



AN TÚDARÁS PÓILÍNEACHTA
POLICING AUTHORITY

Minutes of Meeting of the Policing Authority

Date: 22 February 2018

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

Part A – Authority Meeting

Attendance

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

Secretary: Aileen Healy

Staff of the Authority: Helen Hall (Chief Executive), Catherine Pierse, Margaret Tumelty
Karen Shelly (Item 9),

Apologies: Noel Brett, Pat Costello (present for Items 1 & 12)

1. Chairpersons Opening Remarks

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

A number of items of correspondence were noted, including:

- Thanks from the Minister for Justice and Equality ('the Minister') for the submission of the 2018 Policing Plan for the Garda Síochána ('GS');
- An invitation from the Oireachtas Joint Committee on Justice and Equality to appear before the Committee in March; and
- From the Commissioner to the Acting Secretary General of the Department of Justice and Equality ('the Department'), copied to the Authority, in relation to funding to support accommodation requirements and training costs associated with the delivery of the Modernisation and Renewal Programme.

It was agreed that the final version of the Policing Plan with the Revised Estimates appended would now be submitted to the Minister. This submission will note the relationship between the plan and the funding and Output Statements set out in the Revised Estimates and the Authority's intention that the Policing Plan be developed into a coherent performance statement over time.

The Authority also noted correspondence between the Minister and the Minister for Public Expenditure and Reform (PER) regarding a proposal to establish a Garda Reform and Resources Group.

Dates for 2019 Authority meetings were circulated and noted.

No.	Action point	By Date	By Whom
A_034_01	Final Policing Plan with Revised Estimate appended to be submitted to the Minister.	ASAP	Chairperson
A_034_02	2019 meeting dates to be put on the calendar	ASAP	Secretary

2. Minutes and Matters arising

The minutes of the meeting on 25-26 January were agreed and cleared for publication. The log of actions was noted and there was agreement to close the items proposed.

Dates were proposed for a briefing on the Garda Síochána ('GS') Culture Audit in April and an event in public in May to be webcast.

No.	Action point	By Date	By Whom
A_034_03	Finalise dates for briefing and event in relation to GS Culture Audit	ASAP	Secretary
A_034_04	Add dates to calendar for upcoming site visits and events.	ASAP	Secretary

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:

- The status of the draft revised Relationship and Support Agreement with the Department. Members stressed the importance of finalising this document and that its title should reflect the fact that it incorporates both the requirements of the Code of Practice for the Governance of State Bodies for a formal Corporate Governance Assurance Agreement and the supports provided by the Department to the Authority;
- 2018 Corporate Priorities. It was noted that extensive work has been undertaken since the last meeting in relation to homicide and the Garda Inspectorate ('GI') report on Child Sexual Abuse. In relation to work on GS resources Members agreed that the initial focus should be on the governance of the finance function and that the scoping of work planned in relation to GS overtime would be revisited later in the year in light of other work being undertaken in this area.
- The number of freedom of Information requests received to date and in 2018;
- Presentations given to Garda training courses by the CEO and staff; and
- The status of the GS Training Strategy.

The monthly correspondence report was noted and there was discussion in relation to one item and the actions to be taken.

No.	Action point	By Date	By Whom
A_034_05	Chief Executive to liaise with the Department with a view to finalising the revised Relationship and Support Agreement at an early date.	ASAP	Chief Executive

4. Committee Updates

Further to a previous decision to augment the membership of Committees with external expertise, it was agreed to make the following appointment with immediate effect:

- Ms. Melanie Pine to the Organisational Development Committee; and
- Mr. Ronan Nolan to the Policing Strategy and Performance Committee.

Members remained open to the possibility of identifying other external Committee members as appropriate.

<i>No.</i>	<i>Action point</i>	<i>By Date</i>	<i>By Whom</i>
A_034_06	New external Committee members to be notified of their appointments and advise of meeting dates and other arrangements.	ASAP	Secretary

4.1. Code of Ethics Committee

There was an update for Members on the Committee's meeting in February. It was noted that the planned Regional launches of training on the Code has been impacted by Industrial Relation (IR) issues in the GS. There was a discussion in relation to the Authority's role in relation to draft GS policy documents and it was agreed that this should be discussed further at the next meeting.

4.2. Garda Appointments Quality Assurance and Selection Governance Committee

The Committee has not met since the last Authority meeting.

