



AN ROINN DLÍ AGUS CIRT AGUS COMHIONANNAIS
DEPARTMENT OF JUSTICE AND EQUALITY

Corporate Governance Assurance Agreement
between An Garda Síochána and the Department of Justice
and Equality

1. Introduction

1.1 The Garda Síochána Act 2005 (as amended) (the “2005 Act”) provides for the administration and management of An Garda Síochána and defines in an open and transparent way the roles of, and the relationship between, the Minister and the Garda Commissioner. Importantly, the Act also sets out in law the functions and objectives of An Garda Síochána.

The 2005 Act also provides for the independent oversight and accountability of An Garda Síochána through:

- the Policing Authority which has responsibility for overseeing the performance by An Garda Síochána of its functions relating to policing services;
- the Garda Síochána Ombudsman Commission which is responsible the manner in which complaints are dealt with, and
- the Garda Síochána Inspectorate which has the objective of ensuring that the resources available to An Garda Síochána are used so as to achieve and maintain the highest levels of efficiency and effectiveness in its operation and administration.

1.2 In accordance with section 7 of the of the 2005 Act, the function of An Garda Síochána is to provide policing and security, including vetting, services for the State with the objective of—

- preserving peace and public order,
- protecting life and property,
- vindicating the human rights of each individual,
- protecting the security of the State,
- preventing crime,
- bringing criminals to justice, including by detecting and investigating crime,
- regulating and controlling road traffic and improving road safety,

and any other functions conferred on it by law.

1.3 There are approximately ¹13,300 Garda members, 2,100 civilian staff and 700 Garda Reserve members. There are 6 Garda Regions, consisting of 28 Divisions and 96 Districts, and there are currently 564 Garda stations. In addition, there are a number of national, regional, specialist and administrative units.

1.4 This Agreement has been drawn up by the Department of Justice and Equality in consultation with An Garda Síochána, having due regard to the revised 2016 edition of the Code of Practice for the Governance of State Bodies, and replaces the Governance Framework Document of 29 July 2016.

It sets out the broad governance and accountability framework within which An Garda Síochána operates, and defines key roles and responsibilities which underpin the relationship between An Garda Síochána on the one hand and the Department, the Minister and the Government on the other.

This Agreement reflects the current statutory position in accordance with the 2005 Act and will be updated as necessary, and at least every three years.

1.5 It is important to note that the Agreement has been prepared against the background of adverse publicity of governance issues in An Garda Síochána, including the Public Accounts Committee report in respect of the Garda College. Accordingly, the Agreement is intended to create a framework for best practice in relation to governance in An Garda Síochána.

In this context, among the Garda commitments listed at Paragraph 4.3 is a commitment to ensure that effective governance and risk management frameworks are in place in the organisation and an undertaking to keep these frameworks under review to ensure their continued effectiveness.

¹ End September 2017

Also, paragraph 5.1 sets out the requirement for at least 2 Governance meetings between the Department and An Garda Síochána per annum and that such meetings will afford both organisations the opportunity to address any matters arising out of the operation of this Agreement and will, inter alia, consider:

- any specific policy issues pertaining to An Garda Síochána;
- any matters that should be brought to the attention of the Minister including—
 - any matter that might be comprehended by section 41 of the Act of 2005,
 - any internal governance-related matter,
 - any matter relating to An Garda Síochána that might have been the subject of, or might give rise to, public commentary or scrutiny,
 - any matter that might impact on the reputation of An Garda Síochána.

1.6 This Agreement covers, and should be read as including reference to, all of the functions of the Garda Commissioner under the 2005 Act.

1.7 Separate governance agreements have been drawn up in respect of the Garda Síochána Ombudsman Commission, the Garda Síochána Inspectorate and the Policing Authority which will reflect their relationships both with the Department and An Garda Síochána.

2. Role of An Garda Síochána within the Justice & Equality Sector

2.1 Mission

An Garda Síochána's mission is to deliver professional policing and security services with the trust, confidence and support of the people it serves.

