



AN TÚDARÁS PÓILÍNEACHTA
POLICING AUTHORITY

Minutes of Meeting of the Policing Authority

Date: 28 September 2017

Venue: Dublin Castle

Part A – Authority Meeting

Attendance

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

Secretary: Aileen Healy

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

Apologies: Pat Costello

1. Closed Session – Authority members only.

The following actions arising from the meeting of the Authority in closed session were noted:

No.	Action point	By Date	By Whom
A_027_01	The Chairperson to convey the Authority's response to the Minister for Justice and Equality, agreeing with capacity issues in the Garda Síochána (GS) raised by the Commission on the Future of Policing (CFP).	ASAP	Chairperson

2. Chairpersons Opening Remarks

The Chairperson briefed Members on her meeting with the Minister for Justice and Equality ('the Minister')

The draft agenda was discussed, amended and approved.

A number of items of correspondence were noted including:

- Notification of the appointment by the Minister of Deputy Commissioner Ó Cualáin to perform the functions of Garda Commissioner;
- From the Minister in relation to reports submitted by the Authority in August;
- From the Chairperson of CFP in relation to the timing of recruitment of the new Commissioner and capability in the GS; and
- From the CFP seeking a submission on its work.

It was agreed that work being undertaken on the review of the Authority's functions in the Act would also be relevant to the Authority's submission to the CFP and that there were likely to be a number of themes on which the Authority would have views for the CFP which could be provided as they are available. Such formal submissions will be considered and approved by the Authority.

It was noted that the GS Homicide review had been received and agreed that this would be referred to the Policing Strategy and Performance Committee for detailed review. It was further agreed that the Commissioner would later be asked to confirm that the final report was agreed by all relevant parties in the GS and that all the cases concerned had been investigated to the standard required having regard to Article 2 of the European Convention of Human Rights.

The expected publication of the report of the C&AG on the 2016 Appropriation Accounts on 30 September was noted and attention drawn in particular to:

- The first Appropriation Account of the Authority; and
- The expected inclusion of a Chapter in the report on financial matters in the Garda College arising from the Interim Internal Audit report.

It was noted that the Chair of GSOC had advised the Chairperson of the decision to broaden the scope of the GSOC investigation in relation to the second Interim Audit Report in relation to financial matters in the Garda College.

No.	Action point	By Date	By Whom
A_027_02	A submission to the CFP to be prepared for the Authority's consideration and themed material to be provided to the CFP on a dynamic basis.	ASAP	Chairperson and Chief Executive
A_027_03	Policing Strategy and Performance Committee to review the GS Homicide Report in detail.	ASAP	Policing Strategy and Performance Committee

3. Minutes and Matters arising

The minutes of the meeting on 27 July and 6 September 2017 were agreed subject to minor drafting changes and cleared for publication.

The log of actions was noted and there was agreement to close the items proposed.

4. Chief Executive' Report

The Chief Executive's report was taken as read.

The Chief Executive provided further updates to Members on the following matters in light of events since the report was prepared:

- A meeting has been arranged with the Central Statistics Office (CSO) to discuss issues relating to data and crime statistics in the GS;
- Additional resources had been sought as part of the estimates process for the Authority's Vote in 2018 in light of the fact that a full staff complement will be in place from early 2018;

- An updated Work Force Plan is expected from the GS by 30 September to include details of staffing requirements in 2018.
- It was noted that progress was very slow in relation to business cases for approval of civilian positions which have been received from the GS. Outstanding material and clarifications have been sought and are awaited from the GS. The Chief Executive noted that every effort was being made to progress these cases including convening meetings with all relevant parties to facilitate the decision making process. It was noted that the revised job description for the position of Chief Data Officer at Executive Director level was still awaited from the GS. Members discussed the need for the civilianisation programme to continue to be financed and it was agreed that the Authority should seek involvement in the process for agreeing the Estimates for the GS.

The Chief Executive updated members on the procurement process to undertake a review of corporate governance in the GS and the Authority approved the proposal to award this work based on the outcome of the process undertaken.

