



An Roinn Dlí agus Cirt  
Department of Justice

# Corporate Governance Framework

Department of Justice

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## Foreword by the Secretary General



The Department of Justice aims to build a safe, fair and inclusive Ireland by working together to advance community and national security, promote justice and safeguard human rights. Our Department’s work is delivered by over 2,700 people who form part of a strong, transformed organisational structure that supports the delivery of our objectives.

As outlined in the Corporate Governance Standard for the Civil Service, good governance is central to the effective operation of Government Departments and is vital to the effective discharging of our statutory and policy obligations.

The Department of Justice Corporate Governance Framework sets out what we mean by governance, why it is important, how the Department does its work and how it operates to deliver on its mandate and functions.

The Framework outlines the values that characterise and underpin our work and our strong commitment to corporate governance, compliance and accountability both internally and by extension all bodies across the justice sector where we work to provide challenging and supportive oversight.

As employees of the Department we all have an important role to play in ensuring good governance. With our collective commitment to living our values in all that we do and this Governance Framework, I’m sure that we can demonstrate that our organisation is operating effectively and efficiently, and delivering for the people of Ireland.

Oonagh McPhillips  
Secretary General

## Introduction

### What is Corporate Governance?

Corporate Governance is defined as the system, principles and process by which organisations are directed and controlled. Good governance in Government Departments and Offices is about delivering priorities, achieving objectives, behaving with integrity and acting in the public interest, in ways that are consistent with legal, regulatory and Government policy obligations.

Good corporate governance is integral to the Department's strategic and operational policies and practices. All members of staff should understand our objectives, how we do our work, and how we are accountable for our work. Good corporate governance arrangements enable us to build that accountability into all of our processes so that we can objectively monitor our progress.

### Corporate Governance Standard for the Civil Service and Governance Principles

Our Department's Governance Framework was developed in line with the Corporate Governance Standard for the Civil Service as part of the Civil Service Renewal Plan, 2014. The overarching governance principles which underpin the Corporate Governance Standard for the Civil Service and the Corporate Governance Framework for the Department of Justice are:

**Principle 1** - Good governance supports a culture and ethos which ensures behaviour with integrity, a strong commitment to ethical values, and respect for the rule of law.

**Principle 2** - Good governance helps to define priorities and outcomes in terms of sustainable economic and societal benefits and to determine the policies and interventions necessary to optimise the achievement of these priorities and outcomes. It means implementing good practices in transparency, reporting, communications, audit and scrutiny to deliver effective accountability.

**Principle 3** - Good governance means developing the Department's capacity, including the capability of the leadership team, management and staff.

**Principle 4** - Good governance means managing risks and performance through robust internal control systems and effective performance management practices.

**Principle 5** - Good governance ensures openness, effective public consultation processes and comprehensive engagement with domestic and international stakeholders.

## **A Corporate Governance Framework for the Department of Justice**

First published in September 2016, the Framework is a living document, reviewed annually and updated as required. In 2021, a substantial update was carried out to reflect the revised structure of the Department in place following the transformation programme carried out in 2019 and the transfer of functions between Departments arising from the Government formation in 2020. The Framework clarifies the concept of governance for the benefit of senior managers, staff, key stakeholders and the wider public.

The Department is committed to best practice structures, processes and systems that support the successful operation of our duties in an ethical, accountable, transparent and effective manner. In documenting and publishing the Department’s governance arrangements, our stakeholders can access information on how the Department works to achieve our goals. The Framework will also provide all staff with much of the basic information needed to understand their duties, roles and governance responsibilities.

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## Chapter 1 - Department of Justice Overview

This chapter provides an overview of the mission of the Department, senior management and organisational structures, and briefly outlines the strategic and business planning process and our core values.

### 1.1 Our Mission

The Department's mission of working for a safe, fair and inclusive Ireland carries with it enormous responsibility, but also a great sense of purpose and pride in the contribution that our organisation makes to the delivery of a just and democratic society.

We have lead responsibility for public policy in respect of the security of the State and public safety, including the prevention and detection of crime, the administration of justice, the management of inward migration and international protection processes, the provision of important regulatory services and ongoing reform of civil and criminal law.

The Department directly employs over 2,700 staff with 29 organisations operating under our aegis. The Department also has an international reach, with almost 40 officers posted in 11 Irish embassies and missions across 4 continents, working on a broad range of European and international justice matters.

The Department's budget is €499 million for 2022 with funding for the Justice Group of votes (Department, An Garda Síochána, Prison Service, Courts Service, Policing Authority and the Data Protection Commission) totalling over €3.15 billion in 2022.

### 1.2 Senior management structures

This framework aligns to the relevant statutory provisions and central civil service guidance on Departmental structure. The key objective is to be clear about how the Department is structured, directed, controlled and managed in addition to the governance roles of the Management Board (MB), the Management Board meetings with the Ministers (MinMAC) and individual senior managers.

