



# Report of the Independent Review Group on the Department of Justice and Equality

July 11th, 2014



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# 1. EXECUTIVE SUMMARY

The Department of Justice and Equality plays an essential role within the Government and on behalf of the people of Ireland. Over the years, the Department has had many great achievements and has made vital contributions to the country's peace, national security and the safety of the public. The civil service system and the staff are the backbone of the Department and its accomplishments. Given the nature of its activities and the important and sensitive work that it does, it is critical that the Department continually evolves to stay ahead in an ever changing environment.

Our review confirmed and validated that the commitment, capability, capacity and expertise of the Department staff is an essential and strong base to build upon, but the Department, like many other organisations, needs to change fundamentally how it functions to cope with a complex and fast changing world.

The top 5 issues that the Independent Review Group found are:

1. A closed, secretive and silo driven culture.
2. Significant leadership and management problems.
3. Ineffective management processes and structures to provide strong strategic oversight of the key agencies both to hold them accountable and to ensure their effectiveness is maximised.
4. A Management Advisory Committee (MAC) that is neither sufficiently focused on key strategic priorities that impact on the Department and its key agencies nor ensuring that emerging issues with agencies or with political consequence are identified and managed proactively.
5. Relationships with key agencies tend to be informal and unstructured without strong central management from the Department.

The key recommendations are:

1. A programme for fundamental and sustained organisational and cultural change and renewal.
2. A change in the leadership and management routines, systems and practices to underpin both the performance of the Department and key agencies.
3. An upfront commitment to additional skilled and specialised resources and training and development programmes to lead and drive the change programme.
4. A change in the scope and approach of the MAC to provide better strategic management and support.
5. A structured approach to how agencies and key relationships are managed to hold them more accountable and drive better performance across the broader justice landscape.

While the recommendations in this report are challenging, the evident capability and commitment of staff within the Department engenders full confidence that these recommendations can be quickly and professionally implemented.

## 2. INTRODUCTION AND TERMS OF REFERENCE

An Independent Review Group was established by Minister Fitzgerald on 3 June 2014 to undertake a comprehensive review of the performance, management and administration of the Department of Justice and Equality. The Review Group was asked to assess and report on:

- The roles, responsibilities and capabilities of the Department, including concerns in respect of the governance and oversight of external organisations identified particularly in the report of Mr. Sean Guerin, SC;
- The Department's performance in discharging its responsibilities, implementing its programmes and achieving its desired strategic outcomes, as set out in its Statement of Strategy;
- The effectiveness of the Department's current structure, systems, management and capabilities.

In making its recommendations, the Review Group had regard to the policy, legal, institutional and resource framework within which the Department works.

The Review Group also drew on international best practice regarding the organisational structures, skills, training and levels required by the Department so that it can fulfil its roles and responsibilities.

The membership of the Review Group was as follows:

- Mr. David Byrne, SC, former Attorney General and EU Commissioner
- Mr. Pat McLoughlin, Management Consultant
- Ms. Kathleen O'Toole, Chief of Police, Seattle and former Chief Inspector, Garda Inspectorate
- Mr. Greg Sparks, Founding Partner, RSM Farrell Grant Sparks
- Ms. Geraldine Tallon, former Secretary General, Department of the Environment, Community and Local Government
- Mr. Kevin Toland, CEO of the Dublin Airport Authority and former CEO of Glanbia, USA; (Chairman)

The Review Group was asked to finalise the review within 5 weeks and report back to the Minister by 11 July 2014. As part of the process, the Review Group convened 7 times, interviewed and met with over 20 internal staff including the Secretary General (3 times), all of the Assistant Secretaries and a representative group of the Principal Officers. The Review Group also met or conducted interviews with over 25 additional people, as listed in Appendix A. In addition, the Review Group received feedback and submissions from over 30 staff and also reviewed in excess of 100 documents.

The Review Group would like to acknowledge the support of the Secretary General, all of the MAC members, senior management and all of the staff that contributed to the review. We would also highlight that some of our views are quite high-level and will require additional analysis. We have presented our recommendations in a constructive spirit to support the critical work of a strong and busy Department.

