



AN TÚDARÁS PÓILÍNEACHTA
POLICING AUTHORITY

Minutes of Meeting of the Policing Authority

Date: 22 & 23 March 2017

Venue: 90 North King Street

Part A – Authority Meeting

Attendance

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

Secretary: Aileen Healy

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

1. Chairpersons Opening Remarks

The draft agenda was discussed. It was agreed that Item 11 would be taken early and revisited on the 23 March before the end of the meeting.

The Chairperson updated Members on a briefing she and the Chief Executive had received on 21 March on matters in relation to roads policing received from the Garda Síochána ('GS') and it was agreed that this would be discussed under the Policing Strategy and Performance update and would be added to the agenda for the meeting with the Commissioner. An item in relation to a plan to embed the Code of Ethics in the GS was also added to Part B of the agenda. The agenda was amended accordingly and approved.

No conflicts of interest were declared in relation to any of the matters for discussion.

2. Correspondence

A number of items of correspondence were noted including;

- Introductory letter from the Chairperson to the Disclosures Tribunal;
- Letter from the Department of Justice and Equality ('the Department') notifying the Authority in relation to a matter under s.41 (3A) of the Garda Síochána Act 2005 ('the Act'). It was agreed that there was no further action required by the Authority but the Department should be asked if there are any other outstanding notifications; and
- Correspondence between the Department and the Chief Executive in relation to a request for views
- on additional Assistant Commissioner posts in the GS.

No.	Action point	By Date	By Whom
A_018_01	The Executive to acknowledge the Department's letter in relation to s.41(3A) of the Act and seek clarification regarding whether there are any notifications outstanding.	Immediate	Head of Legal, Policy & Research
A_018_02	The Year 2 review of the Authority's statutory powers to include consideration of the Section 40 referral functions in the Act, including s.41(3A).	Dec 2017	Executive

3. Minutes and Matters arising

The minutes of the meeting on 23 February 2017 were agreed and cleared for publication.

The log of actions was noted and there was agreement to close completed items. The importance of recording and monitoring the Actions Register was noted.

The Chairperson briefed Members on engagements with the Department in relation to the Government decision to engage an independent international expert to carry out a review into issues of culture and ethos in the GS.

It was noted that a reference to the Authority's Standing Orders in the context of Action A_017_08 from the 23 February meeting should have been to a matter recorded in the minutes of 28 January 2016.

No.	Action point	By Date	By Whom
A_018_03	The format of the Log of Actions to be adapted to distinguish between actions and commitments by the Authority and the GS.	26 April	Secretary

4. Chief Executive' Report

The Chief Executive's report was taken as read.

5. Committee updates

Amendments to the draft committee Terms of Reference arising from consideration by each Committee were noted and the Terms of Reference for all Committees were formally agreed.

Ethics Committee

The Chair of the Committee reported engagement with the GS representatives in relation to a draft plan for embedding the Code of Ethics. The importance of confirming senior management's commitment was underlined it was agreed that this would be raised with the Commissioner.

Garda Appointments Quality Assurance and Selection Governance Committee

The written update from the external chair was noted. Appointments were considered in detail under Item 11.

Garda Organisation Development Committee

The Chair of the Committee updated the Authority on engagement with the Chief Administrative Officer ('CAO') of the GS in relation to the Modernisation and Renewal Programme ('MRP') and on the extent to which this reflects the recommendations of the Garda inspectorate report 'Changing Policing in Ireland' ('CPI'). A mapping exercise to correlate the two documents is underway and the Committee has noted some significant areas where the recommendations of CPI are not reflected in the MRP or where progress is difficult to monitor as certain MRP actions cross a number of CPI recommendations. It will be necessary to determine the status of any gaps so as to ensure that the quarterly report to the Tanaiste reflects the status of all areas. It was also noted that there is a need to focus on the achievement of outcomes rather than on reaching project milestones.

In relation to civilianisation, it was noted that the GS census to determine where Gardaí could be redeployed and replaced by civilians has taken place and data is being reviewed. The Committee is of the view that there needs to be visible delivery on civilianisation, in particular by moving to capitalise on the potential of the functional model by rolling it out across the country.

