



Effectiveness and Renewal Group
for the Department of Justice & Equality
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22 January 2019

Mr Charlie Flanagan, T.D.
Minister for Justice & Equality

Received

22 JAN 2019

Minister's Office
Department of Justice and Equality

Dear Minister,

In line with our Terms of Reference, I enclose herewith the third report of the Effectiveness and Renewal Group for the Department of Justice & Equality which outlines the significant work advanced by the Department from October until the end of December in respect of its Transformation Programme.

The Department, under the leadership of Secretary General Aidan O'Driscoll, has embraced the fundamental changes needed for the Transformation Programme and we are encouraged at the substantial progress and commitment displayed over the three months reviewed in this report.

The Department is entering a challenging period as it begins its transition from the traditional model to the new functional model but we are confident of the continued commitment and capability of the Department to successfully achieve all the material changes of the Transformation Programme by early October 2019.

We are also conscious that you are due to undertake a review of our role in early 2019 and we look forward to engaging with you on this.

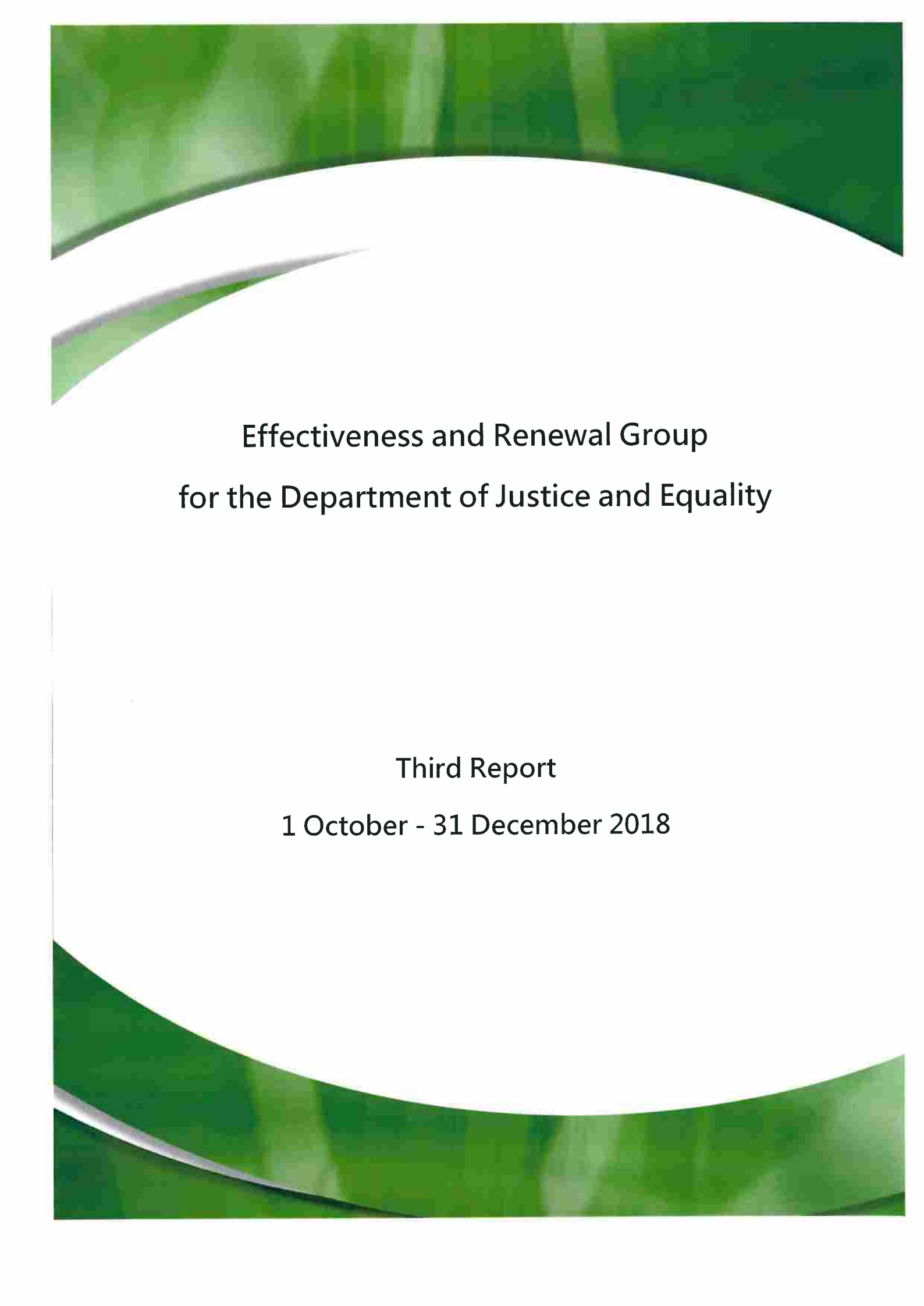
We will submit our next report to cover the period from January to March 2019.

