



An Roinn Dlí agus Cirt
Department of Justice



CIGIREACHT AN GHARDA SÍOCHÁNA
GARDA SÍOCHÁNA INSPECTORATE

Oversight Agreement 2022-23

Department of Justice

Garda Síochána Inspectorate

1. Introduction

1.1 Scope of this Agreement

This Oversight Agreement has been drawn up by the Department of Justice (“the Department”) in consultation with the Garda Síochána Inspectorate (“the Inspectorate”), in accordance with the Code of Practice for the Governance of State Bodies (“the Code of Practice”). It succeeds the previous Oversight Agreement 2020-22 between the parties.

This 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.

A separate Performance Delivery Agreement (“PDA”) is agreed annually under the governance architecture provided by this Oversight Agreement.

1.2 Background and Context

1.2.1 Role of the Inspectorate

The Inspectorate is an independent statutory body established under the Garda Síochána Act 2005 as amended (“the Act”). Its statutory 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. Its statutory functions are:

- (a) in furtherance of its objective to carry out, if it considers it appropriate to do so or at the request of—
 - (i) the Authority in respect of a matter relating to policing services, or
 - (ii) the Minister,inspections or inquiries in relation to any particular aspects of the operation and administration of the Garda Síochána,
- (b) to submit to the Authority or the Minister, as the case may be—
 - (i) a report on those inspections or inquiries¹, and
 - (ii) if required by—
 - (I) the Authority in relation to policing services, or
 - (II) the Minister,as the case may be, a report on the operation and administration of the Garda Síochána during a specified period and on any significant developments in that regard during that period,and
- (c) to provide advice to the Authority and the Minister with regard to best policing practice.

1.2.2 Strategic fit of the Inspectorate within the Justice Sector

¹ It has been agreed that the Inspectorate is not required to produce a separate annual report, given that its activities and outputs are clearly and openly communicated via its inspection reports. These reports are published on the Inspectorate’s website.

One of the six strategic goals of the Department in its Strategy Statement 2021-2023 is to “Tackle crime, enhance national security and transform policing”. In this regard, the Department has responsibility for the strategic development of an effective, visible and accountable police service. The Inspectorate’s work contributes directly to this goal.

2. Corporate Governance Arrangements and Obligations

2.1 Key Roles and Responsibilities

2.1.1 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 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.

2.1.2 Chief Inspector

The Chief Inspector has overall responsibility for the administration and business of the Inspectorate and, in this capacity, is also responsible for ensuring that the Inspectorate's statutory and administrative governance obligations are discharged. To this end 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 the context of his/her accountability to the Oireachtas for the performance of the Inspectorate.

2.1.3 Accounting Officer

The Inspectorate is funded under the Department’s Vote (Vote 24), for which 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 their Department and for the regularity and propriety of all transactions in the appropriation account. External scrutiny of the appropriation accounts and related matters is provided by the Comptroller and Auditor General (C&AG) and ultimately by the Oireachtas via the Public Accounts Committee.

2.1.4 Minister for Justice

The Act provides that the Minister shall (*inter alia*), with monies voted by the Oireachtas, provide the Inspectorate with the resources that it requires. As such, while the Inspectorate is independent in the performance of its functions, the Minister and Government bear ultimate political accountability to the Oireachtas for the performance of the Inspectorate.

2.1.5 The Department

While other functional areas of the Department (e.g. Policy, Corporate) have dealings with the Inspectorate as required, the relationship between the two parties is primarily embodied in the interaction between the Inspectorate and the Criminal Justice Governance function, which has primary Departmental responsibility for the oversight of all criminal justice agencies

under the Minister's aegis. Criminal Justice Governance comprises seven Principal Officer-led teams, each of which has specific dealings with the Inspectorate as follows:

<i>Team</i>	<i>Purpose</i>
Criminal Justice Performance and Compliance	To support and monitor the Inspectorate's compliance with its corporate governance obligations and its achievement of agreed objectives in the context of the resources provided, and to manage the governance relationship on an ongoing basis.
Governance Standards	Develop and promote consistent approaches to the Department's governance of criminal justice agencies, propose or advise on new governance structures as required, and put in place appropriate oversight agreements and performance targets.
Financial and Capital Resources	To oversee the financial (current and capital), infrastructural and ICT resource management of the Inspectorate, and to manage approvals for the accompanying resources.
Human Resources and Appointments	Advise and consult on strategic HR issues and requirements, and oversee senior and board recruitment/appointments for particular bodies and agencies.
Policing Performance and Compliance	To support, monitor and appraise An Garda Síochána's overall performance and compliance with its corporate governance obligations, to manage the AGS/Department governance relationship on an ongoing basis, and to liaise with the Inspectorate and other oversight bodies on related matters as required.
Policing Legislative Framework	To develop, via the Policing, Security 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.
Policing Legislation Implementation	To develop preparatory structures for implementation of the Policing, Security and Community Safety Bill and to coordinate and project-manage the overall implementation plan.

