

2016

Governance Framework for the Department of Justice and Equality



AN ROINN DLÍ AGUS CIRT AGUS COMHIONANNAIS
DEPARTMENT OF JUSTICE AND EQUALITY



Contents

Table of Contents

| | |
|--|----|
| Foreword by the Secretary General..... | 4 |
| Introduction – what is Corporate Governance? | 5 |
| Purpose and Scope | 7 |
| Chapter 1 Department Overview - The Department of Justice and Equality | 9 |
| 1.1 Mission and Purpose of the Department | 9 |
| 1.2 Values, Behaviours and Culture..... | 10 |
| 1.3 Code of Standards and Behaviour for Civil Servants | 11 |
| 1.4 Ethics in Public Office | 13 |
| 1.5 Regulation of Lobbying..... | 14 |
| 1.6 Strategic Objectives | 15 |
| 1.7 Organisational Structure | 15 |
| 1.8 Senior Management Structures | 16 |
| 1.9 Strategic Planning, Decision Making and Performance Management..... | 17 |
| 1.10 Strategic Business Plan (One Plan) | 18 |
| 1.11 Business Planning: Responsibilities and activities in relation to Business Planning | 19 |
| Secretary General | 19 |
| Deputy Secretary, Assistant Secretaries and Directors (Business Owners)..... | 19 |
| Principal Officers (Heads of Divisions) | 20 |
| 1.12 Internal Communications | 20 |
| 1.13 Engagement with External Stakeholders..... | 21 |
| 1.14 Review of Effectiveness of the Governance Framework..... | 22 |
| Chapter 2 – Ministerial and Senior Management Roles and assignment of responsibilities | 23 |
| 2.1 Department and Government relationships | 23 |
| 2.2 Minister for Justice and Equality | 23 |
| 2.3 Relationship with the Minister | 24 |
| 2.4 Recording of Ministerial Decisions | 25 |
| 2.5 Minister of State | 25 |
| 2.6 Management Board meetings with the Ministers (MinMAC)..... | 26 |
| 2.7 Leadership and Organisational Capacity | 27 |
| 2.8 Management Board..... | 28 |
| 2.9 Secretary General and Accounting Officer | 29 |
| 2.10 Special Advisors | 30 |

Contents

| | | |
|---|---|----|
| 2.11 | Assignment of Senior Management Roles and Responsibilities | 31 |
| 2.11.1 | Assistant Secretary and Director | 31 |
| 2.11.2 | Responsibility Matrix (Assistant Secretary/Director) | 32 |
| 2.11.3 | Principal Officers | 33 |
| 2.11.4 | Responsibility Matrix (Principal Officers) | 33 |
| 2.12 | Responsibilities of all Staff..... | 34 |
| Chapter 3 – Management Board and other Governance Structures..... | | 36 |
| 3.1 | Management Board..... | 36 |
| 3.2 | Membership | 38 |
| 3.3 | Meetings | 38 |
| 3.4 | Decisions/actions agreed | 40 |
| 3.5 | MinMAC meetings | 40 |
| 3.6 | Governance across Organisational Boundaries..... | 41 |
| Chapter 4 – Audit, Assurance and Compliance Arrangements..... | | 42 |
| 4.1 | Financial Control Environment | 42 |
| 4.2 | Financial Management Committee | 42 |
| 4.3 | Financial Management | 43 |
| 4.4 | Audit and Assurance..... | 45 |
| 4.5 | Internal Audit Unit..... | 46 |
| 4.6 | Accounting Officer assurance arrangements underpinning the annual Statement of Internal Financial Control | 48 |
| 4.7 | Shared Services..... | 48 |
| 4.8 | Procedures over reporting Frauds, Irregularities and Control Failures..... | 49 |
| 4.9 | Addressing problems | 49 |
| 4.10 | Comptroller and Auditor General..... | 49 |
| 4.11 | Risk Management | 50 |
| 4.12 | Management of crisis events and business continuity plans | 52 |
| 4.13 | Protected Disclosures | 52 |
| 4.14 | Fraud Policy | 54 |
| 4.15 | Compliance Framework..... | 55 |
| 4.16 | Procurement..... | 55 |
| Chapter 5: Bodies under the Aegis of the Department | | 56 |
| 5.1 | Agencies and Bodies under the Aegis of the Department | 56 |
| 5.2 | Governance processes over Agencies and related bodies in the Justice sector | 58 |
| 5.3 | Agency Annual Overview..... | 58 |

Contents

| | | |
|--|---|-----|
| 5.4 | Performance Delivery Agreements | 58 |
| 5.5 | Agency Governance Frameworks (Oversight Agreements) | 59 |
| Appendix 1: List of Human Resources Policies and codes and Departmental Policy Documents | | 74 |
| Appendix 2: Risk Committee Terms of Reference | | 75 |
| Appendix 3: Audit Committee Terms of Reference..... | | 77 |
| Appendix 4: ICT Governance Group | | 79 |
| Appendix 5: Assurance Framework | | 81 |
| Appendix 6: Statutory Bodies under the aegis of the Department of Justice and Equality | | 82 |
| Appendix 7: Executive Summary of the Governance Framework for Justice Sector Bodies | | 112 |

Foreword by the Secretary General

“Good Governance provides reassurance to our stakeholders and to the public that the Department is undertaking its work with integrity and in line with our culture and values in an open, collaborative, professional and accountable way”.



Good governance is central to the effective operation of Government Departments; it is vitally important in effectively discharging our statutory and policy obligations.

It provides reassurance to our stakeholders and to the public that the Department is undertaking its work with integrity and in line with our culture and values in an open, collaborative, professional and accountable way. It ensures that a framework of structures and policies are in place to support and deliver on these obligations and it allows for an objective assessment of management and corporate performance.¹

The Management Board leads the work of the Department of Justice and Equality with the objective of making Ireland a safe and fair place in which to live and work. The challenges facing the Department are significant and complex and they reflect the ever-increasing pace of societal change and technological advances. The aim of the management team is to provide strategic and policy direction and to strive for continuous improvement in delivering for the Government and the public in a fast-changing and complex world.

This Governance Framework has been prepared in line with the principles and requirements set out in the *Corporate Governance Standard for the Civil Service* taking into account the particular requirements, culture and values of the Department of Justice and Equality.



Noel Waters

Secretary General (Acting)

21 April 2016

¹ Corporate Governance in the Civil Service, Department of Public Expenditure and Reform, 2015, pg 1
Available from: <http://www.per.gov.ie/wp-content/uploads/Corporate-Governance-Standard-for-the-Civil-Service-FINAL.pdf>

Introduction – what is Corporate Governance?

Governance is concerned with developing and implementing appropriate structures and processes for directing and managing an organisation so that stakeholders can be assured that the organisation is operating effectively and efficiently and in accordance with law and satisfactory standards.

In the case of civil service departments, the fundamental function of good governance is to ensure that entities achieve their intended outcomes, while acting in the public interest at all times. Governance of a Department focuses on legal, regulatory, financial, policy and service obligations. While legislation is a key driver of governance arrangements, there is also a wide variety of authoritative guidance that outlines much of the governance obligations for civil and public service organisations.

Key principles for good Corporate Governance:

1

The Department acts in a **fair and balanced** manner with all its stakeholders

2

Staff, particularly senior management, are held **accountable** for the Department's performance. This includes overseeing the governance, within statutory and agreed parameters, of related bodies

3

The Department acts in a manner which is **compliant with all of the obligations** placed on it by law and by public service rules and regulations

4

Management are given authority to act on behalf of the Department and **accept full responsibility** for the powers that they are given

5

The Department will provide **information** to stakeholders about the Departments activities, performance, and future plans

The effectiveness of the overall Governance Framework in the Department depends on:

- **Leadership and Management capabilities and processes:** how well the organisation plans, sets, communicates, undertakes and monitors its corporate objectives, and engages and interacts with other departments and organisations which forms its normal working environment. It requires the Department to be adaptable, open to change and managers that provide rigorous challenge and scrutinise performance
- **Integrity:** That the department and its staff act with integrity in all of its dealings. This is based on honesty, selflessness and objectivity, and high standards of propriety and probity in the stewardship of public funds and the management of the Department's affairs
- **Accountability:** promoting transparency through clear and fair reporting
- **Sustainability:** taking a sensible long-term view about what the department is trying to achieve and what it is doing to get there
- **Risk Management:** how the Department identifies, considers and manages the risks to the achievement of corporate objectives; and
- **Business Controls:** how the Minister and Management Board of the Department assure themselves and our stakeholders that they are in control of its business and managing material risks. This includes putting in place effective processes, including Audit and Risk Committees, to manage the development of legislation, financial and operational matters across the Department

This Governance Framework is structured around a number of chapters, setting out the core elements that will be adhered to by the Department of Justice and Equality when establishing or reviewing its governance arrangements, as follows:

1 Department Overview

2 Ministerial and Senior Management Roles and Assignment of Responsibilities

3 Management Board and other Governance Structures

4 Audit, Assurance and Compliance Arrangements

5 Bodies under the Aegis of the Department

Purpose and Scope

The purpose of this Governance Framework is to provide a clear and comprehensive summary of the principal aspects of corporate governance within the Department of Justice and Equality. This document is intended as a guide to everyone in the Department, and to the people we serve, on how we do our work and why we do it in the way we do. It outlines the governance arrangements which have been established to ensure proper and effective management of the Department's affairs and explains the importance placed on organisational structures, policies, plans and review arrangements which have been established to properly manage the Department's affairs. This Governance Framework provides the system of direction and control within the Department for Justice and Equality. It confirms the scope of the Department's corporate governance.

The purpose of the Governance and Control Framework is also to provide a more systematic approach to the dissemination of advice and guidance on all areas of governance and control by:

- gathering all governance and control advice in one place
- providing a short synopsis of the key issues in relation to any particular topic
- including a link to more detailed relevant guidance, and
- providing key contact details to allow staff to seek further advice if required.

This document sets out a framework for the governance of the Department so that we can best deliver on our objectives in a professional, fair and balanced manner. It will also have regard to implementation of the *Civil Service Renewal Plan*², and developments within the Department, which will, inter alia, inform any further updates into the future.

All Principal Officers in the Department have been consulted prior to the publication of this Framework, which has been signed off by the Management Board.

This Framework is intended to be a living document and will evolve in line with best practice.

The Management Board will review the Framework on at least an annual basis to ensure its effectiveness.

² [Civil Service Renewal Plan](#)

Chapter 1 Department Overview - The Department of Justice and Equality

1

The purpose of this chapter is to provide an overview of the mission of the Department, senior management and organisational structures, to briefly outline the strategic and business planning process and our core values.

1.1 Mission and Purpose of the Department

The Department's mission as set out in the *Strategy Statement 2015 to 2017* is to 'work for a safe and fair Ireland'. We do this by striving to '*maintain community and national security, promote justice and equity, and safeguard human rights and fundamental freedoms consistent with the common good*'³.

Working with colleagues across the Civil Service, we work to serve the State and the people of Ireland by offering objective and evidence informed advice to Government, responding to developments and delivering Government objectives while striving to achieve optimal outcomes in the long term national interest and serving citizens and stakeholders efficiently, equally and with respect, in a system that is open, transparent and accountable.

³Department of Justice Strategy Statement 2015 – 2017, available online from: www.justice.ie [Strategy Statement](#)

As per our Strategy Statement, our objectives are detailed in the figure below.



Figure 1: Objectives of our Strategy Statement 2015 – 2017

1.2 Values, Behaviours and Culture

The *Civil Service Renewal Plan* describes the values of the Civil Service as encompassing:

- A deep-rooted public service ethos of independence, integrity, impartiality, equality, fairness and respect
- A culture of accountability, efficiency and value for money
- The highest standards of professionalism, leadership and rigour.

The future vision of the Department's organisational culture, developed through a detailed and inclusive process, will better reflect the needs and aspirations of the people we serve and support the effective governance and oversight of the Department and the sector. That culture and values, and the behaviours critical to supporting are expressed in a new *Culture and Values Charter* published in April, 2016.

The Department's values and the way we wish to behave in order to live those values are set out in our Culture and Values Charter entitled *Creating a Safer and Fairer Ireland*. These values are:

- Open
- Public Services delivered to a high standard
- Proactive
- Professional and Supportive
- Empowered and Accountable
- Leading Collaboratively
- Trusting and Respectful.

These values will foster and support the courage to make a difference in all that we do.

The Department of Justice and Equality is committed to having a strong and effective framework for the management of conflicts of interest and standards of conduct of public officials so as to provide assurance as to the quality and efficacy of its governance standards. The Management Board therefore expects all relevant staff to meet the objective of the *Ethics in Public Office Acts*⁴ which provide for disclosure of interests that could materially influence a designated person in relation to the performance of their functions. The Acts cover senior civil servants working in the Department as well as other designated persons, designated directorships and designated positions of employment in public bodies.

1.3 Code of Standards and Behaviour for Civil Servants

The Standards in Public Office Commission (www.sipo.gov.ie) produces the Civil Service Code of Standards and Behaviour⁵.

A summary of its main features is set out below, with the section of the guidelines that deal with each feature given in parenthesis.

- Civil servants must be impartial in the performance of their duties. [Section 4]

⁴ Available online from: www.sipo.gov.ie/en/Guidelines/Guidelines-for-Public-Servants/

⁵ Available online from: www.sipo.gov.ie/en/Codes-of-Conduct/Civil-Servants/Civil-Service-Code-of-Standards.pdf

- Civil servants are not permitted to stand for general or European elections. However, civil servants in the craft and state industrial related grades are free to engage in political activity and stand for local elections. [Section 5] Further information on Civil Servants and Political Activity can be found here: [Circular 09/2009: Civil Servants and Political Activity](#)
- Civil servants must respect the constraints of the law. [Section 6]
- Under the Freedom of Information Act 2014, members of the public have a legal right to information held by Government Departments and other public bodies. However, the requirement under the Official Secrets Act 1963 that civil servants avoid improper disclosure of information gained in the course of their work still applies. [Section 7]
- Civil servants must maintain high standards of service in all of their dealings with the public. [Section 8]
- Civil servants who are convicted of criminal offences, or given the benefit of the Probation Act when tried for a criminal offence, must report that fact to their Personnel Officer. [Section 9]
- Civil servants are required to attend at work as required and comply with the terms of sick leave regulations. [Section 10]
- Civil servants are required to have due regard for State resources to ensure proper, effective and efficient use of public money. [Section 11]
- Civil servants should show due respect to their colleagues including their beliefs and values. [Section 12]
- The use of their official positions by civil servants to benefit themselves or others with whom they have personal or business ties is not allowed. Civil servants are also forbidden to seek to influence decisions on matters pertaining to their official positions other than through established procedures. [Section 13]
- Civil servants may not engage in outside business or activity which would in any way conflict with the interests of their Departments/Offices. [Section 14]
- Civil servants who occupy “designated positions” for the purposes of the Ethics Acts have certain statutory obligations in relation to disclosure of interests. These obligations are additional to any obligations imposed by the Code. [Section 15]
- Civil servants should not receive benefits of any kind from a third party which might reasonably be seen to compromise their personal judgement or integrity.

Departments are required to apply the rules contained in the Code on the receipt of gifts or to make local rules deriving from them. [Section 16]

- The same principle applies to any acceptance of hospitality. Within the general framework of guidelines set out in the Code, every care must be taken to ensure that (a) any acceptance of hospitality does not influence, or be seen to influence, the discharging of official functions [Section 17] and (b) that there are clear and appropriate standards in place which have been notified to all staff in relation to payment for work on behalf of outside bodies. [Section 18]
- Civil servants must not seek contracts with Government Departments or Offices for supply of goods or services whether for their own benefit or for the benefit of any company with which they may have an involvement in a private capacity. [Section 19]
- Civil servants shall not within twelve months of resigning or retiring from the Civil Service, accept an appointment, or particular consultancy project, where the nature and terms of such appointment could lead to a conflict of interest or the perception of such, without first obtaining the approval of the Outside Appointments Board or the Secretary General or Head of Office as appropriate. Additionally, civil servants who hold positions which are “designated positions” for the purposes of the Ethics Acts must, within twelve months of resigning or retiring, obtain the approval of the Outside Appointments Board or the Secretary General or Head of Office as appropriate before taking up any outside appointment. [Sections 20 and 21]

1.4 Ethics in Public Office

The Standards Commission publishes guidelines under the Ethics in Public Office Acts, 1995 and 2001 (the Ethics Acts)⁶ for prescribed public servants as well as office holders (i.e., Ministers, Ministers of State, etc.) to ensure compliance by them with the requirements of the legislation. The guidelines provide information on the steps that public servants need to take in order to comply with the requirements of the legislation. Public servants may seek advice from the Standards Commission concerning any provision of the legislation or the application of any such provision in any particular case.

⁶ [SIPO Guidelines](#)

1.5 Regulation of Lobbying

The Regulation of Lobbying Act 2015 (the Act) commenced operation on 1 September 2015. This means that lobbying activity can now be registered on the Lobbying.ie website.⁷

Section 6(1) of the Act

Section 6(1) of the Act provides that the following persons shall be regarded as Designated Public Officials for the purposes of the Act:

| | |
|------------|---|
| S(6)(1)(a) | Ministers and Ministers of State |
| S(6)(1)(b) | Members of Dáil Éireann and Seanad Éireann, |
| S(6)(1)(c) | Members of the European Parliament for constituencies in the State, |
| S(6)(1)(d) | Members of local authorities, |
| S(6)(1)(e) | Special Advisers appointed under section 11 of the Public Service Management Act, |
| S(6)(1)(f) | Public servants of a prescribed description, |
| S(6)(1)(g) | Any other prescribed office holders or description of persons. |

Section 6(4) of the Regulation of Lobbying Act 2015 requires each public body to publish a list showing the name, grade and brief details of the role and responsibilities of each 'Designated Public Official' of the body.

The purpose of the list is to:

- allow members of the public identify those persons who are Designated Public Officials; and
- as a resource for lobbyists filing a return to the Register who may need to source a Designated Public Official's details.

A list of the Designated Public officials can be found on the website of the Department.⁸

⁷ [Lobbying.ie website](http://Lobbying.ie)

⁸ Available online from www.justice.ie website:
www.justice.ie/en/JELR/Pages/Regulation_of_Lobbying_Act_2015

1.6 Strategic Objectives

The Department's remit covers activities as diverse as the security of the State, the protection of life and property, the prevention and detection of crime, maintaining and promoting fairness and equality, overseeing services for the buying and selling of property, developing the Insolvency Service of Ireland, managing inward migration to the State, providing a Courts Service, various other regulatory services and updating our criminal and civil laws.

These are crucial to sustaining a democratic society and must be exercised in a manner reflecting the commitment to human rights and equality set out in the Irish Constitution and the Irish Human Rights and Equality Commission Act 2014⁹.

1.7 Organisational Structure

An organisation chart of the Department is available on our website.¹⁰ A descriptive overview of the functions of each Assistant Secretary area can be found at the website of whodoeswhat.gov.ie¹¹

The organisational structure of the Department of Justice and Equality is currently under review.

The key organisational structures which support the delivery of corporate governance and the management of the Department is detailed in the figure below:

⁹ Available online from: <http://www.irishstatutebook.ie/eli/2014/act/25/enacted/en/html>

¹⁰ Available online from www.justice.ie website
www.justice.ie/en/JELR/Org%20Chart%20Nov15.pdf/Files/Org%20Chart%20Nov15.pdf

¹¹ Available online from: <http://www.whodoeswhat.gov.ie/root/justice/>

| Structure | Meets |
|--|-----------|
| <i>Formal Meetings</i> | |
| Minister/Management Board Meeting | Monthly |
| Management Board (senior management team) | Weekly |
| Departmental Audit Committee | Quarterly |
| Risk Management Committee | Quarterly |
| Financial Management Committee | Monthly |
| ICT Governance Group | Quarterly |
| Directorate/PO meetings | Monthly |
| Civil Service Management Board ¹² | Monthly |
| <i>Less Formal meetings</i> | |
| Divisional meetings | Monthly |
| Divisional Business Review meeting | Quarterly |

Figure 2: The key organisational structures which support the delivery of corporate governance and the management of the Department.

1.8 Senior Management Structures

The Secretary General is supported in the management of the Department by the Management Board which he chairs. The Management Board is a key element of the Department's governance. It is the forum where the senior managers act collectively to manage the full breadth of the Department's remit. Members contribute by providing support and appropriate challenge and by critically challenging matters falling outside of their immediate functional area, including where issues cross organisational boundaries. This is without prejudice to the overall responsibility of the Secretary General or the primary responsibility of each member of the Management Board for his or her own functional area.

The membership and functions of the Management Board are set out in Chapter 3 – *Management Board and other Governance Structures*.

¹² The Secretary General is also a member of the Civil Service Management Board which meets monthly.

1.9 Strategic Planning, Decision Making and Performance Management

Establishing strategic direction and a robust business planning process are essential to the effective operation of the Department. The primary reference point (together with the Department's defined statutory responsibilities) is the policy programme of the Government in office and the role of this Department in giving effect to Government policy. The Public Service Management Act 1997¹³ prescribes that the Department must secure Ministerial approval for a three year Strategy Statement, which defines the objectives of the Department and the way in which it will achieve those objectives.

