



An Roinn Dlí agus Cirt
Department of Justice



An tÚdarás Slándála Príobháidí
The Private Security Authority

Oversight Agreement 2023-25

Department of Justice

Private Security Authority

1. Introduction

1.1 Scope of this Agreement

This Oversight Agreement sets out the broad governance and accountability framework within which the Private Security Authority operates, and defines the key roles, responsibilities and commitments that underpin its relationship with the Department of Justice (“the Department”). The Agreement has been drawn up by the Department in consultation with the Authority, 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 be subject to a formal review approximately midway through its operation.

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

1.2 Background and Context

The Private Security Authority (PSA), which was established pursuant to the Private Security Services Act 2004 (as amended) (“the Act”), is the regulator for the private security industry. The Authority is an independent body under the aegis of the Department and is administered by a Board with day-to-day management carried out by the Chief Executive and staff of the body. The Authority is, subject to the Act, independent in the performance of its functions.

The PSA is charged with introducing, controlling and managing a comprehensive standards based licensing system for the private security industry. Its key responsibility is to licence those providing security services and the main objective is to improve and maintain standards and qualifications in the provision of these services. The PSA's Mission is to protect the public by regulating the Private Security Industry through raising standards, increasing awareness and enforcing compliance.

Section 8 of the Act sets out the statutory functions of the PSA as follows:

- (a) grant and renew licences,
- (b) issue identity cards to licensees,
- (c) where appropriate, suspend or revoke licences,
- (d) establish and maintain a register of licensees,
- (e) specify standards to be observed in the provision of security services by licensees or particular categories of licensees,
- (f) specify qualifications or any other requirements (including requirements as to training) for the grant of licences,
- (g) undertake or commission, or collaborate or assist in, research projects and activities relating to the provision of security services, including the compilation of statistical information and other records necessary for the proper planning, development and provision of those services,
- (h) investigate any security services being provided by any person,
- (i) establish and administer a system of investigation and adjudication of complaints

against licensees,

(j) monitor the provision of private security services generally,

(k) liaise with licensees with a view to keeping itself informed of any matters requiring its attention,

(l) advise the Minister on any matter relating to its functions,

(m) keep the Minister informed of developments in relation to the provision of security services by licensees or particular categories of licensees and assist him or her in coordinating and developing policy in that regard.

Under Section 8 (3) of the Act the Minister may, with the consent of the Minister for Public Expenditure and Reform, by order confer such additional functions relating to security services and connected with the PSA's statutory functions as the Minister considers appropriate.

The Act mandates the PSA to regulate the following industry sectors:

- Door Supervisor
- Installer of Security Equipment
- Security Guard
- Providers of protected forms of transport
- Locksmith
- Supplier or installers of safes
- Private Investigator
- Security Consultant
- Enforcement Guard

Subcategories of the above industry sectors which are licensed by the PSA include: the installation of CCTV, intruder alarm and access control systems; alarm and CCTV monitoring; and event security.

The PSA is introducing licensing to the industry on a phased basis. To date, it has licensed contractors in the following sectors: Security Guarding, Door Security, Alarm Installation, Alarm and CCTV Monitoring, Access control, CCTV, Cash-in-Transit (CIT), Event Security, Private Investigators, Locksmiths and Enforcement Guard. It licenses individuals working in the security guarding, door supervisor, event security and private investigator sectors as well as in the CIT and alarm and CCTV monitoring sectors. The PSA is committed to completing the regulation of the security industry during the course of its current Strategic Plan, 2023-2025. As of January 1st 2023, the Authority has 50.3 staff and a budget of €4.22 million.

1.3 Strategic fit of the Private Security Authority within the Justice Sector

The functions and objectives of the PSA align with Goal 1 of the Department's Strategy Statement 2021-2023, viz. to "Tackle crime, enhance national security and transform policing". Through its regulation of the private security industry and licensing of service providers in accordance with robust criteria, the PSA contributes to this Departmental goal by minimising the risk of industry infiltration by criminal elements and providing protection and reassurance to the end users of private security services.

