



ISI

Seirbhís Díolta Inneachta
na hÉireann
Insolvency Service
of Ireland



An Roinn Dlí agus Cirt
Department of Justice

2023 Performance Delivery Agreement

Between

The Insolvency Service of Ireland

And

The Department of Justice

1 Introduction

This Performance Delivery Agreement (PDA) has been drawn up by the Insolvency Service of Ireland (ISI) in consultation with the Department of Justice (“the Department”) in accordance with the 2016 edition of the Code of Practice for the Governance of State Bodies (“Code of Practice”). It succeeds the Performance Delivery Agreement 2022 and is also informed by the Oversight Agreement (OA) 2022-2024 between the two parties.

This Performance Delivery Agreement shall be reviewed and updated annually, and will be utilised to formalise the process through which the outputs and outcomes required from the ISI can be measured and assessed.

As per the Code of Practice, with reference to PDAs, “These agreements will act as a performance contract between the parent Department and the State body in which an agreed level of performance/service is formalised and which will ultimately result in improved efficiency and effectiveness in the delivery of public services.

The agreements allow for the adoption of both annual and multi-annual targets, and the development of output and outcome indicators, including milestones to measure performance against targets.”

To achieve this, it is necessary to set out the following:

- The key inputs, outputs and expected outcomes of the ISI’s activities, in quantitative, measurable terms;
- Assessment of performance by monitoring of agreed targets, around those key outputs, inputs and outcomes.

This Agreement documents the agreed level of service between the parties in order to facilitate improved effectiveness and efficiency of relevant public services. It sets out the ISI’s key targets for 2023 and defines the output and outcome indicators on which performance should be measured. In addition, it will also highlight any potential risk factors, allow for a level of flexibility and amendments of targets where necessary, and specify the monitoring arrangements between the Department and the ISI.

The Agreement ultimately seeks to (a) facilitate the ISI in carrying out its functions, (b) progress the ongoing development of output measures for its expenditure, and (c) improve the effectiveness and efficiency of public services.

The Agreement will support the ISI’s Strategic Plan 2022 – 2024.

2 Objective

The purpose of this agreement is to formalise a process through which the outputs and outcomes required from the ISI can be measured and assessed. Equally, the agreement will set out the expectations of the ISI in relation to the support, guidance and information flow from the Department, which are vital in enabling the ISI to achieve its strategic and operational goals. To achieve this, it is necessary to set out the following:

- The Department's expectations of the ISI;
- The key inputs, outputs and expected outcomes of the ISI's activities;
- Assessment of performance by monitoring of agreed targets, around those key outputs, inputs and outcomes;
- Support of the ISI by the Department in the delivery of its functions as set out in the Personal Insolvency Act 2012.

The Agreement seeks to:

- facilitate the ISI in carrying out its functions,
- progress the ongoing development of output measures for its expenditure, and
- improve the effectiveness and efficiency of public services.

The Agreement will support the Department of Justice's mission of "working for a safe, fair, inclusive Ireland" and many of our objectives are consistent with the Department's goals as they relate to improved access to justice, a modernised courts system (Goal 2), innovation and digital transformation (Goal 5). It will also support the ISI in achieving its high level goals as set out in its Strategic Plan 2022 – 2024

3 Commitments

3.1 Mutual Commitments

- Both parties agree to proactive and timely communications, cooperation and information on service delivery;
- Both parties agree to consult and to keep each other fully apprised on all matters of mutual relevance, particularly in the context of the ISI's function to contribute to the development of policy in the area of personal insolvency;
- Both parties support the effective achievement of agreed targets, as well as the promotion of partnership, responsiveness and mutual co-operation in their ongoing interactions.

The annual budgetary provision for the ISI will form part of the estimates for the Justice Vote and the requirements of the ISI will be considered in that context.

The ISI will identify, based on its business plans, its budgetary requirements to the Department as part of the budget process. When the budget is settled, consideration may have to be given to the preparation and submission of a revised Business Plan.

