



**Oversight Agreement 2019
between the Garda Síochána Inspectorate and the Department of Justice and
Equality**

Part I - Oversight Agreement

1 Introduction

- 1.1** The Garda Síochána Inspectorate was established under Part 5 of the Garda Síochána Act 2005. 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** The Inspectorate's statutory functions include:
- a)** To carry out inspections or enquiries in relation to particular aspects of the operation and administration of the Garda Síochána;
 - b)** To report to the Policing Authority or the Minister, as appropriate, in respect of those inspections or enquiries;
 - c)** The provision of advice to the Authority or the Minister with regard to best policing practice.
- 1.3** The Inspectorate is independent in the performance of its functions.
- 1.4** The purpose of this Agreement is to strengthen governance arrangements which are in place for the Garda Inspectorate. This Agreement will track the inputs and outputs of the Inspectorate over the period 1 January 2019 to 31 December 2019.
- 1.5** The objectives of this Agreement are:
- To set out the accountability framework of the Garda Inspectorate within the Justice and Equality sector;
 - To support the Inspectorate to carry out its functions as detailed in the Garda Síochána Act 2005 as amended;
 - To set out the inputs, outputs, and expected outcome of the Inspectorate's activities;
 - To measure performance of those functions through monitoring of agreed targets, outputs indicators;
 - To work with other stakeholders and the implementation group in relation to the recommendations of the Commission on the Future of Policing in Ireland.

2 Corporate Governance

2.1 Roles and Responsibilities

Accounting Officer

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

Chief Inspector

The Government appoints the Members of the Inspectorate, one of whom shall be appointed as Chief Inspector. The Member appointed as Chief Inspector has overall management responsibility for the Inspectorate. This includes responsibility for the implementation of effective corporate governance so as to ensure compliance with the Inspectorate's statutory obligations.

To assist with the implementation of its functions, the Inspectorate has developed the Protocol for the Provision of Information by the Garda Síochána to the Garda Síochána Inspectorate (2008).

The Chief Inspector will furnish an annual Compliance Statement to the Minister for Justice & Equality ("the Minister"), outlining any significant developments in the preceding year and affirming the Inspectorate's compliance with relevant codes and regulations, in accordance with the Code of Practice for the Governance of State Bodies (2016), addressing, in particular, the relevant requirements of paragraph 1.9 of the 'Business & Financial Reporting Requirements' Annex to the 2016 *Code of Practice for the Governance of State Bodies*.

Members of the Inspectorate

Section 115 of the Garda Síochána Act 2005, 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.

2.2 Statement of Strategy

In accordance with paragraph 1.15 of the *Code of Practice for the Governance of State Bodies (August 2016)*, the Inspectorate should have a formal process in place for setting strategy. A Statement of Strategy should be adopted for a period of three to five years ahead. This Statement of Strategy should be aligned with the Department's Statement of Strategy. A copy of the Inspectorate's Corporate Strategy 2016-2019 strategy is published on the Inspectorate's website at www.gsinsp.ie.

2.3 Public Sector Equality and Human Rights Duty

Section 42 of the Irish Human Rights and Equality Commission Act 2014 establishes a positive duty on public bodies to have regard to the need to eliminate discrimination, promote equality and protect the human rights of staff and persons to whom services are provided.

In particular, the Inspectorate will have regard to its obligations under Section 42 of the Act to:

- Assess and identify human rights and equality issues relevant to its functions, particularly when carrying out its inspections and preparing its annual workplan and three year Corporate Strategy;
- Identify the policies and practices that are in place/ will be put in place to address these issues; and
- Report on developments in that regard in the Annual Compliance Statement.

2.4 Annual Report

There is no statutory requirement for the Inspectorate to produce an annual report. Instead, the outputs are recorded by the publication of its reports and these are published on its website at www.gsinsp.ie. The outputs will also be referenced in the annual Compliance Statement referred to below.

2.5 Financial Statements

The Inspectorate's budget is channelled through the Department (Vote 24), the Inspectorate spending is reported together with other areas of the Department in the

Appropriation Accounts. In addition, progress towards the completion of inspections and inquiries is tracked by means of this Governance Agreement.

2.6 Internal Audit

The Department's Internal Audit Unit provides support to the Inspectorate in monitoring and reviewing the effectiveness of the Inspectorate's arrangements for governance, risk management and internal control. Audit work will be agreed between the Head of Administration and the Head of Internal Audit in the Department. The Audit Unit will, subject to resources, carry out the audits within an agreed timeframe.

2.7 Audit and Risk Committee

As the Inspectorate falls under the Justice Vote (Vote 24), the Department's Audit Committee, provides oversight in relation to business and financial reporting and internal control.