4.3. Organisational Development Committee

The Chair of the Committee updated Members on the Committee's recent meeting, in particular discussions with the GS in relation to:

- the Garda reserve, noting that while there was agreement in relation to the need for local/regional recruitment, it seems clear that there is not an agreed well-developed strategy for other issues related to the reserve;
- diversity, noting in particular the absence of a diversity strategy and the opportunity, in light of accelerated recruitment, to make an impact in terms of achieving a more diverse workforce which is critical to the delivery of policing and policing performance; and
- the next Quarterly report to the Minister on Changing Policing in Ireland. Ongoing concern was noted in relation to the absence of pace and progress in the deployment of Garda members from administrative to policing duties and the continued absence of a clear, even if initially outline, HR strategy..

The lack of a strategic input by GS management in IR was noted by Members to be a serious structural difficulty.

4.4. Policing Strategy and Performance Committee

While the Committee has not met since the last Authority meeting, the Chair of the Committee noted that there continues to be ongoing substantial work on the GS homicide review by Authority staff.

5. Audit, Governance and Risk

The Chair of the Audit and Risk Committee presented the Committee's Annual Report for 2017 to the members, noting that the Committee considered its membership to be adequate in light of their experience given the modest size of the organisation. The report was noted by the Authority and approved for publication. Members thanked the Committee for its extensive and professional work in 2017, noting the significant contribution of the external Committee Members.

The Chair updated the Authority on the review undertaken of the Authority's Risk Register and the revised Register which was circulated to Members. It was noted that the Committee would continue to consider the management of risk by the Authority in light of ongoing events and that a report of high risks would be circulated to the Authority each month. There was a discussion in relation to the February High Risks Report and the risk rating and actions to manage any further escalation of one risk in particular were discussed.

<i>No.</i>	<i>Action point</i>	<i>By Date</i>	<i>By Whom</i>
A_034_07	The Annual Report of the Audit and Risk Committee for 2017 to be published.	ASAP	Secretary
A_034_08	The Risk Register to be updated in accordance with the discussion in relation to risk.	ASAP	Secretary

6. Garda Síochána Appointments

6.1. Appointments in the Garda Síochána

The Secretary briefed Members on the outcome of the clearance process in respect of a candidate on the Superintendent 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 Superintendent. Members noted that Government had approved the appointment of a further candidate who is a Member of the PSNI to the rank of Superintendent and appointed this candidate with effect from 12 March 2018 after his retirement from the PSNI.

A report from the Public Appointments Service (PAS) on the recruitment competition for a Chief Data Officer was noted. In light of the recruitment process not having identified a suitable candidate, proposals from the GS for next steps to fill this position were discussed. It was agreed that any refinements to the job specification in advance of a further competition will need to be approved by the Authority and further information was sought in relation to proposals to fill the position on an interim basis. It was agreed that the Chief Executive should closely monitor the situation and keep the Authority updated.

Members revisited a previous approval in relation to the position of Head of Internal Audit at Principal Officer level in the GS to which, for technical reasons, the Minister for Public Expenditure had not been in a

position to consent. Members reiterated their approval for this position at Principal Officer level in light of the proposal to fill this position with a suitably qualified person on the internal PO promotion panel.

Proposals to expand the panel of interviewers for Sergeant and Inspector promotion boards were considered in light of difficulties that have been experienced by the GS in sourcing availability of interviewers from the existing panel. The Authority requested further information and agreed a number of criteria which it would consider in this context in order for it to be satisfied to approve any expansion of the panel. Members also specified that any additional appointees may need to undergo training to ensure their suitability.

The Chief Executive updated Members on the preparations for the recruitment of a new Garda Commissioner. Members considered and approved, subject to drafting, the job specification setting out the requirements relating to knowledge, ability and suitability for appointment in accordance with S. 9(3) of the Garda Síochána Act 2005 (as amended) ('the Act'). It was agreed that the approval of the Minister for Justice and Equality be sought for the finalised job specification in accordance with the Act and the Chief Executive was requested to seek the agreement of PAS to the job specification.

Members welcomed measures taken to address concerns relating to the age of candidates applying for the Commissioner position but were disappointed that the mandatory retirement age remains at 60 years on the basis that it may narrow the field of candidates suitable for appointment. In this context it was also noted that the proposed remuneration package for the position is being finalised by the Department with the Department of Public Expenditure and Reform and Members emphasised the need for sufficient and consistent information on the package to be provided to all potential candidates. It was agreed that the Authority's residual concerns in relation to these matters would be conveyed to the Minister.

A request from PAS for nominations to the Selection Panel for the competition was discussed and two Authority members were nominated. It was noted that in accordance with the legislation the business of running the selection competition, including the convening of the Selection Panel, is a matter for PAS.

