



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



AN TÚDARÁS PÓILÍNEACHTA
POLICING AUTHORITY

Department of Justice and Equality

Policing Authority

Oversight Agreement 2020-21¹

¹ including responsibilities and supports

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 Policing Authority (“the Authority”), in accordance with the 2016 edition of the Code of Practice for the Governance of State Bodies (the “Code of Practice”). Together with the separate but related Performance Delivery Agreement (PDA), it succeeds the previous governance agreement between the two parties.

This Oversight Agreement defines the key roles responsibilities and supports which underpin the relationship between the Authority and the Department. In addition, the Authority has its own Governance Framework, which sets out the broad governance and accountability framework within which the Authority operates and which is referenced as appropriate in this agreement. While this Agreement will remain in force until end 2021², the parties will, in accordance with the Code of Practice, review it within 12 months of its commencement.

1.2 Background and context

1.2.1 Role of the Authority

The Authority was established to oversee the performance of the Garda Síochána in relation to policing services in Ireland under the Garda Síochána (Policing Authority and Miscellaneous Provisions) Act 2015, which amends the Garda Síochána Act 2005 (“the Act”). Subject to the Act, the Authority is independent in the performance of its functions.

The overarching role of the Authority is to oversee the performance by the Garda Síochána of its functions relating to policing services. The Act provides that in doing so, the Authority shall:

- 1) Set priorities and performance targets for the Garda Síochána;
- 2) Approve a Strategy Statement and Annual Policing Plan submitted by the Garda Commissioner;
- 3) Keep under review:
 - a. the performance by the Garda Síochána of its functions;
 - b. the arrangements and strategies in place to support and enhance the performance of those functions;
 - c. the adequacy of:
 - i. the corporate governance arrangements and structures within the Garda Síochána;
 - ii. the arrangements for the recruitment, training and development of the members and members of the civilian staff of the Garda Síochána;
 - iii. the mechanisms in place within the Garda Síochána for the measurement of performance and accountability of such members and staff; and
 - iv. 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;

² This timeframe is subject to the progress, outcome and eventual commencement of relevant provisions of the proposed Policing and Community Safety Bill.

- 4) Hold so many meetings with the Garda Commissioner as are necessary for the performance of its functions, at least four of which each year may be attended by the public and the media be permitted to broadcast;
- 5) Keep itself generally informed as to:
 - a) complaints made against members of the Garda Síochána and the application of the Disciplinary Regulations; and
 - b) trends and patterns in crimes committed;
- 6) Undertake, commission or assist in research projects in respect of matters relating to policing services, which in the opinion of the Authority, may:
 - a) promote an improvement in standards for those matters and public awareness of them; or
 - b) contribute to a reduction in the number of complaints against members of the Garda Síochána in relation to those matters;
- 7) Monitor and assess measures taken by the Garda Síochána in relation to recommendations made in a report of the Garda Síochána Inspectorate.

The Act provides for a number of other discrete functions which include:

- 1) Responsibility for:
 - a) 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;
 - b) appointing persons to the ranks of Garda Superintendent, Chief Superintendent and Assistant Commissioner;
 - c) approval of the appointment by the Garda Commissioner of civilian staff;
 - d) appointment of the civilian staff of the Garda Síochána of grades equivalent to or above that of Chief Superintendent; and
 - e) removing or recommending the removal of members of the Garda Síochána at those ranks for stated reasons relating to policing services (this section of the Act is not yet commenced);
- 2) 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;
- 3) Provision of information and advice to the Minister on a range of issues including:
 - a) Matters relating to policing services and, in particular, matters relevant to the accountability of the Government to the Oireachtas;
 - b) The resources that are likely to be required by the Garda Síochána to perform its functions in each forthcoming financial year;
 - c) Measures taken by the Garda Síochána in relation to recommendations made in a report of the Garda Síochána Inspectorate;
 - d) Developments in respect of matters relating to policing services and
 - e) Recommendations to assist the Minister in co-ordinating and developing policy in that regard; and
 - f) Best policing practice;
- 4) Promotion of the policing principles and public awareness of matters relating to policing services and support the continuous improvement of policing in the State.

