

PERFORMANCE AGREEMENT 2016

BETWEEN

THE DEPARTMENT OF JUSTICE AND EQUALITY

AND

THE IRISH FILM CLASSIFICATION OFFICE (IFCO)



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

IFCO

IRISH FILM CLASSIFICATION OFFICE

1. Introduction

The Irish Film Classification Office (IFCO), (formerly known as the Film Censor's Office) is a statutory body established under the aegis of the Department of Justice and Equality. It was established on a statutory basis pursuant to the Censorship of Film Act 1923. Its role was expanded by the various Censorship of Films Acts and the Video Recordings Act, 1989.

The Office is based in Smithfield, Dublin 7. Staffing consists of a Director of Film Classification, an Office Manager and five other civil servants. In addition, 5 Assistant Classifiers provide services to IFCO on a contract for service basis, as provided for in S.2. of the Censorship Of Films (Amendment) Act 1992.

The main functions of the Office are:

- To examine and certify all cinema films and videos/DVDs supplied in Ireland and which are not otherwise exempt from classification.
- to provide the public and parents in particular with a modern and dependable system of classification that:
 - a) protects children and young persons
 - b) has regard for freedom of expression
 - c) has respect for the values of Irish society

The Office's other responsibilities include the licensing of retail and wholesale outlets to sell or rent videos/DVDs and providing An Garda Síochána with certificates for court proceedings involving the above Acts

2. Objectives of the Agreement

This Performance Agreement is a performance contract in which an agreed level of service is formalised and which will result in the improved effectiveness and efficiency of relevant public services. It sets out the Office's targets for 2016 and defines the output and outcome indicators on which performance should be measured.

The key objectives of this Agreement are:

- to define the Office's role in the Justice and Equality sector;
- to define the Department of Justice and Equality's expectations of the Office;
- to define the inputs, outputs, and expected outcome of the Office's activities;
- to enable the Office to carry out its functions as provided for in the Censorship of Films Acts and Video Recordings Act, 1989; and
- to measure performance of those functions through monitoring of agreed targets, output and outcome indicators.

3. Irish Film Classification Office's Role in the Justice and Equality Sector

The role of the Irish Film Classification Office in the Justice and Equality Sector evolved from a censorship vehicle to become an age classification body providing consumer advice. It does, however, retain all powers of prohibition conferred by the relevant Acts.

Currently, the Office aims to provide the public, and parents in particular, with the information and tools to make informed viewing choices for themselves and for those minors for whom they are responsible. As well as its statutory remit, the Office endeavors to engage with the public to hear their concerns and to gauge levels of satisfaction with its work.

4. Corporate Governance

IFCO is headed by the Director of Film Classification.

Annual Report

Section 29(1)(a) of the Video Recordings Act 1989 (as amended) provides that the Director of Film Classification "shall in each year prepare a report on his activities in the preceding year under the Video Recordings Act 1989 and the Censorship of Films Acts 1923 to 1970 and shall submit to the Minister, who shall cause copies thereof to be laid before each House of the Oireachtas.

The Annual Report of the Director of Film Classification 2015 has been submitted to the Minister and copies in both Irish and English have been laid before the Houses of the Oireachtas.

Governance Frameworks

Corporate governance is concerned with the framework of rules and practices to ensure accountability, fairness and transparency across organisational activities. To this end the Office will ensure all the necessary frameworks, including those for risk management, internal audit and the Public Spending Code (<http://publicspendingcode.per.gov.ie>) are fully complied with.

The Office is subject to corporate governance obligations including the 2009 Department of Finance Revised Code of Practice for the Governance of State Bodies. A Governance Standard for Justice and Equality Sector Bodies is also expected to be published shortly. To confirm compliance (or otherwise) with key provisions of the Code of Practice and the proposed Governance Standard, the Office will complete, on an annual basis, a Compliance Statement in order to provide assurance to the Department that the systems of internal control, risk management and other areas of compliance are operating effectively. Governance obligations will also be reviewed as part of the overall monitoring process of the Performance Agreement itself as set out in Section 9 of this Agreement.

