



AN TÚDARÁS PÓILÍNEACHTA
POLICING AUTHORITY

Scheme of Delegations for the Policing Authority

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1. Overview

The Authority's role is to:

- provide leadership, vision and strategic direction within a strong internal compliance framework which enables risk to be assessed and managed;
- be a source of guidance, insight, wisdom and judgement to the Chief Executive and the SMT;
- ensure that a proper balance is achieved between the respective roles of the Authority, the Chairperson and the Executive;
- consider and determine the Authority's policies;
- oversee the implementation of that policy by holding the Chief Executive and the SMT to account for the performance of the organisation in the context of the Authority's statutory responsibilities, Strategy Statement and Annual Business Plans;
- set performance targets, including key financial targets and, in particular, to agree and closely monitor the budget; and
- ensure that the Authority behaves ethically and in a manner that accords with its core values

An effective Authority controls the business and delegates day-to-day responsibility to the executive management.

The Chief Executive is the Authority's Accounting Officer¹ and the Act² sets out the Chief Executive's role in summary terms, when it states:

"The Chief Executive shall—

- a) implement the policies and decisions of the Authority,*
- b) manage and control generally the staff, administration and business of the Authority, and*
- c) perform such other functions (if any) as may be required by the Authority or as may be authorised under this Act."*³

Notwithstanding this, there are a number of matters which are required to be or, in the interests of the Authority, should only be decided by the Authority as a whole. It is incumbent upon the Authority to make it clear what matters are reserved for them.

Section 62H (4) of the Act provides that

¹ Garda Síochána Act 2005, as amended, Section 62R

² Garda Síochána Act 2005, as amended

³Garda Síochána Act 2005, as amended, Section 62P (6)

“... any function of the Authority, other than nominating a person for appointment to, or recommending the removal of a person from, the office of Garda Commissioner or Deputy Garda Commissioner, may be performed through or by the Chief Executive or other member of its staff duly authorised in that behalf by the Authority.”

Section 2 below sets out the overall expenditure limits for the Chairperson and Chief Executive. The matters reserved to the Authority in several distinct areas are set out in Appendix 1 and the specific delegations of functions from the Act² are outlined in Appendix 2.

2. Overall expenditure delegation

Members have delegated the following authority to approve expenditure to the Chairperson and Chief Executive:

- **Pay:** The Chief Executive may approve all expenditure relating to pay, including Authority members’ fees and expenses in accordance with Authority policies and procedures. For the avoidance of doubt, all expenditure relating to pay includes the payment of tax, social insurance and other deductions to the appropriate authorities and other third parties.
- **Non-Pay:** The Chief Executive may approve non-pay expenditure to a maximum of €25,000 per single item, subject to an overall maximum of €800,000 in a financial year and in accordance with Authority policies and procedures. Individual items of non-pay expenditure exceeding €25,000 and less than, or equal to €50,000 require the joint approval of the Chief Executive and the Chairperson.

Approval of expenditure in excess of the above levels is reserved to the Authority.

Appendix 1 – Schedule of governance matters reserved to the Authority

1. Strategy and Management

- 1.1. Supervision of the overall management of the Authority.
- 1.2. Approval of the Authority's long term objectives and strategy.
- 1.3. Approval of the annual and multi-annual operating and capital expenditure budgets and any material changes to them.
- 1.4. Oversight of the Authority's operations ensuring:
 - competent and prudent management;
 - sound planning;
 - an adequate system of internal control;
 - adequate accounting and other records; and
 - compliance with statutory and regulatory obligations.
- 1.5. Oversight of performance in light of the Authority's strategy, objectives, business plans and budgets and ensuring that any necessary corrective action is taken.

2. Financial Reporting, Internal Control and Risk Management

- 2.1. Approval of the annual report and financial statements.
- 2.2. Approval of accounting policies and any changes thereto.
- 2.3. Approving the composition and terms of reference for the Audit and Risk Committee.
- 2.4. Ensuring maintenance of a sound system of internal control and risk management including:
 - receiving reports on, and reviewing the effectiveness of, the Authority's risk and control processes to support its strategy and objectives;
 - ensuring there is an annual assessment of those processes; and
 - approving an appropriate statement for inclusion in the annual report.

3. Contracts

- 3.1. Approval of major capital projects. (i.e. contract amounts in excess of €50,000);
- 3.2. Approval of major non-capital contracts (i.e. contract amounts in excess of €50,000); and
- 3.3. Approval of contracts not in the ordinary course of the Authority's business.

4. Authority Membership and Other Appointments

- 4.1. Ensuring adequate succession planning for senior management;
- 4.2. Appointment and removal and of the Chief Executive including determining terms and conditions relating to remuneration in accordance with the Act⁴.

5. Delegation of Authority

- 5.1. Approval of the Authority's scheme of delegations;
- 5.2. Establishing, and determining the constitution of, Committees of the Authority;
- 5.3. Approval of the terms of reference of Authority Committees; and
- 5.4. Receiving reports from Authority Committees on their activities.