2. Governance and Oversight – Key Roles and Responsibilities

2.1 The Minister, Accounting Officer and Department

2.1.1 The Minister

With monies voted by the Oireachtas, the Minister provides the PSA with the resources that it requires to function. While day-to-day responsibility for managing the PSA is vested in its Chief Executive (with oversight from the Board), the Minister and the Government are ultimately accountable to the Oireachtas for the performance of the PSA as a publicly funded State body under the aegis of the Minister.

2.1.2 Accounting Officer

The PSA 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 the PSA

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

<i>Unit</i>	<i>Purpose</i>
Standards	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.
Criminal Justice Performance and Compliance	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.
Financial and Capital Resources	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.
Human Resources and Appointments	Advise and consult on strategic HR issues and requirements, and oversee senior and board recruitment/appointments for particular agencies.

2.2 Management, Governance and Organisational Structures

2.2.1 The Board

The members of the Board are collectively responsible for leading and directing the Authority's activities as set out in the Act, within a framework of prudent and effective control as set forth in the Code of Practice¹. Schedule 1 to the Act requires the Board to hold at least one meeting in each quarter of the year.

Under the Act, the Minister appoints a Chairperson and 10 members to the Authority (hereafter "the Board"). The Act further provides that, of the Board members:

- at least one person shall be a practising barrister or practising solicitor of not less than five years standing,
- two persons shall be representatives of private security employers,
- two persons shall be representatives of employees of such employers,
- one person not below the rank of Assistant Commissioner must be nominated by the Commissioner of An Garda Síochána,
- one person shall be an officer of the Minister,
- one member of the staff of the PSA shall be elected by secret ballot by the staff of the Authority, and
- one person shall be a representative of any other Government Minister, who, in the opinion of the Minister [for Justice] is directly concerned with, or responsible for, activities relevant to the functions of the Authority.

Members of the Board are required to act in accordance with the primary legislation, the Ethics in Public Office Acts, the PSA General Governance Guidelines (which are based on the Code of Practice for the Governance of State Bodies) and the PSA's Code of Business Conduct. In line with the Code of Practice, the Board will (inter alia) conduct an annual self-assessment of its own performance and that of its committees, and will commission an external evaluation at least every three years.

2.2.2 Chairperson

The Chairperson is responsible for leading and guiding the Board in its tasks of setting the PSA's strategic priorities and monitoring their implementation. The Chairperson works with the Chief Executive to manage the PSA's agenda and provides direction to the Board Secretary.

2.2.3 Chief Executive

The Chief Executive is appointed by the Minister and is responsible for the day-to-day management of the Private Security Authority. The Chief Executive will discharge these obligations in accordance with (a) the policy and budgetary frameworks laid down by the Minister and the Department and (b) the governance structures and obligations outlined in this Agreement. The Act provides that the Chief Executive is responsible to the Board for the performance of his/her functions and the implementation of the PSA's functions. The Chief Executive is also accountable to the Committee of Public Accounts (PAC) and

¹ A copy of the Board's schedule of functions is appended to this document.

other Oireachtas Committees as set out in sections 5 and 6 of Schedule 1 to the Act. The Chief Executive is supported by a team of staff provided by the Department.

2.2.4 Organisational Structure

The PSA is divided into 4 operational units, each headed by an Assistant Principal. The four Assistant Principals together with the Chief Executive form the senior management team. The operational units are:

- **Licensing:** Responsible for the processing of applications and the issuing of licence to both contractors and individuals.
- **Compliance & Inspectorate:** Responsible for ensuring compliance with regulations and undertaking investigations into unlicensed providers.
- **Qualifications & Standards:** Responsible for the development of the training and standards that underpin the licensing regime.
- **Corporate Affairs:** Responsible for governance, finances, communications, staff and the office environment.

2.3 Adherence to relevant Governance Codes and Standards

The PSA is subject to a range of statutory and other corporate governance obligations including the applicable provisions of the Code of Practice. The Board and the Chief Executive will ensure compliance with all relevant obligations.