2.2 Vision

An Garda Síochána's vision is to be a beacon of 21st century policing and security. This vision is underpinned by the organisation's values which include service, honesty, accountability, respect, professionalism and empathy.

3. Corporate Governance

3.1 Roles and Responsibilities

3.1.1 The Government

Under Article 28.2 of the Constitution, the executive power of the State must be exercised by or on behalf of the Government. Policing forms part of the executive power of the State, and this is reflected in the 2005 Act which reserves certain matters for the Minister and for Government.

The Government therefore has certain specific functions under the 2005 Act, in particular powers of appointment, removal and dismissal in relation to the senior Garda ranks, the approval of the giving of directions by the Minister to the Garda Commissioner, and the approval of the making of regulations by the Minister.

The Department engages with Garda management on these issues as necessary, for example in preparing certain memoranda for Government and in the preparation of Garda regulations.

3.1.2 The Minister

Under the 2005 Act, the Minister may:

- approve the determination and revision by the Authority of priorities and performance targets for An Garda Síochána in performing its functions in relation to policing services;
- establish, and from time to time revise, priorities and performance targets for An Garda Síochána in performing its functions in relation to security services;
- consent to the approval by the Authority of the Garda strategy statement;
- consent to the approval by the Authority of the annual policing plan; and

- with the approval of the Government, issue a written directive to the Garda Commissioner concerning any matter relating to An Garda Síochána.

On all of these issues, the Department engages with Garda management in order to ensure that decisions taken are properly informed and based on accurate information.

Under section 42 of the 2005 Act, the Minister may, with respect to any matter considered by him or her to be of public concern, on his or her own initiative or, in the case of a matter relating to policing services, either—

- having consulted with the Authority, or
- on the request of the Authority, where the Authority is satisfied that an inquiry should be ordered,

by order appoint a person to—

- inquire into any aspect of the administration, operation, practice or procedure of An Garda Síochána, or the conduct of its members, and
- make a report to the Minister on the conclusion of the inquiry.

The Minister is accountable to the Oireachtas for policing and security matters, including matters relating to An Garda Síochána, the Authority, the Garda Síochána Ombudsman Commission and the Garda Síochána Inspectorate.

3.1.3 *The Secretary General*

Under section 40 of the 2005 Act, the Garda Commissioner must account fully to the Government and the Minister through the Secretary General for any aspect of his or her functions. This includes the duty to provide, on request by the Secretary General, any document in the power or control of An Garda Síochána.

3.1.4 *The Garda Commissioner*

The Garda Commissioner is accountable under the 2005 Act to the Minister for the performance of the Commissioner's functions and those of An Garda Síochána.

The functions of the Garda Commissioner are set out in Section 26 of the 2005 Act and include:

- directing and controlling An Garda Síochána;
- carrying on and managing and controlling generally the administration and business of An Garda Síochána, including by arranging for the recruitment, training and appointment of its members and civilian staff;
- advising the Minister on policing and security matters;
- assisting and cooperating with the Authority in order to facilitate the performance by the Authority of its functions;
- performing any other functions that are assigned to him or her by or under the Act.

In performing his or her functions, the Garda Commissioner must have regard to the following matters:

- the objective of promoting effectiveness, efficiency and economy in An Garda Síochána;
- the priorities and performance targets in operation under section 20 and 20A at the relevant time;
- any relevant policies of the Minister or the Government;
- the strategy statement in operation under section 21 at that time;
- the annual policing plan prepared under section 22;
- any directive issued under section 25; and
- the policing principles.