6. Corporate Governance Matters

- 6.1. Approving the Authority's Corporate Governance framework;
- 6.2. Undertaking periodic review(s) of the Authority's own performance and/or that of its Committees; and
- 6.3. Review and oversight of the Authority's overall corporate governance arrangements.

⁴ Under the Garda Síochána Act 2005, as amended this has to be with the consent of the Minister and the Minister for Public Expenditure and Reform

Appendix 2 –Delegation schedule for certain statutory functions in the Act⁵

All functions of the “Authority” set out in the Act are reserved to the Authority Members in plenary unless explicitly set out in this table.

For the avoidance of doubt, notwithstanding the delegation of the functions below to the Chief Executive and any staff member nominated by him or her, the Authority also reserves the right to exercise those functions. Nothing in this delegation removes the Chief Executive’s responsibility to keep the Authority Members appropriately informed.

Section of the Act ⁶	Text of the Act	Subject	Delegation status
13 (1)	13. (1) The Minister may, with the consent of the Minister for Public Expenditure and Reform, determine the number of persons who may be appointed to the ranks of Assistant Garda Commissioner, chief superintendent and superintendent in the Garda Síochána and the Authority may, in accordance with the regulations and having undertaken a selection competition for that purpose, appoint a person to any of those ranks.	Undertaking a selection competition for the purpose of and appointment of persons to the rank of Assistant Commissioner, chief Superintendent in the Garda Síochána	<p>The following matters are reserved to the Authority:</p> <ul style="list-style-type: none"> • Determining the Authority’s practices for the conduct of selection competitions for these appointments in accordance with the Regulations⁷ • Establishment of a panel of candidates

⁵ The Garda Síochána Act 2005, as amended

⁶ The Garda Síochána Act 2005, as amended

⁷ Garda Síochána Act 2005 (Appointments to the ranks of Assistant Garda Commissioner, Chief Superintendent and Superintendent) Regulations 2016

Section of the Act ⁶	Text of the Act	Subject	Delegation status
			<p>selected for appointment in the order of merit determined by a selection board;</p> <ul style="list-style-type: none"> • Making appointments from that panel of candidates in that order of merit, subject to being satisfied that the clearance requirements set out in the regulations regarding verification, health and character are met. <p>Certain matters relating to overseeing the arrangements for undertaking the selection function for appointment</p>

Section of the Act ⁶	Text of the Act	Subject	Delegation status
			<p>and formally signing off at key decision points are delegated to a Committee⁸ as set out in the Terms of Reference for the Committee.</p> <p>The following are delegated to the Chief Executive and/or any other staff members nominated by the Chief Executive</p> <ul style="list-style-type: none"> • All other matters relating to the administration and conduct of the selection competitions;

⁸ The Garda Appointments Quality Assurance and Selection Governance Committee

Section of the Act ⁶	Text of the Act	Subject	Delegation status
			<ul style="list-style-type: none"> • operation of pre-appointment clearance processes; <p>The following are delegated to a selection board, convened in accordance with the Regulations for the purpose of conducting a selection process for appointment to these ranks:</p> <p>shortlisting</p> <p>preliminary and/or final competitive interview (including presentation or other such tests as may be</p>

Section of the Act ⁶	Text of the Act	Subject	Delegation status
			appropriate) of candidates in order to determine the suitability of candidates for the rank and to place qualified candidates in order of merit.
17 (1)	17. (1) The Authority shall, within 12 months of the establishment day of the Authority, establish a code of ethics that includes— (a) standards of conduct and practice for members, and (b) provisions to encourage and facilitate the reporting by members of wrongdoing in the Garda Síochána.	Establishment of a Code of Ethics	Reserved to the Authority
17 (2)-(3)	2) The Authority shall, before establishing a code of ethics under this section, consult with the following about the content of the code:	Consultation and preparation	Delegated to the Chief Executive and/or any other staff members nominated by the Chief Executive

Section of the Act ⁶	Text of the Act	Subject	Delegation status
	<p>(a) the Minister;</p> <p>(b) the Minister for Public Expenditure and Reform;</p> <p>(c) the Garda Commissioner;</p> <p>(d) the representative associations established under section 18 of this Act or section 13 of the Garda Síochána Act 1924;</p> <p>(e) any recognised trade union or staff association representing members of the civilian staff of the Garda Síochána;</p> <p>f) the Irish Human Rights and Equality Commission;</p> <p>(g) the Standards in Public Office Commission;</p> <p>(h) the Ombudsman Commission;</p> <p>(i) any other person or body appearing to the Authority to have an interest in the matter.</p> <p>(3) In preparing a code of ethics under this section, the Authority shall have regard to—</p> <p>(a) the policing principles,</p>		