Classification of Films Appeal Board

Section 3 Part 1 of the Censorship of Film Act, 1923 provides for the establishment of a Censorship of Films Appeals Board of no more than 9 members, all of whom shall be appointed by the Minister and one of whom shall be designated as its chairperson. Since 2008, the Appeal Board has been known as the Classification of

Films Appeal Board in accordance with Section 71 of the Civil Law (Miscellaneous Provisions) Act 2008.

The current Appeal Board was appointed for a term of five years from 17th December 2015.

Censorship of Publications

Section 2 Part 1 of the Censorship of Publications Act, 1946 provides for the establishment of a Censorship of Publications Board and a Censorship of Publications Appeals Board of no more than five members, all of whom shall be appointed by the Minister and one of whom shall be designated as its Chairperson.

IFCO provides the Secretariat for all of the above Appeal Boards.

5. Mutual Commitments

- Both parties commit to proactive and timely communications, co-operation, and information sharing on service delivery.
- Both parties support the effective achievement of agreed targets, as well as the promotion of partnership, responsiveness and mutual cooperation in their ongoing interactions.
- Both parties support prompt and timely responses to correspondence, information requests and related matters.
- Both parties commit to keep each other fully apprised and updated on all key issues.

The annual budgetary provision for the Office will form part of the estimates for the Justice and Equality Vote and the requirements of the Office will be considered in that context.

The Department of Justice and Equality will provide the following supports to enable the Office to fulfil its mandate:

- 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 policy;
- Ensure that appointments to the Classification of Films Appeal Board are made in accordance with legislative provisions;
- Provide assistance where possible in relation to the appointment of Assistant Classifiers having regard to IFCO's business needs;
- Provide updates on Public Financial Procedures and Civil Service HR Policy Guidelines;
- Provide guidance on Civil Service HR Policy, public expenditure, remuneration and industrial relations, procurement and contracts;
- Provide guidance on Government Accounting and Governance;
- Provide high availability ICT services via the Shared Service including delivery on a secure network, of standard desktop productivity applications, the design and development databases and applications and the provision of helpdesk and deskside support facilities;
- Liaise with the Office in relation to Public Service Reform initiatives.

6. Inputs

Financial Inputs

Tables A, B and C below indicate the budget allocation and actual expenditure for 2015 and budget allocation for 2016. The Office's expenditure for 2016 must not exceed its budgetary allocation of €683,000.

Table A - Pay Expenditure

| | Budget Allocation | Actual Expenditure |
|------|--------------------------|---------------------------|
| 2015 | 326,000 | 308,000 |
| 2016 | 322,000 | N/A |

Table B - Non-pay Expenditure

| | Budget Allocation | Actual Expenditure |
|------|--------------------------|---------------------------|
| 2015 | 361,000 | 319,000 |
| 2016 | 361,000 | N/A |

Table C - Total (Pay and Non-pay) Expenditure

| | Budget Allocation | Actual Expenditure |
|------|--------------------------|---------------------------|
| 2015 | 687,000 | 627,000 |
| 2016 | 683,000 | N/A |

Human Resource Inputs

Staff Resources

| Grade | Number (FTEs) |
|---------------------------------|----------------------|
| Director of Film Classification | 1 |
| Executive Officer | 2 |
| Clerical Officers | 4* |
| Total | 7* |

*Includes 2 Worksharers (currently one Clerical Officer vacancy)

Assistant Classifiers

A team of 5 part-time Assistant Classifiers assist the Director of Film Classification in carrying out the duties of the Office. Their primary responsibility is the classification of more than four thousand video works that the Office certifies annually. Assistant Classifiers are not civil servants; they provide services to the Office as and when required.

7. Service Levels, Performance Measurement and 2016 Targets

Decisions

Priority: Classification decisions comply with the relevant legislation and are consistent with the Office's published guidelines and mission statement.

Delivery: The classification team will:

- continue to be aware of the guidelines and legislation;
- continue to review decisions and ensure consistent classification of content;
- be aware of and respond to public feedback.

Business

Priority: Continue to develop high standards and best practice in its dealings with business customers.