3.2 Department of Justice Commitments

The Department will provide the following supports to the ISI to enable it deliver on its objectives:

- Liaise with the Department of Public Expenditure, NDP Delivery and Reform to ensure as far as possible, timely sanction for expenditure and staffing in line with Public Financial Procedures and Public Service Numbers policy;
- Provide updates on Public Financial Procedures and Civil Service HR Policy Guidelines;
- Provide a Human Resource Management service including, but not limited to, recruitment, employee relations, workforce development and performance management;
- Provide the ISI with sufficient staff in accordance with its Work Force Planning. A summary table is available at Section 4.2. Where possible, the Department will provide at least two weeks' notice before a member of staff is transferred;
- Provide high quality ICT services via the Shared Service in accordance with the Service Level Agreement currently in place; provide advice in relation to proposed IT projects and resulting expenditure and ensure prompt review by the P3 committee of the sanctioning of project related expenditure;
- Provide guidance on government accounting and governance;

- Provide financial services (e.g. invoice payment and accounting services) through the Department's Financial Shared Services;
- Provide internal audit services to the ISI;
- Provide assistance to the ISI in meeting its obligations under the Code of Practice for the Governance of State Bodies, including letters of assurance covering certain services provided to the ISI in areas such as IT;
- Provide data protection support to the ISI through the Department's Data Protection Support and Compliance Office;
- Provide a networking and information service to the ISI, to ensure that staff of the organisation, who are civil servants attached to the Department of Justice, are kept fully informed of developments, career opportunities, staffing changes and policies in the parent Department;
- Inform and involve the ISI in any activities related to the role that the ISI plays or may be required to play within the Department;
- Work with the ISI in the regular reporting processes under the Public Sector Reform and Civil Service Renewal Programmes;
- Provide monthly financial reports, processing of mobile phone bills, asset tracking and general financial advice via the Department's Financial Management Unit (FMU);
- Keep under review, in collaboration with the ISI, the effectiveness of the Personal Insolvency Acts and Bankruptcy Act 1988, drafting amending legislation, as necessary and in a timely manner;
- Provide timely responses to request for changes to secondary legislation.

4 Inputs

4.1 Financial Inputs

The Department is responsible for determining the overall allocation of funding to the ISI i.e. the annual grant, while the ISI is responsible for the allocation of its current expenditure within agreed budgetary parameters.

The Department will provide an annual grant to the ISI, which in 2023 will be as follows:

Expenditure	2023 Budget Allocation
Pay	€5,072,000
Non-Pay	€3,250,000
Total	€8,322,000

For appropriations in aid the ISI has not been set a Fee estimate for 2023. This follows the approval on the 16th January 2023 by the Minister of Public Expenditure, NDP Delivery and Reform for the ISI to retain bankruptcy fees payable to the Official Assignee to assist him in the discharge of his duties and statutory functions. It should be noted however that the ISI will remit some funds to the Department representing projected fees generated from either new licenses or renewals of licenses for Personal Insolvency Practitioners that compete during the year.

4.2 Staff Resources

Grade	Headcount (as at 01/01/2023)	FTE (as at 01/01/2023)
Director	1	1
Principal Officer	3	3
Assistant Principal Officer	13	13
Higher Executive Officer / Administrative Officer	16	15.5
Executive Officer	20	19.5
Clerical Officer	27	27
Total	80	79

Current vacancies: 7.5

The ISI has a resourcing requirement of 86.5 staff. The ISI's 2023 pay budget contains scope to recruit the required additional staff. Efforts are underway within the HR Division of the Department of Justice and the Public Appointments Service to fill existing vacancies.

5 Outputs and Targets

The following section sets out the key actions that the ISI will take in 2023 towards achieving its strategic objectives, and core function; the restoration of insolvent individuals to solvency under the provisions of the Personal Insolvency Acts. It also includes a supplementary schedule of Volume and Engagement KPIs against which we can measure output.

The ISI has identified five key strategic goals in its Strategic Plan 2022 – 2024 which are the focus of its current work programme.

