



An Roinn Dlí agus Cirt  
Department of Justice



An Bord Parúil  
The Parole Board

# Oversight Agreement 2022-24

**Department of Justice**

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**The Parole Board**

## **1. Introduction**

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

This Agreement has been drawn up by the Department of Justice (“the Department”) in consultation with the Parole Board (“the Board”), in accordance with the Code of Practice for the Governance of State Bodies (“the Code of Practice”). It is the first such agreement with the Parole Board following its establishment in August 2021 as a statutory body.

This Agreement sets out the broad statutory, governance and accountability framework within which the Board operates, and defines the key roles, responsibilities and commitments that underpin its relationship with the Department. The Agreement will be formally reviewed by both parties as soon as practicable after the first anniversary of its signature, with a revised version to be agreed in the event that both parties consider this to be warranted.

A separate Performance Delivery Agreement (“PDA”) will be agreed for the year 2022 and annually thereafter under the governance architecture provided by this Oversight Agreement.

### **1.2 Background and context**

#### *1.2.1 Statutory functions of the Board*

The Board is a statutory body under the aegis of the Minister for Justice (“the Minister”) and was established under Section 8 of the Parole Act 2019 (“the Act”). It succeeds the non-statutory Parole Board, whose purpose was to consider parole applications and make recommendations to the Minister for decision. The statutory Board is a decision-making body, to whom prisoners who are serving a life sentence will be eligible to apply for parole. Prisoners can make an application for parole to be considered by the Board when they have served 10.5 years of their life sentence and have been invited to do so by the Board. However, parole shall not be granted to anyone who has served less than 12 years of a life sentence. The Parole Board may grant, revoke or vary parole orders and is independent in the performance of its functions.

The Board may only grant parole if satisfied that the applicant does not pose an undue risk to the public, that he/she has been rehabilitated, and that it is appropriate in all the circumstances to release him/her on parole. The granting of parole does not end a prisoner’s sentence. Life-sentenced prisoners released on parole are obliged to comply with the conditions of a Parole Order, which will remain in force for the remainder of their lifetime. A breach of a Parole Order is a serious matter and the Board may revoke such an Order where a parolee does not comply with its conditions or where he/she presents a risk to the community.

The Board is required to inform the relevant victim(s) when a prisoner is to be considered for parole, and victims will be able to make submissions (including oral submissions) to the Parole Board. The victim is also entitled to legal representation and, to ensure due process, so is the prisoner. To that end, with the consent of the Minister and the Minister for Public Expenditure and Reform, the Board may develop legal aid schemes for applicants, parolees and victims.

In addition to the functions outlined above, section 9 of the Act provides that the Board:

- a) shall provide information to persons serving sentences of imprisonment, victims and members of the public in relation to its functions,
- b) shall provide information to the Minister in relation to its functions and make recommendations to the Minister, upon his or her request, to assist him or her in coordinating and making policy related to the release of persons from prison on parole, and
- c) may undertake, commission or assist in research projects and other activities related to the release of persons from prison on parole which in the opinion of the Board may assist it in the exercise of its functions, and make recommendations to the Minister arising from those projects or activities.

The Board is a body corporate with perpetual succession, an official seal and the power to sue and be sued. With the consent of the Minister and the Minister for Public Expenditure and Reform, the Board may acquire, hold and dispose of land (or an interest in land) or any other property.

### *1.2.2 Strategic fit within the Justice Sector*

The statutory role of the Board is consistent with Goal 3 of the Department’s Strategy Statement 2021-2023: *“To strengthen community safety, reduce reoffending, support victims and combat domestic, sexual and gender based violence”* and with Objective 5 of Goal 3, viz: *“The establishment of the Board on a statutory footing to take better account of the concerns of victims and survivors”*.

### *1.2.3 Core areas of Departmental interaction with the Board*

While various areas of the Department, including the Transparency and Corporate functions, have dealings with the Board, the day-to-day relationship is mainly embodied in the interactions between the Board and the Department’s Criminal Justice Policy and Criminal Justice Governance functions respectively. Criminal Justice Policy liaises with the relevant aegis bodies on policy matters, while Criminal Justice Governance has primary oversight responsibility for such bodies. Four discrete Principal Officer-led units within Criminal Justice Governance have specific dealings with the Board as follows:

<b><i>Unit</i></b>	<b><i>Purpose</i></b>
<b>Performance and Compliance</b>	Support and monitor the Board’s compliance with its corporate governance obligations and its achievement of agreed objectives, and manage the governance relationship on an ongoing basis.
<b>Governance Standards</b>	Develop and promote consistent approaches to governance, put in place effective governance agreements and performance targets, and advise on specific governance structures, policies and procedures.
<b>Financial and Capital Resources</b>	Oversee (in conjunction with the Department’s finance and internal audit functions) the Board’s financial and capital resource management, and

	manage approvals for the accompanying resources.
<b>Human Resources and Appointments</b>	Provide advice and support in respect of certain HR issues and requirements, and particularly with regard to Board appointments.