### 3. BACKGROUND

The Department is structured around clusters of Divisions, with each Division headed up by a member of the MAC, responsible for administration and policy. The Department currently oversees 21 statutorily independent agencies / bodies (and associated appellate / oversight bodies) which are:

- An Garda Síochána
- Commissioners of Charitable Donations and Bequests (*to be subsumed into Charities Regulatory Authority in 2014*)
- Courts Service
- Equality Authority and Human Rights Commission (*Merger into new Human Rights and Equality Commission being progressed*)
- Garda Complaints Board (*being wound down*)
- Garda Síochána Inspectorate
- Garda Síochána Ombudsman Commission (GSOC)
- Insolvency Service of Ireland
- Irish Film Classification Office
  - Classification of Films Appeal Board
- Legal Aid Board
- National Disability Authority
- Office of the Data Protection Commissioner
- Office of the Inspector of Prisons
- Office of the Refugee Applications Commissioner
  - Refugee Appeals Tribunal
- Property Registration Authority (*To be merged with Valuation Office and OSI*)
- Private Security Authority
  - Private Security Appeal Board
- Property Services Regulatory Authority
  - Property Services Appeal Board

The Department also has responsibility for 12 executive agencies / Departmental bodies which are:

- Criminal Injuries Compensation Tribunal
- Executive Offices :
  - Anti-Human Trafficking Unit
  - COSC – National Office for the Prevention of Domestic, Sexual and Gender-based Violence
  - Office for Internet Safety
  - The Irish Youth Justice Service
  - Victims of Crime Office
- Forensic Science Laboratory

- Irish Naturalisation and Immigration Service (INIS) – which includes the Reception and Integration Agency (RIA)
- Irish Prison Service
- Parole Board
- Probation Service
- State Pathologist's Office

The following agencies / bodies are to be established:

1. Charities Regulation Authority (During 2014)
2. Judicial Council
3. Legal Services Regulatory Authority
4. Office of Gambling Control in Ireland OGCI (2-3 yrs)
5. Parole Board

### The Department of Justice and Equality – Key Numbers:

#### Staff Numbers:

<b>Total Staff Numbers</b>	<b>2002</b>	<b>2005</b>	<b>2008</b>	<b>2011</b>	<b>2014</b>
Garda Síochána	14,212	14,247	16,998	16,005	14,982
Prisons	3,761	3,691	3,572	3,489	3,265
Courts	1,027	1,029	1,059	955	900
Property Registration Authority	660	647	696	571	521
Justice and Equality	1,801	1,692	2,991	2,412	2,283
<b>Total</b>	<b>21,461</b>	<b>21,306</b>	<b>25,316</b>	<b>23,432</b>	<b>21,951</b>

#### Budget Numbers:

<b>Total Net Budget</b>	<b>2002 €'000</b>	<b>2005 €'000</b>	<b>2008 €'000</b>	<b>2011 €'000</b>	<b>2014 €'000</b>
Garda Síochána	919,134	1,110,107	1,577,537	1,412,223	1,239,488
Prisons	311,864	389,178	392,167	329,211	308,545
Courts	84,911	69,326	107,260	60,665	58,030
Property Registration Authority	31,127	38,048	46,820	35,172	30,108
Justice and Equality	235,612	358,178	480,409	355,194	324,596
<b>Total</b>	<b>1,582,648</b>	<b>1,964,837</b>	<b>2,604,193</b>	<b>2,192,465</b>	<b>1,960,767</b>

Note: The source for the staff and budgetary information is the published Revised Estimate Volume for each of the respective years and excludes any supplementary estimates. The staff numbers are an estimate of the average number of whole time equivalent staff during each year.

- The Department received 4,161 Parliamentary Questions in 2013 (8% of the total to all Departments).
- The Department passed 6 Acts in 2013 (11.5% of the total to all Departments) and has an extensive body of legislative work in the Government Legislation Programme for the current Oireachtas term.

## 4. KEY STRENGTHS

The Review Group recognises the breadth of the Department's remit, and the scale of policy, legislative and administrative work that this necessarily entails. This work has intensified with the expansion of Departmental functions and the contraction of resources within the Department over recent years.

A number of core strengths are very evident within the Department and these provide robust foundations and building blocks that will ensure a strong future for the Department. One of the key strengths of the Department is the willingness, flexibility and can-do attitude of many of its loyal staff. There is a significant depth of specialist knowledge and experience in the Department and it has demonstrated considerable strength and expertise in the preparation of legislation and in a number of policy areas, such as immigration and insolvency.

The core strengths identified are:

1. Professionalism – Producing a large quantity of high quality legislation.
2. Competence and Resilience – Operational skills can be impressive, eg. in areas of prisons and immigration; the Department is generally seen as “hands-on” and agile in regard to the needs of the Minister and is always willing to say yes, and to deliver, when asked to take on new work.
3. High levels of loyalty and dedication to the Department, Minister and Government.
4. Accuracy and Precision - Given its remit, the Department is extremely conscientious in following the law. The Department's staff are very careful to be correct in everything that they write, respond to and implement.
5. Experience and depth of knowledge across a complex range of business agendas.
6. A sense of duty and obligation underpinned by strong public service values to contribute to and act in the best interests of society.
7. Hard work ethic, reflected in the extended availability of staff and their can-do and positive attitude.
8. Ability to react quickly and get things done.

While the Department has historically demonstrated flexibility and ability to work across a very broad and complex range of business agendas, management structures have not kept pace with the development of its remit.