Goal 1 Reduce Barriers & Enhance Stakeholder Engagement

Optimise all-party engagement on debt solutions through communication, information-sharing, collaboration and the application of best practice.

This is a key goal in ensuring the success of the insolvency framework and we intend to build on the progress achieved over the last three years. The Covid-19 pandemic may have serious negative medium and long term impacts on the economy and implications for both debtors and creditors alike. Our objectives are set in that context.

Actions	Output and KPIs
<p>1 Execute a comprehensive stakeholder engagement plan with Creditors, PIPs and other relevant stakeholders to share constructive feedback, encourage positive interaction and discuss performance and quality issues.</p>	<ul style="list-style-type: none"> ▪ Meetings held with all major creditors, a range of PIPs based on volumes and other factors, representative bodies, CBI, DOJ, and MABS. ▪ Measurement of progress against Volume and Engagement Indicators
<p>2 Publish and highlight statistical information and insolvency framework trends through annual, quarterly and ad-hoc publications and briefings to Stakeholders.</p>	<ul style="list-style-type: none"> ▪ Quarterly Statistics and annual report published. ▪ Abhaile Deep Dive presented to Abhaile Steering Board. ▪ Statistics and trends discussed at stakeholder meetings.
<p>3 Provide assistance and engage proactively with the Department of Justice to help drive the completion of the Section 141 Review and any other measures designed to enhance the Insolvency Framework including the bankruptcy reforms contemplated in the</p>	<ul style="list-style-type: none"> ▪ Responses to queries from DOJ and meetings held to discuss progress on s141 review. ▪ Passing of finalised CCLMB. ▪ Publishing of s141 review.

	Courts & Civil Law (Miscellaneous) Bill 2022.	
4	Work with the Department of Finance (as lead organisation), the Central Bank and the Department of Justice in considering the IMF recommendation to further develop the government strategy to provide targeted solutions to LTMA borrowers based on their financial situation and debt servicing capacity as contained in the July 2022 Financial Sector Assessment Program.	<ul style="list-style-type: none"> ▪ Meetings held with Dept. of Finance and other participants and any proposals reviewed and discussed. Provide group with sector information and trends from perspective of ISI and the insolvency framework.
5	Work with Department of Social Protection, Department of Justice, MABS and the Legal Aid Board in implementing any recommendations arising from the Abhaile Review carried out by Indecon.	<ul style="list-style-type: none"> ▪ Review Indecon Report when published. ▪ Implement any changes required of ISI as appropriate. ▪ Measurement of progress against Volume and Engagement Indicators.
6	Consider and provide feedback to the Department of Justice on the European Commission Proposal for a Directive harmonising certain aspects of insolvency law and its potential impact on the Irish Insolvency Framework.	<ul style="list-style-type: none"> ▪ Provide high level submission to DOJ on ISI views of proposed Harmonisation Proposal when required. ▪ Provide further information and views as requested by DOJ.
7	Launch a DRN customer insight survey to assess debtors' experience and satisfaction with this insolvency solution including any service or accessibility issues.	<ul style="list-style-type: none"> ▪ Launch survey and analyse feedback. ▪ Provide feedback to relevant stakeholders such as MABS and DOJ as appropriate. ▪ Implement improvements to ISI processes if and as prompted by feedback from survey. ▪ Measurement of progress against Volume and Engagement Levels.
8	Establish a working group with IAIR Contacts in jurisdictions with similar legal frameworks to Ireland with a view to sharing learnings and experience around issues including policy and law reform initiatives, insolvency practitioner industry sustainability, regulation, supports for vulnerable	<ul style="list-style-type: none"> ▪ Engage selected IAIR Jurisdictions in a working group and agree initial areas of interest and exchange contact details of respective SMEs.