Senior management roles, responsibilities, structures and monitoring and review arrangements within the Department can be summarised as follows:

- a) The Minister decides policy and is legally the corporation sole of the Department.
- b) The Department advises the Minister on matters of policy for decision and subsequently implements these decisions.
- c) The Secretary General is the:

- Administrative Head of the Department.
  - Accounting Officer for the Department.
- d) The Management Board meets weekly and comprises the Secretary General, Deputy Secretaries, Heads of Functions (i.e. Assistant Secretaries/Directors), and the Chair and Vice-Chair of the Principal Officer Forum.
  - e) The Department Board meets weekly and comprises the Secretary General, Deputy Secretaries, and Heads of the Corporate and Transparency functions.
  - f) Management Board meetings with the Ministers (MinMAC) comprise the Minister, Minister(s) of State, and the Management Board and take place monthly. These meetings are also attended by the Ministers' special advisers, private secretaries and Ministerial Liaison Officers.
  - g) The Senior Management Team meets bi-monthly, and includes the members of the Management Board and all Principal Officers.

The most recent Department organigram is enclosed at **Appendix A**. A descriptive overview of the responsibilities of each functional area can be found at <http://www.whodoeswhat.gov.ie/root/justice/>.

## 1.3 Organisational Structure

The structure of our organisation is designed to underpin our key role of providing policy advice for decision to the Minister, the implementation of decisions and the provision of the infrastructure that is integral to support that role. Our structure is not fixed and changes and evolves according to needs and emerging priorities.

In 2019, the Department took a hugely significant step in adapting itself to meet the challenges of the future. It reorganised how it works by introducing a functional model, a sea-change in how an Irish Government Department is structured and operates, that enables the Department to bring more focus to its policy making, legislative and governance responsibilities, and to support the Minister's accountability to Government, the Oireachtas and the public. The Department is now aligned under two pillars, Civil Justice and Criminal Justice, each led by a Deputy Secretary. Each pillar contains the following functions: Governance, Legislation, and Policy. Supporting the work of both pillars are the enabling functions of Corporate, European Affairs, Change, Technology and Innovation, and Transparency.

In addition, the large Immigration Service Delivery function located in the Civil Justice pillar manages the delivery of immigration and international protection services for the Department and the State, while the Service Delivery function located in the Criminal Justice pillar manages the delivery of efficient, robust and customer-centric frontline services for the Department..

The key organisational structures that support the delivery of corporate governance and the management of the Department are set out below:

Structure	Frequency
Formal Meetings: Boards	
Department Board	Weekly
Management Board	Weekly
Minister/Management Board Meeting (MinMAC)	Monthly
Formal Meetings: Committees and Governance Groups	
Portfolio, Programme & Project Governance Committee	Quarterly
Risk Committee	Quarterly
Financial Management Committee	Monthly
Strategy and Business Planning Committee	As required
Management Board Agency Sub-Group	As required
Audit Committee	Quarterly
Equality, Diversity and Inclusion and Public Sector Duty Committee	As required
Management Board Culture Sub-Group	As required
Senior Management Team	Bi-Monthly
Less Formal meetings	
Functional meetings	Quarterly
Functional Team meetings	Monthly



## 1.4 Strategic Planning and Decision Making

The Public Service Management Act 1997 prescribes that the Department must secure Ministerial approval for a three year Strategy Statement, which defines the objectives of the Department and the way in which it will achieve those objectives. The Programme for Government informs the Department’s [Statement of Strategy 2021 - 2023](#) which sets out high level priorities agreed by the Minister.



Our Statement of Strategy sets out five high-level strategic goals that reflect the breadth, complexity and importance of the Department’s vision to work for a safe, fair and inclusive Ireland.

In 2021, the Department published its first annual [Justice Plan](#) providing detailed information and timelines relating to actions in each of the Strategic Goals outlined in the Statement of Strategy. The Department’s activity and actions are tracked against the timeframes for completion set out in the Action Plan. Progress against the Action Plan is monitored by the MinMAC on a monthly basis and is coordinated by the Transparency function. A report on the Justice Plan is published every 6 months and key performance indicators will be further developed over the period of the Statement of Strategy.

To bring clarity to roles and responsibilities at the level of individual staff members, the Department has a business planning framework which provides for an integrated and structured approach to planning within the Department. This is systematically managed and directed by the Management Board, supported by the Project Management Office, and is led within Functions by the senior management team.



All units develop team business plans in consultation with their teams. All Heads of Functions develop Function level business plans which build upon the team business plans, and also include all relevant Programme for Government commitments and cross-team deliverables. Business plans are reviewed regularly during the year to accommodate emerging issues or shifts in priorities. The flexibility of this system ensures that the Department is agile enough to respond to and plan for issues that may arise in a sometimes volatile operating environment.

