating in the IPS. This is in line with the Charters of both the IAU and the Department's Audit Committee. The IAU is empowered to audit systems and activities under the Prisons Vote. The IAU is managed by the Department's Head of Internal Audit, with audit staff located in the IPS to carry out a programme of audits to assess the effectiveness of the processes in place. Successful delivery of the programme is dependent on having sufficient experienced audit staff in place and support from the IPS.

The Department's Audit Committee oversees internal audit activity in the IPS and provides independent advice and assurance to the Accounting Officer regarding the suitability and robustness of the internal control systems and procedures in the IPS. The Director General is responsible for ensuring that there are effective management controls in place and that audit recommendations are implemented in a timely manner.

#### *3.3.2 Risk management policy and register*

The IPS has appointed a Head of Risk Assurance and Compliance to lead a team responsible for implementing an effective risk management framework and to ensure that compliance standards are met. This function will strengthen the engagement between the IAU and the IPS and will support monitoring of the implementation of IAU recommendations.

The IPS has a risk management policy and reporting framework which falls under, and is aligned with, the overarching Departmental policy. The IPS also has a corporate risk register which the Directors' Leadership Team reviews and updates on a quarterly basis. This Team is responsible for overseeing the IPS risk management process (including through regular review of the corporate risk register) and ensuring that it is operating as intended. The outcome of these assessments is used to plan and allocate resources to ensure that risks are appropriately managed.

Copies of the risk management policy and register, and of significant changes thereto, will be provided to Criminal Justice Governance (Performance & Compliance), whom the IPS will also advise and consult regarding any significant issues arising from the IPS Risk Register. As part of such engagement, the IPS will identify any Departmental supports that it believes necessary in managing a given risk.

#### *3.3.3 Risk Management Group*

IPS has established a Risk Management Group (RMG). This group meets every two months and reports into the Directors' Leadership Team on key risks that have been identified. The RMG's role under the IPS Governance-Risk-Compliance framework is to input into the risk register process; update on implementation plans; provide documentation and training required; clarify risk management responsibilities; and communicate with relevant stakeholders. It also supports contingency planning on critical issues. Membership of the group comprises the Director of Corporate Services; the Head of Risk, Assurance & Compliance; the Risk & Compliance Manager (HQ); and the Risk Focal Points of the various directorates and prisons.



In line with the Code of Practice, the RMG has written terms of reference which clearly outline its authority and duties. Its fundamental role is to ensure that the interests of Government and other stakeholders are protected in relation to business and financial reporting and internal control in the IPS. The Corporate Risk Register is presented to the Directors' Leadership Team on a quarterly basis for review and agreement.

#### *3.3.4 Business Continuity & Cyber Security*

The Director General will ensure that there are adequate business continuity arrangements to prevent and/or minimise disruption to the greatest possible extent in the event of any unforeseen circumstance. Specific business continuity plans have been activated to address and mitigate the threat posed by the COVID-19 virus. The IPS has a Disaster Recovery Plan in place and is developing a Service-wide Continuity Plan which details the alternative arrangements for continuity of service in the event of other unforeseen circumstances such as fire, flooding, ICT outages, cyberattacks etc.

A review of IPS security applications, processes and procedures was conducted in May, 2021. A number of short, medium and longer term actions were identified. The short and medium actions have been completed including firewall upgrades, SIEM (Security Information and Event Management) updates, immutable backup implementation, patching of all windows infrastructure where possible and file security auditing. The ICT team continue to monitor and review alerts as they come in and respond appropriately. The longer term actions will be addressed during 2022-2024 subject to resource availability.

### **3.4 Other key obligations**

#### *3.4.1 Procurement*

The Director General will ensure competitive tendering as standard in the procurement processes of the IPS, and that the applicable procurement policies are disseminated to all staff and adhered to.

The Director General will affirm adherence (or otherwise) to the applicable procurement policies and procedures in her annual Comprehensive Report to the Minister. However, any significant compliance difficulties or breaches<sup>1</sup> will be reported to Criminal Justice Governance (Financial and Capital Resources) at the earliest opportunity.

#### *3.4.2 Other expenditure*

The Director General will ensure adherence to the applicable levels of delegated sanction for authorising expenditure. In any instance where there does not exist clear authority to incur a given expenditure, the IPS will consult with Criminal Justice Governance (Financial and Capital Resources) in advance.

#### *3.4.3 Public Sector Equality and Human Rights Duty*

The IPS shall have full regard to its obligations under section 42 of the Irish Human Rights and Equality Commission Act 2014 to:

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<sup>1</sup> E.g. of a recurring nature, or involving substantial contract values (or values above EU thresholds) or a serious divergence from procurement rules and/or the Public Spending Code.

