



AN TÚDARÁS PÓILÍNEACHTA
POLICING AUTHORITY

Minutes of Meeting of the Garda Organisation Development Committee

Date: 8 February 2023

Venue: Online Meeting

Part A – Committee Meeting

Attendance

Authority: Paul Mageean (Chair), Valerie Judge, Elaine Byrne, Dónal de Buitléir

Secretary: Michal Alfasi-Hanley

Executive: Helen Hall (CEO), Cormac Keating, Margaret Tumelty, Sharon O'Brien, Mark Nother, Cian Finn

Apologies: David Murphy

1. Closed Session

The standing option to conduct a closed session was not exercised.

2. Chairperson's Opening Remarks

The Chairperson noted that after 4 years in this role within the ODC, he will be stepping down and joining the PSP Committee.

The Chairperson thanked the Executive for their support.

3. Consent Agenda Items

The minutes of the previous meeting were approved, pending two minor changes, following comments from the GS.

4. Policing Plan Performance

- The Committee discussed the *Policing Plan Performance Report* for Q4 of 2022, and the Executive provided a verbal report on progress in the period October to December 2022.
- The Executive provided a verbal update on the meeting of the Policing Strategy and Performance Committee, which took place on 8 February.

- The Committee expressed concern at the disparity between the commentary contained in the end of year assessment regarding the lack of Garda resources, including staff levels, and the RAG status given to targets and actions in the Policing Plan Performance Report. The RAG status given could be interpreted as suggesting that a lack of resources had little impact on performance as presented in the document provided. It was agreed to raise this with the Garda representatives in Part B of the meeting.
- The Executive provided an update on the current status of the Garda Diversity Forum and noted that the 'Away Day' of the Forum members and the GS is scheduled to take place on the 21st of February in Athlone. The CEO will attend.

5. Early discussion to inform Resources letter

- The Committee discussed the need for a supplementary budget in 2022 and internal Garda processes for determining the requirement for additional finances. It was agreed to raise this issue with Garda representatives in Part B of the meeting.
- The Committee noted the issues arising regarding the recruitment and retention of Garda members and staff.
- The Committee discussed the Authority's letter to the Minister on Garda Resources, noting the importance of sending it sufficiently early to facilitate its inclusion in the annual estimates process.

6. Discipline

- The Committee noted the on-going review of Domestic Abuse orders against existing Garda members being undertaken by the Garda Síochána.
- The Committee discussed plans to introduce drug testing within the Garda Síochána and the status of necessary regulations from the Department of Justice as well as the need for clear guidance for implementation.
- The Committee discussed a recent meeting with the Garda Síochána on discipline and noted numerous issues including the length of internal processes and the lack of centralised data on disciplinary matters.
- It was agreed to raise these issues with Garda representatives in Part B of the meeting.

7. Executive updates on oversight activity

It was agreed to defer this item.

8. Committee Administration (End of 2022 Review; GARs)

It was agreed to defer this item.

Part B – Meeting with Garda Síochána Representatives

Attendance

Authority: As per Part A above

Garda Síochána: Shawna Coxon, Deputy Commissioner Strategy, Governance and Performance; Kathryn Clifford, Executive Director F&S; Yvonne Cooke A/Executive Director, HRPD; Eimear Bourke, ED S&T; Deirdre Morris, Principal Officer STO; Jonathan Roberts, Assistant Commissioner Governance & Accountability; Gráinne Shortall, AP Policing Authority Liaison Office

Apologies: Joseph Nugent, Chief Administrative Officer.

1. Closed Session

- The standing option to conduct a closed session was not exercised.

2. Policing Plan Performance

- The Chairperson noted the slides received from STO and the discussion about the Q4 Performance Report which took place at the PSP Committee on 7th February.

Resources

- The Garda representatives welcomed the Committee's views on policing performance.
- While noting improvements in reporting on policing performance over recent years, the Committee highlighted the importance that reporting accurately reflect the impact of resource constraints on performance and it queried the extent to which there was alignment between the apparent need for additional resources and the end of year RAG status given to actions in the Policing Plan 2022. The Garda representatives noted that resources is a distinct component in the Policing Plan and is highlighted as a serious organisational risk.
- The Committee suggested to provide specific examples on the impact of lack of resources on current and future performance.

Anti-Corruption

- The Committee queried how the Garda Síochána is using existing resources to achieve targets in the Policing Plan related to the Garda Anti-Corruption Unit, to include a bespoke ICT System. The Garda representatives noted that progress had been made with respect to the ACU, however there had been some issues with procurement of required bespoke ICT systems. At this stage, it is anticipated that the procurement process will take at least 6 months.
- The Committee sought confirmation that the Garda Síochána is prepared for the introduction of workplace drug testing, following the finalisation of regulations by the Department of Justice and whether additional resources are required to implement the testing regime across the entire organisation.
The Garda representatives informed the Committee of the organisations' readiness to commence testing noting procurement is at an advanced stage. The Garda representatives

acknowledged that while some testing can commence immediately, additional resources will be required to implement testing throughout the identified cohorts. The Garda representatives also noted the importance of the finalisation of regulations before testing can commence.

