



AN TÚDARÁS PÓILÍNEACHTA  
POLICING AUTHORITY

## Minutes of Meeting of the Policing Authority

**Date:** 26 May 2016

**Venue:** 90 North King Street, Dublin 7.

### PART A – AUTHORITY MEETING

#### Attendance

**Authority:** Josephine Feehily (Chairperson), Noel Brett, Bob Collins, Vicky Conway, Pat Costello, Judith Gillespie, Valerie Judge, Maureen Lynott, Moling Ryan.

**Secretary:** Catherine Pierse

**Executive:** Helen Hall (Chief Executive), Aileen Healy

#### 1. Chairpersons opening remarks

The agenda was approved and no conflicts of interest were declared in relation to any of the matters for discussion.

#### 2. Minutes of previous meeting

The minutes of the last meeting were approved and will now be published on the Authority's website.

#### 3. Correspondence

Correspondence from Deputies Daly and Wallace and the Garda Commissioner were noted.

#### 4. Chief Executive's Report

The Chief Executive's report was taken as read. The members complimented the Executive on the quality and level of support provided for the meeting.

The Chief Executive confirmed that arrangements are being put in place by the Garda Síochána for Members to attend upcoming Performance and Accountability framework meetings.

The date for the meeting of the Chairs of the Joint Policing Committees (JPCs) in line with the Authority's statutory obligation under section 35 of the Act was noted. It was agreed that this would be a good opportunity to discuss a number of issues including the JPC Guidelines and future engagement with the JPCs and to seek input on the ethics consultation and the policing priorities for 2017.

No.	Action point	By Date	By Whom
A_005_01	The Executive to make arrangements for a meeting between the Authority and the Chairpersons of the Joint Policing Committees on 13 <sup>th</sup> July.	Immediate	The Executive

## 5. Draft Strategy Statement

There was discussion about the Authority's draft Strategy Statement which had been updated to take account of contributions from members since the last meeting. It was decided that subject to some drafting changes, the draft would be published on the Authority's website in exercise of the option under s62N(5) to publish the draft statement and allow persons 30 days to make representations in writing with regard to the draft before finalisation and submission to the Minister.

No.	Action point	By Date	By Whom
A_005_02	Finalise drafting changes discussed and publish the draft Strategy Statement on the website, inviting representations from the public over a 30 day period.	Immediate	The Executive
A_005_03	Make arrangements to translate the draft Strategy Statement into Irish and make available on the website.	Immediate	The Executive

## 6. Draft Corporate Governance Framework

There was discussion of the draft framework and the document was adopted subject to the drafting points discussed. It was noted that the framework had already been shared with the Department of Public Expenditure and Reform and it was agreed that their comment and input would be considered and incorporated where appropriate by the Executive prior to publication.

No.	Action point	By Date	By Whom
A_005_04	Finalise drafting changes discussed and consider and incorporate input from the Department of Public Expenditure and Reform when received, prior to publication.	Immediate	The Executive

## 7. Committee Updates

### Ethics Committee

The Chair of the Ethics Committee provided an update on the submissions received in relation to the consultation on the code. A total of 37 submissions were received with general support for a high level principles based code. Work is underway to prepare a draft code with the objective of having this as far advanced as possible for the Authority meeting at the end of June. It is proposed to hold an event in September and invite interested parties to participate in a discussion on the draft code.

No.	Action point	By Date	By Whom
A_005_05	Finalise a date to hold a consultation event in September to discuss the draft Code of Ethics and the policing priorities	Immediate	The Executive

### Appointments Committee

The Chair of the Appointments Committee updated the Authority on the current position regarding the commencement of the sections giving responsibility for senior Garda appointments to the Authority. The Department proposes to commence section 17 of the Act in the coming days which will give the Authority responsibility for senior civilian appointments in the Garda Síochána. In preparation for commencement of the sections relating to senior Garda ranks the Committee and the Executive are working to prepare the processes to put in place to carry out the associated selection processes.

Work is also ongoing in relation to examining the Garda Síochána draft workforce plan in order to get an understanding of the factors underlying resourcing demand and supply, deployment of resources and civilianisation which will assist in advising the Minister on the adequacy of resources.

The Minister for Public Expenditure and Reform has made an order designating the Authority under the Public Sector Management (Recruitment and Appointments) Act 2004. This will allow the Authority to get a recruitment licence and to proceed with building its own staffing complement.

### Performance and Strategy Committee

The Chair of the Performance and Strategy Committee updated Members on the Committee's work. In relation to the draft Garda Strategy Statement it was noted that feedback about performance has been taken on board and a revised draft shows good progress. The statutory deadline for the submission of the Strategy Statement by the Garda Síochána to the Authority is 30 June.

