

Performance Agreement With the Probation Service 2017

Department of Justice and Equality

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1. Introduction

1.1 The Department of Justice and Equality has responsibility for the strategic development of penal policy in Ireland and for driving the implementation of penal reform. The aim of our penal policy is to make Ireland a safer and fairer place.

1.2 While punishment for those who commit crime is a central element of the justice system the rehabilitation and reintegration of offenders is at the core of a penal system. This is the best way to achieve a reduction in re-offending. To achieve this the Department works with the key agencies involved which are the Irish Prison Service and the Probation Service.

1.3 Role of the Probation Service:

The Probation Service is an agency of the Department of Justice and Equality, committed to working for safer communities and fewer victims through offender rehabilitation. The Service is an organisation with a national remit whose role is to contribute to public safety through the management of community sanctions and measures. This is achieved through the effective assessment and management of offenders and by working closely with a wide range of statutory, community and voluntary organisations to deliver services. The Service also plays an important role in facilitating the re-integration of ex-offenders and in assisting them in breaking their cycle of offending behaviour through supervision and structured interventions.

1.4 The Probation Service contributes to a safer and fairer Ireland by:

- Ensuring Court ordered supervision is implemented.
- Reducing the likelihood of reoffending and risk of harm to the public.
- Making good the harm done by crime (reparation and restorative justice).

1.5 Statutory Framework:

The Probation of Offenders Act (1907) provides for statutory supervision of offenders in the community and is the foundation for probation work in Ireland. Probation Officers become involved in the criminal justice process between the trial and sanction/sentencing phases, often in cases where a court requires a pre-sanction assessment to assist in deciding on an appropriate sanction. In some cases, the court may be considering placing an offender on probation supervision or community service.

Other relevant legislation includes:-

- The Criminal Justice (Community Service) Act, 1983.
- The Criminal Justice Act, 1914.
- The Misuse of Drugs Act, 1977 and 1984.

- The Criminal Justice Act, 1993.
- The Transfer of Persons Act, 1995 and 1997.
- The Children Act, 2001.
- The Sex Offenders Act, 2001.
- The Criminal Justice (Temporary Release of Prisoners) Act, 2003.
- The Criminal Justice Act, 2006.
- The Criminal Justice (Community Service) (Amendment) Act, 2011.
- The Fines Acts, 2010 and 2014.

In addition to the Constitution and relevant legislation our practice is guided by:-

- The United Nations Rules on Supervised Community Sanctions.
- The Council of Europe European Rules on Community Sanctions and Measures.
- The United Nations Rules on the Supervision of Young Offenders.
- The Code of Ethics of the Irish Association of Social Workers and International Federation of Social Workers.
- Recommendation CM/Rec (2010) 1 of the Committee of Ministers to member states on the Council of Europe Probation Rules.
- Framework Decision 2008/947/JHA on the mutual recognition of probation measures.

2. Corporate Governance

- 2.1 The Probation Service has a strong management structure consisting of a Director who is supported by two Deputy Directors leading the Corporate Affairs Directorate and the Operations Directorate. These are aided by two Assistant Directors, as well as Regional Managers/Assistant Principals, an Accountant and a Statistician, who all form the Senior Management Team. There is also a well organised administrative and regional support structure.
- 2.2 The Director of the Probation Service is a member of the Department's Management Board.
- 2.3 The Corporate functions, i.e. HR, Finance, Estate Management and ICT are the responsibility of the Department and are managed collaboratively with the Probation Service personnel assigned to these areas.
- 2.4 The Probation Service produces a multi-year Strategy Statement (2015-2017) and has strategy documents, practice guidelines and protocols in place which are aligned to the Department's overall mission and good governance in public service delivery, e.g. the Probation Service and Irish Prison Service Joint Strategy.
- 2.5 The Director of the Probation Service produces an Annual Report each year, which is presented to the Minister for Justice and Equality and

published. The Probation Service Annual Report for 2016 was published on 15 May 2017 and laid before the Houses of the Oireachtas.

2.6 Risk Management is an integral part of the Corporate Governance structure. A risk management policy and a Probation Service risk register is in place in the organisation. Risks are incorporated into the Probation Service work plan, which is reviewed on a quarterly basis.

2.7 This Agreement, its reporting and the oversight arrangements in place satisfy the requirements for compliance with relevant parts of Section 8 of the Code of Practice for the Governance of State Bodies in respect of Departmental Oversight and a Performance Framework.

3 Objectives of the Agreement

3.1 This Performance Service Agreement documents a mutually agreed level of service between the parties in order to facilitate the improved effectiveness and efficiency of relevant public services.

3.2 The objectives of this agreement for 2017 are:

- The Probation Service will achieve the stated priorities of the Probation Service Strategic Plan 2015 – 2017.
- To progress the ongoing development of output measures for Probation Service expenditure.
- To improve the effectiveness and efficiency of public services.
- To define inputs, outputs and expected outcomes of the Probation Service activities.
- To support the Department in the implementation of the relevant provisions of the Government's Programme for National Recovery.

4 Agreed Commitments

4.1 Both parties will:

- Be proactive and timely in communications, co-operation and information sharing on service delivery.
- Support the effective achievement of agreed targets.
- Promote partnership, responsiveness and mutual cooperation in our interactions.

- Provide prompt and timely responses to correspondence, information requests and related matters.
- Keep each other apprised and updated on all key issues.

4.2 The Department of Justice and Equality will provide the following supports to enable the Probation Service fulfil its mandate.