The Garda Commissioner also has specific functions and duties under the 2005 Act, including:

- the appointment of persons to the ranks of Garda, Sergeant and Inspector and, subject to safeguards (including the requirement for the consent of the Authority), their dismissal;
- the recruitment of civilian staff and the appointment of civilian staff below the grade equivalent to the rank of Chief Superintendent;
- informing the Authority and, as the case may be, the Minister of measures taken to achieve the objectives of the policing and security priorities and performance targets determined by the Authority and the Minister respectively, and of the outcome of those measures;
- preparing and submitting a strategy statement every 3 years, or less if directed by the Authority, to the Authority;
- preparing and submitting an annual policing plan to the Authority; and
- preparing and submitting 3 year review reports to the Authority.

Under section 41 of the 2005 Act, the Garda Commissioner is obliged to keep the Minister and the Secretary General fully informed of:

- matters relating to significant developments concerning—
 - the preservation of peace and public order in the State,
 - the protection of life and property in the State, and
 - the protection of the security of the State;
- significant developments that might reasonably be expected to affect adversely public confidence in An Garda Síochána;
- matters relevant to the accountability of the Government to the Houses of the Oireachtas; and

- any other matters that, in the Commissioner's opinion, should be brought to the Minister's attention.

In addition, the Commissioner is obliged, whenever required by the Minister, to submit to the Minister a report on any matters connected with the policing or security of the State or the performance of the Commissioner's other functions that may be specified in the requirement.

Section 41A imposes similar obligations on the Commissioner with respect to the Policing Authority in relation to matters connect with policing services.

3.1.5 Accounting Officer

An Garda Síochána has its own Vote (Vote 20) and its own Accounting Officer. Section 43 of the 2005 Act provides that the Commissioner is the accounting officer in relation to the appropriation accounts of An Garda Síochána for the purposes of the Comptroller and Auditor General Acts 1866 to 1998. As Accounting Officer, the Commissioner is responsible for the safeguarding of public funds and property under his or her control and is accountable to the Committee of Public Accounts (PAC) and other Oireachtas Committees.

3.1.6 The Policing Authority

The Authority is an independent body established on 1 January 2016 under the Garda Síochána (Policing Authority and Miscellaneous Provisions) Act 2015.

The Authority's functions, powers and duties are set out in the legislation. The main function of the Authority is to oversee the performance by An Garda Síochána of its functions relating to policing services. The Authority's functions include:

- keeping under review the adequacy in An Garda Síochána of:
 - the corporate governance arrangements and structures;

- the arrangements for the recruitment, training and development of the members and members of the civilian staff;
 - the mechanisms in place for the measurement of performance and accountability of members and civilian staff; and
 - the arrangements for managing and deploying the available resources;
- holding regular meetings with the Garda Commissioner, at least 4 of which must be held in public each year and broadcast;
 - nominating persons for appointment by the Government to the posts of Garda Commissioner and Deputy Garda Commissioner, and recommending their removal in certain circumstances;
 - undertaking the selection process and appointing persons to the ranks of Superintendent, Chief Superintendent and Assistant Commissioner (and removing them for reasons related to policing services);
 - determining Garda priorities in relation to policing services;
 - approving the 3 year Garda strategy statement;
 - approving the annual policing plan;
 - establishing a Garda code of ethics;
 - promoting and supporting the continuous improvement of policing in the State;
 - requesting the Garda Síochána Ombudsman Commission and/or the Garda Síochána Inspectorate to initiate an inspection or inquiry or to examine Garda practices or procedures;
 - monitoring, assessing and reporting to the Minister on the measures taken by An Garda Síochána in relation to recommendations made in a report of the Garda Síochána Inspectorate; and

- exercising the previous functions of the Minister in relation to Joint Policing Committees.

3.1.7 *Garda Síochána Inspectorate*

The Garda Síochána Inspectorate was established under Part 5 of the 2005 Act and is independent in the exercise of its functions.

Its objective is to ensure that the resources available to An Garda Síochána are used so as to achieve and maintain the highest level of efficiency and effectiveness in its operation and administration as measured by reference to the best standards of comparable police services.