## **2. Corporate Governance Arrangements and Obligations**

### **2.1 Roles and Responsibilities**

#### *2.1.1 Minister for Justice*

The Act provides that, while the Board is independent in the performance of its functions, it shall report to the Minister on same. The Act further provides that the Minister shall appoint the members of the Board, and provide it with staff and resources from public monies voted by the Oireachtas. The Minister is politically accountable for the Board's effectiveness in using those resources to fulfil its statutory functions.

The Act further provides that the Board shall provide information to the Minister in relation to its functions and make recommendations to the Minister, upon his or her request, to assist him or her in coordinating and making policy related to the release of persons from prison on parole.

#### *2.1.2 Accounting Officer*

The Board is funded under the Justice Vote (Vote 24), for which the Secretary General of the Department is the Accounting Officer. The Accounting Officer is responsible for safeguarding public funds and property under the Department's control, for the efficiency and economy of administration by the Department and for the propriety of all transactions in the appropriation account. Further external scrutiny and governance is provided through the submission and analysis of the annual appropriation account to the Comptroller and Auditor General and ultimately to the Oireachtas via the Public Accounts Committee.

#### *2.1.3 Members of the Board*

Section 10(1) the Act provides that the Board shall comprise between 12 and 15 members (including its Chairperson) as determined and appointed by the Minister. Under section 10(3), members are variously nominated by the Minister and by a variety of relevant bodies and other office-holders including the Chief Justice, whose nominee shall act as Chairperson as per section 10(4). The terms of office of Board members are set out in section 11 of the Act. Detailed provisions on the Board's powers, procedures and meetings are respectively set out in sections 13, 14 and 15 of the Act.

In line with the Code of Practice for the Governance of State Bodies, the Parole Board is collectively responsible for leading and directing the organisation's activities and ensuring high ethical standards. While the Board may delegate particular functions to the Chief Executive (see below), the exercise of such delegation does not absolve the Board from the responsibility for the proper governance of the organisation and the duty to supervise the discharge of delegated functions in accordance with an adequate and effective system of internal control. The Board must act on a fully informed and ethical basis, in good faith, with due diligence and care and in the best interest of the State, having due regard to the Board's legislative responsibilities and the objectives set by the Minister for Justice and/or the Government.

Administrative and governance functions for which the Board members, acting collectively, are responsible include (inter alia):

- Deciding on the granting, revoking or varying of parole orders;
- The overall administration of applicable legal aid schemes;
- Keeping all relevant stakeholders, including the Minister, appropriately informed;
- Determining a schedule of functions/decisions to be reserved to the Board;
- Setting, reviewing and guiding strategic direction, performance objectives and major plans of action;
- Ensuring the confidentiality of the records of the organisation;
- Ensuring effective management of public funds;
- Ensuring that the organisation has sufficiently robust and up-to-date administrative policies and procedures; and
- Devising and consistently implementing/overseeing appropriate governance, internal control and risk management policies and procedures.

#### *2.1.4 Chairperson*

While the statutory functions of the Parole Board Chairperson comprise a relatively small number of procedural matters, the Code of Practice further provides that “[A] Chairperson is responsible for leadership of the Board and ensuring its effectiveness on all aspects of its role. The Chairperson should display high standards of integrity and probity and set expectations regarding culture, values, and behaviours for the State body and for the tone of discussions at Board level.”

More specifically, the Code sets out a key role for board chairpersons (with the support of the Chief Executive and the Board secretary as appropriate) in managing the board agenda and meetings, and in providing the relevant Minister with appropriate assurance as to the standards of governance and internal control in the organisation. This assurance is primarily provided on an annual basis by way of the Chairperson’s Comprehensive Report to the Minister (see below).

#### *2.1.5 Secretary to the Board*

The Secretary to the Board has an important role under the Code of Practice. Under the direction of the Chairperson, the responsibilities of the Secretary of the Board include ensuring good information flows within the Board and its committees and between senior management and non-executive Board members, as well as facilitating induction, mentoring and assisting with ongoing professional development as required.

All Board members should have access to the advice and services of the Secretary of the Board, who is responsible to the Board for ensuring that Board procedures are complied with. The Secretary of the Board is also responsible for the formal induction of new Board members and organising mentoring for Board members where required. The Secretary also maintains reports of conflicts of Interest.

#### *2.1.6 Chief Executive*

Section 18 of the Act provides that there shall be a chief executive officer (“the Chief Executive”) of the Board. Under section 18(6), the Chief Executive shall:

- a) implement the policies, procedures and decisions of the Board,
- b) manage and control generally the Board's staff, administration and business,
- c) be responsible to the Board for the performance of his or her functions, and
- d) perform such other functions (if any) as may be required by the Board to be performed by him or her or as may be authorised under this Act.