1.2.2 The Authority's Vision, Mission and Values

The Authority's vision is of a society served by a professional, impartial, constantly improving police organisation which deserves and enjoys the trust and support of the people. Its mission is 'to drive excellent policing through valued and effective oversight and governance'. The vision is underpinned by the Authority's stated values of integrity, transparency, independence, courage, fairness, respect, acting in the public interest and listening.

1.2.3 Strategic fit within Justice sector

One of the Department's strategic goals³ 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". The Authority supports this goal by providing oversight of the performance of the Garda Síochána in carrying out its policing duties.

1.2.4 Department's Transformation Programme

Major structural reform has taken place in the Department with the implementation of its Transformation Programme during 2019. This Programme moved the Department from a traditional Divisional structure to a streamlined functional model under which the core work of the Department has been realigned under two separate pillars: Criminal Justice and Civil Justice. 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 co-ordination and support 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 has direct dealings with the Authority in such matters. The **Criminal Justice Policy** function liaises directly with the Authority on relevant policing 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, thereby 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. Criminal Justice Governance has primary responsibility for the governance of 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 Authority as required:

³ This strategic goal is contained in the Department's Strategy Statement 2016-2019. A successor strategy is under development.

<i>Team</i>	<i>Purpose</i>
Criminal Justice Performance and Compliance	To support, monitor and appraise the overall performance of the Authority 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 bodies, and advise on specific governance structures and proposals.
Financial and Capital Resources	To oversee financial (current and capital), infrastructure, procurement and IT resource management of bodies and statutory approvals for the accompanying resources.
Human Resources and Appointments	To advise and consult on strategic HR issues and senior appointments.
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 the 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 and support of the Authority and management of its relationship with the Department. The other teams liaise with the Authority on matters of mutual interest relating to the Authority and the Authority’s statutory function for oversight of the Garda Síochána as required.

2. Corporate Governance Arrangements and Obligations

2.1 Roles and Responsibilities

2.1.1 Members of the Authority

The Authority members are appointed by the Government following selection processes run by the Public Appointments Service (PAS) on the invitation of Government. The Act provides for the Authority to have a total of nine members – a Chairperson and eight ordinary members. The Act further provides that in recommending persons to the Government as suitable for appointment to the Authority, PAS shall have regard to the desirability of members possessing appropriate knowledge and experience of the following:

- Policing matters
- Human rights and equality matters

- Public sector administration
- Board management and corporate governance
- Work undertaken by voluntary groups with local communities, in particular work to promote safety in the community, prevent crime or promote awareness of other issues that are relevant to policing services.

Members of either House of the Oireachtas, MEPs, members of Local Authorities, serving members or staff of the Garda Síochána, and members of GSOC or the Garda Inspectorate are not eligible to be members of the Authority.

A member of the Authority may only be removed by the Government on grounds specified in the Act and on foot of a statutory process that includes the passing in both Houses of the Oireachtas of a resolution calling for the member's removal.

2.1.2 Chairperson of the Authority

The Chairperson of the Authority is responsible for:

- Setting the Authority's agenda and ensuring its focus on strategic issues;
- Having an effective relationship with the Minister and keeping the Minister advised of matters arising in respect of the Authority;
- Promoting a culture of openness and debate by facilitating the effective contribution of Members and ensuring constructive relations between the Authority's members and its Executive;
- Agreeing and overseeing the Chief Executive Officer's short and long-term performance objectives and facilitating his/her professional development;
- Ensuring that the members receive accurate, timely and clear information;
- Ensuring effective communication with stakeholders.

2.1.3 Chief Executive

The Authority is supported by an Executive which comprises a core team of administrative staff led by a Chief Executive Officer (CEO). The Act provides that the CEO is appointed by the Authority with the consent of the Minister and the Minister for Public Expenditure and Reform. The Act further provides that the CEO shall:

- a) Implement the policies and decisions of the Authority,
- b) Manage and control generally the staff, administration and business of the Authority, and;
- c) Perform such other functions (if any) as may be required by the Authority or as may be authorised under the Act.

