



An Roinn Dlí agus Cirt  
Department of Justice



Oifig An Chigire Príosún  
Office of the Inspector of Prisons

## Department of Justice

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**Office of the Inspector of Prisons**

**Performance Delivery Agreement 2023**

## 1. Background and Context

### 1.1 Objectives of this Agreement

The purpose of this Agreement is to define, in the context of the resource inputs provided, the targets by which the performance of the Office of the Inspector of Prisons (OIP) will be measured in 2023. The ongoing supports that the Department of Justice will provide to the OIP in this regard, and the mechanisms for monitoring and appraising performance, form part of the overall governance arrangements between the two parties and as such are set out in the separate but complementary multiannual Oversight Agreement.

### 1.2 Inputs

#### 1.2.1 Financial Inputs

The OIP's budget allocation for 2023 is as follows:

- Pay	€	1.388m
- Non-Pay	€	1.006m
- <b>Total</b>	<b>€</b>	<b>2.394m</b>

#### 1.2.2 Staffing Resources

The following table shows the OIP's full-time equivalent staffing (authorised and actual) as at 12 May 2023.

<b>Staffing</b>	<b>Authorised</b>	<b>Actual</b>
Chief Inspector (Assistant Secretary equivalent grade)	1	1
Deputy Chief Inspector (Principal Officer Higher equivalent grade)	1	1
Senior Inspector (Principal Officer equivalent grade)	2	1 <sup>1</sup>
Head of Corporate Services (Assistant Principal)	1	1
Inspector (Higher Executive Officer equivalent grade)	8	4 <sup>2</sup>
Data Analyst (Higher Executive Officer equivalent grade)	1	1
Office Manager (Higher Executive Officer)	1	1
Executive Officer	1	1
Clerical Officer	1	0
<b>Total</b>	<b>17</b>	<b>11</b>

<sup>1</sup> Following a successful PAS recruitment campaign, a replacement Senior Inspector is currently undergoing vetting and clearance, prior to appointment. A panel has also be created pending sanction for future Senior Inspector appointments.

<sup>2</sup> The appointment of four further Inspectors is pending, following a successful PAS recruitment campaign. The four officials concerned are currently at various stages of vetting/security clearance.

## 2. Performance Targets

The following are the principal targets that shall be referenced in 2023 to assess the OIP's efficiency and productivity in using the resources allocated to it.

### 2.1 Quantitative targets

Output area or initiative	Metric	2023 Target	2022 Target	2022 Outturn	2021 Target	2021 Outturn	Associated strategic objective <sup>3</sup>
<i>Prison Inspections</i>	Full general Inspection Reports transmitted to the Irish Prison Service (prior to submission to the Minister)	4	1*	0 <sup>4</sup>	1	0	1, 3
<i>Thematic/ Focused Inspections</i>	Thematic/Focused inspections conducted	2	n/a	n/a	n/a	n/a	1, 3
<i>Death-in-custody investigations</i>	Reduction in average time taken between notification of death and submission of DiC report to the IPS <sup>5</sup>	45%	n/a	n/a	n/a	n/a	4
	Percentage of standard <sup>6</sup> DiC investigation reports completed and submitted to the IPS within three months of notification of a death in custody	50%	n/a	n/a	n/a	n/a	4

<sup>3</sup> The referenced objectives in the OIP's Strategic Plan 2020-23 in this, and in the next, table are as follows:

1. We will develop and maintain the frameworks, approaches and processes to underpin robust regimes for inspection, investigation and written correspondence from prisoners
2. We will implement the new operating model required to deliver our Mission and statutory duties
3. We will undertake and maintain a robust programme of inspection throughout all of Ireland's prisons
4. We will investigate all Deaths in Custody in a robust and timely manner
5. We will develop and maintain dialogue with the DoJ, partner organisations and with international networks
6. We will maintain readiness to take on any additional statutory functions
7. We will provide a valuable oversight function for the IPS Prisoner Complaints Procedures

<sup>4</sup> While the OIP was not in a position to submit the finalised report by end 2022, it carried out an unannounced full general inspection of Mountjoy Men's prison in Q4 and the Chief Inspector wrote to the Minister immediately prior to Christmas with a distillation of the findings.

<sup>5</sup> In relation to all categories of DiC investigations commenced in 2023, compared to average time taken in 2022.

<sup>6</sup> Cases involving simpler fact patterns.