In recent years the Department has been stretched by its increasing work load and new agencies, as well as a heavy burden of legislation. At the same time it has faced a real reduction in corporate experience due to retirement and non-replacement of a significant number of senior, highly skilled and experienced staff. It is the experience of the Review Group that the commitment and loyalty exhibited by all the staff we met or talked to is absolutely commendable and a core strength to be carefully preserved.

## 5. KEY ISSUES AND WEAKNESSES

Despite the considerable strengths and expertise in the Department, there are a number of key issues and significant weaknesses that need to be addressed.

The Review Group found the culture of the Department to be closed and unnecessarily secretive (even taking into account the important and confidential nature of some of the work). This has resulted in an inward looking organisation with limited learning capacity and reduced openness to new ideas – the Review Group found that although there has been a challenging expansion of work, the overall Departmental culture has not changed or adapted to the world in which it now operates.

The Review Group's review and analysis has led it to conclude that the Department needs to transform the way in which it does its business, to be more ambitious in its pursuit of necessary reforms in the justice sector, and to enhance its leadership, management and oversight systems, in order to be more efficient and successful in the achievement of its goals. The culture of confidentiality in the Department's dealings with An Garda Síochána has influenced the leadership style, management practices and relationships with other agencies.

The Review Group believes that management oversight is weak, which has led to a lack of clear responsibility and accountability, both within the Department and when dealing with external agencies and stakeholders.

Although the strengths that the Review Group has identified are widely acknowledged, from our interviews and other submissions from staff there appears to be a significant disconnect between how the MAC sees the Department and how key external stakeholders and many staff see it. This is evident in multiple areas, including culture, relationships, issues, accountability, learning and communications. This is in some ways at the heart of the issue that the Department faces and the challenge as to how a closed, traditional culture adapts in a fast changing world.

The Review Group has also taken into consideration the key findings emerging from the Guerin Report relating to fundamental issues around a lack of formal submissions to the Minister and governance and oversight of its agencies.

It is also recognised and fully appreciated that many of the issues and challenges that the Department faces are also challenges being faced elsewhere in the Civil Service and there are various initiatives underway under the Public Service Reform Programme to address them. However the Review Group has confined its work and review to addressing issues within the Department of Justice and Equality as outlined in our terms of reference. Given the many strengths and skills in the Department, it can be a leader in the progressive implementation of wider changes in the civil service and in the broad justice sector.

The Review Group appreciates that top management must operate in a political environment, where not all of the environmental factors are within its control. It also acknowledges the significant staff reductions which have occurred over the past 5 years, which have resulted in a loss of experience and knowledge and put increasing pressure on many areas of the Department.



## **1. Culture:**

- a. There is a closed, secretive and silo culture which has inhibited the capacity of the organisation to question and to challenge, and therefore to learn and adapt.
- b. The need for secrecy in particularly sensitive areas has not been restricted to those areas. It permeates much of the Department's remit and has become part of its DNA, to the detriment of other areas that should be open.

## **2. Leadership and Management:**

- a. There is a lack of cohesive leadership and management practices to focus sufficiently on critical priorities in core business areas, ensure delivery of business objectives, provide strong oversight or drive the performance of the Department.
- b. The Department's business model has involved a proliferation of agencies without sufficiently rigorous systems of oversight, addressing the measurement of their performance and ensuring that they are held to account for outputs / outcomes.

## **3. Poor Management Practices and Routines:**

- a. There are poor management routines and practices in the Department which can be summarised as follows:
  - i. No clear ownership of issues - A lack of responsibility and accountability.
  - ii. Ineffective systems and practices and a lack of co-ordination or planning to deal with issues as they arise.
  - iii. Poor political antennae for issues with serious potential impact.
  - iv. No focus on learnings or areas for improvement.
- b. In relation to recent events, on a number of occasions there were serious leadership and management failures, particularly in the Garda Division within the Department and senior management of the Department regarding how briefings between the Minister and senior management were handled. The management failings can be summarised as follows:
  - i. No one person in charge of the overall issue.
  - ii. No overall plan to deal with the issues as they unfolded.
  - iii. No recognition of the serious potential impact of the issues.
  - iv. Unable to see where things went wrong.
- c. The Review Group has not seen evidence of any internal review of these events to address the issues of judgment, responsibility, accountability, management and administrative process, and internal communications involved.

## **4. Imbalance Between Minister and Management:**

- a. There was an intensive focus at political level on key areas of legislative reform, while the Department had many distinct critical priorities and a widening remit, which did not get adequate attention.
- b. The Review Group considered that both the political and administrative agendas were dependent on systems of prioritisation, management and organisation which proved inadequate to support the ambitious and competing workloads involved.
- c. A stronger and more cohesive management culture is essential to handle the breadth and depth of the Department's business agendas.

