



An Roinn Dlí agus Cirt  
Department of Justice



# Oversight Agreement 2023-25

**Department of Justice**

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**Forensic Science Ireland**

## **1. Introduction**

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

This Oversight Agreement sets out the broad governance and accountability framework within which Forensic Science Ireland (FSI) operates, and defines the key roles, responsibilities and commitments that underpin its relationship with the Department of Justice (“the Department”). The Agreement has been drawn up by the Department in consultation with FSI, in accordance with the Code of Practice for the Governance of State Bodies (“the Code of Practice”). It succeeds the previous Oversight Agreement 2020-2022 between the two parties, and will, in turn, be subject to a formal review approximately midway through its operation.

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

### **1.2 Background and context**

FSI is a non-statutory executive agency of the Department and a key component of the criminal justice system. Its Vision is “Science Supporting Justice” and its Mission is to provide the Irish justice system with a high-quality, integrated forensic service through independent, expert scientific analysis and advice to the highest international standards. To that end, FSI carries out a range of activities including comprehensive scientific analysis of samples submitted from crime scenes, the provision of independent expert opinion in criminal trials, and the provision of specialised advice and training. As such, FSI fulfils a vital role in the investigation and prosecution of criminal offences and in recent years it has also played a growing support role in missing person investigations and person identifications.

FSI is the custodian of the national DNA Database System and has prime responsibility for its operation and continued expansion, as provided for by the Criminal Justice (Forensic Evidence and DNA Database System) Act 2014. FSI also has a central role in the implementation of Ireland’s obligations under the ‘Prüm Decision’<sup>1</sup>, including serving as the national contact point for DNA information exchange with other EU Member States.

In December 2019, the responsibility for the Fingerprints and Documents and Handwriting services transferred from the Garda National Technical Bureau to Forensic Science Ireland. This consolidates most laboratory-based forensic work under Forensic Science Ireland. FSI currently has 205 staff, including seconded Garda members, scientists and analysts trained in forensic testing and reporting techniques, supported by administration professionals.

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<sup>1</sup> The Department is responsible for overseeing the overall implementation of EU Council Decision 2008/616/JHA, known as the Prüm Decision. Under Prüm, Ireland is obliged to put in place mechanisms to enable the exchange of various types of information with other EU Member States in order to combat terrorism and international crime.

FSI supports Fingerprint data exchange agreements, including Prüm, EURODAC, Interpol and Sirene through established protocols and procedures.

While FSI is currently based in Garda Headquarters in the Phoenix Park, Dublin, plans to move to a new fit-for-purpose FSI building on the scientific campus at Backweston, Co. Kildare are well advanced.

As of January 2023, FSI has 205 staff and a budget of €30m.

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

The Department has overall responsibility for the administration of the criminal justice system. The functions and objectives of FSI align with Goal 1 of the Department's Strategy Statement 2021-2023, viz. to "Tackle crime, enhance national security and transform policing".

FSI occupies a unique place in the criminal justice system as a specialised executive agency with an independent operational mandate, providing a specific scientific service to assist in both the investigation and adjudication of criminal cases.

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

### **2.1 The Minister, Accounting Officer and Department**

#### *2.1.1 The Minister*

With monies voted by the Oireachtas, the Minister provides FSI with the resources that it requires to function. While the day-to-day responsibility for managing FSI resides with its Director General, the Minister and the Government are ultimately accountable to the Oireachtas for the performance of FSI as an executive agency under the aegis of the Minister.

#### *2.1.2 Accounting Officer*

FSI is funded under the Department of Justice's Vote (Vote 24), for which the Department's Secretary General is the Accounting Officer. The Accounting Officer is responsible for the safeguarding of public funds and property under their control, for the efficiency and economy of administration by their Department and for the regularity and propriety of all transactions in the appropriation account. External scrutiny of the appropriation accounts and related matters is provided by the Comptroller and Auditor General (C&AG) and ultimately by the Oireachtas via the Public Accounts Committee.

