

Minutes of Meeting of the Policing Authority

Date: 30 June 2016

Venue: Griffith College

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: Aileen Healy, Helen Hall (Chief Executive),

1. Chairpersons opening remarks

The agenda was approved and no conflicts of interest were declared in relation to any of the matters for discussion. The draft minutes of the 26 May meetings and 13 June meetings were approved.

2. Correspondence

The Chairperson provided an overview for members of correspondence received recently and correspondence anticipated over the coming period.

The Chairperson referred to the letter from the Tánaiste of 2 June 2016 requesting that the Authority submit a report in accordance with section 62O(6) in relation to whistle-blowing policies and procedures in place in An Garda Síochána. The proposed approach to this review is being considered by the Executive and the Chief Executive has scheduled a meeting for next week with Transparency Ireland to discuss the assistance that they are providing to the Garda Síochána. The Authority discussed and agreed that a staged approach would be best; the first step being a desk review of the current policy. While the matter is being scoped by the Executive, the Chairperson will write to the Tánaiste to provide her with an update on the planned work and the expected timeline for the review. An update will be provided to Members at the meeting on 28 July 2016.

The Chairperson also referred to a letter received from the Garda Commissioner on 28 June 2016 seeking sanction from the Department of Justice and Equality (“the Department”) to fill critical vacancies to ensure the necessary level of leadership in the Garda Síochána, and to the preliminary response sent by the Chairperson on 29 June 2016. The Authority expressed concern that there should not be any delay in replacing staff up to the level of the Employee Control Framework (“ECF”). In relation to any roles additional to the ECF, this will be a matter for Government and that any such would need to be supported by a clear business case.

No.	Action point	By Date	By Whom
A_007_01	The Chairperson to write to the Department of Justice expressing support for appointments up to the resourcing level sanctioned under the ECF, in advance of the Authority taking up the role of making senior Garda appointments.	Immediate	The Executive

Chief Executives Report

The Chief Executive's report was taken as read. The Chief Executive explained that FOI information had been published on the Authority website the previous day and that the Corporate Governance framework was being translated into Irish and will be published when that is done.

The Chief Executive introduced a draft Protected Disclosures Policy for Policing Authority staff and explained that it is intended to consult internally with staff before finalising the document, and thereafter to hold a training and awareness raising event in relation to the issue of "speaking up". A suggestion was made that consideration be given to the preparation of a broader "speaking up" document in the future. A number of points were made about the policy and those points will be taken into account by the Executive when it finalises the document.

The draft Relationship and Support Agreement with the Department of Justice was also discussed. Authority members made a number of minor suggestions. The Authority agreed with the Chief Executive that it was important that there be a commitment regarding the Minister meeting the Chairperson at least twice a year whether in this agreement or by means of an accompanying letter. The Authority further agreed that the wording in Section 3 relating to Department's commitment to co-ordinate and manage issues of a horizontal nature where there are shared or related responsibilities by various entities was appropriate. Subject to these comments, the Authority authorised the Chief Executive to finalise and sign the agreement on behalf of the Authority.

No.	Action point	By Date	By whom
A_007_02	The Executive is to finalise the Protected Disclosures Policy and roll it out to staff.	Q3	The Executive
A_007_03	The Chief Executive to liaise with the Department of Justice to finalise the Relationship and Support Agreement.	Immediate	Chief Executive

3. Authority's draft Strategy Statement

The Chief Executive explained that the Authority's draft strategy statement had been further updated to incorporate the comments of Authority members. A number of submissions had already been received as a result of the public consultation but the deadline for the consultation was not until 3 July. It was agreed that the Chairperson and Chief Executive would finalise the strategy statement on behalf of the Authority having regard to any further submissions received from members of the public, unless there are any fundamental change being proposed.

No.	Action point	By Date	By Whom
A_007_04	The Chairperson and Chief Executive to finalise the draft strategy statement, subject to any fundamental change being proposed	After 3 July	Chairperson and Chief Executive

4. Audit and Risk Committee

The Chair of the Audit and Risk Committee proposed the appointment of a new external member to the Audit Committee, namely Ronan Nolan, who is a past President of Chartered Accountants Ireland and a senior partner with Deloitte Ireland. That appointment was approved by the Authority. The draft Audit and Risk Committee Charter was discussed and approved. A query was raised in relation to the process to be followed relating to complaints received from members of the public about the Chairperson. It was agreed that such complaints, if they arise, should be referred to the Chairperson of the Audit Committee. This will be reflected in the Code of Conduct whenever it is next updated.

5. Appointments Committee Update

The Draft Garda Síochána Promotion Regulations and the draft response prepared by the Executive were discussed. Authority members agreed with the proposed response prepared by the Executive. It was agreed that any minor changes submitted could be cleared by the Appointments Committee. It was also agreed that the cover letter to the Department should refer to the Authority's view that consideration be given to allowing for temporary promotions to fill any critical vacant positions.

No.	Action point	By Date	By Whom
A_007_05	Appointments Committee to finalise the submission to the Department in relation to the Draft Promotion Regulations.	Immediate	The Appointment Committee

6. Ethics Committee Update

The draft Code was discussed. Members were requested to submit any drafting points they had by email to the Executive. A further version of the Code will be provided to the Authority at its July meeting and approval will then be sought to put the draft Code out for public consultation in August.

7. Performance and Strategy Committee

The Authority discussed the proposal from the Performance and Strategy Committee ("the Committee") relating to initial thoughts on draft policing priorities for the Garda Síochána for 2017. It was agreed that these initial thoughts would be discussed at the meeting on 13 July 2016 with the Chairpersons of Joint Policing Committees.

