



An Roinn Dlí agus Cirt
Department of Justice

Performance Delivery Agreement 2021

between

The Insolvency Service of Ireland

and

The Department of Justice

1 Introduction

This Performance Delivery Agreement (PDA) has been drawn up by the Insolvency Service of Ireland (ISI) in consultation with the Department of Justice (“the Department”) in accordance with the 2016 edition of the Code of Practice for the Governance of State Bodies (“Code of Practice”). It, together with the separate but related Oversight Agreement (OA), succeeds the previous Performance Delivery Agreement 2020 between the two parties.

This Performance Delivery Agreement shall be reviewed and updated annually, and will be utilised to formalise the process through which the outputs and outcomes required from the ISI can be measured and assessed.

As per the Code of Practice, with reference to PDAs, “These agreements will act as a performance contract between the parent Department and the State body in which an agreed level of performance/service is formalised and which will ultimately result in improved efficiency and effectiveness in the delivery of public services.

The agreements allow for the adoption of both annual and multi-annual targets, and the development of output and outcome indicators, including milestones to measure performance against targets.”

To achieve this, it is necessary to set out the following:

- The key inputs, outputs and expected outcomes of the ISI’s activities, in quantitative, measurable terms;
- Assessment of performance by monitoring of agreed targets, around those key outputs, inputs and outcomes.

This Agreement documents the agreed level of service between the parties in order to facilitate improved effectiveness and efficiency of relevant public services. It sets out the ISI’s key targets for 2021 and defines the output and outcome indicators on which performance should be measured. In addition it will also highlight any potential risk factors, allow for a level of flexibility and amendments of targets where necessary, and specify the monitoring arrangements between the Department and the ISI.

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

The Agreement will support the ISI's Strategic Plan 2019 – 2021.

2 Objective

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

- The Department's expectations of the ISI;
- The key inputs, outputs and expected outcomes of the ISI's activities;
- Assessment of performance by monitoring of agreed targets, around those key outputs, inputs and outcomes;
- Support of the ISI by the Department in the delivery of its functions as set out in the Personal Insolvency Act 2012.

The Agreement seeks to:

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

The Agreement will support the Department in achieving Goal 2 *Improve access to justice and modernise the courts system* of its Strategic Plan 2021 – 2023 and also support the ISI in achieving its high level goals as set out in its Strategic Plan 2019 – 2021. Furthermore, it has been aligned with the Department's Action Plan as part of the Government's response under the *"Covid-19 Resilience and Recovery 2021: The Path Ahead"*.

3 Commitments

3.1. Mutual Commitments

- Both parties agree to proactive and timely communications, cooperation and information on service delivery;
- Both parties agree to consult and to keep each other fully apprised on all matters of mutual relevance, particularly in the context of the ISI's function to contribute to the development of policy in the area of personal insolvency;
- Both parties support the effective achievement of agreed targets, as well as the promotion of partnership, responsiveness and mutual co-operation in their ongoing interactions.

The annual budgetary provision for the ISI will form part of the estimates for the Justice Vote and the requirements of the ISI will be considered in that context.

The ISI will identify, based on its business plans, its budgetary requirements to the Department as part of the budget process. When the budget is settled, consideration may have to be given to the preparation and submission of a revised Business Plan.

3.2. Department of Justice Commitments

The Department will provide the following supports to the ISI to enable it deliver on its objectives:

- Liaise with the Department of Public Expenditure and Reform to ensure as far as possible, timely sanction for expenditure and staffing in line with Public Financial Procedures and Public Service Numbers policy;
- Provide updates on Public Financial Procedures and Civil Service HR Policy Guidelines;
- Provide a Human Resource Management service including, but not limited to, recruitment, employee relations, workforce development and performance management;
- Provide the ISI with sufficient staff in accordance with its Work Force Planning. The current Work Force Plan was submitted to the Department from 2016. This is due to be revised during the course of 2021. Summary table in Section 4.2. Any subsequent reductions in staff numbers from agreed allocation will be discussed in relation to business impacts and ability to meet previously agreed targets. Where

possible, the Department will provide at least two weeks' notice before a member of staff is transferred;