The functions of the Inspectorate are—

- in furtherance of its objective to carry out inspections or inquiries in relation to any particular aspects of the operation and administration of An Garda Síochána. These inspections can be carried out either—
 - on the Inspectorate's own volition, if it considers it appropriate to do so, or
 - at the request of the Authority (in respect of a matter relating to policing services) or the Minister,
- to submit to the Authority or the Minister, as the case may be—
 - a report on those inspections or inquiries, and
 - if required by the Authority (in relation to policing services) or the Minister, as the case may be, a report on the operation and administration of An Garda Síochána during a specified period and on any significant developments in that regard during that period.

Any report prepared by the Inspectorate can, where appropriate, contain recommendations for any action that the Inspectorate considers necessary, and

- to provide advice to the Authority and the Minister with regard to best policing practice.

To assist with the implementation of its functions, the Inspectorate has developed the Protocol for the Provision of Information by An Garda Síochána to the Garda Síochána Inspectorate (2008).

3.1.8 *Garda Síochána Ombudsman Commission*

The Garda Síochána Ombudsman Commission (GSOC) was established under Part 3 of the 2005 Act and is independent in the exercise of its functions. Part 4 of the Act contains the statutory provisions whereby GSOC will investigate complaints made against members of An Garda Síochána.

Under the Protected Disclosures Act 2014, GSOC is prescribed as a body to which Garda members may make protected disclosures.

GSOC has an important role in ensuring that public confidence in An Garda Síochána is safeguarded, and has extensive powers under the 2005 Act to enable it to carry out its responsibilities. Its main functions are:

- to investigate complaints involving allegations of criminality by members of An Garda Síochána (Note: GSOC's Designated Officers have full police powers in certain circumstances);
- to refer complaints regarding alleged misbehaviour of a disciplinary nature to the Garda Commissioner for investigation (Note: GSOC may choose to maintain oversight of progress in those investigations);
- where appropriate following investigations—
 - to make recommendations to the Garda Commissioner in relation to disciplinary proceedings, or
 - to forward files to the Director of Public Prosecutions with appropriate recommendations;

- to investigate any matter that appears to indicate that the conduct of a Garda member may have resulted in the death of, or serious harm to, a person;
- where it appears to GSOC to be desirable in the public interest to do so (even where no complaint has been received), to investigate any matter that appears to indicate that a Garda member may have committed an offence or behaved in a manner that would justify disciplinary proceedings. The Minister can also refer such a matter to GSOC for investigation;
- to examine any practice, policy or procedure of An Garda Síochána with a view to reducing the incidence of related complaints;
- to investigate, with the consent of the Minister, where there is a concern that the Garda Commissioner may have committed an offence or behaved in a manner that would constitute serious misconduct.

3.1.9 Co-ordination between oversight bodies

A formal structured process is in place to co-ordinate governance of An Garda Síochána to reduce any duplication in work, to clarify areas of responsibility, to share good practice and to seek opportunities for joint working. This process involves biennial meetings of the oversight bodies convened by the Department.

3.2 Setting of priorities by the Authority and the Minister

3.2.1 Policing services

Under section 20 of the 2005 Act, the Authority will, with the approval of the Minister and having consulted with the Garda Commissioner, set and revise priorities and performance targets for An Garda Síochána in relation to policing services. The Authority is required to send a copy of the determined priorities to the Minister who will lay it before the Houses of the Oireachtas.

The Garda Commissioner is required to inform the Authority, either within a time specified by the Authority or, if no such time is specified, in the annual report submitted to the Authority, of the measures taken to achieve the objectives of the priorities determined and performance targets established and of the outcome of those measures.

3.2.2 Security services

Under section 20A of the 2005 Act, the Minister will, having consulted with the Garda Commissioner, set and revise priorities and performance targets for An Garda Síochána in relation to security services. The Minister will lay a copy of the priorities before the Houses of the Oireachtas and can exclude material that would be prejudicial to national security or that might facilitate the commission of an offence, prejudice a criminal investigation or jeopardise the safety of a person.

