



AN TÚDARÁS PÓILÍNEACHTA
POLICING AUTHORITY

Minutes of Meeting of the Policing Authority

Date: 25-26 January 2018

Venue: 90 North King Street and by Call (CC) and Video Conference (VC)

Part A – Authority Meeting

Attendance

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

Secretary: Aileen Healy

Executive: Helen Hall (Chief Executive), Catherine Pierse, Margaret Tumelty
Sharon O’Brien (Item 7 (part)), Sophia Carey (Item 9), Fiona Larthwell (Item 10)

For Item 11: Oonagh McPhillips (Acting Secretary General, Department of Justice and Equality)

1. Chairpersons Opening Remarks

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

Members discussed risks arising and agreed to continue to reflect on and raise issues of risk so that risk management continues to be an active part of the Authority’s consideration of all matters.

It was agreed that a mechanism is needed to refine the procedure for urgent administrative matters which require Authority approval between meetings.

It was noted that a briefing on the Garda Síochána (‘GS’) Culture Audit will be held in April for the Executive and any Members available to attend. Options for a meeting in public or other webcast event in May to discuss the results will be developed by the Executive.

A number of items of correspondence were noted, including from the Minister for Justice and Equality (‘the Minister’) in relation to:

- the Authority’s fourth Quarterly report on the Implementation of ‘Changing Policing in Ireland’ (‘CPI’); and
- the Youth Diversion Programme.

The Chairperson drew Members attention to a number of the documents for noting including:

- An advance confidential copy of a Garda Inspectorate (GI) report on Child Sexual Abuse. It was agreed that, if published by then, it would be on the agenda for the next meeting of the Authority with the GS on 22 February;
- The report of a review of the Department of Justice and Equality by Mazars. It was noted that the Authority had not been consulted in relation to this review. It was agreed that, in future, minutes would record the documents for noting provided to the Authority.

No.	Action point	By Date	By Whom
A_033_01	Draft revised Standing Order for procedure relating to dealing with urgent matters between meetings.	22 Feb	Secretary
A_033_02	Documents for noting by Members to be recorded in future minutes	Immediate	Secretary
A_033_03	Make arrangements for Executive briefing in April and event in public in May to discuss the GS Culture Audit	ASAP	Executive
A_033_04	The Chief Executive to convey to the Department the Authority's views on the report of the review of the Department.	ASAP	Chief Executive

2. Minutes and Matters arising

The minutes of the meeting on 18 December were agreed and cleared for publication. The log of actions was noted and there was agreement to close the items proposed.

It was noted that the Policing Plan for 2018 has been received and that as previously agreed by the Garda Commissioners, the resource parameters provided in the Revised Estimates should be included. It was agreed that closer association of resources to activities in the plan would be sought for 2019.

No.	Action point	By Date	By Whom
A_033_05	Revised Estimates for GS Vote for 2018 to be associated with the Policing Plan 2018.	ASAP	GS

3. 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 the context of her report, including:

- That the material requested from the GS in relation to the Fennelly Report had not been received and consequently the Authority was not in a position to report to the Minister;
- The publication of the Authority's 4th Quarterly report and s.62.O report to the Minister; and
- Progress on developing a format for the GS to prepare a standard report on staffing to include progress on civilianisation and redeployment, which can be used for a variety of purposes by the Authority and other stakeholders.

Members discussed the draft 2018 Corporate Priorities for the Authority and these were agreed and cleared for publication subject to final drafting. It was agreed that headline results of achievement against these priorities would be published in early January 2019.

<i>No.</i>	<i>Action point</i>	<i>By Date</i>	<i>By Whom</i>
A_033_06	Corporate Priorities 2018 to be finalised and published.	ASAP	Chief Executive
A-033_07	Year-end status of 2017 Corporate priorities to be published in 2017 Annual Report	31 March 2018	Chief Executive
A_033_08	Headline results of achievements against 2018 Corporate Priorities to be published in early January 2019.	January 2019	Chief Executive

4. Committee Updates

4.1. Revised Committees' Terms of Reference

The draft Terms of Reference for the Authority Committees for 2018 were approved and cleared for publication.