- Provide high quality ICT services via the Shared Service in accordance with the Service Level Agreement currently in place; provide advice in relation to proposed IT projects and resulting expenditure and ensure prompt review (by ICT Governance Group, now P3 committee) of the sanctioning of project related expenditure;
- Provide guidance on Government Accounting and Governance;
- Provide financial services (e.g. invoice payment and accounting services) through the Department's Financial Shared Services;
- Provide internal audit services to the ISI;
- Provide assistance to the ISI in meeting its obligations under the Code of Practice for the Governance of State Bodies, including letters of assurance covering certain services provided to the ISI in areas such as IT;
- Provide data protection support to the ISI through the Department's Data Protection Support and Compliance Office;
- Provide a networking and information service to the ISI, to ensure that staff of the organisation, who are civil servants attached to the Department of Justice, are kept fully informed of developments, career opportunities, staffing changes and policies in the parent Department;
- Inform and involve the ISI in any activities related to the role that the ISI plays or may be required to play within the Department;
- Work with the ISI in the regular reporting processes under the Public Sector Reform and Civil Service Renewal Programmes;
- Provide monthly financial reports, processing of mobile phone bills, asset tracking and general financial advice via the Department's Financial Management Unit (FMU);
- Keep under review, in collaboration with the ISI, the effectiveness of the Personal Insolvency Acts and Bankruptcy Act 1988, drafting amending legislation, as necessary and in a timely manner;
- Provide timely responses to request for changes to secondary legislation.

4 Inputs

4.1. Financial Inputs

The Department is responsible for determining the overall allocation of funding to the ISI i.e. the annual grant, while the ISI is responsible for the allocation of its current expenditure within agreed budgetary parameters.

The Department will provide an annual grant to the ISI, which in 2021 will be as follows:

Expenditure	2021 Budget Allocation
Pay	€4,769,000
Non-Pay	€2,800,000
Total	€7,569,000

ISI has also estimated for bankruptcy fee Income of €680,000 in 2021 which, subject to appropriate court approvals, should be remitted to the Department in 2021.

Ongoing Official Assignee Funding Requirement

The ISI has been in correspondence with Department since January 2019 regarding the funding of the statutory functions of the Official Assignee in Bankruptcy (“OA”) in bankruptcy cases where there are insufficient, or no available, funds.

In addition the OA is considering other areas where expenditure may be required but there may not be funding immediately available. For example the OA plans to commence in 2021 a project to consider whether there is merit in obtaining Insurance products separate to the cover provided by the State Claims Agency. This is a complex area and requires a consideration of various sections of the Bankruptcy Act and the portfolio of assets within the Bankruptcy Estates. Therefore the costs and benefits may take some time to establish.

The Department and DPER approved temporary funding of €300,000 in 2020 by way of using the mechanism under Section 21 of the Personal Insolvency Act. This was made within the overall budget of the ISI due to permission by the Department’s Governance unit / DPER, to utilise payroll savings for this purpose.

The ISI and OA have (in agreement with the Department and for prudence sake) requested a legal opinion around the use of Section 21 for funding the OA, given that this is the first time that this mechanism has been used. The legal opinion will also comment on the ability of the OA under Section 20 of the Personal Insolvency Act to use fees generated by the OA in his statutory functions to fund the ongoing activities of the OA.

There will be a requirement for a more permanent funding structure to fund the OA's activities. This structure may be influenced by the requested legal advice referred to above and may include using the fees generated by Bankruptcy (subject to approval and clarification on using the fees under Section 21 of the 2012 Act).

The ISI will continue to liaise with the Department on the above matters.

4.2. Staff Resources

Grade	Headcount (as at)	FTE (as at)
Director	1	1
Principal Officer	3	3
Assistant Principal Officer	12	12
Higher Executive Officer / Administrative Officer	16	15
Executive Officer	19	18.5
Clerical Officer	25	25
Total	76	74.5

Current vacancies: 12

Current shortfall on allocation: 13.9%

The ISI has a resourcing requirement of 86.5 staff. The ISI's 2021 pay budget contains scope to recruit the required additional staff. Efforts are underway within the HR Division of the Department of Justice and the Public Appointments Service to fill the vacancies. Subject to the completion of a workforce planning exercise later this year/early next year, the ISI may seek to agree a small adjustment to ISI's staffing profile to accommodate changes in certain divisions.

5 Outputs and Targets

The following section sets out the Key Performance Indicators which will be used to assess the ISI's progress towards achieving its key targets and core function; the restoration of insolvent individuals to solvency under the provisions of the Personal Insolvency Acts.

The ISI has identified five key strategic goals in its draft Strategic Plan 2019 – 2021 which are the focus of its current work programme, to:

5.1. Strategic Priority 1

Goal 1 To manage and process the timely resolution of bankruptcy and insolvency solutions			
Objectives As from Strategic Plan	Headline Key Performance Indicators From Strategic Plan	Key Actions to Achieve Headline KPI's	Due Date
Monitor the operation of the ISI Arrangements relating to personal insolvency.	<p>Key metrics to ensure effective management of the administration of insolvency arrangements (including volumes, turnaround times, courts documents posted correctly and on time reviewed and revised</p> <p>Performance of the ISI against these key metrics reviewed biannually.</p>	<ol style="list-style-type: none"> 1. Conduct a review of the non-Bankruptcy metrics in early-2021 led by Head of Case Management together with case processing and quality team colleagues 2. Measure performance against the agreed metrics 3. Bankruptcy statistics pack to be provided to SMT to include: <ul style="list-style-type: none"> • Number of bankruptcy adjudications. • Number and value of distributions made • Value of realised assets. • Number of Family Homes re-vested. 	<p>Q1</p> <p>Q2 Q4</p> <p>Quarterly (within month of quarter end)</p>
Ensure maximised efficiency of the new Insolvency Case Management System by Q4, 2021.	<p>Ensure adequate staff resources are in place to ensure the efficient and effective operation of the new Phoenix system.</p> <p>System reviewed in Q3 to put together proposals for a modest programme of high efficiency enhancements of the new case management system</p> <p>Effective documented processes and procedures are in place to support the operation of the new system.</p>	<ol style="list-style-type: none"> 1. Work with DOJ HR to employ a development specialist at HEO level to contribute to ICT-based development and process change management 2. Survey internal and external stakeholders for proposed enhancements and then cost and triage those proposed enhancements focussing on necessary and value for money changes 3. Continually update documentation to ensure legislative and process compliance 	<p>Q2</p> <p>Q3</p> <p>Q2 Q4</p>

<p>Review, evaluate and continue to improve the ISI's performance in meeting case processing requirements.</p>	<p>Undertake an externally led and independent evaluation of the ISI's case management performance by Q4, 2021.</p> <p>Implement recommendations of this independent review.</p>	<ol style="list-style-type: none"> 1. Contact external stakeholders via a survey tool in Q3 to gain qualitative feedback on the efficiency and areas for improvement of the case processing ICT and desk-based administration 2. Present findings to ISI SMT 	<p>Q4</p> <p>Q4</p>
<p>Implement Ireland's stage of the EU Insolvency Interconnector portal to give effect to Article 25 of the EU Insolvency Regulation</p>	<p>Cross-organisational implementation team of all Insolvency and Bankruptcy Register holders formed to agree implementation framework</p> <p>Software provider to develop Ireland's staging area and link to Insolvency and Bankruptcy Registers procured</p> <p>Development and testing completed by Q4 2021</p>	<ol style="list-style-type: none"> 1. Establish team and hold first meeting 2. Draft and agree MOU between the parties 3. Send project procurement request to P3 group 4. Issue tender notice and complete tender evaluation 5. Hire or obtain from DOJ project management staff 6. Work with developers to complete project within a three month timeline if possible 	<p>Q2</p> <p>Q2</p> <p>Q2</p> <p>Q3</p> <p>Q3</p> <p>Q4</p>
<p>Review, evaluate and continue to ensure efficient administration of bankruptcy estates and uphold the integrity of the bankruptcy system.</p>	<p>Review and amend, within a change control process, all bankruptcy policies and procedures to optimise their efficiency and effectiveness.</p> <p>Develop innovative digital solutions where possible to improve service to all stakeholders.</p> <p>Review and develop the key metrics monitoring bankruptcy operations, using the case management system to the maximum extent possible.</p> <p>Continue to demonstrate equal respect and fairness to debtors and creditors in the investigation and administration of bankruptcy estates.</p>	<ol style="list-style-type: none"> 1. The purpose of the Bankruptcy Division is to get control of the assets in the Bankruptcy Estate and realise them for the benefit of Creditors in as an efficient manner as possible 2. Review of each teams process and procedure 3. Seek approval for new Bankruptcy Case Management System 4. Substantially advance new Case Management System Project. 5. Implement revised procedures when seeking High Court approval for legal costs. 6. Assist decision making through increased Financial and management reporting which will be achieved by:- 	<p>Q4</p> <p>Quarterly</p> <p>Q1</p> <p>Q4</p> <p>Q3/Q4</p> <p>Q2 Onwards</p>

	<p>Continue to ensure compliance by bankrupts with their statutory obligations and uphold the integrity of the bankruptcy process.</p>	<ul style="list-style-type: none"> • Completion of Internal Audit to be carried out by Department of Justice • Implementation where applicable of any internal audit recommendations. • Appointment of Independent External Accountants to assist implementing improvements to procedures. • Overall Bankruptcy Estate Portfolio cash flow to be produced. • To request legal opinion on OA ISI funding mechanism. • To establish funding requirement to be funded pursuant to S21 of the Personal Insolvency Act So that the aims of the Bankruptcy division can be achieved whilst monitoring and controlling risk. <p>7. Adapt a new virtual online Court process commenced Jan 2021</p>	<p>Q2</p> <p>Q2-Q3</p> <p>Q2</p> <p>Q3</p> <p>Q1</p> <p>Q3</p> <p>Q1</p>
<p>Work with the Department of Justice to amend the bankruptcy and personal insolvency legislation, streamline administrative processes³ and implement relevant</p>	<p>Hold biannual meetings with the Department of Justice.</p> <p>Continue to work jointly to progress legislative changes: (i) identified in the ISI's section 141 submission from 2017.</p> <p>(ii) required to allow the implementation of an online portal for bankruptcy applications;</p>	<ol style="list-style-type: none"> 1. All Divisions to provide relevant input to the practical and legal issues involved in appropriate legislative change anticipated as part of Personal Insolvency Amendment Bill 2. Bankruptcy Division in conjunction with the Legal Division of the ISI to work on the proposed Bankruptcy Amendments in the Courts and Civil Law (Miscellaneous Provisions) Bill 2021. 	<p>Ah hoc</p> <p>Semi-annual</p>