Delivery: The delivery of the Office's online system for business customers introduced in 2009 is recognised by these customers as one of the best worldwide. The Office will:

- Continue to be aware of and respond to customers' needs;
- Enhance the system wherever possible;
- Maintain the excellent working relationship developed with these clients.

Consumer Information

Priority: Actively promote the use of its website by consumers as they seek advice on material content.

Delivery: The Office will:

- Ensure continued availability of the level and quality of information to visitors of the Office's website;
- Where resources allow, seek to raise awareness of its website.

Summary of 2016 Targets

Consumer Information

In line with the main functions of the office as outlined in the introduction to this document, the overriding focus of IFCO will be to provide the public, and parents in particular, with the tools necessary to make informed viewing decisions for themselves and on behalf of minors under their care. To achieve this IFCO must issue consistent and concise consumer advice having regard to its published guidelines, thus earning public confidence in its classification decisions. It is intended to review the current guidelines during the latter part of 2016 and publish to website.

Certification Output

Based on the prevailing trends over the last 5 years, it is anticipated that the following volumes of work will be undertaken during 2016:

Cinema Films 360 Titles
Video/DVD 4,000 Titles

It is further anticipated that this volume of work should produce revenues of c. €1.7m.

Given the increasingly short window for turnaround times in the case of DVD submissions, IFCO will strive to meet every deadline required by its business clients.

Public Consultation

Following on from the 2013 & 2014 public consultation carried out in-house, it is envisaged that IFCO will conduct further research into youth awareness of our function during the school year 2016/17.

Financial

IFCO will continue to ensure, through efficient use of resources, that spending targets and budget allocations are strictly adhered to. One area currently being progressed is the provision of in-house cinema facilities. It is planned that this will be completed for autumn 2016 and while it may have a possible negative impact on immediate budget it will generate savings of up to €100,000 per annum thereafter.

Certification for court proceedings

When requested by An Garda Síochána, Revenue or other agency to examine seized video works, IFCO will issue the relevant certificates for court proceedings and make officers of IFCO available for such proceedings.

Staff

IFCO will continue to comply with all HR policy and procedural guidelines. The continuance of a good and satisfying work environment will remain a priority.

8. Flexibility and Amendment of Targets

Where amendments become necessary, the Office will engage with the Department of Justice and Equality to agree on amended targets.

9. Monitoring Arrangements

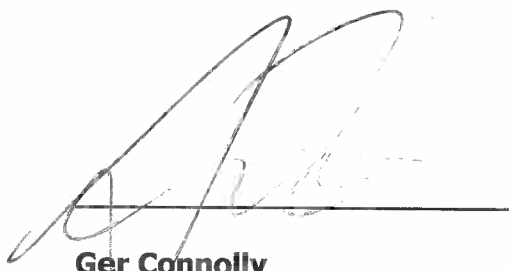
In accordance with the Department's policy on the monitoring of governance arrangements in relation to the agencies within its remit, the Director of Film Classification will meet with the Department twice yearly, or more frequently if required by the Department, to provide an update on developments and achievement of targets as set out in this Agreement.

The Office undertakes to return:

- (a) relevant and appropriately detailed performance information to allow for monitoring of this agreement;
- (b) relevant and appropriately detailed performance information for inclusion in the Revised Estimates for Public Services volume; and
- (c) performance information in line with the set of such indicators, and in keeping with the timeframe, agreed with the Department of Justice and Equality.

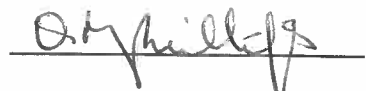
10. Duration and Signatories to the Agreement

Mr. Ger Connolly, Director of Film Classification and Ms. Oonagh McPhillips, Assistant Secretary in the Department of Justice and Equality, agree that the arrangements as set out in the attached Performance Agreement between the Irish Film Classification Office and the Department of Justice and Equality will apply with effect from the date signed hereunder until 31st December 2016.



Ger Connolly
Director of Film Classification
Irish Film Classification Office

Date: 1/6/2016



Oonagh McPhillips
Assistant Secretary
Department of Justice and
Equality

Date: 1/6/2016