2.8 Protected Disclosures

In accordance with Section 21(1) of the Protected Disclosures Act 2014, the Inspectorate shall establish and maintain appropriate Protected Disclosures Procedures for the making of protected disclosures by workers who are or were employed by the Inspectorate and for dealing with such disclosures.

2.9 Procurement

In accordance with section 8.16 of the *Code of Practice*, the Chief Inspector will ensure that competitive tendering is standard procedure in the procurement process of the Inspectorate and that procurement policies and procedures have been developed and published to all staff.

The Chief Inspector should affirm adherence to the relevant procurement policy and procedures in the annual compliance statement to the Minister.

2.10 Customer Charter

The Inspectorate has a customer charter setting out the level of service a customer can expect. The charter will be displayed prominently on the Inspectorate's website and will be supported by a customer action plan.

2.11 Data Protection

The Garda Inspectorate will engage proactively with the data protection obligations and ensure substantial compliance with the General Data Protection Regulation (GDPR) (in force from May 25, 2018) and the Data Protection Acts 1988 & 2018. Arrangements

have been put in place to provide the (Office/Authority) with access to the Department's Data Protection Support and Compliance Office.

2.12 Governance Obligations

As a statutory agency operating under the aegis of the Minister, the Inspectorate is subject to a range of statutory and corporate governance obligations including the 2016 *Code of Practice for the Governance of State Bodies*. The Inspectorate will ensure that all the necessary obligations, including those for risk management, internal audit and the Public Spending Code are fully complied with.

2.13 Compliance Statement to the Minister

To confirm compliance (or otherwise) with key provisions of the *Code of Practice* and the *Governance Standard for Justice and Equality Sector Bodies*, the Chief Inspector will complete, on an annual basis, a Compliance Statement to the Minister in order to provide assurance to the Department that the systems of internal control, risk management and other areas of compliance are operating effectively. This report which is a *confidential letter* to the Minister, will address all of the relevant requirements of paragraph 1.9 of the '*Business & Financial Reporting Requirements*' Annex to the *Code of Practice for the Governance of State Bodies*.

2.14 Provision of Information to Members of the Oireachtas

In accordance with D/PER Circular 25/2016 - *Protocol for the Provision of Information to Members of the Oireachtas by State Bodies under the aegis of Government Departments/Offices*, the Inspectorate is obliged to:

- i. Provide and maintain a dedicated email address for Oireachtas members (info@gsi.ie).
- ii. Put in place formal feedback processes to obtain feedback from Oireachtas members.
- iii. Comply with target deadlines and standards in terms of acknowledgements and responses to queries.
- iv. The Head of Staff Support has been designated as the individual within the Inspectorate with responsibility for ensuring the timely provision of information to members of the Oireachtas.
- v. Report annually (in the Chief Inspector's annual compliance statement to the Minister) on compliance with standards set out in Circular 25/2016.

- vi. Seek, where appropriate, to publish the response to queries from members of the Oireachtas on the Inspectorate's website.

2.15 Governance obligations will also be reviewed as part of the overall monitoring process of this Oversight Agreement itself.

2.16 Comply or Explain

- i. Having regard to the size of the Inspectorate, it is not deemed feasible for it to establish its own Internal Audit Unit or its own Audit & Risk Committee. Alternative arrangements have been put in place to provide the Inspectorate with access to the Department's Internal Audit Unit and Audit Committee.
- 11. Having regard to the fact that the Inspectorate does not produce separate Financial Statements, all costs including staff salaries, fees to members of the Inspectorate, legal fees and all accommodation/utilities and other running and maintenance costs are monitored by the Department through the Financial Management Unit.
- 111. Due to the relatively small size of the Inspectorate, and to the fact that there is no statutory requirement to do so, the Inspectorate will not produce an annual report. Instead, the Inspectorate's outputs are recorded by the publication of its reports and these are published on its website at www.gsinsp.ie.

Part II - Performance Delivery Agreement

3 Objectives of the Agreement¹

The purpose of this agreement is to formalise a process through which the outputs and outcomes required from the Inspectorate can be measured and assessed. Equally, the agreement will set out the expectations of the Inspectorate in relation to the support, guidance and information flow from the Department of Justice and Equality ("the Department"), which are vital in enabling the Inspectorate to achieve its strategic and operational goals. To achieve this, it is necessary to set out the following:

- The Department's expectations of the Inspectorate;
- The key inputs, outputs and expected outcomes of the Inspectorate's activities;
- Assessment of performance by monitoring of agreed targets, around those key outputs, inputs and outcomes;

This Agreement documents the agreed level of service between the parties in order to facilitate improved effectiveness and efficiency of relevant public services. It sets out the Inspectorate's key targets for 2019 and defines the output and outcome indicators on which performance should be measured.