- The Committee highlighted the need for more clarity around the regulations as a key dependency in the latest *Policing Plan Performance Report*, so the report will adequately reflect the current situation.

Human Rights

- The Committee enquired as to the status of the review undertaken to measure the impact of the 'Policing and Human Rights Law in Ireland' course on the organisation and how the organisation is measuring the immediate and longer term impact of the course on the organisation. The Garda representatives stated that the organisation is looking at ways to measure impact including with regard to organisational culture. The Garda representatives further noted that they believe the manner in which members use human rights in operational plans is a key indicator of impact.

ACTION: GS to confirm whether the review is completed.
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Strategic Management of Resources

- The Committee referenced a promised report on the organisation's capacity to strategically manage resources, noting the lack of key resources, including systems and staffing. The Committee again highlighted the lack of emphasis on the critical impact of such a lack of resources on the organisation in the latest *Policing Plan Performance Report*. The Garda representatives noted that this is identified as a key risk in the organisation's Risk Register and additional work is on-going. The Garda representatives also acknowledged staffing levels have not improved as anticipated, the on-going difficulty in attracting and retaining staff, and the resulting impact on the organisation's reform agenda and existing operations.
- The Committee was informed that the Garda Síochána intends to run its own recruitment processes to fill vacancies and to reduce its reliance and dependency on PAS competitions. It was further noted that engagement is also on-going with universities on professional work placements, including in the area of Law and Business. While acknowledging the organisation's own recruitment license, the current lack of capacity to recruit using this license was highlighted as a key barrier to recruitment.
- The Committee queried whether the GS has placed an embargo on Garda staff transferring to other Civil Service agencies and departments through mobility, highlighting this as a potential disincentive to recruitment. The Garda representatives explained that this applies to the grade of Clerical Officer only and was approved by the Commissioner for a period of six months, following engagement with trade unions. The measure was deemed necessary due to the on-going issue of backfills and the transferring of staff out of the organisation.

Estate Management

- The Garda representatives provided an update on progress with the high-level Memorandum of Understanding (MoU) between the Garda Síochána, Department of Justice and the Office of Public Works (OPW) which will move capital funding out of the Garda Síochána to the Vote of

the OPW. It was reported that queries from the Department of Public Expenditure and Reform slowed the process down, but the GS is keen to ensure it is progressed for 2024.

- The Committee noted that the impact of these external dependencies is not sufficiently clear in the Performance Report and it emphasised the need for a clear target date for delivery and, once again, the necessity of setting out in detail the specific impact the absence of resources will have on performance and reform.

Reserve Strategy

- The Committee inquired about the current status and implementation of the Garda Reserve strategy.
Garda representatives explained that the plan is completed and are working with the Department of Justice on new regulations necessary for recruitment. There is not a definitive date at this time as to when the regulations will be finalised.

Reporting and RAG Status

- The Chairperson invited the Garda Síochána to reflect on the current RAG status of specific targets in the Policing Plan 2022 and submit a report to the Authority, in advance of the Authority's Statutory End of Year Performance Report.
The Garda representatives noted that this action was agreed at the most recent meeting of the Policing Strategy and Performance Committee.

3. Early discussion to inform Resources letter

- The Committee expressed its preference for an early submission of the statutory resources letter from the Authority to the Minister in 2023. While the Resources Letter was sent previously in August, it would be more useful if dispatched earlier.
- The Committee highlighted reporting on finances in 2022 and that as of November, the need for a supplementary budget was not apparent. The Committee queried how the need for a supplementary budget is identified within the Garda Síochána, noting that quarterly forecasting would be beneficial in the context of the transition to a Board.

The Garda representatives explained it became apparent in August 2022 that additional resources were necessary. Rates of pay increased, superannuation and capital costs were identified as factors.

- The Committee queried the status of a proposed exercise on revised budgeting for capital and current expenditure. The Garda representatives stated that this is a large undertaking, and would mean the restructuring of the Garda Vote, requiring the involvement of DPER and additional resources. However, it was stated that notwithstanding this, it is likely to happen in the future.
- The Committee queried estimates for 2024 and what the existing level of service will likely cost in 2024.

The Garda representatives stated this has not been annualised yet and this would not be carried out until after Q1. The process for determining estimates typically does not commence until June, after Appropriations. The Garda Síochána's submission to the Department of Justice is not submitted until the end of July or early August.

