



An Roinn Dlí agus Cirt
Department of Justice



Department of Justice

An Garda Síochána

Oversight Agreement 2022-23

1. Introduction

1.1 Scope of this Agreement

This Agreement has been drawn up by the Department of Justice (“the Department”) in consultation with An Garda Síochána, having due regard to the Code of Practice for the Governance of State Bodies (“the Code of Practice”). It updates and supersedes the previous Oversight Agreement (2020-22), following a mid-term review of that agreement as provided therein.

This Agreement sets out the broad governance and accountability framework within which An Garda Síochána operates, and defines the key roles, responsibilities and interactions that underpin its relationship with the Department.

1.2 Background and context

1.2.1 The Garda Síochána Act 2005 (as amended)

The Garda Síochána Act 2005, as amended (“the Act”) provides for the administration and management of An Garda Síochána and defines the role of the Commissioner of An Garda Síochána (“the Commissioner”) and his relationship to the Minister for Justice (“the Minister”). The Act also sets out the functions and objectives of An Garda Síochána.

The Act further provides for the independent oversight of An Garda Síochána through:

- The Policing Authority (“the Authority”), which has responsibility for overseeing the performance by An Garda Síochána of its functions relating to policing services;
- The Garda Síochána Ombudsman Commission (“GSOC”), which is responsible for how complaints against Garda members are dealt with; and
- The Garda Síochána Inspectorate (“the Inspectorate”), which advises on how the resources available to An Garda Síochána can be used so as to achieve and maintain the highest levels of efficiency and effectiveness in its operation and administration.

1.2.2 Functions of An Garda Síochána

Under section 7 of the of the Act, the function of An Garda Síochána is to provide policing and security, including vetting, services for the State with the objective of—

- preserving peace and public order,
- protecting life and property,
- vindicating the human rights of each individual,
- protecting the security of the State,
- preventing crime,
- bringing criminals to justice, including by detecting and investigating crime,
- regulating and controlling road traffic and improving road safety, and
- any other functions conferred on it by law.

The Mission of An Garda Síochána is “*Ag Coinneáil Daoine Sábháilte – Keeping People Safe*”.

1.2.3 *A Policing Service for Our Future*

Since 2019 a major programmatic reform of policing services has been underway via *A Policing Service for Our Future* (APSFF), the Government's multi-annual plan to implement the recommendations of the Report of the Commission on the Future of Policing in Ireland (COFPI). The Policing Reform Implementation Programme Office, based in the Department of the Taoiseach, drives and co-ordinates APSFF implementation and reporting, while the high-level Implementation Group on Policing Reform has collective responsibility for delivery. This Group comprises senior officials from the organisations most closely involved in driving the reform programme, including An Garda Síochána and the Departments of An Taoiseach, Public Expenditure and Reform (DPER) and Justice.

The overall reform programme includes the development of a new Operating Model for An Garda Síochána. The new model will be centred on reconfigured and more operationally autonomous Garda Divisions and a more tailored, responsive and community-based service to the public. The model comprises 19 Garda Divisions supported by four geographical regions and by national, regional and Divisional specialist units as required.

2. Key Governance Structures, Roles and Responsibilities

2.1 The Government, the Minister and the Department

2.1.1 The Government

Article 28.2 of the Constitution provides that the executive power of the State shall be exercised by or on behalf of the Government. Policing forms part of the executive power of the State and this is reflected in the Act, which reserves certain matters for the Minister and the Government.

The Government's functions under the Act include exercising specific powers of appointment, removal and dismissal in relation to the senior Garda ranks, approving the giving of directions by the Minister to the Commissioner, and approving the making of regulations by the Minister. The Department engages with Garda management on these issues as necessary, for example in preparing certain memoranda for Government and in drafting regulations.

2.1.2 The Minister

Under the Act, the Minister may:

- approve the determination and revision by the Authority of priorities and performance targets for An Garda Síochána in performing its functions in relation to policing services;
- establish, and from time to time revise, priorities and performance targets for An Garda Síochána in performing its functions in relation to security services;
- consent to the approval by the Authority of the Garda Strategy Statement;
- consent to the approval by the Authority of the Annual Policing Plan; and
- with the approval of the Government, issue a written directive to the Garda Commissioner concerning any matter relating to An Garda Síochána.

The Department engages with Garda management on the above issues to ensure that decisions taken are properly informed and based on accurate information.

Under section 42 of the Act, the Minister may, with respect to any matter considered by him or her to be of public concern, on his or her own initiative or, in the case of a matter relating to policing services, either —

- having consulted with the Authority, or
- on the request of the Authority, where the Authority is satisfied that an inquiry should be ordered,

by order appoint a person to—

- inquire into any aspect of the administration, operation, practice or procedure of An Garda Síochána, or the conduct of its members, and
- make a report to the Minister on the conclusion of the inquiry.

The Minister is politically accountable to the Oireachtas for policing and security matters, including matters relating to An Garda Síochána, the Authority, GSOC and the Inspectorate. It is important that the Garda authorities inform the Department, at the earliest opportunity, of significant developments relating to matters which are in, or are likely to quickly enter, the public domain – particularly where it could reasonably be anticipated that the Minister may be asked to comment publicly at short notice or that she would otherwise wish to be aware of such developments in early course.

2.1.3 Secretary General of the Department

Under section 40 of the Act, the Commissioner shall account fully to the Government and the Minister, through the Secretary General, for any aspect of his or her functions. This includes the duty to provide, at the request of the Secretary General, any document in the power or control of An Garda Síochána.