#### *2.1.3 Core areas of Departmental interaction with Forensic Science Ireland*

While various Functional areas of the Department (including Transparency, Criminal Policy, Change, Technology and Innovation and multiple units within the Corporate Function) have dealings with FSI, the relationship is fundamentally embodied in the interactions between FSI and the Criminal Justice Governance Function, which has primary oversight responsibility for FSI. Four of the Function's Principal Officer-led units have specific responsibilities in this regard, as follows:

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

## **2.2 Forensic Science Ireland management and organisational structures**

### *2.2.1 Director General of FSI*

The Director General of FSI ("the DG") is appointed by the Minister and is responsible for the day-to-day management of FSI. The DG shall discharge these obligations in accordance with (a) the policy and budgetary frameworks laid down by the Minister/Department and (b) the governance structures and obligations outlined in this Agreement. The DG is accountable to the Minister for the performance of his/her functions, and reports to the Deputy Secretary General (Criminal Justice).

### *2.2.2 Directors*

The DG is supported by five Directors as follows:

- *Director of Chemical Analysis*: responsible for the Chemical Analysis discipline which includes casework in the areas of drugs and toxicology. This also includes health and safety across FSI, and legal affairs relevant to the Chemical Analysis discipline.
- *Director of Corporate Services*: responsible for ICT, case intake/return, administration, infrastructure/facilities, finance, external affairs, and for FSI's obligations under the Freedom of Information and Data Protection Acts.
- *Director of DNA & Biological Analysis*: responsible for the DNA discipline which includes the operation of the National DNA Database, biological evidence casework, and legal affairs relevant to the DNA discipline. Also includes the Identification Programme under Institutional Burials legislation.
- *Director of Physical Analysis*: responsible for the Physical Analysis discipline which includes casework in the areas of chemistry, fingerprints, documents and handwriting,

fingerprint data exchange programmes and legal affairs relevant to the Physical Analysis discipline.

- *Director of Science and Development*: responsible for ensuring the quality of the scientific results issued by FSI, human resources, staff development, innovation and method development.

### 2.2.3 Senior Management Team

FSI's senior management team comprises the DG, the five Directors and nineteen Team Managers. Some Team Managers have responsibility for operational and team management of forensic disciplines. FSI's Team Managers also include a Quality Manager, a Customer Liaison Manager, a Health & Safety Manager, an Information Systems Manager, and an Operations Support Manager. The responsibilities of the senior management team include:

- Setting targets and standards for FSI;
- Identifying and seeking the resources necessary to achieve these targets and standards;
- Maintaining the quality of laboratory services and ensuring that the requirements of international standards for laboratories are met.

The detailed roles and responsibilities of senior managers are set out in FSI's Quality Manual.

## 2.3 Adherence to relevant Governance Codes and Standards

FSI is subject to a range of statutory and other corporate governance obligations including the applicable provisions of the Code of Practice. The DG and the Senior Management Team will ensure compliance with all relevant obligations.

## 2.4 Strategic Plan

In accordance with section 1.17 of the Code of Practice, FSI produces a multi-year Strategic Plan which it submits to the Minister for approval with or without amendment. One of the pivotal strategic goals within FSI's Strategic Plan 2019-22 was to complete the transfer of FSI to a new fit-for-purpose facility on the Backweston scientific campus with fully operational forensic services in place. This key transition has been delayed due to unforeseen circumstances outside of FSI's control and as a result both parties have agreed to an extension of the existing Plan until the end of 2024.

FSI will ensure that a successor Plan is developed in a timely manner and will submit it to the Department for review before a final version is submitted to the Minister for approval. In accordance with section 1.15 of the Code of Practice, the Plan will include appropriate objectives and goals along with relevant indicators and targets against which performance can be clearly measured.