Section 18(8) of the Act provides that the Chief Executive shall not be a member of the Board but may attend Board meetings and shall be entitled to speak at and advise such meetings.

The Chief Executive is supported in his/her work by the staff of the Board, who are appointed by the Minister under section 17(1) of the Act and provided by the Department. Section 18(9) provides that the Chief Executive may, with the consent of the Board, delegate particular functions to specified staff.

Section 20 of the Act requires the Chief Executive, under the direction of the Board, to keep all proper and usual accounts of moneys received and spent by the Board, including an income and expenditure account and balance sheet.

Under section 21(1) of the Act, the Chief Executive shall, whenever so required by the PAC, give evidence to that Committee on: the economy and efficiency of the Board in using its resources; on the systems, procedures and practices used by the Board for evaluating its effectiveness; and on any relevant matter referred to in a C&AG report. Section 22(2) provides that the Chief Executive shall, at the request of another Oireachtas Committee, attend before it to give account for the general administration of the Board.

## **2.2 Strategic Plan**

In accordance with section 1.17 of the Code of Practice, the Board will produce a multi-year Strategic Plan and submit it to the Minister/Department for consideration before it is finalised. In accordance with section 1.15 of the Code, the Plan will include appropriate objectives and goals along with relevant indicators and targets against which performance can be clearly measured.

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

### *2.3.1 Internal Audit*

As the Board is funded under a subhead of the Justice Vote, the Department's Internal Audit Unit (IAU) provides support to the Board in monitoring and reviewing the effectiveness of its arrangements for governance, risk management and internal control. The Department's Audit Committee provides further support in protecting the interests of Government and other stakeholders by verifying that appropriate internal controls and business/financial reporting procedures are in place within the Board.

The Board will inform and consult with Criminal Justice Governance (Performance & Compliance) on how it aims to address key findings and recommendations received from IAU or the Audit Committee.

### *2.3.2 Risk management policy and register*

The Board members and CEO are responsible for the management of risk within the organisation. The Board has/will develop a risk management policy and reporting framework which falls under, and is aligned with, the overarching Departmental policy. The Board also has/will prepare a corporate risk register which is reviewed on a quarterly basis and updated as required. Copies of the risk management policy and register, and of significant changes thereto, will be provided to Criminal Justice Governance (Performance & Compliance).

## **2.4 Other key arrangements and obligations**

### *2.4.1 Procurement*

The Board will ensure competitive tendering as standard in its procurement processes, and that the applicable procurement policies are disseminated to all staff and adhered to.

The Chairperson's Comprehensive Report to the Minister will affirm adherence (or otherwise) to the applicable procurement policies and procedures. 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.

### *2.4.2 Other expenditure*

The Board 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 Board will consult with Criminal Justice Governance (Financial and Capital Resources) in advance.

### *2.4.3 Conduct and Ethics*

The Board will fully comply with its obligations under the Ethics in Public Office Acts and with the relevant provisions of the Code of Practice (Chapter 5), including the development of a code of conduct for Board members. As civil servants of the Minister, the Board's staff are subject to the Civil Service Code of Standards and Behaviour.

### *2.4.4 Protected Disclosures*

In accordance with Section 21(1) of the Protected Disclosures Act 2014, the Parole Board has established and maintains appropriate procedures for the making of protected disclosures by workers who are or were employed by the Board, and for dealing with such disclosures, and has communicated same to all staff.

### *2.4.5 Customer Charter*

The Parole Board has a [customer charter](#) setting out the level of service that a customer can expect. The charter is supported by a customer action plan and is available on the Board's [website](#).

### *2.4.6 Data Protection*

The Board will adhere to its obligations under the Data Protection Acts 1988-2018, the EU General Data Protection Regulation (GDPR) and the EU Law Enforcement Directive. The

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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.

Board will develop a data protection policy and appoint a designated Data Protection Officer. Ahead of each formal governance meeting with the Department, the Board will notify Criminal Justice Governance (Performance & Compliance) of the number of identified data breaches (if any) in the period concerned, and on the progress/outcome of any inspections or investigations by the Office of the Data Protection Commissioner.

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

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

- 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 Board 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.

#### *2.4.8 Environmental Responsibilities*

The Board 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 Board will appoint a designated Energy Performance Officer at senior management level who has primary responsibility for (inter alia) ensuring that the Board 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 Board's 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.]

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

The Board will ensure 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').

#### *2.4.10 Child Protection*

The Board will ensure compliance with good practice and any relevant guidelines and legislation, and will at all times adhere to 'Children First National Guidance for the Protection and Welfare of Children'.