2.1.4 Core areas of Departmental interaction with An Garda Síochána

While numerous areas of the Department have dealings with An Garda Síochána, the corporate relationship is primarily embodied in the interactions between An Garda Síochána and the Department's Transparency, Criminal Justice Policy and Criminal Justice Governance functions respectively, as follows:

- **Transparency** is responsible for (inter alia) sourcing, assessing and communicating all information required by the Minister, and for managing internal and external communications including press queries, representations, complaints from members of the public, and parliamentary questions. Transparency has direct and very frequent dealings with An Garda Síochána in such matters.
- **Criminal Justice Policy** liaises directly with An Garda Síochána on a wide range of relevant policy issues.
- **Criminal Justice Governance** has primary oversight responsibility for all criminal justice agencies under the aegis of the Minister. It comprises seven Principal Officer-led units, of which six have specific dealings with An Garda Síochána as follows:

Unit	Purpose
Governance Standards	To develop and promote consistent approaches to oversight, to negotiate governance agreements and performance targets, and to advise on specific governance structures and proposals.
Garda Performance & Compliance	To support, monitor and appraise An Garda Síochána overall performance and compliance with its corporate governance obligations, to manage the AGS/Department governance relationship on an ongoing basis, and to liaise with GSOC and other Garda oversight bodies on related matters as required.
Financial & Capital Resources	To monitor the financial (current and capital), infrastructural and ICT resource management of An Garda Síochána, to assess and engage on related business cases, and to manage approvals for such resources.
Human Resources & Appointments	To advise and consult on strategic HR issues and requirements, and to manage board and/or senior executive appointments.
Policing Legislative Framework	To develop, via the Policing, Security and Community Safety Bill, a new governance and oversight framework for policing in line with the recommendations of the report of the Commission on the Future of Policing in Ireland.
Policing Legislation Implementation	To develop preparatory structures for implementation of the Policing, Security and Community Safety Bill and to coordinate and project-manage the overall implementation plan.

2.2 The Commissioner and senior Garda management

2.2.1 The Commissioner

The Commissioner is accountable to the Minister for the performance of the Commissioner's functions and those of An Garda Síochána. The functions of the Commissioner are set out in Section 26 of the Act and include:

- directing and controlling An Garda Síochána;
- carrying on and managing and controlling generally the administration and business of An Garda Síochána, including by arranging for the recruitment, training and appointment of its personnel;
- advising the Minister on policing and security matters;
- assisting and cooperating with the Authority in order to facilitate the performance by the Authority of its functions;
- performing any other functions that are assigned to him or her by or under the Act.

In performing his or her functions, the Commissioner shall have regard to the following matters:

- the objective of promoting effectiveness, efficiency and economy in An Garda Síochána;
- the priorities and performance targets in operation under sections 20 and 20A of the Act;
- any relevant policies of the Minister or the Government;
- the strategy statement in operation under section 21 of the Act;
- the annual policing plan prepared under section 22 of the Act;
- any directive issued under section 25 of the Act; and
- the policing principles.

The Commissioner's specific duties under the Act include:

- the appointment of persons to the ranks of Garda, Sergeant and Inspector and, subject to safeguards (including a requirement for the consent of the Authority), their dismissal;
- the recruitment of Garda Staff and the appointment of such staff below the grade equivalent to the rank of Chief Superintendent, as may be approved by the Authority with the consent of the Minister for Justice and the Minister for Public Expenditure and Reform;
- informing the Authority and, as the case may be, the Minister of measures taken to achieve the objectives of the policing and security priorities and performance targets determined by the Authority and the Minister respectively, and of the outcome of those measures;
- preparing and submitting a Strategy Statement every 3 years, or less if directed by the Authority, to the Authority;
- preparing and submitting an Annual Policing Plan to the Authority; and
- preparing and submitting 3-year review reports to the Authority.

Under section 41 of the Act, the Commissioner is obliged to keep the Minister and the Secretary General fully informed of:

- matters relating to significant developments concerning—
 - the preservation of peace and public order in the State,
 - the protection of life and property in the State, and
 - the protection of the security of the State;
- significant developments that might reasonably be expected to affect adversely public confidence in An Garda Síochána;
- matters relevant to the accountability of the Government to the Houses of the Oireachtas; and
- any other matters that, in the Commissioner's opinion, should be brought to the Minister's attention.

In addition, the Commissioner is obliged, whenever required by the Minister, to submit to the Minister a report on any matters connected with the policing or security of the State or the performance of the Commissioner's other functions that may be specified in the requirement.

Section 41A of the Act places similar obligations on the Commissioner with respect to the Authority in relation to matters connected with policing services.

2.2.2 Accounting Officer

An Garda Síochána has its own Vote (Vote 20) and its own Accounting Officer. Section 43 of the Act provides that the Commissioner is the Accounting Officer in relation to the appropriation accounts of An Garda Síochána for the purposes of the Comptroller and Auditor General Acts 1866 to 1998. As Accounting Officer, the Commissioner is responsible for the safeguarding of public funds and property under his or her control and is accountable in this respect to the Committee of Public Accounts and other Oireachtas Committees.

2.2.3 Central management structures

The Garda Executive

The Garda Executive has overall responsibility for leadership and management of An Garda Síochána. It comprises the Garda Commissioner, Deputy Commissioner Policing and Security, Deputy Commissioner Strategy, Governance and Performance, the Chief Administrative Officer, the Executive Director, Finance & Services and the Executive Director, Human Resources and People Development. The Executive provides strategic leadership, direction and oversight in determining policy and achieving organisational objectives.