## **5. Strategic Direction:**

- a. The Department's current strategy statement is a high-level document, in line with standard guidelines for such statements. However, it has not been managed with clear prioritisation, objectives or a properly constituted review process that measured performance against outcomes. The new Statement of Strategy, as required by law, would benefit from stronger prioritisation, clear objectives, measures, ownership and a properly constituted review process to ensure it is implemented on a timely and efficient basis.
- b. The strongly silo based culture of the Department, coupled with weak prioritisation and management oversight, have an inhibiting influence on "joined-up thinking" around core strategy, co-ordination on cross-cutting issues and policies (including interdependencies within the Department and between the Department and key agencies) and sharing of systems, data and resources in an already stretched Department, impacting not only on the Department but also on its associated agencies.

## **6. Structures and Systems:**

- a. The Department has a very broad remit across a wide range of policy areas. The management structures have not evolved adequately to take fully into account the differing demands and responsibilities of the Department. In the Review Group's view, the span of control is extremely wide and requires management and systems change. Also, resources are spread too thinly as the Department does not appear to take a strategic view when taking on new areas of responsibility.
- b. Additional work has been assigned to the Department, with little evidence of critical thought being given either to fundamental organisation design (for effectiveness and efficiency) or whether it fits a common purpose.
- c. There is a lack of performance measures and KPIs across the Department and with its agencies.
- d. There is limited evidence of formal systems for assignment of responsibility and accountability in the Department. While the Review Group acknowledges substantial areas of performance and delivery, it did not receive evidence of formal objectives or performance management processes in place for the top management group.
- e. The MAC operates as an administrative, procedural forum with a limited leadership role. It is not clear that, as it presently operates, it assists the Secretary General in providing strategic direction, robust performance or issue management. There is too much time spent on day to day, operational rather than strategic issues.
- f. While there is a risk register and management process in place, it has not been effectively integrated into the overall management systems to ensure emerging risks are identified and dealt with on a timely enough basis.
- g. The business plans appear to be a list of actions and objectives without an adequate focus on numbers or clear and measurable targets.

- h. Notwithstanding the range of documentation provided to the Review Group, it formed the view that there is inadequate record keeping of key meetings and decisions and also poor document tracking.

#### **7. HR:**

- a. There are a number of HR issues ranging from mobility, to reduced resources for training, to an inability to replenish and renew the overall talent pool that needs to be addressed as a matter of priority.
- b. There is a failure to ensure effective knowledge transfer from retiring staff. A combination of retirements and the Public Service staffing moratorium, without a sufficient focus on succession planning, has led to loss of knowledge and expertise. Good management should deal with succession planning.
- c. There are inadequate talent and leadership development programmes in place to make sure the Department has adequate management as well as technical capacity.
- d. Under-performance is not currently being pro-actively addressed.

#### **8. Relationships:**

- a. Generally relationships with agencies are very informal with a lack of clarity around roles and management of performance, and infrequent unstructured interactions.
- b. The Department does not appear truly to hold agencies to account. The current level of governance appears primarily to relate to budget intermediation between Department of Public Expenditure and Reform and the agencies and statutory governance responsibilities in terms of annual reports, audited annual accounts and strategy statements.
- c. The 2005 Garda Síochána Act was intended to reinforce and increase the power and authority of the Minister to set policies through and with the Commissioner. The Act, which was a response to the Morris Tribunal's revelations, also altered the nature of accountability of An Garda Síochána through the establishment of the Garda Síochána Ombudsman Commission and the Garda Inspectorate. The implementation and operation of the Act is the responsibility of the Minister through his / her Department and its Garda Division. This oversight role demands a delicate balance between accountability and respecting the independence of An Garda Síochána. In the view of the Review Group there is a deferential relationship with An Garda Síochána with a lack of proper strategic accountability being brought to bear upon them by the Department.

#### **9. Garda Síochána Act 2005:**

- a. A major impetus for the enactment of this legislation was provided by the Morris Tribunal Report which, among its many findings, warned that "An Garda Síochána is losing its character as a disciplined force" (para 13.101). The 2005 Act has been diluted in its implementation. The Department has adopted a passive approach stepping back from taking the opportunity to exercise the necessary power and influence at its disposal to encourage improvements in management and discipline.

- b. As the Department is responsible for policy and legislation in this area, more could have been done, for example to review the operation of the Act after 5 years and, if necessary, propose amendments.
- c. The Review Group believes that there is a conflict with the Garda Síochána Ombudsman Commission and the Garda Inspectorate reporting into the Garda Division of the Department.
- d. The full potential of the Act has not been realised. In the opinion of the Review Group, the Department's support of the oversight bodies has waned over time.