The Committee Chair reported constructive discussion and positive engagement with the Garda representatives on performance in the context of the quarterly report to 31 March 2016. It was reported that the format and content of such performance reports need to be further developed to provide a more focused overview including trends. Further discussion on such reporting will take place in the context of the preparation of the 2017 Policing Plan.

There was discussion of the process for the preparation of the 2017 Policing Plan, which will include a full working day between the Committee and Garda representatives on 13th September. The Committee Chair emphasised the need to focus on the Authority putting draft policing priorities in place for 2017 and it was agreed that it would be helpful to use the opportunity of the meeting with JPC chairs on 13<sup>th</sup> July and the Ethics consultation event in September to also discuss policing priorities and get feedback from a range of interested parties. There was an initial discussion of the need for the Authority to be in a position to obtain survey data on areas reflecting its priorities in order to provide a benchmark to measure progress.

<b>No.</b>	<b>Action point</b>	<b>By Date</b>	<b>By Whom</b>
<b>A_005_06</b>	Circulate hard copies of the draft Strategy Statement and the quarterly report to members for comment by email.	Immediate	The Executive
<b>A_005_07</b>	Circulate a monthly calendar of events and key dates	Immediate	The Executive

## 8. The O’Higgins Report

Members considered the O’Higgins report and related matters which was referred to it in its oversight capacity by the Tánaiste and Minister for Justice and Equality. They began an examination of the issues raised in a broad context of how they may impact on the Garda Síochána organisation – i.e. not confined to the Cavan/Monaghan Division. Members expressed deep unease at the performance issues raised in the report including service to victims, culture, training and formation, issues of governance, management and supervision. The recurrence of the same themes in relation to serious performance failures identified in previous reports including the Morris Tribunal and various more recent Garda Inspectorate reports gave rise to serious concern.

Members expressed the need for assurance that victims got proper attention and had their cases followed up. The Authority agreed that the issue of protected disclosures is fundamental to public trust and confidence and an important matter for the Authority. Similarly it is important that training and development be put in place to address the skills and competency deficiencies identified by the report and that there are frameworks in place to ensure accountability at all levels of the organisation. The challenge of effecting widespread change in large organisations was acknowledged, as was the key role of leadership in driving change and the long term nature of this process. However it was felt that the pace of change is worryingly slow as evidenced by the recurrence of issues over a long period. The Members expressed the need for an urgent response to this report addressing the issues raised and setting out a specific plan for taking action on the recommendations of this and other reports, including the need for a baseline against which to measure progress.

The focus of the Authority will be on management, performance and culture change to address the systemic issues raised by the report and to effect improvement in policing. This needs to commence with an understanding of the challenges involved and members expressed a wish to work with the Commissioner to provide assistance in implementing the required change.

Members were very mindful of the ramifications of the report and subsequent events and actions on policing and on individual Garda members and expressed concern that good work being done by Gardaí every day could be set at naught while doubts remain about these issues. The Authority decided to issue a statement expressing concern in relation to the matters discussed arising from the O’Higgins report, which would also reflect the discussion and outcomes of the meeting to be held with the Commissioner.

## 9. Planning for next meeting with the Garda Commissioner in public in June

Members agreed that the issues outlined in the O’Higgins report are serious and will take several Authority meetings and indeed Committee meetings to examine fully. It was decided that in the interests of transparency and public confidence a more detailed examination of specific issues arising from the report needs to take place in public and, due to their urgency and breadth the Authority will hold two meetings in public on the 13th and 30th of June. The agenda for these meetings will focus on service to victims, protected disclosure, culture, management and supervision in addition to continuing focus on the current policing plan, specifically on item 2.2 from that Plan, “Make victims central to the service we provide”.

No.	Action point	By Date	By Whom
A_005_08	Make arrangements for an additional meeting of the Authority with the Garda Commissioner in public on June 13.	Immediate	The Executive

## **10. Garda Inspectorate: Recommendations on the Organisation Structure of the Garda Síochána.**

The Members received a briefing from the Garda Inspectorate in relation to the recommendations on the structure of the Garda Síochána in their recent “Changing Policing in Ireland” report, including the proposed reduction in the number of regions from three to six. They outlined the rationale behind their proposals for structural change in the context of a range of issues including the effectiveness of geographical and hierarchical structures, the need to redeploy resources to cope with demand for services, elimination of duplication in functions, appropriate balance between back office and front line resources, amalgamation of administration and the role of civilianisation in releasing Garda members to meet demand for policing services. There was a discussion of comparable international practice and the need for recording information on supply and demand activity to serve as a basis for determining resource requirements.

## **11. Preparation for meeting with the Garda Commissioner**

Members discussed the agenda for meeting with the Garda Síochána and discussed the areas of questioning to be raised with the Garda Commissioner and her team. It was agreed that at the outset the Chairperson would set out the Authority’s serious concern and dismay at the contents and findings of O’Higgins and the familiarity of the performance problems over many years and many reports.