Senior Leadership Team

The Senior Leadership Team is chaired by the Commissioner and comprises the two Deputy Commissioners, the Chief Administrative Officer, all Assistant Commissioners and Executive Directors. It supports the Garda Executive in the implementation of Strategy and Policing Plans. The Senior Leadership Team balances the individual responsibilities of its members with their collective corporate responsibility as senior managers of An Garda Síochána.

Executive Committees

An Garda Síochána is in the process of establishing a number of high-level Executive Committees to support the Garda Executive, as follows:

- **Policing & Security Committee:** To oversee the policing operations and elements of security operations of An Garda Síochána to ensure implementation of the vision, mission and values and its three-year strategy.
- **Risk, Policy & Finance Committee:** To provide oversight of the Risk Management Framework and the Policy Management Framework and the financial planning and budgeting process; to monitor and assess financial performance; and to support An Garda Síochána in its financial and investment decisions.
- **People Committee:** To oversee workforce and learning development of our people, to ensure alignment with An Garda Síochána, strategy, culture, vision, mission, and values; to promote a culture of employee learning and development and the fair treatment of employees; and to monitor people related risks.
- **Transformation Committee:** To oversee and monitor progress of the strategic transformation agenda of An Garda Síochána, encompassing culture, systems and the operating model, ensuring they are fully aligned with the strategy, statutory functions, values and budget of An Garda Síochána.

It is also envisaged that these new Executive Committees will support the Commissioner in providing high-quality information to the proposed Garda Board (to be established under the

Policing, Security and Community Safety Bill) and in giving effect to requests and decisions of the Board.

2.3 External oversight bodies

2.3.1 The Policing Authority

The Policing Authority was established under Part 2A of the Act (as amended by Garda Síochána (Policing Authority and Miscellaneous Provisions) Act 2015) and, subject to the Act, is independent in the performance of its functions. The principal function of the Authority is to oversee the performance by An Garda Síochána of its functions relating to policing services. The Authority's statutory functions in this regard include:

- Keeping under review the adequacy in An Garda Síochána of:
 - corporate governance arrangements and structures;
 - arrangements for the recruitment, training and development of Garda members and Garda staff;
 - mechanisms in place for the measurement of performance and accountability of Garda members and Garda staff; and
 - arrangements for managing and deploying the available resources;
- holding regular meetings with the Commissioner, at least four of which must be held in public each year and broadcast;
- nominating persons for appointment by the Government to the posts of Commissioner and Deputy Commissioner, and recommending their removal in certain circumstances;
- undertaking the selection process and appointing persons to the ranks of Superintendent, Chief Superintendent and Assistant Commissioner (and removing them for reasons related to policing services);
- appointing Garda staff of grades equivalent to or above that of Chief Superintendent;
- determining Garda priorities in relation to policing services;
- approving the Garda Síochána strategy statement;
- approving the annual policing plan;
- promoting and supporting the continuous improvement of policing in the State;
- requesting GSOC and/or the Inspectorate to initiate an inspection or inquiry or to examine Garda practices or procedures;
- monitoring, assessing and reporting to the Minister on the measures taken by An Garda Síochána in relation to recommendations made in a report of the Inspectorate;
- exercising the previous functions of the Minister in relation to Joint Policing Committees.

2.3.2 Garda Síochána Inspectorate

The Inspectorate was established under Part 5 of the Act and, subject to the Act, is independent in the exercise of its functions, which are:

- To carry out inspections or inquiries in relation to any particular aspects of the operation and administration of An Garda Síochána. These inspections can be carried out either—
 - on the Inspectorate's own volition, if it considers it appropriate to do so, or

- at the request of the Authority (in respect of a matter relating to policing services) or the Minister;
- To submit to the Authority or the Minister, as the case may be—
 - a report on those inspections or inquiries, and
 - if required by the Authority (in relation to policing services) or the Minister, as the case may be, a report on the operation and administration of An Garda Síochána during a specified period and on any significant developments in that regard during that period.
 - Any report prepared by the Inspectorate can, where appropriate, contain recommendations for any action that the Inspectorate considers necessary; and
- To provide advice to the Authority and the Minister with regard to best policing practice.

2.3.3 *Garda Síochána Ombudsman Commission*

GSOC was established under Part 3 of the Act and subject to the Act, is independent in the exercise of its functions. Part 4 of the Act contains the statutory provisions under which GSOC investigates complaints made against members of An Garda Síochána. GSOC has an important role in ensuring that public confidence in An Garda Síochána is safeguarded, and has extensive powers under the Act to enable it to carry out its responsibilities. Its main functions are:

- to investigate complaints involving allegations of criminality by Garda members;
- to refer complaints regarding alleged misbehaviour of a disciplinary nature to the Garda Commissioner for investigation (although GSOC may choose to maintain oversight of progress in such investigations);
- where appropriate following investigations—
 - to make recommendations to the Garda Commissioner in relation to disciplinary proceedings, or
 - to forward files to the Director of Public Prosecutions with appropriate recommendations;
- to investigate any matter that appears to indicate that the conduct of a Garda member may have resulted in the death of, or serious harm to, a person;
- where it appears to GSOC to be desirable in the public interest (even where no complaint has been received), to investigate any matter that appears to indicate that a Garda member may have committed an offence or behaved in a manner that would justify disciplinary proceedings. The Minister may also refer such a matter to GSOC for investigation;
- to examine any practice, policy or procedure of An Garda Síochána with a view to reducing the incidence of related complaints;
- to investigate, with the consent of the Minister, where there is a concern that the Garda Commissioner may have committed an offence or behaved in a manner that would constitute serious misconduct.