- Assess and identify human rights and equality issues relevant to its functions, including through its Strategic Plan.
- Identify the policies and practices that are/will be put in place to address those issues.
- Report on related developments in its Annual Report.

The IPS will also engage constructively with Criminal Justice Governance in its mandated role of supporting and monitoring diversity initiatives as a core part of the governance of justice sector agencies.

#### 3.4.4 *Environmental Responsibilities*

The IPS shall fulfil its statutory and other obligations in relation to environmental and energy conservation, including the following:

- In accordance with requirements set out in the *Public Sector Energy Efficiency Strategy 2017*, the IPS has a designated Energy Performance Officer at senior management level who has primary responsibility for (inter alia) ensuring that the IPS meets the applicable statutory/Government-mandated targets on reducing energy consumption and carbon emissions, and for accurately reporting energy use to the Sustainable Energy Authority of Ireland on an annual basis.
- Publishing progress (or lack thereof) on energy reduction in the IPS annual report.
- Participating in Justice-sector and wider public sector initiatives in relation to energy and environmental issues.
- Having full regard to Department of Public Expenditure and Reform (D/PER) Circular 20/2019 on Promoting Environmental and Social Considerations in Public Procurement.

#### 3.4.5 *Provision of information to Members of the Oireachtas*

The Director General will ensure continued compliance with D/PER Circular 25/2016 ('Provision of information to Members of the Oireachtas by State bodies under the aegis of Government Departments/Offices').

#### 3.4.6 *Children First*

As a provider of certain relevant services under the Children First Act 2015, the IPS shall ensure compliance with its obligations under the Act, the associated National Guidance and the Sectoral Implementation Plan published by the Minister under section 27 of the Act. The IPS will annually, or more frequently if requested, submit to Criminal Justice Governance (Performance & Compliance) a report on its Children First compliance<sup>2</sup> for the year in question. However, any significant compliance difficulties or breaches<sup>3</sup> will be reported to Performance & Compliance at the earliest opportunity.

#### 3.4.7 *Data Protection*

The IPS will make every effort to adhere fully to its obligations under the Data Protection Acts 1988-2018, the EU General Data Protection Regulation (GDPR) and the EU Law Enforcement Directive. As an executive office of the Department, the IPS is subject to the

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<sup>2</sup> The report should include information on, *inter alia*: the designation of mandated persons and Designated Liaison Persons; training and instruction of these and other staff; confirmation that all relevant staff have been vetted; and the numbers of mandated reports and other referrals made to Tusla in the period concerned.

<sup>3</sup> E.g. a serious incident involving a child safeguarding failure, or a substantial gap in training, in reporting of incidents/concerns, or in maintaining the network of Designated Liaison Persons.

Department's data protection policy. The IPS has its own designated Data Protection Officer.

A quarterly report will be submitted to the Department in respect of data privacy compliance and activities in the IPS.

#### *3.4.8 Service Charter*

In accordance with the Code of Practice the IPS has published a Service Charter setting out the level of service that its stakeholders can expect. The handling of general complaints forms part of the overall charter, which is supported by a Stakeholder Action Plan.

#### *3.4.9 Complaints Management*

The IPS views complaints as an opportunity to learn and improve for the future, as well as a chance to put things right for the person or organisation that has made the complaint. The IPS undertakes to:

- provide a fair complaints procedure which is clear and easy to use for anyone wishing to make a complaint;
- make sure all complaints are investigated fairly, promptly and in confidence;
- handle all complaint information sensitively, telling only those who need to know; following any relevant data protection requirements;
- gather information which helps the IPS to improve relevant practices and procedures.

Complaints from prisoners are handled under a specific policy and procedure in line with the Prison Rules. There is a general complaints policy for the handling of all other concerns and issues raised.

#### *3.4.10 Conduct and Ethics*

The delivery of a high quality prison service requires all staff to adhere to high standards of work performance, conduct and attendance. A Code of Ethics for IPS staff was launched in late 2021. This Code recognises and codifies the values, professional practice, and standards of behaviour which are most important for the IPS given its key role in the criminal justice system and wider society. The Code sets out clear expectations as to how IPS staff should work together, with prisoners, with their families, and with other stakeholders to create a professional and healthy work environment.

Staff conduct is also governed by the Civil Service Code of Standards and Behaviour and by the Ethics in Public Office Acts. In accordance with the latter, members of staff that occupy 'designated positions' as defined in the legislation furnish annual Statements of Interest to the Standards in Public Office Commission. These statements provide for the disclosure of interests, including material interest, which could influence directors of public bodies in the performance of their official duties.