<i>No.</i>	<i>Action point</i>	<i>By Date</i>	<i>By Whom</i>
A_033_09	Committee Terms of Reference for 2018 to be finalised and published.	ASAP	Chief Executive

4.2. Code of Ethics Committee

The Chair of the Committee updated Members on the Committee's meeting in December. The Authority noted its disappointment in relation to Industrial Relations issues which were impacting on the roll out of Ethics training across the GS and it was agreed that this would be raised with the Commissioner.

The Committee met with the GS team and the external trainer who is delivering the Code of Ethics training to review progress on the roll out. Feedback from Authority attendance at training sessions was that it was important to identify learning which can be incorporated to improve the process further particularly in relation to the use of detailed case studies. It is intended that representatives from the Authority will also attend upcoming 'Train the trainer' training sessions and regional launches. A three year Strategy for embedding the Code is expected to be available from the GS by end March.

4.3. Garda Appointments Quality Assurance and Selection Governance Committee

The Committee has not met since the last Authority meeting.

4.4. Organisational Development Committee

The Committee has not met since the last Authority meeting.

4.5. Policing Strategy and Performance Committee

The Chair of the Committee updated Members on the Committee's recent meeting and discussions with GS representatives in relation to diversity and inclusion. The serious gap in a strategic approach and the lack of data, particularly given the opportunity to increase diversity in the workforce in the light of increased recruitment in the coming years, were noted. The GS were urged to take strong action in relation to this matter which it is envisaged will be on the agenda for the Authority meeting in public in June.

Members emphasised the importance of appropriate engagement by the GS at this and other Committees. The scheduling of fewer committee meetings in 2018 to allow a more strategic approach was noted as was the reduced time commitment for the GS. It was agreed that the need for better and more timely performance data and appropriate representation at Committee meetings would be raised with the Commissioner. The key requirement is that the person attending has the authority to commit the Garda organisation.

5. Audit, Governance and Risk

The high level risks report for January was reviewed and it was noted that the Risk Register has been updated to reflect the Authority's assessment in December of new and changing risks and the revision of the ranking for two risks. The Chair of the Audit and Risk Committee ('ARC') reported that the ARC is currently undertaking a review of the Risk Register which will review the articulation and rating of risk. It was noted that the self-assessment survey would be made available to Members in the coming weeks and that the results would be compiled into an anonymised confidential data report for the ARC which would report back to the Authority.

<i>No.</i>	<i>Action point</i>	<i>By Date</i>	<i>By Whom</i>
A_033_10	The ARC to report to Authority in due course on their review of the Risk Register.	ASAP	ARC
A_033_11	The ARC to report to Authority in due course on the data from the self-assessment survey.	ASAP	ARC

6. Garda Síochána Appointments

6.1. Appointments in the Garda Síochána

The 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 fully considered the outcome of the clearance process and the candidate was appointed to the rank of Assistant Commissioner.

The Executive briefed Members on the outcome of the clearance process in respect of three candidates on the Chief Superintendent panel. The Authority fully considered all relevant matters in relation to the

outcome of the clearance process in respect of each candidate and agreed to appoint each of the candidates to the rank of Chief Superintendent.

The Executive briefed Members on the outcome of the clearance process in respect of five candidates on the Superintendent panel in light of a number of positions to be filled. Members fully considered all relevant matters in relation to the outcome of the clearance process for each of the candidates and four candidates were appointed to the rank of Superintendent. In the case of the fifth 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. The Authority agreed, having considered the outcome of the clearance process and confirmed that the all relevant requirements were met, that it was prepared to appoint the candidate subject to Government approval and requested the Secretary to proceed to seek this approval and to revert to the Authority in due course for formal appointment, assuming such approval is received.

Members noted concern in relation to a number of matters with regard to the manner of dealing with disciplinary and other matters in respect of Garda members which had come to their attention in the course of the clearance process generally. It was noted that the Authority would revisit the broader matter of disciplinary processes in the GS as part of its 2018 oversight. Members also reflected on difficulties experienced in completing its clearance process, including delays in obtaining relevant material, and agreed that the clearance process should be refined for future competitions to take account of these matters and to improve the process. It was agreed that all these concerns would be raised with the Commissioner.