No.	Action point	By Date	By Whom
A_027_04	The Chief Executive to seek involvement in the process for agreeing the Estimates for the GS so as to ensure that the resource requirements for the Civilianisation and redeployment programmes were adequately provided for.	ASAP	Chief Executive
A_027_05	The Chief Executive to explore possible approaches to procurement with the Office for Government Procurement (OGP) so as to ensure that there is an agile process available to the Authority.	ASAP	Chief Executive

5. Committee Updates

5.1. Code of Ethics Committee

The Executive updated Members on the Plan for embedding the Code of Ethics which was received from the GS in August. Efforts are continuing to secure dates for regional launches and Members will be informed of these dates when available to facilitate attendance. Members discussed the status of the GS Cultural Audit which the Authority had requested to be undertaken.

The Chief Executive informed Members that the Garda Commissioner had emphasised the Code of Ethics and the need to 'live it and view all actions through the lens of the Code' in his address to the newly attested Gardaí who passed out in Templemore the previous week and who signed the Code of Ethics during the ceremony. This was welcomed by the Authority.

5.2. Garda Appointments Quality Assurance and Selection Governance Committee

The Committee has not met since the last Authority meeting.

5.3. Organisational Development Committee

The Chair reported that HR was the principal focus of the Committee in September and that there was a useful discussion with the GS representatives on a range of strategic issues and the implications for HR. It was agreed that these issues and plans to address them need to be reflected in the HR Strategy document. Members of the Committee again reiterated to the GS that a system was needed to produce brief, crisp effective business cases for seeking the Authority's approval for staff so as to efficiently progress the civilianisation agenda. Members agreed that progress on civilianisation and Garda redeployment is a key priority and that there should be no drift in the numbers of additional civilians to be recruited in 2017 and 2018 in line with the Government commitment to 500 in each of these years.

5.4. Policing Strategy and Performance Committee

The Chair of the Committee gave a brief update on performance against the 2017 Policing Plan and updated Members on the Policing Plan workshop which took place on 18 September, noting the good levels of constructive engagement.

Members considered the draft Policing Priorities for 2018. It was noted that the outcome of the consultation in relation to the draft policing priorities including a number of suggestions for additions to the priorities had been considered by the Committee and that no further changes were recommended in light of all the matters being adequately taken account of. The Policing Priorities 2018 were approved for submission to the Minister, subject to any changes arising from formal consultation with the Garda Commissioner. The importance of avoiding delay in the process was noted given the impact on the preparation of the 2018 Policing Plan.

No.	Action point	By Date	By Whom
A_027_06	The Executive to finalise the formal consultation with the GS and finalise the Policing Priorities 2018 and forward to the Minister	ASAP	Chief Executive

6. Appointments in the Garda Síochána

6.1. Appointments process for the Garda Commissioner

There was a discussion on the role of the Authority in the nomination of the new Garda Commissioner under s.9 of the Garda Síochána Act 2005 ('the Act'). Correspondence to the Minister to clarify certain matters was noted as was the Minister's understanding that the task of selecting a suitable candidate would take time. The Chief Executive provided an update to Members on the preparations being undertaken. Proposals for further research to be undertaken, including to take professional advice in relation to the type and composition of rewards packages which would attract suitable candidates, were agreed.

There was consensus among Members that the process for selection of a candidate for nomination needed to be undertaken with care and would take time. Nevertheless it was imperative that the Authority continue to move forward without delay with its preparations and to be in a position to proceed to invite

the Public Appointments Service ('PAS') to commence the recruitment process when requested to do so by Government.

In this context the views of the CFP, including that the recommendations of the CFP would in due course be likely to address matters relevant to the role of Commissioner, were noted and it was agreed that it would be useful if the CFP could set out even in the broadest terms by way of interim report or otherwise, for inclusion with candidate information, how they see the future role and responsibilities of the Garda Commissioner. There was also a discussion in relation to the matters relating to capacity raised by the CFP and to potential solutions. It was agreed that the Chairperson would convey the Authority's views to the Minister and would engage with the Chairperson of the CFP in relation to the matters raised.