As members of the Management Board, the Heads of Function report, in most cases through a Deputy Secretary General, to the Secretary General who is ultimately responsible for the day-to-day running of the Department.

The Management Board collectively, and its members individually, are responsible for ensuring the effective operation of performance management across the Department as a whole. Risk Management and Risk Registers play an important role in managing risks at Functional and Departmental levels and are reviewed regularly. Further detail is provided in Chapter 4.

The updates on implementation of the Justice Plan and our [Annual Reports](#) outline the main achievements and developments during the year to advance the Department’s objectives, as set out in the Statement of Strategy.

## 1.5 Our values and ethos

In order to support the successful implementation of our vision, the Department of Justice ethos includes the development of a positive working environment in which all staff are supported in developing their potential to contribute towards a more dynamic Department. Our values underpin how we will deliver on our mission. Our values guide our behaviour, the expectations we set ourselves and the experience of others who engage with us.

In 2021, the Department refreshed and consolidated its organisational values identifying three core values - **Open**, **Collaborative**, **Professional**. These values will shape and guide our work over the next three years.



The values are communicated to all managers and staff and they are also expected to familiarise themselves with all the relevant codes, rules and legislation governing the Civil Service including the application of the requirements in relation to official secrecy. The requirements are also relevant to former staff of the Department and Special Advisers.

The core values are aligned with the standards outlined in the Civil Service Code of Standards and Behaviours, the Code of Ethics and the Civil Service Renewal Plan 2024. **Appendix B** lists the Legislation, Guidelines and Codes of Practice that underpin the standards sought of all staff of the Department of Justice.

## 1.6 Internal Communications

The Department has invested significantly in improving internal communications in recent years with the key objectives being to promote and facilitate better two-way communication and build a strong organisational culture where everyone feels valued and empowered to achieve their potential. Led by the Management Board, an important emphasis is placed on the critical role of team meetings as an integral part of the responsibility of the Department's management to communicate effectively with staff at all levels.

Regular updates are provided to staff via the Weekly News Round-up, a news bulletin that summarises key stories on the business of the Department. An intranet page is also used to display key messages to the Department's staff and an internal newsletter is published each quarter. Targeted emails are also used to provide staff important information. The effectiveness of our digital channels is measured against industry standards using analytics.

Strategies and processes continue to be improved to support effective communications and dissemination of information at all levels of the Department. The Head of Transparency has overall responsibility for managing and developing the Department's internal and external communications activities and capabilities at a strategic level.

## 1.7 Review of Effectiveness of the Governance Framework

The Department is committed to openness and transparency in all aspects of its work. The Department's Governance Framework will be monitored by the Management Support Unit within the Transparency function, in consultation with all heads of function and the Head of Internal Audit.

It will be reviewed by the Management Board on at least an annual basis to ensure its effectiveness.

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## Chapter 2 - Ministerial and Senior Management Roles and Assignment of Responsibilities

Good governance helps to define priorities and outcomes in terms of sustainable economic and societal benefits and to determine the policies and interventions necessary to optimise the achievement of these priorities and outcomes. It means implementing good practices in transparency, reporting, communications, audit and scrutiny to deliver effective accountability.

This chapter sets out the senior management roles and responsibilities from the Minister, Minister(s) of State and Secretary General and Accounting Officer, Special Advisors, those who exercise a senior management role within the Department and the role for all staff.

### 2.1 The Minister for Justice

The role of Government Ministers is set out in the Ministers and Secretaries Acts 1924 to 2011 and the Public Service Management Act 1997. The structures of Government Departments and distribution of its business are regulated by these Acts and of particular significance is the designation of the Minister in charge of each Department as a ‘corporation sole’, which underpins the doctrine of ministerial responsibility.

As corporation sole the Minister embodies the Department in law and bears the responsibility for its activities. In effect the Minister is the Department and the civil servants have no separate existence. This in turn means that the Minister is the ultimate decider of Departmental policy within the overall context of Government policy.

The Minister has political responsibility for the Department’s actions, however, under the Carltona legal principle, officials with the appropriate skills, competencies and status may also exercise Ministerial powers.

The Department of Justice mission, as outlined earlier is, “Working towards a safe, fair and inclusive Ireland”. To do this, we provide impartial professional advice to the Minister and Government on policy and ensure the effective implementation of Government policy as it relates to the Department. The Department does not formulate policy independent of the Minister. To support the Minister in her role as policy maker it is important that we:

- Develop policy advice at the request of the Minister or the Government;
- Initiate consideration of policy advice having regard to the changing environment for the consideration of the Minister or Government;
- Offer advice to the Minister on Government policies in development by preparing appropriate observations on Government Memoranda.