The Garda Commissioner is required to inform the Minister, within a time specified by the Minister, of the measures taken to achieve the objectives of the priorities determined and performance targets established and of the outcome of those measures.

3.3 Strategy Statement

In accordance with Section 21 of the 2005 Act, the Garda Commissioner must prepare and submit to the Policing Authority for its approval (with the consent of the Minister) a strategy statement for An Garda Síochána and for policing services for the following three years. In preparing the strategy statement, the Garda Commissioner must have regard to:

- relevant Government policy;
- the priorities determined by the Authority under section 20 of the 2005 Act relating to policing services;

- any priorities that may be determined by the Minister under section 20A of the 2005 Act relating to security services;
- the resources expected to be available to An Garda Síochána over the duration of the statement;
- the need to ensure the most beneficial, effective and efficient use of those resources; and
- the policing principles.

The Policing Authority must, with the consent of the Minister, approve the strategy statement either in the form submitted or with such amendments as the Authority, with the consent of the Minister and having consulted with the Commissioner, may determine. The Authority will then send a copy of the approved strategy statement to the Minister who is required to lay it before the Houses of the Oireachtas. An Garda Síochána's current Strategy Statement covers the period 2016 – 2018 and is available online at www.garda.ie .

3.4 Annual Report

Section 46 of the 2005 Act requires the Garda Commissioner to make a report to the Policing Authority, not later than four months after the end of each year, in relation to policing services during the preceding year. The report must include an account of the following in relation to policing services:

- the implementation of the policing plan for the year to which the report relates;
- the performance of An Garda Síochána's functions during that year;
- the achievement of the performance targets established under section 20 of the Act for the year;
- the implementation of any directives under section 25 of the Act, laid before the Houses of the Oireachtas during the year; and

- any other matter that the Commissioner thinks fit.

The Authority is required to provide a copy of the report to the Minister within 30 days of receiving it and the Minister, in turn, is required to lay a copy of the report before the Houses of the Oireachtas not later than 30 days thereafter.

3.5 Annual Policing Plan

Section 22 of the 2005 Act requires the Garda Commissioner to prepare an annual policing plan setting out the proposed arrangements for policing services for the following year. In preparing a policing plan, the Commissioner must have regard to the following:

- the priorities determined and performance targets established under section 20;
- the strategy statement in operation under section 21 during the year to which the plan relates;
- relevant directives issued under section 25 ;
- the resources expected to be available to An Garda Síochána for that year and the proposed allocation of those resources;
- relevant Government policy; and
- the policing principles.

The plan must be submitted to the Policing Authority for approval, with the Minister's consent, either in the form submitted or with such amendments as the Authority, with the consent of the Minister and having consulted with the Commissioner, may determine. The Authority will then send a copy of the approved plan to the Minister who is required to lay it before the Houses of the Oireachtas.

The 2017 Policing Plan is distinctive from previous Policing Plans as, for the first time, the priorities and performance targets have been determined in consultation with the

Policing Authority and are set out in the Plan. The Authority will regularly monitor how An Garda Síochána delivers against targets in the Plan.

3.6 Three year review report

Section 23 of the 2005 Act requires the Commissioner, at the end of each 3 year period, to prepare and submit to the Authority a report containing a review of the efficiency and effectiveness of the management and deployment of resources available to An Garda Síochána for policing services during that 3 year period. The report can contain recommendations that the Commissioner considers necessary for improving the management and deployment of resources.

The Authority is required to send a copy of the report to the Minister who must lay it before the Houses of the Oireachtas. The Minister may exclude any matter that would be prejudicial to the interests of national security or that might facilitate the commission of an offence, prejudice a criminal investigation or jeopardise the safety of any person.