No.	Action point	By Date	By Whom
A_027_07	The Executive to continue with its preparations in relation to the Authority's role in nominating a person to the Government for appointment as Garda Commissioner including to engage with PAS and the Department and to undertake research, including professional advice on appropriate reward packages.	ASAP	Chief Executive
A_027_08	The Chairperson to convey the Authority's views in relation to the matters raised by the CFP in relation to the timing of the selection process for Commissioner to the Minister and to engage further with the Chairperson of the CFP.	ASAP	Chairperson

6.2. Appointments to senior Garda ranks

The Chief Executive briefed Members on the outcome of the clearance process in respect of a candidate on the Assistant Commissioner panel in light of a position to be filled. Members considered the outcome of the clearance process and the candidate was appointed to the rank of Assistant Commissioner.

The Authority fully considered all relevant matters in relation to the outcome of the clearance process for a candidate for the rank of Superintendent which it had first considered at its meeting on 29 July and made a decision not to appoint the candidate.

Members considered the outcome of the clearance process for a further seven candidates on the Superintendent panel in light of the positions to be filled and appointed six candidates to the rank of Superintendent. In the case of a seventh candidate, the statutory requirement to seek approval from Government for the appointment of a PSNI candidate to the rank of Superintendent under s.52 of the Act was noted and the Executive updated Members on the detailed requirements and process which the Department of Justice and Equality ('the Department') had advised would be required to seek this approval. The Authority agreed, having considered the outcome of the clearance process and confirmed that the other requirements were in place, that it was prepared to appoint the candidate subject to Government approval and requested the Secretary to proceed to seek this approval.

It was noted that there are a number of positions to be filled at the rank of Chief Superintendent and that the clearance process for candidates is underway.

No.	Action point	By Date	By Whom
A_027_09	Further to appointments to the ranks of Assistant Commissioner and Superintendent in the GS, the Chairperson and Chief Executive to notify the candidates of their appointment.	ASAP	Chairperson and Chief Executive
A_027_10	The Chief Executive to notify a candidate of the Authority's decision not to appoint further to previous communication with regard to the clearance process.	ASAP	Chief Executive
A_027_11	The detailed reasons for the decision not to appoint a candidate to be recorded in a confidential minute not for publication in light of data protection concerns.	ASAP	Secretary
A_027_12	The Commissioner and the Minister for Justice and Equality to be notified of the appointment of an Assistant Commissioner and Superintendents.	ASAP	Chairperson
A_027_13	The Secretary to communicate with the Department of Justice and Equality to seek Government approval for the appointment of a PSNI candidate to the rank of Superintendent under s.52 of the Act.	ASAP	Secretary

6.3. Civilian appointments

The GS request for the appointment of three Principal Officers (PO) from an internal promotion panel to fill positions which had been approved in January was considered and the three candidates concerned were appointed. Members noted that the Authority did not have sight in advance of the job specification or circular for this promotion competition and reiterated the requirement for the Authority to be consulted by the GS in advance of running competitions for grades which are appointed by the Authority. The Authority declined to make a further requested appointment on an acting up basis . It was also noted that there are a number of other sanctioned PO positions which are to be filled by open competition and it was agreed that, as appointing authority, the Authority would seek to minimise any delay in filling these positions by calling candidates from the appropriate panels when available.

No.	Action point	By Date	By Whom
A_027_14	The Executive to inform the candidates appointed to Principal Officer in the GS of their appointment and to notify the decision regarding PO appointments to the GS.	ASAP	Chief Executive

6.4. Appointment to Garda Síochána Audit Committee

The proposal in relation to the appointment of a member to the GS Audit Committee under section 44(2) of the Garda Síochána Act 2005, which requires that a Deputy Garda Commissioner or a member of the civilian staff of the Garda Commissioner of a grade equivalent to that of Deputy Garda Commissioner be appointee was agreed. In making the appointment to the Audit Committee, the Authority noted the potential for conflicts of interest to arise given that the appointee has line responsibility for the finance function and it was agreed that the Chair of the Audit Committee be advised of this risk.