## **12. Other Business**

As agreed at the February meeting the Chairperson and the chair of the Audit and Risk Committee, have considered the membership of the Committee and their proposal that both positions be filled by external members was agreed. Their recommendation that Melanie Pine be appointed was approved. It was agreed that a second external member with recent financial or internal audit practice expertise would be sought.

<b>No.</b>	<b>Action point</b>	<b>By Date</b>	<b>By Whom</b>
<b>A_005_09</b>	Make arrangements to communicate appointment to Audit and Risk Committee to Ms Pine.	Immediate	The Executive

The Authority noted the Programme for Partnership Government and looks forward to working with the Government and the Minister for Justice and Equality to advance the Programme in the interest of the community. The Authority welcomes the commitment to resourcing the Garda Síochána, to community policing and to support for the Policing Authority’s work.

Subsequent to Part B, the Authority approved the issue of a Press Statement.

## **PART B – AUTHORITY MEETING WITH THE GARDA SÍOCHÁNA**

### **Attendance**

<i>Authority and Executive</i>	As above
<i>Garda Síochána</i>	Nóirín O’ Sullivan (Garda Commissioner), Dónall Ó Cualáin (Deputy Commissioner Strategy & Change Management), John Twomey (Deputy Commissioner Operations), Eugene Corcoran (Assistant Commissioner), Michael Finn (Chief Superintendent Cork City Division), Mr Ken Ruane (Head of Legal Affairs), John Keegan (Superintendent), Marie Broderick (Superintendent).

### **1. Introduction**

The Chairperson welcomed the Garda Commissioner and her colleagues, outlined the plan for the meeting, advised the Commissioner of the Authority’s serious concerns at the performance failures evident in the O’Higgins Report, and at the recurring nature of those failures.

### **2. The O’Higgins Report and related matters.**

The issues of unacceptable level of service to victims, poor individual performance, poor supervision and related management responsibility in the report were raised with the Garda Commissioner. The Authority expressed the view that the pressing performance and public confidence issue which arises from the current public discussions of “transcripts” relates to the Protected Disclosures Act, the treatment of disclosers and the culture of the Garda Síochána. In response to questions, the Commissioner outlined the position insofar as possible given the legal constraints within which she is operating. The meeting of Garda officers in Mullingar was also discussed. The Commissioner indicated that, despite Justice O’Higgins indicating in the Report that the institution of any disciplinary proceedings, which might conceivably arise out of its findings, would not be helpful, she felt strongly that if disciplinary action was appropriate arising from the Report that she would make such referrals.

The Chairperson informed the Commissioner of the Authority’s decision, in light of substantial public disquiet, to hold two meetings in public on 13<sup>th</sup> and 30<sup>th</sup> June to discuss the matters arising.

The necessity for an early response to the matters raised in the report was emphasised by the Authority. The Commissioner stated the importance of the changes which have occurred since the period covered by the report and that there will be a fulsome response to the report. The Authority requested that this response be made available in advance of the discussion of these matters at the forthcoming meetings in public and agreed to provide early notice of the agenda items for discussion to facilitate prioritisation of the relevant parts of this response in advance of those meetings.

The Authority expressed its concern in relation to the recurrence of themes in reports, with consistency across reports in relation to deficiencies in management and performance and asked the Commissioner to outline the immediate steps taken to address the issues raised after publication of the report. The Commissioner expressed frustration that these matters haven’t been possible to resolve quickly and outlined the steps taken to comprehensively identify the issues and plan a reform programme to address them. She outlined some examples of actions taken to improve supervision,

performance and accountability including the improved incident management system. In particular she emphasised that it was no longer possible for one individual to close an incident without supervisory sign-off. She also described the revised Garda training programme, whereby trainees are assigned to certain approved Garda training stations once leaving Templemore. The Commissioner updated the Authority about the sampling work done by the Garda Professional Standards Unit (PSU) to check the quality of investigations. Authority members noted that the annual report of the PSU had been received, but that to understand the nature of the unit's work that it would need to examine the underlying detailed reports. The Commissioner agreed that these reports would be provided.

In relation to the treatment of victims, the Authority expressed serious concern at how victims were treated and a concern that this was a systemic issue. The Commissioner described the reforms which have been implemented over the past twelve months such as the establishment of 28 victim liaison offices each having a full time Garda and a civilian appointed to them. She also noted that extensive work was being done with focus groups and victims alliance group to understand issues arising.

The Authority was advised and welcomed that particular attention has been paid by Garda management to the victims concerned in the cases addressed by the O'Higgins report. The Authority was concerned for the current Garda staff in Bailieboro and was assured by the Commissioner in that regard.