The Protected Disclosures legislation prescribes GSOC as a body to which Garda members may make protected disclosures.

2.4 Setting of strategic, policing and security priorities

2.4.1 Policing services

Under section 20 of the Act, the Authority shall, with the approval of the Minister and having consulted with the Commissioner, set and revise priorities and performance targets for An Garda Síochána in relation to policing services. The Authority is required to send a copy of the determined priorities to the Minister who will lay it before the Oireachtas.

The Commissioner is required to inform the Authority, either within a time specified by the Authority or, if no such time is specified, in the annual report submitted to the Authority, of the measures taken to achieve the objectives of the priorities determined and performance targets established and of the outcome of those measures.

2.4.2 Security services

Under section 20A of the Act, the Minister shall, having consulted with the Commissioner, set and revise priorities and performance targets for An Garda Síochána in relation to security services. The Minister shall lay a copy of the priorities before the Oireachtas and may exclude material that would be prejudicial to national security or that might facilitate the commission of an offence, prejudice a criminal investigation or jeopardise the safety of a person. The Commissioner is required to inform the Minister, within a time specified by the Minister, of the measures taken to achieve the objectives of the priorities determined and performance targets established and of the outcome of those measures.

2.4.3 Strategy Statement

In accordance with Section 21 of the Act, the Commissioner shall prepare, and submit to the Authority for its approval (with the consent of the Minister), a Strategy Statement for An Garda Síochána and for policing services for the following three years. In preparing the strategy statement, the Commissioner shall have regard to:

- relevant Government policy;
- the priorities determined by the Authority under section 20 of the Act relating to policing services;
- any priorities that may be determined by the Minister under section 20A of the Act relating to security services;
- the resources expected to be available to An Garda Síochána over the duration of the statement;
- the need to ensure the most beneficial, effective and efficient use of those resources; and
- the policing principles.

The Authority shall, with the consent of the Minister, approve the Strategy Statement either in the form submitted or with such amendments as the Authority (with the consent of the Minister, and having consulted with the Commissioner) may determine. The Authority shall then send a copy of the approved Strategy Statement to the Minister, who is required to lay it before the Oireachtas. An Garda Síochána current Strategy Statement covers the period 2019-21 and is available online at www.garda.ie.

2.4.4 Annual Policing Plan

Section 22 of the Act requires the Commissioner to prepare an Annual Policing Plan setting out the proposed arrangements for policing services for the following year. In so doing, the Commissioner shall have regard to the following:

- the priorities determined and performance targets established under section 20;
- the strategy statement in operation under section 21 during the year to which the plan relates;
- relevant directives issued under section 25;
- the resources expected to be available to An Garda Síochána for that year and the proposed allocation of those resources;
- relevant Government policy; and
- the policing principles.

The Plan shall be submitted to the Authority for its approval (with the Minister's consent), either in the form submitted or with such amendments as the Authority, with the consent of the Minister and having consulted with the Commissioner, may determine. The Authority shall then send a copy of the approved plan to the Minister, who is required to lay it before the Oireachtas. The Authority shall monitor the delivery of the Plan.

2.5 Audit and risk management arrangements

2.5.1 Garda Internal Audit Service

An Garda Síochána Internal Audit Service (GIAS) is responsible for monitoring and reviewing the effectiveness of the organisation's arrangements for governance, risk management and internal control.

2.5.2 Audit Committee

Section 44 of the Act provides that An Garda Síochána shall have an Audit Committee, the chairperson and other members of which are appointed by the Policing Authority. The Act provides that the Committee shall comprise a Deputy Commissioner (or civilian of equivalent rank) and not fewer than four other persons, with relevant skills and experience, who are not members of An Garda Síochána.

The Audit Committee is required to meet at least four times per annum and to advise the Commissioner on governance and financial matters relating to his or her functions, including:

- the proper implementation of Government guidelines on governance and financial issues;
- compliance with section 22 of the Exchequer and Audit Departments Act 1866, section 19 of the Comptroller and Auditor General (Amendment) Act 1993 and any other obligations imposed by law relating to financial matters;
- the appropriateness, efficiency and effectiveness of An Garda Síochána's procedures relating to —
 - public procurement,
 - seeking sanction for expenditure and complying with that sanction,
 - acquiring, keeping custody of and disposing of assets,
 - risk management,
 - financial reporting, and

- internal audits.

The Committee shall report in writing at least once a year to the Commissioner on the above matters and on its activities in the previous year, and shall provide the Authority and the Minister with a copy of each report.

The Commissioner shall ensure that the Committee is provided with all of An Garda Síochána audit reports, audit plans and monthly reports on expenditure. In addition, if the Commissioner has reason to suspect that any material misappropriation of the money for which (s)he is the accounting officer, or any fraudulent conversion or misapplication of An Garda Síochána's property may have taken place, (s)he must report the matter to the Committee as soon as practicable.

The Commissioner shall also ensure that the Committee is provided, on request, with details of any financial matter or procedure necessary for performing its functions, including details relating to —

- any contract that the Commissioner proposes to enter into and that involves the expenditure of more than an amount specified by the committee, and
- any legal action against the Commissioner that gives rise to a potential financial liability.

