



AN TÚDARÁS PÓILÍNEACHTA  
POLICING AUTHORITY



AN ROINN DE IAGUS CIRT AGUS COMHOSONANNÁIS  
DEPARTMENT OF JUSTICE AND EQUALITY

**Corporate Governance Assurance – (including Relationship and  
Support)**

**Agreement**

**2017 - 2019**

**between the Policing Authority**

**and**

**The Department of Justice and Equality**

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## **1. Introduction**

The Policing Authority ('the Authority') is an independent statutory body established on 1 January 2016 to oversee the performance of the Garda Síochána in relation to policing services in Ireland. The Authority was established by the enactment of the Garda Síochána (Policing Authority and Miscellaneous Provisions) Act 2015 which amended the Garda Síochána Act 2005<sup>1</sup>. A number of the functions of the Policing Authority set out in the Act, require the Authority to either consult, advise or inform the Minister or the Government on various matters.

## **2. Purpose and Objectives of the Agreement**

### **2.1 Purpose of this Agreement**

The purpose of this agreement is to describe the key roles, responsibilities and supports which underpin the relationship between the Authority on the one hand and the Department of Justice and Equality ('the Department'), the Minister and the Oireachtas on the other. In the exercise of its statutory functions, the Authority is wholly independent and, as a publicly funded body, it is appropriately accountable to the Oireachtas and the Minister. The Department and the Authority each have their own clearly documented Governance Framework set out independently and available on their respective websites.

This Agreement has been drawn up by the Department in consultation with the Policing Authority and reflects the statutory position in accordance with the Garda Síochána (Policing Authority and Miscellaneous Provisions) Act 2015 which amended the Garda Síochána Act 2005 (the 'Act'). The Agreement will be reviewed annually and updated as necessary.

### **2.2 Objectives of this Agreement**

The objectives of this Agreement are to outline:

- the role of the Authority within the Justice and Equality sector.
- the resources and expectations in relation to the Authority's activities.

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<sup>1</sup> Section 62B(7) provides "Subject to this Act, the Authority shall be independent in the performance of its functions"

- the support that the Department will provide to the Authority to carry out its functions as detailed in the Garda Síochána Act (as amended).

### **3. Role of the Policing Authority within the Justice and Equality Sector**

#### **3.1 Status**

The Authority is an independent statutory body established on 1 January 2016 under the aegis of the Department of Justice and Equality. The core function of the Authority is to oversee the performance of the Garda Síochána in relation to policing services. The Act is the primary legislation under which the Authority operates and thus is the fundamental underlying instrument for the Authority's governance.

#### **3.2 Vision**

The Authority's vision is of a society served by a professional, impartial, constantly improving police organisation which deserves and enjoys the trust and support of the people. This vision is underpinned by the organisations values which include integrity, transparency, independence, fairness, respect and courage.

#### **3.3 Mission**

The Authority's mission is to drive excellent policing through valued and effective oversight and governance.

#### **3.4 Functions**

The overarching role of the Authority is to oversee the performance by the Garda Síochána of its functions relating to policing services. The Act provides that in doing so, the Authority shall:

- 1) Set priorities and performance targets for the Garda Síochána;
- 2) Approve a Strategy Statement and Annual Policing Plan submitted by the Garda Commissioner;
- 3) Keep under review:
  - a. the performance by the Garda Síochána of its functions;
  - b. the arrangements and strategies in place to support and enhance the performance of those functions;
  - c. the adequacy of:

- (i) the corporate governance arrangements and structures within the Garda Síochána;
  - (ii) the arrangements for the recruitment, training and development of the members and members of the civilian staff of the Garda Síochána;
  - (iii) the mechanisms in place within the Garda Síochána for the measurement of performance and accountability of such members and staff; and
  - (iv) the arrangements for managing and deploying the resources available to the Garda Síochána so as to ensure the most beneficial, effective and efficient use of those resources;
- 4) Hold so many meetings with the Garda Commissioner as are necessary for the performance of its functions, at least four of which each year may be attended by the public and the media be permitted to broadcast;
- 5) Keep itself generally informed as to:
  - a. complaints made against members of the Garda Síochána and the application of the Disciplinary Regulations; and
  - b. trends and patterns in crimes committed;
- 6) Undertake, commission or assist in research projects in respect of matters relating to policing services, which in the opinion of the Authority, may:
  - a. promote an improvement in standards for those matters and public awareness of them; or
  - b. contribute to a reduction in the number of complaints against members of the Garda Síochána in relation to those matters.
- 7) Monitor and assess measures taken by the Garda Síochána in relation to recommendations made in a report of the Garda Síochána Inspectorate.