<p>Consultative Forum recommendations, where appropriate.</p>	<p>Ensure the Department is updated on changing social and economic conditions that may require a legislative response.</p> <p>Submit consolidated legislative amendments to the Department to ensure continued efficient and effective operation of bankruptcy and personal insolvency policy.</p>	<p>3. All Divisions to continue to work with ISI Legal Division on assisting the Department on wider reform of the Bankruptcy and Personal Insolvency legislation (including that contemplated under S.141).</p>	<p>Semi-annual</p>
<p>Ensure Bankruptcy and Insolvency case management systems deliver optimal performance and efficiency returns, and provide appropriate management information.</p>	<p>Develop quantifiable measures of systems' performance.</p> <p>Identify weaknesses and areas for improvement.</p> <p>Prioritise and implement the required improvements.</p>	<p>1. Case Management stakeholder and process reviews implemented as per earlier objectives</p> <p>2. Approval for new Bankruptcy Case Management System put forward to Department of Justice. As part of this areas of improvement in current Bankruptcy case management system have been identified, including no accruals management function for costs incurred which has impact on provision of financial and management information from the system. Accruals feature has been requested as part of new case management system.</p>	<p>Q4</p> <p>Q1 – Q4</p>
<p>Evaluate the potential for implementing an integrated bankruptcy and insolvency online applications portal to support the receipt of</p>	<p>Establish a feasibility project to identify benefits of an integrated portal for ISI and its stakeholders.</p> <p>Implement the recommendations of this feasibility study.</p>	<p>1. Subject to approval being granted the probability is that there will be a new Case Management System and the on-line capabilities will be discussed with any winning tenderer. Note that legislative change is required for any Bankruptcy on-line system / Portal.</p>	<p>Q1 – Q4</p>

information from debtors/bankrupts, their representatives and creditors and providing limited access to records as required.	(Note that integrated portal will require legislative change)		
Reorganise the IT and Project Management function of the ISI	Improve statistical, ICT and change management capacity.	1. Allocate appropriate staffing resources to statistical, ICT and change management functions from across the ISI	Q4

5.2. Strategic Priority 2

Goal 2 To regulate and monitor the performance of PIPs and AIs			
Objectives As from Strategic Plan	Headline Key Performance Indicators From Strategic Plan	Key Actions to Achieve Headline KPI's	Due Date
Continue to authorise, supervise and regulate PIPs and AIs.	Monitor fitness and probity of PIPs and AIs by implementing inspection arrangements.	<ol style="list-style-type: none"> 1. Renewal of authorisations as they fall due 2. Authorise new PIPs as appropriate 3. Agree programme of on-site inspections for 2021 4. Consider formal complaints against PIPs 	<p>Ah hoc</p> <p>Ah hoc</p> <p>31/1/21</p> <p>Ah hoc</p>
Develop and agree performance standards for PIPs.	<p>Undertake a consultation exercise with stakeholders.</p> <p>Identify areas for improvement in standards.</p> <p>Identify effective standards and objective measurements of these standards.</p> <p>Pursue the implementation of these standards with PIPs and their representatives.</p> <p>Review PIP performance against standards as part of our regulatory framework.</p>	<ol style="list-style-type: none"> 1. Active consultation with stakeholders through fora such as the Protocol Oversight Committee and associated working groups, CPD events, meetings of the Association of Personal Insolvency Practitioners and creditor dialogue meetings. 2. Ensure performance standard expectations are agreed with and communicated to PIPs (including compliance requirements in respect of the Abhaile PIP panel). 3. Incorporate agreed standards into our monitoring and supervisory activities, including support notifications to PIPs through the Case Management system 	<p>Ah hoc</p> <p>Ah hoc</p> <p>Ah hoc</p>
Increase number of scheduled supervisory visits.	Conduct regular scheduled supervisory visits with PIPs:	<ol style="list-style-type: none"> 1. Agree risk-based supervisory visit schedule for 2021 based on resources and Covid-19 pandemic. 2. Employ alternative supervisory or oversight procedures e.g. remote visits, file inspections, 	<p>Q1</p> <p>Ah hoc</p>