#### **10. Communication:**

- a. There is neither a coherent, structured communications strategy nor clear communications processes in the Department.
- b. As well as this, the communications area is inadequately resourced, both from a seniority and expertise perspective.
- c. In recent years, there would appear to have been inadequate constructive relationships or interactions with the media, which are vital in a world where the pace and nature of media interactions are growing exponentially.
- d. While it is appropriate that confidentiality is maintained in the area of security there are other areas of Departmental responsibility that require greater openness and transparency. The very limited relationships with or interactions with the media may have had a detrimental impact on these relationships and the image of the Department.

#### **11. Technology:**

- a. The Department has very poor document tracking and IT systems that are old and are causing inefficiency.
- b. There is a serious lack of integrated and timely data.

#### **12. Benchmarks:**

- a. The Department does not have clear and comparative national or international best practice benchmarks, against which performance can be measured and evaluated.
- b. In terms of international best practice, the Review Group recognises that Ireland is quite unique in the breadth of responsibilities under the Department of Justice and Equality. Most countries split this Ministry into Department of Justice and Department of Interior / Home Affairs. Australia has been identified as a comparator because, like Ireland, it is a Common Law jurisdiction with a broad range of responsibilities housed within one justice department.

## 6. CONCLUSIONS AND RECOMMENDATIONS

The Review Group has reflected on all the strengths and weaknesses that it has identified in regard to the Department. The Review Group has identified the following recommendations, which we believe should be implemented.

Many of the recommendations below address multiple issues. Culture, leadership and management are the key issues that the Review Group believes need to be urgently addressed and the majority of the recommendations below address these issues.

The Review Group was conscious of other work being carried out in the broader context of the Civil Service, which will touch on some of the conclusions below. Recommendations that are aligned to recommendations made in the Report of the Independent Panel on Strengthening Civil Service Accountability and Performance, published in June 2014, have been highlighted with an asterisk ( \* ).

The Review Group appreciates the additional pressure that increased work, a heavy legislative programme and constraints in replacing senior, experienced staff who have retired have placed upon the Department. Given the limited time frame and the need to undertake an entire organisational structure and work review and a bottom up resource plan, which are recommended, the Review Group is not in a position to form a considered view on the resource requests that have been made, beyond acknowledging that the Department's current resources are stretched considerably and expertise has not been replenished in recent years.

While there are many issues and challenges to address, the Review Group has confidence in the expertise and dedication of the staff in carrying through these recommendations.

### **Culture:**

1. A "Programme for Change" should be supported and facilitated by management resources from other parts of the Civil Service or from outside to assist the Department to migrate to a new culture, leadership, management and operating model which delivers a high performance organisation and one which provides strategic oversight and added value to its agencies. These resources should be appointed on a temporary or time bound basis, to provide both management and change management skills. The Department will require approximately 4 - 6 management resources from other parts of the Civil Service or from outside to lead the cultural and structural changes required to transform the Department. There should be a specific programme for change with specific timelines, accountability and the following terms of reference:
  - a. Senior team start with acknowledgement of negative aspects of the present culture and come up with a straw man definition of future culture needed.
  - b. Engage with broader organisation and key external stakeholders to get their input on future culture and the key changes and actions to make it a reality.

- c. Start by focusing on changing closed and secretive cultural model to being as open and inclusive as possible considering appropriate confidentiality, and define clear specific behaviours and actions that will be underpinned by new model.
- d. Change insular and defensive to engaging and learning. Remove silos through the leadership model, MAC and better inclusion of agencies.
- e. Establish more structured / formal engagement with agencies.
- f. Clarify and implement performance management.
- g. Set and share key performance objectives for the Secretary General, the Assistant Secretaries and key Agencies.
- h. Ensure the Secretary General and the Assistant Secretaries are all included in performance management.
- i. Run annual staff surveys and 360 assessment surveys for the Secretary General and the Assistant Secretaries.

- This recommendation primarily addresses the following issues: 1, 2, 3, 4, 5, 6, 7, 8
- a, b, c, d, e, f, and g should be implemented within the next 3 months
- h and i should be implemented within the next 12 months

2. Internal event, opened by Minister and chaired by the Secretary General, to share the changes with the Assistant Secretaries, Principal Officers and Assistant Principals, Chairs and CEOs of Agencies and then cascaded face to face throughout the Department so that everyone in the Department hears the 'what' and the 'why' directly.

- This recommendation primarily addresses the following issues: 1, 2, 5, 6, 7, 8, 10
- All actions should be implemented within the next 3 months

## **Leadership and Structure:**

3. Fundamental organisational review and redesign: \*  
The Department's wide remit should be supported by strengthened leadership and more effective management:
  - a. Start with clear definition of remit and purpose of the Department and each agency.
  - b. Restructure the Department into clear Justice and Home Affairs portfolios and assign the redefined Divisions to align with the new structure. While a definitive division into two portfolios would require further detailed analysis, it is recommended that Justice should include civil and criminal law reform, crime and security, and international policy; Home Affairs should include policing, prisons, courts, equality and integration.
  - c. Arrange for the appointment of a Deputy Secretary General to lead and take responsibility for the Home Affairs portfolio.
  - d. Validate strategy and resources required to implement objectives.