	debtors and other issues that may evolve.	
9	Monitor impact of courts administration on the efficient running of the insolvency framework and raise issues where appropriate with the Courts Service and the Department of Justice.	<ul style="list-style-type: none"> ▪ Regular briefings to SMT from ISI staff attending courts. ▪ Receipt of feedback from stakeholders, particularly PIPs, during stakeholder meetings. ▪ Measurement of progress against Volume and Engagement Indicators
10	Work with MABS to encourage maximum flow of debtor referrals to PIPs through efficient operation of the PIP-MABS Protocol and to assist MABS in increasing the flow of qualifying debtors into the DRN solution.	<ul style="list-style-type: none"> ▪ Meetings with MABS officials at appropriate and varied levels. ▪ Information and training sessions where deemed appropriate. ▪ Measurement of progress against Volume and Engagement Indicators.
11	Collaborate with the Courts Service on the provision for a statement of truth as envisaged under the Personal Insolvency (Amendment) Act 2021 and investigate logistical requirements within the ISI to introduce this facility.	<ul style="list-style-type: none"> ▪ Introduction of statement of truth.
12	Bankruptcy Division to set appropriate metrics and targets for 2023 to measure progress across Bankruptcy Estates. Progress to be measured by Bankruptcy Division 6 weeks post each Quarter End by Draft Receipts & Payments accounts.	<ul style="list-style-type: none"> ▪ Measurement of progress against Volume and Engagement Indicators.
13	Prepare and issue guidelines as to what constitutes a reasonable standard of living and reasonable living expenses.	<ul style="list-style-type: none"> ▪ Consult with the Minister for Justice, the Minister for Finance, the Minister for Social Protection before issuing guidelines ▪ Publish new guidelines at least every 12 months ▪ Make RLE guidelines available to members of the public on our website

14	Review the customer charter and the policy on complaints against the ISI.	<ul style="list-style-type: none">▪ Review the customer charter to ensure it complies with the requirements of the Code of Practice for the Governance of State Bodies▪ Review the policy on complaints against the ISI, make necessary amendments and publish on website.
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Goal 2 Innovation in our Work

Identify and adopt innovative practices and solutions to streamline our processes

Recent challenges have shown the adaptability of our people in the ISI who together with our stakeholders maintained availability of our services despite the logistical problems encountered. We will build on our demonstrated capacity to innovate in the period of this strategy plan, in line with the commitment in Our Shared Future on courts reform and with Goals 2 and 5 of the Department's Statement of Strategy.

Actions		Output and KPIs
1	Finalise the Implementation Plan for the new Bankruptcy case Management System and target Go-Live for the system in Qtr. 3 of 2023.	<ul style="list-style-type: none"> ▪ Project Board Meetings. ▪ Monitor four proposed UAT drops releases through Project Board and SMT. ▪ Go Live targeted in Qtr. 3 2023.
2	Review the Phoenix Case Management System in 2023 to ensure it is operating efficiently and, subject to budget and procurement restraints, consider value adding enhancement changes. Specifically, we will also review the system to ensure it can comply efficiently with our GDPR document control requirements.	<ul style="list-style-type: none"> ▪ Based on internal and external feedback, submit proposal to SMT for any value-enhancing amendments by Qtr. 3 2023. ▪ Agree and implement any Phoenix amendments required for compliance with GDPR obligations around disposal or retention (for National Archives purposes) of electronic records.
3	Introduce and roll out the eDocs Electronic Document and Records Management System in the ISI with a target implementation date in Qtr. 3.	<ul style="list-style-type: none"> ▪ Complete training and logistical requirements for eDocs in Qtr. 1 2023. ▪ Launch of eDocs by end Qtr. 1. ▪ Quarterly review by SMT of embedding process, including any temporary exceptions agreed prior to launch. ▪ Bankruptcy Division to set up new adjudications on E-docs from QTR 1 2023.
4	Continue work started in 2022 to introduce a cloud-based Power BI solution or equivalent system to enhance our data management and analysis capability.	<ul style="list-style-type: none"> ▪ Regular interaction with DOJ IT and DOJ Governance to advance case for Power BI or Equivalent. ▪ Introduction of Power BI by Qtr. 4 2023