	<ul style="list-style-type: none"> - at least once throughout 3 year authorisation period; - within the first year for newly authorised PIPs. <p>Conduct follow-up visits where necessary to ensure recommendations are implemented.</p>	thematic reviews, systems and complaints driven spot-checks.	
Using a risk based approach, target supervisory visits to reflect compliance and ensure appropriate compliance processes are in place.	<p>Identify any practitioners who are underperforming, engaging in ambiguous practices, or are subject to complaints.</p> <p>Conduct timely supervisory visits of identified practitioners.</p> <p>Assess conduct of PIP against agreed criteria and form a view on whether improper conduct has occurred or is occurring.</p>	<ol style="list-style-type: none"> 1. Track the performance of individual PIPs via their error counts on the CMS and compliance with annual case review requirements. 2. Internal mechanisms in place between the Regulation team with both the Case Management and Bankruptcy Divisions to enable the escalating of issues encountered from a PIP compliance perspective. 	<p>Q1</p> <p>Q2</p>
Systematically identify practitioner CPD requirements for PIPs.	<p>Undertake consultation with PIPs, AIs and other stakeholders to identify training needs.</p> <p>Develop programmes internally to meet identified needs.</p> <p>Develop programmes/courses in collaboration with external providers to meet identified needs.</p>	<ol style="list-style-type: none"> 1. Ongoing consultation re training needs. 2. Ongoing development of Personal Insolvency programme in association with City Colleges. 	<p>Quarterly</p> <p>Quarterly</p>

5.3. Strategic Priority 3

Goal 3 To be recognised as the leading authority on personal insolvency in Ireland			
Objectives As from Strategic Plan	Headline Key Performance Indicators From Strategic Plan	Key Actions to Achieve Headline KPI's	Due Date
Continue to review and apply international best practice to support the on-going development of insolvency debt solutions.	Proactively engage with international best practice through: (i) continued participation on international fora; and, (ii) in collaboration with agencies in other jurisdictions.	1. Consider and recommend further legislative change in line with comparable jurisdictions e.g. removing debtor applications from court, online applications, introduce no automatic discharge if non-cooperation.	Semi-annually
	Identify, disseminate and apply good international practice as appropriate to an Irish context.	2. Attend IAIR and circulate key learnings 3. Participate in IAIR events and engage with members 4. Attend Home Nations annual meetings to discuss issues of mutual concern and benefit. 5. Implement change on foot of best practice reviews.	Annually Ad-hoc Annually Ah-hoc
Use data, statistics and evidence to inform and drive decision-making.	Ensure that the ISI's IT systems are leveraged to provide relevant statistics for research purposes, and to inform policy and legislative development. Ensure policy positions are informed and supported through available information /data. Continued implementation of evidence-based decision-making.	1. Fully implement the use of Power BI as a data analytical tool following rollout of the Department's cloud-based service	Q2
		2. Pilot the use of more advanced statistical methods to analyse trends and changes in PIP and creditor behaviour over time	Q2
		3. Improvements for statistical purposes to Bankruptcy Case Management system if approved and implemented.	Q4
		4. Review of financial and management information requirements to be conducted in advance of	Q3

		implementation of Bankruptcy Case Management system to see what improvements could be incorporated. Accruals feature already identified as being a key request in new Case Management System accounting features.	
Work to ensure that Reasonable Living Expenses (RLEs) are set at levels accurately reflecting costs of living.	Ensure RLE guidelines are reviewed regularly and remain appropriate. Ensure broad stakeholder support and confidence in the RLEs used in bankruptcy and insolvency.	<ol style="list-style-type: none"> 1. Engage with Vincentian Partnership for Social Justice on rebasing and reviewing the RLE Guidelines. 2. Conduct public consultation on RLEs. 3. Consult relevant Ministers on RLEs. 4. Publish RLEs on ISI website and issue notification to all stakeholders. 	<p>Q1</p> <p>Q2</p> <p>Q3</p> <p>Q3</p>
Continue to support the Abhaile scheme and other cross-Departmental and cross-Agency initiatives to assist those with home mortgage arrears.	Contribute to the evolution and enhancement of the Personal Insolvency Framework. Actively participate in projects across Government Departments and Agencies.	<ol style="list-style-type: none"> 1. Complete 2021 Deep Dive. 2. Further develop relationship with MABS. 3. Provide for publicly funded PIP if mandated. 4. Feed into 2021 review of Abhaile scheme. 	<p>Q3</p> <p>Ah-hoc</p> <p>Q2</p> <p>Q3</p>
Contribute to insolvency related EU regulations and implement as appropriate.	Proactively contribute to policy / legislation required within the national context. Participate in relevant EU fora.	<ol style="list-style-type: none"> 1. Participate at all EU meetings required to develop EU legislation. 2. Assist Department in drafting of legislation to implement same. 3. Assist Courts Service Rules Making Committee in drafting of any Court Rules to implement EU Insolvency changes e.g. EU Insolvency Portals. 4. Create links to EU Portals to give effect to Article 25 of the EU Insolvency Regulation 	<p>Ad Hoc</p> <p>Ad Hoc</p> <p>Q4</p> <p>Q4</p>