The Commissioner is entitled to withhold such details where (s)he certifies in a statement to the Committee that the provision of the details requested could prejudice the security of the State or endanger life.

2.5.3 Risk management

The Risk and Policy Governance Board (R&PGB), chaired by the Chief Risk Officer (Deputy Commissioner Strategy, Governance and Performance), currently has overall responsibility for ensuring the effective operation of risk management within An Garda Síochána. (This board is due to be replaced in the near future by the aforementioned Risk, Policy & Finance Committee which will operate on a similar basis.) The R&PGB's functions include identifying and assessing the principal risks facing An Garda Síochána and ensuring these risks are managed effectively by nominated Corporate Risk Owners. The R&PGB meets on at least a quarterly basis and regularly reports on the status of the Corporate Risk Register to the Commissioner.

A Corporate Risk Summary Document is provided to the Commissioner for review on a monthly basis and the corporate risks are reviewed on a continuous basis.

An Garda Síochána will provide the Department, with a copy of the Corporate Risk Register and substantial updates thereto, at the Performance and Compliance meetings (see 3.2 below).

Cyber security governance

An Garda Síochána maintains a risk based approach to cyber security. The risks and corresponding necessary controls are recorded within the organisation's Risk Register and are continuously reviewed as part of the risk management arrangements mentioned above. In addition to this, cyber security governance for An Garda Síochána is reviewed on a continuous basis by the Garda Executive under the headings of:

- Threat landscape and defensive controls;
- Incident response planning; and
- Organisational wide Business Continuity planning.

2.6 Reporting obligations under statute and Code of Practice

2.6.1 Annual Report

Section 46 of the Act requires the Commissioner to make a report to the Authority, not later than four months after the end of each year, in relation to policing services during the preceding year. The report shall include an account of the following:

- implementation of the policing plan for the year to which the report relates;
- the performance of An Garda Síochána's functions during that year;
- achievement of the performance targets established under section 20 of the Act for the year;
- implementation of any directives under section 25 of the Act, laid before the Houses of the Oireachtas during the year; and
- any other matter that the Commissioner thinks fit.

The Act provides that the Authority shall provide a copy of the report to the Minister within 30 days of receiving it, and that the Minister shall lay a copy of the report before the Oireachtas not later than 30 days thereafter.

2.6.2 Annual Report – governance reporting requirements

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

- An explanatory note on any derogations (as agreed with the Department) from the applicable provisions of the Code of Practice.
- Confirmation that an appropriate assessment of An Garda Síochána principal risks has been carried out, including a description of these risks (where appropriate) and associated mitigation measures or strategies.
- Confirmation that An Garda Síochána is adhering to all relevant aspects of the Public Spending Code.
- A statement on the system of internal control in An Garda Síochána, addressing the applicable items listed in Appendix D of the *Code of Practice: Business & Financial Reporting Requirements*.

2.6.3 Commissioner's Comprehensive Report to the Minister

In conjunction with the submission of An Garda Síochána Annual Report to the Authority, the Commissioner shall separately furnish a Comprehensive Report to the Minister in line with the relevant provisions of section 1.9 and Appendix C of the *Code of Practice: 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 the body. In line with the Code of Practice, the aforementioned statement on the system of internal control forms part of the Commissioner's Comprehensive Report in addition to its inclusion in the Annual Report.

2.6.4 Appropriation Accounts

As Accounting Officer for An Garda Síochána, the Commissioner shall ensure that the annual Appropriation Account is prepared in accordance with the Exchequer and Audit Departments Act, 1866 (as amended by the Comptroller and Auditor General (Amendment) Act, 1993), the accounting rules and procedures laid down by the Minister for Public Expenditure and Reform, and the related circulars and guidance issued periodically by DPER. For the avoidance of any doubt, it is these annual accounting obligations – and not those referenced in subsections 1.1-1.5 and Appendix B of the *Code of Practice: Business & Financial Reporting Requirements* – that apply to An Garda Síochána as a Vote-holding body.

2.6.5 Three-year review report

Section 23 of the Act requires the Commissioner, at the end of each three-year period, to prepare and submit to the Authority a report containing a review of the efficiency and effectiveness of the management and deployment of resources available to An Garda Síochána for policing services during that period. The report may include any recommendations that the Commissioner considers necessary for improving the management and deployment of resources.

The Authority is required to send a copy of the report to the Minister, who shall lay it before the Oireachtas. The Minister may exclude any matter that would be prejudicial to the interests of national security or that might facilitate the commission of an offence, prejudice a criminal investigation or jeopardise the safety of any person.

2.7 Other key governance obligations

An Garda Síochána is subject to a range of statutory and administrative governance obligations including the applicable requirements of the Code of Practice and of the Corporate Governance Standard for the Civil Service (which requires all State bodies with their own Vote and Accounting Officer to prepare and keep up to date an internal Governance Framework). The Commissioner will ensure compliance with all attendant obligations, including but not limited to the following:

2.7.1 Current expenditure

The Commissioner as Accounting Officer will ensure adherence to the applicable levels of delegated sanction for authorising current expenditure. In any instance where there does not exist clear authority to make a payment, An Garda Síochána will consult with the Department of Public Expenditure and Reform for clarification.

2.7.2 Procurement

In accordance with section 8.16 of the Code of Practice, the Commissioner will ensure that competitive tendering is standard procedure in An Garda Síochána and that written procurement policies and procedures have been developed and disseminated to all staff.