The Authority questioned the Commissioner in relation to training, in particular of new recruits and the supervision of probationers. The Authority noted that it will want to examine further how the Garda Síochána organisation will develop its capacity to recruit and train any additional resources, while at the same time meeting existing skills deficits, performance management and supervision challenges including those identified in O'Higgins and other reports.

The use of data as a management and accountability tool was also briefly explored. The Commissioner noted that PULSE is a recording system and not a management system and that investment needed to be made into such IT systems, which had now received approval from Government. The use of the data in the incident management system for performance management was briefly discussed.

A detailed description was sought from the Commissioner of the existing Garda Síochána Protected Disclosure policy. The Commissioner stated that people who want to raise problems are regarded as part of the solution not part of the problem and elaborated on her public statement regarding the work which she has put in hand with Transparency International and the appointment of a Protected Disclosure Manager. She assured the Members that while the policy is still in draft, the arrangements are already being applied in practice and are actively communicated to staff, with one example being the Speaking up campaign which was being run through the Garda portal. The Authority stated that its Code of Ethics Committee will seek details of the role and expertise of the Protected Disclosure Manager, and will wish to meet him/her and Transparency International to inform itself more fully of the extent of the steps being taken. The Commissioner was questioned on the steps which senior Gardaí take on an ongoing basis to encourage and facilitate 'speaking up' about wrongdoing in the Garda Síochána. Concern was expressed by the Authority at the delay in finalising and publishing the policy given the lapse of time since the Protected Disclosure Act was passed. .

Regarding organisation performance, the Members were keen to gain a full understanding of the issues and the challenges in resolving them so that the Authority can work to assist and support the Commissioner in her reform agenda.

The part played by culture in the persistence of certain behaviours was discussed. The Commissioner outlined a number of initiatives already taken to renew the culture and emphasised that she and her management team were seeking to cultivate a “learn rather than blame” environment. The Authority requested that the Garda Síochána commission an independent/external culture audit which would serve as a baseline to measure progress and provide tangible evidence of the impact of the Garda modernisation programme.

The Authority also expressed the need for publication of the Garda Síochána Protected Disclosures Policy and the 2015 Public Attitudes survey results at an early date to support community confidence, and that it expects that the forthcoming Strategy Statement and Policing Plans will reflect the recommendations of the O’Higgins report.

The Chairperson advised the Commissioner that the Authority would issue a statement after the meeting indicating the seriousness of its reaction to the O’Higgins Report, the issues discussed and the Authority’s request for the immediate actions as discussed.

The Chairperson indicated that the topics of service to victims and Protected Disclosures would be on the agenda for the meeting on 13 June and that in her preparation for the meeting the Commissioner might like to focus on demonstrating evidence of what is different from the period referred to in the O’Higgins report.

<b>No.</b>	<b>Action point</b>	<b>By Date</b>	<b>By Whom</b>
<b>A_005_11</b>	The Garda Síochána to provide an initial response to the Authority to O’Higgins report.	In advance of meetings in public on 13 <sup>th</sup> June and 30 <sup>th</sup> June (by theme)	The Garda Síochána
<b>A_005_12</b>	The Garda Síochána to provide the Authority with the Professional Standards Unit reports for 2015.	Immediate	The Garda Síochána
<b>A_005_13</b>	Publication of Garda Síochána Protected Disclosure Policy	As soon as possible	The Garda Síochána
<b>A_005_14</b>	Publication of Garda Síochána Public Attitude Survey	As soon as possible	The Garda Síochána
<b>A_005_15</b>	Garda Síochána Strategy Statement and future Policing Plans to take account of response to O’Higgins	In due course	The Garda Síochána



### 3. Proposals for Garda Síochána Organisational Structure

The Authority discussed the Commissioner’s proposed organisational structure with the Commissioner and her colleagues. The size of the senior team, compared to the Garda Inspectorate Recommendations, the role and number of governance and external advisory boards and internal audit were discussed with particular focus on clear accountability. There was a brief discussion around how risk is managed in the Garda Síochána and the absence of the Audit Committee from the draft structure. The Commissioner agreed to provide a copy of the Risk Management Policy and the Risk Register. Authority Members expressed some concerns about the complexity of the organisation structure being proposed with consequent diffusion of accountability. It was noted that they had been invited by the Department to submit comments on the organisation structure, which they would do over the coming weeks.

No.	Action point	By Date	By Whom
A_005_10	The Garda Síochána to provide the Authority with: <ul style="list-style-type: none"><li>• Terms of Reference for its Governance Boards and External Advisory Boards;</li><li>• Its Risk Management Policy and practices and its Risk Register;</li><li>• Its Governance Framework.</li></ul>	Immediate	The Garda Síochána

### 4. Other Business

The Commissioner briefed the Authority about the current situation in relation to serious and organised crime.