2.1.4 Accounting Officer

The Authority has its own Vote (Vote 41) within the Justice Group of Votes, and its own Accounting Officer. Section 62R of the Act provides that the CEO is the Accounting Officer in relation to the appropriation accounts of the Policing Authority for the purposes of the Comptroller and Auditor General Acts 1866 to 1998. As Accounting Officer, the CEO is responsible for the safeguarding of public funds and property under his or her control and is

accountable in this respect to the Committee of Public Accounts (PAC) and other Oireachtas Committees.

2.1.5 Minister for Justice and Equality

While the Authority is responsible for oversight of the performance by the Garda Síochána of its policing services, the Garda Commissioner is statutorily accountable to the Minister for the performance of his/her functions and those of the Garda Síochána. The Minister and the Government are ultimately accountable to the Oireachtas for the performance of the Garda Síochána and also of the Authority itself as a Government body under the aegis of the Minister. The Act provides that the Authority shall, *inter alia*:

- Inform the Minister of matters relevant to the accountability of the Government to the Oireachtas;
- Provide information and advice to the Minister on matters relating to policing services;
- Advise the Minister before each financial year with regard to the resources that the Garda Síochána is likely to require to perform its functions in that financial year;
- Keep the Minister informed of developments relating to policing services and make recommendations to assist the Minister in developing related policy;
- Advise the Minister with regard to best policing practice;
- Submit a strategy statement to the Minister every three years;
- Submit to the Minister an annual report on the Authority's activities in the preceding year;
- Submit to the Minister, every five years from the date of its establishment, a report reviewing the general performance of the Authority's functions in the preceding five years;
- On the request of the Minister, prepare and submit to the Minister as soon as practicable a report on any matter relating to policing services.

2.2 Adherence to relevant Governance Codes and Standards

2.2.1 Code of Practice for the Governance of State Bodies

As an agency operating under the aegis of the Minister, the Policing Authority is subject to a range of statutory and corporate governance obligations including under the Code of Practice. The Authority will ensure that all the necessary obligations are fully complied with and the Department will satisfy itself, through the reporting and monitoring arrangements set out in this agreement, that all the requirements of the Code are properly implemented and observed.

2.2.2 Corporate Governance Standard for the Civil Service

As the Authority has its own Vote and Accounting Officer, it is required to prepare a Governance Framework in accordance with the Corporate Governance Standard for the Civil Service. The Authority's Governance Framework, published in 2016, sets out the relevant arrangements in detail. The governance obligations set out in that document are associated with and referred to throughout this Agreement and will be reviewed as part of the overall monitoring process of this Agreement. The Governance Framework will be reviewed in 2020 and a revised version published and provided to the Department.

2.3 Statement of Strategy

The Authority's current Statement of Strategy covers the period 2019-2021 and is available on its website, www.policingauthority.ie.

2.4 Audit and Risk Management

The internal audit function for the Authority is outsourced to an external service provider following a procurement process. The contract for this service is due to expire in January 2021.

An Audit and Risk Committee, consisting of two members external to the Authority together with one Authority member, was established in July 2016 under an Audit and Risk Committee Charter, which requires that the Committee meet at least four times each year. The Committee provides independent advice to the Authority and the Accounting Officer regarding (*inter alia*) the suitability and robustness of the organisation's internal control, internal audit, risk management and governance systems and procedures.

The Authority has a comprehensive risk management policy in place. Its risk register is maintained by the Authority's Chief Risk Officer and is updated on an ongoing basis to reflect new risks arising at all levels in the organisation and changes in controls to mitigate risks. The risk register is also reviewed by the Audit and Risk Committee each quarter, while the Authority reviews the full register at least once per annum. Risk management is a standing item on the Authority's monthly meeting agenda, with a monthly risk management report reviewed and specific risks discussed. Risk, and associated mitigation measures, are addressed in the context of all significant Authority discussions and decisions. Procedures to manage risk are in place throughout the organisation and are a standing agenda item at management, team, staff and project meetings.