Therefore the Department's Strategic Planning process is carried out pursuant to the Public Service Management Act 1997, according to which each Department must publish a strategy statement every three years or within six months of the appointment of a new Minister. This document sets out key objectives, outputs and strategies to be achieved.

The *Strategy Statement 2015 - 2017* is the Department's current Strategy Statement¹⁴. The Department's Statements of Strategy are submitted to the Minister for approval and then to the Government. They are then, translated into Irish and laid before both Houses of the Oireachtas and published on the website of the Department.

The business planning framework provides for an integrated and structured approach to top - down planning within the Department. The framework aims to be flexible to accommodate emerging priorities through the regular review process. It also aims to integrate related processes including setting objectives, actions and performance measures, budgeting and estimates, risk management, workforce planning and individual performance and development through the Performance Management Development System (PMDS) process.

¹³ Available online [Public Service Management Act 1997](#)

¹⁴ Available online from www.justice.ie: [Strategy Statement 2015 - 2017](#)

1.10 Strategic Business Plan (One Plan)

The Management Board develops an annual Strategic Business Plan¹⁵, first published in 2015. This is now known as the “One Plan” and is the high level Corporate Business Plan for the organisation. It draws together in one single plan all the strategic priorities across the Department, covering the Business Plans, Programme for Change, Programme for Government and Integrated Reform and Delivery Plan (which includes the public service reform initiatives in the Department and the sector).

This unified approach is intended to afford the Management Board a clear view in monitoring the Department’s work and allow more strategic targeting of resources. A reporting database, supports the Management Board in managing and overseeing the complexity of the Department’s programme by gathering reports from the relevant Senior Responsible Owners (SROs) and providing the Management Board and the Minister with a concise overview of progress, planned activity and issues in relation to implementation of strategic priorities. The system forms the core of the oversight and governance of the Department.

Divisional Business Plans, which are generally the responsibility of Principal Officers, detail work in each Division and are a core element of the Department's Planning Framework.

These plans should be concise, setting out how the elements of the Strategic Business Plan will be implemented as well as recording the essential elements of ‘business as usual’ work and targets.

An annual progress report is prepared by the Department for the Minister’s approval. This progress report is required by the Public Service Management Act 1997. The Annual Report¹⁶ outlines the main achievements and developments during the year to advance the Department’s objectives, as set out in the Statement of Strategy. Material for the Annual Report is provided by each division in the Department. This report is also published in the Irish language¹⁷.

Goal Setting forms under the Performance Management Development System (PMDS) are also a key element of Business Planning. They set out the goals and tasks at an individual

¹⁵ Available on www.justice.ie website -

<http://www.justice.ie/en/JELR/Strategic%20Plan%202015.pdf/Files/Strategic%20Plan%202015.pdf>

¹⁶ Available on www.justice.ie/en/JELR/Pages/Publications-annual-reports

¹⁷ Available on www.justice.ie/ga/JELR/pages/home

level, including responsibilities in relation to decision-making. It is the responsibility of each and every member of staff to ensure that their goal setting form is current and complete.

ePMDS has been designed to enable all employees and managers to complete, revise and submit their PMDS forms online¹⁸. Managers at all levels are responsible for ensuring full adherence to the PMDS process. The Management Board collectively, and its members individually, are responsible for ensuring the effective operation of performance management across the Department as a whole.

Risk Management and Risk Registers play an important role in managing risks at Divisional and Departmental levels and are to be reviewed regularly – see section on Risk in Chapter four.

1.11 Business Planning: Responsibilities and activities in relation to Business Planning

Secretary General

- agreeing the strategic priorities with the Minister for inclusion in the One Plan
- overseeing and monitoring implementation of strategic priorities
- preparing Statements of Strategy for submission to the Minister
- providing progress reports to the Minister on the implementation of the Statement of Strategy.

Deputy Secretary, Assistant Secretaries and Directors (Business Owners)

- provide monthly updates on the One Plan
- overseeing the general implementation of the Department's priorities through monthly monitoring by the Management Board
- contributing to the Statement of Strategy and associated progress reports for approval by the Management Board and the Minister
- strategic planning in line with the strategic objectives of their areas and the Department

¹⁸ Available from: <http://peoplepoint.gov.ie/hr-for-employees-managers/epmds/>

- preparing Business Plans for their areas and agreeing the overall Strategic Business Plan for the Department
- providing monthly status updates on the implementation of strategic objectives to the Management Board through the Programme Management Office (Reform and Development Unit)

Principal Officers (Heads of Divisions)

- managing implementation of the strategic priorities and business plans
- strategic planning for the Division in collaboration with staff and other stakeholders in line with the strategic objectives for the area
- acting to achieve, as far as possible, objectives relevant to the Division (in accordance with Strategic Business Plan and the Department's Statement of Strategy) and monitoring progress to that end on the Plan and Risk Database.

1.12 Internal Communications

Strategies and processes continue to be deployed to support effective communications and dissemination of information at all levels of the Department. The Head of Communications has overall responsibility for managing and developing the Department's internal and external communications activities and capabilities at a strategic level. A Communications Strategy is being prepared which will be supported by a programme of actions. The input of staff and stakeholders has been sought and the views and opinions expressed will help inform the Strategy.

Led by the Management Board, an important emphasis is placed on the critical role of team meetings as an integral part of the responsibility of the Department's management to communicate effectively with staff at all levels.

A new website for the Department ¹⁹ was delivered in 2015, which is updated regularly. The site is integrated with an expanded use of social media including the Department's Twitter account and Flickr photo repository. All Parliamentary Questions answered by our Ministers are published on the website, as is the Weekly News Round-up, a news bulletin which summarises key stories on the business of the Department. An internal Portal page is used

¹⁹ Available online from www.justice.ie website

to display key messages to the Department's staff and an internal newsletter is published each quarter.

1.13 Engagement with External Stakeholders

The Department of Justice and Equality is committed to provide an efficient, professional and courteous service to all of our customers.

Providing a good service to our clients is very important to us and we aim to achieve this by:

- Giving our customers the best possible service and advice.
- Treating everyone in a proper, fair and impartial manner while at all times remaining courteous and sensitive.
- We aim to ensure that rights to equal treatment set out in equality legislation are upheld in the delivery of our services.
- We aim to meet any special needs our customers may have, where possible.

The Department will make every effort to accommodate persons who wish to conduct their business through the medium of Irish.

A copy of our Customer Service Action Plan and Charter²⁰, which has been developed in line with the guiding principals on Quality Customer Service, developed by the Department of Public Expenditure and Law Reform, is available on our website and is on display in all our Offices.

The Department engages with our external stakeholders across the full range of its activities including development of legislation, policy papers international obligations and many other activities. Engagement activities undertaken by the Department include:

- Open Policy Debates
- Arranging topical conferences and seminars to engage with particular stakeholders
- Use of the website and the media including social media to seek views and submissions on particular issues

²⁰ Available online from: <http://www.per.gov.ie/en/quality-customer-service/>

- Annual engagement with external stakeholders to monitor progress on performance and culture

The Department also has an important and demanding role to play internationally, particularly in the context of the Justice and Home Affairs Council of the European Union. There is also significant involvement with other international bodies such as the Council of Europe, the United Nations and the International Labour Organisation.

Strategies in the area of crime, police co-operation, law reform in both civil and criminal matters, asylum and immigration, as well as equality and anti-discrimination, are heavily influenced by initiatives and programmes arising at EU and international level.

EU and other international bodies impact on practically every area of the Department. Policy matters generally cross divisional and Departmental boundaries and many issues or events require a high degree of consultation and co-ordination, both within the Department, and between government departments.

A number of areas in the Department work closely with the Department of Foreign Affairs and Trade reporting to international bodies, such as the United Nations and the Council of Europe, on how Ireland is meeting its human rights targets.

1.14 Review of Effectiveness of the Governance Framework

The Department's Governance Framework will be monitored by the Corporate Secretariat Division of the Department, in conjunction with the Head of Internal Audit and Head of the Civil Governance Division.

It will be reviewed by the Management Board on at least an annual basis to ensure its effectiveness.

Chapter 2 – Ministerial and Senior Management Roles and assignment of responsibilities

2

The purpose of this chapter is to provide an overview of senior management governance roles and responsibilities, including those relating to the Minister, Ministers of State, Secretary General and Accounting Officer, Special Advisor, those who exercise a senior management role within the Department and the role for all staff. The Public Services Management Act empowers the Secretary General to assign to other officers of the Department responsibility for the performance of his or her functions. Individual manager's roles can include corporate and divisional level, resource management and policy advice and implementation responsibilities and these are detailed in this chapter.

2.1 Department and Government relationships

The relationship between Ministers, civil servants and the Oireachtas is based on the following key elements:

- A Department works under the direction and control of its Minister
- Civil servants are accountable to their Departmental Minister
- Ministers are accountable to the Dáil
- Civil servants can be called before Committees and can attend Committees on behalf of the Minister
- Only in the Accounting Officer role is a civil servant directly accountable (for limited and specific responsibilities) to the Dáil as represented by the Public Accounts Committee.

2.2 Minister for Justice and Equality

Article 28.12 of the Constitution refers to Ministers as 'in charge of' Departments of State.

Article 28.4.2 of the Constitution provides that the Government shall be collectively responsible for Departments of State "administered" by the Members of the Government. The principal legislative provisions governing the Minister's powers are the Ministers and

Secretaries Act 1924 to 2013²¹ and the Public Service Management Act 1997²² (PSMA). The structure of all Government Departments and the distribution of their business are regulated by these Acts. The Minister, as head of the Department, bears political responsibility for the Department. The Minister and Secretaries Acts designates the Minister as a corporation sole, that is a perpetual legal entity separate from the individual office holder.

The Public Service Management Act 1997 provides that the Minister of the Government having charge of a Department shall, in accordance with the Ministers and Secretaries Acts, 1924 to 2013, be responsible for the performance of functions that are assigned to the Department pursuant to any of those Acts.

This responsibility, a central element of the structure of Government, ranges from significant political decision making on major policy issues to routine administrative responsibilities discharged by civil servants on the Minister's behalf. In accordance with the *Carltona Doctrine* generally, powers vested in the Minister may be exercised, without any express act of delegation, by officials of the Department.

The Minister is the ultimate decider of Departmental policy within the overall context of Government policy.

2.3 Relationship with the Minister

The relationship between the Minister and the Department is fundamental to the governance framework of the Department. The Department provides impartial professional advice to the Minister and Government on policy and ensure the effective implementation of Government policy as it relates to the Department.

In order to support the Minister as policy maker, the Department:

- Develops policy at the request of the Minister or the Government
- Initiates policy advice in response to the changing environment for the consideration of the Minister or Government; and
- Offers advice to the Minister on Government policies in development.

²¹ Available online at: <http://www.irishstatutebook.ie/eli/2011/act/10/enacted/en/html>

²² Available online at: <http://www.irishstatutebook.ie/eli/2004/act/33/enacted/en/html>

Ministerial priorities are agreed between the Minister and the Secretary General and Management Board. These priorities are kept under regular review and revised as appropriate.

The relationship with the Minister is complex and dynamic. Much of the relationship centres on interaction through formal processes, but interaction is driven by business requirements and can occur at any time outside of both normal hours and normal office arrangements.

2.4 Recording of Ministerial Decisions

A record keeping protocol setting out the responsibilities of staff to maintain an appropriate record of all Ministerial decisions has been approved by the Management Board and is available to all staff via the internal information directory in the Department.

In most instances Ministerial Decisions are formally recorded by the Minister's Office and transmitted to the relevant officers of the Department. A new electronic tool - 'eSubmissions' - has been rolled out across the Department to standardise the process throughout the Department and ensure that an enduring record is created of decisions.

Arising from the nature of the Department's business, some decisions have to be made outside of normal business hours and normal processes. It is the responsibility of the officer receiving the decision or instruction to ensure that it is formally recorded, and associated with the relevant records, as soon as possible.

2.5 Minister of State

Ministers of State are appointed by the Cabinet, on nomination of the Taoiseach. In accordance with the Ministers and Secretaries (Amendment) (No.2) Act 1977²³, the Government may delegate, by way of an Order, to a Minister of State any of the powers and duties of the relevant Minister of the Government under any particular Act or any particular statutory power or duty. The role and function of the Minister of State may also be on an administrative basis.

²³ Available online at: <http://www.irishstatutebook.ie/eli/1977/act/28/enacted/en/html>

Two Ministers of State are currently assigned to the Department:

- The Minister of State (also assigned to the Department of the Taoiseach) with special responsibility for Data Protection issues delegated in S.I No 265 of 2015.²⁴
- The Minister of State (also assigned to the Department of Arts, Heritage and the Gaeltacht and the Department of Health) has responsibility for equality, with certain powers and duties delegated in S.I. No 32 of 2015.²⁵

Ministers of State attend meetings of the MinMAC (a Ministerial meeting with the full Management Board), answer Parliamentary Questions in the absence of the Minister and about their areas of specific responsibility, and deal with other Oireachtas business relevant to the Department of Justice and Equality.

2.6 Management Board meetings with the Ministers (MinMAC)

Management Board meetings are supplemented with MinMAC meetings with the Minister and her advisors which are generally scheduled by the Minister on a monthly basis.

Ministers of State and their Special Advisors are also invited to attend.

Standard Agenda items for MinMAC meetings generally include the legislative programme, the Programme for Government, budgetary matters, as well as discussion of current and emerging issues. Formal Minutes of MinMAC meetings are recorded and are available to all staff of the Department. MinMAC provides a forum for the ongoing monitoring of the implementation of the strategic priorities set out in the Department's One Plan and, as necessary, the revision and prioritisation of priorities as may be agreed between the Minister and Secretary General and the Management Board.

²⁴ Available online from: www.irishstatutebook.ie/eli/2015/si/265/made/en/pdf

²⁵ Available online from: www.irishstatutebook.ie/eli/2015/si/32/made/en/pdf

2.7 Leadership and Organisational Capacity

The work of the Department's staff is directed towards meeting the many challenges the Department faces. The way in which all managers behave and communicate with staff, and exercise their management, governance and leadership duties is critical to creating a working environment which facilitates high performance and fosters commitment, dedication, cooperation and active engagement of colleagues. In this context managers have a duty of care to safeguard the wellbeing of all staff. The Department through its Culture and Values Charter lead by example through its Management Board which is professional, open, accountable and responsive. A Human Resources Strategy and a Learning and Development Strategy are also being developed, a key aspect of which is Workforce Planning.

These values align with the core values of the Civil Service Renewal Plan:

- A deep rooted public service ethos of independence, integrity, impartiality, equality, fairness and respect
- A culture of accountability, efficiency and value for money
- The highest standards of professionalism, leadership and rigour.

Ongoing and consistent communication at all levels of the Department cascading from the Management Board to Principal and Assistant Principal Officers and their teams is the primary means through which the Department works to fulfil its mandate and to safeguard operational capacity. These arrangements are complemented by the regular Governance meetings with office and agencies described in *Chapter 5 – Bodies under the Aegis of the Department*. This ongoing interaction is formally supported by the process of business planning and monitoring and regular reviews at Management Board level.

Operational capacity is further safeguarded by the implementation of the Department's data strategy overseen by the Department's Chief Information Officer and the ICT Governance Group which reports to the Management Board. The ICT Governance Group also oversees developments to increase ICT consolidation and integration within the Justice and Equality Sector to support the Public Sector ICT Strategy and to improve communications and

security. Further information about the ICT Governance Group and Terms of Reference is attached at Appendix 4.

The Department is responsible for preparing Memoranda to Government on key policy, legislative and operational issues for which the Minister requires the approval of Government or about which the Minister must inform the Government. All Memoranda to Government are approved by the Minister having been submitted by the relevant line Division and approved at Assistant Secretary/Director level at least.

A key element of Government business is its legislative programme. In a typical year, the Department of Justice and Equality is responsible for approximately 25% of primary legislation approved by Government and enacted by the Oireachtas. General Schemes of Bills cannot be developed or published without prior inclusion in the Government Legislative Programme and approval by the Government. The development of legislation involves complex processes and specialist resources, both within the Department and in other Offices, particularly in the Office of the Parliamentary Counsel to the Government and in the wider Office of the Attorney General. The enactment of legislation involves the use of Government time and time in the Houses of the Oireachtas, as well as the resources of the Houses.

The Government Legislative Programme is agreed by Government in advance of each parliamentary session, but is subject to change in the light of emerging developments or changing priorities. Increasingly, legislation is driven by EU measures which usually require transposition within 24 months. Changes to the Department's legislative programme can have significant downstream impact on the Department's ability to meet existing targets for producing legislation. Where it is proposed to alter the prioritisation of Bills on the Department's legislative programme, the Minister will therefore be advised of the potential consequences for other legislation in the programme.

2.8 Management Board

The Department's Management Board meetings are held on a weekly basis and minutes are available to all staff members. The Board reviews emerging issues; conducts annual overviews of both internal Divisions and the work of the Department's agencies. Further

details on the purpose and role of the Management Board are set out in the following Chapter.

2.9 Secretary General and Accounting Officer

The Secretary General is the Administrative Head of the Department, the Accounting Officer and has overall management responsibility for the quality of advice submitted to the Minister.

The Ministers and Secretaries Act 1924 and Public Sector Management Act 1997 outline the statutory responsibility of the Secretary General. Under the 1997 Act, certain duties are assigned to the Secretary General within the Department (section 4 (1), 9 (1) and 9(2)), including, but not limited to:

- Managing the Department
- Implementing Government policies appropriate to the Department
- Delivering outputs as determined with the Minister
- Providing advice to the Minister and using resources so as to meet the requirements of the Comptroller and Auditor General (Amendment) Act, 1993 in relation to regularity and propriety as well as to economy, efficiency, and effectiveness
- Preparing Statements of Strategy for submission to the Minister
- Ensuring proper use of resources and the provision of cost-effective public services
- Making sure arrangements are in place to maximise efficiency in cross departmental matters
- Preparing an outline of how specific responsibilities are to be assigned so as to ensure that the functions performed on behalf of the Minister are performed by an appropriate officer; and
- Managing matters relating to appointments, performance, discipline and dismissal of civil servants below the grade of Principal or equivalent.

The list of duties specified in the Public Service Management Act 1997 while extensive, is not necessarily exhaustive and the Secretary General may also be required, under the Act, to carry out other functions on behalf of the Minister. While the Secretary General may delegate responsibility and accountability by way of assignment (where each officer is accountable to the Secretary General), he / she retains ultimate responsibility and accountability for the actions of the Department, irrespective of the delegation of assigned responsibilities. *Role and Responsibilities of Accounting Officers – A Memorandum for*

*Accounting Officers (2011)*²⁶ and *Public Financial Procedures (2012)*²⁷ set out in detail the function and responsibilities of the Secretary General.

A review process has been put in place for Secretaries General and will involve each Secretary General identifying and agreeing with the Minister, and subsequently the Government, the priority goals a Secretary General is committed to delivering or progressing in the course of the year. It recognises the critical value of leadership to the role, both in respect of individual Departments/Offices and in terms of the overall system. The process will provide a structured framework for tracking progress in relation to the achievement of objectives. It will also ensure that there are effective feedback mechanisms in place in relation to performance and professional development. This process will be overseen by the Civil Service Accountability Board.

2.10 Special Advisors

The primary function of Special Advisors is to secure the achievement of Government objectives and to ensure effective co-ordination in the implementation of the Programme for Government. The role and duties of special advisors are described in section 11 of the Public Service Management Act 1997. In summary, these are to assist the Minister or the Minister of State by i) providing advice; (ii) monitoring, facilitating and securing the achievement of Government objectives that relate to the Department, as requested; and (iii) performing such other functions as may be directed while being accountable to the Minister or the Minister of State in the performance of those functions. Special Advisors, appointed to the Department coterminous with the Minister, are not part of the line management system of the Department. 'The briefing of Special Advisors by Department officials and the fact that Special Advisors attend particular meetings should not be considered, and should not be accepted, as an alternative to the direct briefing of the Minister on important areas of policy and operation'.²⁸

²⁶ Available online from: <http://govacc.per.gov.ie/files/2012/01/Accounting-Officers-Memo-2011-revision-Final-January-2012.pdf>.

²⁷ Available online from: <http://govacc.per.gov.ie/public-financial-procedures-booklet-by-section/>

²⁸ Report on Certain Issues of Management and Administration in the Department of Health and Children associated with the Practice of Charges for Persons in Long-Stay Care in Health Board Institutions and Related Matters. Travers, 2005, pg 84.

The Civil Service Code of Standards and Behaviour applies to Special Advisers. *Guidelines for Departments in the Preparation of Office Notices Regarding Special Advisers'* issued by the Department of Public Expenditure and Reform assist in setting out arrangements to support incoming Special Advisers in their role. These Guidelines form part of the implementation of Action 21 of the Civil Service Renewal Plan.

2.11 Assignment of Senior Management Roles and Responsibilities

The assignment of responsibility for the performance of functions by individual officers is made on the basis of the personal (or team) work objectives identified under or associated with the Department's business plans. Assignments will continue to be amended from time to time by the Secretary General.

Under Action 21 of the Civil Service Renewal Plan, all Government Departments are obliged to publish a Framework of Assignments of responsibilities for all Departments. This information in relation to the Department of Justice and Equality can be found at the www.whodoeswhat.gov.ie website address²⁹.

