



AN TÚDARÁS PÓILÍNEACHTA
POLICING AUTHORITY

Minutes of Meeting of the Policing Authority

Date: 26 October 2017

Venue: 90 King Street North

Part A – Authority Meeting

Attendance

Authority: Josephine Feehily (Chairperson), Noel Brett, Bob Collins (Items 4 – 6 & 8), Pat Costello, Judith Gillespie, Valerie Judge, Maureen Lynott, Molling Ryan.

Secretary: Aileen Healy

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

For Item 8: Ms. Fiona Tierney, Chief Executive and Ms Margaret McCabe Head of Recruitment, Public Appointments Service.

1. Chairpersons Opening Remarks

The draft agenda was discussed, amended and approved.

Correspondence with the Oireachtas Committee on Justice and Equality was noted.

The Chairperson briefed Members on a meeting with the GS and the Department to discuss urgent staffing requirements which have been identified as necessary to support the implementation of the GS Modernisation and Renewal Programme arising from the Authority's Quarterly report on the implementation of Changing Policing in Ireland ('CPI'). The GS are likely to make a further submission

2. Minutes and Matters arising

The minutes of the meeting on 28 September and 12 October 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.

3. Chief Executive's 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:

- It was noted that substantial work needed to be undertaken relating to preparation of submissions for the Commission on the Future of Policing (CFP) and that this would have a consequent effect on the achievement of Corporate priorities by year end;

- A positive meeting of the inter-organisational group had been held to oversee GS Workforce planning with high level representation from the GS;
- The Job Specification for the position of Executive Director – Chief Data Officer in the GS has been finalised and submitted to TLAC; and
- The lack of response from the GS on its review of its protected disclosure policy has been elevated to the Garda Commissioner.

4. Committee Updates

4.1. Code of Ethics Committee

The Committee Chair updated Members on the recent meeting with the GS representatives. It was noted that the new recruits all signed that they ‘understood and would abide by’ the Code of Ethics as part of their attestation ceremony. This was welcomed and the hope was expressed that this objective would be reached for all GS Members and staff.

It was noted that copies of the Code have been distributed to GS staff and that awareness training has commenced although it is envisaged that this will not be completed until mid-2018.

It was proposed and agreed that the Terms of Reference of the Code of Ethics Committee would be extended for at least 6 months to mid-2018 in light of the delayed roll-out of the embedding of the Code by the GS. It was noted that Ethics training for senior Garda Officers will be held on 7 November and will be attended by Authority representatives.

No.	Action point	By Date	By Whom
A_029_01	The Terms of Reference of the Code of Ethics Committee to be updated to reflect its extension for a further six months to end June 2018.	Immediate	Executive

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 Committee reported that ICT was the principal focus of the Committee’s work in October. Progress on ICT projects under the MRP was reviewed and it was noted that there are lags in achievement against plan. Overall there is a lack of a strategic focus and a sense of future direction in terms of integration of systems and future potential for automation. Members expressed the view that while it is accepted that there was a long timeframe for delivery of all these projects it was essential that there was a direction and strategy for ICT. In relation to HR, the Committee was concerned at a lack of a HR Strategy for the organisation and the importance of having a strategy for future resourcing and training. It was noted that the theme of the Authority’s meeting with the Commissioner in public in November would be the MRP with a focus on HR and ICT reforms.

4.4. Policing Strategy and Performance Committee

The Committee has reviewed the Homicide report and the Chair advised Members of a number of systemic issues that needed to be followed up with the GS including assurances regarding whether the GS were satisfied that there were effective investigations conducted in relation to all the cases concerned. A further meeting to discuss these matters is being organised in the coming week with the GS.

The Committee reported that it has considered the follow up to the roads policing meeting and that the responses received from the GS on some of the matters raised do not adequately address the questions posed. The Committee will continue to engage with the GS which will be asked to again consider the questions and revert with a response.

No.	Action point	By Date	By Whom
A_029_02	A meeting to be arranged with appropriate representatives of the GS to discuss the Homicide report.	Early November	Policing Strategy and Performance Committee

5. Draft Policing Plan 2018

The Chair of the Policing Strategy and Performance Committee updated Members on the draft Policing Plan which has been considered by the Committee, noting that some significant points discussed at the September workshop needed to be reflected in the plan. The Executive outlined a number of key items which are expected to be included in the final plan along with appropriate timelines and milestones. Members provided some further observations and it was agreed that these would be discussed at a high level with the Commissioner at their meeting later while the Executive would continue to work with the GS representatives. It was noted that 31 October is the statutory deadline for submission of the Policing Plan by the Garda Commissioner to the Authority for approval.