Policing Strategy and Performance Committee

The Chairperson updated the Members on contact from the GS earlier in the week and a high level briefing received by the Chairperson and CEO in relation to MAT and FCPN matters, the GS plans to have a press conference on the 23 March to announce the findings, and the Chairperson's request for the material to be forwarded to the Authority in advance.

There was a discussion on these matters. Considerable disquiet and dismay were expressed at the performance, public confidence and integrity implications of the findings reported. While the briefing of the CEO and Chairperson was welcomed, the unmet requests for the report on the FCPN matter, and the non-reporting of the ongoing 'audit' or examination of MAT discrepancies in the course of discussions over recent months on issues related to roads policing, were a cause of particular concern.

It was agreed that these matters would be raised with the Commissioner on the following morning and that the Authority would likely issue a statement.

The preparations for the meeting in public on April 27 on the theme of roads policing were discussed, including issues which are being raised in consultation with other bodies with a remit in this area. It was agreed that while the MAT and FCPN issues will be discussed, it was important that they did not distract from other serious issues relating to road deaths and that, if necessary, consideration would be given to extending the time available for the discussion.

In updating Members on the recent Committee meeting it was noted that plans to have GS attendance for certain agenda items were cancelled in light of non-receipt of the relevant documents. In relation to the

performance report, it was noted that the improved format was helpful in tracking issues and successes and attention was drawn to continued dis-improvement in detection rates.

6. Audit, Governance and Risk

Audit and Risk Committee update

The Chair of the Audit and Risk Committee noted that the C&AG's Office had completed the fieldwork for the audit of the 2016 Appropriation Account. He also confirmed that the Internal Auditors were conducting a review of internal controls against the backdrop of the Code of Practice for the Governance of State Bodies. This review is to be completed by the end of March to support the Chairperson's Statement of Internal Controls.

The Chair outlined the preparations for the annual self-assessment evaluation to be concluded with a facilitated workshop on 23 March, which will address the themes arising from the questionnaires returned by Members. The agenda for the workshop, which will include feedback from the Executive, was outlined. A report for the Audit and Risk Committee and the Chairperson will be prepared following the completion of the workshop. The data from the self-assessment will be retained as a baseline to measure progress in future years.

Risk Management

The preparation of a draft risk register has been prioritised for the May meeting of the Audit and Risk Committee and the Chair will report further after consideration by the Committee.

Approach to Complaints and Enquiries

Members continued the discussion from the February meeting relating to its approach to dealing with complaints and a number of themes and issues emerged in respect of which the current policy needs to be refined. It was agreed that the Executive would take the issues and views expressed at both meetings into account in developing a comprehensive customer service policy.

No.	Action point	By Date	By Whom
A_018_04	A report for the Audit and Risk Committee and the Chairperson to be prepared following the completion of the self-assessment workshop in relation to themes arising and this will be fed back to the Authority.	ASAP	Chair of Audit and Risk Committee
A_018_05	Anonymised data from the self-assessment survey to be retained as a baseline to measure progress in future years.	Immediate	Chair of Audit and Risk Committee
A_018_06	The Chair of the Audit and Risk Committee to report to the Authority after consideration of a draft risk register.	May 2017	Chair of Audit and Risk Committee

No.	Action point	By Date	By Whom
A_018_07	The Executive to draft a revised complaints policy in conjunction with the development of the Authority's customer service policy.	Not specified	Executive

7. Annual Report

The Authority's draft Annual Report for 2016 was discussed and endorsed subject to finalisation of some outstanding factual data and the inclusion of a feature article on the preparation of the Code of Ethics. It was agreed that the annual report would be finalised in accordance with the statutory deadline of 31 March, incorporating any drafting points which should be provided to the Executive by 27th March.

No.	Action point	By Date	By Whom
A_018_08	The Authority's Annual Report for 2016 to be finalised in line with the statutory deadline of 31 March, subject to inclusion of agreed material and any further drafting points received by 27 th March.	31 March	Executive

8. Submission to Garda Inspectorate in relation to examination of entry routes to the Garda Síochána

The draft submission was endorsed for submission to the Garda Inspectorate subject to a number of issues being highlighted for emphasis.