Yours sincerely,

Pádraig Ó Riordáin
Chairman

[Leo Varadkar, T.D., Taoiseach]

Members: Pádraig Ó Riordáin (Chair), Theresa Daly, Andrew Algeo, Dermot McCarthy
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The cover features a vibrant green background with a large, white, curved shape in the center. The text is centered within this white area.

**Effectiveness and Renewal Group
for the Department of Justice and Equality**

**Third Report
1 October - 31 December 2018**

Contents

Executive Summary	3
Progress to Date	
• Realignment of the Department	6
• Establishment of governance structures	7
• Communicating the transformation process	9
• The Department's Operational Services	10
• Culture & Values	11
• Vision and success metrics	12
• Completion of tender process for external consultants	13
• Co-location	14
Next Steps	14

Executive Summary

This is the Third Report of the Effectiveness and Renewal Group (ERG) for the Department of Justice and Equality (the Department). In accordance with our mandate, its purpose is to report on progress from our second report in September 2018 to the end of December 2018, as well as to comment further on the implementation of the Department's Transformation Programme.

The fourth quarter of 2018 was one of very material change for the Department. Under the leadership of Secretary General Aidan O'Driscoll, it embraced the fundamental changes it needs to undertake to transform into a functional operating model. The highlights of the substantial progress made in the last three months are consistent with our recommendations and include:

- the articulation by the Secretary General of a developed vision for the Transformation Programme in which the Department takes ownership of the transformation to create an outward-focussed Department, built on evidence-based policy of the highest standard to support the achievement of a *Safe, Fair and Inclusive Ireland*;
- preparation for the realignment of the Department into the distinct pillars of Criminal Justice, Civil Justice & Equality, and Corporate Affairs;
- the appointments of Deputy Secretary Oonagh McPhillips to head the Criminal Justice pillar and of Deputy Secretary Oonagh Buckley, from outside the Department, to head the Civil Justice & Equality pillar;
- the appointment of two Ministerial Liaison Officers to the Minister of Justice and Equality to provide much needed additional capacity to the Minister in his oversight of this very large portfolio;
- the design and implementation of the governance structures required for the Transformation Programme including:
 - a Transformation Board to provide oversight, which includes senior civil service leaders from outside the Department;
 - a Transformation Management Board which is responsible for the delivery of the transformation; and
 - a Transformation Programme team responsible for execution;

- the formulation and implementation of a Department-wide and senior civil service communications plan to introduce and explain the functional model;
- careful analysis of how the Department can best govern and organise its large operational service organisations (such as INIS, the Irish Prison Service and the Probation Service) to integrate with the new functional model;
- the identification and focus on *openness* and *collaboration* as the key cultural values of the Transformation Programme;
- the initial identification of a series of broad success measurements and guiding principles for the Transformation Programme; and
- the completion of the tender process for external consultants to provide expertise and support to the Department in bringing about its transformation and the appointment of Ernst & Young to that role.

In parallel with these developments within the Department, the Government endorsed the vision of the Commission on the Future of Policing in Ireland (CoFPI) and Minister Flanagan published a four year high-level implementation plan, *A Policing Service for the Future* to guide its introduction.

Although the Programme Office for the Implementation Group on Policing Reform resides in the Department of the Taoiseach, the depth and ambition of recommendations of CoFPI will require substantial attention and resources in the Department over this period, in the revised governance structures for An Garda Síochana, the development of policy and the preparation of the required legislation.