No.	Action point	By Date	By Whom
A_029_03	The Executive to convey detailed observations to the GS in relation to the draft 2018 Policing Plan to facilitate the Garda Commissioner submitting the final plan to the Authority for approval by 31 October 2017.	ASAP	Executive

6. Audit, Governance and Risk

The Chair of the Audit Governance and Risk Committee presented the report of the Audit and Risk Committee to the Authority. He updated Members on:

- The findings and conclusions of the C&AG audit of the 2016 Appropriation Account for the Authority's Vote and reported on the Committee's meeting with the senior auditor, noting that the auditor reported satisfaction with the processes and records and with the access and co-operation received during the audit. It was reported that all of the audit recommendations had been

addressed speedily and that the Chief Executive would be writing to the C&AG regarding the nature and materiality of a small number of number of items.

- Ongoing audit reports which include:
 - 1) ICT security and controls – fieldwork on this audit (which was delayed due to the need to access data from the Department) is being completed;
 - 2) Review of Appointments process – the draft report has been completed and the Committee are assured by the ‘A’ rating received.
- The review of the Risk Register and changes on risk ratings considered by the Committee. The Risk Register High Risks Report was noted.

Members discussed the findings of the C&AG audit and noted in particular a recommendation that ethics returns be made by all Members on an annual basis even when they had nothing to declare even though there was no statutory requirement to do so in those circumstances. It was agreed that the Authority should go beyond the requirements of the Act and as a matter of course make an annual ethics return, including a ‘Nil’ return, where appropriate.

<i>No.</i>	<i>Action point</i>	<i>By Date</i>	<i>By Whom</i>
A_029_04	All Authority Members to make an annual Ethics return, including a ‘Nil’ return if appropriate.	Annually in accordance with statutory deadlines	Authority Members

7. Exchange of views with the Public Appointments Service (‘PAS’)

This was an opportunity for Members to have a comprehensive exchange of views with PAS in the context of the statutory roles of the Authority and PAS in relation to the position of Garda Commissioner under section 9 of the Garda Síochána Act 2005 (‘the Act’).

The Chairperson noted that the recruitment of a Garda Commissioner was a hugely significant and important task and that the Authority was currently engaged with seeking clarification from the Minister for Justice and Equality (‘the Minister’) in relation to a number of matters which would inform the Authority’s and PAS’s preparations in advance of commencing the recruitment process.

<i>No.</i>	<i>Action point</i>	<i>By Date</i>	<i>By Whom</i>
A_029_05	The Authority and PAS to continue to engage at official level to advance practical arrangements for the selection of a Garda Commissioner.	Ongoing	Chief Executive

8. Garda Appointments

8.1. Appointments to senior Garda ranks

In light of a number of positions to be filled, Members considered the outcome of the clearance process in respect of two candidates on the Superintendent panel and the candidates were appointed to the rank of Superintendent.

The Chief Executive briefed Members on the status of the clearance process in respect of a number of candidates on the Chief Superintendent panel in light of a number of positions to be filled and noted that, while the process was complete in respect of one such candidate, it was still ongoing in respect of others. Members considered the outcome of the clearance process for the candidate for whom the process was complete and agreed that they were satisfied to appoint the candidate concerned. However it was noted that this candidate was not the next candidate on the Panel of Candidates. The Authority noted that there can be good and valid reasons why the clearance process will take longer for some candidates than others and that it is in the public interest that the filling of senior positions in the Garda Síochána should not be unduly delayed. The Authority confirmed its previous position that in those circumstances the Authority may appoint candidates lower down on the order of merit, as long as a position remains available so that, in the event of clearance being satisfactorily completed, any higher placed candidate may be appointed. The Authority appointed the candidate whose completed clearance they had considered and with which they were satisfied in accordance with Regulations. The Chief Executive was requested, as a matter of courtesy, to communicate with the higher placed candidate.

No.	Action point	By Date	By Whom
A_029_06	Further to appointments to the ranks Chief Superintendent and Superintendent in the GS, the Chairperson to notify the candidates of their appointment.	ASAP	Chairperson
A_029_07	The Chief Executive to arrange for a candidate whose clearance is still ongoing to be advised of the position.	ASAP	Chief Executive

8.2. Civilian appointments

The GS request for the approval of a number of civilian positions was considered and Members requested that the Chief Executive seek further information and clarification from the GS in relation to the positions concerned, indicating that they would give early consideration to the request on receipt of same given the urgent nature of the request.