The Minister meets with the Secretary General at least once a week, usually after the Government meeting, to discuss the operation of the Department and issues arising. Under the Framework of Assignments, key relationships with the Minister include the following:

- The Secretary General, supported by the Deputy Secretaries, is responsible for providing policy advice to the Minister on all matters within the remit of the Department and for delivering outputs as determined by the Minister;
- Heads of Functions (Assistant Secretaries and Directors) are responsible for advising Departmental Management and the Minister/Government on strategic direction, the formulation of policy and the implementation of relevant Government policies; and,
- Principal Officers are responsible for the provision of policy advice to senior managers and the Minister.

Ministerial priorities are agreed between the Minister and the Secretary General and Management Board. These priorities are kept under regular review and revised as appropriate.

The relationship between the Minister and the Department is fundamental to the governance framework of the Department. The function of the Department is to advise and support the Minister and give effect to the Minister's decisions and policies, and the decisions of Government. The formal process for documenting decisions made within the Department lies in the electronic submission recording system (e-Submissions) whereby the note(s) made by the Minister on any submission received from officials is scanned and stored electronically, then distributed to the relevant section within the Department for appropriate filing.

## 2.2 The Minister of State

The role of the Minister of State is set out in an Order made under section 2 of the Ministers and Secretaries Act (Amendment) (No. 2) Act, 1977 and assists a Minister of the Government. In exceptional circumstances, where the Minister of State is tasked with a particular issue, the responsibilities are implemented on the basis of a relevant Government Decision.

In accordance with the Ministers and Secretaries (Amendment) (No.2) Act, 1977 the Government may delegate to a Minister of State, by way of an Order, any of the powers, duties or functions of the Minister under any particular Act or any particular statutory power or duty. The Minister of State may also assigned roles and functions on an administrative basis.

One Minister of State is currently assigned to the Department.

## 2.3 Secretary General and Accounting Officer

The [Ministers and Secretaries Act 1924-2013](#) and the [Public Services Management Act 1997](#) outline the statutory responsibilities of the Secretary General. Under the 1997 Act, certain duties are assigned to the Secretary General within the Department (section 4 (1), 9 (1) and 9 (2)) including, but not limited to:

- Managing the Department;
- Implementing Government policies appropriate to the Department;
- Delivering outputs as determined with the Minister;
- Providing advice to the Minister and using resources so as to meet the requirements of the Comptroller and Auditor General (Amendment) Act, 1993 in relation to regularity and propriety as well as to economy, efficiency, and effectiveness;
- Preparing Statements of Strategy for submission to the Minister;
- Ensuring proper use of resources and the provision of cost-effective public services;
- Making sure arrangements are in place to maximise efficiency in cross departmental matters;
- Preparing an outline of how specific responsibilities are to be assigned so as to ensure that the functions performed on behalf of the Minister are performed by an appropriate officer; and,
- Managing matters relating to appointments, performance, discipline and dismissal of civil servants below the grade of Principal or equivalent.

The Secretary General may also be required, under the umbrella of the [Public Services Management Act 1997](#), to carry out other functions on behalf of the Minister.

The Secretary General also serves as the Accounting Officer for the Department. The role of the Accounting Officer is outlined in detail in the [Role and Responsibilities of Accounting Officers – A Memorandum for Accounting Officers \(2011\)](#) as well as in [the Comptroller and Auditor General Acts 1866 to 1998](#). The Accounting Officer is personally responsible for:

- safeguarding public funds and property under their control;
- the regularity and propriety of all the transactions in each Appropriation Account bearing their signature; and,
- the efficiency and economy of administration in their Department.

In this regard, the Accounting Officer is personally answerable to the Oireachtas Committee of Public Accounts (PAC) for regularity, propriety and value for money through rigorous post factum examination of the manner in which Accounting Officers have discharged their responsibilities by means of independent audit and examinations by the Comptroller and Auditor General.

Every year, the Accounting Officer must prepare the appropriation account (an account of expenditure and receipts) for each 'Vote' for which they are responsible. The Secretary General of the Department of Justice is responsible for Vote 24 (Department of Justice) and Vote 21 (Irish Prison Service).

## 2.5 Assignment of Senior Management Roles and Responsibilities

Section 4(1) and 9(2) of the Public Services Management Act empowers the Secretary General to assign responsibility to other officers of the Department for the performance of functions.

These assignments have due regard to the factors that may affect the distribution and discharge of responsibilities across the Department, such as the exigencies of work in a particular area, the alignment of activities spanning or involving more than one area, and the co-ordination of shared or contiguous responsibilities. The assignment of responsibility also takes due regard of appointments, performance and discipline of personnel under the Civil Service Regulation Acts 1956-2005.

The responsibilities assigned are articulated through the Department's system of business plans to reflect the priorities and objectives of the Department, as set out in its Statement of Strategy.

The assignment of responsibility for the performance of functions by individual officers, or grade or grades of officer, below Principal Officer level are handled administratively on the basis of the personal (or team) work objectives identified under or associated with the Department's business plans.

Under Action 21 of the Civil Service Renewal Plan, all Government Departments are obliged to publish a Framework of Assignments of responsibilities for all Departments. This information in relation to the Department of Justice can be found at <https://whodoeswhat.gov.ie/root/justice/>.