The GS request for the appointment of a Principal Officer (PO) in the GS from an internal promotion panel to fill a position which had been approved by the Authority in December 2017 was considered and the candidate concerned was appointed.

Members noted progress in relation to the recruitment of a new Garda Commissioner and it was agreed that they would provide informal input to the Executive on the draft job specification in the coming days.

No.	Action point	By Date	By Whom
A_033_12	Further to appointments to Assistant Commissioner, Chief Superintendent, Superintendent and Principal Officer in the GS, the Chairperson and Chief Executive to notify the candidates of their appointment.	ASAP	Chairperson and Chief Executive
A_033_13	The Commissioner and the Minister for Justice and Equality to be notified of the appointments of an Assistant Commissioner, Chief Superintendents, a Principal Officer and Superintendents.	ASAP	Chairperson
A_033_14	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
A_033_15	Members to provide informal input to draft job specification for Garda Commissioner position.	31 January	Authority Members

6.2. Syllabus for Qualifying Professional Examination for Inspector

The Authority considered a request from the GS to approve the revised syllabus for the qualifying professional examination for the Inspector rank. Members emphasised the need for the GS to proceed with pace to reform the broad promotion process for Sergeants and Inspectors, noting that many of the 2015 Commission of Public Service Appointments ('CPSA') audit recommendations, including to consider the role and current relevance of the Sergeant and Inspector Professional Examinations in establishing eligibility for positions, had yet to be implemented.

It was agreed to approve the syllabus on this occasion, valid for a period of two years, in light of the undesirability of delaying the Inspector promotion process, eligibility for which requires success at the examination under the current regulations. This will also ensure that the up to date material included in the syllabus is examinable. However the Authority's concerns with regard to:

- the need for reform of the examination and promotion processes in line with best practice, particularly in relation to the need to build capacity, achieve appropriate skills levels and mix and succession planning guided by a comprehensive HR strategy; and
- the need for an integrated process that tests the requisite knowledge and skills in a timely and appropriate manner

are to be communicated to the Commissioner and reflected in the Authority's submission to the Commission for the future of Policing ('CFP').

No.	Action point	By Date	By Whom
A_033_16	The Chief Executive to communicate the Authority's approval of the Syllabus for the Qualifying Professional Examination to the Commissioner and to reflect comments in relation to the need for reform of the process to the Commissioner and in the Authority's submission to the CFP.	ASAP	Chief Executive

7. Third Report to the Minister on the implementation of the recommendations in the Interim Audit in relation to the Garda Training College

The draft report was reviewed and Members concurred with the Executive's proposal to reopen one item which had previously been marked as closed. This resulted from new information available regarding the embedding of revised management structures in the Garda College. The report was approved for submission to the Minister. The Minute of the Minister for Finance and DPER on the findings of the Public Account Committees hearing in relation to this matter was noted and Members expressed concern that the views of the Authority has not been sought in relation to the preparation of the response.

No.	Action point	By Date	By Whom
A_033_17	The third report on the implementation of the recommendations of the Interim Internal Audit report on financial matters at the Garda College to be submitted to the Minister.	ASAP	Chairperson

No.	Action point	By Date	By Whom
A_033_18	The Chief Executive to raise the Authority's concerns regarding the Minute of the Minister for Finance.	February 2018	Chief Executive

8. Research Strategy

The Strategy was noted and approved. Members welcomed the proactive research capacity that is being put in place and noted initiatives for building the future capability of the Authority in this area.

9. Briefing note on the Garda Síochána Vote

The briefing was taken as read and Members discussed the approach to the Authority's work in relation to understanding and assessing the adequacy of Garda resources. A number of specific work streams were agreed for 2018 including to gain an understanding of financial governance arrangements and examine all dimensions of overtime expenditure in the GS.