No.	Action point	By Date	By Whom
A_018_09	The draft submission to be finalised in light of input from Members, submitted to the Garda Inspectorate and recirculated for Members information.	ASAP	Executive

9. Garda Síochána Audit Committee Membership

The proposal in relation to the appointment of members to the GS Audit Committee under section 44(2) of the Garda Síochána Act 2005 was agreed.

No.	Action point	By Date	By Whom
A_018_10	Communicate the Authority's appointments to the GS Audit Committee to the persons appointed and notify the Commissioner of the details.	Immediate	Secretary

No.	Action point	By Date	By Whom
A_018_11	The Chairperson, in consultation with the incoming Chair of the Garda Síochána Audit Committee and the Garda Commissioner, to identify and appoint one other suitable person to the GS Audit Committee in accordance with the Act.	ASAP	Chairperson

10. Appointments

The Authority considered the report of the selection board for the selection competition for appointment to the rank of Assistant Commissioner in the Garda Síochána. The number of vacancies expected to arise over the course of the following year was discussed, having regard to the Commissioner's latest monthly return and the possibility of further vacancies. It was agreed that all five candidates determined to be suitable for appointment by the selection board be placed on a panel.

The panel of candidates for appointment to the rank of Assistant Commissioner was established in accordance with the regulations in the order of merit determined by the selection board and the Chairperson signed the formal establishment order. The panel will expire one year after establishment. The confidentiality of the panel was emphasised and it was agreed that their results will be notified to candidates only. The Chief Executive was requested to immediately notify the outcome to all candidates at the final stage of the process and to notify the Commissioner that a panel had been established.

The process for the Authority to make appointments including clearance of candidates, was discussed in detail. It was agreed that the clearance process in respect of the next candidate(s) should be conducted as close as possible to the proposed date of appointment and that the decision to make an appointment is reserved to the Authority. For efficiency reasons, and where no clearance issues arise, a decision to appoint a person previously placed on a panel will be made by email procedure and this process will be reviewed in light of experience. Decisions to make an appointment will be recorded by the Chairperson signing a formal Appointment Order.

Because one current vacancy exists in the rank of Assistant Commissioner, the Executive was requested to commence the clearance process for the first candidate on the panel and bring the outcome of that process back to the Authority to inform their decision regarding appointment.

The Authority revisited this agenda item prior to adjourning its meeting on 23 March. Having considered the outcome of the completed clearance process, it appointed the first candidate on the panel to the rank of Assistant Commissioner. It was noted that this appointment marks a historic moment in policing in Ireland - the first time that a senior ranking Garda has been appointed by an independent body comprised of civilians. Members agreed that the cultural significance of de-politicising senior Garda appointments and the organisational impact of candidates applying to the Authority should not be underestimated.

No.	Action point	By Date	By Whom
A_018_12	The Chief Executive to notify the outcome of the selection competition for appointment to the rank of Assistant Commissioner to all candidates at the final stage of the process and notify the Commissioner of the establishment of a panel.	22/3	Chief Executive

No.	Action point	By Date	By Whom
A_018_13	The Executive to commence the clearance process for the first candidate on the Assistant Commissioner panel and to bring the outcome of that process back to the Authority for consideration to inform their decision regarding appointment.	22/3	Executive
A_018_14	Further to an appointment to the rank of Assistant Commissioner, the Chairperson to notify the candidate of their appointment.	22/3	Chairperson
A_018_15	The Commissioner to be notified of the appointment of an Assistant Commissioner.	Immediate	Chairperson

11. Preparation for meeting with the Garda Commissioner (23rd March 2017)

Members discussed the agenda for the meeting and the matters to be discussed with the Garda Commissioner and her team and considered further material received from the GS relating to the MAT and FCPN issues.

Part B – Authority Meeting with the Garda Síochána (in Private) - 23 March 2017

Attendance:

Authority and As above

Executive:

Garda Síochána: Nóirín O’Sullivan (Garda Commissioner), Dónall Ó Cualáin (Deputy Commissioner), John Twomey (Deputy Commissioner), Joseph Nugent (Chief Administrative Officer), John Keegan (Superintendent), Marie Broderick (Superintendent).