A request for the approval of an acting up position to Executive Director was considered and the temporary appointment was approved subject to Ministerial approval as required under Section 19 of the Act and sanction for the payment of a higher duties allowance from Department of Public Expenditure and Reform.

No.	Action point	By Date	By Whom
A_029_08	The Chief Executive to seek further information and clarification from the GS in relation to the request for approval for positions related to supporting the implementation of the MRP.	ASAP	Chief Executive
A_029_09	The Executive to seek the consent of the Minister for Justice and Equality and the Minister for Public Expenditure and Reform for its approval of a temporary acting up position with a higher duties allowance to Executive Director in the GS.	Immediate	Executive

9. Crowe Horwath Report

Members considered the Crowe Horwath ('CH') Report conducted on its behalf regarding matters relating to Mandatory Intoxicant Testing ('MIT') and the incorrect issuing of summonses by the Garda Síochána instead of Fixed Charged Notices ('FCN'). A draft Authority Memorandum, the purpose of which is to provide accompanying commentary by setting out the Authority's views and conclusions and how oversight of these matters will continue, was also considered. There was a detailed discussion including in relation to the following matters:

- Serious management and governance failures and lack of accountability throughout the GS that created an environment in which these issues arose and remained undetected;
- Inadequate and inconsistent performance management;
- Inadequate supervision and the lack of evidence that its importance has been grasped or is being addressed;
- The approach to data and a lack of appreciation of its value in the shaping of public policy;
- The impact of overly complex legislation on effective implementation;
- Lack of assurance that technical fixes put in place would prevent the recurrence of such issues;
- The failure of so many Divisional Officers to respond to the Commissioner adequately on a matter of such evident public concern;
- The implications of the issues and themes arising across all areas of the policing performance;
- Responsibility for the failures identified in the report and the Authority's expectations regarding actions that the Commissioner should take to address same; and
- The Authority's next steps regarding oversight of the matter.

Members adopted the report and agreed that it provides information and insight that will inform its future oversight focus, that the concerns raised are consistent with other oversight work of the Authority and that the problems identified have an impact on others areas of policing. It was agreed that the Authority's commentary be finalised to reflect the matters discussed and that the CH report, together with the commentary be provided to the Minister and the Commissioner on 31st October and published on 1 November. They further agreed that the report is to be on the agenda for discussion with the Commissioner at the Authority's November meeting.

No.	Action point	By Date	By Whom
A_029_10	The Chief Executive to finalise the Authority's commentary on the Crowe Horwath report to reflect the discussion and the next steps agreed to be taken.	Immediate	Chief Executive
A_029_11	The Crowe Horwath report and the Authority's commentary to be provided to the Minister and the Garda Commissioner.	ASAP	Chairperson
A_029_12	The Crowe Horwath report and the Authority's commentary to be published.	1 November	Chairperson and Chief Executive
A_029_13	The Crowe Horwath report to be placed on the agenda for the Authority's November meeting with the Garda Commissioner.	23 November	Secretary

10. Reports to the Minister

10.1. Fennelly Report

The suggested approach to the Authority's continuing oversight of this matter was noted and the draft report on implementation of the recommendations of the Fennelly report by the GS was approved for submission to the Minister and for publication in due course.

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

The Chief Executive updated members on progress made by the GS in implementing the recommendations of the interim Internal Audit report on financial matters in the Garda College with the Authority as set out in the draft report to the Minister which reports that the Authority is now satisfied that 11 of the 19 recommendations are completed. It is noted that the outstanding recommendations are more complex, in particular relating to the ownership of land and the status of restaurant employees. In the latter case Members noted that it had been decided that the GS should agree the proposed course of action with the Department and DPER in accordance with legal advice in advance of seeking s.19 approval from the Authority. Members approved the draft for submission to the Minister subject to minor drafting and for its publication in due course.

<i>No.</i>	<i>Action point</i>	<i>By Date</i>	<i>By Whom</i>
A_029_14	The Authority's report on the implementation of the Fennelly recommendations to be submitted to the Minister and a copy provided to the Commissioner.	ASAP	Chairperson
A_029_15	The Authority's report on the implementation of the recommendations of the Interim Internal Audit report on financial matters in the Garda College to be finalised subject to drafting, submitted to the Minister and published in advance of the next Authority meeting.	ASAP	Chief Executive

11. Exchange of views on approach to submission(s) to Commission on Future of Policing (CFP)

The Chairperson noted that the Commission has indicated agreement with the Authority making submissions as these become available. It was agreed that the preparation of material for the Authority's consideration in this regard will be an immediate priority for the Executive.