No.	Action point	By Date	By Whom
A_033_19	The following areas to be reviewed in relation to GS resources: <ul style="list-style-type: none"> • All dimensions of overtime; • Financial governance; • High level analysis of adequacy of the payroll budget • Top three suppliers 	ASAP	Executive

10. Visit from the Acting Secretary General of the Department of Justice and Equality

The Authority met briefly with the acting Secretary General ('SG') of the Department of Justice and Equality. The SG welcomed the work of the Authority and the commitment of Members and assured the Authority of the Department's continuing support. Members welcomed the opportunity to raise a number of critical issues including:

- The Authority's report on its effectiveness and the adequacy of its statutory functions and the likelihood that legislative change envisaged would take some time was noted, acknowledging the role of the CFP in recommending reform. The Authority emphasised, however, that some actions could be taken quickly and urged the Department to note in particular the urgent introduction of a probation period for newly promoted Gardaí;
- The difficulty experienced in examining issues with the GS, with the need for continuing probing which is time and resource intensive e.g. with the homicide issue which has been ongoing since April 2017.
- The critical importance of the relationship between the Authority, the Department and the GS, in particular the need for greater clarity of roles between the Authority and the Department which is understood across all the organisations, better communication and briefing on critical public

interest issues and inclusion of the Authority, where appropriate, on working groups and in other fora relevant to the Authority's functions;

- Disappointment if the recent IR issues were to impact on the roll-out of the Code of Ethics, particularly arising from, and the need for this training to proceed at pace;
- The lack of a HR strategy in the GS and the need to take ownership of HR to plan for the resourcing of an organisation which is very dependent on its people;
- The view that the GS is at a disadvantage due to the lack of sufficient high level management skills and the urgent need to build capacity quickly using a range of sources of expertise. The Authority's longstanding proposal that the Department seek to have experienced civil or public servants seconded in on a temporary basis to support the Garda Commissioner was reiterated. The SG expressed some concerns regarding the feasibility of this, but agreed to consider; and
- The need for proactive visible support by the SG of actions to bring about culture change at the highest levels in the GS.

11. Submission on the Commission on the Future of Policing

The draft of the Authority's submission to the CFP was discussed. The Members approved the approach and agreed the finalisation by the Chairperson and Chief Executive, subject to further drafting in relation to the matters discussed, and its submission to the Commission.

12. Preparation for meeting with the Garda Commissioner

Members discussed the agenda for the meeting and agreed the matters to be discussed with the Garda Commissioner and his team.

13. Documents for noting by the Authority - January 2018

The following documents and actions required were noted by the Authority:

<i>Document</i>		<i>Action Required</i>
D_033_1	Policing Authority 4th Quarterly Report on progress in implementing 'Changing Policing in Ireland' with cover letter to Minister – Final	For noting
D_033_2	Policing Authority Section 62O Report to the Minister with cover letter – Final	For noting
D_033_3	Department of Justice and Equality Organisational Structure Review Report and Memo from DJE Management Board	For noting
D_033_4	Advance confidential copy of Garda Inspectorate Report on Child Sexual Abuse	February meeting agenda (if published).
D_033_5	Letter from Chair of GSOC enclosing Proposals for legislative change	For noting

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 ('CAO')), Kate Mulkerrins (Executive Director, Legal & Compliance), Sara Parsons (Deputy Head of Garda Síochána Analysis Service), Gráinne Shortall (Assistant Principal), Paul Franey (Inspector).

14. Commissioners Monthly Report to the Authority

The Chairperson noted that according to reports, 2017 was the safest year on Ireland's roads since 1959, and congratulated everyone in Ireland on this achievement, including the GS and the Road Safety Authority for their roles in enforcement and education. However, it was noted that 2017 targets on increasing the number of Gardaí allocated to roads policing were not met and that these would be met in 2018.

The potential impact of IR issues on the roll-out of the Code of Ethics and more generally was discussed and there was hope that this would be resolved quickly. The other challenges to progressing reform were discussed including resourcing, training and accommodation and the Commissioner indicated that he would be reporting to the Department regarding what can be done during 2018 with the existing Vote and that he would keep the Authority informed of this. Members agreed that it would be helpful for the Commissioner to give an overview of what can be delivered with the available budget and indicated that it was a priority for the Authority in 2018 to get an understanding of the GS budget and how it is managed in the context of its statutory function to advise the Minister.