No.	Action point	By Date	By Whom
A_034_09	Further to appointments to the rank of Superintendent in the GS, the Chief Executive to notify the candidates of their appointment.	ASAP	Chief Executive
A_034_10	The Commissioner to be notified of the appointments of Superintendents.	ASAP	Chairperson
A_034_11	The Chief Executive to closely monitor the situation regarding recruitment for the position of Chief Data Officer in the GS.	Ongoing	Chief Executive
A_034_12	The consent of the Minister and the Minister for Public Expenditure and Reform to be sought for the approval of a Principal Officer Head of Internal Audit in the GS.	ASAP	Secretary
A_034_13	Proposals for consideration for persons to be added to the panel of interviewers to be assessed against the criteria set.	ASAP	GS and Chief Executive

No.	Action point	By Date	By Whom
A_034_14	The job specification setting out the knowledge, ability and suitability for appointment to the position of Commissioner to be finalised and the agreement of PAS sought.	ASAP	Chief Executive
A_034_15	The approval of the Minister for the knowledge, ability and suitability for appointment to the position of Commissioner in accordance with the Act to be sought.	ASAP	Chairperson

7. Format of Garda Síochána Annual Report

Members reviewed and approved the proposed direction for the format of the GS Annual Report 2017, noting in particular that the report should be shorter on narrative and more focused on clearly communicating performance against the policing plan.

8. Communication Work Plan 2018

The Communications Work Plan for 2018 was discussed and approved by Members subject to some minor drafting points to reflect the matters discussed. The importance of structured and proactive engagement with key stakeholders to promote their understanding of the Authority was emphasised.

No.	Action point	By Date	By Whom
A_034_16	Finalise the Communications Work Plan 2018 subject to minor drafting points raised.	ASAP	Chief Executive

9. Crowe Horwath report on certain Corporate Governance matters in the Garda Síochána

The final draft of discussion document produced by Crowe Horwath from the desk based review of certain governance matters in the GS was noted and it was agreed that it should be shared with the Commissioner and the Commission on the Future of Policing as a contribution to the ongoing discussion of the governance and structure of the GS.

No.	Action point	By Date	By Whom
A_034_17	To share the Crowe Horwath discussion document on the review of certain governance matters in the GS with relevant interested parties including the Commissioner and the CFP.	ASAP	Chief Executive

10. Progress Report to the Minister on the Garda Síochána response to the Report of the Fennelly Commission of Investigation

The status of the report requested from the GS in relation to the recommendations for the Fennelly report was noted and Members expressed disappointment that this update had been received so late. It was noted that the GS have committed to issuing the relevant policy in early April and that a final opportunity should be provided to the GS to do this. The Authority intends to report to the Minister at that point and finalise its oversight of specific Fennelly recommendations.

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 Commissioner and his team.

12. Documents for noting by the Authority - February 2018

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

<i>Document</i>		<i>Action Required</i>
D_034_1	GS Assignments and Transfers 2/2/18	For noting
D_034_2	Garda Síochána Act 2005 (Retirement) Regulations 2018	For noting
D_034_3	GSOC Submission to the Commission on the Future of Policing	For noting
D_034_4	Extract from National Development Plan 2018-27 - Justice Sector	For noting

Part B – Authority Meeting with the Garda Commissioner in private

Attendance

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

Garda Síochána: Dónall Ó Cualáin (Garda Commissioner), John Twomey (Deputy Commissioner), Joseph Nugent (Chief Administrative Officer ('CAO')), Michael Finn (Assistant Commissioner), Finbarr O'Brien (Assistant Commissioner), Orla McPartlin (Assistant Commissioner), John Barrett (Executive Director, HRPD) David Gilbride (Executive Director, Strategy and Transformation), Kate Mulkerrins (Executive Director, Legal & Compliance), Andrew McLindon (Director of Communications), Dr. Gurchand Singh (Head of Garda Síochána Analysis Service), Anthony O'Donnell (Superintendent), Gráinne Shortall (Assistant Principal),

The Chairperson conveyed the Authority's sympathy to the Commissioner and the GS on the recent death of Detective Superintendent Colm Fox.

13. Provision of Information to the Authority

Members expressed continuing frustration at the delays in the provision by the GS of material requested by the Authority, citing also the late and, in some cases, partial provision of material. Given the nature and dimensions of the Authority's work, these delays are interfering with the ability of the Authority and its Committees to do their work. In particular it was noted that a report on the Jobstown review which is on the agenda for the meeting in public was provided late the previous evening, effectively preventing the Authority from conducting a planned and informed discussion. It was once again reiterated that the Authority expects to receive material requested in sufficient time to engage with it. In this context it was also noted that the Authority were dissatisfied that no communication had been received from the GS in relation to implementing the Fennelly recommendations until the day before the meeting and the GS were informed that the Authority would be referring the matter back to the Minister in May.