- In the above context, the Committee further queried when will the GS have a better idea as to how much the service for 2024 will cost.
The Garda representatives noted this should be towards the end of April, in relation to some of the areas.
- The Garda representatives noted that the concern of the organisation is not on the capital side, but rather in current expenditure, including the impact of inflation on utilities and cleaning costs. The licencing for Body-Worn Cameras (BWCs), the cost of transitioning to an electric fleet in the absence of the required national infrastructure, and the costs of the Policing Security and Community Safety Bill were also identified as potential factors in increased costs.
- The Committee noted the potential difficulty in securing extra funding for 2024 and in this context asked what the priorities for development in 2024 are.
The Garda representatives noted the importance of ICT, Estate and Fleet including the transition to an electric fleet.
- The Committee queried whether it is likely the Garda Síochána will be on budget for 2023. The Garda representatives explained that it is early in the year but they are hopeful, while highlighting the potential impact of inflation and high profile visits of foreign dignitaries which may require additional resources.
- The Committee asked a number of questions regarding the overtime budget including questions regarding the impact of policing protests.
- Garda representatives stated they believe overtime is managed well and the organisation has improved its tracking of the costs associated, for example in relating the policing of protests. Court related activity was highlighted as a significant portion of the overtime budget. The Garda representatives noted the discussions held with the Department of Justice and DPER on overtime and the allocation of 95 million euro for the previous 4-5 years.
- The Committee asked about progress on implementing recommendations from the Mazars Report published in 2019.
The Garda representatives stated that a lack of resources in this area has limited the pace of implementation, but stated that progress is expected to be made specifically on the capacity and capability review and the new purchase to pay system.

4. Discipline

- The Committee acknowledged the receipt of the letter the Commissioner wrote to the DoJ in relation to the Appeal Boards.
- The Committee asked Garda representatives about the terms of reference and composition of the 'Lessons Learned Working Group' and 'Professional Conduct Steering Group'.
Garda representatives stated that the 'Lessons Learned Working Group' is designed to identify themes around discipline and wrong-doing.
The first product by the group was a short document about the misuse use of Garda IT systems. The document is designed to make members think and reflect on such incidents.
The group is attended by the Garda Ethics and Culture Bureau, Internal Affairs, Garda Anti-Corruption Unit and Garda Professional Standards Unit.
At the time of the meeting, the Garda representatives were not sure whether a formal ToR exists, however committed to revert with update.

ACTION: The GS to provide the Authority additional information regarding the ToR of the ‘Lessons Learned Working Group’.

With respect to the ‘Professional Conduct Steering Group’, the Garda representatives noted that conduct had been an item on the organisational Risk Register, however this was later removed as a risk as the organisation believed that sufficient mitigations were now in place.

- The Committee noted that the two groups are at its early stages.
- The Committee asked regarding the status of work on the review of the disclosure of Domestic Abuse Court Orders by Garda members.

The Garda representatives stated the number of orders against serving members is known and believed to be in single digits. It was further noticed that Stage 2 of the review, which is the review of cases, is on-going.

- The Committee enquired about the ramifications that exist for the failure on the part of a serving member to disclose that an order has been taken out against him/her, noting family law proceedings are private. It also asked about the level of awareness of the process within the organisation.
- Garda representatives highlighted the fact that the review of orders is being undertaken is in the public domain, however there was no specific communication within the organisation around it. The Garda representatives noted that discussions about making the disclosure process more robust are on-going.
- The Committee asked for an update on the new Discipline Regulations and the level of engagement between the Garda Síochána and the DoJ in relation to the Regulations. The Garda representatives stated that the organisation is not expecting full regulations in February.
- The Committee asked whether The GS has been engaged in the process of providing written submissions on the legislation. It was further noticed that a letter was written to the DoJ. The Garda representatives noted that ways by which the organisation can be more involved are discussed with the Department of Justice on an ongoing matter.
- The Committee asked about plans for drug testing following the finalisation of necessary regulations, including how to ensure the system is fair. The Garda representatives noted the system will be consistent and fair, noting a policy and procedure document are completed, and that the results of tests will be provided promptly. It is anticipated that a positive test for drugs and a refusal to submit to a test will be a serious breach of discipline.

Part C – Private Meeting (Garda Síochána Representatives leave)

Confirmation of actions required and information to be requested:

Table 1 Confirmation of Actions Required and Information to be Requested

No.	Action Point	By Date	By Whom
OD_45_01	The Garda Síochána to follow up on the provision of the report of the review/thematic analysis conducted on the impact of the Policing and Human Rights Law in Ireland Course (UL) – as sought in recent GAR Request 788.	Immediate	ODC Secretary to liaise with PALO
OD_45_02	The Garda Síochána to follow up with the CAO for a report he committed to regarding Estate Management.	Immediate	ODC Secretary to liaise with PALO
OD_45_03	The Garda Síochána to provide the Authority additional information regarding the ToR of the 'Lessons Learned Working Group'.	Immediate	ODC Secretary to liaise with PALO