



An Roinn Dlí agus Cirt  
agus Comhionannais  
Department of Justice  
and Equality



**Department of Justice and Equality**

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**Forensic Science Ireland**

**Oversight Agreement 2020-2022**

## **1. Introduction**

### **1.1 Scope of this Agreement**

This Oversight Agreement has been drawn up by the Department of Justice and Equality (“the Department”) in consultation with Forensic Science Ireland (“FSI”), in accordance with the 2016 edition of the Code of Practice for the Governance of State Bodies (“Code of Practice”). Together with the separate but related Performance Delivery Agreement (PDA), it succeeds the previous Oversight/Performance Delivery Agreement (2019) between the two parties.

This Oversight Agreement sets out the broad governance and accountability framework within which FSI operates, and defines the key roles and responsibilities which underpin the relationship between it and the Department. While this Agreement will remain in force until end 2022, the parties will, in accordance with the Code of Practice, review it approximately every 12 months and update it as necessary.

### **1.2 Background and context**

#### *1.2.1 Role of Forensic Science Ireland*

FSI is a non-statutory executive agency of the Department and a key component of the criminal justice system. Its Vision is “Science Supporting Justice” and its Mission is to provide the Irish justice system with a high-quality, integrated forensic service through independent, expert scientific analysis and advice to the highest international standards. To that end, FSI carries out a range of activities including comprehensive scientific analysis of samples submitted from crime scenes, the provision of independent expert opinion in criminal trials, and the provision of specialised advice and training. As such, FSI fulfils a vital role in the investigation and prosecution of criminal offences and in recent years it has also played a growing support role in missing person investigations and person identifications.

FSI is the custodian of the national DNA Database System and has prime responsibility for its operation and continued expansion, as provided for by the Criminal Justice (Forensic Evidence and DNA Database System) Act 2014. FSI also has a central role in the implementation of Ireland’s obligations under the ‘Prüm Decision’<sup>1</sup>, including serving as the national contact point for DNA information exchange with other EU Member States.

While FSI is currently based in Garda Headquarters in the Phoenix Park, Dublin, plans to build a new fit-for-purpose FSI building on the scientific campus at Backweston, Co. Kildare are well advanced.

FSI has an authorised budget of €17.44 million for 2020 for Pay/Non-Pay, with an authorised capital budget of €39.551 million for the construction of the new laboratory at Backweston. FSI has 185 staff (as at 1<sup>st</sup> June 2020), primarily comprising scientists, analysts and seconded Garda experts trained in forensic testing and reporting techniques, along with some administrative and IT support staff.

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<sup>1</sup> The Department is responsible for overseeing the overall implementation of EU Council Decision 2008/616/JHA, known as the Prüm Decision. Under Prüm, Ireland is obliged to put in place mechanisms to enable the exchange of various types of information with other EU Member States in order to combat terrorism and international crime.

### *1.2.2 Merger of FSI and Garda Technical Bureau*

The Garda Inspectorate's review of management and structures in An Garda Síochána, entitled *Changing Policing in Ireland – Delivering a Visible, Accessible and Responsive Service* (2015) included a recommendation that the forensic functions of the Garda Technical Bureau (GTB) should be divested to FSI. The rationale for this recommendation was the expected efficiencies from consolidating quality systems, ICT systems and case intake/return management as well as synergies from evaluation and presentation of different forensic evidence types. Following a Government decision in July 2016 to implement the report, a working group (chaired by the Department and including FSI and GTB representatives) was established to plan for laboratory-based GTB services including fingerprints, documents and handwriting and ballistics to be merged with FSI (with crime scene services including mapping, photography and scene management remaining in the GTB for this phase of the merger programme). The approach ultimately agreed was to second serving experts from the GTB with full responsibility for the service, while training new civilian experts in parallel with a view to full civilianisation over time. As a result, service responsibility for fingerprints, documents and handwriting, and for the submission and return of Garda exhibits, transferred to FSI in December 2019. 25 Garda experts have been seconded to FSI, while scientists have been deployed to fingerprints, documents and handwriting to undergo training and support case work, with recruitment planned in 2020 to fill vacancies.

### *1.2.3 Strategic fit of FSI within the Justice and Equality sector*

The Department has overall responsibility for, *inter alia*, the administration of the criminal justice system. Its strategic objectives include leadership in and oversight of justice policy and delivery, and maintaining a safe and secure Ireland. FSI occupies a unique place in that criminal justice system as a specialised executive agency with an independent operational mandate, providing a specific scientific service to assist in both the investigation and adjudication of criminal cases.