The GS acknowledged that they were working to improve the provision of material and that some progress had been made. The Commissioner, while acknowledging the delays in provision of material, noted the need for further discussion to address the challenges involved. It was agreed that the GS and the Chief Executive would examine the material provided to determine what material was still outstanding with a view to resolving the position in advance of the March meeting. In parallel, it was agreed that the GS Head of Legal and Compliance would liaise with the Head of Legal in the Policing Authority with a view to advancing the issue of how best to deal with the narrow category of documents in respect of which the GS may wish to assert privilege.

14. Staff Welfare

There was a discussion in relation to staff welfare and the services in place in the GS to support staff, particularly in the aftermath of serious incidents, and the uptake by staff of these services. It was agreed that it would be useful to revisit this issue for a broader discussion in future.

15. Other Business

Members noted that correspondence from the Commissioner to the Department following a discussion about resources in January was limited to specific pressures and emphasised the need to associate the resources with actions in the Policing plan. The Commissioner indicated that a more comprehensive assessment of resources and the need for prioritisation was being undertaken. The Commissioner noted that the response of the Executive Director of Finance and Services to the budget would be useful reference document for the Authority and he agreed to provide this.

No.	Action point	By Date	By Whom
A_034_18	The GS and the Chief Executive to examine the outstanding requests for information to determine exactly what material is outstanding with a view to resolving the position in advance of the March meeting.	22 March	GS and Chief Executive
A_034_19	GS to provide a more comprehensive assessment of resources and the need for prioritisation and alignment with Policing Plan activities.	ASAP	GS
A_034_20	GS to provide the response of Executive Director of Finance and Service's to the budget	ASAP	GS

Part C – Authority Meeting with the Garda Commissioner in public

Attendance

Authority and staff: As above

Garda Síochána: Dónall Ó Cualáin (Garda Commissioner), John Twomey (Deputy Commissioner), Joseph Nugent (Chief Administrative Officer ('CAO')), Michael Finn (Assistant Commissioner), Finbarr O'Brien (Assistant Commissioner), Orla McPartlin (Assistant Commissioner), John Barrett (Executive Director, HRPD) David Gilbride (Executive Director, Strategy and Transformation), Kate Mulkerrins (Executive Director, Legal & Compliance), Dr. Gurchand Singh (Head of Garda Síochána Analysis Service), Andrew McLindon (Director of Communications), Anthony O'Donnell (Superintendent), Gráinne Shortall (Assistant Principal), .

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:
Homicide Review	<ul style="list-style-type: none"> Initial review including issues arising apart from classifications and whether initial findings in relation to classifications caused GS to have concerns about the investigations concerned Confirmation that the information provided to the April 2017 meeting to the Authority was not accurate and should be disregarded

	<ul style="list-style-type: none"> • Confidence in relation to Article 2 compliance • Element of independent review and quality of peer review • Management and governance dimensions including those arising from the differences between the April and September 2017 reviews and in relation to tensions within the organisation • Organisation learning for wider homicide investigation process and for management and resolution of disputes between colleagues • Timeline and milestones for completion of review and assurance provided that PA will be kept updated and informed on emerging issues • Importance of data quality and culture of proper recording of information.
Jobstown Review	<ul style="list-style-type: none"> • Late provision of report of review which was completed in November 2017 • Command strategy, co-ordination and operational responsibility during the incident • Preparedness for public order events including responsibility for assessment of intelligence, risk assessment and lack of strategic direction of managing the incident. • Success of the operation and effectiveness of the investigation, in particular in relation to court outcomes • Actions arising from report to prevent recurrence of issues. • Guidance and training for officers with operational and strategic responsibility
Deployment of Garda members	<ul style="list-style-type: none"> • How resourcing needs are determined and factors taken into account in allocation of resources and questions around numbers allocated to DMR versus HQ units • Supervision ratios • Impact of civilianisation
Commissioners Monthly Report to the Authority	<ul style="list-style-type: none"> • Process for development of HR Strategy including the involvement of business owners and how competing priorities are addressed • Trends in crime and in detections and prosecutions and how success is measured • Arrests since new Sexual Offences Act • Challenges for the GS (re HR, accommodation), how these are identified and addressed including the extent to which stakeholders are conversant with the challenges and are seeking innovative solutions.

Actions arising from the meeting held in public:

No.	Action point	By Date	By Whom
A_034_21	Garda Commissioner to clarify why PA did not receive Jobstown report and responsibility for delay	ASAP	Garda Commissioner
A_034_22	Information in relation to arrests in relation to purchasing sexual services since the enactment of the Sexual Offences Act.	ASAP	GS