



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



Oversight Agreement 2020-21

Department of Justice and Equality

Garda Síochána Inspectorate

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 the Garda Síochána Inspectorate (“the Inspectorate”), in accordance with the 2016 edition of the Code of Practice for the Governance of State Bodies (“Code of Practice”). It, together with the separate but related Performance Delivery Agreement (PDA), 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 the Inspectorate operates, and defines the key roles and responsibilities which underpin the relationship between it and the Department. While this Agreement shall remain in force until end 2021¹, the parties will, in accordance with the Code of Practice, review it after 12 months and update it as necessary.

1.2 Background and Context

1.2.1 Role of the Garda Síochána Inspectorate

The Inspectorate is an independent statutory body established under the Garda Síochána Act 2005 as amended (“the Act”). Its objective is to ensure that the resources available to the Garda Síochána are used so as to achieve and maintain the highest level of efficiency and effectiveness in its operation and administration as measured by reference to the best standards of comparable police services. In fulfilment of its objective the Inspectorate carries out inspections and provides advice to the Minister and the Policing Authority.

1.2.2 Strategic fit of the Garda Síochána Inspectorate within Justice and Equality Sector

One of the six strategic goals of the Department in its Strategy Statement 2016-2019 is “A Safe, Secure Ireland: To safeguard the security of the State and to achieve reductions in crime and re-offending and improvements in people’s safety”. In this regard, the Department has responsibility for the strategic development of an effective, visible and accountable police service. The Inspectorate contributes to this goal by:

- Carrying out inspections or inquiries in relation to any particular aspects of the operation and administration of An Garda Síochána.
- Reporting to the Minister or the Policing Authority on those inspections including, where necessary, making recommendations.
- Providing advice to the Policing Authority and the Minister with regard to best policing practice.

1.2.3 Department’s Transformation Programme

Major structural reform has taken place in the Department with the implementation of its Transformation Programme during 2019. This Programme moves the Department from a traditional divisional structure to a streamlined functional model under which the

¹ This timeframe is subject to the progress and ultimate outcome of the proposed Policing and Community Safety Bill.

core work of the Department has been realigned under two separate 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.

The varied work carried out by the Department's former Policing Division is now, in the main, being undertaken by the Transparency, Criminal Justice Policy and Criminal Justice Governance functions respectively. The **Transparency** function 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 liaises directly with the Inspectorate in such matters. The **Criminal Justice Policy** function engages directly with the Inspectorate on relevant policing policy issues as required.

The establishment of a dedicated **Criminal Justice Governance** function is intended to enable the Department to build and consolidate its capacity in this area, resulting in 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 oversees all criminal justice agencies under the aegis of the Department. It comprises the following six Principal Officer-led teams, each of which has specific dealings with the Inspectorate as required:

<i>Team</i>	<i>Purpose</i>
Criminal Justice Performance and Compliance	To support, monitor and appraise the overall performance of the Inspectorate and its compliance with its corporate governance obligations, and to manage the governance relationship on an ongoing basis.
Governance Standards	To develop and promote consistent approaches to oversight, put in place effective governance agreements with the Inspectorate, and advise on specific governance structures and proposals.
Financial and Capital Resources	To oversee financial (current and capital), infrastructure, procurement and IT resource management in the Inspectorate and statutory approvals for the accompanying resources.
Human Resources and Appointments	To advise and consult on strategic HR issues and senior appointments in the Inspectorate
Policing Legislative Framework	To develop, via the Policing and Community Safety Bill, a new statutory governance and oversight framework for policing in line with the recommendations of the report of the Commission on the Future of Policing in Ireland.
Garda Performance and Compliance	To support, monitor and appraise An Garda Síochána's overall performance and compliance with its corporate governance obligations, and manage the governance relationship on an ongoing basis.

As indicated above, the Criminal Justice Performance and Compliance team (hereafter 'Criminal Justice Performance & Compliance') has principal responsibility for the ongoing oversight of the Inspectorate and management of its governance relationship with the Department. The Garda Performance and Compliance team has no oversight role in relation to the Inspectorate but will liaise with them from time to time on matters of mutual interest.