Other challenges discussed included supervision and the need to progress promotion competitions for Sergeants and Inspectors as a priority as were efforts to reassign supervising ranks to front line duties. It was noted by the GS that to date 47 Garda members have been reassigned and data on redeployments will be included in the Commissioner's report in future. The Commissioner indicated that in the interim he was assigning existing sergeants and inspectors back to the frontline to address his concerns about the quality of supervision. Members noted progress and challenges associated with civilianisation and how these would be addressed and indicated that they were looking forward to continual and accelerated progress.

15. 2018 Policing Plan and End of year review of progress on the 2017 Policing Plan

The provision of performance data to assess the outcome of performance on the 2017 Policing Plan and to assist Committee assessment of ongoing performance was noted and it was agreed that operational data, though provisional, would suffice for this purpose and this would be provided early each month. The monthly crime report was discussed. Members emphasised that embedding the Policing Plan will be a key priority to ensure targets are real across the GS and noted that it will in future provide a mid-year report on performance against the Policing Plan to the Minister.

16. Assault and Detection rates

The GS outlined plans for a multi-agency approach in this area including a focus on education and confirmed that an update to the PULSE system in February would address some crime counting issues in this area.

17. Progress on provision of information to the Authority

The Authority expressed ongoing frustration with delays in provision of material requested, despite a statutory entitlement to be provided with material relevant to its functions, and it was agreed that:

- The GS will review all outstanding requests and provide material with a view to identifying and providing those documents that can be provided without delay;
- Where material requested does not exist, PA will be advised accordingly; and
- As previously agreed the GS will provide proposed text to the Authority for inclusion in the Relationship and Support Agreement to address issues of concern from a legal perspective.

The Authority made clear that material relating to personal data is not sought by the Authority and where material sought contains such data these can be provided in a restricted manner or redacted appropriately.

There was again discussion and emphasis from Members that as a matter of routine, the Authority did not want reports created solely for its use, but rather wanted timely performance information that the GS was already preparing and using. Deputy Commissioner Twomey gave examples of two operational reports relating to 31 December which were available to him by 2 January 2018. It was agreed that the GS liaison office and the Executive would explore this matter further to enhance information the GS was providing the Authority.

18. Other Business

The Chairperson advised the Commissioner of the Authority's requirements in relation to representation and attendance at Committee meetings so that there is appropriate representation with the autonomy to make commitments and address issues at a strategic level. The Commissioner expressed the view that in principle an Assistant Commissioner or Executive Director should represent the GS at all such meetings and undertook to review attendance and ensure that it was at the required level, committing that in the event of the non-availability of the nominated representative at this level, a Deputy Commissioner or the CAO would attend.

The GS were advised that the Jobstown review and the Garda Inspectorate report on Child Sexual Abuse (if published) would be discussed at the meeting in public in February. In addition the Authority advised of their intention to discuss themes of Children and Diversity at meetings in public later in the year.

In the context that the last court case in relation to Jobstown had been completed it was noted by the GS that the finalisation of that report would be done in the next week. In response to questions, the GS provided an update in relation to recent progress in the 'Baby John' case and undertook to keep the Authority apprised of developments.

The Authority raised a number of confidential matters arising from its work on appointments with only the Commissioner and members of the Garda Executive present.

No.	Action point	By Date	By Whom
A_033_20	GS to provide a list of potential interviewers for Sergeant and Inspector promotion boards for Authority consideration for their inclusion in the panel of interviewers.	For February meeting	GS
A_033_21	Monthly report on redeployment to be included in the Commissioner's Monthly report	For February meeting	GS
A_033_22	GS to provide overview of issues in relation to resources, training and accommodation	ASAP	GS
A_033_23	GS to review outstanding requests for material with a view to identifying and providing those documents which can be provided without delay.	ASAP	GS
A_033_24	GS to provide proposed draft text for insertion in draft Relationship and Support Agreement for PA consideration in the context of legal concerns relating to the provision of certain material requested by the Authority.	ASAP	GS
A_033_25	GS to provide provisional operational crime figures at the start of each month	February 2018	GS
A_033_26	GS to provide to GPSU report on Youth Diversion programme	ASAP	GS
A_033_27	Calendar of Committee meetings for 2018 to be provided to GS	ASAP	Secretary
A_033_28	Jobstown review report to be provided in advance of February Authority meeting	ASAP	GS