The Agreement seeks to (a) facilitate the Inspectorate in carrying out its functions, (b) progress the ongoing development of output measures for its expenditure, and (c) improve the effectiveness and efficiency of public services.

¹ Appendix E to the Code of Practice for the Governance of State Bodies sets out the expected format and detail to be included in the Performance Delivery Agreements.

4 Commitments

4.1 Mutual Commitments

Both parties are committed to:

- To proactive and timely communications, cooperation and information sharing on service delivery;
- To the effective achievement of agreed targets, as well as the promotion of partnership, responsiveness and mutual cooperation in their ongoing interactions;
- Support prompt and timely responses to correspondence, information requests and related matters.
- Commit to keep each other fully apprised and updated on all key issues.

4.2 Department of Justice and Equality Commitments

The Department of Justice and Equality will provide the following supports to enable the Inspectorate to fulfil its mandate:

- Where required, liaise with the Department of Public Expenditure and Reform to ensure as far as possible, timely sanction for expenditure and staffing in line with Public Financial Procedures and Civil Service HR Policy Guidelines;
- Provide updates on Public Financial Procedures and Civil Service HR Policy Guidelines;
- Provide guidance on Civil Service HR Policy, public expenditure, remuneration and industrial relations, procurement and contracts;
- Provide guidance on Government Accounting and Governance;
- Provide financial services (e.g. payroll and accounting services) through the Department's Financial Shared Services;
- Provide advice in relation to proposed IT projects and resulting expenditure and prompt review (by the ICT governance group) of the sanctioning of project related expenditure;
- Liaise with the Inspectorate in relation to Public Service Reform initiatives.
- The Department will continue to liaise with the Inspectorate on matters which impact on its functions, including the reform agenda for the justice sector.

5 Inputs

5.1 Financial Inputs

The budget for the Garda Inspectorate is provided in Subhead A6 of Vote 24 (the Department of Justice and Equality).

The following table summarises the Inspectorate's budget allocation for 2019.

Expenditure	2019 Budget Allocation	Actual expenditure
Pay	902,000	
Non-Pay	393,000	
Gross Total	1,295,000	

5.2 Staffing Resources

In accordance with the requirements of the Garda Síochána Act, the Inspectorate comprises a Chief Inspector and two members. The current inspectorate, which will serve up to 29 June 2022 in the case of the Chief Inspector and 29 June 2021 in the case of the Members.

Members are:

- Mark Toland, Chief Inspector
- Pauline Shields, Member.
- Hugh Hume, Member

The following table summarises current support staffing levels at the Inspectorate as of 31 December 2018.

Grade	Staffing Level 31 December 2018 (FTE)
PO	1
Assistant Principal Officer	2
Higher Executive Officer	2
Executive Officer	1
Clerical Officer	1 and 1 Vacancy
Service Officer	1
Total	9

The Inspectorate, with the approval of the Minister, may arrange for the engagement of police officers from any police service outside the State. It also has the facility to engage consultancy or advisory services in connection with the performance of its functions.

The Moratorium on Public Service Recruitment applied to the Inspectorate up to 2015. The Inspectorate's staffing requirements are met by the Department within budgetary constraints. In this context, the Inspectorate is required to manage and prioritise work and to seek efficiencies where they can.

The Inspectorate's Headquarters are located at 87 St Stephen's Green, Dublin 2.

6 Outputs /Targets

These agreed targets may be revised to accommodate further specific outputs which at the **time** of signing of the Agreement have yet to be defined but are undertaken by the Inspectorate during the period covered..

6.1 Agreed Administration Targets

The following are the administrative targets agreed with the Inspectorate:

Goals	Actions	KPI	Targets
The Inspectorate will ensure that expenditure for each financial annual year will not vary from its projected budgetary expenditure for that year except in exceptional circumstances and following agreement from FMU.	Monitor and assess expenditure	All expenditure accounted for monthly	Keep within annual budget
In accordance with the requirements of the Code of Practice for the Governance of State Bodies and the Corporate Governance Framework (of the Department of Justice and Equality), the Inspectorate will complete an annual Compliance Statement in order to provide risk assurance to the Department that the systems of internal control, risk management and other areas of compliance are operating effectively.	Risk management requirements fulfilled.	Complete Risk Policy, Risk Strategy and Risk Appetite	Ongoing
The Inspectorate will endeavor to ensure that the staffing resources are adequate to fulfil its obligations	Monitor staffing needs and keep the Department informed	Vacancies filled within an acceptable timeframe	Ongoing
The Inspectorate will continue to make use of best practices in resourcing, office management and security.	Monitor and assess the use of resources and anticipate future requirements	Complete Process Mapping	Q1 2019 and reviewed quarterly thereafter.