5	As part of our interaction with the IAIR Working Group, we will explore technology and system innovations being used or contemplated in these jurisdictions that could be adopted in the ISI.	<ul style="list-style-type: none"> ▪ Agree technology and system innovations, including data analysis tools, as a core topic in IAIR Project Group discussions. ▪ Meetings held and /or information exchanged as part of working group.
6	Highlight and encourage innovative thinking by our staff and facilitate practical innovation workshops through the ISI Innovation Network to promote new ideas and suggestions for efficiency.	<ul style="list-style-type: none"> ▪ Innovation workshops held and any output incorporated into ISI as appropriate.

Goal 3 Fair and Effective Regulation

Ensure that the ISI's role in the regulation and supervision of PIPs and AIs is proactive and proportionate and recognised as such by practitioners and stakeholders.

The regulation and supervision of PIPs and AIs respectively is a core function of the ISI. Seeking to ensure continued fair and effective regulation of practitioners is a key goal of the ISI and the objectives provided below are instrumental in respect of ensuring a well-functioning and trusted personal insolvency framework. In achieving the objectives, the ISI intends to further develop the collaborative relationships in place and, in particular, to facilitate a culture of continuous enhancement that reflect the values of both the ISI and Department.

Actions	Output and KPIs
<p>1 Agree risk-based supervisory visit schedule based on resources and targeted at PIPs based on activity levels and/or specifically identified risk factors identified through both the Regulation and Case Management Teams.</p>	<ul style="list-style-type: none"> ▪ Supervisory Visit/Oversight schedule agreed in Qtr. 1 ▪ No. of supervisory visits/procedures undertaken. ▪ Measurement of progress against Volume, Engagement and Stability Indicators.
<p>2 In light of the extension to the Abhaile Scheme, critically review the current Abhaile PIP Panel Terms and Conditions to minimise the administrative burden while maintaining prudent ISI oversight.</p>	<ul style="list-style-type: none"> ▪ Complete review, implement changes as appropriate and monitor outcomes and feedback from PIPs. ▪ Measurement of progress against Volume and Engagement Indicators.
<p>3 Target ad hoc regulatory and oversight interventions through issues identified from our statistical analysis of PIP performance and engagement measures and through administrative measures identified through Phoenix such as error counts and adherence to arrangement review requirements.</p>	<ul style="list-style-type: none"> ▪ No. of interventions. ▪ Measurement of progress against Volume and Engagement Indicators.
<p>4 Resolve complaints against PIPs informally if possible but act expeditiously where formal complaints are made on grounds set out in section 178 of the Personal Insolvency Act and,</p>	<ul style="list-style-type: none"> ▪ No. of complaints received. ▪ Monitoring of complaints and resolutions through SMT.

	where appropriate, cause an investigation to be carried out by an Inspector.	
5	To help support compliance and the promotion of the best practice, highlight common regulatory, practice and administrative issues through our regular PIP Newsletter and eBriefs.	<ul style="list-style-type: none"> ▪ No. of E-Briefs and Newsletters issued. ▪ Measurement of Insolvency Stability Indicators.
6	Work with APIP and other stakeholders to ensure the 2023 CPD programme is relevant and up to date. Target training towards areas of concern as they emerge.	<ul style="list-style-type: none"> ▪ Agree CPD programme by end Qtr. 1, implement and review as appropriate. ▪ No of topics reviewed.

Goal 4 Communications and Awareness

Raise awareness of our insolvency solutions and ensure ease of access to clear and relevant Information.

We will continue to increase awareness and understanding of the debt solutions provided for in the insolvency legislation and encourage more openness around discussing debt problems. Over 2021 we commissioned the ESRI to conduct behavioural research on the uptake of debt solutions. We will take that research and couple it with what we already know about debtor behaviour based on eight years of operational experience. The aim is to deliver the right information to the right person at the right time, combining a constancy of approach with innovative methods.

