

Oversight Agreement 2023 – 2025

Between

The Irish Film Classification Office

And

The Department of Justice

Oversight Agreement

1. Introduction

1.1 Scope of the Agreement

This Oversight Agreement has been drawn up by the Department of Justice ("the Department") in consultation with the Irish Film Classification Office in accordance with the 2016 edition of the Code of Practice for the Governance of State Bodies ("Code of Practice"). It, together with the separate but related Performance Delivery Agreement (PDA), succeeds the previous Oversight Agreement 2020-2022 between the two parties.

This Oversight Agreement sets out the broad governance and accountability framework within which the Irish Film Classification Office operates, and defines the key roles and responsibilities which underpin the relationship between it and the Department. While this Agreement shall cover a three year period, the parties shall, in accordance with the Code of Practice, review it every 12 months and update it as may be considered necessary.

1.2 Background and Context

The Irish Film Classification Office (IFCO), (formerly known as the Film Censor's Office) is a statutory body established under the aegis of the Department of Justice. It was established on a statutory basis pursuant to the Censorship of Films Act 1923. Its role was expanded by the various Censorship of Films Acts and the Video Recordings Act, 1989.

1.3 The Office is based in Smithfield, Dublin 7. Staffing consists of a Director of Film Classification, an Office Manager and three other civil servants. In addition, five Assistant Classifiers provide services to IFCO on a contract for service basis, as provided for in section 2 of the Censorship of Films (Amendment) Act 1992.

1.4 In accordance with the above Acts, the principal functions of IFCO are :

- To examine and certify all cinema films and videos/DVDs supplied in Ireland

and which are not otherwise exempt from classification;

- To examine those video games rated 18 by PEGI to ensure compliance with the Video Recordings Act 1989;
- To provide the public and parents in particular with a modern and dependable system of classification that:
 - protects children and young persons
 - has regard for freedom of expression
 - has respect for the values of Irish society;
- The licensing of retail and wholesale outlets to sell or rent videos/DVDs;
- Providing An Garda Síochána with certificates for court proceedings involving the above Acts.

2. Role of the Irish Film Classification Office within the Justice Sector

2.1 Mission

IFCO's mission is to provide the public, and parents in particular, with the information and tools to make informed viewing choices for themselves and for those minors for whom they are responsible. As well as its statutory remit, the Office endeavours to engage with the public to hear their concerns and to gauge levels of satisfaction with its work.

2.2 Function

The role of the Irish Film Classification Office in the Justice Sector has evolved from a censorship vehicle to an age classification body providing consumer advice. It does, however, retain all powers of prohibition conferred by the relevant Acts. The core function of IFCO is the examination and certification of all cinema releases and videos/DVDs distributed in Ireland.

2.3 Secretariat to Boards

IFCO provides the secretariat for the Classification of Films Appeal Board and the Censorship of Publications Board.

Classification of Film Appeals Board

Section 3 Part 1 of the Censorship of Film Act, 1923 provides for the establishment of a Censorship of Films Appeals Board of no more than 9 members, all of whom shall be appointed by the Minister and one of whom shall be designated as its chairperson. Since 2008, the Appeal Board has been known as the Classification of Films Appeal Board in accordance with Section 71 of the Civil Law (Miscellaneous Provisions) Act 2008.

Six members of the current Appeal Board (including the Chairperson) were re-appointed for a second term of five years on 7 December 2020. An open competition process has been completed by the Public Appointments Service to fill the three vacant positions, and the Minister will make appointments to these positions in early 2023.

Censorship of Publications Board

Section 2 Part 1 of the Censorship of Publications Act, 1946 provides for the establishment of a Censorship of Publications Board of no more than five members, all of whom shall be appointed by the Minister and one of whom shall be designated as its Chairperson.

Repeal of the Censorship of Publications Board and Censorship of Publications Appeal Board is currently under consideration with a cross-functional review group in the Department of Justice having commenced work in October 2022. This group is expected to bring forward proposals for consideration by the Minister in 2023. The Department will consult with IFCO in supporting this process and implementation of its outcome.