## 2.5 Annual Business Plan

FSI produce an annual business plan to guide its operations and the detailed implementation of its Strategic Plan. FSI will ensure that the plan appropriately reflects the

Minister's strategic and policy priorities and that it is consistent with the relevant targets agreed under the annual Revised Estimates process and the PDA.

## **2.6 Risk Management and Audit**

FSI has its own risk management policy which is aligned with the Department's corresponding policy. FSI also has a risk register which is regularly reviewed by its senior management and updated as necessary. The outcome of these assessments is used to plan and allocate resources to ensure that risks are managed to an acceptable level. Copies of the risk management policy and risk register, and updates thereto, will be provided to the Performance and Compliance Unit in Criminal Justice Governance (hereafter "Performance & Compliance") upon request.

As FSI is a non-statutory executive agency of the Department and is funded under the Justice Vote (Vote 24), it does not have its own internal audit function or audit committee. The Department's Internal Audit Unit (IAU) supports FSI in monitoring and reviewing the effectiveness of its arrangements for internal governance, risk management and internal control. Audit work is agreed between the Director General and the Head of Internal Audit, and the IAU carry out the audits within an agreed timeframe.

The Department's Audit Committee provides further support in ensuring that the interests of Government and other stakeholders are protected in relation to business and financial reporting and internal control. FSI will appropriately inform and consult with Criminal Justice Governance on any advice received from the audit committee and on how such advice can or should be put into effect.

## **2.7 Other key obligations**

### *2.7.1 Procurement*

The Director General will ensure competitive tendering as standard in the procurement processes of FSI, and that the applicable procurement policies are disseminated to all staff and adhered to. FSI will report on its compliance, and on any issues arising, to the Department's Internal Audit Unit and/or Finance and Procurement Unit in line with established procedures. In addition, the Director General's annual Comprehensive Report to the Minister will also confirm adherence (or otherwise) to the applicable procurement policies and procedures.

### *2.7.2 Other expenditure*

The Director General will ensure adherence to the applicable levels of delegated sanction for authorising expenditure. In any instance where FSI is unclear as to its authority or otherwise to incur a given expenditure, it will seek advice from Criminal Justice Governance (Financial & Capital Resources).

### *2.7.3 Human Rights, Equality, Diversity and Inclusion*

FSI will comply with its obligations under section 42 of the Irish Human Rights and Equality Commission Act 2014 and with its public service obligations under relevant equality/diversity legislation (including, but not limited to, the Employment Equality Acts

and the Disability Act 2005). FSI will also participate constructively in any Department-led sectoral initiatives in the area of equality, diversity and inclusion (EDI).

#### *2.7.4 Environmental and Energy Conservation*

FSI will 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*, FSI has a designated Energy Performance Officer at senior management level who has primary responsibility for (inter alia) ensuring that FSI 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.
- Preparing a Climate Action Roadmap by Quarter 1 of 2023 in accordance with the [joint SEAI/Environmental Protection Agency guidelines](#).
- Outlining progress on energy reduction in FSI's annual report.
- Participating in Justice sector and wider public sector initiatives on 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.

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

FSI will comply with D/PER Circular 25/2016 ('Provision of information to Members of the Oireachtas by State bodies under the aegis of Government Departments/Offices').

#### *2.7.6 Data Protection*

FSI is committed to complying with its obligations under the Data Protection Acts 1988-2018, the EU General Data Protection Regulation (GDPR) and the EU Law Enforcement Directive. As an executive office of the Department, FSI is subject to the Department's data protection policy. Under section 3 of the 2018 Act, the Minister has designated the Director General of FSI as the data controller of the data processed by FSI. FSI also has its own designated Data Protection Officer.

As part of its quarterly reporting to Performance & Compliance under section 3.1.1 of this Agreement, FSI will include an update on any significant developments or issues relating to data protection and data governance. This shall include notification of any identified data breaches in the period concerned and the progress/outcome of any inspections or investigations by the Office of the Data Protection Commissioner (DPC). However, in the event of an especially serious breach<sup>2</sup> FSI will inform Performance & Compliance as soon as it has made the necessary notification to the DPC.