No.	Action point	By Date	By Whom
A_027_15	The Chairperson to communicate the Authority's appointment to the GS Audit Committee to the person appointed and notify the Commissioner and the Chair of the Audit Committee accordingly.	ASAP	Chairperson
A_027_16	The Chairperson to communicate with the Chair of the GS Audit Committee in relation to the need to be aware of any conflicts of interest that might arise due to the position of the appointee as Chief Administrative Officer.	ASAP	Chairperson

7. Audit, Governance and Risk

The Chair of the Audit Governance and Risk Committee noted that the Committee has not met since the last Authority meeting and would meet in October. He confirmed that the Committee were considering the ranking assigned to a number of risks and would oversee the status of risks on an ongoing basis in light of changing circumstances. It was agreed that risk items arising and discussed in the course of the Authority meeting be reflected in the risk register.

No.	Action point	By Date	By Whom
A_027_17	The Risk register to be updated in light of matters discussed.	ASAP	Chief Executive

8. Information note regarding the Authority's role in relation to CCTV

The information provided was noted.

9. Follow up to 2017 themed Authority meetings

The position in relation to follow up with regard to matter arising at the themed Authority meetings in relation to Roads Policing in April and GS Training in May and the draft papers prepared were noted. It was agreed that the draft Roads paper would be referred back to the Policing Strategy and Performance

Committee and that Members would provide their views on the draft training paper to the Chief Executive in the coming days with a view to publication.

No.	Action point	By Date	By Whom
A_027_18	The Policing Strategy and Performance Committee to further consider the approach to follow up to the Roads Policing themed meeting of the Authority in April.	ASAP	Policing Strategy and Performance Committee
A_027_19	Members to provide views to the Chief Executive on the draft paper prepared as follow up to the themed meeting on GS Training in May to facilitate its publication.	6 October	Authority

10. Draft External Communications Strategy

The Strategy was endorsed subject to any drafting changes which Members are to provide to the Chief Executive in the coming days.

No.	Action point	By Date	By Whom
A_027_20	Members to provide views to the Chief Executive on the draft Communications strategy.	6 October	Authority
A_027_21	The Executive to finalise the Communications Strategy subject to any drafting suggestions.	ASAP	Chief Executive

11. Preparation for meeting with the Garda Commissioner

Members discussed the agenda for the meeting and agreed the matters to be discussed with the Garda Síochána representatives.

Part B – Authority Meeting with the Garda Commissioner in private

Attendance

Authority and Executive: As above

Garda Síochána: Dónall Ó Cualáin (Garda Commissioner), John Twomey (Deputy Commissioner), Joseph Nugent (Chief Administrative Officer), John O’Driscoll (Assistant Commissioner), Michael Finn (Assistant Commissioner), David Gilbride (Executive Director – Strategy and Transformation), Dr. Gurchand Singh (Head of Analyst Service), Andrew McLindon (Director of Communications), Marie Broderick (Superintendent).

The Chairperson welcomed Commissioner Ó Cualáin in his new role as Garda Commissioner. The Authority indicated that it does not consider this to be an ‘Acting’ position as, in accordance with s.32 (1) of the Act, he has been authorised by the Minister to perform the functions of the Garda Commissioner and consequently will be addressed as such by the Authority.

12. Progress on implementation of the recommendations in the Interim Audit Reports on the Garda College

It was noted that the Authority in accordance with the Minister’s wishes would continue to provide reports to the Minister in relation to process in implementing the recommendations of the Interim Audit report. It was agreed that the GS would provide further information on the progress achieved.

13. Other Business

The Authority advised the Commissioner that it had made a number of senior appointments, details of which will be notified by the Chief Executive after candidates have been informed. The Commissioner was also advised of the appointment of the Chief Administrative Officer (CAO) to the GS Audit Committee. The Authority’s concerns in relation to potential conflicts of interest relating to the CAO’s role were discussed but it was acknowledged that the 2005 Act constrained options in relation to such appointments.