- e. Review Workforce Plan to determine extent to which revised structure can create efficiencies, and carry out an associated skills gap analysis.
- f. Carry out a systems review to support new organisational model, covering in particular data management and sharing, document and correspondence tracking, file management and IT renewal.
- g. Secretary General to lead a change and renewal programme based on this report, public service reform across the justice sector, and the Justice portfolio, and to be the Accounting Officer for the full Department.
- h. Benchmark, where possible, against best practice Departments within Ireland in regard, inter alia, to IT support systems, document management, managing agencies, etc.

- This recommendation primarily addresses the following issues: 1, 2, 3, 4, 5, 6, 7, 8
- a, b and c should be implemented within the next 3 months
- d, e and f should be implemented within the next 12 months
- g and h should be implemented in the next 2 years

4. Prepare a new management model (Minister to the Secretary General / Department to Agencies / Department): \*
- a. The Secretary General defines and owns a management operating protocol and routines for the Minister and the Department:
    - i. Clarity on purpose.
    - ii. Clarity on respective roles / decision rights / delegated authorities.
    - iii. Clarity on priorities.
  - b. Agreed performance measures.
  - c. Clear routines and processes for monitoring, reporting, intervening, reviewing and approving.
  - d. Agreement by Minister / Secretary General / Heads of Agencies.
  - e. Plan to ensure continuity during leadership changes.
  - f. Minister sets out the programme and goals to be implemented by the Department. Minister and Secretary General to establish formal process for agreed prioritisation and shared political / management oversight of progress, performance and problems through regular Min MAC or other similar format including agreeing purpose, agenda, frequency and attendees on their appointment:
    - i. Agenda:
      - 1. Government priorities.
      - 2. Strategy.
      - 3. Key issues.
      - 4. Department / agency performance.

- This recommendation primarily addresses the following issues: 2, 3, 4, 5, 6
- All actions should be implemented within the next 3 months

5. Agencies role and relationship management: \*

- a. Ensure clear definition around the role of the Department and role of agencies to ensure the Department and agencies are very clear on who is responsible for what and to ensure all grey areas are clarified.
- b. Develop criteria for what should be or should not be within the Department and its Agencies' remit. Assess agencies against those criteria. Decide how to deal with agencies that fall outside of those criteria.
- c. Defined roles, relationship, key objectives and performance measurements with top 5 agencies immediately (**within 6 weeks**) and then with all agencies over the next 6 months.
- d. Provide internal staff guidance to support consistent implementation of the Code of Practice for the Governance of State Bodies.
- e. Accelerate mergers, where appropriate, and shared administrative services for agencies / groups of agencies.

- This recommendation primarily addresses the following issues: 6, 8, 9
- a, b and c should be implemented within the next 3 months
- c and d should be implemented within the next 12 months
- e should be implemented in the next 2 years

6. External support from within the overall governance of the civil service system and the Senior Public Service, to ensure that the Secretary General leadership pool is developed, skill and performance reviewed and managed in both preparation for role, as well as independent review of both overall Department performance and personal performance through a robust performance management system.

- This recommendation primarily addresses the following issues: 2, 3, 4, 5, 7
- All actions should be implemented within the next 12 months

7. Define new role / fit for purpose MAC including, at appropriate intervals, key agencies: \*

- a. Strategic.
- b. Line of sight on major live issues and review of early warning on emerging issues.
- c. Fact driven.
- d. Core monthly meeting focused on strategy / performance / key issues / cross department and agency priorities to include Secretary General, MAC and special advisors. In addition:
  - i. Deep dive into c. 3 divisions / agencies per month so that each is subject to annual review.
- e. Weekly issues meeting (of shorter duration) of core MAC members to:
  - i. Discuss and update on current and emerging issues.

- This recommendation primarily addresses the following issues: 2, 3, 4, 5, 6
- All actions should be implemented within the next 3 months