Actions	Output and KPIs
<p>1 Review and refresh primary awareness assets used for TV, Radio, Print, Digital and other media channels to achieve greater uniformity across channels, using learnings from previous campaigns, output from the ESRI Research Project and based on advice and guidance from Javelin Group.</p>	<ul style="list-style-type: none"> ▪ Approval by SMT of new advertising assets in January 2023. ▪ Approval by SMT and commencement of 2023 Awareness campaign in Qtr. 1 2023. ▪ Monthly meetings of Communications Project Group to review progress and implement changes/enhancements as appropriate.
<p>2 Devise, approve and implement a comprehensive communication and awareness campaign for 2023 to run in two bursts in H1 and H2 of 2023. Meet our obligations to ensure that 20% of our advertising is provided through Irish and that 5% of our advertising budget is spent on Irish language media.</p>	<ul style="list-style-type: none"> ▪ SMT review of Campaign review report by Carat by end Qtr. 2 2023. ▪ Coordination meetings held with MABs as appropriate, and communication plan aligned with the communications plan of Abhaile.
<p>3 Measure and review effectiveness of awareness campaign using measurements around visits and dwell-times on BackonTrack together with activity across our Helplines.</p>	<ul style="list-style-type: none"> ▪ Measurement of progress against Volume and Engagement Indicators.
<p>4 In conjunction with Carat and Javelin, undertake comprehensive mid-year review of campaign effectiveness across all media channels using standard media industry analysis tools and adjust campaign for H2 accordingly.</p>	

5	Review and consider updates where deemed necessary for BackonTrack in terms of content, quality and technical capacity with a view to maximising access and relevance to Debtors.	
6	Launch revised and updated ISI Corporate Website in Qtr. 1.	
7	Collaborate with MABS to ensure ISI awareness campaigns are optimally coordinated with theirs in terms of timing and messaging.	

Goal 5 Our Team and Corporate Responsibilities

Ensure effective corporate governance, develop our team as a critical stakeholder and enhance organisational capability.

We have refreshed and consolidated our core values and will apply them in maximising the efficiency, transparency and effectiveness of our organisation. Our objectives reflect our emphasis on developing our staff and fostering of a culture of accountability and trust.

Actions		Output and KPIs
1	Prepare and agree our Performance Delivery Agreement and 2023 Business Plan with the Department and review progress and outputs within the ISI on a quarterly basis and with the Department on a semi-annual basis on dates to be agreed.	<ul style="list-style-type: none"> ▪ PDA and Action Plan agreed with DOG Governance in Qtr. 1 2023. ▪ SMT progress review on a quarterly basis. ▪ ISI review with DOJ Governance on a semi-annual basis.
2	Prepare and submit an Annual Report to the Minister by 31 April 2023 on the performance of ISI's functions in 2022.	<ul style="list-style-type: none"> ▪ Working Group established in January 2023 to draft annual report. ▪ Draft report to SMT by 31 March 2023. ▪ Final report issued to DOJ and Minister by 30 April 2023.
3	ISI draft accounts for 2022 to be submitted by 28 February 2023.	<ul style="list-style-type: none"> ▪ Draft accounts finalised and submitted by 28 February 2023
4	Prepare and submit the ISI's 2023 budget profile to the Finance and Procurement Division in January 2023 and review progress against budget on a monthly basis at SMT. Ensure a draft budget requirement for 2024 is also submitted by 30 June 2023 to include a requirement for ISI's Bankruptcy Division. Bankruptcy to monitor impact of trend of non-Irish national bankruptcy adjudications for future budget implications.	<ul style="list-style-type: none"> ▪ 2023 budget profile submitted by 31 January 2023. ▪ Monthly review of budget by SMT. ▪ Reforecast budgets completed by 30 June 2023 and 30 September 2023. ▪ Draft 2024 budget requirement to DOJ by 30 June 2023. ▪ Bankruptcy to review German/Non-Irish national resource and cost implications on a regular basis with a review to be submitted to SMT by 30 June 2023.
5	Review risk within the ISI through the risk committee on a quarterly basis including a specific review of the effectiveness of ISI's internal controls at	<ul style="list-style-type: none"> ▪ Quarterly Risk Committee. ▪ ISI Controls review at SMT by 31 March 2023.

