



AN TÚDARÁS PÓILÍNEACHTA
POLICING AUTHORITY

Minutes of Meeting of the Policing Authority

Date: 2 September 2020

Venue: By Video Conference

Attendance

Authority: Bob Collins (Chairperson), Pat Costello, Deborah Donnelly, Judith Gillespie, Paul Mageean, Moling Ryan, Valerie Judge, Vicky Conway.

Secretary: Aoife Clabby

Staff of the Authority: Helen Hall (Chief Executive), Cormac Keating, Margaret Tumelty, David Pasley, Sharon O'Brien.

1. Authority Meeting in Private

The Authority exercised the option to meet in private.

2. Chairperson's Opening Remarks

The meeting agenda was approved, as drafted. No conflicts of interest were declared in relation to any of the items for discussion. Mindful of the number of papers regularly provided for Members' consideration, the Chairperson requested that all future Authority papers would be dated.

3. Garda Appointments

Members considered a request for the approval of role profiles in the Garda Síochána and considered the candidate information booklet and updated job specification for the position of Learning and Development Director in the Garda Síochána. Members also considered the expressions of interest booklet for the temporary position of Acting Principal Officer (Accountant) in the Finance Directorate of the Garda Síochána.

Having regard to the updated job specification for the Learning and Development Director position, Members expressed their concern in respect of the lack of clarity arising from the proposed changes, particularly in relation to the intended strategic thrust and scope of the role and the envisaged reporting structures. Members viewed the proposed changes as having the potential to diminish the intended impact of the role, in particular in the context of the recommendations of the Commission on the Future of Policing on the matter. It was also noted that the job specification is not consistent with the sanction by the Authority and received from the Department of Public Expenditure and Reform. It was agreed that further engagement would be required with the Commissioner and the Chief Administrative Officer, prior to the approval of the documents submitted.

Members then considered the Expressions of Interest booklet for the temporary position of Acting Principal Officer (Accountant) in the Finance Directorate of the Garda Síochána. It was noted that the temporary vacancy is to be filled by means of an internal acting-up competition. Members made a number of observations in relation to the material submitted and noted that the nature and quality of the documents

provided for competitions had been the subject of previous engagements between the Policing Authority and the Garda Síochána at executive level. It was agreed that the matter should be raised again with the Commissioner at an early date. Following discussion, the Authority was satisfied to approve the expressions of interest booklet for the Acting PO (Accountant) in the Finance Directorate of the Garda Síochána.

Members considered a request from a successful candidate in the Superintendent competition, seeking the deferral of their appointment. While Members were satisfied to approve the deferral, they requested that the candidate would be advised of the potential expiration of the Superintendent panel prior to the deferral date requested.

| <i>No.</i> | <i>Action point</i> | <i>By Date</i> | <i>By Whom</i> |
|-----------------|---|----------------|-----------------|
| A_077_02 | Engagement with the Commissioner and CAO regarding L&D Director position and the general approach to the development of documents for competitions. | Immediate | Chief Executive |
| A_077_03 | Advise Superintendent candidate of deferral approval | Immediate | Appointments |

4. Draft General Scheme of the Policing and Community Safety Bill

At the outset of the agenda item, the Chairperson advised Members that correspondence had issued to the Assistant Secretary General, Department of Justice and Equality, advising of the Authority's intended timeline for response to consultation on the draft General Scheme of the Policing and Community Safety Bill ('the General Scheme'). The Authority also reserved the right to make further submissions over time, particularly in circumstances where Part 6 of the General Scheme was as yet unavailable, thus preventing a full assessment of the interlinkages between the proposed legislative provisions.

Members considered a number of papers including an early draft response to the General Scheme, and a provisional review of the functions set out in each proposed head. Members also considered a range of other documents for comparative analysis and context, in support of its deliberations.

In discussing the draft documents, Members had regard to the key themes agreed at the Authority meeting on 19th August that would be helpful in underpinning the draft response, including oversight roles, functions and accountabilities, performance monitoring, risk, international comparators and optimal practice, and public policy and evidence in support of change.

Following detailed, comprehensive discussion, Members agreed that a number of areas in the draft response and review of the functions required further development. In particular, Members requested that a more detailed analysis be provided on the future envisaged oversight, governance and accountability arrangements, having regard to existing arrangements and any potential impacts on the independence, transparency and clarity of oversight that the new arrangements might have. The Authority also requested that further consideration be given to any new or emerging risks arising from the proposed arrangements. Members requested that further consideration be given to the General Scheme's provisions on community safety and the specific role and function of the Policing and Community Safety Authority ('PCSA'), vis-à-vis other agencies proposed in the General Scheme. Members also asked that further consideration be given to the outworking of the provisions in the General Scheme relating to the Inspectorate role and duties within the PCSA and having regard to the existing Inspectorate Code of Practice in relation to inspections.

Finally, the Authority agreed with the approach of undertaking a detailed ‘head by head’ review, to identify those areas of support and concern, having regard to the recommendations of the Commission on the Future of Policing in Ireland and the Authority’s previous deliberations and submissions.

| No. | Action point | By Date | By Whom |
|-----------------|---|----------------|-----------------|
| A_077_04 | Further develop the draft submission on the General Scheme, in line with Authority observations | ASAP | Chief Executive |

5. Oversight of COVID-19 Policing

Members considered a summary of information provided by the Garda Síochána in relation to policing during COVID-19, and considered future reporting requirements in the context of the new regulations and associated powers conferred on the Garda Síochána. It was agreed that an agenda item on Policing during COVID-19 would be tabled for the meeting with the Garda Commissioner in public on 30th September.

6. Policing Priorities and Policing Plan

The Chief Executive provided Members with a summary of engagements with Garda representatives on the matter of the Policing Plan, at both the Policing Strategy and Performance and Organisation Development Committees. The Chairperson updated Members on subsequent engagement with the Commissioner on the matter. Arising out of these engagements, the Authority agreed that the Policing Priorities 2021 should be included as an agenda item at its meeting on 30th September.

7. Other Business: Garda Síochána Evaluation of Management and Use of Anti-Spit Hoods

Members considered a number of documents relating to the Garda Síochána evaluation of its management and use of anti-spit hoods and considered the proposed scope of the Authority’s response, encompassing human rights implications, training, provisions to ensure non-discriminatory use and measures to ensure a robust evaluation and evidence-based conclusions and recommendation. In addition, Members agreed that further information should be sought regarding the efficacy of anti-spit hoods in preventing the transmission of COVID-19.

In concluding its discussions, the Authority again asserted its primary concern for the health and well-being of Garda Síochána members. Noting that the introduction of anti-spit hoods was a temporary measure, the Authority strongly emphasised that the current review must not form the basis for the introduction of anti-spit hoods as part of normal policing equipment. Any such contemplation by the Garda Síochána would require a separate and robust consultation process.