The Chair of the Committee explained that the draft Garda Síochána Strategy Statement had been the subject of detailed discussion with Garda Síochána representatives and now incorporates most suggestions made by the Committee. In the view of the Committee, a few specific issues remain to be included. The Authority agreed with the Committee's proposed changes and authorised it to finalise the strategy statement with representatives of the Garda Síochána the following week. It will then be submitted to the Minister for her consent in accordance with section 21(3) and (4) of the Act.

No.	Action point	By Date	By Whom
A_007_06	The Performance and Strategy committee to finalise and approve the Garda Síochána Strategy statement and the Executive to then send it to the Minister.	Immediate	Performance and Strategy Committee;

PART B – AUTHORITY MEETING WITH THE GARDA SÍOCHÁNA

Attendance (in private session)

Authority and Executive As above

Garda Síochána Nóirín O’ Sullivan (Garda Commissioner), Dónall Ó Cualáin (Deputy Commissioner Strategy & Change Management), Michael O’ Sullivan (Assistant Commissioner), John Keegan (Superintendent).

The Authority requested information from the Garda Commissioner regarding the processes in place for managing conflicts of interest in the context of a recently reported District Court where the Judge had expressed the view that the prosecution was motivated by malice. The relevant systemic issues were briefly discussed.

Further to a question from the Authority, there was a brief discussion in relation to the potential impact on policing services in Ireland arising from the referendum result in the UK in favour of leaving the European Union (“Brexit”). The Garda Commissioner indicated that the implications of Brexit were complex and will require detailed consideration. She referred to the bilateral and multilateral arrangements in place with the EU and the EEA related to policing and the various aspects of border control, passport services and information sharing protocols that will form part of this consideration.

The Authority asked about the NCT fixed penalty report that the Authority had requested at the public meeting of 13 June. The Garda Síochána will provide the Authority with an update in relation to the preparation of this report and the final report when complete.

No.	Action point	By Date	By Whom
A_007_07	The Garda Síochána to provide the Authority with an update in relation to the NCT fixed penalty report	Immediate	The Garda Síochána

Without discussing any details of the case under investigation there was a broad discussion regarding the welfare of the people involved in the incident in Limerick the previous day.

In response to a question regarding the impact of the Garda Representative Association protest taking place that day, the Garda Commissioner indicated that while there were very strong feelings about pay and conditions, she has been encouraging staff associations to stay around the negotiation table.

There was a discussion about the recent request from the Garda Commissioner to the Minister for Justice seeking further resources at the level of Assistant Commissioner, Chief Superintendent and Superintendent. The Authority emphasised that it wished to take over the role of appointing senior Garda members as soon as the necessary legislative amendments were made to facilitate this. In the meantime, it would continue to express support for the Garda Commissioner in filling any gaps in leadership capacity up to the level authorised by the Employment Control Framework. The Authority indicated that it was also open to considering what support it could provide for the filling of additional roles, subject to a comprehensive business case being presented and the consent of the Department of Justice and Equality and the Department of Public Expenditure and Reform.

PART C – AUTHORITY MEETING WITH THE GARDA SÍOCHÁNA

Attendance (in public session)

Authority and Executive: As above

Garda Síochána: As above and Jack Nolan (Assistant Commissioner), Anne Marie McMahon (Assistant Commissioner), Gurchand Singh (Head of Garda Analysis Service), Mr Ken Ruane (Head of Legal Affairs), Mr Alan Mulligan (Director of HR), Anthony McLoughlin (Chief Superintendent), Aeneas Leane (Head of IT Planning). John Keegan (Superintendent), Gerard Murphy (Superintendent), Denis Ferry (Superintendent),

This meeting with the Garda Commissioner and her team was held in public and is available to view at: <http://www.policingauthority.ie/website/PA/PolicingAuthorityWeb.nsf/page/Meetings-en>

Actions arising from the meeting in public:

No.	Action point	By Date	By Whom
A_007_08	The Garda Síochána to provide details of the new performance reports that are being	Immediate	The Garda Síochána
A_007_09	The Garda Síochána to publish its monthly management reports in advance of meetings in public with the Authority.	On a monthly basis	The Garda Síochána
A_007_10	The Garda Síochána to provide the Authority with information in relation to how many members and civilians have been taken to task for poor performance relating to their supervision duties and how many have been commended for good performance in that regard.	Immediate	The Garda Síochána
A_007_11	The Garda Síochána to provide the Authority with the decision making model that forms part of the standardised training for new recruits.	Immediate	The Garda Síochána
A_007_12	The Garda Síochána will consider a mandatory scheme of continuous professional development following consultation with the relevant associations/ unions	Not Specified	The Garda Síochána
A_007_13	The Garda Síochána will consider the issue of how long Superintendents should be required to remain in a particular post.	Not Specified	The Garda Síochána
A_007_14	The Garda Síochána intend to introduce the implementation of individual performance management in Q3 2016 and to complete	Q3 2016	The Garda Síochána

A_007_15	The Garda Síochána to provide the Authority with a briefing on organisation performance management system that is being developed.	Not specified.	The Garda Síochána
A_007_16	The data tables for Public Attitudes Survey for Q2 will be available from w/c 11 July	w/c 11 July	The Garda Síochána
A_007_17	The Garda Síochána to examine the potential for temporary promotions/acting up in consultation with the Department of Justice, the Department of Public Expenditure and Reform and the Policing Authority	Not Specified	The Garda Síochána
A_007_18	The Garda Síochána had previously committed to sending the Authority a detailed written response to the O'Higgins Report. This response is being finalised and will be provided to the Authority.	Immediate	The Garda Síochána