Assignments will continue to be amended from time to time, in writing, by the Secretary General and the framework will be deemed to have been updated accordingly.

## 2.6 Special Advisers to the Minister

The primary function of special advisers is to support the achievement of Government objectives and to ensure effective co-ordination across Government in the implementation of the Programme for Government. The role and duties of special advisers are described in section

11 of the Public Service Management Act 1997. In summary, these are - to assist the Minister or the Minister of State by:

- (i) providing advice;
- (ii) monitoring, facilitating and securing the achievement of Government objectives that relate to the Department, as requested; and,
- (iii) performing such other functions as may be directed while being accountable to the Minister or the Minister of State in the performance of those functions.

The Civil Service Code of Standards and Behaviour applies to Special Advisers.

## 2.7 Governance role for all staff

In addition to the specific governance roles discussed above, other staff have a specific remit in assuring good governance within the Department of Justice. This particularly includes the central functions of Corporate, Transparency, and Operations and IM&T, as well as the Civil and Criminal Governance functions.

Furthermore, all staff members in the Department have an important role, often set out in legal obligations, to play in collectively committing to the good governance of the Department through the requirements of this framework, Departmental policies, circulars and office notices and adhering to the Civil Service Code of Standards and Behaviours in the performance of their duties. Some of these requirements are set out in **Appendix B**.



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## Chapter 3 – Management Board and internal governance structures

This chapter will detail the structures in place which ensure that senior management have the ability to perform effectively in their roles and the capability of those with governance and leadership responsibilities to ensure outcomes achieved are consistent with good governance obligations.

### 3.1 Management Board

The Management Board is the leadership and management team for the whole Department and is central to the governance structure of the Department of Justice. Chaired by the Secretary General, it consists of the Deputy Secretaries, Heads of Functions and the Chair and Vice-Chair of the Principal Officer Forum.

The Board meets weekly to consider strategic policy and operational and compliance issues that are critical to the work of the Department. All members are required to attend. In circumstances where a Head of Function is unable to attend a Board meeting, a specified representative at Principal Officer level is delegated to represent the function. The Chair of the Internal Audit Committee attends one Management Board meeting annually. The Management Board operates to the principle of shared responsibility for the success of the entire Department in supporting the Minister and Secretary General in the fulfilment of their statutory roles.

The Management Board can delegate consideration of certain matters to Management Board sub-committees without diluting its management responsibility. Members of the Management Board regularly brief and communicate with their own staff on appropriate matters relating to the management of the Department.

The Board is supported by staff of the Management Support unit within the Transparency function. Further information on the membership and terms of reference of the Management Board is included at **Appendix C**.

All matters of major strategic importance, or which give rise to significant risk, should be brought to the attention of the Board in a timely manner through the relevant responsible member.

It is recognised that, given the range of responsibilities of the Department and the time pressures which apply, many matters are submitted directly (or through the Secretary General) to the Minister by members of the Board. However, as far as is practicable, the Board will be

consulted in advance on major strategic policy decisions, especially (but not limited to) where they have cross-cutting implications within the Department, or public impact.

Relevant updates, emerging issues, decisions and actions agreed following the Board's deliberations are captured in the minutes of the meetings, which are included in the Department's publication schedule and will be published quarterly in arrears.

The operation of the Board does not prejudice in any way the exercise by persons of their statutory functions.

## 3.2 Department Board

The purpose of the Department Board is to agree and set the long term strategic direction of the Department and ensure strategic alignment across both pillars, supported by the Corporate and Transparency functions. Other Management Board members attend as necessary. The Board provides oversight of the strategic management and distribution of the Department's resources, and advice to the Secretary General on emerging issues.

Relevant updates, emerging issues, decisions and actions agreed following the Board's deliberations are captured in the minutes of the meetings, which are available to all staff within the Department.

The Terms of reference of the Department Board are detailed in **Appendix C**.

## 3.3 Meeting of MinMAC

Management Board meetings are supplemented by MinMAC meetings, convened and chaired by the Minister and attended by the Minister/s of State and the Management Board and take place generally on a monthly basis. The Ministers' special advisers, private secretaries and Ministerial Liaison Officers also attend, along with other staff as required.

MinMAC provides a forum for the ongoing monitoring of the implementation of the strategic priorities set out in the Department's Justice Plan and, as necessary, the revision and prioritisation of actions as may be agreed between the Minister, Secretary General and the Management Board.

Minutes of MinMAC are drafted by the Management Support unit within Transparency function, and are included in the Department's publication schedule and will be published quarterly in arrears.

### 3.4 Sub-committees of the Management Board

Sub-committees can be established to support the Secretary General and the Management Board in the governance of the Department. Sub-committees are chaired by a Management Board member, as nominated by the Secretary General. Membership of the sub-committees are drawn from both the Management Board and wider Department, depending on business needs.