5.4. Strategic Priority 4

Goal 4 To design, plan and implement an effective external communications strategy, raising awareness of bankruptcy and insolvency solutions amongst our target audience			
Objectives As from Strategic Plan	Headline Key Performance Indicators From Strategic Plan	Key Actions to Achieve Headline KPI's	Due Date
Develop and implement a dedicated 3-year communications and awareness strategy.	Consult with external experts and other State bodies/agencies with similar remits. Identify resources required to implement and operate 3-year integrated communications strategy. Ensure that ISI communication and awareness campaigns are appropriately funded and resourced, carefully designed and targeted to key audiences. Undertake mid-term review of the effectiveness of the strategy, identify areas for improvement and implement required changes.	<ol style="list-style-type: none"> 1. Implement 2021 campaign using learnings from 2020 campaign and taking account of the impact of the Covid-19 pandemic. 2. Increase level of exposure through other media channels. 3. Implement any recommendations from Debtor Research Project. 4. Evaluate the effectiveness of a split campaign over the first 4 months of the year to help plan future initiatives. 5. Manage budget to ensure maximum effectiveness of Awareness Campaign. 	<p>Q2</p> <p>Ah-hoc</p> <p>Q3</p> <p>Q2</p> <p>Q4</p>
Use all research findings from across the ISI and external to the ISI to inform targeted information, communication and awareness campaigns.	Develop a programme of work for the cross-divisional communications group. Hold regular meetings with transparent sharing of data and information. Continue to implement an evidence-based approach to information campaigns.	<ol style="list-style-type: none"> 1. Action the agreed communications plan for 2021. 2. Hold monthly meetings with the Communications Project Group. 3. Use analytics to improve the effectiveness of campaigns. 4. Use data to direct campaign plans and maintain a digital media presence. 	<p>Q1 – Q4</p> <p>Monthly</p> <p>Ah-hoc</p> <p>Ongoing</p>

<p>Improve creditor and debtor engagement with bankruptcy and insolvency solutions.</p>	<p>Conduct research into creditor and debtor behaviour to ensure greater engagement. Enhance awareness of the ISI, demystify terminology, address misconceptions and use case examples to ensure that communications resonate with key stakeholders.</p>	<ol style="list-style-type: none"> 1. Completion of ESRI research project into how debtors process and use ISI messaging to determine its effectiveness and provide enhancements and recommendations. 2. Conduct series of meetings with creditors and creditor representatives to canvass views and influence behaviour. 3. Review our publications to ensure communications are clear and example based. 4. Canvass the views of PIPs and other stakeholder organisations. 5. Review our websites to ensure that they provide information in an easily accessible way to diverse audiences, with a focus on the debtor journey through the BackonTrack website and the ESRI research findings. 6. Carry out a competitive tendering process to re-design and re-build backontrack.ie. 	<p>Q2 Q1 – Q4 Ah-hoc Q1 – Q4 Q3 Q2-Q4</p>
<p>Continue innovation to increase reach and impact of all ISI external communications.</p>	<p>Identify new channels for communication. Identify how new technologies can be used for enhanced communications. Identify areas for leveraging off and participating with debtor advisory services (e.g. MABs).</p>	<ol style="list-style-type: none"> 1. Work with our media company to understand how consumers are using emerging and evolving technologies. 2. Include alternative communications channels in our annual awareness campaign and take account of the impact of the Covid-19 pandemic. 3. Identify and engage with relevant debtor advocacy groups and related voluntary organisations 	<p>Ad-hoc Q2 Ad-hoc</p>
<p>Continue to consult, engage and</p>	<p>Identify relevant stakeholders. Develop a stakeholder engagement plan.</p>	<ol style="list-style-type: none"> 1. Regular E-briefs issued to all stakeholders to report on ongoing work of the ISI 	<p>Quarterly</p>

<p>communicate with stakeholders to provide information on the operation of the Bankruptcy and Insolvency Acts – offering informed insights to enhance effectiveness.</p>	<p>Regular bilateral meetings with Stakeholders to identify issues of concerns. Compile, analyse and disseminate information and statistics to address stakeholder issues identified and follow up. Regular meetings of the Protocol Oversight Committee.</p>	<ol style="list-style-type: none"> 2. Presentation to key stakeholders, CBI, BPFI, IBCB 3. Bi-lateral video meetings with creditors and PIPs 4. Recommence Protocol Oversight Committee meetings 5. Schedule meetings with key stakeholders advising of upcoming changes in processes and managing expectations 6. Utilise system data to advise stakeholders i.e. creditors and FIs of issues arising that can be addressed to improve process 	<p>Q1 – Q2 Q1 - Q4 Q2 Ad Hoc Quarterly, ad-hoc</p>
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5.5. Strategic Priority 5