There was a brief discussion in relation to progress on civilianisation and redeployment of Garda members and it was agreed that a report in this regard be included in the Commissioner’s monthly report to the Authority. The need to prioritise the recruitment of staff and to address barriers at each stage in the process which were contributing to delays was emphasised.

No.	Action point	By Date	By Whom
A_027_22	The GS to provide further information to the Authority in relation to the progress achieved in implementing each recommendation of the Interim Internal Audit report on the Garda College.	ASAP	GS

No.	Action point	By Date	By Whom
A_027_23	The GS to include a chart reporting on progress on civilianisation and redeployment in the Commissioner's monthly report to the Authority.	October 2017	GS
A_027_24	The Executive to review the log of actions with the GS as soon as practicable with a view to refreshing the list in the context of ongoing relevance of outstanding items.	ASAP	PA & GS
A_027_25	The GS to review and provide revised details of its representatives to Authority Committees in the coming months in light of new assignments.	November 2017	GS

Part C – Authority Meeting with the Garda Commissioner in public

Attendance

Authority and Executive: As above

Garda Síochána: As above

This meeting with the Garda Commissioner and his team was held in public. In accordance with the Authority's Standing Orders, the official record of the meeting is the recording which is available to view at:

<http://www.policingauthority.ie/website/PA/PolicingAuthorityWeb.nsf/page/Meetings-en>

The following matters were discussed during the meeting:

Agenda Item	The principal matters discussed included:
2017 Policing Plan – Confronting crime	<ul style="list-style-type: none"> • Prioritisation of crime prevention vs. detection; • Progress on implementation of the crime prevention strategy and how consistent standard of implementation is ensured; • Progress on implementation of the Victims Directive, role of civilian staff and levels of victim satisfaction; • How crime detections are counted, reasons for differences in detection rates for different crimes and confidence in detection figures; • Capability to combat organised crime, safeguards to ensure ethical behaviour and the use of analytics and learning from Operation Thor; • Implementation of an evidence based framework would be in place by March 2018; • Key actions to address sexual crime, trends in reporting and levels of detection related to stages of progress through the justice system; and • Development of policy following the introduction of new legislation.
Data Quality issues in the Garda Síochána	<ul style="list-style-type: none"> • Need for agility in changing policy and procedures in response to changes in legislation e.g. re road traffic; • Level of confidence regarding quality of data for use in predictive analysis; • Training in relation to classification and crime counting rules; • Capacity to handle calls in GISC during peak periods; • Confirmation by the Garda Commissioner that the homicide report provided to the Authority is final and signed off by both the Analysis and Investigation areas of the GS and all cases investigated in a manner consistent with Article 2 of the European Convention on Human Rights; and • Actions to remedy error in collecting fees despite change in policy.
Audit of the exercise by An Garda Síochána of the provisions of Section 12 of the Child Care Act 1991	<ul style="list-style-type: none"> • Findings and recommendations of Shannon report re the operation of s.12 of the Childcare Act and the implementation of its recommendations; • Training for interviewing children; and • Misclassification of cases, addressing absence of data and ensuring data quality.
Commissioners Monthly Report to the Authority and	<ul style="list-style-type: none"> • Commissioner's report to the Authority to identify challenges faced; • Unsustainability of budget overspend on overtime;

progress on the 2017 Policing Plan	<ul style="list-style-type: none"> • Progress on embedding Code of Ethics including training approach and confidence that Commissioner’s statutory role can be achieved; • Progress on driver training; and • Progress on and barriers to civilianisation and redeployment of Garda members.
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Actions arising from the meeting held in public:

No.	Action point	By Date	By Whom
A_027_26	The GS to report on the status of implementation of the Crime Prevention Strategy for review by the Authority at a later date.	December 2017	GS
A_027_27	GS to provide KPIs relating to implementation of the victims Directive when available.	When available	GS
A_027_28	GS to provide information on numbers of detections by Division and numbers of arrests and prosecutions and cost of the Operation Thor.	ASAP	GS
A_027_29	GS to report on progress on the implementation of an evidence based framework	December 2017	GS
A_027_30	Commissioner’s Monthly report to include a focus on challenges that the GS faces.	October 2017	GS