2.11.1 Assistant Secretary and Director

Specific responsibilities are assigned to officers at Assistant Secretary General or Director in their function as Heads of Division. These responsibilities sit within the overall management framework for the civil service and the Department. Their roles are listed in the responsibility matrix below;

²⁹ Available online at: <http://whodoeswhat.gov.ie/root/justice/>

2.11.2 Responsibility Matrix (Assistant Secretary/Director)

| Management of the Department | Management of Policy Advice |
|---|--|
| <ul style="list-style-type: none"> • Participate on the Management Board • Support the Secretary General • Report to the Deputy Secretary where appropriate • Prepare elements of the Strategy Statement and progress reports • Agree Strategic Business Plan • Contribute to the effective management of risk • Deliver outputs determined by Minister and/or Secretary General • Provide status updates on Divisional Business Plans to Management Board. | <ul style="list-style-type: none"> • Ensure all advice is evidence-based, politically neutral and impartial • Ensure that risks are managed in policy advice • Contribute to and manage dialogue with stakeholders • Participate at EU and other international fora • Provide policy advice to Minister through established structures. |
| Management of Resources | Management of Business |
| <ul style="list-style-type: none"> • Provide leadership to all staff in their functional area • Manage and assign specific responsibilities • Manage and lead overall performance, including PMDS, HR and operations • Ensure learning opportunities and continued development are identified for all staff • Ensure proper allocation and use of resources including <ul style="list-style-type: none"> ○ Effective financial management ○ Provision of cost effective public services | <ul style="list-style-type: none"> • Strategically plan in line with the strategic objectives of the Department • Own and sponsor agreed strategic objectives • Prepare business plans • Endure effective management of risk • Manage overall performance of the business area • Achieve relevant objectives • Implement relevant policy decisions in line with Government/Ministerial decisions • Deliver outputs determined by Minister and/or Secretary General |

| | |
|---|--|
| <ul style="list-style-type: none"> ○ Compliance with financial and other obligations • Identify opportunities for reform and development • Sign-off annual Internal Control Questionnaire. | |
|---|--|

2.11.3 Principal Officers

Responsibility is assigned to an officer at Principal Officer level as Head of Unit. These responsibilities sit within the overall management framework for the civil service and the Department. Their roles are listed in the responsibility matrix below;

2.11.4 Responsibility Matrix (Principal Officers)

| Management of the Department/Division | Management of Unit Business |
|--|--|
| <ul style="list-style-type: none"> • Supporting the wider management team to achieve the objectives of the Department/Division • Participate in and actively contribute to senior management groups and sub-committees | <ul style="list-style-type: none"> • Manage day to day business • Strategically plan in line with objectives of the Division/Department • Own and sponsor agreed strategic objectives • Maintain appropriate systems and structures to support the work of the section • Prepare business plans • Ensure the effective management of risk in the unit • Manage overall performance and achieve objectives |

| Management of Resources | Management of Policy Advice and Implementation |
|--|--|
| <ul style="list-style-type: none"> • Provide leadership to all Divisional staff • Manage and develop staff in the unit through regular and consistent engagement with staff • Manage and lead overall performance in the Unit, including PMDS • Ensure learning and continued development opportunities are identified for staff and managers • Ensure proper allocation and use of resources including <ul style="list-style-type: none"> ○ Effective financial management ○ Provision of cost effective public services ○ Compliance with financial and other obligations • Identify opportunities for reform and development within the unit • Sign-off annual Internal Control Questionnaire. | <ul style="list-style-type: none"> • Ensure all advice from the Unit is evidence based, politically neutral and impartial • Ensure the effective management of risk in the policy advice of the Unit • Coordinate the Unit's activities with those of other units where policy overlaps • Contribute to dialogue with stakeholders • Participate at EU and international fora • Provide policy advice through established structures to the Minister • Implement relevant policy decisions in accordance with Government/Ministerial decisions. |

2.12 Responsibilities of all Staff

Irrespective of position or grade in the Department or related agency, the Governance Framework applies to all staff.

In the context of their particular roles and responsibilities all staff across all grades have a duty in assuring good governance, adherence to the Civil Service Code of Standards and Behaviours in the performance of their duties, as well as corporate policies, procedures, circulars, and Office notices.

All staff are made aware as part of the induction process of their obligations under the Civil Service Code of Standards and Behaviour, including requirements in relation to official secrecy, data protection, dignity at work and so forth. All of the relevant publications, circulars and office notices are available for consultation on the Department's internal information directory. The current list of HR policies is attached in *Appendix 1*.

In accordance with the Protected Disclosures Act 2014, the Department operates a policy on Protected Disclosures in the workplace. The objective of the policy is to encourage a culture of 'speaking up' whereby staff with concerns about possible wrongdoing in the workplace are encouraged to raise their concerns internally so that they can be investigated and addressed in an appropriate manner.

The *Customer Charter* and *Customer Service Action Plan* deals with, inter alia, the procedures for dealing with problems and complaints raised by the public. The purpose of the Customer Charter is to set out the standard of service our customers can expect to receive from the Department and the behaviour which our staff can expect from customers. The Customer Service Action Plan outlines the standard of service our customers can expect from staff of the Department.

The Freedom of Information Officer (FOI) ³⁰ in the Department handles all FOI requests received by the Department and forwards them to a 'deciding officer' in the relevant section within the Department for processing and response to the requester. The Freedom of Information Act ³¹ gives a person the right to access records held by this Department at the date the request is received.

It is the policy of the Department to be fully compliant with its legal requirements under the Data Protection Acts. A new Data Protection Policy is currently being finalised and the objective of this policy is to support our obligation to comply with Data Protection Legislation.

This policy is achieved by providing documented assurance that:

- its staff and management is aware of those requirements, and
- the way in which it obtains holds and transmits personal data is systematically and regularly examined.

³⁰ Available online from: www.justice.ie/en/JELR/Pages/WP15000241

³¹ Available online from: <http://www.oireachtas.ie/documents/bills28/acts/2014/a3014.pdf>

Chapter 3 – Management Board and other Governance Structures

3

Whereas the previous chapter concentrated on governance roles and responsibilities, the purpose of this chapter is to set out the management structure and arrangements in place including the management board, and other senior management groups

3.1 Management Board

The Management Board ³²is central to the governance structures of the Department of Justice and Equality. The purpose of the Management Board is to provide strategic leadership, vision and direction to the Departments staff and Agencies; operating as a trusted advisor to the Minister and ensuring effective and robust governance and oversight leading to a safer and fairer Ireland in which to live, work and do business.

The functions of the Management Board are to

- Provide strategic leadership, vision and direction to the Department's staff and agencies,
- Support the Minister and Secretary General in the performance of their statutory duties, and
- Ensure the effective and robust governance and oversight of the Department and its agencies.

It is the responsibility of the Board to manage the Department, lead on strategy and reform, as well as monitor cross-cutting dimensions of policy advice to the Minister. The Board provides leadership, oversight, management and review of the Department's Strategy Statements, Business Plans and resources, and, as appropriate, oversight of the relevant sector-wide statements and plans, including those of the Department's offices/agencies. The Terms of Reference of the Management Board are published to all staff of the Department and are available on the internal information directory of the Department.

³² Available online from: www.justice.ie/en/JELR/Pages/Department_Management

A rolling programme of work is drafted and agreed by the Members of the Management Board and reported on by the Board each year.

The Management Board operates to the principles of shared responsibility for the operational success of the entire Department in supporting the Minister and Secretary General in the fulfilment of their statutory roles.

The Management Board can delegate consideration of certain matters to Management Board sub Committees without diluting its management responsibility. Members of the Management Board regularly brief and communicate with their own staff on appropriate matters relating to the management of the Department.

The Management Board operates in accordance with its Terms of Reference which are reviewed annually by the Management Board and internal audit, as required.

The Board is supported by staff of the Department's Corporate Secretariat Division.



Management Board (2015) from left to right, back row - John O'Callaghan, Peter Mullan, Andrew Munro, Michael Flahive, Oonagh McPhillips, James Martin, Conan McKenna, Michael Walsh and Dale Sunderland. Front row, Marion Walsh, Caron McCaffrey, Ken O'Leary, Noel Waters, Michael Donnellan, Thomas Maguire and Vivian Geiran.

3.2 Membership

Currently the Board has 18 members (plus a Secretary) who assist the Department in achieving its high level objectives and in the effective discharge of its responsibilities.

The Management Board is chaired by the Secretary General and comprises of the:

- Deputy Secretary (who chairs in the absence of the Secretary General)
 - Director General of INIS
 - Director General of the Irish Prison Service
 - Assistant Secretary, Policing
 - Assistant Secretary, Crime and Security
 - Assistant Secretary, Civil Law Reform and Courts Policy
 - Assistant Secretary, Prisons and Probation Policy and International Policy
 - Head of Asylum Services, Integration and Equality
 - Assistant Secretary, Corporate Affairs
 - Assistant Secretary, Criminal Law Reform
 - Director, Crime and Security
 - Director of the Probation Service
 - Chairperson and Vice – Chairperson of the PO Forum Steering Committee
 - Head of Communications and Corporate Secretariat
 - Head of Reform and Development Unit
 - Department's Personnel Officer
-
- The Secretary to the Board is currently the AP in the Corporate Secretariat.

3.3 Meetings

Meetings of the Management Board are held every week on a Tuesday morning in the Head Office of the Department of Justice and Equality, located at 51 St. Stephen's Green.

All members are required to attend the meetings and video links /calls are facilitated if required. In circumstances where an Assistant Secretary is unable to attend a Board meeting, a representative at Principal Officer level should be nominated to attend the meeting.

Standard Weekly Management Board meetings generally do not exceed 90 minutes in length and consider, as standing items:

- Current topical issues
- Government business
- Finance/budget and Human Resources
- Media and communications matters.

Monthly meeting, generally not to exceed 150 minutes in length, to consider:

- Strategy and business plans review and monitoring
- Agency oversight/relations
- Scheduled annual overview of agencies and the Department's Divisions

Twice Yearly meetings to consider:

- Strategic issues and external developments/scanning, including:
 - reviews of strategy and business plans
 - high-level reviews of Programme for Government, Integrated Reform Plan and the measures under the Civil Service Reform Plan and Programme for Change within the Department of Justice and Equality
- Overall effectiveness of Department, including:
 - Review of Management Board procedures and effectiveness
 - Review of internal audit issues
 - Strategic consideration of corporate risk register
- HR matters relating to HR strategy, talent management and workforce planning.

The Chair of the Internal Audit Committee attends one Board meeting annually.

3.4 Decisions/actions agreed

The Board expects that matters of major strategic importance, or which give rise to a significant risk, will be brought to the attention of the Board, through the relevant responsible member, in a timely manner. It is recognised that, given the range of responsibilities of the Department and the time pressures which apply, many matters are submitted directly (or through the Secretary General) to the Minister by members of the Board. However, as far as is practicable, the Board will be consulted in advance on major strategic policy decisions, especially where they have cross-cutting implications within the Department. It is also envisaged that where it has not been possible to consult the Board in advance that an early opportunity will be taken by the responsible member of the Board to brief it on the matters involved. Special considerations may arise in relation to matters of particular sensitivity.

The Chairperson of the Board will endeavour to achieve as much consensus as possible on the issues before the Board. Decisions/actions agreed emerging from the Board's deliberations are captured in the minutes of the meeting which are accessible to all staff in the Department.

The operation of the Board does not prejudice in any way the exercise by persons of their statutory functions.

3.5 MinMAC meetings

Management Board meetings are supplemented by MinMAC meetings, convened and chaired by the Minister and attended by the Ministers of State and take place generally on a monthly basis. Attendance includes the Management Board members as well as the Minister's Advisors, and the Department's Press Officer. MinMAC provides a forum for the ongoing monitoring of the implementation of the strategic priorities set out in the Department's annual Strategic Business Plan and, as necessary, the revision and prioritisation of priorities as may be agreed between the Minister and Secretary General and the Management Board. Minutes of the Board are drafted by the Corporate Secretariat Division and are made available to all staff of the Department.

3.6 Governance across Organisational Boundaries

The Department is involved in the implementation of various programmes across the Civil Service, for example the Civil Service Renewal Plan³³. The Civil Service Management Board, of which the Secretary General is a member and its related activities ensure that the relevant reforms and practices are applied to the Department.

In supporting the work of the Taoiseach and Government, the Department of the Taoiseach works with other Government Departments to implement Government policy primarily through the Cabinet Committee structure.³⁴ The Minister for Justice and Equality is currently a member of a number of Cabinet Committees, including the Cabinet Committees on Justice Reform, EU Affairs, Social Policy and Public Service Reform, as well as Construction 2020, Housing, Planning and Mortgage Arrears. These Cabinet Committees are chaired by the Taoiseach. Officials from across the Department service the relevant senior officials groups which support the work of the Cabinet Committees.

Officials from a variety of Divisions across the Department both lead and participate in a broad range of cross Departmental committees that facilitate formulation of wider policy perspectives and strategies.

³³ Available online from: www.per.gov.ie/en/civil-service-renewal

³⁴ Available online from: www.taoiseach.gov.ie/eng/Taoiseach_and_Government/Cabinet_Committees

Chapter 4 – Audit, Assurance and Compliance Arrangements

4

This chapter contains an overview of the Assurance Framework encompassing Compliance, Audit and Assurance Arrangements.

4.1 Financial Control Environment

The financial control environment in the Department is based on:

- Appropriate financial responsibilities assigned with corresponding accountability
- Documented financial procedures that are communicated to all staff
- A Financial Management Committee to provide appropriate oversight
- Appropriately resourced Financial Management Units in each Vote
- Appropriately resourced Internal Audit Units (IAU) for each Vote
- Appropriate external oversight by properly constituted Audit Committees for each Vote
- Appropriate external oversight by properly constituted Risk Committees for each Vote.
- Formal procedures established to report on control failures (part of the remit of IAU)
- An Anti-Fraud Policy is in place (in each Vote)
- A Protected Disclosures Policy is in place in each Vote
- Formal reporting on financial matters to the Management Board and to the Department of Public Expenditure and Reform
- Up to date Monetary Authorisation limits in place
- Devolved budget management in place in the Votes
- Oversight Committees/groups in place i.e. ICT Governance Group in place in Vote 21 and 24.

4.2 Financial Management Committee

To facilitate co-ordination and oversight of all Votes in the Justice Sector, a Financial Management Committee is in place comprising the Department's Assistant Secretary

Corporate Affairs, the Head of the Financial Shared Service and budgetary coordinator for the Vote Group, Head of Financial Management for the Department's Vote, and the Heads of Finance from the remaining 7 Votes in the Group - 16 (Valuation Office³⁵), 20 (Garda), 21 (Prisons), 22 (Courts Service), 23 (Property Registration Authority), 25 (Irish Human Rights and Equality Commission) and 41 (Policing Authority³⁶).

The Financial Management Committee (FMC) meets each month and reviews the individual and group budgetary situation, with the aim of early identification of variances from budget and the drafting and implementation of plans to correct significant deviances from profiled expenditure. The FMC also considers all new expenditure proposals greater than €50,000 in value.

4.3 Financial Management

The Head of Finance based in Financial Shared Services³⁷ Killarney, leads the budgetary and coordinating role in respect of budgets across the Justice and Equality Vote Group.

| | | |
|----|----------|--|
| 1. | Vote 20: | Garda |
| 2. | Vote 21: | Irish Prison Service |
| 3. | Vote 22: | Courts Service |
| 4. | Vote 23: | Property Registration Authority |
| 5. | Vote 24: | Department of Justice and Equality |
| 6. | Vote 25: | Irish Human Rights and Equality Commission |
| 7. | Vote 41: | Policing Authority |
| 8. | Vote 16: | Valuation Office |

Figure 3: Justice and Equality Vote Group

The Department's Financial Management Unit based in Dublin is headed by a professional accountant. In addition to managing all financial matters for the Department's Vote, the Financial Management Unit also deals with asset management, Justice Sector capital

³⁵ From January 2016

³⁶ From January 2016

³⁷ Available online from: www.justice.ie/en/JELR/Pages/Financial_shared_services

expenditure, and value for money, major capital building projects, European Social Funds and public/private partnerships.

There are effective budget management procedures in place and these include regular monitoring and reporting of income and expenditure levels. There are accountants in place in the larger Votes and in some of the larger organisations to ensure strong financial systems and governance.

Each Financial Management Unit across the sector is responsible for ensuring that there is an appropriate financial control environment in place. This includes the development and oversight of key controls in the financial systems such as, inter alia, appropriate authorisation limits, segregation of duties in payables and payroll administration functions.

| Vote | Accounting Officer | Finance Unit | Headed by |
|--|---|--|---|
| Vote 24 (<i>Justice</i>) | Secretary General of the Department of Justice | Financial Management Unit of the Department of Justice and Equality in conjunction with the Financial Share Service Centre | Accountant |
| Vote 21 (<i>Prison Service</i>) | Secretary General of the Department of Justice and Equality | Finance Division of the Irish Prison Service | Director of Finance (currently vacant April 2016) |

Figure 4: Vote 24 (Justice) and Vote 21 (Irish Prison Service)

4.4 Audit and Assurance

Definition of Internal Audit

Internal auditing is an independent, objective assurance and consulting activity designed to add value and improve the Departments operations. It helps the Department accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control, and governance processes. This applies to Vote 24 (Department) and Vote 21(Irish Prison Service).

The role of the Audit Committee of Vote 24 (Justice) and 21 (Prison Service) is, inter alia, to advise the Secretary General and the officials of the Department on the adequacy and effectiveness of the systems and internal financial controls operating within the Department.

The Audit Committee engages with the work of the Internal Audit Unit through approving its annual work programmes, reviewing audit reports prepared by the Unit and any other audit-related matters arising. It encourages compliance by the Unit with the Standards for Professional Practice of Internal Audit as prescribed by the Chartered Institute of Internal Auditors and takes a particular interest in ensuring that the training and other professional needs of the Unit are kept to the forefront.

The Audit Committee is a key part of the Department's governance framework and is tasked with providing independent advice to the Accounting Officer(s) regarding the suitability and robustness of the internal control systems and procedures within the Department of Justice and Equality. The Committee operates under a written charter which is reviewed on an annual basis with the Secretary General of the Department. The Committee's role is advisory rather than supervisory.

The structure of the Audit Committee overseeing Votes 21 and 24 is as follows:

- Five members of whom at least three (including the Chairperson) shall be external
- An appropriate mix of private and public sector experience, including at least one member with an audit or accounting qualification
- The quorum shall be three members
- Each member shall be appointed for a term of three years but this can be extended for additional periods
- The Committee/Chairperson shall meet with the Accounting Officer at least twice a year and attend a meeting with the Management Board at least annually
- The Committee shall issue an annual report of its work in the preceding year.

A copy of the Audit Committee Terms of Reference is attached at *Appendix 3*.

4.5 Internal Audit Unit

Internal Audit's primary objective is to provide independent assurance to the Accounting Officer on the effectiveness of the Internal Controls in place across the Vote. It also provides advisory/consulting services to divisions and offices across the Department and the Prison Service. These services assist the divisions/offices to mitigate risks and strengthen their controls thereby improving the overall efficiency and effectiveness of their operations.

Internal Audit forms part of the governance and accountability function for the Department and the Prison Service. It does this by providing reasonable audit assurance that significant operating risks are identified, managed and controlled effectively.

Internal Audit operates with the direct authority of the Secretary General to whom the Head of Internal Audit reports. It works under the general guidance and supervision of the Audit Committee. Internal Audit has unrestricted access to all records, reports, personnel, IT systems and assets, for audit purposes.

Internal Audit is empowered to audit systems and activities for which the Secretary General of the Department of Justice and Equality is the Accounting Officer. The responsibilities of Internal Audit are set out in detail in the Audit Unit Charter.

Internal Audit discharges its responsibilities as outlined in the Internal Audit Charter by examining critically and objectively:

- The adequacy reliability and effectiveness of systems of financial, operational and management controls and their operation in practice (including the relevant supporting technology)
- The extent of compliance with, relevance of, and financial effect of policies, standards, plans and procedures
- The extent of compliance with external laws and regulations
- The extent to which assets are acquired economically, used efficiently, accounted for and safeguarded from losses of all kinds arising from waste, extravagance, inefficient administration, poor value for money, fraud or other causes

- The suitability, accuracy, reliability and integrity of financial and other management information.
- The integrity of processes and systems, including those under development, to ensure that controls offer adequate protection against error, fraud and loss of all kinds
- The suitability of the organisation, its divisions or offices for carrying out their functions, and to ensure services are provided efficiently, effectively and economically
- The follow-up action taken to remedy weaknesses identified and recommendations made by internal audit
- Whether best practise is being implemented across the Department
- The Risk Management Framework in place to ensure it is effective.

The staff of the Internal Audit Unit are members of professional bodies (Accounting or Internal Audit). The table below provides an overview of the Unit's reporting arrangements.

| Vote | Audit Committee | Management Board | Secretary General |
|---------------------------------|--|--|--|
| Vote 24 (Justice) | Quarterly reports prepared for Audit Committee | Reports prepared for Audit Committee presented. Ad-hoc single item reports prepared. | Meets with the Head of Audit at least twice per annum. |
| Vote 21 (Prison Service) | | | |

Figure 5: Votes of the Internal Audit Unit – reporting arrangements

The Internal Audit Unit operates in accordance with the Standards for Professional Practice of Internal Audit as adopted for the Irish Civil Service. The standards have been published by the Department of Public Expenditure and Reform and have been adopted as the benchmark for all central government departments.