Goal 5 To ensure effective corporate governance, develop our staff and enhance organisational capability			
Objectives As from Strategic Plan	Headline Key Performance Indicators From Strategic Plan	Key Actions to Achieve Headline KPI's	Due Date
Continue to implement the KPI reporting system to drive and track ISI performance.	<p>SMT to undertake biannual reviews of divisional business plans to ensure KPIs are being achieved and remain relevant.</p> <p>SMT to review annual progress of the Strategic Plan 2019 to 2021 against the Key Performance Indicators set out in the plan.</p> <p>SMT to conduct biannual meetings with the Governance Division of the Department to ensure KPIs agreed in the Oversight Agreement with the Department are being achieved and to identify any areas of under-performance.</p>	<ol style="list-style-type: none"> 1. Performance Delivery Agreement drafted and agreed with Governance Function. 2. SMT will carry out a progress review of the Business Plan. 3. Review of strategic objectives which have not been achieved or are not expected to be achieved in 2021. 4. Key metrics for Bankruptcy division to include number of Bankruptcies and total distributions made and reporting on them as set out in Goal 1. 	<p>Q1</p> <p>Quarterly</p> <p>Q3</p> <p>Quarterly, as required</p>
Continue to work with the Department of Justice to support the delivery of strategic objectives.	<p>Oversight Agreement with the Department. This has been agreed on a three-year basis with the Department.</p> <p>Biannual meetings with the Governance Division of the Department.</p> <p>Continued participation in the Department's Transformation Programme.</p>	<ol style="list-style-type: none"> 1. Complete 2. Meet with Governance Division of the Department biannually and implement any agreed recommendations. 3. Develop a new Strategic Plan for 2022 – 2024 in consultation with management, staff and relevant stakeholders. 4. ISI to work with Department on delivery of insolvency reform. 	<p>Complete</p> <p>Q2 & Q4</p> <p>Q2</p> <p>Q1 – Q4</p>

<p>Continue to ensure compliance with the ISI's corporate governance obligations as set out under the Code of Practice for the Governance of State Bodies 2016.</p>	<p>Annual letter to Minister from the Director confirming the review of the effectiveness of the ISI's system of internal control. Review and update the ISI's risk register to systematically identify, monitor and mitigate risks. Promote and monitor commitments relating to the Customer Charter and Complaints process.</p>	<ol style="list-style-type: none"> 1. Submit an Annual Report to the Minister on the ISI performance of its functions. 2. Agree, review and implement any recommendations from our internal audit and C&AG reviews. 3. ISI approved accounts submitted to the C&AG. 4. Carry out Risk Testing as per Risk Testing Schedule. 5. Carry out a review of the Customer Charter. 6. Carry out a review of the Complaints Policy. 7. Establish a register of ISI compliance obligations and check it quarterly for upcoming deadlines. 8. Develop and agree a new Procurement Policy 9. Bankruptcy due to engage with Department of Justice Internal Audit to review the procedures of the Bankruptcy division 10. Complete Data Protection project 	<p>Q2 Q2 Q3 Monthly Q2 Q3 Quarterly Q3 Q2 Q4</p>
<p>Ensure ISI compliance with GDPR and related obligations – taking necessary precautions in the collection, storage, updating, retrieval and deletion of personal data.</p>	<p>Data protection policies in place Staff aware of data protection responsibilities Data protection by design Continuous data protection improvement</p>	<ol style="list-style-type: none"> 1. All Divisions to have completed Record of Data Processing Activities 2. Data Retention Policy agreed 3. Training on induction and refresher staff training 4. ISI Legal to advise on bankruptcy case management system DPIA 5. Analyse data breaches for patterns and seek to reduce and prevent potential data breaches 6. Institute a clean desk policy 7. Storyboard/Infographic in prominent places 	<p>Q3 Q4 Ad-hoc, Q3 Q2 Q2 Q4 Q3</p>
<p>Ensure effective internal communication, knowledge sharing and</p>	<p>Implement the recommendations of the internal communications project.</p>	<ol style="list-style-type: none"> 1. Quarterly staff update meetings to be held. 2. Monthly meetings between the Director and each of the Division heads 	<p>Quarterly Monthly</p>

