



AN TÚDARÁS PÓILÍNEACHTA  
POLICING AUTHORITY

## Minutes of Meeting of the Policing Authority

**Date:** 27 October 2016

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

### PART A – AUTHORITY MEETING

#### Attendance

**Authority:** Josephine Feehily (Chairperson), Noel Brett (Items 5-12), Bob Collins, Vicky Conway, Pat Costello, Judith Gillespie, Valerie Judge, Maureen Lynott (except Item 9), Moling Ryan.

**Secretary:** Aileen Healy

**Executive:** Helen Hall (Chief Executive), Catherine Pierse, Margaret Tumelty

**Apologies:** Noel Brett (Items 1-4)

#### 1. Chairpersons opening remarks

The draft agenda was discussed, updated and approved.

Possible conflicts of interest were declared by Pat Costello, Vicky Conway and Helen Hall in relation to Item 8 in the event that certain individual cases come up for discussion. No other conflicts of interest were declared.

The Chairperson noted that the Garda inspectorate has advised her of a request from the Tánaiste and Minister for Justice and Equality (Tánaiste) to undertake work in relation to examining entry routes to the Garda Síochána. It was agreed that the Authority will have a view on this matter and may make a formal submission to the Inspectorate in due course.

There was a discussion about the current Industrial relations situation and it was noted that the Garda Commissioner would be providing an update on the matter in the afternoon.

No.	Action point	By Date	By Whom
A_011_01	The Authority to consider its views on the issue of open recruitment to the Garda Síochána and consider making a formal submission on the matter to the Garda Inspectorate.	Not specified	Authority

#### 2. Correspondence

The Chairperson noted correspondence from a not-for-profit organisation arising from issues discussed by the Authority with the Commissioner in public on 29<sup>th</sup> September in relation to human trafficking and organised prostitution. Members were assured that additional information had already been requested from the Garda Síochána on this matter

The Authority also noted that the Policing Priorities established by the Authority for 2017 had been sent to the Tánaiste for her approval.

### 3. Minutes

The minutes of the last meeting on 29 September were agreed and cleared for publication.

### 4. Chief Executive Report

The Chief Executive's report was taken as read. The CEO advised that preliminary work is ongoing to establish a performance framework in relation to the 2017 policing plan and in relation to implementation of the recommendations in the Garda Inspectorate report, "Changing Policing in Ireland", which will provide a template for monitoring Garda Síochána performance in 2017. It was agreed that this would be further considered by the Authority at its November meeting.

The 2017 Estimates provision for the Authority was noted and in particular that 2017 funding for the Vote remains at the same level as in 2016.

No.	Action point	By Date	By Whom
A_011_02	Draft Performance Framework to be prepared for the Authority's consideration at its November meeting.	24 November	Executive

### 5. Committee updates

#### Audit and Risk Committee

The Chair of the Audit and Risk Committee noted that the Authority workshop on Risk Management held on 4 October gave Members an opportunity for an initial engagement with the issue and to consider how it can be addressed in a structured manner during the coming year.

He provided a brief overview of the significant range of changes that the revised Code of Practice for the Governance of State Bodies will mean for the Authority. It was agreed that the Executive would brief the Authority on the details of the Code at the December meeting.

It was noted that an effectiveness review of the Authority would be facilitated through the Committee over the coming months and that a further update will be provided at the December meeting.

No.	Action point	By Date	By Whom
A_011_03	The Executive to brief the Authority on the revised Code of Practice for the Governance of State Bodies and the implications of the changes on the code for the Authority.	15 December	Executive

No.	Action point	By Date	By Whom
A_011_04	The Chair of the Audit and Risk Committee to update the Authority on arrangement for an effectiveness review of the Authority.	15 December	Chair of Audit & Risk Committee

### **Appointments Committee**

The Chair of the Committee provided a brief update on the progress made by the Executive in relation to processes for approval of civilian appointments. It was noted that there have been no further developments on the Department amending the regulations in relation to the commencement of functions regarding senior Garda ranks although revised regulations are expected in the coming weeks.