### *1.2.4 Department's Transformation Programme*

Major structural reform has taken place in the Department with the implementation of its Transformation Programme in 2019. This Programme has moved the Department from a traditional Divisional structure to a streamlined functional model under which the Department's core work has been realigned under two discrete pillars: Criminal Justice and Civil Justice & Equality. Each pillar is subdivided into the four functional areas of Policy, Legislation, Governance, and Operations & Service Delivery. The criminal and civil pillars are supported by a third, central pillar comprising the enabling and co-ordination functions of Corporate Affairs, Transparency and European Affairs.

Transparency is responsible for sourcing, assessing and communicating all information required by the Minister, as well as managing internal and external communications including press queries, representations, complaints from members of the public, parliamentary questions, event management etc. Transparency engages directly with FSI in such matters. Criminal Justice Policy liaises directly with FSI on relevant policy issues.

The establishment of a dedicated **Criminal Justice Governance** function is intended to enable the Department to build and consolidate its capacity in this area, leading to more focused and mutually beneficial relationships with the bodies under its remit and,

ultimately, supporting a better service to stakeholders and the wider public. This functional area has primary responsibility for the oversight of all criminal justice agencies under the aegis of the Department. It comprises six Principal Officer-led teams, of which the following four have specific dealings with FSI as required:

<b><i>Team</i></b>	<b><i>Purpose</i></b>
<b>Governance Standards</b>	To develop and promote consistent approaches to oversight, put in place effective governance agreements with bodies, and advise on specific governance structures and proposals.
<b>Performance and Compliance</b>	To support, monitor and appraise the overall performance of FSI and its compliance with its corporate governance obligations, and to manage the governance relationship on an ongoing basis.
<b>Financial and Capital Resources</b>	To oversee financial (current and capital), infrastructure, procurement and IT resource management of FSI as well as approvals for the accompanying resources.
<b>Human Resources and Appointments</b>	To advise and consult on strategic HR issues and senior appointments.

## **2. Corporate Governance Arrangements and Obligations**

### **2.1 Roles and Responsibilities**

#### *2.1.1 Accounting Officer*

FSI is funded under the Department's Vote (Vote 24), for which the Secretary General is Accounting Officer. The Accounting Officer is responsible for the safeguarding of public funds and property under the Department's control, for the efficiency and economy of administration by the Department and for the propriety of all transactions in the appropriation account. Further external scrutiny and governance is provided through the submission of the Appropriation Accounts to the Comptroller & Auditor General and ultimately to the Oireachtas via the Public Accounts Committee.

#### *2.1.2 Director General of FSI*

The Director General of FSI is appointed by the Minister and has overall managerial responsibility for the administration and business of FSI, including finance, human resource management, accommodation, ICT and service development initiatives. The Director General shall discharge these obligations in accordance with (a) the policy and budgetary frameworks laid down by the Minister/Department and (b) the governance structures and obligations outlined in this Agreement. The Director General is accountable to the Department for the performance of his/her functions, and reports to the Deputy Secretary General (Criminal Justice).

#### *2.1.3 Directors*

The Director General is supported by five Directors as follows:

- *Director of DNA*: responsible for the DNA discipline which includes the operation of the National DNA Database, biological evidence casework, and legal affairs relevant to the DNA discipline.
- *Director of Corporate Services*: responsible for ICT, case intake/return, infrastructure/facilities, finance, external affairs, and for FSI's obligations under the Freedom of Information and Data Protection Acts.
- *Director of Physical Analysis*: responsible for the Physical Analysis discipline which includes casework in the areas of chemistry, fingerprints, documents and handwriting, and legal affairs relevant to the Physical Analysis discipline.
- *Director of Chemical Analysis*: responsible for the Chemical Analysis discipline which includes casework in the areas of drugs, toxicology and analytical chemistry, health and safety across FSI, and legal affairs relevant to the Chemical Analysis discipline.
- *Director of Science and Development*: responsible for ensuring the quality of the scientific results issued by FSI, human resources, staff development, innovation and method development.

#### 2.1.4 Senior Management Team

The FSI senior management team comprises the Director General, the five Directors, a Quality Manager, a seconded Detective Inspector, ten Team Managers, a Customer Liaison Manager, a Health & Safety Manager, an Information Systems Manager, and an Operations Support Manager. The responsibilities of the senior management team include:

- Setting targets and standards for FSI;
- Identifying and seeking the resources necessary to achieve these targets and standards;
- Maintaining the quality of laboratory services and ensuring that the requirements of international standards for laboratories are met.

The detailed roles and responsibilities of senior managers are set out in the FSI Quality Manual.