	SMT by 31 March 2023. Agree, review and implement any recommendations from our internal audits and C&AG reviews, to include any arising from an expected GDPR compliance review expected this year.	<ul style="list-style-type: none"> ▪ Any recommendations flowing from DOJ Internal Audit (“IA”) review to be implemented and progress reviewed at SMT. ▪ GDPR Audit planned for Qtr. 3 subject to DOJ IA resources being available.
6	Review the operation of the current blended working policy in line with any Departmental review planned.	<ul style="list-style-type: none"> ▪ Implement any revisions to blended working policy in line with those implemented by DOJ. ▪ Semi-annual review of divisional and/or team Blended Working Charters.

5.1 Supplementary Volume and Engagement Indicators

Insolvency Volume Indicators	
Indicator	Measurement Frequency
Number of New Insolvency Applications (Non-Bankruptcy)	Quarterly/Yearly
Total Qualifying Debt in New Insolvency Applications (Non-Bankruptcy)	Quarterly/Yearly
Protective Certificates Issued	Quarterly/Yearly
Abhaile PIP Vouchers Redeemed	Quarterly/Yearly
All Insolvency Arrangements Approved (PIAs, DSAs and DRNs)	Quarterly/Yearly
New Bankruptcy Adjudications	Quarterly/Yearly
Bankruptcy Exits	Quarterly/Yearly
Bankruptcy Dividends Approved	Yearly

Family Homes Re-vested	Quarterly/Yearly
Insolvency Framework Engagement Indicators	
Indicator	Frequency
PIA Acceptance Rates*	Quarterly/Yearly
PIA Conversion Rates**	Quarterly/Yearly
115A cases initiated	Quarterly/Yearly
Outstanding 115A cases	Quarterly/Yearly
Creditor Objection Rates – 115As***	Quarterly/Yearly
Number of Visits to backontrack.ie	Quarterly/Yearly
Average dwell time on backontrack.ie****	Semi Annually
No. of Calls to ISI Information Line	Quarterly/Yearly

*Protective Certificates converting to arrangements at Creditor Committees – time lag subject to formal court approvals

**Protective Certificates converting to arrangements including 115A approvals – time lag subject to court decisions of 115A applications

*** Percentage of contested 115A applications

****Average visitor time spent on backontrack.ie

6 Flexibility and Amendment of Targets

The ISI is committed to deliver on the established work plan for 2023. However, the achievement of the targets in the ISI work plan 2023 will be impacted by a range of factors including available staff resources. Where delays arise the timeframe for delivery may need to be extended including carrying into 2024 where appropriate.

The Covid-19 pandemic resulted in the ISI implementing and benefitting from a number of innovations that contributed to it being able to maintain its services, eliminate any backlogs and ensure the insolvency framework continued to function in the interest of all its stakeholders. These innovations, including remote insolvency court sittings and the enabling of virtual meetings between PIPs and Debtors, together with the new Phoenix case management system will also maximize the ability to manage any increased demand that might result from personal debt problems caused by increased inflation and the associated cost of living crisis.

The ISI will report on progress towards business plan targets at governance meetings with the Civil Governance Function, and between meetings where appropriate.

Review of Performance Measurement in 2023

The Code of Practice for the Governance of State Bodies provides that the PDA set out quantitative metrics for measuring progress toward achieving High Level Goals and Objectives. Using SMART (specific, measurable, achievable, relevant and time bound) performance indicators adds significant value to analysing business activities and outputs and identifying new opportunities. It is acknowledged that the assessment and measurement of strategic outcomes is an important feature in the PDA, and this will be an area of emphasis for the Department and ISI to further develop this year. In line with the Code, ISI and the Department will have a specific meeting during the year to discuss performance measurement and PDA's and to collaborate on the further enhancement of this area.