### **Ethics Committee**

The Chairperson of the Ethics Committee updated Members on progress with the draft Code of Ethics, which has been updated to take account of feedback from the consultation which closed on 23 September. It is expected that there will be an opportunity to meet with all of the staff representative bodies before the end of November to discuss the matter further. It was agreed that a further draft would be circulated for consideration by the Authority at its November meeting. It was noted that the draft is on course to be finalised by the end of December and are being made for finalisation, presentation and translation. Tentative plans for the launch of the Code were also discussed.

No.	Action point	By Date	By Whom
A_011_05	Final draft of the Code of Ethics to be submitted to the Authority for consideration at the November meeting.	24 November	Executive
A_011_06	Executive to check availability of Tánaiste for a formal launch of the Code of Ethics and advise the and Garda Commissioner	Immediate	Chief Executive

### **Performance and Strategy Committee**

The Chair of the Performance and Strategy Committee reported that the Garda Síochána had made significant progress with drafting of the 2017 Policing Plan resulting in a final draft being presented for Authority consideration.

## **6. 2017 Policing Plan**

There was a detailed discussion on the latest draft of the Policing Plan received from the Garda Síochána and there was consensus that the plan met with Members approval subject to a small number of important targets which the Authority expect to see included in the plan. It was agreed that, in accordance with Section 22 (5)(6) of the Act, where these matters are not reflected in the final plan received, the Authority will amend the plan by adding the targets concerned prior to submission to the Tánaiste. It was agreed that this decision and the details concerned will be communicated to the Garda Commissioner in the afternoon as part of the final consultation on the plan and the corresponding targets. It was agreed that on this basis, that authority be delegated to the Chairperson, the Chair of the Policing performance and strategy

committee and the Chief Executive to proceed with submission of the Policing Plan when submitted by the Commissioner and that the members would be updated on progress.

No.	Action point	By Date	By Whom
<b>A_011_07</b>	The Policing Plan 2017 to be finalised, amended if necessary as agreed and submitted to the Tánaiste for consent. Members to be kept informed of progress.	November	Chairperson, Committee Chair and Chief Executive

## **7. Report on the Protected Disclosures Policy Review**

The Authority welcomed the draft report and the speedy and positive response from the Garda Síochána. It was agreed that the report will now be finalised by including the Garda Síochána response and adding some final commentary. It was decided that a deadline of one month from publication was an appropriate timeframe for implementation of the recommendations regarding revisions to the Garda Síochána Protected Disclosures Policy. It was agreed to publish the report after submission to the Tánaiste.

No.	Action point	By Date	By Whom
<b>A_011_08</b>	In relation to the Report on the Garda Síochána Protected Disclosures Policy the Executive to: <ul style="list-style-type: none"> <li>– Finalise the Report in light of the Garda response received;</li> <li>– Formally submit the Report on the Garda Síochána Protected Disclosures Policy to the Tánaiste and copy to the Commissioner; and</li> <li>– Publish the Report following submission to the Tánaiste</li> </ul>	Immediate	Executive

## **8. Terms of Reference for Section 42 Inquiries**

A brief was provided to Members regarding the role of the Authority in relation to requests received under s42 of the Act. It was agreed that the Executive would proceed to expedite clarification of outstanding queries with the Department of Justice and Equality but seek to ensure the matter is clarified as expeditiously as possible.

No.	Action point	By Date	By Whom
<b>A_011_09</b>	The Executive to seek clarification on queries relating to the process and role of the Authority in relation to referrals under s42 of the Act and to return the matter to the Authority for its formal consideration as soon as practicable	As soon as practicable	Executive

## 9. Appointments process – Civilian Appointments

Proposals for the Authority's process for approval of requests for civilian numbers and grades and appointment of persons to certain senior civilian posts in the Garda Síochána under Section 19 of the Act were considered and agreed. The Authority decided that:

- 9.1. Appointment of civilian staff in the Garda Síochána to positions at grades equivalent to Principal Officer and above will be reserved to the Authority, noting that to avoid delay they may be carried out by email procedure;
- 9.2. Approval of number and grades for grades equivalent to Principal Officer and above (the grades for which the Authority has an appointment function) to be reserved to the Authority, each case to be considered on the basis of recommendation from the Chief Executive and the Appointments Committee; and
- 9.3. the Chief Executive will be delegated to approve on behalf of the Authority approvals of numbers and grades for grades up to and including Assistant Principal, subject to agreed principles and the submission of periodic reports on the delegated function to the Authority.