The Civil Service Disciplinary Code came into effect for all IPS staff on 1<sup>st</sup> October 2020 and is a key part of the wider prison service modernisation agenda, which aims to improve human resource practice and to strengthen accountability and performance. The Disciplinary Code sets out the arrangements for dealing with breaches of discipline and also how necessary improvements can be achieved to prevent any recurrence.

### 3.4.11 Protected Disclosures

In accordance with Section 21(1) of the Protected Disclosures Act 2014, the IPS has established and maintains appropriate procedures for the making of protected disclosures by workers who are or were employed by the IPS, and for dealing with such disclosures. The IPS has a dedicated Protected Disclosures Manager to whom staff can make a disclosure internally and be assured at the outset that they are entitled to the protections set out in the Act. A report on Protected Disclosures received in the IPS is published annually in accordance with section 22 of the Act.

Following a review of its procedures, the IPS published a revised Protected Disclosures policy in 2018. The policy seeks to promote a culture of openness and accountability in which disclosures can be made without fear of reprisal. The key objectives are to encourage staff to make such disclosures at the earliest opportunity and to provide protection for staff who do so. The procedures are designed to ensure that all disclosures are subject to an appropriate independent investigation, followed by appropriate action based on the investigation findings. All assessments, investigations and reviews of disclosures made under the policy are conducted externally and independently.

The IPS is also a member of Transparency International Ireland's 'Integrity at Work' Programme and has made the associated Integrity at Work Pledge. By joining this programme, the IPS has made a public commitment to fostering a workplace in which staff feel safe when speaking up about wrongdoing. Staff are made aware of Transparency International Ireland's 'Speak Up' Helpline for independent guidance on reporting a concern or making a protected disclosure.

## 3.5 Reporting requirements under statute and the Code of Practice

### 3.5.1 Annual Report

In accordance with section 6 of the Code of Practice, the Director General will submit to the Minister, not later than four months after the end of the relevant year, an Annual Report on the performance of the functions and activities of the IPS during the preceding year. The report will include an account of how the IPS has fulfilled key commitments in this Oversight Agreement and how it has delivered on the specific targets set out in the applicable PDA. The report will be published as soon as possible after receipt.

In accordance with the applicable provisions of Appendix A of the 'Code of Practice for the Governance of State Bodies – Business & Financial Reporting Requirements', the Annual Report will include (*inter alia*):

- An explanatory note on any derogations (as agreed between the IPS and the Department) from the applicable provisions of the Code of Practice.
- Confirmation that the IPS has carried out an appropriate assessment of its principal risks (including a description of these risks) and, where appropriate, outline any associated mitigation measures or strategies.
- Confirmation of adherence to all relevant aspects of the Public Spending Code.
- A statement on the system of internal control in the IPS, covering all applicable items set out in Appendix D of the 'Code of Practice for the Governance of State Bodies – Business & Financial Reporting Requirements'.

### *3.5.2 Director General's Comprehensive Report to the Minister*

In conjunction with the submission of the IPS Annual Report, the Director General will furnish a Comprehensive Report to the Minister in line with the applicable provisions of section 1.9 and Appendix C of the 'Code of Practice for the Governance of State Bodies – Business & Financial Reporting Requirements'. The purpose of this Report is to provide assurance that the necessary systems of internal control, risk management and other areas of compliance are operating effectively. In line with the Code of Practice, the aforementioned statement on the system of internal control forms part of the Comprehensive Report in addition to its inclusion in the IPS Annual Report.

### *3.5.3 Preparation of Appropriation Account*

The Director General shall ensure that the annual appropriation account for the Prisons Vote is prepared in accordance with the relevant legislation and with accounting rules and procedures laid down by the Minister for Public Expenditure and Reform.

## **4. Monitoring arrangements and key interactions**

### **4.1 Formal governance meetings**

Criminal Justice Governance will hold four formal governance meetings with the IPS per year (or more if required). These meetings will be chaired by the Head of Criminal Justice Governance and attended by the IPS Director General, along with other senior IPS and Departmental officials. The meetings will consider, as required:

- Delivery of the IPS Strategic Plan and annual business plan(s);
- Progress against the targets set out in the annual PDA;
- Human resource issues including staffing, training and industrial relations;
- Procurement, financial management and budgetary matters;
- Internal control and risk management (including security and privacy risks);
- Key findings/recommendations in reports by the Inspector of Prisons, Internal Audit, the C&AG and other regulatory/oversight bodies and how these are being addressed;
- The operation and review of the systems for managing complaints from prisoners and from other stakeholders;
- Significant legal actions;
- Potential improvement actions or innovations that either party may wish to raise;
- Any matter relating to the IPS that might give, or have given, rise to public commentary/scrutiny, or which might impact on the reputation of the IPS or the prison system more generally;
- Any other matter comprehended in, or arising from, this Agreement.

