



AN ROINN DLI AGUS CIRT AGUS COMHIONANNAS
DEPARTMENT OF JUSTICE AND EQUALITY



AN TÚDARÁS PÓILÍNEACHTA
POLICING AUTHORITY

**GOVERNANCE FRAMEWORK - RELATIONSHIP AND SUPPORT
AGREEMENT**

BETWEEN

THE DEPARTMENT OF JUSTICE AND EQUALITY

AND

THE POLICING AUTHORITY

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1. Introduction

The Policing Authority ('Authority') is an independent statutory body and was established on 1 January 2016 to oversee the performance of the Garda Síochána in relation to policing services¹. A number of the functions of the Policing Authority set out in the Act, require the Authority to either consult, advise or inform the Minister or the Government on various matters.

Within this context, it is important that the Authority and the Department of Justice and Equality ('Department') work to ensure a good working relationship with each other.

The purpose of this agreement is to describe the key roles, responsibilities and supports which underpin the relationship between the Authority on the one hand and the Department, the Minister and the Oireachtas on the other. In the exercise of its statutory functions, the Authority is wholly independent and as a publicly funded body it is appropriately accountable to the Oireachtas and the Minister.

The key reform in the justice sector of creating an independent Policing Authority envisages a policing accountability and oversight regime of the Garda Síochána that comprises various interlinked and interdependent roles. In addition to its relationship with the Department, the Authority will need to develop direct and effective relationships with a number of entities, including the:

- Garda Síochána;
- Garda Inspectorate;
- Garda Ombudsman Commission;
- Joint Policing Committees;
- Department of Public Expenditure and Reform; and
- Public Appointments Service.

The Department and the Authority each have their own clearly documented Governance Framework set out independently and available on their respective websites.

This document reflects the statutory position in accordance with the Garda Síochána (Policing Authority and Miscellaneous Provisions) Act 2015 which

¹ Section 62A(7) provides "Subject to this Act, the Authority shall be independent in the performance of its functions"

amended the Garda Síochána Act 2005(the ‘Act’) and will be reviewed and updated as necessary, at least every 3 years.

2. Role and functions of the Policing Authority in the Justice Sector

2.1. Status

The Authority is an independent statutory body established on 1 January 2016. The function of the Authority is to oversee the performance of the Garda Síochána in relation to policing services. The Act is the primary legislation under which the Authority operates and thus is the fundamental underlying instrument for the Authority’s governance.

2.2. Functions

The overarching role of the Authority is to oversee the performance by the Garda Síochána of its functions relating to policing services. Its functions, powers and duties as set out in the Act include:

- Setting priorities and levels of performance for the Garda Síochána in relation to policing services with the approval of the Minister;
- Approving the Strategy Statement for the Garda Síochána and Annual Policing Plan submitted by the Garda Commissioner;
- Keeping under review:
 - the performance by the Garda Síochána of its functions and the arrangements and strategies in place to support and enhance the performance of those functions;
 - the adequacy of:
 - the corporate governance arrangements and structures within the Garda Síochána;
 - the arrangements for the recruitment, training and development of the members and members of the civilian staff of the Garda Síochána;
 - the mechanisms in place within the Garda Síochána for the measurement of performance and accountability of members and staff; and

- the arrangements for managing and deploying the resources available to the Garda Síochána so as to ensure the most beneficial, effective and efficient use of those resources;
- Holding regular meetings with the Garda Commissioner, at least 4 of which will be held in public and may be broadcast by the media each year;
- Responsibility for:
 - nominating persons for appointment by the Government to the posts of Garda Commissioner and Deputy Garda Commissioner following a selection process undertaken by the Public Appointments Service, and recommending their removal in certain circumstances;
 - appointing persons to the ranks of Garda Superintendent, Chief Superintendent and Assistant Commissioner (and removing them for reasons related to policing services);
 - appointment of the civilian staff of the Garda Síochána of grades equivalent to or above that of Chief Superintendent
- Establishing a Garda Code of Ethics within 12 months of the establishment of the Authority;
- Issuing guidelines to Local Authorities and the Garda Commissioner concerning the establishment and maintenance of Joint Policing Committees (JPCs) and convening meetings of JPC chairpersons for the purpose of coordinating or facilitating the performance of their functions;
- Promoting the policing principles and public awareness of matters relating to policing services and supporting the continuous improvement of policing in the State.
- Undertaking, commissioning or assisting in research projects in respect of matters relating to policing services, which in the opinion of the Authority, may:
 - promote an improvement in standards for those matters and public awareness of them; or
 - contribute to a reduction in the number of complaints against members of the Garda Síochána in relation to those matters.
- Keeping itself generally informed as to:

- complaints made against members of the Garda Síochána and the application of the Disciplinary Regulations; and
- trends and patterns in crimes committed;
- Monitoring, assessing and reporting to the Minister on the measures taken by the Garda Síochána in relation to recommendations made in a report of the Garda Síochána Inspectorate; and
- Provision of information and advice to the Minister on a range of issues including:
 - the resources that are likely to be required by the Garda Síochána to perform its functions in each forthcoming financial year;
 - matters relevant to the accountability of the Government to the Houses of the Oireachtas
 - developments in respect of matters relating to policing services and recommendations to assist the Minister in co-ordinating and developing policy in that regard; and
 - best policing practice.