4.6 Accounting Officer assurance arrangements underpinning the annual Statement of Internal Financial Control

The Internal Audit Unit provides assurance to the Accounting Officer about the effectiveness of the Internal Financial Controls in respect of bodies for which the Accounting Officer has responsibility. The assurance facilitates the signing of the annual Statement of Internal Financial Controls (SIFC). The Unit undertakes a large of body of work around the annual Appropriation Accounts to determine the level of assurance that can be provided for the SIFC. This work is carried out in the first quarter of each year.

The work is designed to offer reasonable assurance to the Accounting Officer that the system of internal financial controls was adequate and operating effectively in Vote 24 (Justice) and Vote 21 (Prison Service) during the proceeding year.

Any issues identified during the audits are notified to the respective management functions along with recommendation for strengthening of controls in areas where weaknesses are identified and management are asked to address these as a matter of priority.

4.7 Shared Services

Payroll and human services are provided to the Department on a shared service basis by the National Shared Services Office.

The Accounting Officer relies on a letter of assurance from the Accounting Officer of the Vote for Shared Services that the appropriate controls are exercised in the provision of shared services to the Department.

The Accounting Officer in the Department of Justice and Equality provides a letter of assurance to Accounting Officers in receipt of financial shared services from the Departments Financial Shared Services (FSS) centre in Killarney regarding the controls in place.

4.8 Procedures over reporting Frauds, Irregularities and Control Failures

The Department has a procedure for collating, analysing and reporting frauds, irregularities and control failures each year.

The Financial Shared Services (FSS) and the Payroll Shared Service Centre (PSSC) document all control failures for payments and payroll respectively as they occur throughout the year on behalf of their client organisations. The cause of the failures is recorded and analysed at the time of reporting where possible. All detail is made available to Internal Audit at year-end.

In addition all Principal Officers are required to report to Internal Audit on frauds, irregularities and control failures as and when they occur but they are also reminded to report them annually. Internal Control failures include both financial and non-financial issues.

4.9 Addressing problems

In addition to local management addressing issues as they arise, the Internal Audit Unit analyse control failures annually, note trends, contact management and discuss the cause of failure and possible changes to address this failure. This extends to sending findings and recommendations to management both internally and management of the Payroll Shared Services Centre or PeoplePoint where appropriate. The Management Board also receives a copy of the reported issues.

4.10 Comptroller and Auditor General

The Comptroller and Auditor General is required under Section 3 of the Comptroller and Auditor General (Amendment) Act 1993³⁸ to audit all accounts of monies administered by or

³⁸ Available online from: <http://www.irishstatutebook.ie/eli/1993/act/8/section/3/enacted/en/html#sec3>

under the authority of the Oireachtas and report on these to Dáil Éireann. The Comptroller and Auditor General includes an element of Value for Money reviews as part of his routine work. The Office of the Comptroller and Auditor General has a full-time presence based in the Department of Justice and Equality headquarters in Dublin. There is ongoing co-operation and co-ordination of work with the Comptroller and Auditor General's staff. The C&AG presents findings in respect of both Votes to Audit Committee at its fourth quarter meeting each year.

4.11 Risk Management

The Department's Risk Management Policy (a copy of which can be found on the Departmental internal information directory) is a key part of the Department of Justice and Equality's corporate governance arrangements. It outlines the Department's approach to risk management, and outlines the roles and responsibilities of the Management Board, the Risk Committee, Heads of Division and Internal Audit.

Risk management concerns the identification, evaluation and mitigation of risks that threaten the achievement of business objectives. Corporate risks are those risks that are either strategic in nature or have the significance to impact at a whole-of-Department level.

The following principles underline the Department's approach to risk management:

- Risks are owned by individual business managers who are responsible for the identification and monitoring of those risks
- The Management Board assumes responsibility for risk management across the Department as a whole
- Prudent recognition and disclosure of the financial and non-financial implication of risks
- Monitoring of key risks will take place by the Risk Committee and the Management Board
- The risk management process is integrated with normal management processes and the annual business planning cycle.

The Department encourages the taking of appropriately approved, controlled risks, capitalising on new opportunities and the use of innovative approaches to further the

Department's business objectives. The resultant exposures, however, must not infringe the operating procedures or legal and regulatory requirements of the Department.

The Management Board is responsible for ensuring an effective risk management process is in place and regularly reviewed.

The Risk Committee is representative of different functional areas within the Department. Its role is to oversee the risk management process to ensure that it is operating as intended, to review the content of the risk registers and report on the process to the Management Board. A copy of the Risk Committee Terms of Reference is attached at Appendix 2.

The Corporate Risk Register summarises the strategic risks facing the Department. While the Management Board owns the Corporate Risk Register, clear ownership of the individual risks is assigned and detailed within the register.

The Chair of the Risk Committee meets with the Audit Committee at least once per year to discuss the key risks in the Corporate Risk Register and to outline how the risks are being addressed by the Department.

Where significant risks have been identified, the Risk Committee can request that Internal Audit carry out an audit to assess the level of risk and what actions have or should be taken to address the risk.

The Corporate Risk Register includes only those risks that are either strategic in nature or have the significance to impact at a whole-of-Department level. Full details are set out in the Department's *Risk Management Policy* (2015) which is available on the Department's internal information directory.

Risk Management Guidance for Government Departments and Offices

The updated *Risk Management Guidance for Government Departments and Offices* (2016)³⁹ was published by the Department of Public Expenditure and Reform in March 2016 to

³⁹ Available on-line at <http://govacc.per.gov.ie/files/2016/02/Risk-Management-Guidance-February-2016.pdf>

enhance governance arrangements across Government Departments and Offices. These Guidelines are applied to the management of Risk within the Department.

4.12 Management of crisis events and business continuity plans

Given the nature of the matters for which the Department has responsibility, significant crisis events arise from time to time. Such events are exceptional and need to be managed accordingly. As part of the Department's risk management processes, where appropriate, emergency planning for significant crisis events is undertaken and procedures are put in place to enable the Department to effectively respond to and manage such events.

In addition, where appropriate, business continuity plans are prepared in readiness for activation in the event of an emergency or significant event which disrupts the normal day-to-day operations of the Department such as financial services, ICT facilities management and accommodation.

4.13 Protected Disclosures

The Protected Disclosures Act 2014⁴⁰ provides a robust statutory framework within which workers can raise concerns regarding potential wrongdoing that has come to their attention in the workplace, in the knowledge that they can avail of significant employment and other protections if they are penalised by their employer or suffer any detriment for making such disclosures.

The Department has issued a *Protected Disclosure Policy* to implement the Protected Disclosures Act 2014. This is a key element of the Departments approach to good corporate governance and to ensure that a culture of 'speaking up' is encouraged. A copy of the policy is available to all staff via the internal information directory.

The objective of the policy is to encourage all workers to raise internally genuine concerns about possible wrongdoing in the workplace, so that these concerns can be investigated

⁴⁰ Available on-line at; <http://www.irishstatutebook.ie/eli/2014/act/14/enacted/en/html>

following the principles of natural justice and addressed in a manner appropriate to the circumstances of the case.

This policy is designed to ensure that all disclosures of wrongdoing in the workplace will, as a matter of routine, be the subject of an appropriate internal investigation followed by appropriate actions based on the investigation findings thereby ensuring workers will not have a need to, or a basis for, seeking to access the remedies of the Protected Disclosures Act 2014.

The Department will ensure that there is a mechanism to enable all workers to voice concerns in good faith internally in the confidence that in so far as possible:

- Their communication will be treated with confidentiality by the recipient
- Their concern will be investigated where that is considered appropriate
- The person reporting will receive protection from victimisation or harassment
- The person reporting will not be subject to retribution or disciplinary proceedings

The policy relates to the reporting of relevant wrongdoing as defined in the Protected Disclosures Act 2014 and is not intended to act as a substitute for normal day to day operational reporting nor to act as a substitute for existing grievance or other HR procedures.

The policy encourages staff to make such disclosures through the line management hierarchy in the first instance but provides for direct reporting to a named individual (in the Internal Audit Unit) should this be deemed more appropriate to the discloser. The discloser can alternatively decide to communicate outside of the Department.

Organisations or agencies with their own Accounting Officer or with a board (for example, the Courts Service, An Garda Síochána or various statutory bodies) are required to report under their own organisation's policy. Assurance is provided to the Department, in this regard, through the Governance agreements with the relevant bodies. Some statutory bodies within Vote 24 may adopt the Protected Disclosure Policy of the Department. The Protected Disclosure Policy is available on the Department's internal information directory.

4.14 Fraud Policy

Fraud is an ever-present threat to the assets, resources and reputation of the Department. The Department aims to minimise the risk of fraud occurring by implementing strong financial controls.

The procedures in place seek to prevent, detect and report on fraud that could occur across the Department.

The Department has a Fraud Policy in place and this sets out the Departments processes for Preventing, Detecting and Reporting on fraud. The Fraud Policy is part of the control environment in the Department of Justice and Equality.

Preventing Fraud

Strong financial controls that are being effectively applied help to prevent fraud and these need to be reviewed and updated on a regular basis. The Financial Management Unit or Internal Audit can advise managers on how best to strengthen their financial controls.

Detecting Fraud

Regular reviews of payments and other transactions that have or are being processed can help to identify fraud. Internal Audit will as part of its normal audit work take into account the possibility of fraud.

Reporting of Fraud

There is a reporting procedure in place and all frauds/irregularities must be reported to Internal Audit. Internal Audit will carry out a review where appropriate. All frauds are reported to the Comptroller and Auditor General and to the Secretary General.

Organisations or agencies with their own Accounting Officer or with a board (for example, the Courts Service, An Garda Síochána or various statutory bodies) are required to report under their own organisation's policy. Assurance is provided to the Department, in this regard, through the Governance agreements with the relevant bodies. Some statutory bodies within Vote 24 may adopt the fraud policy of the Department. The Fraud Policy is available on the Department's internal information directory.

4.15 Compliance Framework

As an accompaniment to this Governance Framework, a compliance Framework is also under development. This compliance framework will provide an overview of all compliance assurance activity in the Department and identify who within the Department is responsible for each activity. It will exist as a separate framework to focus on and provide greater detail of the subset of governance standards that are required to be met by statute, or on foot of government decisions or significant administrative or external commitments. A graphic detailing Departmental Audit and Assurance arrangements is attached at Appendix 5.

4.16 Procurement

The Department ensures that there is an appropriate focus on good practice in purchasing and that procedures are in place to ensure compliance with all relevant guidelines.

In this context, the Department operates a central supply agreement database and periodically reviews expenditure in the Financial Management System to ensure procurement compliance. Before payments are processed, a supply agreement reference must be present. This is to ensure that appropriate procurement arrangements are in place and that prior approval has been sought and received from the Procurement Officer where tendering is not possible. This can be due to the proprietary nature of the goods or services, situations where urgency is a factor or where it has been necessary to extend an agreement. The database is operated by the Procurement Division.

It is the policy of the Department to avail of all centrally available frameworks as soon as they come on stream and to engage with the Office of Government Procurement where we have more specific requirements. Controls will remain in place to ensure compliance with this strategy.

Chapter 5: Bodies under the Aegis of the Department

5

This Chapter sets out information in relation to the agencies and bodies under the aegis of the Department of Justice and Equality and the governance and accountability arrangements that are in place between the Department and its agencies and bodies. See also Appendices 6 and 7 to this Framework

5.1 Agencies and Bodies under the Aegis of the Department

The Department of Justice and Equality has responsibility for a large number of bodies, both statutory and non-statutory. These bodies range in scale from: large scale national services such as An Garda Síochána, the Courts Service, the Irish Prison Service and the Property Registration Authority; sectoral regulators including the Charities Regulatory Authority, the Private Security Authority, the Property Services Regulatory Authority and the forthcoming Legal Services Regulatory Authority; to statutory Boards exercising appellate type functions and which have little or no staff (e.g. Censorship of Publications Boards, Private Security Appeal Board, Property Services Appeal Board).

Arrangements for appointments to State Boards (commercial and non-commercial) are set out in the *Guidelines on Appointments to State Boards*, published by the Department of Public Expenditure and Reform in November 2014. According to the Guidelines, all vacancies (subject to limited and specified exceptions including the role of the Chair) are advertised openly on the State Boards portal www.stateboards.ie, operated by the Public Appointments Service (PAS). Applications are then processed by way of a transparent assessment system designed and implemented by the PAS to support the Minister in making appointments to State Boards under his/her remit. Appointments meet specific and detailed criteria determined in consultation with key stakeholders (such as the current Chair of the State Board concerned and the Public Appointments Service) as necessary for the effective performance of the relevant role(s). All appointments to State Boards under the aegis of the Minister for Justice and Equality are made in accordance with these Guidelines.

The Department is involved in holding all of the bodies under its aegis to account on behalf of the Minister. This includes evaluating the bodies' budgets against those set down by the Minister and plans (including strategy statements, corporate plans, key risks), as well as in monitoring their performance in meeting objectives and targets (including financial targets). A key focus of the Department is ensuring compliance by relevant Bodies under its aegis with the requirements of the *Code of Practice for the Governance of State Bodies* (Department of Finance, May 2009)⁴¹ and *Public Financial Procedures* (Department of Public Expenditure and Reform, 2012).

Public Financial Procedures (section A. 5, paras 18 and 19) require Accounting Officers to satisfy themselves that the monitoring systems and procedures in place in bodies under their Department's aegis are adequate and if reports indicate a problem has emerged that appropriate corrective action is taken by the body as soon as possible.

Following the *Report of the Independent Review Group on the Department of Justice and Equality* ["Toland Report"] (July 2014)⁴², the Department has introduced structured arrangements to manage the relationships with its agencies with a view to enhanced accountability and driving better performance across the sector.

This Chapter outlines the arrangements put in place for effective oversight over the Bodies under the Department's remit. A more detailed articulation of how precisely this will be implemented in practice is set out in Appendix 7 - Executive Summary of the Governance Framework for Justice Sector Bodies. Work on enhancing the Department's oversight and governance relationship with the key national Agencies⁴³ under its aegis has been significantly advanced. Formal governance meetings are held at least twice annually between the member of the Management Board with responsibility for the Agency and the relevant head of each Agency.

⁴¹ Available online from: <http://govacc.per.gov.ie/files/2012/03/codepractstatebod09.pdf>

⁴² Available online from: <http://www.justice.ie/en/JELR/RptReviewGroupDeptJustice.pdf/Files/RptReviewGroupDeptJustice.pdf>

⁴³ For the purposes of this document, the 'key national agencies' are all of those bodies listed in the Table at the end of the Chapter for which Governance Frameworks and/or Performance Agreements have been or are being put in place.

5.2 Governance processes over Agencies and related bodies in the Justice sector

- Agencies and Bodies under the aegis of the department are clearly defined.
- Appendix 6 of this document outlines the approach to be implemented in respect of each type of body
- Appropriate governance documents put in place for all bodies
- Regular monitoring meetings will take place at least twice a year for larger bodies. Minutes will record decision and action points.
- Compliance statements will be completed by all bodies on an annual basis
- An annual Agency overview will be carried out by the Management Board

5.3 Agency Annual Overview

As part of the ongoing work in relation to the operation of the Department's Management Board and as part of the Programme for Change, the Management Board has initiated a process of reviewing each agency on an annual basis. In addition, the Management Board has mandated that a formal Governance Framework will be put in place for all new Bodies/Agencies being established in the future to ensure a clarity of understanding on the part of the Department and the Agency on their respective roles and responsibilities from the outset [this would not prohibit the putting in place of Performance Agreements for such Agencies if this was appropriate].

5.4 Performance Delivery Agreements

Annual Performance Delivery Agreements are being rolled out to the majority of statutory Agencies under the aegis of the Department. These Performance Agreements are signed by the relevant member of the Management Board (or in some cases by the Secretary General) and the Chief Executive Officer of the Agency/Body. The Performance Agreements seek to bring clarity to the respective roles and responsibilities of the Department and the Agency and to formalise an agreed level of service on the part of the Agency. Having regard to the resources (finance, staff, other) available to the Agency, the Agreements seek to specify performance targets for the year. It is expected that the governance meetings between the

Department and the Agency will monitor progress against the performance targets set for the year and allow for appropriate amendment of Agreements if circumstances are agreed to have changed.

5.5 Agency Governance Frameworks (Oversight Agreements)

In the case of a number of statutory Agencies/Bodies which have particularly high levels of independence arising from their constitutional or legislative basis or their particular status under EU or other international legislation (e.g. Irish Human Rights and Equality Commission, Office of the Data Protection Commissioner), the introduction of detailed performance targets might be considered to encroach on the functions of those bodies. The approach agreed by the Management Board and these agencies has been for the roll out of Agency Governance Framework documents. These Governance Frameworks would normally have a three year time horizon and would set out clearly the respective roles and responsibilities of the Department and the Agency/Body in question.

Both Agency Governance Frameworks (Oversight Agreements) and Performance Agreements are intended and expected to:

- Define the expectations that the Minister and the Department have of the Body;
- Clarify the respective roles and responsibilities of the Department and the Body;
- Define the parameters surrounding the Body's resources;
- Ensure, where appropriate, more effective accountability of the Body to the Department and the Minister.

Performance Agreements, in addition to the criteria listed in the previous paragraph are expected to incentivise and ensure more effective performance by the Body. Along with the formal governance meetings between the Department and the Body, the putting in place of governance frameworks and performance agreements is expected to promote more effective communication between the Department and the key agencies or bodies under its aegis.

The Tables at Appendix 6 list all of the statutory and non-statutory Bodies under the aegis of the Department and indicate to which bodies the enhanced governance arrangements, i.e. Performance Agreements and/or Governance Frameworks, are being applied.

Summary information in relation to each Body under the aegis of the Department of Justice and Equality is provided in the following material.

Censorship of Publications Board

The Censorship of Publications Board was established under the provisions of the Censorship of Publications Act 1929 (as amended). Its purpose is to examine books and periodicals for sale. The Board may prohibit by way of a Prohibition Order the sale and distribution of books and periodicals if they are found to be indecent or obscene or if such books are found to advocate the procurement of abortion. The legislation provides that the Board shall consist of five members inclusive of the Chairperson and that members' term of office is for five years. Board members are not remunerated, i.e. they do not receive any Board fees. However, they are entitled to travel and subsistence expenses, in line with civil service norms, in respect of attendance at Board meetings. The Board only meets as required and in recent years has met infrequently. The Department of Justice and Equality does not have in place, and does not intend to introduce a formal governance agreement in respect of the Censorship of Publications Board.

Censorship of Publications Appeal Board

The Censorship of Publications Appeal Board was established under the provisions of Section 3 of the *Censorship of Publications Act 1946*. Its purpose is to consider appeals against Prohibition Orders issued by the Censorship of Publications Board. The Appeal Board may on appeal affirm or revoke a Prohibition Order in respect of a book or periodical publication or may vary the Order so as to exclude from the application thereof any particular edition of the prohibited book or periodical publication. The 1946 Act specifies that the Board shall have five members (inclusive of the Chairperson) and that members' term of office is for three years. Board members are not remunerated, i.e. do not receive any Board fees. However, they are entitled to travel and subsistence expenses, in line with civil service norms, in respect of attendance at Board meetings. The Department of Justice and Equality

does not have in place, and does not intend to introduce a formal governance agreement in respect of the Censorship of Publications Appeal Board.

Charity Appeals Tribunal

The Charity Appeals Tribunal is to be established during 2016 in accordance with the provisions of Part 5 of the *Charities Act 2009*. The positions on the Tribunal were advertised on www.stateboards.ie during February 2016. The Tribunal, which will have five members (inclusive of the Chairperson), will be independent in the performance of its functions and will hear and adjudicate on appeals against decisions of the Charities Regulatory Authority. Members of the Tribunal will receive a fee per sitting day and will be entitled to travel and subsistence expenses. Since the Tribunal will be performing a quasi-judicial appellate function, the Department of Justice and Equality does not intend to introduce a formal governance agreement in respect of the Charity Appeals Tribunal.

Charities Regulatory Authority

The Charities Regulatory Authority was established in 2014 under the provisions of the *Charities Act 2009* to regulate the charity sector in the public interest to ensure compliance with the law and to support best practice in the governance, management and administration of charities. The Authority currently has a membership of fifteen (including the Chairperson). Authority members receive Board fees and are entitled to travel and subsistence expenses. A Performance Agreement is agreed annually between the Authority and the Department of Justice and Equality.

Classification of Films Appeal Board

The Classification of Films Appeal Board was established under the Censorship of Films Act 1923 (as amended). The 1923 Act specifies that the Board has nine members (inclusive of the Chairperson) and that members' term of office is for five years. Board members are not remunerated, i.e. do not receive any Board fees. However, they are entitled to travel and

subsistence expenses, in line with civil service norms, in respect of attendance at Board meetings. The function of the Appeal Board is to adjudicate on any appeals brought against a decision of the Director of Film Classification as to the classification of a film or video/DVD. The Board only meets as required and in recent years has met infrequently. The Department of Justice and Equality does not have in place, and does not intend to introduce a formal governance agreement in respect of the Classification of Films Appeal Board.