1. Commissioner’s Report to the Authority.

The Commissioner’s report was taken as read and there was discussion of the following matters arising from Authority Members questions:

- *Crime Reporting.* A question was raised in relation to discrepancies between crime data reported in the Monthly Report and in data provided to an Authority Committee and the GS committed to providing clarity on the matter.
- *Civilian staffing.* The GS advised the Authority that the Executive Director level positions approved by the Authority in early December would be advertised in the coming week.
- *Performance Report.* There was a discussion about progress on the roll-out of Protective Services Units which has a ‘Red’ RAG¹ status at the end of Quarter 1 2017. The GS explained that this was a timing issue and that a number of the pilots will be up and running in the next few weeks and that the target would be met in Quarter 2 when the status would change to green.

No.	Action point	By Date	By Whom
A_018_16	The GS to provide clarification regarding the differential between the Commissioner’s monthly report (February 2017) and Initiative 11 in the Policing Plan Performance Report (January 2017) in relation to certain crime figures (rape and sexual assault).	ASAP	The GS

2. Status of work on identification of Garda posts for re-deployment with replacement by suitably qualified civilians.

Members queried the amber status of progress and expressed concern at the slow pace on redeployment and civilianisation. Members referred to the need to show progress in implementing the government decision in this regard and queried the role of the functional model pilots in progressing redeployment.

The GS acknowledged that this activity is not on track at present but that pace is expected to improve once certain initial issues and sensitivities have been resolved. The GS confirmed that there are a number of building blocks that must be put in place, including preparation of a workforce plan, and expressed confidence that once these are in place the foundations will be laid for quickly progressing a number of

¹ RAG refers to ‘Red, Amber or Green’ which denotes the status of the action or activity against plan as being on target (Green), at risk of not being achieved (Amber) or likely not to be achieved (Red).

actions in parallel. It was also hoped that the census, which is underway, will provide richer data to inform decisions about civilianisation. The Commissioner also cited the need to increase HR capacity and recruit suitable professionals with appropriate skills in order to mitigate against the significant potential for strategic risk in this area

The Authority agreed that there was an urgent need to ensure the HR area was adequately resourced in order to make targets achievable and confirmed willingness to work with the GS to ensure that approvals and appointments are as streamlined as possible. However, agreed pre-requisites must be met and it was emphasised that these, specifically the submission of a workforce plan and information on the proposals for redeployment of 43 Gardaí following an earlier sanction, must be provided at an early date if targets for 2017 are to be achieved.

No.	Action point	By Date	By Whom
A_018_17	The GS to provide details of the 43 Gardaí to be redeployed in accordance with the sanction for 43 additional civilians.	31 March	The GS

3. Matters in relation to Roads Policing

The Chairperson welcomed the briefing on the MAT and FCPN issues received earlier that week and acknowledged the significance of the readiness by the GS to make these issues public. However, Members expressed disquiet and disappointment at the scale of the MAT discrepancies, the numbers of people affected by the FCPN convictions. Members underlined the urgent need for the various actors to work together to resolve matters for members of the public who had been wrongly convicted. Members emphasised the fundamental issue of integrity and expressed particular unease about issues of supervision, culture and work practices, which would allow these matters to occur and continue.

The GS expressed shared concern but were unable to point to a single cause. They were confident that measures put in place in 2016 to address the issues are effective and that further improvements will be implemented. The GS accepted that in the case of the MAT issues there were significant governance issues in relation to roadside breath tests and that it was possible that the use of key Performance indicators ('KPIs') could have resulted in unintended behaviours.

Members noted that these concerns had been discussed between Authority and GS at the Policing Strategy and Performance Committee over a number of months and that it was unsatisfactory that during these discussions and questions there was no mention that a review was underway. The GS apologised and acknowledged that there had been an administrative oversight which resulted in failure to send a report to the Authority when it was sent to the Department.

Members expressed concern about systemic issues and whether controls in place now would prevent a recurrence of the issue. There was a discussion about ethical and integrity concerns and whether any advice or sanction was anticipated arising from the findings. Members emphasised that an apology alone was not adequate and indicated that the GS needed to provide assurance that it is not continuing and to communicate this to the Authority and the public. The relevance of embedding the ethical values in the Code of Ethics to address such behaviour was emphasised.

