

**Performance Agreement 2015/2016
between
the Department of Justice and Equality
and
The Mental Health (Criminal Law) Review Board**

Objectives of this Agreement

This Agreement documents an agreed level of service between the parties in order to facilitate improved effectiveness and efficiency of relevant public services.

The key objectives of this Agreement are:

- To define the Mental Health (Criminal Law) Review Board's role in the Justice and Equality sector;
- To define the Department of Justice and Equality's expectations of the Board;
- To define the inputs, outputs and expected outcome of the Board's activities;
- To support the Board to carry out its functions;
- To assess performance of those functions through monitoring of agreed targets, output and outcome indicators; and
- To improve the effectiveness and efficiency of public services.

In developing the objectives of this Agreement the Department had particular regard to the Programme for Government and the Department of Justice and Equality Strategy Statement 2015 – 2017.

Role of the Mental Health (Criminal Law) Review Board in the Justice and Equality Sector

The Board's function is to periodically review the detention of persons held in designated centres under the Criminal Law (Insanity) Act, 2006 on the basis of their being unfit to stand trial due to a mental disorder or having being found not guilty of a criminal offence by reason of insanity. The Board also reviews the detention of prisoners suffering from mental illness who have been transferred from prison to a designated centre for care or treatment which they cannot receive in prison. The Central Mental Hospital is currently the only designated centre in the country.

The Board consists of four members and generally sits in a panel of three to review cases.

Statutory Framework

The Mental Health (Criminal Law) Review Board is provided for in legislation by virtue of the Criminal Law (Insanity) Act 2006, as amended.

The Board is statutorily independent in the exercise of its functions.

The Board is required to ensure that the detention of each patient is reviewed at intervals of not greater than six months.

Inputs

The Mental Health (Criminal Law) Review Board does not currently have its own individual budget but receives an annual allocation of funding from the Department for which the Secretary General is the Accounting Officer and the accounts of the Board are included in the Department's accounts.

The Board was allocated a budget of €399,000 for 2015 and €397,000 for 2016.

Finances are reviewed monthly by the Chief Executive Officer of the Board and systems are in place to ensure every patient is reviewed within the statutory time limits.

The Chairman is paid a fee not to exceed €70,875 per annum. Members are paid a fee of €250 per case.

The Board is supported by a Chief Executive Officer (at PO level part-time), 1 Higher Executive Officer and 1 Clerical Officer.

Service Levels and Performance Measurement

Commitments/Outputs

The Mental Health (Criminal Law) Review Board is committed to performing its functions in an effective and efficient manner in line with its obligations.

The Board is committed to

- Reviewing circa 80 patients within the 6 month statutory deadline – depending on the number of patients whose detention comes within the remit of the Board for review;
- Considering the possible conditional or unconditional discharge of suitable patients from the Central Mental Hospital;
- Delivering an Annual Report including relevant statistics;
- Ensuring effective controls are in place;
- Ensuring the optimum use of available resources without compromising on quality;
- Producing high quality, timely, well informed decisions in relation to patient reviews; and
- The effective management of resources to meet statutory requirements.

The annual budgetary provision for the Mental Health (Criminal Law) Review Board will form part of the estimates for the Justice and Equality Vote and the requirements of the Board will be considered in that context.

The Department will provide the following supports to enable the Board to fulfil its mandate and meet the agreed outputs:-

- Sufficiently resourced Board;
- 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.
- Provision of dedicated support from within the Department;

- Liaise with the Board in relation to agreed policy objectives; and
- Ensure an appropriate legislative basis to allow the Board to carry out its functions effectively.

Key Performance Indicators

- All patients reviewed at intervals of not greater than six months and also as required;
- Appropriate defence of any litigation taken against the Board through detailed preparation of briefs and practical information to Counsel..

Annual Report and Accounts

Each year the Mental Health (Criminal Law) Review Board reports to the Minister on the performance of its functions and on its activities during the preceding year. The Board's Annual Report 2014 was published by the Minister on 21st April 2015 and copies in both Irish and English were laid before the Houses of the Oireachtas.

Flexibility and Amendment of Targets

Where amendments become necessary, the Mental Health (Criminal Law) Review Board shall engage with the Department of Justice and Equality to agree on amended targets.

Monitoring Arrangements

In accordance with the Department's policy on the monitoring of governance arrangements in relation to the agencies within its remit, the Chief Executive Officer of the Mental Health (Criminal Law) Review Board 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.

Duration and Signatories of the Agreement

Mr. Greg Heylin, Chief Executive Officer, Mental Health (Criminal Law) Review Board and Mr. Jimmy Martin, 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 2016.



Mr. Greg Heylin
Chief Executive Officer
Mental Health (Criminal Law)
Review Board



Mr. Jimmy Martin
Assistant Secretary
Department of Justice &
Equality

Date: 26/2/16

Date: 26/2/2016