12. Themes for 2018

A proposal to hold a themed meeting on 'Children' was agreed and it was suggested that this would be scheduled for the meeting with the Commissioner in public for either June 2018 or a later meeting. Members are to consider other possible themes with a view to agreeing a theme for the first meeting in public in 2018.

13. 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), David Gilbride (Executive Director – Strategy and Transformation), Aiden Glacken (Chief Superintendent - Strategic Transformation Office), Paul Franey (Inspector - Strategic Planning, Darren McCarthy (Inspector).

14. Commissioners Monthly Report to the Authority and progress on the 2017 Policing Plan

Members noted the positive engagement and enthusiasm for implementation of the Code of Ethics by the people leading it out and informed the GS of the extension of the Terms of Reference of the Code of Ethics Committee to oversee the embedding of the Code in the first six months of 2018.

There was discussion of the following matters relating to the Commissioner's report:

- Financial projections and the possibility of a budget overrun in 2017, particularly in relation to overtime;
- 2018 budgetary allocations and prioritisation of training and overtime;
- Budget management processes for 2018;
- The impact of additional resource allocations on the need for overtime;
- The need for the Commissioner's report to the Authority to include a table charting progress in civilian recruitment and redeployment of Garda members;
- Potential for efficiencies through developing the potential for synergies in the Criminal Justice system in relation to costs and deployment of staff;
- Vetting processes in the context of delays in appointing staff; and
- Trends in crime statistics reported and the issue of displacement of incidence of certain crimes in line with responses to related crime types.

The Authority asked the Commissioner to convey their appreciation of the manner in which a recent situation in Tallaght was dealt with by the Gardaí concerned.

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

Noting the good progress and the complexity of the outstanding issues, the Chairperson advised the Commissioner that the Authority had approved a further progress report for submission to the Minister.

16. Policing Plan 2018

There was a discussion in relation to the latest draft of the 2018 Policing Plan provided by the GS. Members provided feedback to the Commissioner in relation to the plan, including: certain presentational questions, some items which were agreed at the September workshop and certain targets and milestones which needed to be made more specific. It was agreed that the Executive would liaise with the GS in

relation to the details discussed. It was noted that the GS had not formally responded in relation to the 2018 Policing Priorities and the Commissioner undertook to do so without delay.

17. Other Business

The Chairperson advised the Commissioner that the Authority had received and considered the CH report and that it was intended to present the report, together with the Authority's own commentary, to the Minister and the Commissioner on a confidential basis on 31 October and to publish on 1 November.

The Chairperson advised the Commissioner that the Authority had approved a report to the Minister in relation to implementation of the Fennelly recommendations and that he would be provided with a copy. It was emphasised that although it is understood that the GS are awaiting clarity regarding certain legislative issues, some of the recommendations relate to work to be progressed by the GS.

The GS provided a brief update on participation in the survey stage of the Culture audit which is underway and the Authority encouraged participation to this important initiative. The GS indicated that they are actively encouraging participation by all GS employees.

The Chief Executive drew the outstanding information requests to the Garda Commissioner's attention, some of which seem to be delayed due to concerns by the GS in relation to Freedom of information legislation. She noted that her understanding was that these had now been resolved and that there was an expectation that the information requests would be submitted.

It was noted that a meeting would be convened in the next week to discuss the Homicide report and that it was important that the correct people were in attendance so as to progress the matter and address any systemic issues.

The Chairperson advised that the Authority had made a number of senior appointments, details of which will be notified to the Garda Commissioner by the Chief Executive after candidates have been informed.

The GS advised that it was expected that the Jobstown review would be available in the next number of weeks. The Chairperson offered to include this on the agenda for an early meeting of Authority, reiterating the Authority's ongoing open invitation for the GS to propose discussion items to the agenda.

The Chairperson sought and received assurance from the Commissioner regarding the governance of the handover from the previous Commissioner.

No.	Action point	By Date	By Whom
A_029_16	The GS to formally respond to the Authority in relation to the 2018 Policing Priorities.	ASAP	GS
A_029_17	The GS to address outstanding items on the Garda Actions register.	ASAP	GS
A_029_18	The GS to provide its policy on telecommunications to the Authority in advance of its next report to the Minister in relation to the implementation of the recommendations of the Fennelly report.	Jan 2018	GS