Questions were also raised in relation to data quality issues generally and whether there is a fundamental disregard for data.

The GS stated that matters are still under investigation and that it was too early to say what the outcome would be. The Commissioner pointed to the reliance of the GS on the personal integrity, values, and honesty of all 16,000 staff of the GS in which context the matters concerned were not acceptable. She expressed regret that the issues had not been identified and assured that Authority that she understood the need for accountability in respect of the issues that had arisen – including disciplinary action where appropriate.

No.	Action point	By Date	By Whom
A_018_18	The GS to provide the material in relation to MAT and FCPN well in advance of the next Policing Strategy and Performance Committee on 13 April.	ASAP	The GS
A_018_19	The GS to keep the Authority updated on an ongoing basis in relation to the MAT, FCPN and data quality issues.	ASAP	The GS

4. Plan to embed the Code of Ethics

Members emphasised the Code of Ethics as being at the heart of cultural reform in the GS and the importance of planning to ensure that it is embedded throughout the organisation. Members asked for an update on progress and, in particular, senior management commitment in this respect. The GS confirmed that they are on target to present a plan for embedding the Code to the Authority by 31 March and that the GS Executive are committed to a range of actions to lead the implementation, some of which have already been put in place. Assurance was given that the GS Executive regard the code as critical to the future operation of the organisation and recognise that support at the highest level will be crucial. The Authority offered to support the events planned to promote the code as central to the decision making model in the GS and requested adequate advance notice of Regional events.

No.	Action point	By Date	By Whom
A_018_20	The GS to provide the plan for embedding the Code of Ethics.	31 March	The GS
A_018_21	The GS to provide the Authority with adequate advance notice of dates for Regional events relating to communication of the Code of Ethics to facilitate Authority support and attendance where possible.	ASAP	The GS

5. Policing matters relating to the Tuam mother and baby home.

There was a discussion in relation to the role of the GS in relation to ongoing matters related to the Tuam mother and baby home and related instances under investigation by the Commission of Inquiry. The GS outlined their role which at this point in time centres around assisting the Coroner and providing victim support services.

6. Other Business

The GS informed the Authority that the internal audit of the Garda College had been completed and provided to the Commissioner and the C&AG that morning. It was intended to provide the report to the Tánaiste and it would also be given to the Authority and published.

The Chairperson informed the Commissioner of the appointment of two members to the GS Audit Committee and indicated that she would be seeking to appoint another member at an early date. The GS confirmed that they would arrange for the induction of the new Audit Committee.

The Chairperson formally notified the Commissioner that a panel for Assistant Commissioner positions had been established by the Authority following the conclusion of the recent selection competition and that the Authority hope to be in a position to make an appointment as soon as possible.

The Authority asked for an update on a firearms incident that had been raised during 2016. The GS indicated that the matter was still under investigation and committed to provide an update to the Authority on conclusion.

The Commissioner advised that she will not be available to attend the Authority meeting in public in April due to a security commitment. The Chairperson noted that this meeting is planned to address issues on the theme of road policing and that the RSA and civil society groups had been invited to attend and suggest themes for discussion, and accordingly it would proceed as planned.

No.	Action point	By Date	By Whom
A_018_22	The finalised Internal Audit report on the college in Templemore to be provided.	ASAP	The GS

Part C – Authority Meeting - 23 March 2017

Attendance:

Authority and Authority Members as above

Executive: The Executive attended part of this meeting as indicated below.

The Authority met in private session to conduct an effectiveness review. This included review and discussion of the results of the recent self-assessment survey conducted amongst Members and a workshop to discuss the matters arising under a number of themes. The workshop was conducted by an independent external facilitator.

The Authority invited the Executive to join them for a presentation on board effectiveness and for a discussion on the effectiveness of Authority meetings with the Garda Commissioner, which is a unique feature of the Authority's functions. The Chief Executive was invited to provide feedback from the Executive in relation to the effectiveness evaluation as an input to the Authority's deliberations.