Matters discussed at sub-committee level allows for a detailed consideration of agenda items by members of the sub-committee in question, reducing the number of items that require subsequent consideration by the Management Board, and in some cases, eliminating the need for any further discussion by the Board.

From time to time, the Management Board may also establish ad-hoc and time-bound Management Board subcommittees to advance a particular work stream.

Further details on the responsibilities, membership and routines of each subcommittee can be found in their respective Terms of Reference, which are included at **Appendix C**.

### 3.5 Leadership and Organisational Capacity

The Department recognises and value the skills, expertise and commitment of our staff. As set out in the Department of Justice Strategy Statement 2021-2023, the Department is committed to ongoing investment in our staff, building and developing their skills and capability by ensuring that learning and development opportunities are aligned with organisation and individual needs.

The ability to lead in an increasingly more complex environment requires managers and leaders who understand their operating environment, who engage and collaborate with their colleagues to achieve shared goals, and who develop their teams to have the confidence and competence to innovate and develop solutions. The continued development of management and leadership skills in our people is a key factor in the future success of the Department.

The Department is developing a new Human Resource Strategy, along with a new Learning and Development Strategy to underpin the development of our people and support new ways of working, including remote or blended working where appropriate.

The way in which all managers behave and communicate with staff, and exercise their management, governance and leadership duties is critical to creating a positive working environment that facilitates high performance and fosters commitment, dedication, cooperation and active engagement by all. In this context, managers have a duty of care to safeguard the wellbeing of all staff.

Ongoing and consistent communication at all levels of the Department cascading from the Management Board to Principal and Assistant Principal Officers and their teams is the primary means through which the Department works to fulfil its mandate and to safeguard operational capacity. Legislation is often identified as the key driver of governance arrangements in government departments but there is also a wide variety of good practice guidelines and authoritative guidance that outline much of the governance obligations for civil and public service organisations, many of which can be found at **Appendix E**.

These arrangements are complemented by the regular governance meetings with offices, bodies and agencies described in Chapter 5. This ongoing interaction is formally supported by the process of business planning and monitoring and regular reviews at Management Board level.

Operational capacity is further safeguarded by the work of the Portfolio, Programme and Project (P3) Oversight Committee, which considers alignment of ICT related projects to overall ICT strategy and architecture. This group also oversees developments to increase information management technology consolidation and integration within the Justice Sector to support the Public Sector ICT Strategy and to improve communications and security.

Further information about the Portfolio, Programme and Project (P3) Oversight Committee and the Technical subgroup is at **Appendix C**.

### 3.6 Governance across Organisational Boundaries

The Department is involved in the implementation of various programmes across the Civil Service.

In supporting the work of the Taoiseach and the Government, the Department of An Taoiseach works with other Government Departments to implement Government policy primarily through the Cabinet Committee structure.

The Minister for Justice is currently a member of the Cabinet Committees on COVID-19, Brexit and Northern Ireland, and Social Affairs and Equality. These Cabinet Committees are chaired by An Taoiseach. Officials from across the Department service the relevant senior officials' groups, which support the work of the Cabinet Committees.

The Civil Service Management Board, of which the Secretary General is a member, focuses on overseeing the implementation of the priorities set out in the Civil Service Renewal Plans and one of the key sub-groups of this forum since 2020 concerns 'Governance'.

The Public Service Leadership Board, of which the Secretary General is a member, meets quarterly, with a mandate to promote shared ownership right across the public service of the *Our Public Service* strategy.

Department officials both lead and participate in a broad range of cross-Departmental committees that facilitate formulation of wider policy perspectives and strategies.

### 3.7 Engagement with External Stakeholders

Co-operation and engagement with stakeholders are keys aspect of the Justice Plan 2021 and integral to the policy, legislative, governance, customer service and international work carried out by the Department.

Due to its broad reach, the Department has a wide cohort of stakeholders broadly defined as, but not limited to:

- The public;
- Our staff and agencies;
- Other government Departments and agencies;
- The Oireachtas;
- Trade Unions;
- NGOs and civil society;
- Professional bodies, legal practitioners, and academics.

Engagement activities undertaken by the Department are published on our [website](#) and include open consultations, open policy debates, arranging topical conferences and seminars to engage with particular stakeholders and the use of the website and the media including social media to seek views and submissions on particular issues.

The Department of Justice is committed to provide an efficient, professional and courteous service to all of our customers. Under Justice Plan 2021, the Change, Technology and Innovation (CTI) function of the Department is establishing mechanisms to monitor customer service and customer satisfaction in the Department.

An interim Customer Service Action Plan and Customer Charter are being developed at present and will be published in the first quarter of 2022. This will be in place for 18 months prior to a more comprehensive three year plan. A working group - the Justice Customer Service Network - composed of representatives from various functions and teams is tasked with building a new Customer Service Action Plan, Customer Charter and an updated Complaints Process. The working group will also seek to put metrics in place to assess customer satisfaction levels.