8. An Garda Síochána relationship management:
  - a. Agree the following areas for significant improvements regarding relationship with An Garda Síochána and take action to address them:
    - i. Ineffective Departmental oversight of, and confused, passive and disaggregated Departmental relationships with, An Garda Síochána.
    - ii. Maintenance of formal and informal relationships.
    - iii. Shared culture of secrecy.
  - b. Define as a Department and then with An Garda Síochána how to resolve those issues.
  - c. The Minister, through the Department, needs to hold An Garda Síochána accountable as a critical and resource intensive public service, while respecting their operational independence, by a combination of dealing with the relationship issues, establishing and managing key priorities and ensuring they are delivered on.
  - d. The Garda Inspectorate is a tool for the Minister and the Department, which should be used better and more extensively, and the Garda Inspectorate should be valued by An Garda Síochána management. The reporting relationship with the Garda Inspectorate should be separated from the Garda Division to underpin its independence.
  - e. In acknowledging its role in the interest of the public good, the reporting relationship with the Garda Síochána Ombudsman Commission, as a minimum, should also be separated from the Garda Division to underpin its independence. The Review Group suggests that the proposed Garda Authority could fulfil that function.
  - f. The Review Group recommends that in future the Garda Síochána Ombudsman Commission could benefit by having available in its leadership, a lawyer or Judge with prosecutorial experience.
  - g. The Secretary General should take a leadership role in defining how issues should be dealt with by the new Garda Authority, to ensure that this leads to better and not worse clarity and accountability.
  - h. Recognising that some legislative amendments are in preparation, conduct a comprehensive assessment of the implementation of 2005 Garda Síochána Act to determine if legislation is required to strengthen oversight bodies and ensure their independence.

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| <ul style="list-style-type: none"> <li>• This recommendation primarily addresses the following issues: 6, 8, 9</li> <li>• a, b and c should be implemented within the next 3 months</li> <li>• d, e, f, g and h should be implemented within the next 12 months</li> </ul> |
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9. Establish a corporate secretariat office, resourced with strategy and planning expertise that reports directly to the Secretary General and deals with:
  - a. Interfacing with the Minister.
  - b. Coordinating briefs and drafting speeches for the Minister.
  - c. Ensuring all relevant documentation is given to the Minister in a timely manner.
  - d. Providing support to the MAC in terms of strategy and planning:

- i. Assisting the MAC, in ensuring the Department Strategy is developed and implemented.
- ii. Appropriate priorities, resource plans and implementation milestones in place both with agencies, within the Department and at overall Department level:
  1. Ensure review mechanisms are functioning - Oversee the implementation of a strategy performance management plan which should assign accountability for initiatives and develop milestones and metrics which make tracking their progress more transparent (half-yearly reviews chaired by the Secretary General and attended by MAC).
  2. Enable the Secretary General to make sure the strategic agenda is properly defined and managed within the Department and with agencies.
- iii. Assisting the Secretary General / MAC in taking lead on identifying, resourcing and managing key strategic issues to make sure the external, long term view is developed and used.
- iv. Supporting the MAC capacity to scan both the internal and external landscape, and key and emerging issues, to make sure broader consequences and bigger picture factors are fully taken into consideration:
  1. For example Planning / Strategy unit would assist the MAC to make sure the Department is adaptable and flexible in its structures, operations and approach, and assist MAC in ensuring that the Department is managing and adding the maximum value to any agencies within it.

- This recommendation primarily addresses the following issues: 2, 5, 6, 10
- All actions should be implemented within the next 12 months

10. Develop a HR function with the appropriate HR functional skills, that is capable of providing both thought leadership and support to enable the Department transformation:
  - a. This will involve the development of a new Human Resource Action Plan.
  - b. This plan should detail how the Department in its recruitment, training, retention and succession planning will ensure that its staff have the ability and capacity to deal with the new leadership, management and oversight challenges in the transformed Department.
  - c. Senior staff being appointed to any additional agencies being established by the Department should be recruited by open competition by the Public Appointments Service.
  - d. An impact analysis should be completed on the effect that a new agency will have on the existing role and staffing of the function within the Department. This should be part of the Business Case for any resource implications of a new agency.

- This recommendation primarily addresses the following issues: 6, 7
- All actions should be implemented within the next 12 months

11. Department reorganisation to address structural issues in communications / press office including:

- a. Reporting directly to the Secretary General and with an upgrade in the skills and expertise of the team to ensure it meets the Department needs.
- b. Establishing clear policy with political side / agencies / internal.
- c. Engaging with the media.
- d. Agreeing with Minister and Secretary General who does what, and working in close collaboration with and having direct access to the Minister.
- e. Devising and implementing new procedures for dealing with complaints / PQs / Communication issues (with a goal to make sure that senior personnel are not consumed with routine issues at the expense of their management functions).

- This recommendation primarily addresses the following issues: 10, 11
- a, b, c and d should be implemented within the next 3 months
- e should be implemented within the next 12 months

#### **Audit and Risk Management:**

12. The internal auditor should report directly to the Audit Committee with the Chair of the Committee having a reporting line to the Secretary General and, where appropriate, to the MAC.

- This recommendation primarily addresses the following issues: 6
- All actions should be implemented within the next 12 months

13. Appoint a minimum of two or three non-public service audit committee members with the right financial, risk and management expertise.

- This recommendation primarily addresses the following issues: 6
- All actions should be implemented within the next 12 months

14. Ensure the risk register is provided to, and reviewed quarterly with, the Minister and MAC and assessed against performance, Departmental and agencies issues and internal audit reports so that risk management meets its purpose.