6.2 Agreed Strategic targets

The strategic objective of the Garda Síochána Inspectorate is to ensure the resources available to the Garda Síochána are used to achieve and maintain the highest levels of efficiency and effectiveness in its operation and administration, as measured by reference to the best standards of comparable police services" (S117, Garda Síochána Act, 2005).

In furtherance of this purpose the Inspectorate carries out inspections and enquiries on particular aspects of the operation and administration of the Garda Síochána and submits a report on those inspections and enquiries to the Policing Authority and the Minister under S117(2) Garda Síochána Act 2005 as amended. Under the same section of the Act, the Inspectorate can also provide advice to the Policing Authority or the Minister with regard to best policing policy and practice.

There is one ongoing inspection/inquiry as initiated under section 117(2)(a) of the 2005 Act (as amended)¹, namely;

1. To examine the effectiveness of the policing of public order situations by the Garda Síochána.

The Inspectorate has evaluated potential topics for Inspection having regard to Garda Síochána risk and human rights factors and intends to publish a Work Plan for 2019. The following table gives details of the ongoing inspections and the final row is included to facilitate documentation of other Reviews as may be required by the Minister, the Policing Authority or at the Inspectorate's own initiative at a later date.

¹ Section 117(2)(a) provides for inspections/inquiries to be initiated by the Inspectorate at its own initiative, or at the request of the Policing Authority or the Minister.

Title	Goals	Actions	KPIs	Target
To examine the effectiveness of policing of public order situations by the Garda Síochána	To progress the review	Carry out background research and request relevant data; Carry out inspections in identified Garda Divisions; Carry out international visits; Complete report and submit to Policing Authority.	All data collected, all interviews held and report completed	Q1 2019
To progress other Reviews as may be required by the Minister, the Policing Authority or at the Inspectorate's own initiative.				

7 Potential Risk Factors

The Inspectorate operates a formal Risk Management policy and maintains a Risk Register and, in accordance with the Department of Finance Guidelines, this is updated on an ongoing basis. The maintenance of the Register ensures that risks are identified and assessed and necessary mitigating actions are, where resources allow, put in place.

Reflecting the key priorities of the organisation, the main potential risks to the achievement of targets set out in this Agreement at the time of writing are:

- **Simultaneous reports challenging the capacity of the Inspectorate-** Competing demands could result in delayed production of reports or poor quality reports.
- **Staffing, unrealistic demands and delays receiving information** resulting in delayed production of reports, or the production of poor quality or outdated reports.
- **Insufficient level of knowledge of best international practice or misinterpretation of Garda practice** could result in poor material and data, which could invalidate some of the work.
- **Operational risks related to insufficient management of FOI and GDPR**
- **Communications** - Breakdown in communications with external stakeholders could impact on our work programme.

8 Flexibility and Amendment of Targets

Where amendments become necessary, both parties will engage to agree on amended targets.

9 Monitoring Arrangements

In accordance with the Department's policy on the monitoring of governance arrangements in relation to the organisation's within its remit, the Inspectorate will meet with the Department twice yearly, or more frequently if required by either party, to provide an update on developments and achievement of targets as set out in this Agreement.

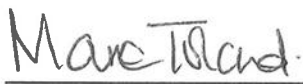
The Inspectorate undertakes to return:

- a) Relevant and appropriately detailed performance information to allow for monitoring of this Agreement;

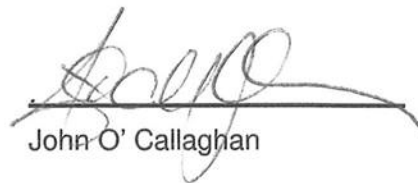
- b) Relevant and appropriately detailed performance information for inclusion in the Revised Estimates for Public Services volume; and
- c) Performance information in line with the set of such indicators, and in keeping with the timeframe, agreed with the Department.

10 Duration and Signatories to the Agreement

Mark Toland, Chief Inspector, Garda Síochána Inspectorate and John O' Callaghan, Assistant Secretary, Department of Justice and Equality agree that the arrangements as set out in this Agreement will apply with effect from the date signed hereunder until 31st December 2019 .



Mark Toland
Chief Inspector
Garda Síochána Inspectorate



John O' Callaghan
Assistant Secretary
Department of Justice and Equality

Date: 29/11/18

Date: 29/11/18

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