3.7 Reporting Requirements – Annual Report

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

- a note to the effect that this Agreement has been reached with the Department of Justice and Equality and, in particular, indicating An Garda Síochána's level of compliance with the requirements of the Code of Practice for the Governance of State Bodies;
- confirmation that an appropriate assessment of An Garda Síochána's principal risks has been carried out, including a description of these risks, where appropriate and associated mitigation measures or strategies;

- confirmation that the organisation is adhering to all the relevant aspects of the Public Spending Code.

3.8 Reporting Requirements – Financial Statements

In accordance with Appendix B of the “Business and Financial Reporting” Annex to the *Code of Practice for the Governance of State Bodies*, the Financial Statements should include:

- aggregate pay bill, total number of employees and compensation of key management level;
- total Costs incurred in relation to travel and subsistence and hospitality;
- details of expenditure on external consultancy/adviser fees;
- details of the number of employees whose total employee benefits for the reporting period fell within each band of €10,000 from €60,000 upwards;
- details of termination/severance payments and agreements with a value in excess of €10,000, made within the period.

3.9 Internal Audit

An Garda Síochána’s Internal Audit Unit is responsible for monitoring and reviewing the effectiveness of the organisation’s arrangements for governance, risk management and internal control. The Internal Audit Unit is required to monitor and review the effectiveness of the organisation’s internal audit activities.

3.10 Audit and Risk Committee

3.10.1 Audit Committee

Section 44 of the 2005 Act provides that the Policing Authority is responsible for the appointment of members to the Garda Audit Committee. Under the Act, the Committee comprises a Deputy Garda Commissioner (or civilian of equivalent rank) and not fewer than 4 other persons, with relevant skills and experience, who are not members of An Garda Síochána. The Act also provides that the Chair of the Committee is to be designated by the Authority from one of the 4 persons mentioned above.

The Audit Committee is required to meet at least 4 times per annum and must advise the Commissioner on governance and financial matters relating to his or her functions, including:

- the proper implementation of Government guidelines on governance and financial issues;
- compliance with section 22 of the Exchequer and Audit Departments Act 1866, section 19 of the Comptroller and Auditor General (Amendment) Act 1993 and any other obligations imposed by law relating to financial matters;
- the appropriateness, efficiency and effectiveness of An Garda Síochána's procedures relating to—
 - public procurement,
 - seeking sanction for expenditure and complying with that sanction,
 - acquiring, keeping custody of and disposing of assets,
 - risk management,
 - financial reporting, and
 - internal audits.

The Committee is required to report in writing at least once a year to the Commissioner on those matters and on its activities in the previous year, and to provide the Authority and the Minister with a copy of each report.

The Garda Commissioner is obliged to ensure that the committee is provided with all of An Garda Síochána's audit reports, audit plans and monthly reports on expenditure. In addition, if he or she has reason to suspect that any material misappropriation of the money for which he or she is the accounting officer, or any fraudulent conversion or misapplication of An Garda Síochána's property may have taken place, he or she must report the matter to the committee as soon as practicable.

The Commissioner is also required to ensure that the audit committee is provided at its request with details of any financial matter or procedure necessary for performing its functions, including details relating to—

- any contract that the Commissioner proposes to enter into and that involves the expenditure of more than an amount specified by the committee, and
- any legal action against the Commissioner that gives rise to a potential financial liability.

The Commissioner is entitled to withhold such details where he or she certifies in a statement to the committee that the provision of the details requested could prejudice the security of the State or endanger life.

3.10.2 Risk and Policy Governance Board

A Risk and Policy Governance Board has been established to advise the Garda Executive in managing its risk in the organisation. Its functions include identifying, assessing and mitigating risk and determining the parameters for escalation of risk/further examination.

The Board is chaired by the Deputy Commissioner Governance and Strategy. It meets on a quarterly basis.

3.11 Protected Disclosures

In accordance with Section 21(1) of the Protected Disclosures Act 2014, An Garda Síochána has published a Protected Disclosures Policy and all Garda members and civilians have been informed of this policy. Furthermore, the Garda Commissioner has appointed a Protected Disclosures Manager who will be supported with a dedicated and properly trained team. An Garda Síochána has been working with Transparency International Ireland and other external providers to create an environment to ensure that persons who wish to make protected disclosures are properly protected and supported.