- This recommendation primarily addresses the following issues: 6
- All actions should be implemented within the next 12 months

## Corporate Functions and IT Systems:

15. Need to resource and accelerate implementation of the Department's Blueprint for Communications, Information, Records and Data in the Justice and Equality Sector.

- This recommendation primarily addresses the following issues: 10, 11
- All actions should be implemented within the next 2 years

16. Better use of technology and data management systems. Modernise and streamline systems, and stop duplication and unnecessary work, including duplication of electronic and paper files.

- This recommendation primarily addresses the following issues: 11
- All actions should be implemented within the next 2 years

17. Need for integrated systems that provide accurate and timely information.

- This recommendation primarily addresses the following issues: 11
- All actions should be implemented within the next 2 years

## Benchmarks:

18. Need to identify what national and international benchmarks, including in EU member states, should be adopted by the Department in order to implement relevant metrics and benchmarks:

- a. In terms of best practice within Ireland, the Review Group recognises that the Department is leading a public service reform programme in the justice sector which can be benchmarked against similar programmes in the civil service, local government, education and health sectors.
- b. The Review Group believes that Ireland can learn from the structure of the Australian model. While there is only one Secretary who reports to the Attorney General and Justice Minister, there are three strong Deputy Secretaries who are responsible for the clearly defined sub-groups:
  - i. Civil Justice and Legal Services;
  - ii. Strategic Policy and Coordination;
  - iii. National Security and Criminal Justice.

- This recommendation primarily addresses the following issues: 12
- All actions should be implemented within the next 2 years

## Concluding Comments

Regarding the role, responsibilities and capabilities of the Department, including concerns in respect of the governance and oversight of external organisations identified particularly in the report of Mr. Sean Guerin, SC, the Review Group believes that there is a lack of governance with respect to external agencies and bodies. The Department fulfils its statutory obligations but does not hold agencies to account or have real management oversight.

Recapping on the original terms of reference, the Review Group has assessed and reported on:

- The roles, responsibilities and capabilities of the Department, including concerns in respect of the governance and oversight of external organisations identified particularly in the report of Mr. Sean Guerin, SC;
- The Department's performance in discharging its responsibilities, implementing its programmes and achieving its desired strategic outcomes, as set out in its Statement of Strategy;
- The effectiveness of the Department's current structure, systems, management and capabilities.

In making its recommendations the Review Group has had regard to the policy, legal, institutional and resource framework within which the Department works.

Given the lack of comparators and the 5 week time frame, the Review Group did not extensively review international best practice regarding the organisational structures, skills, training and levels required by the Department so that it can fulfil its roles and responsibilities. The Review Group did identify a number of comparators and has listed this as one of the recommendations for further consideration.

The Review Group is prepared to meet twice yearly, if required by the Minister, over the next two years to review progress made in implementing these recommendations.

## 7. APPENDIX A

The Review Group met or conducted interviews with:

<b>Ministers of Department:</b>	
Francis Fitzgerald, T.D	Minister for Justice and Equality
Alan Shatter, T.D	Former Minister for Justice and Equality
Dermot Ahern	Former Minister for Justice and Equality
Michael McDowell	Former Minister for Justice and Equality
<b>Other Ministers:</b>	
Brendan Howlin, T.D.	Minister for Public Expenditure and Reform
Kathleen Lynch, T.D.	Minister of State for Disability, Equality, Mental Health and Older People
<b>Other People Directly Related to the Department:</b>	
Sean Aylward	Former Secretary General, Department of Justice and Equality
Carol Bolger	Audit Committee Member
Eimear Fisher	Senior Investigator with Garda Inspectorate
Ciaran Fitzgerald	Garda Síochána Ombudsman Commission member
Carmel Foley	Garda Síochána Ombudsman Commission member
Sylda Langford	Chair Audit Committee
Simon O'Brien	Garda Síochána Ombudsman Commission Chairman
Noirin O'Sullivan	Interim Garda Commissioner
Bob Olsen	Chief Inspector, Garda Inspectorate
David Stanton, T.D.	Chair Justice Committee
Mark Toland	Deputy Chief Inspector, Garda Inspectorate
Catherine Treacy	Former CEO of the Property Registration Authority
<b>Other:</b>	
Susan Denham	Chief Justice of Ireland
Martin Fraser	Secretary General, Department of the Taoiseach
Michael Howard	Former Secretary General, Department of Defence
Seamus McCarthy	Comptroller and Auditor General
Liam O'Daly	Director, Attorney General's Office
Tom O'Mahony	Secretary General, Department of Transport, Tourism and Sport
Paul Reid	Former Assistant Secretary, Department of Public Expenditure and Reform
Brendan Ryan	CEO, Court Services
Robert Watt	Secretary General, Department of Public Expenditure and Reform