

Department of Justice and Equality

Performance Agreement

Office of the State Pathologist

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1. Introduction

- 1.1** The Department of Justice and Equality has responsibility *inter alia* for the prevention and detection of crime. The Programme for Government 2011-2016 and Statement of Government Priorities 2014-2016 are the core reference points for strategic direction of crime policy in Ireland and for driving the implementation of an integrated response to crime.
- 1.2** The aim of our crime policy is to make Ireland a safe and secure place. To do this we work with the key agencies involved one of which is the Office of the State Pathologist.
- 1.3** The Office of the State Pathologist (OSP) provides independent expert advice on matters relating to forensic pathology and performs the post mortem examinations in cases where foul play is suspected. A post mortem report in these cases is provided to the relevant Coroner. The pathologist attends the inquest held into the death as well as at any court proceedings arising out of a Garda investigation. The OSP manages 182 State Cases a year (average based on the last 5 years 2010 - 2015).
- 1.4** The State Pathologists also perform forensic autopsies at a Coroner's request. These cases are not necessarily suspicious deaths but do require their specialist expertise. A proportion of these cases (approx 1/3) can require the Pathologist's attendance at the inquest to give evidence. Recording the number Coroner cases only started in 2015 - 69 cases were undertaken in 2015 and a further 23 have been performed in 2016.
- 1.5** The forensic histopathology laboratory accepts, handles and processes tissue samples retrieved from post mortem examinations by the forensic pathologist. In the ten year period from 2005 to 2015, there was a total of

2346 cases. Each case requires histological examination, and occasionally, further special staining to be performed by the scientist.

2. Corporate Governance

2.1 The first full time State Pathologist position was established in 1974 under the remit of the Office of the Attorney General. Responsibility for the State Pathologist transferred to the Department of Justice in 1997. The functioning of the office comes under the general civil service rules and legislation. The office is not established by Statute but operates on an administrative basis.

2.2 Corporate Governance is concerned with the framework of rules and practices to ensure accountability, fairness and transparency across organisational activities. The OSP will put in place all the necessary frameworks, including those for risk management and internal audit and will ensure that the Public Spending Code is complied with.

2.3 The State Pathologist also takes responsibility for the development of operational policies, protocols and guidelines to maximise the utilisation of resources and ensure a systematic audit of such. A Code of Practice for this is currently being examined.

3. Objectives of the Agreement

3.1 The key objectives are:

- To define the organisation's role in the criminal justice sector.
- To define the Department of Justice and Equality's expectations of the organisation.
- To define the inputs, outputs and expected outcome of the organisation's activities.
- To enable the Office of the State Pathologist to carry out its functions.
- To measure the performance of those functions through monitoring agreed targets, output and outcome indicators..

4. Mutual 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 co-operation 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 OSP fulfill its mandate.

- Provide dedicated support from within the nominated Division within the Department.
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- Liaise with the Department of Public Expenditure and Reform to ensure 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 performance management and liaison with (HR) shared services.
 - Liaise with the OSP in relation to Public Service Reform initiatives.
 - Liaise with the OSP in relation to agreed policy objectives.
 - Provide guidance and direction on Government Accounting and Governance.
 - Provide invoice processing and other accounting services through the Department's Financial Shared Services.
 - Provide for and resource the annual budget for the OSP which forms part of the Estimates of the Department of Justice and Equality Vote (24).

5. Inputs

5.1 The Office of the State Pathologist is funded from the Justice Vote (24) and has an annual budget in 2016 of €1.399m (of this €0.450m is capital) under subhead B19. The overrun from the 2015 budget of €2.413 was €1.699 (€0.723m capital outlay).

5.2 Human Resource inputs

| Professional Staff | Number | Administrative Staff | Number |
|---------------------------|---------------|-----------------------------|---------------|
|---------------------------|---------------|-----------------------------|---------------|

| | | | |
|-----------------------|------------|------------------|------------|
| State Pathologist | 1 | EO [^] | 1 |
| Deputy Pathologist | 2* | CO ^{^^} | 1.2~ |
| Assistant Pathologist | 1** | | |
| Senior Scientist | 1*** | | |
| Totals | 4.3 | | 2.2 |

*One Deputy is in an acting capacity until September 2016

**Assistant Pathologist covers the Cork and Kerry Region and provides national cover at weekends on a rota basis

***Post currently filled by a locum pending the holding of a competition

[^]Carrying one EO vacancy

[^] [^]Both clerical officers have Dictaphone skills

~ One CO is on carer's leave and works one day a week

5.3 The administrative staff of the OSP provide support and assistance to the Pathologists in the day to day running of the office. The office requires staff cover at all times during office hours.

5.4 The work of the professional staff regularly requires them to be out of the office. The pathologists provide a 24h 365 day on call service on a rota basis.

5.5 The OSP has been accommodated in portacabins on the grounds of the Fire Brigade Training Centre at Marino since the 1990s. Sanction was obtained to refit the former Whitehall Garda Station to accommodate the OSP on the first floor and the City Mortuary on the ground floor. The OSP will move into the new premises in 2016.

6. Service Levels and Measurements 2016

6.2 The Office of the State Pathologist will:

- Maintain the standards in forensic pathology in Ireland as outlined in the "Code of practice and performance standards for forensic pathology", as approved by the Royal College of Pathologists
- Ensure the integrity of evidence is not compromised.
- Adhere to a system of peer review for State Cases as per the Code of Practice.
- Conduct post mortems and provide reports in a timely way.
- Maintain the histopathology laboratory.
- Provide adequate office cover during normal office hours.
- Communicate effectively with members of An Garda Síochána conducting investigations.
- Provide expert witness testimony in Court proceedings.
- Attend inquests where required.

6.3 The Department of Justice and Equality will:

- Participate in the project board to oversee the Whitehall refit.
- Take the lead role in the establishment of new contracts for service for the building.
- Assist HR to run a competition to fill the Senior Laboratory Analyst position.

- Monitor the filling of the EO vacancy and ensure a suitable candidate is assigned.
- Monitor the filling of the additional CO post and ensure a suitable candidate is assigned.
- Seek sanction establish a HEO post to manage the Office.
- Support the promotion of Independent Specialty recognition for Forensic Pathology
- Progress the establishment of a forensic pathologist training programme within the OSP.
- Progress the draft Code of Practice for Forensic Pathology in Ireland.

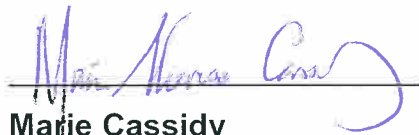
7. Monitoring Arrangements

7.2 The State Pathologist 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.

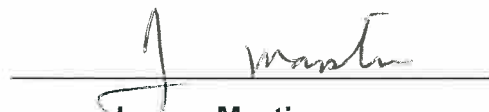
7.3 The State Pathologist and relevant staff will meet with the Department every quarter to progress the matters relevant to this agreement and the functioning of the State Pathologist's Office.

8. Duration and Signatories

8.1 The State Pathologist Dr. Marie Cassidy and Mr. James Martin, Assistant Secretary 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, 2016.



Marie Cassidy
State Pathologist



James Martin
Assistant Secretary
Department of Justice and
Equality

Date: 16th May 2016.

Date: 11/5/2016