The Department is committed to working on this for the duration of the interim plan and aims to have systems in place to analyse customer satisfaction prior to the publication of the Department's next three year Customer Service Action plan for 2023 to 2025. The Plan and Charter will be developed in line with the guiding principles of the [Quality Customer Service Initiative](#) developed by the Department of Public Expenditure and Reform.

Given the public facing role of Immigration Service Delivery (ISD) a separate sub group made up of representatives from ISD has been established. The ISD subgroup will be represented on the overall network by their chair and vice chair.

### **3.8 Incident Response Protocol**

The Department is committed to developing an Incident Response Protocol in 2022.

This is required to ensure a structured, consistent and cross-functional response to any crisis incident which could result in major disruption to the work of the Department. The protocol will provide a framework detailing the necessary steps for the development and implementation of a coordinated Departmental response to a significant unexpected incident or crisis which may impact upon the Department's work; and offers a structure for cross-Departmental notification and for ensuring effective information flows.

This production of the Protocol will involve a collaborative effort between the Transparency function and the Project Management Office.

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## Chapter 4 – Audit, Assurance, Compliance and Risk

This chapter sets out the control environment in the Department of Justice, including the risk management and internal controls, financial and non-financial that are in place.

A strong system of financial management ensures the strategic allocation of resources, efficient service delivery, and accountability, all of which are essential for the implementation of policies and the achievement of intended outcomes.

It is also vital that a culture and structure for scrutiny are in place as a key part of accountable decision making, policy making and review.

### 4.1 Accountability, compliance arrangements and roles

Dáil Éireann votes annually on the funds provided to Government Departments and Offices to spend on the provision of public services.

An important activity that underpins the accountability of the Department and the legitimacy of its activities is the provision of assurance to the Secretary General that the Department is compliant with its statutory obligations. As part of the oversight of these funds by the Oireachtas, the Secretary General appears before the Public Accounts Committee when requested.

The Department's accounts are audited and reported on by the Comptroller and Auditor General who provides independent assurance that public money is properly managed, spent to good effect and is contributing to improvements in public administration.

The [Statement of Internal Financial Control](#), signed by the Accounting Officer and submitted to the Comptroller and Auditor General on an annual basis alongside the Department's Appropriation Account, is the means by which the Accounting Officer declares her approach to, and responsibility for, risk management, internal control and corporate governance. It is also a vehicle for highlighting any weaknesses that may exist in the Department's internal control system.

The Department's compliance arrangements are an important part of the Department's management of risk and adherence to statutory obligations. The monitoring and review of the effectiveness of the system of internal financial control is informed by the work of the Department's Finance and Procurement unit which sits in the Corporate function; internal and

external auditors; the Risk Committee; and the Department's Criminal and Civil Governance functions.

## 4.2 Internal Financial Controls

To facilitate co-ordination and oversight of all Votes in the Justice Sector, a **Financial Management Committee** is in place comprising the Department's Head of Corporate, the Head of the Financial Shared Services section and budgetary coordinator for the Vote Group, the Head of Financial Management for the Department's Vote, and the Head of Finance from Vote 21 (Prisons).

The Financial Management Committee (FMC) meets each month and reviews the individual and group budgetary situation, with the aim of early identification of variances from budget and the drafting and implementation of plans to correct significant deviances from profiled expenditure. The FMC also considers all new expenditure proposals greater than €50,000 in value.

It is essential that all officers of the Department are familiar themselves with the financial authorisation limits for the Department. Good financial practices should be embedded in the Department at all levels and all officers should be aware and knowledgeable of their accountabilities in the financial process.

The financial authorisation limits for 2021 are available [on the Department's Intranet](#).

## 4.3 Role of Finance and Procurement

The Head of Financial Shared Services based in Killarney, leads the budgetary and coordinating role in respect of budgets across the Justice Vote Group (Vote 21 and Vote 24) .

The Head of Financial Management Unit is based in Dublin. In addition to managing all financial matters for the Department's Vote, the Financial Management Unit also deals with asset management, Justice Sector capital expenditure, and value for money, major capital building projects, European Social Funds and public/private partnerships. See Table 1 below.

The Director of Finance of the Irish Prison Service, based in Longford, oversees the Finance Unit for vote 24.

Our budget management procedures include regular monitoring and reporting of income and expenditure levels. There are accountants in place for the larger Votes and in some of the larger offices, bodies and agencies under our remit to ensure strong financial systems, oversight and governance.



Each Financial Management Unit across the sector is responsible for ensuring that there is an appropriate financial control environment in place. This includes the development and oversight of key controls in the financial systems such as, inter alia, appropriate authorisation limits, segregation of duties in payables and payroll administration functions.