The Commissioner's annual Comprehensive Report to the Minister shall affirm adherence to the relevant procurement policies and procedures. However, in the event of any significant

compliance difficulties or breaches¹ An Garda Síochána will notify Criminal Justice Governance (Financial & Capital Resources) at the earliest opportunity.

2.7.3 Conduct and Ethics

Ethics in Public Office Acts

The Assistant Commissioner, Governance and Accountability is responsible for the coordination of annual returns under the Ethics in Public Office legislation. In January of each year, all staff who occupy a 'designated position' in An Garda Síochána are formally reminded of their obligations under the Ethics in Public Office Acts including the submission of an annual return. The Directorate reviews and collates all statements received.

Civil Service Code of Standards & Behaviour

Garda staff upon employment in An Garda Síochána are provided with and must sign that they have received, read and noted the significance of the Civil Service Code of Standards & Behaviour, adherence to which forms part of the terms and conditions of employment.

Garda Síochána Code of Ethics

The Code of Ethics for An Garda Síochána sets out guiding principles to inform and guide the actions of all Garda personnel at every level of the organisation. Since 2018 the Garda Ethics and Culture Bureau (GECB) has been proactively embedding the Code of Ethics in An Garda Síochána. Sign-up to the Code of Ethics is captured through trigger points in the careers of An Garda Síochána personnel, i.e. new entrants, transfer, promotion and issue/upgrade of a state-owned device.

Garda Anti-Corruption Unit

The Garda Anti-Corruption Unit was formally established on 30 November 2020. The Unit promotes organisational integrity and professionalism through the prevention, identification and, where necessary, the investigation of internal corruption. To this end, the Unit has to date introduced three new policies - an overarching Anti-Corruption Policy, a Substance Misuse (Controlled Drugs) Policy, and a Professional Boundaries and Abuse of Power for Sexual Gain Policy. These were published internally and externally on 1 June 2021.

2.7.4 Protected Disclosures

In accordance with Section 21(1) of the Protected Disclosures Act 2014, An Garda Síochána has published a Protected Disclosures Policy and all Garda members and staff have been informed of this policy. Furthermore, the Garda Commissioner has appointed a number of Protected Disclosures Managers who are supported with a dedicated and properly trained team. An Garda Síochána has been working with a number of external providers including Transparency International Ireland to create an environment to ensure that persons who wish to make protected disclosures are properly protected and supported.

(As noted earlier in this Agreement, GSOC is prescribed, under the Protected Disclosures Act 2014, as a body to which Garda members may make protected disclosures.)

¹ 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.

2.7.5 *Children First*

An Garda Síochána will ensure full and continued compliance with its obligations under the Children First Act 2015, the *Children First National Guidance for the Protection and Welfare of Children*, and the Children First Sectoral Implementation Plan published by the Minister under section 27 of the Act. An Garda Síochána will annually, or more frequently if requested, submit to Criminal Justice Governance (Garda Performance & Compliance) a report on its Children First compliance for the year in question. This report will include, *inter alia*: details and figures regarding vetting, training and instruction of personnel; and the numbers of mandated reports and other referrals made to Tusla in the period concerned. However, any significant compliance difficulties or breaches² will be notified to Garda Performance & Compliance at the earliest opportunity.

2.7.6 *Customer Charter*

In accordance with section 10.1 of the Code of Practice, An Garda Síochána has a charter setting out the level of service that a customer can expect. The charter is published on the Garda website and supported by a customer action plan in line with section 10.3 of the Code. The Assistant Commissioner, Roads Policing and Community Engagement, has been tasked with updating this Customer Charter and Customer Action Plan. On completion of same it will be published on the Garda website as before.

2.7.7 *Data Protection*

An Garda Síochána will strive, including with the various bodies with whom it exchanges personal data, to ensure full compliance with its obligations under the General Data Protection Regulation (GDPR), the Law Enforcement Directive and the Data Protection Acts 1988 and 2018. An Garda Síochána will include in its Annual Report the number and nature of data breaches identified and reported in the period concerned and any remedial action it has taken to avoid recurrences. However, any significant data breach³ will be notified to Garda Performance & Compliance at the earliest opportunity.

2.7.8 *Human Rights, Equality and Diversity*

Section 42 of the Irish Human Rights and Equality Commission Act 2014 establishes a positive duty on public bodies to have regard to the need to eliminate discrimination, promote equality and protect the human rights of staff and persons to whom services are provided. An Garda Síochána will have continued regard to its obligations under Section 42 of the Act, and in particular its obligations to:

- Assess and identify human rights and equality issues relevant to its functions;
- Identify the policies and practices that are in place/will be put in place to address these issues; and
- Report on relevant developments in its Annual Report.

² e.g. a serious incident involving a child safeguarding failure, or a substantial shortfall in training, mandated reporting or maintenance of the DLP network.

³ e.g. a breach involving the personal data of large numbers of people, or involving highly sensitive personal information.

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

2.7.9 Environmental and Energy Issues

An Garda Síochána will fulfil its statutory and other obligations in relation to environmental and energy issues, including the following:

- In accordance with requirements set out in the *Public Sector Energy Efficiency Strategy 2017*, An Garda Síochána has appointed an Energy Performance Officer (EPO) at senior management level. The EPO has primary responsibility for (*inter alia*) ensuring that An Garda Síochána 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 (SEAI) on an annual basis.
- Reporting on progress (or lack thereof) achieved on energy reduction in its annual report.
- Participating in justice sector and wider public sector initiatives in relation to energy and environmental issues.
- Having due regard to DPER Circular 20/2019 on Promoting the use of Environmental and Social Considerations in Public Procurement.