As noted at paragraph 3.1.8, GSOC is prescribed, under the Protected Disclosures Act 2014, as a body to which Garda members may make protected disclosures.

3.12 Governance Obligations

An Garda Síochána is subject to a range of statutory and corporate governance obligations including the 2016 *Code of Practice for the Governance of State Bodies*. The Garda Commissioner will ensure that all the necessary obligations, including those for risk management, internal audit and the Public Spending Code are fully complied with.

3.13 Compliance Statement

To confirm compliance (or otherwise) with key provisions of the Code of Practice and the Governance Standard for Justice and Equality Sector Bodies, the Garda Commissioner will complete, on an annual basis in conjunction with An Garda Síochána's Annual Report, a Compliance Statement to the Policing Authority, in order to provide assurance to the Department that the systems of internal control, risk management and other areas of compliance are operating effectively. This statement will address all of the requirements of paragraph 1.9 of the *'Business & Financial*

Reporting Requirements' Annex to the Code of Practice for the Governance of State Bodies.

3.14 Provision of Information to Members of the Oireachtas

It has been agreed that the obligations set out in the Department of Public Expenditure and Reform Circular 25/2006 does not apply to An Garda Síochána. All correspondence from Oireachtas members will continue to be dealt with via the Department.

3.15 Governance obligation to be reviewed

Governance obligations will be reviewed as part of the overall monitoring process of this Oversight Agreement itself.

3.16 Comply or Explain

A detailed Performance Delivery Agreement does not form part of this Corporate Governance Assurance Agreement.

Policing priorities and security priorities are set by the Policing Authority and the Minister respectively and these feed into the Annual Policing Plan which is prepared by the Garda Commissioner and approved by the Authority with the consent of the Minister.

The Policing Plan contains priorities and performance targets for the year to which the Plan relates and the Policing Authority will regularly monitor how An Garda Síochána delivers against those targets. The Department also monitors progress on delivery of priorities and performance targets in the course of its dealings with An Garda Síochána; in particular, in the context of regular structured oversight meetings.

In July 2016 the Government approved a Five Year Reform and High Level Workforce Plan for An Garda Síochána based on the agreed recommendations of the Garda

Inspectorate Report “Changing Policing in Ireland”. The Government agreed that An Garda Síochána’s Modernisation and Renewal Programme 2016- 2021 would be the vehicle for implementation.

The Policing Authority at the request of the Minister has responsibility for monitoring and assessing progress and reporting to the Minister on a quarterly basis. The Department has arrangements in place for structured engagement with An Garda Síochána to address any concerns identified in these reports.

It is also the case that the Garda Commissioner reports to the Authority in relation to policing services generally, including at public meetings with the Authority.

In respect of providing security services to the State, as set out at section 3A of the 2005 Act, the Department has regular, structured oversight meetings to facilitate the Garda Commissioner to report to the Minister on the provision of security services and actions to achieve the Minister’s security priorities as reflected in the Strategy Statement and the annual Policing Plan.

4. Commitments

4.1 Mutual Commitments

Both parties agree to:

- commit to proactive and timely communications, cooperation and information sharing on service delivery;
- support the effective achievement of agreed targets, as well as the promotion of partnership, responsiveness and mutual cooperation in their ongoing interactions;
- consult and to keep each other fully apprised on all matters of mutual relevance, including regular meetings, at least monthly, with a view to monitoring expenditure, progress on the Modernisation and Renewal Programme 2016-2021 and in relation to resources generally;
- work together closely for the purposes of the estimates process; and
- support prompt and timely responses to correspondence, information requests and related matters. In this context, arrangements are in place for the development of an Information-sharing Protocol between the Department and An Garda Síochána. It is intended that the Protocol will be finalised by the end of 2017 and will be appended to and form part of this Agreement.