The Act provides for a number of other discrete functions which include:

- 1) Responsibility for:
  - a. nominating persons for appointment by the Government to the posts of Garda Commissioner and Deputy Garda Commissioner, following a selection process undertaken by the Public Appointments Service;
  - b. appointing persons to the ranks of Garda Superintendent, Chief Superintendent and Assistant Commissioner;

- c. approval of the appointment by the Garda Commissioner of civilian staff;
  - d. appointment of the civilian staff of the Garda Síochána of grades equivalent to or above that of Chief Superintendent; and
  - e. removing or recommending the removal of members of the Garda Síochána at those ranks for stated reasons relating to policing services (this section of the Act is not yet commenced);
- 2) Establishing a Garda Code of Ethics within 12 months of the establishment of the Authority i.e. by end 2016;
  - 3) Issuing guidelines to Local Authorities and the Garda Commissioner concerning the establishment and maintenance of Joint Policing Committees (JPCs) and convening meetings of JPC chairpersons for the purpose of coordinating or facilitating the performance of their functions;
  - 4) Provision of information and advice to the Minister on a range of issues including:
    - a. Matters relating to policing services and, in particular, matters relevant to the accountability of the Government to the Oireachtas;
    - b. The resources that are likely to be required by the Garda Síochána to perform its functions in each forthcoming financial year;
    - c. measures taken by the Garda Síochána in relation to recommendations made in a report of the Garda Síochána Inspectorate;
    - d. developments in respect of matters relating to policing services and
    - e. recommendations to assist the Minister in co-ordinating and developing policy in that regard; and
    - f. best policing practice.
  - 5) Promotion of the policing principles and public awareness of matters relating to policing services and support the continuous improvement of policing in the State

### **3.5 Relationships within Criminal Justice Sector**

The key reform in the Justice sector of creating an independent Policing Authority envisages a policing accountability and oversight regime of the Garda Síochána that comprises various interlinked and interdependent roles. In addition to its relationship with the Department, the Authority has direct and effective relationships with a number of entities, including the:

- Garda Síochána;

- Garda Síochána Inspectorate;
- Garda Síochána Ombudsman Commission;
- Joint Policing Committees;
- Department of Public Expenditure and Reform; and
- Public Appointments Service.

## **4. Corporate Governance Obligations**

### **4.1 Corporate Governance Standard for the Civil Service**

The Authority has its own Vote for which the Chief Executive is the Accounting Officer. As a result the Authority falls within the scope of and is required to prepare a Governance Framework in accordance with the *Corporate Governance Standard for the Civil Service*. The Authority's Governance Framework sets out the corporate governance framework of the Authority in detail. The governance obligations set out in that document are associated with this agreement and will be reviewed as part of the overall monitoring process of this Corporate Governance Assurance – (including Relationship and Support) Agreement.

### **4.2 Code of Practice for the Governance of State Bodies**

In addition, as an agency operating under the aegis of the Minister, the Policing Authority is subject to a range of statutory and corporate governance obligations including the 2016 *Code of Practice for the Governance of State Bodies*. The Authority will ensure that all the necessary obligations in that Code of Practice are fully complied with and the Department will satisfy itself, through the reporting and monitoring arrangements set out in this agreement, that all the requirements of the Code are properly implemented and observed.

### **4.3 Oversight Agreement**

This document has been agreed between both parties as satisfying the requirements of an Oversight Agreement as prescribed in the 2016 Code of Practice for the Governance of State Bodies. This Agreement, taken together with the Authority's Governance Framework document, sets out the broad corporate governance framework within which the Policing Authority will operate and defines key roles and responsibilities which underpin the relationship between the Authority and the Department of Justice and Equality.