## 2.2 Adherence to relevant Governance Codes and Standards

FSI is subject to a range of statutory and other corporate governance obligations including those set out in the Code of Practice and in the Governance Standard for Justice and Equality Sector Bodies. The Director General and the senior management team will ensure that all relevant obligations are fully complied with.

## 2.3 Strategy Statement/Strategic Plan

In accordance with section 1.17 of the Code of Practice, FSI produces a multi-year Strategic Plan which it submits to the Minister for approval with or without amendment. The [Current Plan](#) covers the period 2019-2022. FSI will ensure that a successor Plan is developed in a timely manner. In accordance with section 1.15 of the Code of Practice, the Plan will include appropriate objectives and goals along with relevant indicators and targets against which performance can be clearly measured.

## **2.4 Auditing and Risk Management**

FSI has its own risk management policy which is aligned with the Department's corresponding policy. FSI also has a risk register which is regularly reviewed and updated by its senior management. The outcome of these assessments is used to plan and allocate resources to ensure that risks are managed to an acceptable level. Copies of the risk management policy and risk register, and of significant changes thereto, will be provided to the Performance and Compliance team in Criminal Justice Governance (hereafter "Performance & Compliance").

As the FSI is a non-statutory executive agency which is funded under the Department's Vote, the Department's Internal Audit Unit (IAU) supports FSI in monitoring and reviewing the effectiveness of its arrangements for governance, risk management and internal control. Any audit work will be agreed between the Director General and the Head of Internal Audit, and the IAU will carry out the audits within an agreed timeframe.

As FSI falls under the Justice Vote (Vote 24), the Department's Audit Committee supports FSI in ensuring that the interests of Government and other stakeholders are protected in relation to business and financial reporting and internal control. The Department's Risk Committee provides a similar support in relation to risk identification and management, and may from time to time invite the attendance of FSI to discuss their risks and how they are being managed.

## **2.5 Other key obligations and arrangements**

### *2.5.1 Procurement*

In accordance with section 8.16 of the Code of Practice, the Director General will ensure competitive tendering as standard in the procurement processes of FSI, and that the applicable procurement policies are disseminated to all relevant staff and adhered to.

The Director General will affirm adherence (or otherwise) to the applicable procurement policies and procedures in the annual Comprehensive Report to the Minister. However, any significant<sup>2</sup> compliance difficulties or breaches will be reported to Criminal Justice Governance (Financial and Capital Resources team) at the earliest opportunity.

### *2.5.2 Other expenditure*

The Director General will ensure adherence to the applicable levels of delegated sanction for authorising expenditure. In any instance where there does not exist clear authority to incur a given expenditure, FSI will consult in advance with Criminal Justice Governance (Financial and Capital Resources team).

### *2.5.3 Protected Disclosures*

In accordance with section 21(1) of the Protected Disclosures Act, 2014, FSI has adopted the Department's Protected Disclosures policy and has communicated it to all FSI staff. This policy outlines the process for the making of protected disclosures by workers who are or were employed in the organisation and the process for dealing with such

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<sup>2</sup> e.g. of a recurring nature, or involving substantial contract values, values above EU thresholds and/or a serious divergence from procurement rules and/or the Public Spending Code

disclosures. If a worker wishes to report wrongdoing they may contact their line manager or the Department's Head of Internal Audit.

#### *2.5.4 Values Statement and Customer Service Policy*

FSI has a Values Statement which sets out the standards of behaviour expected of all staff. This Values Statement was developed through an open process in which all staff participated. The key values of FSI are:

- Inclusivity
- Professionalism
- Service Excellence
- High Ethical Standards
- Personal Responsibility
- Good Health and Wellbeing

FSI also has a customer service policy setting out the level of service that its customers can expect. The policy is displayed prominently on the FSI website. Details of the customer service that the FSI's main customer, An Garda Síochána, can expect are set out in a Service Level Agreement which is agreed annually with An Garda Síochána.

FSI operates a complaints policy as part of its obligations under accreditation to ISO 17025 standard. Complaints from customers are forwarded to the relevant Directorate and to the Quality Manager, who investigates each complaint, prepares a report, and issues a response to the complainant which addresses the issues raised. Complaints are reviewed at the Quarterly Management Review.

FSI will annually, or more frequently if the Department so requests, submit to Performance & Compliance an appropriately detailed report in respect of any formal complaints that it has received from service users or other stakeholders in the period concerned, and how these were/are being addressed. However, any complaints of a serious nature (and how they have been/are being dealt with) will be notified to the Performance and Compliance team at the earliest opportunity.