Courts Service

The Courts Service was established in accordance with the provisions of the *Courts Service Act 1998*. The functions of the Courts Service are to: manage the courts; provide support services for judges; provide information on the courts system to the public; provide, manage and maintain court buildings; and provide facilities for users of the courts. The Board of the Service has seventeen members, including nine judicial nominees. The functions of the Board of the Service are to consider and determine policy in relation to the Courts Service and to oversee the implementation of that policy by the Chief Executive. The Courts Service has no role in relation to the administration of justice which is matters for the courts and the judiciary. The judges are, under the Constitution, independent in the exercise of their judicial functions. The Chief Executive of the Courts Service is the Accounting Officer. An Agency Governance Framework for 2016 has been agreed between the Department of Justice and Equality and the Courts Service.

Criminal Assets Bureau

The Criminal Assets Bureau is an independent statutory body established under the Criminal Assets Bureau Act 1996. The Bureau's remit is to target the assets, wherever situated, of persons which derive or are suspected to derive, directly or indirectly, from criminal conduct. The Bureau is founded on the multi-agency concept, with staff drawn from An Garda

Síochána, the Office of the Revenue Commissioners, the Department of Social Protection and the Department of Justice and Equality. The Bureau is headed by the Chief Bureau Officer, a Chief Superintendent of An Garda Síochána. The Commissioner of An Garda Síochána has responsibility for oversight of the performance of the Chief Bureau Officer in carrying out the functions of the Bureau. The Secretary General of the Department of Justice

and Equality is the Accounting Officer for the Criminal Assets Bureau. A Governance Framework (Oversight Agreement) has been agreed between the Department of Justice and Equality and the Criminal Assets Bureau.

An Garda Síochána

The function of An Garda Síochána, by virtue of section 7 of the Garda Síochána 2005 Act, is to provide policing and security services for the State. Its objectives are: preserving peace and public order, protecting life and property, vindicating the human rights of each individual, protecting the security of the State, preventing crime, bringing criminals to justice, including by detecting and investigating crime, regulating and controlling road traffic and improving road safety, and any other functions conferred on it by law. Under Article 28.2 of the Constitution, the executive power of the State must be exercised by or on behalf of the Government. Under section 40 of the Act, the Garda Commissioner must account fully to the Government and the Minister through the Secretary General for any aspect of her/his functions under the Act.

The functions of the Garda Commissioner are set out in section 26 and include: directing and controlling An Garda Síochána; carrying on and managing and controlling generally the administration and business of An Garda Síochána, including by arranging for the recruitment, training and appointment of its members and civilian staff; advising the Minister on policing and security matters; performing any other functions that are assigned to him or her by or under the Act. The Garda Commissioner is the Accounting Officer for An Garda Síochána. A Governance Framework (Oversight Agreement) is in place between the Department of Justice and Equality and An Garda Síochána. The Framework will be revised to take account of the establishment of the Policing Authority as of 1 January 2016.

Garda Síochána Inspectorate

The Garda Síochána Inspectorate was established under Part 5 of the Garda Síochána Act 2005. Its key objective is to ensure that the resources available to An 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. The Inspectorate carries out inspections and provides advice to the Minister. Inspection reports are published on the Inspectorate's website, www.gsinsp.ie.

The Inspectorate comprises three full time salaried members who are appointed by the Government and one of whom is the Chief Inspector. The Secretary General of the Department of Justice and Equality is the Accounting Officer for the Garda Inspectorate. A Performance Agreement is currently in preparation and will be agreed between the Department of Justice and Equality and Garda Inspectorate during 2016.

Garda Síochána Ombudsman Commission

The Garda Síochána Ombudsman Commission (GSOC) is an independent statutory body established under the *Garda Síochána Act 2005* to provide independent oversight of alleged misbehaviour by members of An Garda Síochána. The Ombudsman Commission consists of three members who are appointed by the President on the nomination of the Government. One of the members is appointed as the Chairperson. The function of the Chairperson of the Commission is to manage and control generally the officers, administration and business of the Ombudsman Commission. The Secretary General of the Department of Justice and Equality is the Accounting Officer for GSOC. A Governance Framework (Oversight Agreement) is currently in preparation and will be agreed between the Department of Justice and Equality and GSOC during 2016.

Insolvency Service of Ireland

The Insolvency Service of Ireland (ISI) was established as an independent statutory body under the provisions of the *Personal Insolvency Act 2012*. The ISI operates a range of debt solutions for insolvent borrowers. These are: the Debt Relief Notice, the Debt Settlement Arrangement, the Personal Insolvency Arrangement and Bankruptcy. The ISI also regulates Personal Insolvency Practitioners. The ISI is headed by a Director and supported by a Senior Management Team and does not have a Board structure. The Secretary General of the Department of Justice and Equality is the Accounting Officer for the Insolvency Service of Ireland. A Performance Agreement is agreed annually between ISI and the Department of Justice and Equality.

Irish Film Classification Office

The Irish Film Classification Office (IFCO) (previously the Office of the Film Censor) is a statutory body, established under the Censorship of Films Act, 1923. Its role was expanded by the various Censorship of Film Acts and the Video Recordings Act 1989. Headed by the Director of Film Classification, the main functions of the Office are to examine and certify all cinema films and videos/DVDs supplied in Ireland and which are not otherwise exempt from classification.

The Office's other responsibilities include the licensing of retail and wholesale outlets to sell and rent videos/DVDs and providing An Garda Síochána with certificates for court proceedings involving the above Acts. In addition, on an administrative basis, IFCO provides the Secretariat for the Censorship of Publications Board and the Censorship of Publications Appeals Board. The Secretary General of the Department of Justice and Equality is the Accounting Officer for IFCO. A Performance Agreement is agreed annually between IFCO and the Department of Justice and Equality.

Irish Human Rights and Equality Commission

The Irish Human Rights and Equality Commission (IHREC) is an independent national human rights institution (for UN purposes) and Equality Body (for EU law purposes), established under the Irish Human Rights and Equality Commission Act 2014. Members are appointed by the President following passing of a resolution by the Dáil and Seanad. Its role is to promote and protect human rights in the State. The Commission has its own Vote and its Director is the Accounting Officer. Discussions have commenced regarding a formal statement or Memorandum of Understanding on the working relationship between the Commission and the Department of Justice and Equality which will be introduced during 2016.

Irish Legal Terms Advisory Committee

The Irish Legal Terms Advisory Committee was established under the Irish Legal Terms Act 1945 (as amended by the Court of Appeal Act 2014). The function of the Committee is to provide expert advice in relation to the preparation and publication of forms and precedents of legal instruments and documents in the Irish language. The Committee verifies

translations of Forms contained in Rules of Court, translated by the Department of Justice and Equality, and offers expert advice in relation to the provision, for purposes of law, of standard equivalents in the Irish language for legal terms. The Department of Justice and Equality does not have in place, and does not intend to introduce a formal governance agreement in respect of the Irish Legal Terms Advisory Committee.

Judicial Appointments Advisory Board

The Judicial Appointments Advisory Board was established under the Courts and Court Officers Act 1995, which sets out the process for the appointment of judges in Ireland. Under the Constitution, judges are appointed by the President on the advice of the Government. The purpose of the Board is to identify persons and inform the Government of the suitability of those persons for appointment to judicial office. The Board comprises 11 members, including five judges.

The Chief Justice is chairperson of the Board and the Chief Executive of the Courts Service is its secretary. The 1995 Act enables the Board to adopt its own procedures to carry out its functions. The 1995 Act, as amended by the Courts and Court Officers Act 2002, requires the Board to, not later than six months after the end of each year, make a report in writing to the Minister of its activities during that year. Accordingly, bearing in mind the independence and the nature of the composition of the Judicial Appointments Advisory Board, the Department of Justice and Equality does not propose to introduce a formal governance agreement in respect of the Judicial Appointments Advisory Board.

Legal Aid Board

The Legal Aid Board is an independent, publicly funded organisation. It has been in existence since 1979 and was set up as a statutory body on foot of the Civil Legal Aid Act 1995. The main function of the Legal Aid Board is the provision of legal aid and advice on

matters of civil law to persons unable to fund such services from their own resources. In addition, responsibility for the Family Mediation Service transferred to the Legal Aid Board in 2011. The Civil Law (Miscellaneous Provisions) Act 2011 incorporated the provision of mediation services within the functions of the Legal Aid Board. The Board also administers three ad-hoc legal aid schemes connected with criminal matters. The Secretary General of

the Department of Justice and Equality is the Accounting Officer for the Legal Aid Board. A Performance Agreement is agreed annually between the Legal Aid Board and the Department of Justice and Equality.

Legal Services Regulatory Authority

The establishment of the Legal Services Regulatory Authority is provided for under the Legal Services Regulation Act 2015. The Act delivers structural reform priorities of both the EU/IMF/ECB Troika programme and of the EU Semester Process. In addition to the establishment of Authority the Act provides for a single disciplinary tribunal for solicitors and barristers; an independent public complaints regime and a new office for the Legal Cost Adjudicator and a much more transparent and consumer-friendly legal costs regime.

A plan of action for phased commencement, including accommodation and staffing, has been developed. This will work forward from the early nomination and appointment of the new Regulatory Authority under the terms of the 2015 Act and its recruitment of a CEO. This will be accompanied by the establishment of the new Legal Practitioners Disciplinary Tribunal and the commencement of the new legal costs regime. The CEO of the Authority will be accountable to the C&AG, PAC and Oireachtas Committees. The format of governance document applicable to the Authority will be confirmed on its establishment.

Mental Health (Criminal Law) Review Board

The Mental Health (Criminal Law) Review Board is provided for in legislation under the Criminal Law (Insanity) Act 2006, as amended, and is statutorily independent in the exercise of its functions. The Boards' function is to periodically review the detention of persons held in designated centres under the Criminal Law (Insanity) Act, 2006 on the basis of their being unfit to stand trial due to a mental disorder or having being found not guilty of a criminal offence by reason of insanity. The Board also reviews the detention of prisoners suffering from mental illness who have been transferred from prison to a designated centre for care or treatment which they cannot receive in prison. The Board is required to ensure that the detention of each patient is reviewed at intervals of not greater than 6 months. An Annual Performance agreement is in place between the Mental Health (Criminal Law) Review Board and the Department of Justice and Equality.

National Disability Authority

The function of the National Disability Authority (NDA) is to provide independent advice to the Minister and to Government Minister's generally on disability policy issues. It also monitors compliance with the 3% public sector employment quota and operates the Universal Design centre. A nominee of the Minister (currently the Principal in Equality Division) is a member of the board of the Authority. The Secretary General of the Department of Justice and Equality is the Accounting Officer for the National Disability Authority. A Performance Agreement is agreed annually between the National Disability Authority and the Department of Justice and Equality.

Office of the Data Protection Commissioner

The role of the Data Protection Commissioner (DPC) is set out in the Data Protection Acts 1988 and 2003. The DPC is required to investigate any complaints received from individuals who feel that personal information about them is not being treated in accordance with the Acts. Its remit is to monitor compliance with the relevant legislation, including the Data Protection Acts and the Electronic Communications Data Protection and Privacy Regulations (SI 336 of 2011) and to enforce against infringement of data privacy rights where necessary. Due to the large number of multinational corporations with European bases in Ireland, the DPC's role extends beyond the protection of data of Irish citizens. The Commissioner is appointed by Government and is independent in the exercise of his or her functions. A Governance Framework (Oversight Agreement) is currently in preparation and will be agreed between the Department of Justice and the Office of the Data Protection Commissioner during 2016.

Office of the Inspector of Prisons

The Office of the Inspector of Prisons is a statutory independent office established under the *Prisons Act 2007*. The key role of the Inspector of Prisons is to carry out regular inspections of the 14 Prisons in the State and to present reports on each institution inspected to the Minister for Justice and Equality. The Secretary General of the Department of Justice and Equality is the Accounting Officer in respect of the Office of the Inspector of Prisons. Due to the independent role of the Inspector of Prisons, the Department of Justice and Equality

does not currently have a governance document in place with the Office of the Inspector of Prisons.

Office of the Refugee Applications Commissioner

The Office of the Refugee Applications Commissioner (ORAC) was established as an independent statutory office in November 2000 under the Refugee Act 1996 to consider applications for refugee status. Its main functions are to investigate applications for refugee status and applications by refugees to allow family members to enter and reside in the State and to make recommendations to the Minister accordingly. With effect from November 2013, ORAC also has responsibility for the investigation and determination of subsidiary protection applications under the EU (Subsidiary Protection) Regulations 2014. The Secretary General of the Department of Justice and Equality is the Accounting Officer for the Office of the Refugee Applications Commissioner. An Annual Performance Agreement has been put in place between the Office of the Refugee Applications Commissioner and the Department of Justice and Equality.

Ordnance Survey Ireland

Ordnance Survey Ireland (OSI) is the national mapping agency for Ireland since 1824 and currently operates under the provisions of the *Ordnance Survey Ireland Act 2001*. OSI is responsible for the official, definitive, surveying, topographic mapping and related spatial information products and services for the public and private sectors in Ireland. Ordnance Survey Ireland has a Board of ten members who are appointed by the Minister. Ordnance Survey Ireland was transferred to the aegis of the Minister for Justice and Equality (from the Minister for Communications, Energy and Natural Resources) with effect from 1 January 2016. In accordance with the provisions of the Ordnance Survey Ireland Act, OSI agrees a Service Level Agreement with the Minister on an annual basis.

Policing Authority

The Policing Authority was established on 1 January 2016 under the Garda Síochána (Policing Authority and Miscellaneous Provisions) Act 2015 as an independent agency to oversee the performance of An Garda Síochána in relation to policing services. The Policing Authority's extensive range of functions include reviewing the following matters; adequacy of corporate governance arrangements and structures; recruitment and training

arrangements for Garda members and civilian staff; mechanisms for measurement of performance and accountability; arrangements for managing and deploying resources available to An Garda Síochána.

Other functions include nominating persons for appointment by Government to the posts of Garda Commissioner and Deputy Garda Commissioner following a PAS selection process, appointing or removing persons to other senior Garda ranks and appointing persons to senior civilian positions. The Authority is also responsible for setting priorities and performance targets for An Garda Síochána, approving the annual policing plans and the 3 year Garda Strategy Statement and establishing a Garda Code of Ethics. The Authority will hold meetings with the Garda Commissioner in public in relation to these functions at least 4 times per year. A Governance Framework (Oversight Agreement) is currently in preparation and will be agreed between the Department of Justice and the Policing Authority during 2016.

Prison Visiting Committees

Prison Visiting Committee members are appointed by the Minister for Justice and Equality under the Prisons (Visiting Committees) Act 1925 and Prisons (Visiting Committees) Order 1925. There are fourteen Prison Visiting Committees in existence - one for each institution. The function of Visiting Committees is to visit the prison to which they are appointed and hear any complaints which may be made to them by any prisoner. The Committees play a vital role in ensuring the quality of accommodation, catering, medical, educational, welfare and recreational facilities. The Department of Justice and Equality does not have in place, and does not intend to introduce a formal governance agreement in respect of the Prison Visiting Committees.

Private Security Appeal Board

The Private Security Appeal Board (PSAB) is an independent body, established under section 40 of the Private Security Services Act 2004, as amended. Its role is to hear and determine appeals against decisions of the Private Security Authority in respect of licensing individuals and contractors. A chairperson and such other members of the Board as are considered to be necessary are appointed by the Government - it has a quorum of three. It is not intended to put a formal governance agreement in place between the Private Security Appeal Board and the Department of Justice and Equality.

Private Security Authority

The Private Security Authority (PSA) was established under the Private Security Services Act 2004 (as amended) and is responsible for the licensing and regulation of the private security industry in Ireland. The key responsibility of the Authority is to licence those providing security services and the key objective is to improve and maintain standards and qualifications in the provision of these services. The Private Security Authority consists of a Chairperson and ten ordinary members. The composition of the Board is determined by Section 7 (2) (a) to (g) of the Private Security Services Act 2004 (as amended). The PSA is located in Davis Street, Tipperary Town. A Performance Agreement is agreed annually between the Department of Justice and Equality and the Private Security Authority.

Property Registration Authority

The Property Registration Authority (PRA) was established under the *Registration of Deeds and Title Act 2006* and is responsible for the management and control of the Land Registry and the Registry of Deeds. The function of the PRA is to provide a secure, reliable and effective legal system for registering property ownership and so enable property and related financial transactions to take place in confidence. The Property Registration Authority consists of eleven members who are appointed by the Minister for Justice and Equality. The Chief Executive of the Property Registration Authority is the Accounting Officer in respect of the Property Registration Authority Vote. A Performance Agreement is agreed annually between the Department of Justice and Equality and the Property Registration Authority.

Property Services Appeal Board

The Property Service Appeal Board was established under the provisions of the Property Services (Regulation) Act 2011. Its function is to consider appeals against certain decisions of the Property Services Regulatory Authority. The Property Services Appeal Board currently has six members, who are appointed by the Government. It is not intended to put a formal governance agreement in place between the Property Services Appeal Board and the Department of Justice and Equality.

Property Services Regulatory Authority

The Property Services Regulatory Authority (PSRA) is an independent agency established under the *Property Services (Regulation) Act 2011* to regulate, control and supervise property service providers (auctioneers/estate agents, letting agents and property management agents) and to establish and enforce standards within the property services industry. The Property Services Regulatory Authority consists of eleven members who are appointed by the Minister for Justice and Equality. The Secretary General of the Department of Justice and Equality is the Accounting Officer in respect of the Property Services Regulatory Authority. A Performance Agreement is agreed annually between the Department of Justice and Equality and the Property Services Regulatory Authority.

Refugee Appeals Tribunal

The Refugee Appeals Tribunal was established in November 2000 under the Refugee Act 1996. The primary function of the Refugee Appeals Tribunal is to affirm or set aside a recommendation made by the Refugee Applications Commissioner with regard to a declaration of a person as a refugee. The Tribunal is also tasked with determining subsidiary protection appeals as well as appeals under the Dublin procedure which determines the appropriate European country to determine an asylum application. The Secretary General of the Department of Justice and Equality is the Accounting Officer for the Refugee Appeals Tribunal. An Annual Performance Agreement has been put in place between the Refugee Appeals Tribunal and the Department of Justice and Equality.

Valuation Office

The Valuation Office is the State property valuation agency. The core business of the Office is the establishment and maintenance of a uniform and equitable valuation base on which commercial rates are raised by local authorities. The Valuation Office is the office of the *Commissioner of Valuation and Chief Boundary Surveyor* and is governed by the provisions of the *Valuation Act 2001* (as amended). The Commissioner of Valuation is the Accounting Officer in respect of the Valuation Office vote. The Valuation Office was transferred to the aegis of the Minister for Justice and Equality (from the Minister for Public Expenditure and Reform) with effect from 1 January 2016. It is anticipated that a Performance Agreement will

be developed by the Valuation Office and the Department of Justice and Equality and will be agreed during 2016.

Valuation Tribunal

The Valuation Tribunal is an independent body set up under the Valuation Act 1988, and continued by the Valuation Act 2001, to deal with appeals against decisions of the Commissioner of Valuation on the valuation of commercial properties for rating purposes. The Tribunal also deals with appeals against determinations of market value on derelict sites made by local authorities under the Derelict Sites Act 1990. Subject to a right of appeal to the High Court on a point of law, the decision of the Tribunal is final.

Members of the Valuation Tribunal are appointed by the Minister. Membership comprises a Chairperson, Deputy Chairpersons and Ordinary Members drawn mainly from the legal and property valuation professions. Appointments are part time for a period not exceeding five years. Members are eligible for re-appointment. Currently there are thirty members all of whom have been appointed for five-year periods. The Valuation Tribunal was transferred to the aegis of the Minister for Justice and Equality (from the Minister for Public Expenditure and Reform) with effect from 1 January 2016. The Commissioner of Valuation is the Accounting Officer in respect of the Valuation Tribunal. Since the Tribunal performs a quasi-judicial appellate function, the Department of Justice and Equality does not intend to introduce a formal governance agreement in respect of the Valuation Tribunal.

Appendix 1: List of Human Resources Policies and codes and Departmental Policy Documents⁴⁴

- Disciplinary Code – Circular 14/2006
- Civil Service Code of Standards and Behaviour – September 2008
- Guide to Alcohol and Drugs Misuse (Contains Circular 9/2009: CS Alcohol and Drugs Misuse Policy) – August 2009
- Dignity at Work – Anti-Bullying, Harassment and Sexual Harassment Policy for the Civil Service – February 2015
- Equality Policy – December 2007
- Probation Policy – February 2007
- ICT Acceptable User Policy – May 2008
- Work Related Social Events Policy – December 2009
- Attendance Management Policy – October 2010
- Mobility Policy – October 2013
- Dress Code – May 2015
- Loss and Resilience – Dealing with Grief and Bereavement in the Workplace – December 2015.
- Protected Disclosures Policy
- Anti-Fraud Policy
- Risk Management
- Data Protection policy
- Mobile Phone
- Travel and Subsistence
- Fixed Assets
- Minister & Secretary General Decisions and Record Keeping Policy.