Output area or initiative	Metric	2023 Target	2022 Target	2022 Outturn	2021 Target	2021 Outturn	Associated strategic objective <sup>3</sup>
<i>Letters received from prisoners under Rule 44 of the Prison Rules</i>	% of correspondence received from prisoners under Rule 44 acknowledged within five working days	100%	100%	95%	100%	48%	1
	% of final replies issued within 20 working days	90%	90%	87%	100%	41%	
<i>Review of Category A prisoner complaints</i>	% of Category A complaints reviewed within 20 days of receipt	100%	100%	83%	100%	91.3%	7

## 2.2 Other targets

Output area or initiative	Target and Timeframe (Quarter)	Associated strategic objective
Establishment of an expert panel, following financial sanction obtained from D/PER	Q2	1, 2, 3
Full review of death in custody procedures and adoption of new streamlined procedures, in cooperation with the IPS	Q3	4
Full costing, drawing upon appropriate external professional expertise, of the additional human and financial resources required for the OIP to assume its functions as the Inspectorate of Places of Detention (OIPD)	Q3	5, 6
Review of the Framework for the Inspection of Prisons in Ireland, including expansion of the Framework to include a new framework for monitoring detention by An Garda Síochána (AGS), in consultation with AGS and other relevant stakeholders	Q4	1, 6

## 2.3 Main Risks to Achievement of Targets

The main potential risks to achievement of the targets set out in this Agreement, and the corresponding mitigation/contingency measures, are as follows:

Risk Description	Mitigations
<p>Failure to secure Dublin Office HQ accommodation for the OIP/OIPD</p> <p>With the closure of the Nenagh Office (effective immediately), the need for adequate accommodation for the OIP/OIPD has become critical. The current temporary premises in Dublin are already too small for current staff numbers, and additional staff members are scheduled to arrive in the coming weeks.</p>	<p>Active engagement between the OIP/OIPD and the Department in order to secure appropriate accommodation (cf. also paragraph 4.3 of the Oversight Agreement between the Inspectorate of Prisons and the Department of Justice).</p>
<p>Ongoing delays in the timely production of reports on deaths in custody which may result in the Coroner not being in possession of valuable information gathered by the OIP in advance of inquests taking place.</p> <p>Potential for delays to also jeopardise the State's compliance with its procedural obligations under Article 2 of the European Convention of Human Rights.</p>	<ul style="list-style-type: none"> <li>- Active engagement between the OIP/OIPD and the Department, with a view to securing financial sanction from D/PER for the necessary additional staffing resources to strengthen the DiC investigations team.</li> <li>- Following a review, new processes to triage and prioritise DiC investigations have been agreed.</li> <li>- Plans are underway to further streamline DiC processes and procedures, including giving priority processing to investigations into cases with simpler fact patterns and cases in which an inquest is known to be imminent. Closer liaison with Coroners will facilitate this prioritisation. Engagement with the IPS in relation to expediting the turnaround time for DiC reports.</li> </ul>
<p>Inadequate and inconsistent direct access, including remote access, to the Prison Information Management System and related systems, increasing the workload of IPS staff and impeding the OIP's ability to confidentially monitor the situation in prisons on an ongoing basis.</p>	<p>Ongoing engagement with the IPS, with the support of the Department, to secure remote access to the Prison Information Management System and related systems.</p>

## 2.4 Amendment of Targets

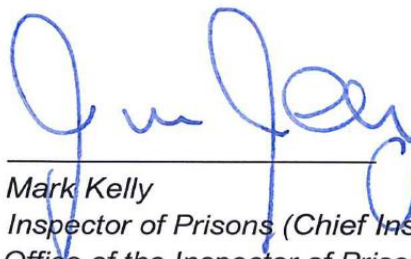
In exceptional circumstances it may become necessary to amend one or more targets over the course of this Agreement. Where either party believes this may be necessary, they shall consult with the other party with a view to agreeing any appropriate changes as soon as practicable.

### 3. Duration and Signatories to the Agreement

Carole Sullivan, Acting Assistant Secretary, Department of Justice, and Mark Kelly, Chief Inspector, Office of the Inspector of Prisons, affirm that this Agreement shall be in effect from the date hereunder until 31<sup>st</sup> December 2023.



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



*Mark Kelly  
Inspector of Prisons (Chief Inspector)  
Office of the Inspector of Prisons*

**Date: 30 May 2023**