2.4 Strategic Plan

In accordance with section 9 of the Act, the PSA produces a multi-year Strategic Plan which it submits to the Minister for approval with or without amendment. The [current plan](#) covers the period 2023-2025. The PSA will ensure that a successor Plan is developed in a timely manner. 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

The PSA produces an annual business plan to guide its operations and the detailed implementation of its Strategy Statement. The PSA 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 Audit and Risk Management

2.6.1 Internal Audit

The Department's Internal Audit Unit (IAU) provides internal audit services to the PSA as a body under the Department's Vote. This includes support in monitoring and reviewing the effectiveness of the PSA's arrangements for governance, risk management and internal control. While the IAU reports into the Department's Audit Committee, it provides

copies of its reports and other supporting information to the PSA's ARC (see below) and meets with the ARC annually to discuss its findings and recommendations.

2.6.2 Department's Audit Committee

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. The PSA 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.

2.6.3 PSA Audit and Risk Committee

The PSA also has its own Audit and Risk Committee (ARC) which consists of four Board members and one independent non-Board member, all of whom are non-executive Authority members (one with financial expertise and one of whom acts as Chair). A member of the Executive acts as secretary. The ARC's terms of reference clearly outline the committee's authority and duties. The role of the Committee is to support the Board in their risk, control and governance responsibilities and to assess the robustness of assurances in meeting the needs of the Board and of the Accounting Officer.

2.6.4 Risk Management

The PSA has a risk management policy which is periodically reviewed by the ARC. The PSA also has a risk register which is regularly reviewed and updated by the PSA executive, considered by the ARC and reviewed at PSA board meetings. A copy of the risk register, and of significant changes thereto, will be provided to the Performance and Compliance team in Criminal Justice Governance (hereafter "Performance & Compliance").

2.7 Other Key Obligations and Arrangements

2.7.1 Procurement

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

2.7.2 Other Expenditure

The PSA will ensure adherence to the applicable levels of delegated sanction for authorising expenditure. In any instance where the PSA 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

The PSA 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). The PSA 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

The PSA 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*, the PSA has a designated Energy Performance Officer at senior management level who has primary responsibility for (inter alia) ensuring that the Authority 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 the Authority'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

The PSA 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 and Governance

The PSA 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. The PSA has its own Data Protection policy, which sets out how the PSA secures and manages personal data in accordance with the Principles of GDPR. The PSA also has its own Data Protection Officer.

PSA shall annually, or more frequently if so requested, submit to Criminal Justice Governance (Performance & Compliance team) a report indicating 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, in the event of an especially serious breach² PSA will inform Performance & Compliance as soon as it has made the necessary notification to the DPC.

² 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.

2.7.7 Conduct and Ethics

The conduct of PSA staff is governed by (inter alia) the Civil Service Code of Standards and Behaviour, the Civil Service Disciplinary Code 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 Charter

The PSA has a customer charter setting out the level of service that its customers can expect to receive. The charter is displayed prominently on the PSA website and is supported by a customer action plan.

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. The PSA 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, the PSA has adopted the Department’s Protected Disclosures policy and it has been communicated to all staff. 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. If a worker wishes to report wrongdoing they should contact the Department’s dedicated email at: Speakup@justice.ie. Further information in relation to making a protected disclosure is available on the Department’s website.

The Chief Executive, as a prescribed person under Statutory Instrument No. 367 of 2020 for the receipt of disclosures relating to the licensing and regulation of providers of security services, is also required to establish, maintain and operate independent external reporting channels and Procedures for the making of disclosures and for follow-up. Information on how to access and use these external reporting channels should be published on the PSA’s website.