7 Potential Risk Factors

The ISI operates a formal Risk Management policy and maintains a Risk Register. The ISI Risk Committee meet quarterly to review all risks. This ensures that risks are identified and assessed, and necessary mitigating actions are, where resources allow, put in place.

Reflecting the key priorities of the organisation, the following potential risks were identified as the main areas that could negatively impact on the ISI in 2023:

Risks	Controls & Mitigating Actions
Adequate staff resources	<ul style="list-style-type: none"> ▪ This has become a critical risk for the ISI in the latter half of 2022 and into 2023. We recognise that this is also an issue across the Civil Service. ▪ It is particularly critical for the ISI however given the loss of highly skilled and experienced staff, especially through promotion. ▪ We are working hard to mitigate our staff vacancy risks including retaining promoted staff where we can and meeting monthly with HR at a senior management level to maximise our recruitment efforts. ▪ However we expect this risk to remain at an elevated level throughout 2023.
GDPR	<ul style="list-style-type: none"> ▪ Whilst ISI has a high level of compliance to GDPR requirements we completed an exercise in 2022 where we constructed more detailed ROPAs, updated our data retention policy and clarified our records retention obligations with the National Archives. ▪ Good progress has been made in this complicated area and we are prepared for an audit of our GDPR compliance expected in Quarter 3 of 2023. We will welcome any further recommendations that flow from that audit.
Timely completion of IT projects within budget	<p>The ISI has completed a number of approved IT projects during 2022 including:-</p> <ul style="list-style-type: none"> ▪ Phoenix system enhancement project; ▪ Redevelopment of Back on Track website; ▪ EU Insolvency Interconnector project. <p>The completion of our new bankruptcy case management system has been delayed into 2023 for reasons beyond our control</p>

	<p>primarily due to the loss of key personnel in our IT Contractor. As such, this remains a key risk for the ISI.</p> <p>Appropriate oversight and monitoring structures are in place, including SMT oversight, to ensure completion of this project in 2023.</p>
<p>IT Infrastructure and security</p>	<ul style="list-style-type: none"> ▪ A cyber-attack risks exposure of confidential financial information of debtors and/or substantial disruption to regular ISI operation of insolvency arrangements and bankruptcies. The ISI is fully dependant on the security and resilience of the ICT hosting services of the DOJ IM&T team and continues to engage around adequate disaster recovery assurances. ▪ The ISI has taken action locally to train staff to be aware of potential cyber attack techniques, and is currently awaiting support from the DOJ IM&T team to proceed with a programme of phishing testing. ▪ The ISI access to statistical reporting from Phoenix is restricted to one staff member reporting on a case-by-case basis resulting a key person risk and a restricted ability to respond to business demands, press inquiries etc. ▪ The ISI continues to request access from DOJ IM&T team to Phoenix data via Microsoft Power BI or equivalent technologies but is reliant on local resource heavy solutions until that access is granted.

8 Monitoring Arrangements

The implementation of this Agreement will be monitored twice yearly, or more frequently if required, through governance meetings between the ISI and the Civil Governance Function in the Department to provide an update on developments and achievement of targets set out in this agreement.

The ISI undertakes to return:

- all relevant and appropriately detailed performance information to allow for monitoring of this Agreement;
- relevant and appropriately detailed performance information for inclusion in the Revised Estimates for Public Services volume; and
- performance information in line with the set of such indicators, and in keeping with the timeframe, agreed with the Department.

The ISI 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.

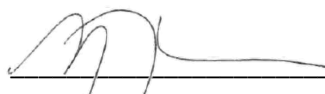
9 Duration and Review of the Performance Delivery Agreement

The arrangements as set out in this Agreement will apply with effect from the date signed hereunder until 31st December 2023, however the general provisions of the agreement will continue to apply until such time as a subsequent Performance Delivery Agreement is agreed.



Michael McNaughton
Director
Insolvency Service of Ireland

Date: 19/05/2023



Dr Stjohn O'Connor
Head of Civil Governance
Department of Justice

Date: 19/05/2023