3. Mutual Commitments

Both parties commit to:

- arrange and participate in the periodic meetings set out in section 5.1 below;
- the principle of “no surprises”, e.g. proactive and timely communications, cooperation and information sharing, including;
 - advance notice where possible of relevant matters with the potential to impact;
 - informing each other in advance of significant press-releases or media queries of relevance or interest to the other party; and
 - keeping each other fully apprised and updated on key issues including those pertaining to other bodies involved in Garda and policing matters relevant to the work of the Authority or the Department;
- support the effective achievement of agreed actions.

The Department commits to:

- take due account of the Authority's role and statutory functions and to ensure that the Authority is included/consulted as appropriate in all relevant matters;
- proactively consider the Authority's role in the ongoing work of the Department with the Garda Síochána to determine whether the Authority needs to be informed, consulted or directly involved in any matter that arises;
- coordinate issues of a horizontal nature where there are shared or related legislative responsibilities by various entities which are under the Department's aegis, including for example the Authority, the Garda Inspectorate, the Garda Síochána Ombudsman Commission and the Garda Síochána;
- support the Authority through the appropriate provision of administrative shared services under Service Level Agreements where feasible, consistent with maintaining the independence of the Authority; and
- engage with the Department of Public Expenditure and Reform ("DPER") in the Estimates process, to represent the interests and resource requirements of the Authority to ensure fulfilment of its statutory functions. This will include engaging with the Authority in appropriate detail and at early and frequent junctures throughout the process.

The Authority commits to:

- The reporting and accountability framework set out in Section 5.2 below;
- Engaging with the Department to provide material and information required for the estimates process and the Minister's appearance before the Select Committee in relation to the Estimates ;
- Providing material as requested for the purposes of responding to PQs, Topical Issues and other Oireachtas debates; and
- Advise the Department of key risks facing the Agency on a quarterly basis for the purposes of the managing the Department's Risk Register.

4. Financing of the Policing Authority

The gross annual budget for the Authority in 2016 is €2.7 million, which is expected to increase in subsequent years as the organisation develops, takes on more staff and takes over all of its functions.

Under the Act, the Chief Executive of the Authority is the Accounting Officer for the Authority's Vote and is responsible for all aspects of financial governance and reporting. The budget for the Policing Authority will be set each year by DPER as part of the Estimates process and approved by the Oireachtas. This process is managed at Vote Group level by the Department. The Authority will work with the Department to set out its resource requirements as part of this process. The Department will represent the interests and resource requirements of the Authority to ensure fulfilment of its statutory functions. This will include engaging with the Authority in appropriate detail and at early and frequent junctures throughout the process.

The Authority is represented at the Department's Financial Management Committee ('FMC') meetings with the Heads of Finance from the other Justice Sector vote areas. The purpose of these meetings is to monitor and review expenditure for the Vote Group and to discuss any other financial issues common to the Vote group, in which the Department liaises on behalf of the Vote Group with DPER. Part of the remit of this group is to review "new expenditure" i.e. any significant items (over €50,000) of expenditure on new programmes or activities across the Vote group.

The Authority is required to seek the consent of the Minister and the Minister for Public Expenditure and Reform before appointing staff. To ensure an efficient process for this the Authority will submit such requests to DPER and the liaison officer of the Department. The Authority will ensure that any such submissions provide adequate information for the Department to consider the matter and will provide any follow up information required promptly. The Department will consider the matter promptly and will not withhold its consent unreasonably.

5. Key interactions between the Department and the Authority

On relevant matters, the interactions between the Authority and the Department will need to be dynamic and informal and driven by business needs and the mutual commitments of each body. However, it is appropriate to set out below the likely minimum pattern of engagement. Formal communications with the Department will

be through the Chairperson of the Authority, Chief Executive or members of the Executive team.

5.1. Meetings

Meetings between the Authority and the Department will typically consider issues of common interest pertaining to the Authority or its functions and Departmental support that can be provided to the Authority in implementing its remit. These meetings will also afford both organisations the opportunity to address any matters arising out of the operation of this framework. An agenda will be prepared in advance of each meeting and any action points will be recorded and shared between the parties.