This level of combined internal and external change will undoubtedly be challenging, but we have considerable confidence in the competence, capacity and commitment of management in the Department to deliver successfully on both fronts. We consider it very positive that these changes are happening simultaneously so that they can be designed and implemented in a cohesive manner in which the revised governance and operations of the Gardaí integrate seamlessly with the new functional model of the Department.

The depth and complexity of these changes also redouble our focus on the Transformation Programme being completed in all material respects by early October 2019, nine months from the appointment of Ernst & Young as change management consultants, in order to quickly reduce the number of moving parts and allow the new functional model be deployed in helping execute the CoFPI reforms. The Department remains committed to this timetable.

We are conscious that Minister Flanagan is due to undertake a review of the ongoing role of the ERG early in 2019 and we will continue to work closely with the Department pending that review.

In the meantime, we are pleased to report that the Department has continued to make very material progress in respect of the Transformation Programme in the fourth quarter of 2018 and we are satisfied that it is on course to successfully complete the transformation by the target date.

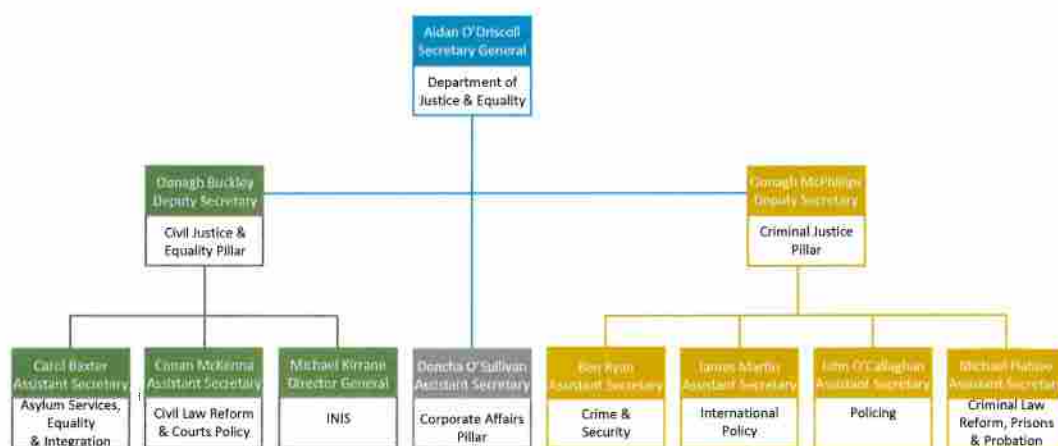
Progress 1 October – 31 December

Realignment of the Department and appointment of Senior Management Team

As recommended in our June report, and as outlined in Figure A below, the Department has been realigned around three distinct pillars - Criminal Justice led by Deputy Secretary General Oonagh McPhillips; Civil Justice & Equality led by Deputy Secretary General Oonagh Buckley and a central Corporate pillar. We welcomed the appointment of Ms. Oonagh Buckley, who was selected by the Top Level Appointments Committee and took up her new position in November.

At the end of the transformation process, each pillar will be supported by the new functional operating model consisting of five units - policy, legislation, operations, transparency and governance; and both pillars are supported by a corporate pillar.

Figure A: Current Departmental Realignment – Pending Introduction of Functional Model



As we have emphasised, the Functional Heads of each new unit have a central role to play in the design of the operational model for which they will be responsible. Although these Functional Heads have not yet been announced, we understand that this will be addressed over the coming weeks.

Two new Ministerial Liaison Officer positions have been created as part of the Minister’s team and correspond with the realigned Department - a Ministerial Liaison Officer for Civil Justice & Equality; and a Ministerial Liaison Officer for Criminal Justice. Two members of staff from the Department have been appointed and commenced their new positions on 3 December 2018. We believe that these roles are essential in supporting the work of the Minister over what is a particularly broad portfolio.