2. Corporate Governance Arrangements and Obligations

2.1 Key Roles and Responsibilities

2.1.1 Accounting Officer

The Inspectorate is funded under the Department's Vote (Vote 24), for which the Secretary General is Accounting Officer. The Secretary General is accordingly responsible for ensuring the economy and efficiency of the Inspectorate in the use of its resources and in overseeing the systems, procedures and practices used by the Inspectorate in evaluating the effectiveness of its operations. 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 Members of the Inspectorate

Section 115 of the Act provides that there shall be three members of the Inspectorate, to be appointed by Government. At least one of the members of the Inspectorate shall be a woman and at least one member shall be a man. The members shall have served in the police service of another state or have obtained the relevant experience which in the opinion of the Government is suitable for the role of Inspector. A member or former member of the Garda Síochána is not eligible to apply for the position of Inspector. One of the three members of the Inspectorate is appointed separately by Government as Chief Inspector.

2.1.3 Chief Inspector

The Chief Inspector has overall management responsibility for the administration and business of the Inspectorate and, in this capacity, is also responsible for the implementation of effective corporate governance so as to ensure that the Inspectorate's statutory and administrative governance obligations are fully discharged. In discharging these responsibilities, the Chief Inspector is supported by a team of administrative staff provided by the Department.

The governance relationship between the Department and the Inspectorate is informed by the Chief Inspector's responsibilities (a) to the Secretary General as Accounting Officer for the Inspectorate and (b) to the Minister in terms of his accountability to the Oireachtas for the performance and activities of the Inspectorate.

2.2 Adherence to Relevant Governance Codes and Standards

As a statutory agency operating under the aegis of the Minister, the Inspectorate 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 Inspectorate shall ensure that all attendant obligations are fully complied with.

2.3 Strategy Statement/ Strategic Plan

In accordance with section 1.17 of the Code of Practice, the Inspectorate produces a multi-annual Corporate Strategy. The current strategy covers the period 2019-21 and is published on the Inspectorate's website.

2.4 Auditing and Risk Management

The Inspectorate has its own risk management policy and risk register, both of which are regularly reviewed and updated. The outcome of these assessments is used to plan and allocate resources to ensure risks are managed to an acceptable level. Copies of the risk management policy and risk register shall be provided to Criminal Justice Performance & Compliance upon this Agreement taking effect. Thereafter, any significant changes to either document will be copied to Performance & Compliance once finalised.

The Department's Internal Audit Unit (IAU) supports the Inspectorate in monitoring and reviewing the effectiveness of its arrangements for internal governance, risk management and internal control. Audit work is agreed between the Head of Internal Audit in the Department and the Inspectorate, with the IAU carrying out the audits within an agreed timeframe. The Department's Audit Committee provides further support in ensuring that the interests of Government and other stakeholders are protected in relation to business and financial reporting and internal control.

2.5 Other Key Obligations and Arrangements

2.5.1 Procurement

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

The Inspectorate will affirm adherence (or otherwise) to the applicable procurement policies and procedures in the annual Comprehensive Report to the Minister. However, the Inspectorate will report any significant compliance difficulties or breaches – e.g. of a recurring nature, or involving substantial contract values and/or a serious divergence from procurement rules – to Criminal Justice Governance (Financial and Capital Resources team) at the earliest opportunity.

2.5.2 Other Expenditure

The Inspectorate 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, the Inspectorate will consult with Criminal Justice Governance (Financial and Capital Resources team) in advance.

As a small agency funded under the Justice Vote, the Inspectorate is not required to produce Financial Statements. The Inspectorate liaises with the Department's Financial Management Unit, who report on the Inspectorate's income and spending in their monthly management reports.

2.5.3 Protected Disclosures

In accordance with section 21(1) of the Protected Disclosures Act, 2014, the Inspectorate has adopted the Department's Protected Disclosures policy and has communicated it to all 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 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 Data Protection

The Inspectorate will strive, 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.

The Inspectorate shall annually, or more frequently if requested, provide to Criminal Justice 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, the Inspectorate will, at the earliest opportunity, notify Criminal Justice Performance & Compliance of any significant data breach² once it has reported same to the DPC.

2.5.5 Customer Charter

The Inspectorate has a [customer charter](#) setting out the level of service that a customer can expect. The charter is displayed prominently on its website and is supported by a customer action plan.

2.5.6 Public Sector Equality and Human Rights Duty

The Inspectorate shall 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.