#### *2.5.5 Data Protection*

FSI will make every effort, including with the various bodies with whom it exchanges personal data, to ensure full and continued compliance with the General Data Protection Regulation (GDPR) and the Data Protection Acts 1988 and 2018. As an executive agency of the Department, FSI is subject to the Department's data protection policy. FSI's Director of Corporate Services is its designated Data Protection Officer.

FSI will annually, or more frequently if requested, submit to Performance & Compliance a summary of the number and nature of data breaches that it has reported to the Data Protection Commissioner (DPC) in the period concerned and any remedial action it has taken to avoid recurrences. However, FSI will at the earliest opportunity notify Performance & Compliance of any significant data breach (e.g. one involving the disclosure of highly sensitive personal data and/or the data of a large number of individuals) once it has reported same to the DPC.

### *2.5.6 Public Sector Equality and Human Rights Duty*

FSI will have full regard to its obligations under section 42 of the Irish Human Rights and Equality Commission Act 2014 to:

- Assess and identify human rights and equality issues relevant to its functions, including through its Strategic Plan.
- Identify the policies and practices that are/will be put in place to address those issues.
- Report on related developments in its Annual Report.

### *2.5.7 Environmental and Energy Issues*

FSI will fulfil its statutory and other obligations in relation to environmental and energy issues as follows:

- (i) In accordance with requirements set out in the *Public Sector Energy Efficiency Strategy 2017*, FSI has a designated Energy Performance Officer who is responsible for (inter alia) the following actions and targets:
  - Striving to achieve the statutory target of a 33% reduction in energy use by 31<sup>st</sup> December 2020 in accordance with S.I. 426 of 2014 (European Union (Energy Efficiency) Regulations).
  - Accurately reporting energy use, annually, to the Sustainable Energy Authority of Ireland (SEAI), in advance of their deadline.
  - Publishing progress (or lack thereof) achieved on energy reduction in FSI's annual report.
- (ii) Participating in Justice-sector and wider public sector initiatives in relation to energy and environmental issues.
- (iii) Having due regard to the Department of Public Expenditure and Reform (D/PER) Circular 20/2019 on Promoting Environmental and Social Considerations in Public Procurement.

### *2.5.8 Provision of information to Members of the Oireachtas*

FSI will ensure compliance with D/PER Circular 25/2016 ('Provision of information to Members of the Oireachtas by State bodies under the aegis of Government Departments/Offices').

### *2.5.9 Periodic Critical Review*

The Code of Practice provides for Periodic Critical Reviews (PCRs) non-commercial State bodies every five years. Sections 8.14, 8.15 and Appendix F of the Code provide details on how such reviews are to be conducted. Both parties to this Agreement will engage in a timely, constructive and comprehensive manner on the scheduling, planning and conduct of any PCR proposed for FSI.

## **2.6 Annual Report and Director's Comprehensive Report to the Minister**

### *2.6.1 Annual Report*

In accordance with section 6 of the Code of Practice, the Director General will submit to the Minister, not later than four months after the end of the relevant year, an Annual Report on the performance of the functions and activities of FSI during the preceding year. The report will be published as soon as possible thereafter.



In accordance with Appendix A of the 'Code of Practice for the Governance of State Bodies – Business & Financial Reporting Requirements', the Annual Report will include (*inter alia*):

- An explanatory note on any derogations (as agreed between the Authority and the Department) from the applicable provisions of the Code of Practice.
- Confirmation that FSI has carried out an appropriate assessment of its principal risks (including a description of those risks) and, where appropriate, outline any associated mitigation measures or strategies.
- Confirmation of FSI's adherence to all relevant aspects of the Public Spending Code.
- A statement on the system of internal controls in FSI, addressing the applicable items listed in Appendix D of the 'Code of Practice for the Governance of State Bodies – Business and Financial Reporting'.

The FSI Annual Report will also, in line with section 70 of the Criminal Justice (Forensic Evidence and DNA Database System) Act 2014, incorporate a report by the Director General on the performance of his/her functions under that Act.

#### *2.6.2 Director General's Comprehensive Report to the Minister*

In conjunction with the submission of FSI Annual Report, the Director General will furnish a Comprehensive Report to the Minister in line with the applicable provisions of section 1.9 and Appendix C of the 'Code of Practice for the Governance of State Bodies – Business & Financial Reporting Requirements'. The purpose of this Report is to provide assurance that the FSI's systems of internal controls, risk management and other areas of compliance are operating effectively. As per the Code of Practice, the aforementioned statement on the system of internal control forms part of the Director General's Comprehensive Report in addition to its inclusion in the FSI Annual Report.