⁴⁴ Available on the internal Justice Document Database 'Justinfo'.

Appendix 2: Risk Committee Terms of Reference

The Committee will assist the Secretary General and Management Board fulfil their risk management and control responsibilities.

The Committee shall be representative of all major business areas in the Department. The Assistant Secretary over Corporate Affairs, the Head of Internal Audit and the Information Officer shall be standing members.

The Committee Chair shall be a member of the Management Board.

There shall be a Secretary to the Committee.

The Committee will meet quarterly and at such other times as may be required.

The Committee has the right to request the attendance of any member of staff.

The Committee shall meet its objectives by:

- Assessing the identification, evaluation and management of significant risks
- Assessing new risks
- Considering the effectiveness of the internal control systems for managing risk, including assessment of possible failures and weaknesses
- Calling managers to outline and explain how they are managing risks
- Report on those divisions that are not monitoring and updating their risks
- Assessing effectiveness of control strategies
- Assessing effectiveness of risk management policy document
- Monitoring the reporting of risk by Department management.
- Reviewing the top risks in each office/agency under the aegis of the Department as reported by the relevant Line Divisions.

The Committee is authorised by the Management Board to investigate any activities within its terms of reference. It may seek any assistance it requires from any member of staff.

Staff are required to co-operate with any request made by the Committee.

The Committee Chair shall report to the Secretary General and Management Board quarterly.

The Committee Chair and Secretary General shall regularly brief the Minister on risks facing the Department.

Risk Committee Membership

- John O'Callaghan, Assistant Secretary, Policing Division (Chair)
- Aisling Brennan, Information Officer
- Alec Dolan, Principal Officer, Chief Information Officer
- Michael Donnellan, Director General, Irish Prison Service
- Maura Hynes, Principal Officer, Corporate Services
- Walter Johnston, Head of Internal Audit
- Oonagh McPhillips, Assistant Secretary, Corporate Affairs
- Tom Maguire, Principal Officer, Reform and Development Unit
- Deaglán Ó Briain, Principal Officer, Equality Division
- Madeleine Reid, Principal Officer, Civil Law Reform
- Ben Ryan, Principal Officer, Irish Naturalisation and Immigration Service
- Dermot Woods, Principal Officer, Crime and Security Division
- George Trimble, Principal Officer, Policing Division

Appendix 3: Audit Committee Terms of Reference

The Report of the Working Group on the Accountability of Secretaries General and Accounting Officers (the 'Mullarkey' Report) recommended that there be a formally constituted Audit Committee in each Department, which should:

- Operate under a written charter.
- Have significant external representation (at least two members), including, in the normal course, representatives from the private sector with appropriate expertise. The Chairperson of the Committee should come from outside the Department.
- Prepare an annual report reviewing its operations for the Accounting Officer.
- Invite the Comptroller and Auditor General, or his nominee, to meet the Committee at least once a year.

The Mullarkey report sets out the required performance criteria for Departmental Audit Committees as follows:-

- A source of independent advice to Accounting Officers;
- Review the plans and reports of the Internal Audit Unit and quality assure the service provided by the Unit;
- Assess whether appropriate action is taken to deal with key issues identified by the Internal Audit Unit and in external audit reports;
- Examine and monitor the implementation of the Department's risk management strategy;
- Facilitate improvements in internal audit and internal control through the exchange of information between (i) Departments/Offices and (ii) between the private and public sectors.

The Committee is of the view that it has complies fully with Mullarkey Report requirements.

The Audit Committee engages with the work of the Internal Audit Unit through approving its annual work programmes, reviewing audit reports prepared by the Unit and any other audit-related matters arising. It encourages compliance by the Unit with the Standards for Professional Practice of Internal Audit as prescribed by the Chartered Institute of Internal Auditors and takes a particular interest in ensuring that the training and other professional needs of the Unit are kept to the forefront.

The Committee requests and receives presentations from Divisional Managers throughout the year. These are in areas where the subject matter is complex or where the Committee consider the area to be of particular importance. The presentations form an important contribution to the Committee's role in ensuring that there is appropriate oversight and an effective internal control framework across the Department.

The Audit Committee is required to meet at least four times per year.

The role of the Audit Committee includes advising the Secretary General on the adequacy and effectiveness of the systems and internal controls operating within the Department. This also includes the Prison Service.

Audit Committee Membership

- Con Haugh (External Chair)
- Carol Bolger (External)
- Robert Cashell (External)
- Brian Duffy (External)
- James Martin (Department)

Appendix 4: ICT Governance Group

The strategic objective of the ICT Governance Group is to support the Secretary General and the Management Board in steering and controlling our ICT resource (including people, projects, budgets) by discharging the following functions -

1. Acting as the mechanism to support the Secretary General's statement of internal controls, in respect of ICT expenditure in the Annual appropriation accounts.
2. Ensuring alignment of ICT expenditure with Justice and Equality strategic objectives, as set out in the Statement of Strategy, in particular acting as programme Board for the creation of the proposed Justice and Equality Hub.
3. Ensuring alignment of Justice and Equality strategy with the Office of the Government Chief Information Officer (OGCIO) and other relevant Department of Public Expenditure and Reform directions, in particular overseeing the development of a project to implement the service-wide Build to Share applications for the clients of the Justice and Equality ICT Shared Service.
4. Being the authorised body discharging delegated sanction for ICT expenditure on infrastructure and on new projects, incorporating:
 - a) Reviewing business cases for new projects
 - b) Ensuring appropriate project management and reporting arrangements
 - c) Following up benefits realisation delivery of previously approved business cases
 - d) Reviewing spend on 'business as usual'
 - e) Ensuring compliance with Government decisions, in particular: the Public Service ICT strategy (Build to Share, Digital First etc) ; Open Data Initiative; Data Infrastructure and Procurement
5. Developing and overseeing policy and compliance arrangements for up to date ICT usage policy.
6. Developing and overseeing records management policy.
7. Overseeing implementation of policies to support legal obligations (e.g. Data Protection, Archives).
8. Setting priorities in case of competition for resources.

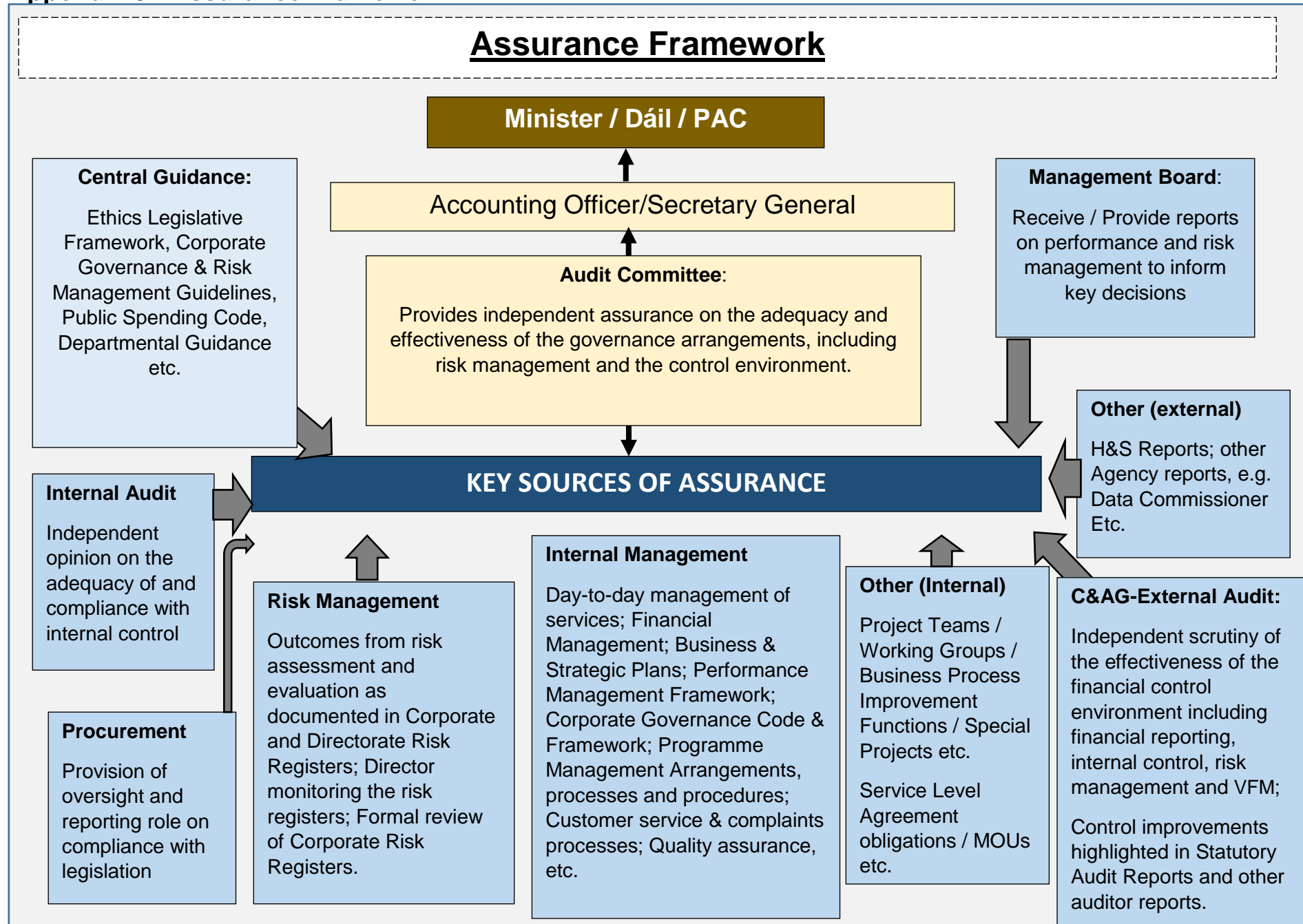
9. Ensuring expenditure is appropriately tracked and reported in the Financial Management System.
10. Promoting collaboration among other Justice and Equality accounting officer groups.
11. Reviewing ICT risks and mitigations.

The Group will be chaired by the Assistant Secretary of Corporate Affairs; the Deputy Chair will be the Chief Information Officer; the Head of ICT will be an ex-Officio member. Other senior members of staff will represent the main areas of ICT activity. While members represent their specific areas they also have a corporate responsibility. Organisations in scope for the Governance group are in line with the Governance Framework for the Department.

Current Membership

- Oonagh McPhillips, Assistant Secretary of Corporate Affairs (Chair)
- Siobhán Barron, National Disability Authority
- Seamus Clifford, Financial Shared Services
- Alec Dolan, Chief Information Officer (Deputy Chair)
- Una Doyle, Probation Service
- George Jackson, Irish Prison Service
- John Kennedy, Head of ICT (ex-Officio)
- Tom Maguire, Reform and Development Unit
- Mary O'Regan, Irish Naturalisation and Immigration Service
- Doncha O'Sullivan, Crime Division
- George Trimble, Policing Division
- Secretary to Group: David Spratt, ICT Division

Appendix 5: Assurance Framework



Appendix 6: Statutory Bodies under the aegis of the Department of Justice and Equality⁴⁵

| | Body | Accounting Officer | Department Line Division | Ministerial and Departmental Functions ⁴⁶ | Governing Legislation | Formal Governance Document Applicable |
|---|---|---|--------------------------|--|---|---------------------------------------|
| 1 | Censorship of Publications Board | Secretary General of the Department of Justice and Equality | Civil Governance | Minister: <ul style="list-style-type: none"> Appointment of the members of the Board | Censorship of Publications Act 1929 (as amended) Censorship of Publications Act 1946 | N/A |
| 2 | Censorship of Publications Appeal Board | Secretary General of the Department of Justice and Equality | Civil Governance | Minister: <ul style="list-style-type: none"> Appointment of the members of the Appeal Board | Censorship of Publications Act 1946 | N/A |
| 3 | Charity Appeals Tribunal ⁴⁷ | Secretary General of the Department of Justice and Equality | Civil Governance | Minister: <ul style="list-style-type: none"> Appointment of members of the Tribunal Shall provide the Tribunal with staff and premises for a | Charities Act 2009 | N/A |

⁴⁵ This is a list of bodies established by statute

⁴⁶ This list of Ministerial/Departmental functions is not intended to be exhaustive, but rather highlights key Ministerial functions in relation to the Body

⁴⁷ Charity Appeals Tribunal not (yet) established as of 21/4/16

| | Body | Accounting Officer | Department Line Division | Ministerial and Departmental Functions ⁴⁶ | Governing Legislation | Formal Governance Document Applicable |
|---|--------------------------------|---|--------------------------|--|-----------------------|---------------------------------------|
| | | | | Secretariat <ul style="list-style-type: none"> Consents to rules of procedure to be made by the Tribunal | | |
| 4 | Charities Regulatory Authority | Secretary General of the Department of Justice and Equality | Civil Governance | Minister: <ul style="list-style-type: none"> Appoints the members of the Authority, with the approval of the Government Consents to the appointment of the Chief Executive by the Authority Must commence a review of the operation of the Act within 5 years of the establishment day May by Regulations provide for any matter referred to in the Act as prescribed or to be prescribed May issue a Direction in writing to the Authority requiring it to comply with such policies of the Government as are specified in the Direction May issue a Direction to the | Charities Act 2009 | Performance Agreement |

| | Body | Accounting Officer | Department Line Division | Ministerial and Departmental Functions ⁴⁶ | Governing Legislation | Formal Governance Document Applicable |
|---|--------------------------------------|---|--------------------------|--|---|---------------------------------------|
| | | | | <p>Authority to establish a Consultative Panel</p> <ul style="list-style-type: none"> May, following consultation with the Authority, make Regulations in relation to charitable fundraising | | |
| 5 | Classification of Films Appeal Board | Secretary General of the Department of Justice and Equality | Civil Governance | <p>Minister:</p> <ul style="list-style-type: none"> Appointment of members of the Appeal Board May make Regulations for carrying into effect the objects of the Act and for regulating the conduct of the office of Director of Film Classification | Censorship of Films Act 1923 (as amended) | N/A |
| 6 | Courts Service | Chief Executive of the Courts Service | Courts Policy | <p>Minister:</p> <ul style="list-style-type: none"> Appointment of an officer of the Minister to the Board Appointment of a person who in the Minister's opinion has relevant knowledge in commerce, finance or administration to the Board Approval of the Service's Strategic | Courts Service Act 1998 | Governance Framework |

| | Body | Accounting Officer | Department Line Division | Ministerial and Departmental Functions ⁴⁶ | Governing Legislation | Formal Governance Document Applicable |
|---|------------------------|---|--------------------------|---|--|--|
| | | | | Plan <ul style="list-style-type: none"> May make Regulations necessary to give effect to the Act | | |
| 7 | Criminal Assets Bureau | Secretary General of the Department of Justice and Equality | Drugs & Organised Crime | Minister: <ul style="list-style-type: none"> May, by Order confer on the Bureau additional functions connected with its objectives and functions | Criminal Assets Bureau Act 1996 | Governance Framework (Oversight Agreement) |
| 8 | Garda Síochána | Garda Commissioner | Policing Division | Minister: <ul style="list-style-type: none"> Functions in relation to the appointment and removal of senior members of the Garda Síochána; Functions in relation to the granting, variation or withdrawal of authorisation of representative associations for members of An Garda Síochána; Approval of numbers and grades of civilian staff for the Garda Síochána; | Garda Síochána Act 2005 as amended by Garda Síochána (Policing Authority and Miscellaneous Provisions) Act 2015. | Governance Framework (Oversight Agreement) |

| | Body | Accounting Officer | Department Line Division | Ministerial and Departmental Functions ⁴⁶ | Governing Legislation | Formal Governance Document Applicable |
|--|------|--------------------|--------------------------|--|-----------------------|---------------------------------------|
| | | | | <ul style="list-style-type: none"> • Approval of priorities and performance targets for An Garda Síochána as determined by the Policing authority in relation to policing services; • Consent to An Garda Síochána to submit a Strategy Statement to the Policing Authority for approval and to lay a copy of said statement before the Houses of the Oireachtas; • Consent to An Garda Síochána to submit an Annual Policing Plan to the Policing Authority for its approval and to lay said Plan before the Houses of the Oireachtas; • Receipt of three year review reports on efficiency and effectiveness of management and deployment of resources available to the Garda Síochána, from the | | |

| | Body | Accounting Officer | Department Line Division | Ministerial and Departmental Functions ⁴⁶ | Governing Legislation | Formal Governance Document Applicable |
|--|------|--------------------|--------------------------|--|-----------------------|---------------------------------------|
| | | | | <p>Policing Authority and to lay said review before the Houses of the Oireachtas;</p> <ul style="list-style-type: none"> • Issuance of directives to the Garda Commissioner and the Policing Authority, subject to Government approval, and laying said directives before the House of the Oireachtas; • Authorisation of Deputy and Assistant Garda Commissioner to perform the functions of Garda Commissioner in certain circumstances, and to notify the Policing Authority of same; • Consent to An Garda Síochána to engage in certain business or administrative matters such as the operation of bank accounts or engaging consultants or advisers to assist the Garda Commissioner • Holding the Garda Commissioner | | |

| | Body | Accounting Officer | Department Line Division | Ministerial and Departmental Functions ⁴⁶ | Governing Legislation | Formal Governance Document Applicable |
|---|-----------------------------|---|--------------------------|--|-----------------------------------|---------------------------------------|
| | | | | <p>to account in relation to any aspect of her functions;</p> <ul style="list-style-type: none"> Initiating special inquiries relating to An Garda Síochána; Laying copies of the Annual Report of An Garda Síochána before the houses of the Oireachtas within 30 days of receipt from the Policing Authority. | | |
| 9 | Garda Síochána Inspectorate | Secretary General of the Department of Justice and Equality | Policing Division | <p>Minister:</p> <ul style="list-style-type: none"> Is responsible for proposing three members of the Inspectorate for appointment by Government (s115) Is responsible, subject to the consent of the Minister for Public Expenditure and Reform, for the provision of such funds, premise, facilities, services and staff as may be necessary for its proper functioning May request the Inspectorate to | Part 5 of Garda Síochána Act 2005 | Performance Agreement |

| | Body | Accounting Officer | Department Line Division | Ministerial and Departmental Functions ⁴⁶ | Governing Legislation | Formal Governance Document Applicable |
|----|-------------------------------------|---|--------------------------|---|-----------------------------------|--|
| | | | | carry out inspections or inquiries (s 117) <ul style="list-style-type: none"> Lay copies of Inspectorate reports before the Houses of the Oireachtas (s117) | | |
| 10 | Garda Síochána Ombudsman Commission | Secretary General of the Department of Justice and Equality | Policing Division | Minister: <ul style="list-style-type: none"> Approve (with consent of the Minister for Public Expenditure and Reform) appointment and determination of grades of officers of the Commission (s. 71) Lay annual and other specified reports from the Commission before the Houses of the Oireachtas (s.80) | Part 3 of Garda Síochána Act 2005 | Governance Framework (Oversight Agreement) |
| 11 | Insolvency Service of Ireland | Secretary General of the Department of Justice and Equality | Civil Governance | Minister: <ul style="list-style-type: none"> Appointment of Director on recommendation of the Public Appointments Service Removal or suspension from office of the Director (for stated reasons) Consenting to the making of | Personal Insolvency Act 2012 | Performance Agreement |

| | Body | Accounting Officer | Department Line Division | Ministerial and Departmental Functions ⁴⁶ | Governing Legislation | Formal Governance Document Applicable |
|--|------|--------------------|--------------------------|---|-----------------------|---------------------------------------|
| | | | | <p>Regulations prescribing fees to be paid to the Insolvency Service for the performance of functions, provision of services and carrying on of activities</p> <ul style="list-style-type: none"> • Consenting to the prescription by the Insolvency Service of criteria for authorisation of persons as Approved Intermediaries • May make Regulations relating to the holding of creditors' meetings under Chapters 3 and 4 of the Personal Insolvency Act • Consenting to the making of Regulations by the Insolvency Service prescribing a Prescribed Financial Statement • Consenting to the making of Regulation by the Insolvency Service regarding Personal Insolvency Practitioners • Establishment of a panel of | | |

| | Body | Accounting Officer | Department Line Division | Ministerial and Departmental Functions ⁴⁶ | Governing Legislation | Formal Governance Document Applicable |
|----|--|---|--------------------------|---|---|--|
| | | | | persons to act on a Personal Insolvency Practitioners Complaints Committee and on the request of the Insolvency Service, appointment of a Complaints Committee | | |
| 12 | Irish Film Classification Office | Secretary General of the Department of Justice and Equality | Civil Governance | Minister: <ul style="list-style-type: none"> Appointment of the Director of Film Classification | Censorship of Films Act 1923 (as amended) | Performance Agreement |
| 13 | Irish Human Rights and Equality Commission | Director of the Irish Human Rights and Equality Commission | Equality Division | Minister: <ul style="list-style-type: none"> May by Regulations provide for any matter referred to in the Act. May by Order, with the agreement of the Commission, confer such functions connected with the functions of the Commission as he or she thinks fit Approves Codes of Practice prepared by the Commission in | Irish Human Rights and Equality Commission Act 2014 | Formal statement/Memorandum of Understanding |

| | Body | Accounting Officer | Department Line Division | Ministerial and Departmental Functions ⁴⁶ | Governing Legislation | Formal Governance Document Applicable |
|----|--------------------------------------|---|--------------------------|--|------------------------------------|---------------------------------------|
| | | | | <p>furtherance of:</p> <ul style="list-style-type: none"> ○ Protection of human rights; ○ Elimination of discrimination; ○ Promotion of equality of opportunity in employment; ○ Promotion of equality of opportunity in relation to matters to which Act of 2000 applied. | | |
| 14 | Irish Legal Terms Advisory Committee | Secretary General of the Department of Justice and Equality | Corporate Services | | Irish Legal Terms Act 1945 | N/A |
| 15 | Judicial Appointments Advisory Board | Secretary General of the Department of Justice and Equality | Courts Policy | <p>Minister:</p> <ul style="list-style-type: none"> • Appointment of no more than three persons to the JAAB who shall be persons having knowledge or experience that the Minister | Courts and Court Officers Act 1995 | N/A |

| | Body | Accounting Officer | Department Line Division | Ministerial and Departmental Functions ⁴⁶ | Governing Legislation | Formal Governance Document Applicable |
|----|---------------------------|---|--------------------------|---|---------------------------|---------------------------------------|
| | | | | <p>considers appropriate of commerce, finance, administration or persons who have experience as consumers of the services provided by the courts</p> <ul style="list-style-type: none"> • May make available services, including staff, to the Board | | |
| 16 | Legal Aid Board | Secretary General of the Department of Justice and Equality | Corporate Services | <p>Minister:</p> <ul style="list-style-type: none"> • Appointment of the members of the Board • Appointment of the Chief Executive on the recommendation of the Public Appointments Service • May, by Order, confer additional functions on the Board consequential to its functions under the Act • May issue general policy directives to the Board in relation to legal aid and advice | Civil Legal Aid Act 1995 | Performance Agreement |
| 17 | Legal Services Regulatory | CEO of Regulatory | Civil Law Reform | <ul style="list-style-type: none"> • Commencement Orders and Order/Date of Establishment | Legal Services Regulation | TBC when established. |

| | Body | Accounting Officer | Department Line Division | Ministerial and Departmental Functions ⁴⁶ | Governing Legislation | Formal Governance Document Applicable |
|--|-------------------------|---|--------------------------|--|-----------------------|---------------------------------------|
| | Authority ⁴⁸ | Authority accountable to C&AG, PAC and Oireachtas Committees. | Division at present. | <ul style="list-style-type: none"> • Appointment of New Regulatory Authority • Appointment of Chair • Approval of specified regulations • Prescribing persons for disclosure of confidential information • Designation of Transferring Staff • Estimates of income/expenditure and format of accounts • Advances of monies • Receipt of annual, strategic and a series of specified and thematic reports, to Minister and their laying before the Houses of the Oireachtas • Nomination of Members of the Legal Practitioners Disciplinary Tribunal • Consent to determination of operating costs for annual levy on | Act 2015. | |