4.2 Department of Justice and Equality Commitments

The Department will provide the following supports to An Garda Síochána to enable it deliver on its objectives:

- support An Garda Síochána, where necessary and appropriate, in relation to sanction requests to the Department of Public Expenditure and Reform;
- seek to secure sufficient resources for the activities of An Garda Síochána in the annual Estimates campaign;

- inform and involve An Garda Síochána in any activities related to the role that An Garda Síochána undertakes or may be required to undertake within the Department.

4.3 An Garda Síochána Commitments

- An Garda Síochána will carry out its functions and other obligations as set out in the 2005 Act.
- An Garda Síochána will work to enhance its current relationship with the Department, the Policing Authority, the Garda Síochána Ombudsman Commission and the Garda Síochána Inspectorate to ensure continued public confidence in An Garda Síochána.
- An Garda Síochána will make every effort to provide an efficient and effective service for its stakeholders. In this context, it will work to ensure the successful delivery of the Modernisation and Renewal Programme 2016-2021.
- An Garda Síochána will ensure that effective governance and risk management frameworks are in place in the organisation and will keep these frameworks under review to ensure their continued effectiveness.

5. Monitoring Arrangements and Key Interactions between the Department and An Garda Síochána

On relevant matters, the interactions between An Garda Síochána and the Department will be dynamic and driven by business needs and the mutual commitments of each body. However, it is appropriate to set out below the minimum pattern of engagement.

5.1 Formal governance meetings – Department and An Garda Síochána

In line with the Department's overall approach to governance relationships with the Bodies and Agencies under its aegis, there will be formal governance meetings held between senior management of the Department and senior Garda management at least twice each year, but more frequently if necessary. Such meetings will afford both organisations the opportunity to address any matters arising out of the operation of this Agreement and will, inter alia, consider:

- any specific policy issues pertaining to An Garda Síochána;
- any matters that should be brought to the attention of the Minister including—
 - any matter that might be comprehended by section 41 of the Act of 2005,
 - any internal governance-related matter,
 - any matter relating to An Garda Síochána that might have been the subject of, or might give rise to, public commentary or scrutiny,
 - any matter that might impact on the reputation of An Garda Síochána;
- any trends in policing activity that the Commissioner may wish to bring to the Minister or the Department's attention (including any update on progress made in relation to the policing priorities);
- financial/budgetary information;
- HR/staffing issues; and
- governance and risk management updates.

5.2 Formal governance meetings – Department, An Garda Síochána and Policing Authority

There will also be at least one meeting each year of the Department, An Garda Síochána and the Policing Authority with a view to discussing and reviewing matters arising in relation to policing services and their various responsibilities.

5.3 Oversight meetings

The Department and An Garda Síochána meet in a number of different formations on a monthly or quarterly basis to support the formal governance arrangements. The monthly meetings concern:

- financial management;
- resource needs;
- progress on implementation of the Reform Programme.

The quarterly meetings that include representatives of the Policing Authority (either as participants or observers) concern the ICT programme and resources generally.

There are also quarterly meetings concerning the provision of security services.

5.4 Other key interactions with the Department

An Garda Síochána undertakes to return:

- 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.

6. Flexibility and Amendment

Both parties will keep under review the current oversight arrangements and, where necessary, will engage to agree on amendments to ensure their continued relevance and effectiveness or new arrangements will be introduced.

7. Duration and Signatories to the Agreement

Dónall Ó'Cualáin, Garda Commissioner, An Garda Síochána and Noel Waters, Secretary General, Department of Justice and Equality agree that the arrangements as set out in this Agreement will apply with effect from the date signed hereunder until 31st December 2019.



Dónall Ó'Cualáin

Garda Commissioner

An Garda Síochána

Date: 20/11 2017



Noel Waters

Secretary General

Department of Justice and Equality

Date: 20/11 2017