### **3. Monitoring arrangements and key interactions**

Criminal Justice Governance will hold two formal governance meetings with FSI per year (or more if necessary). These meetings will consider, *inter alia* and as required:

- Delivery of FSI's Strategic Plan and its annual business plan(s);
- Progress against the targets and indicators set out in the annual PDA;
- Financial and budgetary management;
- Capital expenditure projects, including the development of the new FSI headquarters;
- Human resource issues including staffing, training and industrial relations matters;
- Risk management;
- Any internal governance-related issue;
- Any matter relating to FSI that might have been the subject of, or might give rise to, public commentary or scrutiny;
- Any matter that might impact on the reputation of FSI;
- Any other matter comprehended in, or arising from, this Agreement.

Outside of the aforementioned governance meetings there will continue to be regular, less formal interactions between FSI and the Department in accordance with the business needs and mutual commitments of each party. In this context, informal and unscheduled contact (whether face-to-face or by email or telephone) between both parties forms an integral part of their relationship.

## **4. Commitments**

### **4.1 Mutual Commitments**

Both parties will:

- Be proactive and timely in (a) informing each other in relevant matters including significant public announcements, media engagements and publications and (b) communicating requests and responses that are necessary to meet the Minister's obligations to the Oireachtas or to inform responses to representations, media queries etc. This will be underpinned by a 'no surprises' approach to matters of mutual interest or concern.
- Engage in a timely manner on relevant strategic, policy and legislative issues.
- Engage as appropriate on enhanced data collection/analysis, data exchange and research initiatives to support both the work of FSI and the Department's governance, policy and transparency responsibilities.
- Work collaboratively to identify and address relevant technological, structural, legislative and technological issues, particularly in relation to the Automated Fingerprint Identification System (AFIS), the GTB merger and the National DNA Database.

### **4.2 Departmental commitments**

The Department will:

- Support the project to provide FSI with a work facility that complies with Health and Safety regulations and ISO design standards for forensic analysis and evaluation.
- Provide, via its HR Division, services encompassing recruitment, employee relations, workforce development, performance management and liaison with (HR) shared services as required.
- Provide for and resource the annual budget for FSI and liaise appropriately with D/PER with a view to obtaining timely sanctions for expenditure and resourcing in line with public financial procedures and policies on public service numbers.
- Provide any necessary guidance/direction on procurement and expenditure rules, government accounting and governance generally.
- Seek, over the lifetime of this Agreement, to develop and advance legislative proposals as necessary to support the efficient and effective operation of FSI, particularly in relation to the disciplines transferred from the Garda National Technical Bureau.
- Provide payroll, invoice processing and other accounting services through the Financial Shared Services Centre.

- Support FSI, via the Department's ICT Division, in developing enhanced ICT operating platforms and support plans that address its unique needs.
- Liaise with FSI on relevant public service reform/engagement initiatives.

### **4.3 FSI commitments**

FSI will:

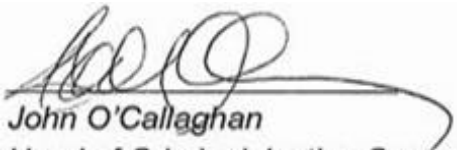
- Ensure that expenditure in any individual year does not exceed the allocated budget except in exceptional circumstances and with the agreement of the Department's Financial Management Unit.
- Provide timely, relevant and appropriately detailed information to facilitate the monitoring of this Oversight Agreement and of the PDA, including in the context of the formal governance meetings; and
- Return relevant and appropriately detailed performance information for inclusion in the Revised Estimates for Public Services volume.


More generally, in keeping with the 'no surprises' principle and in the interests of partnership with the Department, FSI will ensure that the Department is appropriately informed and/or consulted as follows:

- Significant governance-related issues or concerns are brought formally to the attention of Criminal Justice Governance at the earliest possible opportunity; and
- Criminal Justice Governance and/or Criminal Justice Policy, as appropriate, are consulted in early course where FSI intends to pursue significant new operational initiatives or to commission research or consultancy that relates substantively to the management, operations or strategic objectives of FSI.

## **5. Duration and signatories to the Agreement**

John O'Callaghan, Head of Criminal Justice Governance, Department of Justice and Equality, and Chris Enright, Director General, Forensic Science Ireland, agree that this Oversight Agreement will apply from the date hereunder until 31<sup>st</sup> December 2022.

  
**John O'Callaghan**  
*Head of Criminal Justice Governance*  
*Department of Justice and Equality*

  
**Chris Enright**  
*Director General*  
*Forensic Science Ireland*

**Date: 16<sup>th</sup> June 2020**