## **2.5 Reporting requirements under statute and the Code of Practice**

### *2.5.1 Annual Report*



In accordance with section 23 of the Act, the Board shall submit to the Minister, not later than six months after the end of the relevant year, a report on its activities during the preceding year. Within one month of receiving the report the Minister shall lay copies of same before both Houses of the Oireachtas. The Board shall publish the report as soon as practicable thereafter.

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 with the Department) from the applicable provisions of the Code of Practice.
- Confirmation that the Board 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 applicable aspects of the Public Spending Code.
- A statement on the system of internal control in the Board, covering all applicable items set out in Appendix D of the 'Code of Practice for the Governance of State Bodies – Business & Financial Reporting Requirements'.

The annual report for 2022 and subsequent such reports will also include details of how the Board has met other key obligations referenced in this Oversight Agreement, and an account of how the Board has delivered on the targets set out in the corresponding PDA.

#### *2.5.2 Chairperson's Comprehensive Report to the Minister*

In conjunction with the submission of the Board's Annual Report, the Chairperson 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 the Comprehensive 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 will form part of the Comprehensive Report in addition to its inclusion in the Board's Annual Report.

#### *2.5.3 Annual Accounts*

Section 20(2) of the Act provides that the Board shall approve annual accounts not later than three months after the end of the year in question and submit these to the C&AG for audit. In line with the Code of Practice, a copy of the draft unaudited accounts will firstly be sent to the Department's Financial Shared Services as soon as practicable and in any event no later than two months after the end of the year in question.

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

#### **3.1 Formal governance meetings**

Criminal Justice Governance will hold two formal governance meetings with the Board per annum (or more if required). These meetings will be chaired by the Head of Criminal

Justice Governance and attended by the Chief Executive Officer and relevant senior staff of the Board. The meetings will consider, *inter alia* and as required:

- Delivery of the Board's [Strategic Plan and] annual business plan(s);
- Progress against the targets set out in the annual PDA;
- Human resource issues including staffing and training;
- Procurement, financial management and budgetary matters;
- Internal control and risk management (including cybersecurity and data protection risks);
- Key findings/recommendations in reports by Internal Audit or the C&AG, and how these are being addressed;
- Any significant legal actions involving the Board;
- Potential improvement actions or innovations that either party may wish to raise;
- Any matter relating to the Board that might give, or have given, rise to public commentary/scrutiny, or which might impact on the reputation of the Board or of the parole system more generally;
- Any other matter comprehended in, or arising from, this Agreement.

### **3.2 Other interactions**

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

## **4. Commitments**

### **4.1 Board commitments**

The Board will:

- Ensure compliance with the various statutory and other corporate governance obligations to which it is subject, including those set out in the Code of Practice;
- Ensure that it is in a position to provide the necessary assurances to the Minister and the Department as to the Board's governance, internal control and risk management procedures;
- Work, within the statutory framework provided by the Act and the resources provided by the Minister, to ensure effective service delivery and achievement of agreed outputs and targets;
- Provide timely, relevant and sufficiently detailed information to facilitate the monitoring of this Oversight Agreement and the annual PDA, including in the context of 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 with the Department, the Board 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 Board intends to pursue significant new strategic or operational initiatives or to commission research or consultancy that relates substantively to the governance, management, operations or strategic objectives of the organisation.

## **4.2 Departmental commitments**

The Department will:

- Seek, via the annual Estimates campaign, to secure sufficient resources for the activities of the Board.
- Liaise as necessary with D/PER to ensure, as far as possible, timely sanctions for expenditure and staffing to meet service delivery requirements within the parameters of public financial procedures and policies on public service numbers.
- Provide any necessary guidance/direction on procurement and expenditure rules, government accounting and governance generally.
- Engage as appropriate with the Board on public service reform/ engagement initiatives.
- Engage with the Board in a timely and constructive manner where the Department has a role in addressing strategic, policy, legislative or operational issues relevant to the safe, secure, efficient and effective functioning of the parole system.

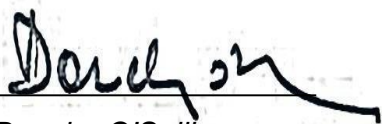
## **4.3 Mutual Commitments**

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. This will be underpinned by a ‘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.
- Engage in a timely and constructive manner on strategic, policy and operational initiatives relevant to the parole system. These may include initiatives to develop enhanced capacity in the areas of data collection, analysis and exchange and to develop more robust, outcome-based performance metrics.

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

Doncha O’Sullivan, Head of Criminal Justice Governance, Department of Justice, and Cairín de Buis, Chief Executive Officer, the Parole Board, affirm that this Oversight Agreement will be in effect until 31<sup>st</sup> December 2024.



*Doncha O'Sullivan  
Assistant Secretary  
Department of Justice*



*Ciairín de Buis  
Chief Executive Officer  
Parole Board*

**Date:** 7<sup>th</sup> April 2022