### **4.2 Financial Management Committee**

The IPS will continue to participate in, and provide all information required for, the monthly meetings of the Financial Management Committee (this committee is chaired by the Department's Head of Corporate Affairs and includes representatives from across the Justice Group of Votes).

### **4.3 Other interactions**

Outside of the aforementioned governance and financial management meetings there will continue to be frequent, less formal interactions between the IPS and the Department in accordance with the business needs and mutual commitments of each party. In this context, informal and unscheduled contact (whether face-to-face or by email or telephone) forms an integral part of the relationship between the parties.

## **5. Commitments**

### **5.1 IPS commitments**

The IPS will:

- Ensure that it has proper accounting and internal control frameworks, and that appropriate structures are in place to provide the necessary assurances to the Department;
- Work to ensure, within the policy frameworks and resources provided, effective service delivery and achievement of agreed outputs and service/cost targets;
- Provide timely, relevant and appropriately detailed information to facilitate the monitoring of this Oversight Agreement and the annual PDA, including in the context of the formal governance meetings; and
- Return relevant and appropriately detailed performance information for inclusion in the Revised Estimates for Public Services volume and in the Government's annual Public Service Performance Report.

More generally, in keeping with the 'no surprises' principle and in the interests of partnership and accountability, the IPS will ensure that the Department is appropriately informed and/or consulted as follows:

- Significant governance-related issues or concerns are brought formally to the attention of Criminal Justice Governance at the earliest possible opportunity.
- Criminal Justice Governance and/or Criminal Justice Policy, as appropriate, are consulted in early course where the IPS intends to pursue significant new strategic initiatives (including joint initiatives with other organisations) or to commission research or consultancy that relates substantively to the governance, management or strategic objectives of the IPS.

### **5.2 Departmental commitments**

The Department will:

- Seek, via the annual Estimates campaign, to secure sufficient resources for the activities of the IPS.
- Liaise with D/PER to ensure, as far as possible, timely sanctions for expenditure and staffing to reflect service delivery requirements in line with public financial procedures and public service numbers policy.
- Provide any necessary guidance/direction on procurement and expenditure rules, government accounting and governance generally.
- Liaise as appropriate with the IPS on public service reform/ engagement initiatives.

- Engage with the IPS in a timely, constructive and committed manner wherever the Department has a role in addressing strategic, policy, legislative or operational issues relevant to the safe, secure, efficient and effective functioning of the prison system.
- Advance the development of a prison population projection model to allow for more proactive planning.
- Assess, where relevant, how envisaged resourcing or legislative changes in another area of the criminal justice sector could impact on the prison system.

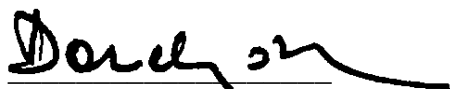
### **5.3 Mutual Commitments**

Both parties will:

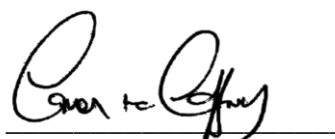
- Be proactive and timely in communicating on (a) relevant matters including significant public announcements, media engagements and publications and (b) specific information requests and responses to meet the Minister's obligations to the Oireachtas or to inform responses to representations, media queries etc.<sup>4</sup> This will be underpinned by the 'no surprises' approach to matters of mutual interest or concern.
- Support adherence to corporate governance obligations under this Oversight Agreement and the achievement of targets under the annual PDA.
- Collaborate in a timely and constructive manner on strategic, policy and operational initiatives relevant to the IPS and to the penal system more generally. This will include initiatives to develop enhanced capacity in the areas of data collection, analysis and exchange and to develop more robust, outcome-based performance metrics.
- Work together on advancing 'front door' strategies to reduce the prison population.
- Continue to engage constructively on the development of legislative proposals for a statutory Prison Service as may be directed by the Minister and the Government.

### **6. Duration and signatories to the Agreement**

Doncha O'Sullivan, Assistant Secretary, Department of Justice, and Caron McCaffrey, Director General, Irish Prison Service, affirm that this Oversight Agreement will be in effect from the date given hereunder until 31<sup>st</sup> December 2024.



*Doncha O'Sullivan  
Assistant Secretary  
Department of Justice*



*Caron McCaffrey  
Director General  
Irish Prison Service*

**Date: 21<sup>st</sup> January 2022**

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<sup>4</sup> The IPS Press Office manages internal and external communications including press queries. As required, it consults with the Department's Transparency function regarding external communications. Briefing material, representations and parliamentary questions are managed by the Director General's office.