Establishment of Governance Structures

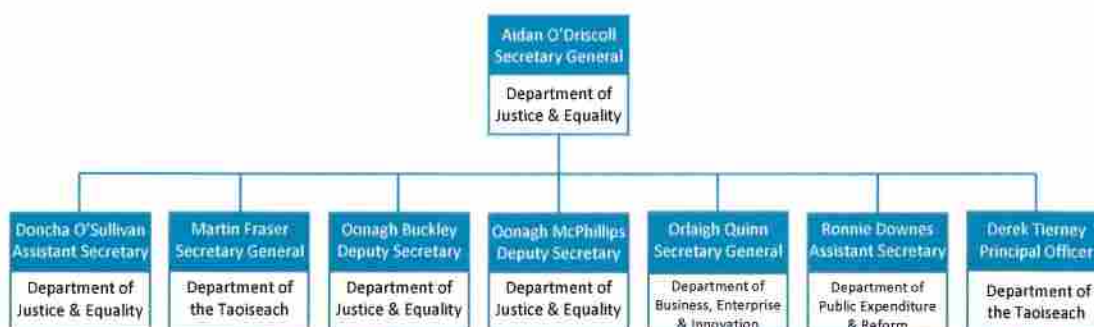
The Department has now designed and implemented the governance structures for the Transformation Programme, which are in line with the indicative recommendations in our Second Report.

Transformation Programme Board

The Transformation Programme Board is outlined in Figure B below. It will meet on a monthly basis and includes civil service leaders from central Government departments. It is responsible for all matters relating to programme governance and ensuring the Transformation Programme is implemented fully and on time. Decisions which have cross civil or public service impact will also be escalated to this group.

The inclusion of leaders from the Department of the Taoiseach and the Department of Business, Enterprise and Innovation as well as senior personnel from the Department of Public Expenditure and Reform reaffirms the Government’s commitment and support for the transformation process.

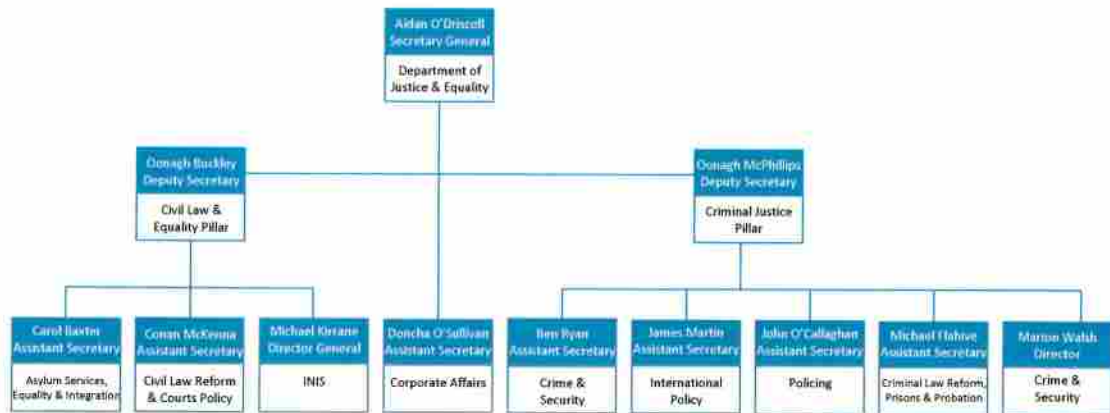
Figure B: Transformation Programme Board



Transformation Management Board

A Transformation Management Board, as outlined in Figure C below, has also been established consisting of the senior management staff in the Department. The Board, which meets on a weekly basis, is the voice of the business, advises the programme team and is the decision maker in areas such as design, work streams and relationship mapping.

Figure C: Transformation Management Board



Senior Management Team

A Senior Management Team, consisting of the Management Board and Principal Officers, will meet on a monthly basis and is the expert business advisory group whose primary role is to provide advice to the Programme Board on planning, design and implementation. Three meetings were held over November and December and these meetings will facilitate two-way engagement with senior staff as the transformation process advances.

Transformation Programme Team

The entire process is underpinned and supported by the Transformation Programme Team who are responsible for the day-to-day implementation of the transformation programme. We welcome the decision to assign permanent staff to this team which will help build the Department's capacity in this area.

Communicating the Transformation Process

The Secretary General has engaged in communicating the Transformation Programme through email, video, intranet messages, meetings with staff across the Department, and through his end of year message to all staff which included the vision for the Department and the Transformation Programme.

There are also three roadshows planned for January 2019 which will enable the Secretary General, supported by his Management Board, to reiterate key messages on a face to face basis with staff at every level in the Department.