#### **4.4 Exemptions from Code of Practice**

In accordance with the Code of Practice, exemptions from specific provisions of the Code may be justified in certain situations provided the objectives of those provisions can be achieved by other governance measures and subject to those exemptions being documented in the oversight agreement.

It is agreed that a number of the requirements of the Code have a disproportionate effect on the Authority because of the nature and scale of its activities, the resources available to it and the provisions of its governing statute. Consequently it is agreed that the compliance requirement in the Code of Practice be adapted with regard to the following matters as set out in Appendix A to this agreement:

- Performance Delivery Agreement
- Corporate Governance Arrangements
- Respective reporting responsibilities of Authority and Accounting Officer
  - Financial Statements
  - Annual Report
- Composition of Audit and Risk Committee

The Authority will note and explain these agreed exemptions to the Authority's compliance with the Code of Practice in its annual report in accordance with the principle of 'Comply or Explain' set out in the Code.

## **5. Commitments**

### **5.1 Mutual Commitments**

Both parties commit to:

- Arrange and participate in the periodic meetings set out in section 6 below;
- The principle of "no surprises", e.g. proactive and timely communications, cooperation and information sharing, including;
  - advance notice where possible of relevant matters with the potential to impact;
  - informing each other in advance of significant press-releases or media queries of relevance or interest to the other party; and



- keeping each other fully apprised and updated on key issues including those pertaining to other bodies involved in Garda and policing matters relevant to the work of the Authority or the Department;
- Support the effective achievement of agreed actions.

## **5.2 Department of Justice and Equality Commitments**

The Department commits to:

- take due account of the Authority's role and statutory functions and to ensure that the Authority is included/consulted as appropriate in all relevant matters;
- proactively consider the Authority's role in the ongoing work of the Department with the Garda Síochána to determine whether the Authority needs to be informed, consulted or directly involved in any matter that arises;
- coordinate issues of a horizontal nature where there are shared or related legislative responsibilities by various entities which are under the Department's aegis, including for example the Authority, the Garda Inspectorate, the Garda Síochána Ombudsman Commission and the Garda Síochána;
- support the Authority through the appropriate provision of administrative shared services under Service Level Agreements where appropriate, consistent with maintaining the independence of the Authority;
- engage with the Department of Public Expenditure and Reform ("DPER") in the Estimates process, to represent the interests and resource requirements of the Authority to ensure fulfilment of its statutory functions. This will include engaging with the Authority in appropriate detail and at early and frequent junctures throughout the process;
- In preparing the specification for a role as a member of the Authority, consult with the Chairperson to seek her view on the specific skills that are required; and
- In light of the Authority's statutory function of oversight of the Garda Síochána and to avoid unnecessary duplication, to make arrangements, where feasible, to include the Authority, and if appropriate other agencies, in any engagement with the Garda Síochána or with other agencies with regard to matters concerning the Garda Síochána where the Authority has a function.

## **5.3 Policing Authority Commitments**

The Authority commits to:

- The reporting and accountability framework set out in Section 6 below;
- Engaging with the Department to provide material and information required for the estimates process and the Minister's appearance before the Select Committee in relation to the Estimates;
- Providing material as requested for the purposes of responding to PQs, Topical Issues and other Oireachtas debates; and
- Advise the Department of key risks facing the Agency on a quarterly basis for the purposes of the managing the Department's Risk Register;
- Complying with best practice Governance requirements to which it is subject, including as set out in the Corporate Governance Standards for the Civil Service and, insofar as it is applicable to the Authority in line with the exemptions documented in the Appendix to this agreement, the Code of Practice for the Governance of State Bodies;
- Adhering to the protocol to the Code of Practice for the Governance of State Bodies for the Provision of Information to Members of the Oireachtas by State Bodies under the aegis of Government Departments/Offices (as set out in DPER Circular 25/2016), and
- Ensuring that this agreement and the Authority's Statement of Strategy are communicated to all staff of the Authority and that they have a clear understanding of their role in achieving these objectives.

## **6. Key Interactions between the Department and the Authority**

On relevant matters, the interactions between the Authority and the Department will need to be dynamic and informal and driven by business needs and the mutual commitments of each body. However, it is appropriate to set out below the likely minimum pattern of engagement. Formal communications with the Department will be through the Chairperson of the Authority, Chief Executive or members of the Executive team.