operational collaboration between all ISI divisions.	<p>Continue to encourage cross-divisional projects and team working.</p> <p>Continue to inform staff of developments at all staff meetings and to ensure that Heads of Divisions hold regular meetings with staff in their divisions.</p> <p>Ensure staff are fully aware of the work of the SMT and internal working groups.</p> <p>Explore options to enhance current internal knowledge management procedures and systems.</p>	<ol style="list-style-type: none"> 3. Minutes of SMT meetings available to all staff. 4. Heads of Divisions to have regular meetings with staff. 5. Staff newsletter to be issued quarterly. 6. Commence standardisation of policies and procedures across ISI to assist with succession and induction. 	<p>Monthly</p> <p>Ad-hoc</p> <p>Quarterly</p> <p>Q4</p>
Develop an integrated workforce plan to address resourcing, skills, learning and development, induction and succession requirements, ensuring all personnel are equipped to meet role requirements.	<p>Undertake a skills audit of all staff.</p> <p>Identify skills gaps and skills complements.</p> <p>Proactively identify “best fits” across the ISI.</p> <p>Develop and implement a training needs analysis for staff.</p>	<ol style="list-style-type: none"> 1. Carry out exit interviews to assess employees’ experience of the ISI. 2. SMT analysis of work and staffing by Division. 3. SMT to consider organisation structure. 4. Roles and skills analysis. 	<p>Ad-hoc</p> <p>Q1-Q2</p> <p>Q3</p> <p>Q3</p>

6 Flexibility and Amendment of Targets

The ISI is committed to deliver on the established work plan for 2021. However, the achievement of the targets in the ISI work plan 2021 will be impacted on by a range of factors including available resources and in some cases external factors beyond the ISI's control such as the business impacts associated with the Covid-19 pandemic. Where delays arise the timeframe for delivery may need to be extended including carrying into 2022 where appropriate.

The Pandemic has resulted in the ISI implementing and benefitting from a number of innovations that have contributed to it being able to maintain its services, eliminate any backlogs and ensure the insolvency framework continues to function in the interest of all its stakeholders. These innovations, including remote insolvency court sittings and the enabling of virtual meetings between PIPs and Debtors, together with our new Phoenix case management system will maximise our ability to manage any pent up demand for insolvency services as the economy exits Covid-19 related restrictions.

The ISI will report on progress on our business plan targets and on our management of any potential pent up demand for our services at governance meetings with the Civil Governance Function, and between meetings where appropriate.

7 Potential Risk Factors

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

Reflecting the key priorities of the organisation, the following potential risks were identified as the main areas that could negatively impact on the ISI in 2021:

Risks	Controls & Mitigants
Funding of Bankruptcy Function given depleted Unclaimed Dividends Account	<ul style="list-style-type: none">• Temporary solution agreed with Department/DPER on Bankruptcy funding for 2020/21.

	<ul style="list-style-type: none"> • Provision made in ISI Budget for 2021 for prudence sake. • Subject to legal advice around the use of Section 21 for funding Bankruptcy, ISI will seek to agree a longer term mechanism in due course with the Department/DPER
<p>Business Continuity during Covid-19 Pandemic</p>	<ul style="list-style-type: none"> • ISI maintained business continuity in 2020 although activity was subdued somewhat with protective certificates and insolvency arrangements down 29% and 15% respectively overall compared to 2019. We are in a strong position to deal with any recovery in demand together with any additional demand arising from the economic consequences of the Pandemic. • Our new CMS went operational in 2020 despite the disruption to working arrangements. • Access to remote working has been maximised and is working well. • Revised logistical arrangements have been agreed with Stakeholders including virtual meetings between PIPs and Debtors, virtual court sittings and revised court protocols. • The Personal Insolvency Amendment Bill which will, inter alia, give statutory effect to the above revised arrangements is currently working its way through the Oireachtas. • Staff access to a softphone solution has ensured that the ISI helpline continues to operate
<p>GDPR</p>	<ul style="list-style-type: none"> • GDPR project expected to complete in 2021 to ensure the ISI maximises its compliance to GDPR requirements.

8 Monitoring Arrangements

The implementation of this Agreement will be monitored twice yearly, or more frequently if required, through governance meetings between the ISI and the Civil Governance Function in the Department to provide an update on developments and achievement of targets set out in this agreement.

The ISI undertakes to return:

- (a) all relevant and appropriately detailed performance information to allow for monitoring of this Agreement;
- (b) relevant and appropriately detailed performance information for inclusion in the Revised Estimates for Public Services volume; and
- (c) performance information in line with the set of such indicators, and in keeping with the timeframe, agreed with the Department.

The ISI will provide at the Minister's request any information on any matter concerning its policy and activities generally or any specific matter or account prepared by it.

9 Duration and Review of the Performance Delivery Agreement

The arrangements as set out in this Agreement will apply with effect from the date signed hereunder until 31st December 2021, and will be reviewed thereafter.

10 Agreement Approval

Signed: 

Date: 16/04/2021

Michael McNaughton, Director, ISI

Signed: 

Date: 16/04/2021

Yvonne White, Director, Civil Justice, Governance Function, Department of Justice