There will be formal and routine meetings held between the Department and the Authority as follows:

Forum / participants	Timing
Tripartite meetings between the Department, Policing Authority and the Garda Síochána <ul style="list-style-type: none"> - Secretary General and Assistant Secretary General Policing Division - Authority Chairperson and Chief Executive - Garda Commissioner and Deputy Commissioners 	As frequently as necessary, but at least once per year
Liaison meetings between senior management of the Department and senior management of the Authority <ul style="list-style-type: none"> - Assistant Secretary General Policing Division and relevant management team - Chief Executive and senior management team 	As frequently as necessary, but at least on a quarterly basis
Routine meetings between the Executive of the Department and the Authority	<i>On an ongoing basis as necessary</i>

5.2. Reporting and Accountability

Action	Reporting to
The Authority shall keep the Minister informed of matters relevant to the accountability of the Government to the Houses of the Oireachtas ²	<i>The Minister</i>
The Authority shall provide information and advice to the Minister with regard to matters relating to policing services ³ .	<i>The Minister</i>
The Authority shall keep the Minister informed of developments in respect of matters relating to policing services and make recommendations to assist the Minister in co-ordinating and developing policy in that regard ⁴ .	<i>The Minister</i>
In the event that the Authority exercises its power to request the Garda Inspectorate to perform an inspection or inquiry in relation to any policing matter, it shall notify the Minister of a request made by it and will provide the Minister with a copy of the related report as soon as practicable ⁵ .	<i>The Minister</i>
The Authority is required to produce a strategy statement every three years and submit it to the Minister. This statement shall set out its key objectives, outputs and related strategies, including the most beneficial and efficient use of its resources. Once received, the Minister shall lay a copy of the statement before each House of the Oireachtas as soon as practicable.	<i>The Minister, Government, Oireachtas and the Public</i>
The Authority is required to produce an Annual Report on its activities to the Minister no later than 3 months after the end of the year to which the report relates. The Annual Report will be developed by the Executive and approved by the Authority. Once received, the Minister shall lay a copy of the statement before each House of the Oireachtas as soon as practicable	<i>The Minister, Government, Oireachtas and the Public</i>
Within 2 years of its establishment (i.e. by 1 January 2018), the Authority is required to submit a report to the Minister on its effectiveness and the adequacy of the functions assigned to it under the legislation. Such a report shall include any recommendations for improving its effectiveness that the Authority wishes to make. The	<i>The Minister, Government, Oireachtas and the Public</i>

² 62 H (1) (h) of the Act

³ 62 H (1) (i) of the Act

⁴ 62 H (2) (e) of the Act

⁵ Section 117 of the Act

Action	Reporting to
Minister shall lay a copy of this report before the Houses of the Oireachtas as soon as practicable.	
At the end of each 5 year period commencing with the establishment day of the Authority, the Authority shall submit to the Minister a report reviewing the general performance of its functions in the preceding 5 years. Once received, the Minister shall lay a copy of the statement before each House of the Oireachtas as soon as practicable ⁶ .	<i>The Minister, Government, Oireachtas and the Public</i>
The Authority may make any other reports that it considers appropriate for drawing to the attention of the Minister matters that have come to its notice and that, in its opinion, should, because of their gravity or other exceptional circumstances, be the subject of a special report to the Minister. Once received, the Minister shall lay a copy of the statement before each House of the Oireachtas as soon as practicable	<i>The Minister, Government, Oireachtas and the Public</i>
The Minister may request the Authority to prepare and submit to him or her a report in respect of any matter relating to policing services, and the Authority shall comply with the request as soon as practicable after receiving it. Once received, the Minister shall lay a copy of the statement before each House of the Oireachtas as soon as practicable	<i>The Minister, Government, Oireachtas and the Public</i>

6. Support Services

Certain shared services are provided by the Department to the Authority using Service Level Agreements. In common with other organisations in the Justice and Equality Vote, the Office avails of shared services for its payment and accounting processes. Invoice payments are processed through the central accounting system in the Department's Financial Shared Services Centre (FSS) in Killarney. Payroll and expense payments are processed by the Payroll Shared Service Centre (PSSC) which is under the remit of DPER. These payments are transferred to the general ledger in FSS via the same payroll interface files as other organisations attached to the Justice and Equality Vote.

⁶ 620 of the Act

The Authority also has a Service Legal Agreement with the Department of Justice & Equality IT Division for the provision of IT services and support to the office.

Other areas of explicit support that the Department will provide to the Authority include:


- Shared HR systems and support;
- Media monitoring service; and
- Access to Department Training courses and funding of specialised training.

7. Signatories

SIGNED this 15 day of September, 2016.



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



Helen Hall, Chief Executive, Policing Authority