2.8 Annual Report, Annual Accounts and Chairperson’s Comprehensive Report to the Minister

2.8.1 Annual Report

In accordance with the Act, the PSA will submit to the Minister, by end September each year, a report on the performance of the functions and activities of the PSA 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 and Financial Reporting Requirements', the Annual Report will include (*inter alia*):

- An explanatory note on any derogations (as agreed between the PSA and the Department) from the applicable provisions of the Code of Practice.
- The names of the Chairperson, the Chief Executive and members of the Board and its committees.
- The number of meetings of the Board and its committees, and the attendance of each Board member at Board meetings.
- A statement of the fees paid to members of the Board and its committees.
- A statement of how the Board operates, including which types of decisions are to be taken by the Board members and which are to be delegated to management.
- A statement of how the performance evaluation of the Board and its committees has been conducted.
- Confirmation that the PSA 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.

2.8.2 Annual Accounts

Section 4 of Schedule 1 to the Act sets out the PSA's obligations in the preparation of its annual accounts and their submission to the C&AG for audit. In line with the Act and the 'Code of Practice for the Governance of State Bodies – Business and Financial Reporting', the PSA will make its draft unaudited annual accounts available for review by the IAU not later than two months after the end of the relevant financial year.

2.8.3 Chairperson's Comprehensive Report to the Minister

In conjunction with the submission of the PSA's Annual Report, the Chairperson 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 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 is to be included in the Chairperson's Comprehensive Report as well as in the PSA's Annual Report.

3. Monitoring Arrangements and Interactions

3.1.1 Formal interactions

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

- Implementation of the Strategy Statement and 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 the PSA's obligations and commitments regarding the environment and the control of energy consumption;
- Equality, diversity and inclusion issues and initiatives;
- Any other matter comprehended in, or arising from, this Agreement.

The PSA will also provide quarterly written updates on progress against its PDA targets 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 the PSA 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 the PSA will, as soon as it becomes aware of same, immediately inform the appropriate area(s) of the Department:

- Any evidence or allegation of a significant governance or performance issue having occurred within the PSA, 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 the PSA, or that might otherwise affect the reputation of the PSA or the private security regulatory system 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 PSA.

4.2 PSA commitments

The PSA 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 the Private Security Authority.
- 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 the Authority.

4.3 Departmental commitments

The Department will:

- Provide for and resource the annual budget for the PSA.
- 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 through the Managed Service.
- 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.

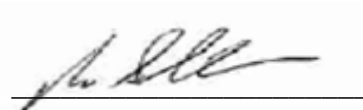
- Liaise with the Authority on public service reform/engagement initiatives as appropriate.

5. Duration and signatories to the Agreement

Carole Sullivan, Acting Assistant Secretary, Department of Justice, and Paul Scallan, Chief Executive, Private Security Authority, affirm that this Oversight Agreement will be in effect until 31st December 2025.



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



*Paul Scallan
Chief Executive
Private Security Authority*

Date: 27th March 2023

Appendix

PSA Board – Schedule of Reserved Functions

1. Approval of the Strategic Plan
2. Approval of the Annual Report and Financial Statements
3. Approval of Annual Budget Plan
4. Approval of Annual Business Plan
5. Agree legislative changes for the consideration of the Minister
6. Prescribing of regulations under the Private Security Services Acts
7. Establishing Sub-Committees
8. Schedule of Board and Sub-Committee meetings
9. Approval of licence fees
10. Approval of standards and qualifications to be obtained by licensees
11. The appointment of inspectors
12. Risk Management Policies
13. Approval of terms of major contracts
14. Directing the Chief Executive to inform the Board of the manner in which he proposes to perform any specified executive function
15. Requesting a member of the Executive to present a report on the activities and operation of the area under their management
16. Deciding to meet in committee without the Executive present
17. Approval of PSA Seal
18. Approval of Code of Business Conduct for Members of the Board
19. Approval of Corporate Governance Guidelines
20. Approval of Fit and Proper Guidelines for licensing
21. Approval of Procedures for taking Independent Professional Legal Advice
22. Approval of System for Internal Control and Statement on Internal Control
23. Adoption of the C&AG Management Letter & Recommendations following Annual Audit
24. Approval to undertake Research Projects / Compilation of Statistical Information
25. Adoption of the Requirements under the Code of Practice for the Governance of State Bodies 2016.