3. Corporate Governance

3.1 Roles and Responsibilities

Accounting Officer

IFCO falls under the Department of Justice Vote {Vote 24} and as such the Department's Secretary General is the Accounting Officer. The Accounting Officer is responsible for safeguarding of public funds and property under his control, for the efficiency and economy of administration by his Department and for the regularity and propriety of all transactions in the Appropriation Account. Further external scrutiny and governance is provided through the submission and analysis of the Appropriation Accounts to the Comptroller and Auditor General and ultimately to the Oireachtas through the Public Accounts Committee.

Director of Film Classification

IFCO is headed by the Director of Film Classification. In accordance with Section 2 of the Censorship of Films Act 1923 {as amended}, the Director of Film Classification is appointed by the Minister for such time and on such terms as the Minister shall determine. The Director is responsible for the establishment and maintenance of high standards in implementing the functions of IFCO, for setting strategic direction and being IFCO's public face.

The Director will furnish a Compliance Statement to the Minister for Justice ("the Minister"), in conjunction with IFCO's annual report, outlining any significant commercial developments in the preceding year and affirming IFCO's compliance with relevant codes and regulations, in accordance with the Code of Practice for the Governance of State Bodies {2016}, in particular addressing the requirements of paragraph 1.9 of the 'Business & Financial Reporting Requirements' Annex to the 2016 *Code of Practice for the Governance of State Bodies*.

3.3 Strategic Plan

In accordance with paragraph 1.15 of the Code of Practice, IFCO should have a formal process in place for setting strategy. A strategic plan should be adopted for a period of three to five years ahead. The plan should be aligned to specific objectives in the Department of Justice Statement of Strategy and should be consistent with any Government policies for reform and modernisation of the Public Service, as well as IFCO's

statutory responsibilities.

A copy of the draft strategic plan should be sent to the Minister for Justice before being finalised and adopted by IFCO. IFCO's current draft Strategic Plan, when complete, relates to the period from 01 January 2023 -31 December 2025.

3.4 Annual Report

Section 29{1}{a) of the Video Recordings Act 1989 {as amended) provides that the Director of Film Classification shall in each year prepare a report on his activities in the preceding year under the Video Recordings Act 1989 and the Censorship of Films Acts 1923 to 1970 and shall submit to the Minister, who shall cause copies thereof to be laid before each House of the Oireachtas.

Following best practice guidelines in the *Code of Practice for the Governance of State Bodies*, which states that the report should be submitted to government no later than one month after the C&AG audit or within 6 months, the Annual Report of the Director of Film Classification should be submitted to the Minister as soon as feasible, and within this timeline, in the following year and the Department will arrange for copies in both Irish and English to be laid before the Houses of the Oireachtas.

3.5 Reporting Requirements - Annual Report

In accordance with Appendix A of the 'Business & Financial Reporting' Document in the *Code of Practice for the Governance of State Bodies*, the Annual Report should, inter alia, include:

- i. Confirmation that this Oversight Agreement has been reached with the Department of Justice and, in particular, indicating IFCO's level of compliance with the requirements of the Code of Practice for the Governance of State Bodies;
- ii. Confirmation that an appropriate assessment of IFCO's principal risks has been carried out, including a description of these risks, where appropriate and associated mitigation measures or strategies;
- iii. Confirmation that IFCO is adhering to the relevant aspects of the Public Spending Code;
- iv. Confirmation that IFCO has complied with its obligations under tax law; and
- v. A statement on the system of internal controls in IFCO, addressing each of the items

listed in Appendix D of the 'Business and Financial Reporting' annex to the Code of Practice for the Governance of State Bodies.

The IFCO's legislation does not require the production of Financial Statements. The Office liaises with the Financial Management Unit and the Financial Shared Services unit who report on the Office's income and spending in their monthly management reports.

3.6 Internal Audit

The Department's Internal Audit Unit provides support to IFCO in monitoring and reviewing the effectiveness of the Office's arrangements for governance, risk management and internal control. Any audit work will be agreed between the Director and the Head of Internal Audit in the Department of Justice. The Audit Unit will, subject to resources, carry out the audits within an agreed timeframe.

3.7 Audit and Risk Committee

As IFCO falls under the Justice Vote (Vote 24), the Department's Audit Committee, subject to resources, supports IFCO in order to provide oversight, ensuring that the interests of Government and other stakeholders are protected in relation to business and financial reporting and internal control.