### **6.1 Meetings**

Meetings between the Authority and the Department will typically consider issues of common interest pertaining to the Authority or its functions and Departmental support that can be provided to the Authority in implementing its remit. These meetings will also afford both organisations the opportunity

to address any matters arising out of the operation of this Agreement. An agenda will be prepared in advance of each meeting and any action points will be recorded and shared between the parties.

There will be formal and routine meetings held between the Department and the Authority as follows:

Forum / participants	Timing
<p>Tripartite meetings between the Department, Policing Authority and the Garda Síochána, with attendance by:</p> <ul style="list-style-type: none"> <li>- Secretary General and Assistant Secretary General Policing Division;</li> <li>- Authority Chairperson and Chief Executive;</li> <li>- Garda Commissioner, Deputy Commissioners and Chief Administrative Officer.</li> </ul>	<p>As frequently as necessary, but at least once per year</p>
<p>Governance meetings between senior management of the Department and senior management of the Authority with attendance by:</p> <ul style="list-style-type: none"> <li>- Assistant Secretary General Policing Division and relevant management team; and</li> <li>- Chief Executive and senior management team</li> </ul>	<p>As frequently as necessary, but at least on a quarterly basis</p>
<p>“Joint Working Group on Resources for An Garda Síochána”, with attendance as appropriate by:</p> <ul style="list-style-type: none"> <li>• Assistant Secretary General Policing Division, Head of Financial Shared Services and relevant management team;</li> <li>• Chief Executive and relevant management team;</li> <li>• Garda Síochána Chief Administrative Officer and relevant management team;</li> <li>• Representative(s) from the Department of Public Expenditure and Reform and</li> </ul>	<p>As frequently as necessary, but in principle on a monthly basis</p>

Forum / participants	Timing
<ul style="list-style-type: none"> <li>Representative from the Department of the Taoiseach</li> </ul>	
Routine meetings between the Executive of the Department and the Authority	On an ongoing basis as necessary

## 6.2 Reporting and Accountability

The accountability of the Authority and the associated reporting arrangements are as follows:

Action:	Reporting to:
The Authority shall keep the Minister informed of matters relevant to the accountability of the Government to the Houses of the Oireachtas <sup>2</sup>	<i>The Minister</i>
The Authority shall provide information and advice to the Minister with regard to matters relating to policing services <sup>3</sup> .	<i>The Minister</i>
The Authority shall keep the Minister informed of developments in respect of matters relating to policing services and make recommendations to assist the Minister in coordinating and developing policy in that regard <sup>4</sup> .	<i>The Minister</i>
In the event that the Authority exercises its power to request the Garda Inspectorate to perform an inspection or inquiry in relation to any policing matter, it shall notify the Minister of a request made by it and will provide the Minister with a copy of the related report as soon as practicable <sup>5</sup> .	<i>The Minister</i>
The Authority is required to produce and submit a Statement of Strategy to the Minister every three years. This shall set out its key objectives, outputs and outcomes, including the most beneficial and efficient use of its resources. Once received, the Minister shall lay a copy before the Houses of the Oireachtas as soon as practicable.	<i>The Minister, Government, Oireachtas and the Public</i>