2.2 Adherence to Governance Rules and Standards

The Inspectorate is subject to a range of statutory and other corporate governance obligations including the applicable provisions of the Code of Practice. The Inspectorate shall ensure compliance with all relevant obligations.

2.3 Statement of Strategy

The Inspectorate's Statement of Strategy for the period 2022-24 is currently being developed and will be published when it is finalised. (The previous Corporate Strategy covered the period 2019-21 and is available on the Inspectorate's website, www.gsinsp.ie).

2.4 Auditing and Risk Management

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 control². Audit work and timeframes are agreed between the Department's Head of Internal Audit and the Inspectorate. 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.

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 policy and register will be provided to Criminal Justice Performance & Compliance.

2.5 Other Obligations/Arrangements

2.5.1 Procurement

The Inspectorate will ensure competitive tendering as standard, and that the applicable procurement rules and guidelines are disseminated to all staff and adhered to.

The Chief Inspector's annual Comprehensive Report to the Minister (see below) will confirm adherence (or otherwise) to the applicable procurement policies and procedures. However, any significant compliance difficulties or breaches³ will be reported to Criminal Justice Governance (Financial and Capital Resources) 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. However, the Inspectorate liaises regularly with the Department's Financial Management Unit, whose monthly management reports include details of the Inspectorate's income and spending.

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 ensure that it has in place the necessary processes and procedures to comply with the General Data Protection Regulation (GDPR) and the Data Protection Acts 1988 and 2018.

The Inspectorate will, on request, provide to Criminal Justice Performance & Compliance a summary of the number and nature of data breaches that it has reported to the Data

² As a small agency funded under the Justice Vote (Vote 24), it is not considered necessary or practicable for the Inspectorate to have its own Internal Audit Unit or its own Audit/ Risk Committee.

³ E.g. of a recurring nature, or involving substantial contract values (or values above EU thresholds) or a serious divergence from procurement rules and/or the Public Spending Code.

Protection Commissioner (DPC) in the period specified 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 breach⁴ 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 supported by a customer action plan and is available on the Inspectorate's website.

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.

The Inspectorate will also engage constructively with Criminal Justice Governance in its role of supporting/monitoring equality and diversity initiatives in the criminal justice sector.

2.5.7 Environmental responsibilities

The Inspectorate shall fulfil its statutory and other obligations in relation to environmental and energy conservation, including the following:

- In accordance with requirements set out in the *Public Sector Energy Efficiency Strategy 2017*, the Inspectorate has a designated Energy Performance Officer at senior management level who has primary responsibility for (inter alia) ensuring that the Inspectorate meets the applicable statutory/Government-mandated targets on reducing energy consumption and carbon emissions, and for accurately reporting energy use to the Sustainable Energy Authority of Ireland on an annual basis.
- Participating in Justice-sector and wider public sector initiatives in relation to energy and environmental issues.
- Having full regard to 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 continued 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 Conduct and Ethics

The members and staff of the Inspectorate are subject to the Ethics in Public Office Acts and the Civil Service Code of Standards and Behaviour. Members of staff that occupy 'designated positions' as defined in the Ethics in Public Office legislation furnish annual Statements of Interest to the Standards in Public Office Commission. These statements provide for the disclosure of interests, including material interest, which could influence directors of public bodies in the performance of their official duties.

⁴ E.g. involving the personal data of large numbers of people, or involving highly sensitive personal information.

2.6 Chief Inspector's Comprehensive Report to the Minister

The Chief Inspector shall annually furnish a Comprehensive Report to the Minister in line with the applicable provisions of section 1.9 and Appendix C of the Business & Financial Reporting Requirements annex to the Code of Practice. 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.