3.8 Protected Disclosures

Protected Disclosures Policy and procedures are in place in accordance with the Protected Disclosures Act 2014 (as amended by the Protected Disclosures (Amendment) Act 2022). The Protected Disclosures (Amendment) Act 2022 will commence operation on 1 January 2023. IFCO should maintain awareness of the new obligations under the Act and should adhere to the "*Protected Disclosures Act: Interim Guidance for Public Bodies and Prescribed Persons*" published by DPER in November 2022 and any subsequent guidance issued over the lifetime of this Oversight Agreement.

3.9 Procurement

In accordance with section 8.16 of the *Code of Practice*, the Director will ensure that competitive tendering is standard procedure in the procurement process of IFCO and that procurement policies and procedures have been developed and published to all staff. The Director should affirm adherence to the relevant procurement policy and procedures in

the annual compliance statement to the Minister.

3.10 Customer Charter

IFCO has a Customer Charter setting out the level of service a customer can expect. The charter is displayed prominently on IFCO's website and should be supported by a customer action plan.

3.11 Data Protection

IFCO will engage proactively with the data protection obligations and ensure substantial compliance with the General Data Protection Regulation (GDPR) (in force from May 25, 2018) and the Data Protection Acts 1988 to 2018. Arrangements have been put in place to provide the Office with access to the Department's Data Protection Support and Compliance Office.

3.12 Governance Obligations

As a statutory agency operating under the aegis of the Minister, the Office is subject to a range of statutory and corporate governance obligations including the 2016 *Code of Practice for the Governance of State Bodies*. IFCO will ensure that all the necessary obligations, including those for risk management, internal audit and the Public Spending Code are fully complied with.

3.13 Compliance Statement to the Minister

To confirm compliance (or otherwise) with key provisions of the Code of Practice and the Governance Standard for Justice Sector Bodies, the Director of Film Classification will complete, on an annual basis, and submit to the Minister, in conjunction with the Annual Report, a Compliance Statement in order to provide assurance to the Department that the systems of internal control, risk management and other areas of compliance are operating effectively. This Statement will address all of the requirements of paragraph 1.9 of the *'Business & Financial Reporting Requirements'* Annex to the *Code of Practice for the Governance of State Bodies*.

3.14 Provision of Information to Members of the Oireachtas

In accordance with D/PER Circular25/2016 - *Protocol for the Provision of Information to Members of the Oireachtas by State Bodies under the aegis of Government Departments/Offices*, IFCO are obliged to:

- i. Provide and maintain a dedicated email address (reps@ifco.ie) for Oireachtas members.
- ii. Put in place formal feedback processes to obtain feedback from Oireachtas members.
- iii. Comply with target deadlines and standards in terms of acknowledgements and responses to queries.
- iv. The Director of IFCO has been designated with responsibility for ensuring the timely provision of information to members of the Oireachtas.
- v. Report annually (in the Compliance Statement to the Minister) on compliance with standards set out in Circular 25/2016.
- vi. Seek, where appropriate, to publish the response to queries from members of the Oireachtas on the IFCO's website.

3.15 Public Sector Equality and Human Rights Duty

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.

In particular, IFCO will have regard to its obligations under Section 42 of the Act 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 in place/ will be put in place to address these issues; and
- Report on related developments in its Annual Report.

3.16 Environmental and Energy Issues

IFCO will fulfil statutory and other obligations in relation to environmental and energy issues, as follows;

1. In accordance with requirements set out in Department of the Environment, Climate and Communications' Climate Action Plan 2021, Action IFCO will appoint an Energy Performance Officer, who will have responsibility for the delivery of the following actions and targets:

- a. Striving to achieve the statutory target of a 51% absolute reduction in energy related emissions and a 50% improvement in energy efficiency by 31st December 2030, in accordance with the Climate Action Plan 2021.
 - b. Accurately reporting energy use, annually, to the Sustainable Energy Authority of Ireland (SEAI), in advance of their deadline.
 - c. Publishing progress (or lack thereof) achieved on energy reduction in the annual report.
2. Eliminating the use of single-use plastics from the organisation, in accordance with the Government Decision of 3 January 2019.
 3. Participating in Justice-sector and wider public sector initiatives in relation to energy and environmental issues.
 4. Having due regard to the Department of Public Expenditure and Reform (D/PER) Circular 20/2019 on Promoting the use of Environmental and Social Considerations in Public Procurement.