<sup>2</sup> 62 H (1) (h) of the Act

<sup>3</sup> 62 H (1) (i) of the Act

<sup>4</sup> 62 H (2) (e) of the Act

<sup>5</sup> Section 117 of the Act

Action:	Reporting to:
<p>The Authority is required to submit an Annual Report on its activities to the Minister no later than 3 months after the end of the year to which the report relates. The Annual Report will be developed by the Executive and approved by the Authority and will comply with the requirements of the Code of Practice for the Governance of State Bodies, subject to the matters set out in Section 4.4 of this agreement. Once received, the Minister shall lay a copy of the report before the Houses of the Oireachtas as soon as practicable.</p>	<p><i>The Minister, Government, Oireachtas and the Public</i></p>
<p>The Chairperson is required to submit an annual Comprehensive Report to the Minister to confirm compliance with specified provisions of the Code of Practice and provide assurance to the Department that the systems of internal control, risk management and other areas of compliance are operating effectively. This report will be submitted to the Minister with the Authority's Annual Report.</p>	<p><i>The Minister</i></p>
<p>At the end of each 5 year period commencing with the establishment day of the Authority, the Authority shall submit to the Minister a report reviewing the general performance of its functions in the preceding 5 years. Once received, the Minister shall lay a copy of the statement before each House of the Oireachtas as soon as practicable.</p>	<p><i>The Minister, Government, Oireachtas and the Public</i></p>
<p>The Authority may make any other reports that it considers appropriate for drawing to the attention of the Minister matters that have come to its notice and that, in its opinion, should, because of their gravity or other exceptional circumstances, be the subject of a special report to the Minister. Once received, the Minister shall lay a copy of the statement before each House of the Oireachtas as soon as practicable</p>	<p><i>The Minister, Government, Oireachtas and the Public</i></p>
<p>The Minister may request the Authority to prepare and submit to him or her a report in respect of any matter relating to policing services, and the Authority shall comply with the request as soon as practicable after receiving it. Once received, the Minister shall lay a copy of the statement before each House of the Oireachtas as soon as practicable</p>	<p><i>The Minister, Government, Oireachtas and the Public</i></p>

## 7. Resources

### 7.1 Financial Inputs

The Authority's Estimate provision for 2018 is summarised below:

Estimate Provision	Budget Allocation (€ 000's)	
	2017 <sup>6</sup>	2018 <sup>7</sup>
	1,712	2,147
	0	0
Non-Pay	1,000	1,200
<b>Gross Expenditure</b>	<b>2,712</b>	<b>3,347</b>
Appropriations-in-Aid	58	61
<b>Net Expenditure</b>	<b>2,654</b>	<b>3,286</b>

### 7.2 Financial Management Committee

The Authority is represented at the Department's Financial Management Committee ('FMC') meetings with the Heads of Finance from the Justice Sector vote areas. The purpose of these meetings is to monitor and review expenditure for the Vote Group and to discuss any other financial issues common to the Vote group, in which the Department liaises on behalf of the Vote Group with DPER. Part of the remit of this group is to review "new expenditure" i.e. any significant items (over €50,000) of expenditure on new programmes or activities across the Vote group.

### 7.3 Staffing Resources

The Authority may, with the consent of the Minister and the Minister for Public Expenditure and Reform, appoint such and so many persons to be members of the staff of the Authority as it may determine. To ensure an efficient process for this the Authority will submit such requests for sanction to DPER and the liaison officer of the Department. The Authority will ensure that any such submissions

<sup>6</sup> Revised Estimates for the Public Service 2017

<sup>7</sup> Budget Day Allocations for 2018 (October 2017)

provide adequate information to inform consideration of the matter and will provide any additional information required promptly. The Department will consider the matter promptly and will not withhold its consent unreasonably.

#### 7.4 Sanctioned Staffing Complement

The sanctioned staff complement for the Authority at the date of this agreement is as follows:

Grade	Sanctioned Staffing Level
Chief Executive (Assistant Secretary)	1
Principal Officer	3
Assistant Principal Officer	8
Higher Executive Officer/Administrative Officer	11
Executive Officer	10
Clerical Officer	6
<b>Total</b>	<b>39</b>

#### 7.5 Support Services

Certain shared services are provided by the Department to the Authority under Service Level Agreements. In common with other organisations in the Justice and Equality Vote Group, the Authority avails of shared services for its payment and accounting processes. Invoice payments are processed through the central accounting system in the Department's Financial Shared Services Centre (FSS) in Killarney. Payroll and expense payments are processed by the Payroll Shared Service Centre (PSSC) which is under the remit of DPER. These payments are transferred to the general ledger in FSS via the same payroll interface files as other organisations attached to the Justice and Equality Vote.

The Department of Justice & Equality ICT Division provides IT and telecommunications services and support to the Authority under a Service Level Agreement

The Department will provide support to the Authority in relation to:

- Shared HR systems and support;
- Media monitoring service; and
- Access to Department Training courses and funding of specialised training; and

- Access to information resources relevant to the Authority's remit in the Criminal Justice sector, for instance to PQs, library services and online resources.