- Provide dedicated support from within the Prisons and Probation Policy Division.
- Liaise with the Department of Public Expenditure and Reform to ensure, as far as possible, timely sanction for expenditure and staffing in line with public financial procedures and public service numbers policies.
- Provide a Human Resource Management Service not limited to recruitment involving employee relations, workforce development and performance management and liaison with HR Shared Services.
- Liaise with the Probation Service in relation to Public Service Reform initiatives.
- Liaise with the Probation Service in relation to agreed policy objectives.
- Provide guidance and direction on procurement when required via the Department's Procurement Strategy Group.
- Provide invoice processing and other accounting services through the Department's Financial Shared Services Centre.
- Provide for the integration of Probation Service IT into the Department's Managed Service through the provision of a Project Management Team, support, resources and budget.
- Provide for a resource the annual budget for the Probation Service, which forms part of the Estimates of the Department of Justice and Equality Vote (24).

5 Inputs

5.1 The Probation Service is funded from the Justice Vote (24) and has an overall budget in 2017 of €46.245m. Of this, its operational budget is €26.616 (salaries and running costs). €11.682 is allocated for services to adult offenders, €5.05m to services to juvenile offenders and €2.897

to running the Community Service Scheme. The Probation Service has no capital budget. The table below provides a breakdown of the Probation Service budgets for 2016 and 2017.

Table: Breakdown of Probation Service Budgets for 2016 and 2017

Subhead	Description	2016 Budget Provision €000	2017 Budget Provision €000
B4 –	Salaries, Wages & Allowances	22.834	23.241
B5 –	Operational Expenses	3.275	3.375
B6 –	Services to Adult Offenders	10.732	11.682
	Services to Juvenile Offenders	Nil	05.05
B7 –	Community Service Order Scheme	2.122	2.897
		38.963	46.245

- 5.2 To deliver services and meet its objectives it is essential that the management structure and staffing levels of critical posts within the Probation Service are maintained. The Probation Service staffing operates within the Employment Control Framework cap assigned to the Department of Justice and Equality for 2017.
- 5.3 The Probation Service has close to 400 staff, 57% are Probation Officers, 80% of whom work in courts and communities across the country. 10% of staff are Community Service Supervisors. The table below shows the breakdown of the full time equivalent (FTE) staffing figures by grade as at April 2016 and April 2017.

Table: Breakdown of Probation Service Staffing for 2016 and 2017

Grade	FTEs at April 2016	FTEs at April 2017
Director	1	1
Deputy Director	2	2
Assistant Director	2	2
Regional Manager	7	7
Senior Probation Officer	44.53	43.53
Probation Officer	205.6	217.1
Professional Accountant	1	1
AP	2	2
HEO	4.6	3.8
EO	10.9	9.3
CO	49.4	49.5
SVO	2	2
Community Service Supervisors	40	38.8
TOTAL	372.03	379.03

6 Service Levels and Performance Measurement

- 6.1 The Probation Service Strategic Plan 2015 – 2017 sets out the strategic goals which provide a high level framework for the annual workplans for this period.
- 6.2 Specifically, in respect of the year 2017 and this Agreement the following activities and services will be delivered:
- 6.2.1 The Probation Service will ensure that options for the assessment and supervision of offenders are available to all courts nationwide.
- 6.2.2 Similarly, rehabilitative services will be available to all prisons / detention centres nationwide.
- 6.2.3 While acknowledging the “demand led” nature of the work, the Probation Service will work to achieve the provision of services in the community and custodial setting as set out in the table below. It should

be noted that these offender figures include both adult and juvenile clients.

Table: Key Performance Indicators for the Probation Service in 2017

Total Number of Persons Subject to Supervision in the Community:	14,000
This total figure includes the following:	
1) Assessments for Court	9,000
2) Same Day CS Assessments	700
3) Supervision of Community Service Orders	1,750
4) Sex Offenders supervised in the community	350
5) Life Sentence Prisoners supervised in the community	75
6) Repatriation Reports prepared for the DJE	10
Number of Persons Engaged Within a Custodial / Detention Setting:	2,500
This total figure includes the following:	
7) Community Return Cases assessed and subsequently supervised in the community	350
8) Parole Board Assessments	60
9) Sex Offenders	250

6.2.4 The Probation Service will ensure that appropriate use is made of the B6 budget for the provision of services to adult and juvenile offenders

through Community Based Organisations (CBOs). These services include training and education, offender management programmes, residential accommodation, drug and alcohol treatment programmes.

The objectives of these CBOs must be strategically aligned to the objectives of the Probation Service in addressing offender behaviour and facilitating the reintegration of offenders in the community.

The appropriate grant assessment procedures, service level agreements and monitoring of service provision will be put in place for these CBOs. Funding will be in line with DPER Circular 13/2014 "Management of and Accountability of Grants from Exchequer Funds".

- 6.3 There will be engagement on amending targets where necessary with flexibility on both sides.
- 6.4 The Probation Service Annual Report provides information on achievements for the previous year and statistical measurements.

7 Monitoring Arrangements

- 7.1 The Director of the Probation Service will meet with the Department twice yearly or more frequently if required to provide an update on developments and achievement of targets as set out in this agreement. In addition, Prisons and Probation Policy Division will hold regular management meetings, at least quarterly or more frequently if required, with the senior management of the Probation Service.

8 Duration and Signatories

- 8.1 The Director of the Probation Service Mr. Vivian Geiran and Mr. James Martin of the Department of Justice and Equality agree that the arrangements as set out in this agreement will apply with effect from the date signed until 31 December, 2017.


Vivian Geiran

Director
Probation Service


James Martin

Assistant Secretary
Department of Justice and
Equality

Date: 25/07/17

Date: 26 July 2017