No.	Action point	By Date	By Whom
<b>A_011_10</b>	The Scheme of Delegations for the Policing Authority to be amended in light of the decision to delegate certain functions in relation to approval of numbers and grades in respect of certain grades of civilian staff in the Garda Síochána to the Chief Executive.	Immediate	Executive

## 10. Report addressing recommendations arising from the O'Higgins Report.

The supplementary analysis done by the Executive on the Garda Síochána response to the O'Higgins report was noted and welcomed. It was agreed that the Garda Síochána would be asked to reframe their response to ensure that each relevant recommendation is matched with a comprehensive response. It was further agreed that the revised response would be discussed at the meeting with the Commissioner in public on 24 November.

## 11. Format of Commissioners Report to the Authority

The format of the monthly Commissioner's report to the Authority was discussed. It is envisaged that the report would be provided and published in advance of Authority meetings. It was agreed that the report needed to be streamlined and that it should include high level information on:

- Finance against budget;
- Human resources;
- Key governance issues;
- Key operational updates; and
- Referenced to the monthly progress report on the Annual policing plan.

It is expected that the report would be visual with a brief narrative and focus on provision of relevant data which can be tracked over time. It was agreed that the Executive would progress the matter further with the Garda liaison team on the basis of the discussion with a view to submitting a revised format of the report draft to the Authority for discussion at its November meeting.

No.	Action point	By Date	By Whom
A_011_11	The Executive to continue to engage with the Garda Síochána to refine a format for a monthly report from the Commissioner to the Authority.	17 November	Executive

## 12. Preparation for meeting with the Garda Commissioner

Members discussed the agenda for the meeting and the matters to be discussed with the Garda Commissioner. It was agreed to reorder the agenda in order of priority due to the Garda Commissioner needing to leave at 4:00 pm.

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

### **Attendance**

**Authority:** Josephine Feehily (Chairperson), Noel Brett, Bob Collins, Vicky Conway, Pat Costello (Items 1-5), Judith Gillespie, Valerie Judge, Maureen Lynott (Items 1-4), Moling Ryan.

**Executive:** As above

**Garda Síochána:** Nóirín O’ Sullivan (Garda Commissioner) (Items 1-4), Dónall Ó Cualáin (Deputy Commissioner), Joseph Nugent (Chief Administrative Officer), Jack Nolan (Assistant Commissioner), Eugene Corcoran (Assistant Commissioner), Gurchand Singh (Head of Garda Analysis Service), Michael Finn (Chief Superintendent), Marie Broderick (Superintendent), John Keegan (Superintendent), Brian Gill (Superintendent) (Item 5).

### **1. Industrial relations**

The Garda Commissioner briefed the Authority about the current Industrial Relations position and consequent contingency planning and there was a detailed discussion on the matter.

### **2. Format of Commissioner’s Report to the Authority.**

The Chairperson clarified that the purpose of this agenda item was to discuss the format rather than the content of the monthly report. She advised the Commissioner of the broad requirements which Members had identified for this report as set out in item 11 above and it was agreed that the Executive and the Garda team would refine the format further.

### **3. Report addressing recommendations arising from the O’Higgins Report**

The Chairperson requested that the Commissioner’s report in response to the O’Higgins report be reframed to map the response to the recommendations and offered to share some work done in this regard by the Authority Executive to facilitate this. The Commissioner was informed that the agenda for the November meeting in public would include a discussion on the report and that the revised response would need to be submitted in sufficient time to facilitate this.