⁴⁸ Not yet established as at 21st April 2016.

| | Body | Accounting Officer | Department Line Division | Ministerial and Departmental Functions ⁴⁶ | Governing Legislation | Formal Governance Document Applicable |
|----|---|---|--------------------------|---|----------------------------------|---------------------------------------|
| | | | | <p>legal practitioners</p> <ul style="list-style-type: none"> • Patents of Precedence Committee nomination to it of one lay member of Authority: granting of patents on recommendation • Transitional re-designation of existing Taxing-Masters • Consideration of recommendations from periodic reviews of operation from the LSR Act • Strategic Plan of Legal Costs Adjudicator and its laying before both Houses <p>Regulations on Pre-Action Protocols</p> | | |
| 18 | Mental Health (Criminal Law) Review Board | Secretary General of the Department of Justice and Equality | Prisons Policy | <p>Minister:</p> <ul style="list-style-type: none"> • Appointment of Members of the Board • May appoint persons (civil servants) to be members of the staff of the Board | Criminal Law (Insanity) Act 2006 | Performance Agreement |

| | Body | Accounting Officer | Department Line Division | Ministerial and Departmental Functions ⁴⁶ | Governing Legislation | Formal Governance Document Applicable |
|----|-------------------------------|---|--------------------------|--|--|---------------------------------------|
| 19 | National Disability Authority | Secretary General of the Department of Justice and Equality | Disability Policy | Minister: <ul style="list-style-type: none"> • Appointment of Members of the Authority • May by Order confer additional functions in relation to disability of persons on the Authority • Approval of the Authority's Strategic Plan • Consenting to the appointment by the Authority of advisory committees or the engagement by the Authority of consultants or advisers • Approving draft Codes of Practice prepared by the Authority for the purpose of achieving the aim of good standards and quality in the provision of programmes and services provided or to be provided to persons with disabilities • Making of an Order amending or | National Disability Authority Act 1999 | Performance Agreement |

| | Body | Accounting Officer | Department Line Division | Ministerial and Departmental Functions ⁴⁶ | Governing Legislation | Formal Governance Document Applicable |
|----|--|---|--------------------------|--|---------------------------------------|--|
| | | | | revoking an approved Code of Practice <ul style="list-style-type: none"> Consenting to the removal from office of the Director by the Authority | | |
| 20 | Office of the Data Protection Commissioner | Secretary General of the Department of Justice and Equality | Civil Governance | Minister: <ul style="list-style-type: none"> May, following consultation with the (Data Protection) Commissioner, make various Regulations | Data Protection Act 1988 (as amended) | Governance Framework (Oversight Agreement) |
| 21 | Office of the Inspector of Prisons | Secretary General of the Department of Justice and Equality | Prisons Policy | Minister: <ul style="list-style-type: none"> Appointment of the Inspector of Prisons Removal of the Inspector from office for stated misbehaviour or if in the opinion of the Minister, he or she has become incapable through ill health of effectively performing his or her functions May request the Inspector to | Prisons Act 2007 | N/A |

| | Body | Accounting Officer | Department Line Division | Ministerial and Departmental Functions ⁴⁶ | Governing Legislation | Formal Governance Document Applicable |
|----|---|---|--------------------------|--|----------------------------------|---|
| | | | | investigate any matter arising out of the management or operation of a prison | | |
| 22 | Office of the Refugee Applications Commissioner ⁴⁹ | Secretary General of the Department of Justice and Equality | INIS | Minister: <ul style="list-style-type: none"> • Appointment of the Refugee Applications Commissioner | Refugee Act 1996 | Performance Agreement |
| 23 | Ordnance Survey Ireland (OSI) ⁵⁰ | Secretary General of the Department of Justice and Equality | Civil Governance | Minister <ul style="list-style-type: none"> • Appointment (and removal where appropriate) of members of the Board, including Chairperson • Approve appointment of Chief Executive by the Board • May give OSI general policy directions in respect of | Ordnance Survey Ireland Act 2001 | Statutory Service Level Agreement in place in accordance with provisions of Ordnance Survey Ireland Act 2001. |

⁴⁹ When the International Protection Act 2015 is commenced (anticipated to take place in July 2016), ORAC will no longer exist but will be subsumed into INIS in DJE.

⁵⁰ Transferred to DJE with effect from 1 January 2016. To merge with the Property Registration Authority and Valuation Office to form new body to be called 'Tailte Éireann' (subject to enactment of legislation).

| | Body | Accounting Officer | Department Line Division | Ministerial and Departmental Functions ⁴⁶ | Governing Legislation | Formal Governance Document Applicable |
|--|------|--------------------|--------------------------|--|-----------------------|---------------------------------------|
| | | | | <p>performance of its functions under the Act</p> <ul style="list-style-type: none"> • May confer on OSI additional functions in relation to any directive, regulation or other act adopted by an institution of the European Communities or other international convention or agreement to which the State is or becomes a party (in relation to mapping) • May make such provision as considered necessary or expedient in relation to matters ancillary to or arising out of conferral of functions on OSI under Section 6 of the Act • May by order amend or revoke an order under Section 6 of the Act • Lay before the Oireachtas every order made under Section 6 of the Act • Lay before the Oireachtas the | | |

| | Body | Accounting Officer | Department Line Division | Ministerial and Departmental Functions ⁴⁶ | Governing Legislation | Formal Governance Document Applicable |
|----|--------------------|---------------------------------------|--------------------------|--|---|--|
| | | | | <p>OSI's Annual Report</p> <ul style="list-style-type: none"> • May consent to the OSI or any subsidiary to the borrowing of money for capital purposes, including working capital | | |
| 24 | Policing Authority | Chief Executive of Policing Authority | Policing Division | <ul style="list-style-type: none"> • Facilitate process of appointment of Chairperson/Board members by Government. • Represent Authority in relation to Estimates process. • Consent to appointment/removal of Chief Executive. • Consent to the appointment of such and so many members of staff of Authority, and their terms and conditions of service, as it may determine. • Receive and lay before the Oireachtas strategy statement of the Authority • Receive and lay before the Oireachtas annual and five yearly | Garda Síochána (Policing Authority and Miscellaneous Provisions) Act 2015 | Governance Framework (Oversight Agreement) |

| | Body | Accounting Officer | Department Line Division | Ministerial and Departmental Functions ⁴⁶ | Governing Legislation | Formal Governance Document Applicable |
|--|------|--------------------|--------------------------|---|-----------------------|---------------------------------------|
| | | | | <p>reports relating to the Authority's activities/performance.</p> <ul style="list-style-type: none"> • May request reports on policing services. • May, with Government approval, issue to the Authority written directives in relation to certain matters. • May instruct Authority to monitor/assess implementation by Garda Síochána of Garda Inspectorate recommendations. • Approve policing priorities determined by the Authority. • Minister also has other roles under the legislation in relation to the interaction between the Authority and the Garda Síochána, e.g. consenting to the approval by the Authority of Garda policing plans and strategy statements, receiving advice from the Authority in | | |

| | Body | Accounting Officer | Department Line Division | Ministerial and Departmental Functions ⁴⁶ | Governing Legislation | Formal Governance Document Applicable |
|----|-------------------------------|---|-----------------------------|---|--|---------------------------------------|
| | | | | <p>relation to Garda resources and policing services, being consulted on such matters as the Garda code of ethics.</p> <ul style="list-style-type: none"> Minister is to consult with Authority before making Regulations under the Act. | | |
| 25 | Prison Visiting Committees | Secretary General of the Department of Justice and Equality | Prison Policy | <p>Minister:</p> <ul style="list-style-type: none"> Appointment of the members of each Visiting Committee May by order make Rules prescribing the duties and powers of Visiting Committees | Prisons (Visiting Committees) Act 1925 | N/A |
| 26 | Private Security Appeal Board | Secretary General of the Department of Justice and Equality | Security & Northern Ireland | <p>Minister:</p> <ul style="list-style-type: none"> Appointment of the members of the Appeal Board Provides a Secretary (civil servant) to the Board | Private Security Services Act 2004 | N/A |
| 27 | Private Security Authority | Secretary General of the Department of | Firearms & Explosives | <p>Minister:</p> <ul style="list-style-type: none"> Appointment of the members of the Authority | Private Security Services Act 2004 | Performance Agreement |

| | Body | Accounting Officer | Department Line Division | Ministerial and Departmental Functions ⁴⁶ | Governing Legislation | Formal Governance Document Applicable |
|----|---------------------------------|--|--------------------------|--|--|---------------------------------------|
| | | Justice and Equality | | <ul style="list-style-type: none"> • Appointment of the Chief Executive on the recommendation of the Public Appointments Service • May by Order confer additional functions on the Authority relating to security services • Approval of the Authority's Strategic Plan • May make Regulations she or he considers necessary or expedient for the purpose of giving effect to the Act • Consenting to the appointment by the Authority of advisory committees or the engagement by the Authority of consultants or advisers | | |
| 28 | Property Registration Authority | Chief Executive of the Property Registration Authority | Civil Governance | Minister: <ul style="list-style-type: none"> • Appointment of Members of the Authority • Appointment of Chief Executive on the recommendation of the Public | Registration of Deeds and Title Act 2006 | Performance Agreement |

| | Body | Accounting Officer | Department Line Division | Ministerial and Departmental Functions ⁴⁶ | Governing Legislation | Formal Governance Document Applicable |
|----|--------------------------------|---|--------------------------|---|---|---------------------------------------|
| | | | | <p>Appointments Service</p> <ul style="list-style-type: none"> • Approval of the Authority's Strategic Plan • May issue General Policy Directives concerning policy in relation to registration of deeds or ownership of land or any other functions of the Authority • Making of Orders fixing the fees to be charged by the Authority for its services • Agrees to the making of Rules by the Registration of Deeds and Title Committee | | |
| 29 | Property Services Appeal Board | Secretary General of the Department of Justice and Equality | Civil Governance | <p>Minister:</p> <ul style="list-style-type: none"> • Proposes candidates for appointment to the Appeal Board by the Government • Provides a Secretary (civil servant) to the Board | Property Services (Regulation) Act 2011 | N/A |
| 30 | Property Services | Secretary General of the | Civil | Minister: | Property Services | Performance Agreement |

| | Body | Accounting Officer | Department Line Division | Ministerial and Departmental Functions ⁴⁶ | Governing Legislation | Formal Governance Document Applicable |
|--|----------------------|------------------------------------|--------------------------|---|-----------------------|---------------------------------------|
| | Regulatory Authority | Department of Justice and Equality | Governance | <ul style="list-style-type: none"> • Appointment of Members of the Authority • Appointment of Chief Executive on the recommendation of the Public Appointments Service • May by Order confer additional functions relating to property services on the Authority • Approval of the Authority's Strategic Plan • Consenting to the approval of or publication by the Authority of a Code of Practice for the purpose of setting standards for the provision of property services • Consenting to the appointment by the Authority of advisory committees or the engagement by the Authority of consultants or advisers • Consenting to the making of Regulations by the Authority | (Regulation) Act 2011 | |

| | Body | Accounting Officer | Department Line Division | Ministerial and Departmental Functions ⁴⁶ | Governing Legislation | Formal Governance Document Applicable |
|----|--|--------------------------|--------------------------|--|-----------------------|---------------------------------------|
| | | | | <p>prescribing the fees to be paid to it in respect of performance of functions, provision of services and the carrying on of activities</p> <ul style="list-style-type: none"> • Consenting to the making of Regulations by the Authority providing for professional competence schemes for licensees • Consenting to the making of Regulations by the Authority under Section 95 • May make Regulations providing for any matter under the Act • Approving requests from the Authority to borrow for the Property Services Compensation Fund | | |
| 31 | Refugee Appeals Tribunal ⁵¹ | Secretary General of the | INIS | Minister (under Refugee Act 1996) | Refugee Act 1996 | Performance Agreement |

⁵¹ When the International Protection Act 2015 is commenced (anticipated to take place in July 2016) the RAT will be replaced with a new appeals body, the International Protection Appeals Tribunal.

| | Body | Accounting Officer | Department Line Division | Ministerial and Departmental Functions ⁴⁶ | Governing Legislation | Formal Governance Document Applicable |
|--|------|------------------------------------|--------------------------|---|------------------------------|---------------------------------------|
| | | Department of Justice and Equality | | <ul style="list-style-type: none"> • Appointment of the members of the Appeals Tribunal • Minister (under International Protection Act 2015) <u>will be</u> responsible for; • Appointment of establishment date for International Protection Appeals Tribunal • May make regulations (following consultation with Chairperson) for procedures in relation to appeals • Appointment and removal of members of the Tribunal • Appointment of Registrar and staff of the Tribunal • Appointment of Deputy Chair in certain circumstances <p>Department;</p> <ul style="list-style-type: none"> • Arrange for appointment of Chairperson, deputy | International Protection Act | TBC on establishment |

| | Body | Accounting Officer | Department Line Division | Ministerial and Departmental Functions ⁴⁶ | Governing Legislation | Formal Governance Document Applicable |
|----|--------------------------------|---------------------------|--------------------------|--|---------------------------------|---------------------------------------|
| | | | | <p>Chairpersons and ordinary members of the Tribunal</p> <ul style="list-style-type: none"> • Furnish information to the Tribunal for the purposes of an appeal by applicant • Representation at oral hearings | | |
| 32 | Valuation Office ⁵² | Commissioner of Valuation | Civil Governance | <p>Minister:</p> <ul style="list-style-type: none"> • Appointment or removal of Commissioner of Valuation • May delegate to the Commissioner powers exercisable under Civil Service Commission Act 1956 and and Civil Service Regulation Acts 1968 & 1958 in relation to staff of the Commissioner • May request information from the Commissioner regarding performance of his/her functions | Valuation Act 2001 (as amended) | Performance Agreement |

⁵² Transferred to DJE (along with Valuation Tribunal) with effect from 1 January 2016. To merge with the Property Registration Authority and Ordnance Survey Ireland to form new body to be called 'Tailte Éireann' (subject to enactment of legislation).

| | Body | Accounting Officer | Department Line Division | Ministerial and Departmental Functions ⁴⁶ | Governing Legislation | Formal Governance Document Applicable |
|----|----------------------------------|---------------------------|--------------------------|--|---------------------------------|---------------------------------------|
| | | | | <ul style="list-style-type: none"> • Receive Commissioner's Annual Report and cause copies to be laid before the Oireachtas • May give such general directions in writing to the Commissioner in relation to the exercise of his/her powers as considered appropriate • May by Order, require the Commissioner to carry out valuation of relevant properties in accordance with Section 53 of the Act | | |
| 33 | Valuation Tribunal ⁵³ | Commissioner of Valuation | Civil Governance | Minister: <ul style="list-style-type: none"> • Appointment of Chairperson and Members of the Tribunal • May appoint persons as he/she considers necessary to assist the Tribunal in the performance of its functions | Valuation Act 2001 (as amended) | N/A |

⁵³ Transferred to Transferred to DJE (along with Valuation Office) with effect from 1 January 2016. Valuation Office to merge with the Property Registration Authority and Ordnance Survey Ireland to form new body to be called "Tailte Éireann" (subject to enactment of legislation).

Non-Statutory Bodies and Executive Offices under the aegis of the Department of Justice and Equality

| Non-Statutory Bodies | Formal Governance Document Applicable |
|---|---------------------------------------|
| 1. Criminal Injuries Compensation Tribunal | Performance Agreement |
| 2. Commission for the Support of Victims of Crime | No |
| 3. Forensic Science Ireland (FSI) | Performance Agreement |
| 4. Irish Prison Service | Performance Agreement |
| 5. Irish Youth Justice Service ⁵⁴ | No |
| 6. Office of the State Pathologist | Performance Agreement |
| 7. Parole Board | Performance Agreement |
| 8. Probation Service | Performance Agreement |

| Executive Offices ⁵⁵ | Formal Governance Document Applicable |
|-------------------------------------|---------------------------------------|
| 1. Cosc | No |
| 2. Office for Internet Safety | No |
| 3. Reception and Integration Agency | No |
| 4. Victims of Crime Office | No |

⁵⁴ Executive Office of the Irish Youth Justice Service is in the Department of Children

⁵⁵ These Executive Offices have their own individual branding but are effectively Divisions of the Department of Justice and Equality.

Appendix 7: Executive Summary of the Governance Framework for Justice Sector Bodies

Governance Standard to provide Oversight of Justice and Equality Bodies

Executive Summary

Purpose

The Governance Standard for Justice and Equality Bodies sets out how the Department will implement effective oversight over Bodies under its aegis. It sets out the processes to be put in place to deliver effective oversight of the Bodies. The processes will ensure greater levels of strategic alignment, communication and accountability. The Standard will focus on statutory and non statutory bodies that deliver a clearly defined service outside of the policy or administrative functions of the core Department. The Standard does not override, and should be read in conjunction with, any existing legislative provisions governing individual Justice and Equality Bodies.

Objectives of the Governance Standard

The objectives of this Standard are:

- To clarify the Roles, Responsibilities and associated Accountability of the Department and associated Justice & Equality Bodies.
- To hold Justice and Equality Bodies to account while respecting their independence.
- To work to address issues that have implications for both organisations.
- To promote effective communication, engagement and relationships between Department and the Justice & Equality Bodies.
- To promote appropriate Strategic Alignment between the Department and the Justice & Equality Bodies.
- Contribute to increased clarity around the strategic goals of the Body as set out in its Strategic Plan and reflected in its Corporate Business Plan
- To ensure better Performance Management for Justice & Equality Bodies.

Delivery model

The Department will communicate the Governance Standard to the Justice & Equality Bodies. The Governance Standard for Justice & Equality Bodies will be delivered by putting in place an appropriately resourced Governance Unit to coordinate the administration of the processes. The Governance Unit will develop standardised governance practices (documents, systems and processes) and work with the Policy Divisions to manage the implementation of the governance process. The Policy Divisions will ensure that a comprehensive and clear Oversight Agreement (Governance Framework) and/or Performance Delivery Agreement (as appropriate) is put in place in respect of each appropriate Body and the Division will liaise with the individual Body to address all business related matters.

In respect of those Bodies with which a Performance Delivery Agreement is agreed, the process is underpinned by the Agreement which outlines key elements of the business plan and associated objective and outcome targets of the Body for the next 12 months. Where an Oversight Agreement is determined to be more appropriate to a Body, that Agreement will outline key objectives and outcome targets of the Body over a multi-annual term. The governance process, including performance against any such targets is monitored by regular meetings, attended by senior managers from the Department and the Justice & Equality Body. The process is formal with a set agenda and Policy Divisions will follow up on issues identified in the meetings.