#### *2.7.7 Conduct and Ethics*

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<sup>2</sup> E.g. a breach involving the inadvertent exposure or disclosure of highly sensitive personal data and/or the personal data of a large number of individuals.

The delivery of high quality forensic analysis services requires all staff to adhere to the highest standards of probity, ethical conduct and diligence. Staff conduct is governed by (inter alia) the Civil Service Code of Standards and Behaviour, the Civil Service Disciplinary Code, FSI Values and the Ethics in Public Office Acts. In accordance with the latter legislation, members of staff that occupy 'designated positions' must furnish annual Statements of Interest to the Standards in Public Office Commission. These statements provide for the disclosure of interests, including material interests, which could influence directors of public bodies in the performance of their official duties.

#### *2.7.8 Customer Service Policy*

FSI has a customer service policy setting out the level of service that its customers can expect. The policy is displayed prominently on FSI's website. Details of the customer service that FSI's main customer, An Garda Síochána, can expect are set out in a Service Level Agreement which is agreed annually with An Garda Síochána.

FSI operates a complaints policy as part of its obligations under accreditation to ISO 17025 standard. Complaints from customers are forwarded to the relevant Director and to the Quality Manager, who investigates each complaint, prepares a report, and issues a response to the complainant which addresses the issues raised. Complaints are reviewed at the Quarterly Management Review.

#### *2.7.9 Protected Disclosures*

The Protected Disclosures Act 2014 ("the Act") was amended by the Protected Disclosures (Amendment) Act 2022. The amended Act commenced operation on 1 January 2023. FSI will maintain awareness of all attendant obligations under the Act and will have regard to the principles set out in the guidance published by DPER in November 2022: "*Protected Disclosures Act: Interim Guidance for Public Bodies and Prescribed Persons*" and any subsequent guidance issued over the lifetime of this Oversight Agreement.

In accordance with the Act, FSI has adopted the Department's Protected Disclosures policy. FSI will organise training on this policy during this Oversight Agreement. This policy outlines the process for the making of protected disclosures by workers who are or were employed in the organisation and the process for dealing with such disclosures. Further information in relation to making a protected disclosure is available on the Department's website.

## **2.8 Annual Report and Director's Comprehensive Report to the Minister**

### *2.8.1 Annual Report*

In line with section 6 of the Code of Practice, the Director General will annually submit to the Minister, not later than four months after the end of the relevant year, a report on the performance of the functions and activities of FSI during the year concerned. The report will be published as soon as possible thereafter.



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

- An explanatory note on any derogations (as agreed between FSI and the Department) from the applicable provisions of the Code of Practice.
- Confirmation that FSI has carried out an appropriate assessment of its principal risks (which should also be described) and, where appropriate, outline any associated mitigation measures or strategies.
- Confirmation of adherence to all relevant aspects of the Public Spending Code.
- A statement on the system of internal control, 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 2022 Annual Report, and subsequent annual reports, will also include details of performance against the targets set out in the PDA for the year concerned.

As an executive agency of the Department which is funded under the Justice Vote (Vote 24), FSI is not required to produce annual Financial Statements. FSI liaises with the Department's Financial Management Unit, whose monthly management reports include details of FSI's income and expenditure.

### *2.8.2 Director's Comprehensive Report to the Minister*

In conjunction with the submission of FSI's Annual Report, the Director General shall 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. As prescribed by the Code of Practice, the above-mentioned statement on the system of internal control is to be included in the Director General's Comprehensive Report as well as in FSI's Annual Report.

FSI's Annual Report will also, in line with section 70 of the Criminal Justice (Forensic Evidence and DNA Database System) Act 2014, incorporate a report by the Director General on the performance of his/her functions under that Act.