Section of the Act ⁶	Text of the Act	Subject	Delegation status
	<p>(b) the standards, practices and procedures applicable to the conduct of police officers in other Member States of the European Union, and</p> <p>(c) any relevant recommendations of the Council of Europe.</p>		
17(5)	(5) The Authority may, in like manner to the establishment of a code of ethics under this section, amend or revoke such a code.	Amendment or revocation of the Code of Ethics	Reserved to the Authority
17 (6) – (7)	<p>(6) Whenever the Authority establishes, amends or revokes a code of ethics under this section, the Authority shall provide the Minister with a copy of the code as so established, amended or revoked and the Minister shall cause a copy of it to be laid before each House of the Oireachtas as soon as practicable after he or she receives it.</p> <p>(7) The Authority shall publish a code of ethics established under this section in such manner as it considers appropriate.</p>	Provision of code to Minister and publication of Code	Delegated to the Chief Executive and/or any other staff members nominated by the Chief Executive
19 (1)	19. — (1) ⁹ Subject to subsection (2A), the Garda Commissioner may appoint such numbers of persons as civilian staff of the	Approve the grades and numbers of civilian staff determined by the	Reserved to the Authority in respect of grades equivalent to Principal

⁹ Substituted by section 17(a) of the Garda Síochána (Policing Authority and Miscellaneous Provisions) Act 2015. Commenced on 31 May 2016.

Section of the Act ⁶	Text of the Act	Subject	Delegation status
	<p>Garda Síochána ¹⁰as may be approved by the Authority with the consent of the Minister and the ¹¹Minister for Finance.</p> <p>(2) The Garda Commissioner shall determine the grades of civilian staff and the numbers in each grade in the categories of professional, administrative and specialist staff, ¹²as may be approved by the Authority with the consent of the Minister and the Minister for Finance.</p>	<p>Commissioner, with the consent of the Minister for Justice and Equality and the Minister for Public Expenditure and Reform.</p>	<p>Officer and above, each case to be considered on the basis of recommendation from the Chief Executive and the Appointments Committee;</p> <p>Delegated to the Chief Executive for all grades up to and including Assistant Principal Officer, subject to agreed principles and the submission of periodic reports on the delegated function to the Authority.</p>
19 (2A)	<p>19.— (2A) The civilian staff of the Garda Síochána of grades that are equivalent to or above that of chief superintendent in the Garda Síochána shall be appointed by the Authority.</p>	<p>Appointment of civilian staff in the Garda Síochána to positions</p>	<p>Reserved to the Authority. To avoid delay this may be</p>

¹⁰ Substituted by section 17(a) of the Garda Síochána (Policing Authority and Miscellaneous Provisions) Act 2015. Commenced on 31 May 2016.

¹¹ Transfer of function to Minister for Public Expenditure and Reform – S.I. No. 418 of 2011.

¹² Substituted by section 17(b) of the Garda Síochána (Policing Authority and Miscellaneous Provisions) Act 2015. Commenced on 31 May 2016.

Section of the Act ⁶	Text of the Act	Subject	Delegation status
		at grades equivalent to Principal Officer and above.	carried out by email procedure;
62 H (4)	(4) The Authority may publish all or any of the following: (a) agendas for its meetings and those of its committees; (b) the papers relating to those meetings; (c) such reports of those meetings as it considers appropriate.	Publishing agendas, papers, reports etc.	Policy set out in the Standing Orders of the Authority and can be done by the Chief Executive and/or any other staff members nominated by the Chief Executive
62 L	62L. (1) The Authority may, with the consent of the Minister and the Minister for Public Expenditure and Reform, as it considers necessary to assist it in the performance of its functions— (a) enter into contracts with persons, or (b) appoint consultants or advisers, or both. (2) There may be paid by the Authority, out of the resources at its disposal, to persons, consultants or advisers referred to in subsection (1), such fees (if any) or allowances for expenses (if any) incurred by them as the Authority, with the consent of the	Power to appoint consultants and advisors and to enter into contracts	Delegated to the Chief Executive and the Chairperson, within the expenditure limits set out in Section 2 of this paper. Otherwise, reserved for the Authority.

Section of the Act ⁶	Text of the Act	Subject	Delegation status
	<p>Minister and the Minister for Public Expenditure and Reform, may determine.</p> <p>(3) The appointment of a person as a consultant or adviser shall be for such period and on such terms and conditions as the Authority considers appropriate.</p>		
62 Q	<p>62Q. (1) The Authority may, with the consent of the Minister and the Minister for Public Expenditure and Reform, appoint such and so many persons to be members of the staff of the Authority as it may determine.</p> <p>(2) The terms and conditions of service of a member of the staff of the Authority and the grade at which he or she serves, shall be such as may be determined by the Authority with the consent of the Minister and the Minister for Public Expenditure and Reform.</p> <p>(3) Members of staff of the Authority are civil servants in the Civil Service of the State.</p> <p>(4) The Authority is the appropriate authority (within the meaning of the Public Service Management (Recruitment and</p>	Appointment of Staff	Delegated to the Chief Executive

Section of the Act⁶	Text of the Act	Subject	Delegation status
	Appointments) Act 2004 and the Civil Service Regulation Acts 1956 to 2005) in relation to the members of its staff.		