2.8 Comply or Explain

2.8.1 Performance Delivery Agreement

A performance delivery agreement between the Department and An Garda Síochána is not considered appropriate given the particular nature of the oversight framework established under the Act. Policing and security priorities are set by the Authority and the Minister respectively and are fed into the annual Policing Plan, which is prepared by the Commissioner and approved by the Authority with the consent of the Minister. The Policing Plan contains priorities and targets whose delivery is closely monitored by the Authority. The Commissioner also reports to the Authority in relation to policing services generally, including at public meetings.

However, the Department has a role in agreeing performance indicators with An Garda Síochána for inclusion in the annual Revised Estimates volume. The Department also monitors policing performance more generally as part of its relationship with An Garda Síochána, particularly through the framework of governance-related meetings set out below. Separately, the Department convenes regular, structured meetings to facilitate the Commissioner in reporting to the Minister on the provision of services and actions to achieve the Minister's security priorities as reflected in the Strategy Statement and the Policing Plan.

2.8.2 Provision of Information to Members of the Oireachtas

It has been agreed that DPER Circular 25/2006 does not currently apply to An Garda Síochána and that parliamentary questions concerning An Garda Síochána will continue to be dealt with by the Department's Transparency function for the time being. However, building on previous engagement between the Department and An Garda Síochána in the matter, this arrangement will be kept under review and may be revisited in the course of this Agreement.

3. Monitoring Arrangements and Key Interactions

3.1 Biannual governance meetings between Secretary General and Commissioner

In line with the Department's overall approach to governance relationships with the Bodies and Agencies under its aegis, and in accordance with the Code of Practice, formal governance meetings will continue to take place at least twice yearly between the Secretary General (or Deputy Secretary General) and the Commissioner. These meetings consider, as required:

- APSFF implementation;
- The operation of the Communications Protocol;
- Any specific governance or policy issues pertaining to An Garda Síochána;
- Any matter relating to An Garda Síochána that might give, or have given, rise to public commentary/scrutiny, or which might affect the reputation of An Garda Síochána or confidence in policing more generally;
- Any trends in policing activity that the Commissioner may wish to bring to the Minister or the Department's attention, including progress updates in relation to the policing priorities and the delivery of the Policing Plan;
- Procurement, financial management and budgetary matters;
- Internal control and risk management (including cyber security governance);
- Human resource issues including staffing, training and industrial relations;
- Implementation of recommendations from GIAS reports and/or from the audit committee;
- Key findings/ recommendations in reports by the Garda Inspectorate and the Policing Authority, and how these are being addressed;
- Any other matter comprehended in, or arising from, this Agreement, including any significant issues arising from the Performance and Compliance meetings referred to below.

3.2 Performance and Compliance Meetings

To prepare for the twice-yearly Secretary General/Commissioner meetings by agreeing agendas and advancing action points – and more generally to ensure an ongoing, robust and mutually supportive governance relationship – Garda Performance & Compliance will continue to hold ongoing meetings with designated senior Garda personnel. These 'Performance and Compliance' meetings are small and relatively informal and focus primarily on (a) key obligations referenced in this Agreement and (b) progress on the Policing Plan and other priority initiatives. Such meetings are not intended to duplicate the work of the Authority or the other meetings described below, nor the associated reporting requirements. However, there may be occasions where a Performance and Compliance meeting needs to consider an especially urgent or serious issue that has been discussed elsewhere, particularly if either party considers that the matter may require escalation to Secretary General/Commissioner level.

A minimum of six Performance and Compliance meetings are held each year according to an agreed schedule. If required, supplementary meetings may be convened on specific matters.

3.3 Meetings to monitor implementation of APSFF

An Garda Síochána will continue to participate in the monthly meetings, chaired by the Head of Criminal Justice Governance in the Department, to monitor APSFF implementation.

3.4 Joint Working Group on Resources for An Garda Síochána

This Group comprises senior personnel from the Department, An Garda Síochána, the Authority, DPER and the Department of the Taoiseach. The Group currently meets on a monthly basis to review the following:

- The current position of the Garda Vote, any divergence from budgeted expenditure, and plans to address these divergences;
- HR matters including the workforce plan, redeployment and Garda staff recruitment;
- The Garda fleet and related strategy;
- ICT infrastructure and related project updates;
- Estate management and capital projects; and
- Any other relevant financial matters.

3.5 Meetings on the provision of security services

There will continue to be quarterly meetings between An Garda Síochána and the Department to monitor the provision of security services.

3.6 Financial Management Committee (Justice Group of Votes)

An Garda Síochána will continue to participate in the monthly meetings of the Financial Management Committee (chaired by the Department's Head of Corporate Affairs), which includes representatives from across the Justice Group of Votes.

3.7 Tripartite meeting with Policing Authority

A formal governance meeting between the Secretary General (or the Deputy Secretary General, Criminal Justice), the Commissioner and the Chairperson of the Policing Authority shall be convened if so requested by any of these parties to address specified and significant issues that impact upon the responsibilities of the three parties and on their relationship.

3.8 Other interactions

Outside of the framework of structured engagements set out above, the governance relationship between An Garda Síochána and the Department must be sufficiently dynamic to meet the business needs and commitments of each party. In this contact, unscheduled and relatively informal contact will continue to form an integral part of their relationship.