3.17 Periodic Critical Review

As outlined in section 8.14 of the Code of Practice for the Governance of State Bodies, the Irish Film Classification Office is expected to undergo a Periodic Critical Review (PCR) by the Department of Justice at regular, and appropriate, intervals. IFCO's inaugural PCR is expected to commence in early 2023.

4. Mutual Commitments

4.1 Both parties shall:

- Be proactive and timely in communications, co-operation and information-sharing on service delivery. This is to be underpinned by a 'no surprises' approach to matters of mutual concern.
- Support adherence to corporate governance obligations under this Oversight Agreement and the achievement of targets under the annual PDA.

- Provide prompt and timely responses to correspondence, information requests and related matters.
- Engage as appropriated on enhanced data collection/analysis, data exchange and research initiatives to support both the work of IFCO and the related Policy, Legislation, Governance and Transparency Functions of the Department.

4.2 Departmental commitments

The Department shall:

- Provide, via its HR Division, services encompassing recruitment, employee relations, workforce development, performance management and liaison with (HR) shared services as required.
- Liaise appropriately with D/PER to ensure, as far as possible, timely sanctions for expenditure and resourcing in line with 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 in a timely manner with IFCO on strategic, policy and legislative issues of relevance to ICFO functions while noting the cross functional nature of the Department post-transformation.
- Provide payroll, invoice processing, internal audit, and other accounting services through the Department's Financial Shared Services.
- Provide for and resource the annual budget for IFCO.
- Provide ICT and other services in support of IFCO.
- Liaise with IFCO on public service reform/engagement initiatives.
- Liaise, through the Transparency function, with IFCO at the earliest possible stage on:

- Requests for information that may be necessary to assist in meeting the Minister's obligations to the Oireachtas and in responding to representations, media queries etc; and
- Ministerial/Departmental announcements of relevance to the functions of IFCO.

4.3 Irish Film Classification Office commitments

IFCO shall:

- 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.
- Ensure that expenditure in any individual year does not exceed the allocated budget except in exceptional circumstances and with the agreement of the Department's Financial Management Unit.

More generally, in keeping with the 'no surprises' principle and in the interests of partnership with the Department, IFCO shall 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 Civil Justice Governance at the earliest possible opportunity.
- The Transparency function is given timely advance notification (including any appropriate background information) of significant public announcements or media engagements;
- Keep the Department informed of the key risks to the organisation and to notify the Department in a timely manner if there is a change in status of significance of any the identified risks and where a risk changes to the extent that it exceeds the risk appetite of the organisation.

5. Monitoring arrangements and key interactions

In accordance with the Department's policy on the monitoring of governance arrangements in relation to the organisations within its remit, the Director of Film Classification will meet with the Department twice yearly, or more frequently if required by the Department, and will provide an update on developments and achievement of targets as set out in the annual Performance Delivery Agreements. These meetings will be supplemented by less formal interactions between IFCO and the Department in accordance with the business needs and mutual commitments of each party.

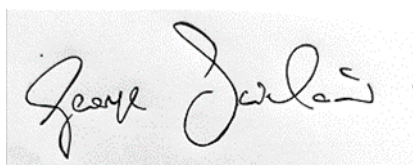
The Irish Film Classification Office undertakes to return:

- (a) relevant and appropriately detailed performance information to allow for monitoring of this Agreement;
- (b) relevant and appropriately detailed performance information for inclusion in the Revised Estimates for Public Services; and
- (c) performance information in line with the set of such indicators, and in keeping with the timeframes agreed with the Department.

IFCO will provide at the Minister's request any information on any matter concerning its policy and activities generally or any specific matter or account prepared by it.

6. Duration and Signatories of the Agreement

It is agreed that this Agreement will apply with effect from the date signed hereunder until 31December 2025.



George Sinclair
Acting Director of Film Classification
Irish Film Classification Office

Date: 22/12/2022



Dr Stjohn O'Connor
Director
Civil Governance
Department of Justice

Date: 22/12/2022