The Secretary General is also conscious of the wider sectoral interest in the transformation process and a meeting will be held with other Secretaries General and corporate heads in the coming months.

The Department is further developing its communications strategy on an evolving basis to support the transformation process and includes key components such as: messaging around the internal vision for the Department; key programme events; and groups and networks to support cascading and embedding information.

The strategy will evolve with the dynamic nature of key Transformation Programme activity.

The new Head of Communications post was filled in September and has been supporting the Transformation Management Board in communicating change. A number of communication listening exercises have been carried out with members of staff from across the Department which has clarified the preferred methods of communications including a regularly updated portal, emails, and divisional management meetings. These are crucial tools which the Department will need to utilise to ensure that staff are kept abreast of, and play a part in, activities, progress and plans for change. These communications are to be balanced between the structural and cultural changes the Department must undergo.

The Department's Operational Services

The Department is responsible for very large scale operational services provided directly to the public. These includes separate statutory entities such as An Garda Síochána as well as large operational groups such as INIS, the Irish Prison Service and the Probation Service which form part of the Department itself.

In the context of the CoFPI Report, the Government announced its intention to create a clear delineation of executive and oversight functions of An Garda Síochána (AGS) including the creation of a new statutory board within the organisation to which the Garda Commissioner reports. Garda Commissioner Drew Harris equally has embraced a wide breadth of new executive responsibilities relating to the operation of AGS including the delivery of service within an agreed budgetary framework, management of industrial relations, and control of recruitment and promotion in line with public sector recruitment standards.

Within this context one of the key roles of the Department, through the Governance Unit of the Criminal Justice pillar, will be to oversee on behalf of the Minister the performance, budget and strategy of the Gardaí. This is consistent with how we believe the operational service groups within the Department should also be managed within the new functional model.

The Department has begun its detailed work on how this would be effected in respect of each operational service, as the considerations differ. For example, the Department advocates that the Irish Prison Service become a 'Scheduled Office' under primary legislation. On the other hand, it sees the approach in respect of the Probation Service, for example, would be to introduce an independent Board and operate it, to the extent legally appropriate, as if it were a separate agency but without the need for any statutory change.

Both of these options work well from the perspective of the ERG. The objective we are keen that the Department introduces for its operational services is that they operate more at arm's length from the Department and in a manner where their budgetary and operational performance can be measured and overseen independently by the relevant Governance Unit with clear delineation of responsibility and accountability within the service.

This would require the introduction of a non-statutory advisory/expert board, with an independent Chairperson, to support the Director/Chief Executive of the organisation in question, and to provide additional external input and oversight into the work of the body. When future legislative changes are required for these bodies, consideration could then be given at that stage to placing their boards on a statutory footing, as appropriate.

The Department is also actively assessing the range of activities and operational services which are provided through INIS and how best to advance these in line with the new functional model. This is something we will discuss further with the Department.

The analysis and direction undertaken by the Department to date on these issues is very positive in developing these solutions and we will continue to engage with the Department over the coming months on the proposals put forward. For clarity, we note that we do not expect that all of these required governance solutions are put in place within the 9 month timeframe of the Transformation Programme.

Culture & Values

We strongly support the key values of *openness* and *collaboration* which the Transformation Team have focussed on to date in their engagements with stakeholders. In doing so, they are encouraging stakeholders to be open in their views, fully engaged in the process of change, opening their minds to the potential of the new operating model and bringing that openness to their individual engagements with people internally and externally. This is essential to the success of the project.

Equally important is the emphasis on the collaborative nature of the Programme, the necessity to share thoughts, ideas and information with one another, the Transformation Team and EY, to help co-create the new operating model.

In a Transformation Programme such as this it is hugely important that people, at every level, are empowered by the change and this is central to the vision for the programme.

Vision and success metrics for the project

The Department has embraced the depth of system change required by the move to a functional model. It requires not just a programme and project management focus but an equally strong emphasis on the people and cultural changes necessary to deliver success.

The Secretary General's communication to his most senior leaders is that *"this is the single opportunity to shape not just the Department for years to come but to shape the future civil service – we are future focused"*.