The Department will provide such material, information and access as is required by the Authority or its auditors for audit purposes in relation to these support services.

## **8. Potential Risk Factors**

The Policing Authority operates a formal Risk Management policy and maintains a Risk Register which is updated on an ongoing basis in accordance with the Department of Public Expenditure and Reform Guidelines. The maintenance of the Register 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 main potential risks to the achievement of the Authority's objectives at the time of writing are that:

- The independence of the Authority is compromised;
- Mechanisms for engagement and timely sharing of information are insufficiently agile to support the Authority in its oversight role of the Garda Síochána policing services, resulting in inefficient or ineffective processes or in unreasonable delay; and
- Insufficient resources are available to the Authority to carry out its statutory functions and any other requests that may be referred by the Minister.

To mitigate these risks it is agreed that both parties will seek, in the spirit of this agreement, to engage in a mutually co-operative manner which:

- Clarifies and reduces unnecessary duplication in the respective roles of the Department and the Authority with regard to oversight of the GS;
- Progresses mutual agendas in an efficient and timely manner through appropriate cross agency engagement with relevant stakeholders; and
- Supports the provision of adequate resources to support the work of the Authority as part of the annual Estimates process.

## **9. Monitoring Arrangements**

The Department of Justice and Equality and the Authority commits to quarterly meetings between the Authority and relevant officials to facilitate ongoing update by the Authority to the Department on its



activities and consideration of any additional requirements as a consequence of legislative change or Departmental or Government policy as set out in Section 6.1 of this agreement.

In order to comply with/ in line with the Department of Justice and Equality's overall approach to governance relationships with the Bodies and Agencies under its aegis, this Corporate Governance Assurance Agreement will be a standing item on the agenda for each of these meetings. Such an arrangement/ meetings will afford both organisations the opportunity to address any matters arising out of the operation of this Agreement and the agenda for these meetings will have updates relating to this agreement as a standing item, including:

- a) any specific policy issues pertaining to the Policing Authority;
- b) financial/budgetary information;
- c) HR/staffing issues; and
- d) risk management updates.

The Authority undertakes to provide the reports set out in section 6.2 of this agreement to the Minister and the Department in accordance with its accountability to the Minister and such additional information on its performance as may reasonably be required.

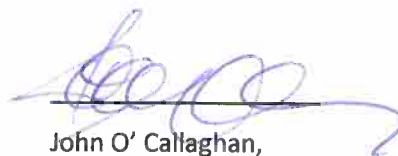
## 10. Duration and Signatories to the Agreement

Helen Hall, Chief Executive Officer, Policing Authority and John O' Callaghan, Assistant Secretary, 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.



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Helen Hall  
Chief Executive Officer  
Policing Authority



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John O' Callaghan,  
Assistant Secretary,  
Department of Justice and Equality

Date: 31/7 2018

Date: 31/7 2018



**Exemptions from compliance by the Policing Authority with specific provisions of the Code of Practice for the Governance of State Bodies as agreed with the Department of Justice and Equality. (December 2017)**

In accordance with the Code of Practice for the Governance of State Bodies, exemptions from specific provisions of the Code may be justified in certain situations provided the objectives of those provisions can be achieved by other governance measures and subject to those exemptions being documented in the oversight agreement.

It is agreed that a number of the requirements of the Code have a disproportionate effect on the Authority because of the nature and scale of its activities, the resources available to it and the provisions of its governing statute. Consequently it is agreed that the compliance requirement in the Code of Practice be adapted with regard to the following matters:

**1. Performance Delivery Agreement**

Having regard to the Authority's statutory independence, it has been agreed that it would not be appropriate to include a detailed Performance Delivery Agreement in this document. Instead, as required by the Act the Authority will:

- a. Prepare for approval of the Minister a three year Statement of Strategy, which will
  - i. Be aligned to the objectives in the Department's Statement of Strategy;
  - ii. Be consistent with Government policy and statutory obligations; and
  - iii. set out the Authority's high level objectives, target outputs and outcomes, the activities that it will undertake to achieve those objectives and the resources required.
- b. Report to the Minister, in its Annual Report, progress in achievement of those objectives;
- c. Include and report annually on appropriate performance information, in agreement with the Department, in the Revised Estimates for the Authority's Vote; and
- d. Provide such other reports requested by the Minister under the Act and as required in accordance with the Code of Practice, as set out in Section 6.2 of this Agreement.