### **4. 2017 Policing Plan**

The Chairperson welcomed the draft plan and noted that the Authority was appreciative of the work involved to produce a well-developed plan. She indicated that the Authority is mindful of the statutory deadline for the Commissioner to submit the final plan before November.

Following detailed discussion on certain aspects the draft plan, Members outlined a number of targets which the Authority had decided that it would wish to see in the plan. In the event that these are not included in the final plan submitted by the Commissioner, the Authority will amend the plan by adding the targets concerned prior to submission to the Tánaiste as provided for under Section 22(5)(a) of the Act

It was agreed that, subject to any further engagement between the Executive and the Garda liaison team in advance of submission of the plan, the consultation with the Commissioner regarding proposed amendments under s22(5)(a) was now concluded.

The Commissioner acknowledged the work done in developing the plan and assured the Authority that the Garda Síochána would aim to achieve the challenging targets that they had set. The Commissioner pointed out that the expectations around targets must also be managed as not everything is within the organisation's control or gift and that success is also reliant on other stakeholders. She agreed to provide the data used for comparison and benchmarking against best practice, to which she had referred. The Authority acknowledged the challenge involved and noted that the setting of targets will provide a basis for the measurement of performance in 2017.

## **5. Presentation from Chief Risk Officer on risk management in the Garda Síochána**

The copy of the presentation provided to Members in advance was taken as read and there was a wide ranging discussion on the changes being implemented to the risk management approach in the Garda Síochána. Clarification was provided in relation to structures for risk management which is headed by Deputy Commissioner Governance and Strategy as the Chief Risk Officer, and supported by the Garda Risk Management Unit, currently headed by a Superintendent. The Authority was advised, that it is intended to fill the Head of the Risk Management Unit in the short to medium term with a suitably qualified civilian. The link between Risk and Internal Audit was also explored, with Authority Members expressing the expectation that high risk items would feature on the annual Internal Audit work programme. The Authority requested to be kept updated with progress on the roll out of the new risk management system, in particular the new risk register and risk appetite statements.

## **6. Issues arising from the Central Statistics Office Review of the Quality of Crime Statistics**

The Chairperson expressed concern about the findings of the review which showed an absence of paper records in non-CAD stations and the level of detections recorded without justification. The Garda Síochána outlined the initiatives that are being taken to address the issues identified in the review but that changes to IT systems will take time to implement. In the meantime, assurance was provided that interim measures are being taken to improve the quality of records and data including checks to ensure that new procedures being introduced across all stations are being implemented in practice, sample checking of records and increasing awareness of the importance of proper recording of crime data. The Authority acknowledged the issues involved and wished the Garda team well with their efforts.

## **7. Other business**

The Garda Síochána representatives gave an update on the report on the review of the FCPN cases and that a report was imminent. The Chairperson indicated that the Authority would revisit the issue at its December meeting.

The Garda Síochána provided an update on the current status of the draft Internal Audit report in relation to the Garda Training College.



<b>No.</b>	<b>Action point</b>	<b>By Date</b>	<b>By Whom</b>
<b>A_011_12</b>	The Garda Síochána to provide a revised format of the response to the O'Higgins report by matching their response to each recommendation.	7 November	The Garda Síochána
<b>A_011_13</b>	The Garda Síochána response to the O'Higgins report to be discussed with the Commissioner at the Authority's meeting in public in November.	24 November 2016	Authority
<b>A_011_14</b>	The Garda Síochána to submit the 2017 Policing Plan in accordance with the statutory deadline before November.	31 October	Garda Síochána
<b>A_011_15</b>	The Garda Síochána to provide the data used for comparison and benchmarking against best practice in developing performance targets.	Not specified	Garda Síochána
<b>A_011_16</b>	The Garda Síochána to keep Authority updated on the roll-out of its new Risk Management model in particular the Risk Register and Risk Appetite Statement.	Not specified	Garda Síochána
<b>A_011_17</b>	The Authority view of the importance of a link between Risk and Internal Audit to be advised to the Chair of the Audit Committee.	November 2016	Chairperson