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

### *3.1.1 Formal interactions*

Criminal Justice Governance will hold two formal governance meetings with FSI per year (or more if required). These meetings will be chaired by the Head of Criminal Justice Governance and attended by the Director General of FSI. These meetings will consider, as required and *inter alia*:

- Implementation of FSI's Strategic Plan and its annual business plan;
- Progress against the targets set out in the annual PDA;

- Financial management, budgetary and resource issues;
- Data governance and protection;
- Risk management and other internal controls;
- Adherence to FSI's obligations and commitments regarding the environment and the reduction of energy consumption;
- Equality, diversity and inclusion issues and initiatives;
- Any other matter comprehended in, or arising from, this Agreement.

FSI will also provide quarterly written updates on progress against its PDA targets, data protection/governance and other items to be agreed with Performance & Compliance.

### *3.1.2 Informal engagement*

Outside of the aforementioned governance agreements and quarterly reports there will continue to be regular, less formal interactions between the Department and FSI in accordance with the needs and commitments of each party. Informal and unscheduled contact between the parties will remain an integral part of the relationship.

### *3.1.3 'No Surprises'*

More generally, the relationship between the two parties will be underpinned by a principle of 'no surprises', with both parties informing and/or consulting each other in a timely manner on matters of mutual interest or concern. In this regard FSI will, as soon as it becomes aware of same, immediately inform the appropriate area(s) of the Department regarding:

- Any evidence or allegation of a significant governance or performance issue having occurred within FSI, or of serious misconduct by a member of its staff;
- Any other incident or issue that appears reasonably likely to generate public commentary or scrutiny in connection with the management of FSI, or that might otherwise affect the reputation of FSI more generally.

## **4. Commitments**

### **4.1 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 Ministerial responses to representations, media queries etc.
- Engage in a timely and constructive manner on strategic, policy and data-related initiatives of relevance to the work of FSI.

### **4.2 FSI commitments**

FSI will:

- Provide timely, relevant and appropriately detailed information, as specified elsewhere in this Oversight Agreement, to fulfil its obligations under this Agreement and the annual PDA and to facilitate the Department in monitoring and appraising same.
- Provide, in its annual Estimates submission and in any other business cases for additional resources/funding, detailed and measurable information as to what new or enhanced outputs and outcomes it expects to deliver in return.
- Return relevant and appropriately detailed performance information for inclusion in the Revised Estimates for Public Services volume and the related Performance Reports produced annually by DPER.
- Consult with Criminal Justice Governance and/or Criminal Justice Policy, as appropriate, where it is intended to pursue significant new operational initiatives (including joint initiatives with other bodies) or to commission research or consultancy that relates substantively to the functions or management of FSI.
- Engage fully and constructively with any Department-led research or evaluations (including any Periodic Critical Review initiated under the Code of Practice) which relate substantively to the functions of FSI.

### **4.3 Departmental commitments**

The Department will:

- Provide for and resource the annual budget for FSI.
- Liaise with D/PER to ensure timely sanction for expenditure and staffing in line with public financial procedures and policies on public service numbers.
- Provide ICT services and supports that adequately address FSI's unique needs.
- Seek, over the lifetime of this Agreement, to develop and advance legislative proposals as necessary to support the efficient and effective operation of FSI within the criminal justice system.
- Provide, via its HR Division, services encompassing recruitment, employee relations, workforce development, performance management and liaison with (HR) shared services as required.
- Provide any necessary guidance/direction on procurement and expenditure rules, government accounting and governance generally.
- Provide invoice processing and other accounting services through the Department's Financial Shared Services.
- Liaise with FSI on public service reform/engagement initiatives as appropriate.

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

Carole Sullivan, Acting Assistant Secretary, Department of Justice, and Chris Enright, Director General, Forensic Science Ireland, affirm that this Oversight Agreement will be in effect until 31<sup>st</sup> December 2025.



*Carole Sullivan*  
*Assistant Secretary (Acting)*  
*Department of Justice*



*Chris Enright*  
*Director General*  
*Forensic Science Ireland*

**Date:** 16<sup>th</sup> March 2023