A summary of key risks identified and managed by the Authority as part of its risk management system will be provided to the Department routinely and at least as part of each governance meeting.

2.5 Other key obligations and arrangements

The Authority will comply with statutory and other requirements, as set out in the Code of Practice for the Governance of State Bodies, the Corporate Governance Standard for the Civil Service and relevant DPER Circulars and Guidance, to which it is subject, and will set out the arrangements in place with regard to these obligations in its Governance Framework and will report as required to the relevant authorities, including in its Annual report, including, but not limited to matters relating to:

- Procurement;
- Expenditure;
- Protected Disclosures;
- Data Protection;
- Human Rights and Equality obligations;
- Quality Customer Service;
- Provision of information to Members of the Oireachtas; and

- Environmental and Energy Management issues.

2.6 Reporting requirements under statute and the Code of Practice

2.6.1 Annual Report

In accordance with section 62O of the Act, the Authority shall submit to the Minister, not later than three months after the end of the relevant year, an Annual Report on its activities in the immediately preceding year. The Minister shall lay the Report before both Houses the Oireachtas as soon as practicable thereafter.

In line with the applicable provisions of Appendix A of the 'Code of Practice for the Governance of State Bodies – Business and Financial Reporting Requirements', the Annual Report shall include the following (*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.
- The names of the Chairperson, the CEO and members of the Authority and its committees.
- The number of meetings of the Authority and its committees, and the attendance of each Authority member at Authority meetings.
- A statement of the fees paid to members of the Authority and its committees.
- A statement of how the Authority operates, including which types of decisions are to be taken by the Authority members and which are to be delegated to management.
- A statement of how the performance evaluation of the Authority and its committees has been conducted.
- Confirmation that the Authority has carried out an appropriate assessment of its principal risks (including a description of those risks where appropriate and the associated mitigation measures or strategies).
- Confirmation from the Chairperson that the organisation is adhering to the relevant aspects of the Public Spending Code.
- A statement on the system of internal control in the Authority, addressing all applicable items listed in Appendix D of the Code of Practice for the Governance of State Bodies – Business & Financial Reporting Requirements'.

2.6.2 Chairperson's Comprehensive Report to the Minister

In conjunction with the submission of the Authority's Annual Report, the Chairperson will 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 this 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. In line with the Code of Practice, the aforementioned statement on the system of internal control forms part of the Chairperson's Comprehensive Report as well as being included in the Authority's Annual Report.

2.6.3 Appropriation Accounts

As Accounting Officer for the Authority, the Chief Executive shall ensure that the duties and responsibilities of the Accounting Officer are discharged in accordance with the Exchequer

and Audit Departments Act, 1866 (as amended by the Comptroller and Auditor General (Amendment) Act, 1993), “Public Financial Procedures”, “The Role and Responsibilities of Accounting Officers” and with other requirements laid down by the Minister for Public Expenditure and Reform. Further details of the Accounting Officers functions are available in the Authority’s Governance framework.

3. Comply or Explain

Having regard to the proposals to establish a new oversight body to replace the Authority, it is agreed that it is acceptable that the Authority’s Audit Committee shall continue to be comprised of three members, at least one of which will be a non-Executive member of the Authority and at least one of which will be an independent external member. This will be reviewed in the context of future review of the Audit and Risk Committee Charter and evaluation of the effectiveness of the Committee.