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;
- Procurement, financial management and budgetary matters;
- Human resource issues including staffing, training and industrial relations matters;
- Internal control and risk management;
- Data protection and security;
- Any internal governance-related issue;
- Any matter relating to the Inspectorate that has been the subject of, or may 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 forms an integral part of the relationship between the parties.

4. Commitments

4.1 Mutual Commitments

Both parties will:

- Support adherence to corporate governance obligations under this Agreement and the achievement of targets under the annual PDA.
- Be proactive and timely in communications, co-operation and information-sharing on all relevant matters. This will be underpinned by a 'no surprises' approach to matters of mutual interest or concern.
- Liaise in a prompt fashion on requests for information to assist in meeting the Minister's obligations to the Oireachtas and in responding to representations, media queries etc.
- Provide timely notification (and background information as required) regarding significant public announcements and media engagements of relevance to each other's functions.
- Engage constructively on the transitional arrangements relating to GSI under the proposed Policing, Security and Community Safety Bill.

4.2 Departmental Commitments

The Department will:

- Provide for and resource the annual budget for the Inspectorate.
- Liaise as appropriate 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 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 any necessary guidance/direction on procurement and expenditure rules, government accounting and governance generally;
- Engage in a timely manner with the Inspectorate on strategic, policy and legislative issues of relevance to the Inspectorate's functions and on wider public service reform/engagement initiatives as appropriate.

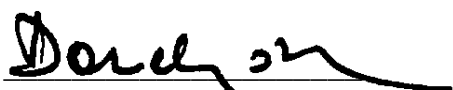
4.3 Inspectorate Commitments

The Inspectorate will:

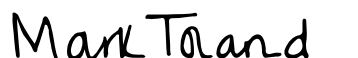
- Have due regard, in the preparation of its annual Business Plan and multi-annual, statement of strategy to any relevant strategic priorities of the Department;
- Ensure that expenditure in any individual year does not exceed the allocated budget except in exceptional circumstances and with the agreement of the Department's Financial Management Unit;
- Provide timely, relevant and appropriately detailed information to facilitate the monitoring of this Agreement and the annual PDA, including in the context of governance meetings;
- Return relevant and appropriately detailed performance information for inclusion in the Revised Estimates for Public Services volume and related Performance Reports;
- In keeping with the 'no surprises' principle and in the interests of partnership with the Department, ensure that significant governance-related issues or concerns are brought formally to the attention of Criminal Justice Governance at the earliest opportunity.

5. Duration and Signatories to the Agreement

Doncha O'Sullivan, Assistant Secretary, Department of Justice, and Mark Toland, Chief Inspector, Garda Síochána Inspectorate, affirm that this Oversight Agreement will be in effect from the date hereunder until 31 December 2023 or until the Inspectorate is formally dissolved in accordance with the relevant provisions of the proposed Policing, Security and Community Safety Bill, whichever is sooner.



Doncha O'Sullivan
Assistant Secretary
Department of Justice



Mark Toland
Chief Inspector
Garda Síochána Inspectorate

Date: 8th February 2022

Oversight Agreement Addendum

This Amending Agreement dated [29 January 2024]

Between: Carole Sullivan, Assistant Secretary (Acting), the Department of Justice
and

Mark Toland, Chief Inspector, Garda Síochána Inspectorate

Oversight Agreement 2022-2023

This Addendum between the Department of Justice and the Garda Síochána Inspectorate is being appended to the Oversight Agreement 2022-2023, which was signed, by both parties and dated 8 February 2022.

The Parties agree to extend the current Oversight Agreement 2022-23 beyond 31 December 2023 for continued implementation, without amendment, until the commencement of the structural oversight provisions of the Policing, Security and Community Safety Act 2024.

No Amendments

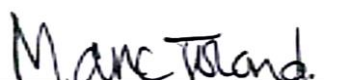
The terms and conditions of the Oversight Agreement 2022-23 will remain unchanged, as appropriate.

Signatories to this Agreement

Carole Sullivan, Assistant Secretary (Acting), Department of Justice, and Mark Toland, Chief Inspector, Garda Síochána Inspectorate, affirm that this Addendum to the Oversight Agreement 2022-2023 will be in effect from the date hereunder until the commencement of the structural oversight provisions of the Policing, Security and Community Safety Act 2024.



*Carole Sullivan
Assistant Secretary (Acting)
Department of Justice*



*Mark Toland
Chief Inspector
Garda Síochána Inspectorate*

Date: 9 February 2024

Date: 15 February 2024