The new structure as envisioned by the Secretary General will enable him and his senior leadership team to create an outward focused Department, built on evidence based policy making which will support the achievement of a *Safe, Fair and Inclusive Ireland*.

Consistent with the recommendations of our First Report, the vision is for both divisions to have the following functional units:

The Policy Unit will provide the structure, space and capacity to bring together and co-ordinate all of the research, data, analytics and unified policy activities.

The Transparency Unit will provide the opportunity to grasp the complexity of communications, internally and externally, and to develop a consistent, transparent and persuasive narrative, as well as opening up the channels of communication.

The Governance Unit will provide an opportunity to create a consistent, supportive but demanding approach to the governance and oversight of the Department's agencies and operational services at arm's length from the Department.

The Legislative Unit will provide the opportunity to focus and leverage highly skilled people to deliver legislation to the highest standards.

The vision for the Operations Unit is being progressed by the Secretary General, the Management Board and the Senior Management Team and this work is shaping a better understanding and vision for the potential of this unit which amongst other things it is emerging as a potential priority in terms of supporting the Deputy Secretaries.

The initial measures of success against which the success of the Transformation Programme will be judged are:

- the new functional operating model will be implemented within the nine month timeline set down by the ERG;
- the Transformation Programme will be delivered within budget;
- the functional operating model will be designed and implemented to a high standard and will be fit for purpose;
- the design of the units within the functional model will include clear unit objectives linked to the Department's strategy and will include appropriate performance measurement;
- there will be clearly defined accountabilities and responsibilities associated with each role within each unit;
- there will be clear relationship mapping from units to other key stakeholders both internally and externally;
- there will be job roles and job descriptions with an associated development framework;
- the Department's agencies will clearly understand their relationship to the Department with clear descriptions and mapping of accountabilities to the functional units, the Department and the Minister; and
- the Department's values and behaviours will support, and be enhanced through the Transformation Programme.

These measures of success will be developed and refined in this quarter along with milestones and timelines as appropriate.

Completion of tender process for external consultants

Following a competitive tender process, Ernst & Young (EY) have now been appointed as the external change management consultants who will assist the Department's Transformation Programme Manager and team, and support the Secretary General and the Transformation Management Board to deliver on the vision for the Transformation Programme over the next nine months.

The Secretary General remains the senior sponsor of the transformation process and it is under his direction, aided by the Programme Board, which the consultants will assist in designing and implementing the new operating model and change management programme. EY will also provide the additional change management capacity required to enable the Department to continue to deliver business as usual to Government, its stakeholders and clients while transitioning from the traditional model to the functional model.

Co-Location

The Secretary General has been actively engaged with the Chair of the Office of Public Works and progress is being made in relation to the potential for co-location of the core Department. This is a matter we emphasised the importance of in our Second Report.

Next Steps

Given the innovative and fundamental nature of the intended transformation, the leadership and staff of the Department will need to begin developing a new culture which:

- adopts and adapts unfamiliar, yet best in class, ways of working and structures from outside the organisation;
- accepts that mistakes will necessarily be made, if subsequently rectified, in the interests of delivering the transformation in a timely manner; and
- moves forward away from the old and towards the new everywhere and as soon as possible, accepting that the organisation will face challenges in operating at an optimum level while the initial steps of the transformation are underway.

In our opinion it is now imperative that, in the first quarter of 2019, the Department:

- engages in cultural change to permit and drive the transformation, as outlined above;
- makes clear its own strategic priorities for the coming years against which the new organisation will then deliver;

- appoints the five heads of the functions within each of the two pillars, so that the detailed design work which will commence in January has internal owners with the expertise and focus to deliver them;
- introduces a transformation methodology which will ensure that all functions are fully understood and designed to interact seamlessly with each other before any are implemented;
- addresses the area of governance with agencies which already operate with Boards;
- outlines the actions which will be implemented and executed to govern the operational services currently being delivered by the Department;
- establishes how the Corporate Pillar will support the Criminal Justice, and Civil Justice & Equality pillars and the functional units within each, and establishes the broad principles for allocation of responsibilities and coordination of overlapping tasks between corporate and functional units;
- identifies the international best in class models and advisers which should help influence the organisational and transformational design; and
- develops a detailed programme plan and budget against which the transformation will be delivered.