2.5.7 Environmental and Energy Issues

The Inspectorate shall 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*, the Inspectorate has a designated Energy Performance Officer who is responsible for (inter alia) the following actions and targets:

² e.g. involving the personal data of large numbers of people, or involving highly sensitive personal information.

- Striving to achieve the statutory target of a 33% reduction in energy use by 31st 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.
- (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

The Inspectorate will ensure adherence to D/PER Circular 25/2016 (Provision of Information to Members of the Oireachtas by State Bodies under the aegis of Government Departments/Offices).

2.6 Chief Inspector’s Comprehensive Report to the Minister

The Chief Inspector shall annually furnish a Comprehensive Report to the Minister in accordance 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 the Comprehensive Report is to provide assurance that the necessary systems of internal control, risk management and other areas of compliance are operating effectively in the body.

3. Monitoring Arrangements and Key Interactions

Criminal Justice Governance will hold two formal governance meetings with the Inspectorate per year (or more if necessary). These meetings will consider, as required:

- Delivery of the Inspectorate’s Strategic Plan and its annual business plan(s);
- Progress against the targets set out in the annual PDA;
- Financial management and budgetary matters;
- Human resource issues including staffing, training and industrial relations matters;
- Risk management;
- Any internal governance-related issue;
- Any matter relating to the Inspectorate 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 the Inspectorate;
- 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 the Inspectorate 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) forms an integral part of the relationship between the parties.

4. Commitments

4.1 Mutual Commitments

Both parties will:

- Be proactive and timely in communications, co-operation and information-sharing on all relevant matters. This is to be underpinned by a 'no surprises' approach to matters of mutual interest or concern.
- Support adherence to corporate governance obligations under this Oversight Agreement and the achievement of targets under the annual PDA.
- Provide prompt and timely responses to correspondence, information requests and related matters.
- Provide timely notification (including background information as required) regarding significant public announcements and media engagements.

4.2 Departmental Commitments

The Department will:

- Liaise appropriately with D/PER to ensure, as far as possible, timely sanctions for Inspectorate expenditure and resourcing in line with public financial procedures and policies on public service numbers.
- Provide for and resource the annual budget for the Inspectorate.
- Provide advice in relation to proposed IT projects and resulting expenditure and prompt review of the sanctioning of project related expenditure.
- Provide financial services (e.g. payroll and accounting services) through the Department's Financial Shared Services.
- Provide any necessary guidance/direction on procurement and expenditure rules, government accounting and governance generally.
- Liaise as appropriate with the Inspectorate on public service reform/engagement initiatives.
- Engage in a timely manner with the Inspectorate on strategic, policy and legislative issues of relevance to the Inspectorate's functions.
- Liaise, through the Transparency function, with the Inspectorate at the earliest possible stage on:
 - Requests for information that may be necessary to assist in meeting the Minister's obligations to the Oireachtas and in responding to representations, media queries etc;
 - Ministerial/Departmental announcements of relevance to the functions of the Inspectorate.

4.3 Garda Síochána Inspectorate Commitments:

The Inspectorate will:

- Have due regard, in the preparation of its annual Business Plan and multi-annual Strategic Plan, to any relevant strategic priorities of the Department.
- 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 the annual 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.
- In keeping with the 'no surprises' principle and in the interests of partnership with the Department, the Inspectorate will ensure that significant governance-related issues or concerns are brought formally to the attention of Criminal Justice Governance at the earliest possible opportunity.


5. Comply or Explain

As a small agency which is funded under the Justice Vote (Vote 24), the Inspectorate does not have its own Internal Audit Unit or its own Audit/ Risk Committee (alternative arrangements have been agreed with the Department as set out above).

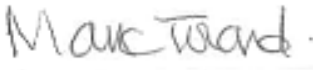
It has also been agreed that the Inspectorate is not required to produce annual reports in view of its size, the nature of its activities and outputs and the fact that there is no statutory requirement to make an annual report. The Inspectorate's outputs are clearly and openly communicated via its reports, which are available on its website.

6. Duration and Signatories to the Agreement

John O'Callaghan, Head of Criminal Justice Governance, Department of Justice and Equality, and Mark Toland, Chief Inspector, Garda Síochána Inspectorate, affirm that this Oversight Agreement will be in effect from the date signed hereunder until 31st December 2021.


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

Date: 11/3/20


Mark Toland
Chief Inspector
Garda Síochána Inspectorate

Date: 11/3/2020