

**GOVERNANCE FRAMEWORK DOCUMENT  
THE DEPARTMENT OF JUSTICE AND EQUALITY  
AND THE GARDA SÍOCHÁNA**



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## **1. Introduction**

This governance framework document has been drawn up by the Department of Justice and Equality in consultation with the Garda Síochána. It sets out the broad governance and accountability framework within which the Garda Síochána operates, and defines key roles and responsibilities which underpin the relationship between the Garda Síochána on the one hand and the Department, the Minister and the Government on the other. This document reflects the current statutory position in accordance with the Garda Síochána Act 2005, and will be updated as necessary, and at least every three years.

Separate governance frameworks will be 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 the Garda Síochána.

## **2. Function and objectives of the Garda Síochána**

The function of the Garda Síochána, by virtue of section 7 of the 2005 Act, is to provide policing and security services for the State.

The objectives of the Garda Síochána, under section 7 of the 2005 Act, are:

- (a) preserving peace and public order,
- (b) protecting life and property,

- (c) vindicating the human rights of each individual,
- (d) protecting the security of the State,
- (e) preventing crime,
- (f) bringing criminals to justice, including by detecting and investigating crime,
- (g) regulating and controlling road traffic and improving road safety,

and any other functions conferred on it by law.

### **3. Financing of the Garda Síochána**

The gross annual budget for the Garda Síochána is approximately €1.5 billion. The budget is negotiated each year by the Department in Estimates discussions with the Department of Public Expenditure and Reform. The Department consults Garda management on its resource requirements as part of this process. The Department also advises Garda management on its delegated sanctions for expenditure and secures approval from the Department of Public Expenditure and Reform where expenditure requires specific sanction. The Department monitors Garda expenditure on a monthly basis, as part of a general oversight of expenditure across all the Votes in the Justice group, and Garda management participate in monthly meetings chaired by the Department on expenditure control.

Under the 2005 Act the Garda Commissioner is the Accounting Officer for the Garda Vote. The 2005 Act also provides for an audit committee consisting of a Deputy Garda Commissioner, or a Chief Administrative Officer, of An Garda Síochána and no fewer than 4 external persons appointed by the Minister, one of whom is the Chairman.

The audit committee advises the Garda Commissioner on financial matters, including:

- the proper implementation of Government guidelines on financial issues;
- compliance with obligations imposed by law relating to financial matters; and
- the appropriateness, efficiency and effectiveness of the 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.

and reports to the Garda Commissioner at least once a year, with each such report copied to the Minister. The Department studies each such report, and engages with Garda management as necessary on any issues of importance which are raised.

#### **4. Staffing and structure of the Garda Síochána**

There are approximately 12,866 Garda members, approximately 2,006 Civil Service staff and approximately 988 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.

## **5. Functions and responsibilities**

### **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 memoranda for Government on senior promotions and in the preparation of Garda regulations.

### **The Minister**

Under the 2005 Act, the Minister:

- may determine, and from time to time revise, priorities for the Garda Síochána

- may establish, and from time to time revise, performance targets to be aimed at in seeking to achieve the objective of each priority
- approves the Garda strategy statement, and may after consultation with the Garda Commissioner amend the Garda strategy statement
- approves the annual policing plan, and may after consultation with the Garda Commissioner amend the annual policing plan; and
- may, with the approval of the Government, issue a written directive to the Garda Commissioner concerning any matter relating to the 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.

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

### **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 her/his functions. This includes the duty to provide, on request by the Secretary General, any document in the power or control of The Garda Síochána.

## **The Garda Commissioner**

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

- directing and controlling the Garda Síochána;
- carrying on and managing and controlling generally the administration and business of the 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;
- 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:

- (a) the objective of promoting effectiveness, efficiency and economy in the Garda Síochána;
- (b) the priorities and performance targets in operation under section 20 at the relevant time;
- (c) any relevant policies of the Minister or the Government;
- (d) the strategy statement in operation under section 21 at that time;
- (e) the annual policing plan prepared under section 22
- (f) any directive issued under section 25.

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, their dismissal;



- the appointment of Civil Service staff;
- informing the Minister of measures taken to achieve the objectives of the policing priorities determined by the Minister and any performance targets established, and of the outcome of those measures;
- preparing and submitting a strategy statement every 3 years, or less if directed by the Minister, to the Minister;
- preparing and submitting an annual policing plan to the Minister;  
and
- preparing and submitting 3 year review reports to the Minister.

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

## **6. Governance meetings**

In line with the Department of Justice and Equality'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 Framework and will, inter alia, consider:

- any specific policy issues pertaining to AGS;
- 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 determined by the Minister);
- financial/budgetary information;
- HR/staffing issues; and
- risk management updates.

## **7. Communications protocol**

The Department has a very significant requirement for ongoing information from the Garda Síochána to assist in the preparation of Parliamentary material such as answers to Parliamentary Questions, speeches, replies to topical interest debates etc., as well as in the reply to representations, correspondence and press queries. In addition, a considerable volume of Garda-related information is needed by a number of Divisions within the Department in the discharge of their functions. In recognition of this, and of the benefits accruing for the Garda Síochána in developing a shared understanding of the extent and frequency of information requirements, the Department and Garda management will give further consideration to agreeing a communications protocol.

**8. Review following establishment of Policing Authority**

This document will be reviewed as soon as practicable after the establishment of the Policing Authority and updated as necessary to reflect the revised statutory framework.

**Signatories**



Nóirín O'Sullivan  
Garda Commissioner  
An Garda Síochána

Date: 16/12/2015



Noel Waters  
Secretary General (Acting)  
Department of Justice and Equality

Date: 16/12/15