Key Deliverables

The key tasks set out below are:

The Minister, Secretary General and the Management Board will oversee the delivery of the Governance Standard.

1. The division of Roles and Responsibilities between the Department and the Justice & Equality Body (and other stakeholders) will be defined in the

Oversight Agreement (Governance Framework⁵⁶) and/or Performance Delivery Agreement (as appropriate).

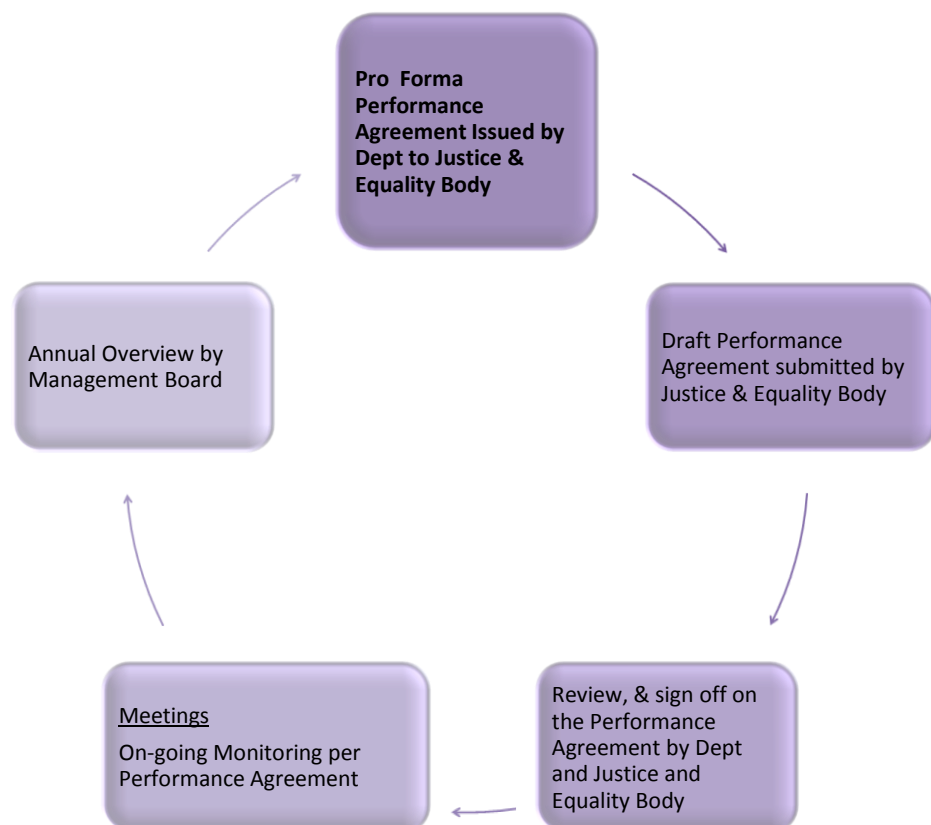
2. Oversight Agreements (Governance Frameworks) and/or Performance Delivery Agreements will be agreed for each Justice & Equality Body, the level of detail will be proportionate to the scale and the level of risks in each organisation. The Governance process will be coordinated by the Governance Unit (GU). The documents will be standardised so far as is practical.
3. The implementation of the Governance Standard will be monitored by scheduled meetings between the Department and the Justice & Equality Body. The meeting will be organised by the relevant Policy Division. The Head of the Justice and Equality Body (normally the Chief Executive Officer) and senior departmental personnel will attend the meeting. In the case of Bodies with a Board, the Chairperson may attend the meeting if they wish to do so. The Secretary General will attend the meetings with the larger Bodies. The agendas will include monitoring deliverables, financial information, key risks and other key performance indicators.
4. The Bodies will provide periodic positive assurance of their control environment and compliance with government/DPER requirements via Compliance Statements. Compliance Statements require the Head of the Justice & Equality Body to provide a written statement that they have complied with a checklist of good governance and management practices. It also, where appropriate, requires summary detail on how this assurance was gained. In Bodies with a Board, there will be a requirement to carry out a governance effectiveness review of the functioning of the Board and its Committees in accordance with the requirements of the Code of Practice for the Governance of State Bodies or more frequently as agreed with the Body e.g. internally on an annual basis and by an external independent

⁵⁶ Governance Frameworks (Oversight Agreements) are multi-annual frameworks which detail the role, responsibilities, duties and requirements between the Department and the Justice & Equality Bodies.

assessment every 3 to 5 years.⁵⁷ There will be periodic independent review of Internal Controls and Performance Measurement as appropriate in Justice & Equality Bodies⁵⁸

Overview of Proposed Annual Governance Cycle

The Standard seeks to build upon the existing Performance Agreements and Annual Planning/Performance Agreement processes. It seeks to embed a greater level of clarity on roles, greater evaluation of outcomes and on-going monitoring of Justice & Equality Bodies. The planned overview of the Annual Governance Cycle for a Justice and Equality Body operating with a Performance Delivery Agreement is illustrated below:



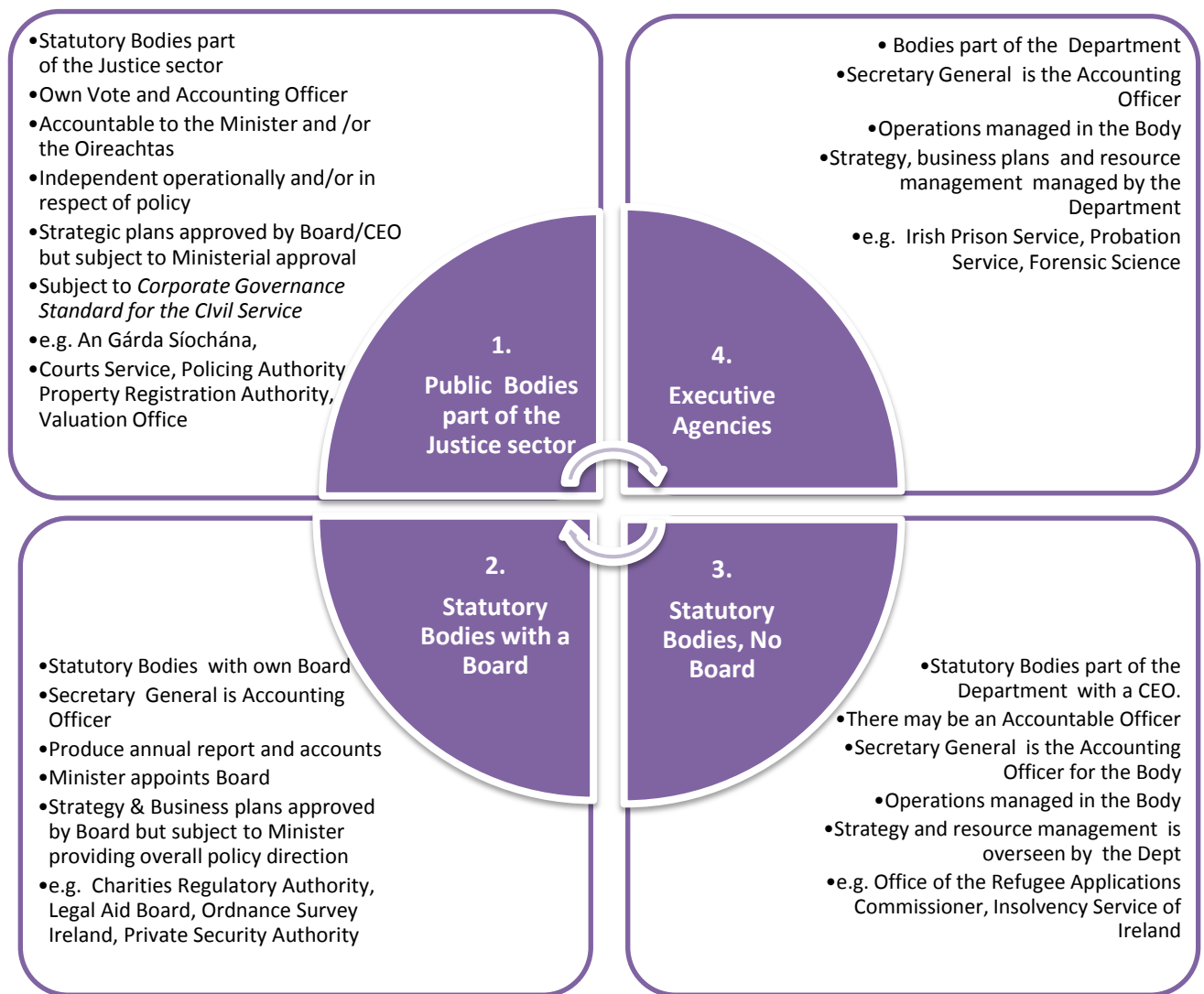
⁵⁷ It is envisaged that this will be carried out by external consultants and will be paid out of the budgets of the relevant Justice and Equality Body.

⁵⁸ It is envisaged that this can be delivered for each Justice and Equality Body by their respective Internal Audit Unit or else contracted out to external consultants to be undertaken to a standard specified by the Department. The Department may seek an external review of internal financial controls every three years.

Justice and Equality Bodies will be consulted in the estimates process leading up to the October Budget and the final Revised Estimates Volume estimates delivered in December of each year. The final estimate will allocate the financial resources to each Body and this will form the basis of the Body's annual business plan for the upcoming year. The Annual Business Plan will inform key sections of the Performance Delivery Agreement (where applicable) for the upcoming year. A more detailed overview of the expected frequency of on-going monitoring activities such as frequency of meetings, performance agreements, meeting attendees, reporting etc are included in the table at the end of the executive summary.

Categorisation of Justice and Equality Bodies for Governance Purposes

The Governance Standard categorises Justice and Equality Bodies into the 4 main categories as set out in the diagram below. Categories are based on certain structural and operational characteristics in place for each Body (e.g. own Votes, own Accounting Officer, own Board etc) which affect the level of governance/oversight/responsibility already in situ within the Body. Categorising the Bodies provides for a specified level of governance activities for each category based on their individual characteristics.



The table at the end of this executive summary includes a more comprehensive list of the Justice and Equality Bodies within each category.

The requirements of the Governance Standard will be tailored for each Justice and Equality Bodies as determined by the Governance Unit.

The categorisation of the Bodies determines the level of governance requirements to be put in place. These are outlined in the Governance Standard and provide the level of governance activities to be applied for each type of Justice & Equality Body. The Standard recommends that the Policy Division should consider material changes to the risks for each Justice & Equality Body on an annual basis and that this should determine the appropriate risk categorisation and the scope and frequency of governance activities. These governance requirements are included in the table at

the end of this executive summary and the scope and frequency of these requirements will be formalised by the Department in the Performance Delivery Agreement (or Oversight Agreement).

Accountability & Performance Meeting

The meetings are a key element of holding bodies to account but they also offer an opportunity to have open and frank discussions and to build better relationships. The Accountability and Performance meeting will be formal in nature with information packs⁵⁹ issued to all parties in advance of the meetings. The following points set out an overview of the requirements of the process.

| 1. Public Sector Bodies part of the Justice Sector (e.g. An Garda Síochána) 5 Bodies within this category | 2. Statutory Bodies with a Board (e.g. Charity Regulatory Authority) 8 Bodies within this category | 3. Statutory Bodies without a Board (e.g. Insolvency Service of Ireland) 8 Bodies within this category | 4. Executive Agencies (e.g. Office of State Pathologist) 7 Bodies within this category |
|--|--|---|--|
| Meet 2 times per annum Secretary General attends as appropriate, otherwise Assistant Secretary | Meet 2 times per annum Assistant Secretary attends (or Secretary General if deemed appropriate) | Meet 2 times per annum Assistant Secretary attends (or Secretary General if deemed appropriate) | Meet 1-2 times per annum Assistant Secretary attends (or Secretary General if deemed appropriate) |

A formal schedule of meetings will be arranged and the agenda circulated to participants, the schedule of meetings will be agreed in advance by the Body, the Policy Division and the Governance Unit.

The frequency of the meetings and the agenda is based on the scale of the organisation and the level of risk. The frequency of the meetings is agreed annually

⁵⁹ Information packs related to the reporting requirements of the Justice and Equality Body and the Policy Divisions (where appropriate) which will be collated and circulated in advance of each Accountability & Performance meeting– the specific requirements will be outlined in each individual Performance Delivery Agreement.

in the individual Performance Agreements. Attendees will be relevant key personnel from the Justice & Equality Body (CEO, senior management, etc) and relevant key personnel from the Department (Principal Officer, Assistant Secretary, Secretary General and personnel from support services).

Standing agenda items will include but not be limited to 1. Performance Measurement/KPI Reporting, 2. Financials/Budget, 3. Risk Management Update, 4. Human Resourcing and 5. Policy issues.

Additional items as appropriate will be added to the Agenda by the Justice & Equality Body or the Department via the Policy Division. The Governance Unit must be notified of significant changes to the agenda.

Minutes will be recorded for each meeting with action points clearly identified. The Policy Division will follow up on the issues noted at the meeting.

Meetings to be chaired by the most senior member of the Department in attendance.

Appendix: Summary Table of Minimum Standards

As noted in section 5 of this Standard, each organisation will be assessed in order to tailor the most appropriate corporate governance arrangements between the organisation and the Department of Justice and Equality. The table below seeks to outline only the expected minimum requirements for each type of organisation under the aegis of the Department of Justice and Equality.

| | Body Type | 1. Public Sector Bodies part of the Justice Sector (e.g. An Garda Síochána) | | | 2. Statutory Bodies with a Board (e.g. Charities Regulatory Authority) | | | 3. Statutory Bodies without a Board (e.g. Insolvency Service of Ireland) | | | 4. Executive Agencies (e.g. Office of State Pathologist) | | |
|---|---|--|---|--|--|--|---|--|--|---|---|--|---|
| | | <u>Five</u> Bodies within this category ⁶⁰ | | | <u>Seven</u> Bodies within this category | | | <u>Eight</u> Bodies within this category | | | <u>Seven</u> Bodies within this category | | |
| 1 | Annual Performance Agreements | Signed by the Head of J&E Body, Senior Responsible Officer and Secretary General | | | Signed by the Head of J&E Body, Senior Responsible Officer and Secretary General (where deemed applicable) | | | Signed by Head of J&E Body, Senior Responsible Officer and Secretary General (where deemed applicable) | | | Signed by Head of J&E Body and Senior Responsible Officer | | |
| 2 | Accountability & Performance meetings: <i>Required Attendees</i> | Secretary General | Senior Responsible Officer. (Assistant Secretary) | Responsible Officer. (Principal Officer) | | Senior Responsible Officer (Assistant Secretary) | Responsible Officer (Principal Officer) | | Senior Responsible Officer (Assistant Secretary) | Responsible Officer (Principal Officer) | | Senior Responsible Officer (Assistant Secretary) | Responsible Officer (Principal Officer) |
| | <i>Frequency</i> | CEO/Accounting Officer) | GU & Departmental Support Services | | CEO | GU & Departmental Support Services | | CEO | GU & Departmental Support Services | | CEO | GU & Departmental Support Services | |

| | | | | | |
|---|---|---|---|---|---|
| 3 | | At least 2 per annum | At least 2 per annum | At least 2 per annum | At least 1 per annum |
| 4 | Secretary General in attendance | Attends as appropriate | Not expected to attend but may attend if it is deemed appropriate | Not expected to attend but may attend if it is deemed appropriate | Not expected to attend but may attend if it is deemed appropriate |
| | Chief Executive Officer in attendance | Attends as appropriate | | | |
| 5 | Reporting into Department | Reporting Requirement for the Body | Reporting Requirement for the Body | Reporting Requirement for the Body | Reporting Requirement for the Body |
| | At the first Accountability & Performance meeting each year Quarter 1 | <ul style="list-style-type: none"> Review of the previous year results Final Performance Agreement for the current year Compliance Statement | <ul style="list-style-type: none"> Internal Effectiveness Review of Board and its Committees. Review of the previous year results Final Performance Agreement for the current year Compliance Statement | <ul style="list-style-type: none"> Review of the previous year results Final Performance Agreement for the current year Compliance Statement | <ul style="list-style-type: none"> Review of the previous year results Final Performance Agreement for the current year Compliance Statement |
| | At each Accountability & Performance | <ul style="list-style-type: none"> Report on operations for the period | <ul style="list-style-type: none"> Report on operations for the period | <ul style="list-style-type: none"> Report on operations for the period KPIs measuring performance | <ul style="list-style-type: none"> Report on operations for the period KPIs measuring performance |

⁶⁰ This does not include the Irish Human Rights and Equality Commission. Specific arrangements are being put in place in respect of that organisation.

| | | | | |
|--|---|---|---|---|
| meeting the following information will be reported by the Body | <ul style="list-style-type: none"> • KPIs measuring performance • Financial/Budgetary Information • Human Resourcing Update • Key Corporate Risks | <ul style="list-style-type: none"> • KPIs measuring performance • Financial/Budgetary Information • Human Resourcing Update • Key Corporate Risks | <ul style="list-style-type: none"> • Financial/Budgetary Information • Human Resourcing Update • Key Corporate Risks | <ul style="list-style-type: none"> • Financial/Budgetary Information • Human Resourcing Update • Key Corporate Risks |
| At the final Accountability & Performance meeting each year Quarter 4 | <ul style="list-style-type: none"> • Annual Business Plan for following year • Initial Budget for the year ahead from the Estimates Process • Annual Report & Audited Financial Statements for previous year. • C&AG Audit Report and Management Letter for previous year. • Statement of Internal Financial Control for previous year. • Annual Report of the Audit Committee for previous year. • Annual Board Report for previous year. | <ul style="list-style-type: none"> • Draft Annual Business Plan for the following year • Initial Budget for the year ahead from the Estimates Process • Annual Report & Audited Financial Statements. • C&AG Audit Report and Management Letter • Statement of Internal Financial Control • Audit Committee Annual Report. • Annual Board Report | <ul style="list-style-type: none"> • Draft Annual Business Plan for the following year • Initial Budget from the Estimates Process • Annual Report & Audited Financial Statements. • C&AG Audit Report and Management Letter • Statement of Internal Financial Control | <ul style="list-style-type: none"> • Draft Annual Business Plan for the following year • Initial Budget from the Estimates Process • Annual Report & Audited Financial Statements. • C&AG Audit Report and Management Letter • Statement of Internal Financial Control |
| Other Annual Compliance Reporting (as soon as identified) | <ul style="list-style-type: none"> • Fraud & Irregularities Reporting as appropriate • Control Failure Reporting as appropriate | <ul style="list-style-type: none"> • Fraud & Irregularities Reporting • Control Failure Reporting | <ul style="list-style-type: none"> • Fraud & Irregularities Reporting • Control Failure Reporting | <ul style="list-style-type: none"> • Fraud & Irregularities Reporting • Control Failure Reporting |
| Every 3 Years or | <ul style="list-style-type: none"> • Where Board determines it appropriate, external Review of the Effectiveness of the Board and Committees (at least every 3 years) • External Review of Internal | <ul style="list-style-type: none"> • External Review of the Effectiveness of the Board and Committees (at least every 3 years) • External Review of Internal Financial Controls (Year 1 | <ul style="list-style-type: none"> • External Review of Internal Financial Controls • Strategy Statement / Strategic Plan | <ul style="list-style-type: none"> • External Review of Internal Financial Controls • Strategy Statement / Strategic Plan |

| | | | | | |
|---------------------|--|-----------------------------|---------------------------------------|--|--|
| 3 to 5 years | Financial Controls (Year 1 + every 3 years thereafter) <ul style="list-style-type: none"> • Strategy Statement / Strategic Plan | + every 3 years thereafter) | • Strategy Statement / Strategic Plan | | |
|---------------------|--|-----------------------------|---------------------------------------|--|--|

Comprehensive Listing of Justice and Equality Bodies by Category for Governance Purposes

| 1. Independent Public Sector Bodies part of the Justice Sector (e.g. Garda Síochána) Five bodies within this category ⁶¹ | 2. Departmental Sponsored Bodies with a Board (e.g. Charities Regulatory Authority) Eight bodies within this category | 3. Departmental Sponsored Bodies without a Board (e.g. Insolvency Service of Ireland) Eight bodies within this category | 4. Executive Agencies (e.g. Office of State Pathologist) Six bodies within this category |
|--|---|--|---|
| An Garda Síochána | Charities Regulatory Authority | An Garda Síochána Ombudsman Commission | Criminal Injuries Compensation Tribunal |
| Courts Service | Legal Aid Board | An Garda Síochána Inspectorate | Forensic Science Ireland |
| Policing Authority | Legal Services Regulatory Authority | Criminal Assets Bureau | Irish Prison Service |
| Property Registration Authority | Mental Health (Criminal Law) Review Board | Insolvency Service of Ireland | Office of State Pathologist |
| Valuation Office | National Disability Authority | Irish Film Classification Office | Parole Board |
| | Ordnance Survey Ireland | Office of the Data Protection Commissioner | Probation Service |
| | Private Security Authority | Office of the Refugee Applications Commissioner | |
| | Property Services Regulatory Authority | Refugee Appeals Tribunal | |

ENDS

⁶¹ Not including IHREC.