4. Commitments

4.1 Mutual Commitments

Each party will:

- Proactively consider the other’s role and responsibilities in relation to the Garda Síochána, keep each other apprised of key issues and developments, and consult/include each other in relevant matters as appropriate. This may from time to time involve including each other in mutually relevant meetings/engagements with the Garda Síochána (such participation shall take place in a manner that respects the independence of the Authority in performing its functions and the respective responsibilities of the Authority and of the Minister/Department in relation to the performance of the Garda Síochána).
- Be proactive and timely in communicating on (a) relevant matters including significant public announcements, media engagements and publications and (b) specific information requests and responses to meet the Minister’s obligations to the Oireachtas or to inform Ministerial responses to representations, media queries etc. This will 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 Performance Delivery Agreement.

4.2 Departmental commitments

The Department will:

- Seek, via the annual Estimates campaign, to secure sufficient resources for the activities of the Authority;
- 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 and which impact on the Authority's functions;
- Support the Authority, as appropriate and necessary, in relation to sanction requests to D/PER in line with public financial procedures and policies on public service numbers;
- Support the Authority through the appropriate provision of administrative shared services under Service Level Agreements where appropriate, consistent with maintaining the independence of the Authority;
- In preparing the specification for a role as a member of the Authority, consult with the Chairperson on the specific skills that are required;
- The Department will provide support to the Authority in relation to access to:
 - Media monitoring services;
 - Information resources relevant to the Authority's remit on the Criminal Justice sector, for instance to library services and online resources.

4.3 Policing Authority commitments

The Authority will:

- 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;
- 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, the Authority 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. Monitoring arrangements and key interactions

5.1 Formal governance meetings

In accordance with the Department's policy on the monitoring of governance arrangements in relation to the organisations within its remit, Criminal Justice Governance will hold two formal governance meetings with the Authority per year (or more if so required by either party to the agreement). These meetings will consider, as required:

- Delivery of the Authority's Strategic Plan and its annual business plan(s);
- Progress against the targets and indicators 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 of particular note or concern;
- Any matter that might impact on the reputation of the Authority;
- Any other matter comprehended in, or arising from, this Agreement.

5.2 Financial Management Committee

The Authority will participate in the monthly meetings of the Financial Management Committee, which is chaired by the Department's Head of Corporate Affairs and includes representatives from across the Justice Group of Votes.

5.3 Joint Working Group on Resources for An Garda Síochána

This Group comprises senior personnel from the Department, the Authority, the Garda Síochána, DPER and the Department of the Taoiseach. The Group currently meets monthly to review the following:

- The current position of the Garda Vote, any divergence from budgeted expenditure, and plans to address these divergences;
- HR matters including the workforce plan, redeployment and civilian recruitment;
- The Garda fleet and related strategy;
- ICT infrastructure and related project updates;
- Estate management and capital projects;
- Any other relevant financial matters, including (but not limited to) the costed Policing Plan and the review and reform of the Garda finance function.

5.4 Tripartite meeting with Garda Commissioner

A formal governance meeting between the Secretary General of the Department, the Chairperson of the Authority and the Garda Commissioner shall be convened if so requested by any of these parties to address specified and significant issues that impact upon relevant responsibilities of the three parties and the relationship between them.

5.5 Other interactions

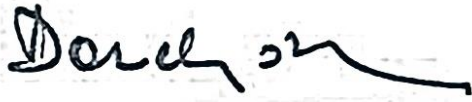
Outside of the aforementioned meetings there will be regular, less formal interactions between the Authority and the Department in accordance with their business needs and commitments. In this context, informal and unscheduled contact (forms an integral part of their relationship.

6. Flexibility and Amendment

Both parties will keep the current oversight arrangements under review (including through the aforementioned formal review of this Agreement within 12 months) and, where necessary, will engage on agreeing any necessary amendments to ensure the continued relevance and effectiveness of these arrangements.

7. Duration and signatories to the Agreement

The Head of Criminal Justice Governance, Department of Justice and Equality, and the Chief Executive, Policing Authority, affirm that this Oversight Agreement shall be in effect from the date given hereunder until 31st December 2021.



*Doncha O'Sullivan
Assistant Secretary,
Criminal Justice Governance & European Affairs,
Department of Justice and Equality*



*Helen Hall
Chief Executive,
Policing Authority*

Date: 31 July 2020