**2. Corporate Governance Arrangements**

Having regard to the requirement for the Authority, as a Vote holding body, to comply with the requirements of the Corporate Governance Standard for the Civil Service in addition to the Code of Practice and in light of common requirements of those codes, it is agreed that the Authority's corporate governance arrangements, including the roles and responsibilities of the Accounting Officer, Chairperson and Chief Executive and such other appropriate arrangements, as are

documented in the Authority's Governance Framework under the former will be referenced in this document in recognition of their meeting the requirements of the latter.

3. Respective reporting responsibilities of Authority and Accounting Officer

Having regard to the statutory responsibility of the Chief Executive as Accounting Officer for the Authority's Vote and her responsibility for the preparation of the Appropriation Accounts of the Authority and her accountability to the Oireachtas in respect of all funds voted to the Authority, it is recognised that the following requirements of the Code of Practice in relation to the annual financial statements and annual report are not applicable to the Authority:

Financial Statements

- a. The Board of a State body is required to arrange for the preparation of the financial statements in respect of each financial year – this is the responsibility of the Accounting Officer for the Vote.
- b. The Board to present financial statements of a State body that give a true and fair view of the income, expenditure (financial performance), assets, liabilities and capital (financial position) of the State body as at the financial year end – reporting will be in the Appropriation Account format.
- c. The Board of a State Body is required to arrange for the financial statements to be audited by an independent auditor – under legislation the Comptroller and Audit General is required to undertake the audit of all Voted expenditure.
- d. The Audit and Risk Committee to engage the external auditor – the C&AG have statutory responsibility for undertaking this audit.
- e. The Audit and Risk Committee to review draft financial statements in advance of recommending them to the Board. Instead the Audit and Risk committee will review the draft Appropriation Accounts in conjunction with an assessment of the adequacy of internal controls in order to provide assurance to the Accounting Officer in advance of signing the Appropriation Account;
- f. Draft unaudited financial statements for each State body should be furnished to its parent Department not later than two months after the end of the relevant financial year. It is agreed that this is not required in light of the requirement and timeframes for the preparation of the Appropriation Account and submission to the C&AG and the role of the Financial Management Committee in overseeing the management of all Votes in the Justice Vote Group.
- g. All State bodies are required to publish audited financial statements. In light of the publication of the Appropriation Account by the C&AG, the Authority is not required to do so but will publish the Appropriation Account on its website after publication by the C&AG.

Annual Report

- a. The Annual Report comprising the financial statements and commentary thereon, is a comprehensive report of the State body's activities throughout the preceding year.

Annual reports are intended to give stakeholders information regarding the State body's activities and financial performance. The Financial statements of the Authority take the form of the Annual Appropriation Account which is submitted by the Accounting Officer for audit by the Comptroller and Auditor General and will be published by the C&AG in the Appropriation Accounts publication. Consequently, the Authority's Annual report will not include the Financial Statements but will include a summary financial report to which will provide an analysis of the unaudited Vote position and related information.

- b. The Board of a State body is responsible for the preparation of the annual report and financial statements in accordance with relevant accounting standards. It is agreed that the Authority is responsible for the preparation of the annual report and the Accounting Officer (Chief Executive) is responsible for the preparation of the financial statements (Appropriation Account).
- c. The deadlines for submission of the annual report to the Minister as set out in the Act take precedence over the timelines required by the Code.

#### 4. Composition of Audit and Risk Committee

Having regard to the size and stage of evolution of the Authority, it is agreed that it is acceptable that its Audit Committee be comprised of three members, at least one of which will be a non-Executive member of the Authority and at least one of which will be an independent external members. This will be reviewed in the context of future review of the Audit and Risk Committee Charter and evaluation of the effectiveness of the Committee.

The Authority will note and explain these agreed exemptions to the Authority's compliance with the Code of Practice in its annual report in accordance with the principle of 'Comply or Explain' set out in the Code.