4. Commitments

4.1 An Garda Síochána commitments

An Garda Síochána commits to:

- Ensuring that it has robust internal controls and governance arrangements, that these are kept under review to ensure their continued effectiveness, and that Criminal Justice Governance is kept informed of – and, as appropriate, consulted on – related developments;
- Updating its current Corporate Governance Framework in consultation with the Authority, Criminal Justice Governance (Standards) and other stakeholders as appropriate;

- Notifying the Department, at the earliest opportunity, of significant developments relating to matters which are in, or are likely to quickly enter, the public domain – particularly where it could reasonably be anticipated that the Minister may be asked to comment publicly at short notice or that she would otherwise wish to be aware of such developments in early course;
- Formally bringing significant governance-related issues, incidents or concerns to the attention of Criminal Justice Governance at the earliest opportunity, in line with the ‘no surprises’ principle;
- Providing timely, relevant and appropriately detailed information to facilitate the monitoring of this Oversight Agreement and the effective conduct of governance meetings;
- Delivering on its commitments under APSFF (albeit that there are dependencies which will influence the pace of progress, such as ICT investment which has a cross cutting impact and the provision of suitable accommodation to enable the OP model);
- Engaging with the relevant stakeholders to reach a clear consensus on the requirements and expectations of a plan for the annualised costing of policing, as recommended by the joint DPER/AGS/DoJ Spending Review of November 2021, and to develop methodologies for costing policing leveraging the benefits of the Roster Duty Management System, data quality and key performance indicators.
- Providing prompt and high-quality material to the Department for responses to parliamentary questions and other Oireachtas business, correspondence, general briefing and information requests and related matters, as required and in keeping with the commitments contained in the Communications Protocol;
- Providing accurate activity/performance data for inclusion in the annual Revised Estimates volume and in the Government’s annual Public Service Performance Report; and
- Submitting ambitious, meaningful and measurable performance targets for inclusion (by agreement with the Department) in the Revised Estimates volume.

4.2 Departmental commitments

The Department commits to:

- Seeking, via the annual Estimates campaign and in collaboration with An Garda Síochána Finance function, to secure sufficient resources for the activities of An Garda Síochána;
- Supporting An Garda Síochána in sanction requests to DPER, where agreed necessary and in line with public financial procedures and policies on public service numbers;
- Providing appropriate supports to the Commissioner as his role develops into that of ‘true CEO’ as envisaged by the agreed recommendations of the COFPI report;
- Informing and involving An Garda Síochána in any Departmental activities that relate to the role which An Garda Síochána undertakes or may be required to undertake.

4.3 Mutual Commitments

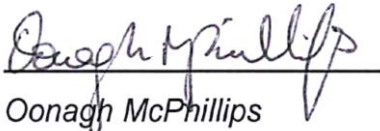
Both parties commit to:

- A ‘no surprises’ approach to matters of common concern.
- Supporting the achievement of agreed targets and promoting partnership, responsiveness and mutual co-operation in their ongoing interactions.

- Working together closely and supportively for the purposes of the Estimates process.
- Engaging constructively on the relevant preparatory and transitional arrangements arising under the proposed Policing, Security and Community Safety Bill.
- A proactive, responsive and timely approach to sharing information, as set out in the Communications Protocol which was first agreed between the parties in 2018 and which will be revised in tandem with the revision of this Oversight Agreement.

5. Duration and Signatories to the Agreement

Oonagh McPhillips, Secretary General, Department of Justice, and Drew Harris, Commissioner, An Garda Síochána, affirm that this updated Oversight Agreement will be in effect from the date hereunder until 31 December 2023 or until commencement of the structural oversight provisions of the proposed Policing, Security and Community Safety Bill, whichever is sooner.



Oonagh McPhillips
Secretary General
Department of Justice

18 July 2022 .



Drew Harris
Commissioner
An Garda Síochána

5 July 2022

Oversight Agreement Addendum

This Amending Agreement dated [December 2023]

Between: Oonagh McPhillips, Secretary General, the Department of Justice
and

J.A. Harris, Commissioner, An Garda Síochána

Oversight Agreement 2022-2023

This Addendum between the Department of Justice and An Garda Síochána is being appended to the Oversight Agreement 2022-2023, which was signed, by both parties and dated 5 and 18 July, 2022.

The Parties agree to extend the current Oversight Agreement 2022-23 beyond 31 December 2023 for continued implementation, without amendment, until the commencement of the structural oversight provisions of the proposed Policing, Security and Community Safety Bill 2023.

No Amendments

The terms and conditions of the Oversight Agreement 2022-23 will remain unchanged, as appropriate.

Signatories to this Agreement

Oonagh McPhillips, Secretary General, Department of Justice, and Drew Harris, Commissioner, An Garda Síochána, affirm that this Addendum to the Oversight Agreement 2022-2023 will be in effect from the date hereunder until the commencement of the structural oversight provisions of the proposed Policing, Security and Community Safety Bill.

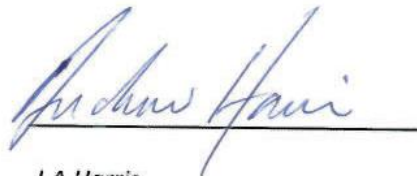


Oonagh McPhillips

Secretary General

Department of Justice

Date: 18/12/2023



J.A Harris

Commissioner

An Garda Síochána

Date:

2 January 2024