The Department of Justice follows the Office of Government Procurement's (OGP) [Public Procurement Guidelines for Goods and Services](#), which sets out the rules and best practice on each of the various stages of the procurement process and provides templates to ensure consistency across Departments in the tender process.

The templates are incorporated into the Department's Internal Procurement Policy and Procedures document, which is available on the Department's Intranet. Before undertaking a formal procurement process, the business case for purchasing the goods or services is identified, the relevant funding is confirmed to be in place and approval to proceed is authorised at the appropriate management level.

The Procurement Officer / OGP is contacted to ascertain if there are any existing or planned procurement arrangements that may fit the procurement needs.

## 4.4 Audit Committee

Internal audit is an independent and objective assurance activity designed to add value to and improve the Departments operations by bringing a systematic and disciplined approach improving the effectiveness of risk management, control, and governance processes.

The Audit Committee is a key part of the Department's governance framework and is tasked with providing independent advice to the Accounting Officer regarding the suitability and robustness of the internal control systems and procedures within the Department. The Audit Committee monitors and evaluates Vote 24 (Justice) and Vote 21 (Prison Service) to assure to the Secretary General of the adequacy and effectiveness of the system of internal controls operating for these Votes.

The Audit Committee engages with the work of the Internal Audit Unit through approving its annual work programmes, reviewing audit reports prepared by the Unit and any other audit-related matters arising. It encourages compliance with the Standards for Professional Practice of Internal Audit as prescribed by the Chartered Institute of Internal Auditors and takes a particular interest in ensuring that the training and other professional needs of the Unit are kept to the forefront.

The Committee operates under a written charter, which is reviewed annually with the Secretary General of the Department. The Committee's role is advisory rather than supervisory.

The structure of the Audit Committee overseeing Votes 21 and 24 is as follows:

- Five members, of whom at least three (including the Chairperson) shall be external;
- An appropriate mix of private and public sector experience, including at least one member with an audit or accounting qualification;
- The quorum shall be three members;
- Each member shall be appointed for a term of three years but this can be extended for additional periods;
- The Committee/Chairperson shall meet with the Accounting Officer at least twice a year and attend a meeting with the Management Board at least annually;
- The Committee shall issue an annual report of its work in the preceding year.

The Audit Committee Terms of Reference and Charter can be found at **Appendix D**.

## 4.5 Internal Audit Unit

Internal Audit forms part of the governance and accountability function for the Department and the Prison Service. It does this by providing reasonable audit assurance that significant operating risks are identified, managed and controlled effectively.

Internal Audit's primary objective is to provide independent assurance to the Accounting Officer on the effectiveness of the internal controls in place across Vote 21 and 24. It also provides advisory/consulting services to divisions and offices across the Department and the Prison Service. The unit assists functions to mitigate risks and strengthen their controls thereby improving the overall efficiency and effectiveness of their operations.

Internal Audit operates with the direct authority of the Secretary General to whom the Head of Internal Audit reports. It works under the general guidance and supervision of the Audit Committee. Internal Audit has unrestricted access to all records, reports, personnel, Information Management and Technology systems and assets, for audit purposes.

Internal Audit is empowered to audit systems and activities for which the Secretary General of the Department of Justice is the Accounting Officer. The responsibilities of Internal Audit are set out in detail in the Audit Unit Charter which is included in **Appendix D**.

Internal Audit discharges its responsibilities as outlined in the Internal Audit Charter by examining critically and objectively:

- The adequacy reliability and effectiveness of systems of financial, operational and management controls and their operation in practice (including the relevant supporting technology);

- The extent of compliance with, relevance of, and financial effect of policies, standards, plans and procedures;
- The extent of compliance with external laws and regulations;
- The extent to which assets are acquired economically, used efficiently, accounted for and safeguarded from losses of all kinds arising from waste, extravagance, inefficient administration, poor value for money, fraud or other causes;
- The suitability, accuracy, reliability and integrity of financial and other management information;
- The integrity of processes and systems, including those under development, to ensure that controls offer adequate protection against error, fraud and loss of all kinds;
- The suitability of the organisation, its divisions or offices for carrying out their functions, and to ensure services are provided efficiently, effectively and economically;
- The follow-up action taken to remedy weaknesses identified and recommendations made by internal audit;
- Whether best practise is being implemented across the Department; and,
- The Risk Management Framework in place to ensure it is effective.

The staff of the Internal Audit Unit are members of professional bodies (Accounting or Internal Audit). Table 2 below provides an overview of the Unit’s reporting arrangements. The Internal Audit Unit operates in accordance with the [International Standards for Professional Practice of Internal Auditing \(Standards\)](#) as adopted for the Irish Civil Service. The standards have been published by the Department of Public Expenditure and Reform and have been adopted as the benchmark for all central government Departments.

## 4.6 Assurance underpinning the annual Statement of Internal Financial Control

The Internal Audit Unit provides assurance to the Accounting Officer about the effectiveness of the Internal Financial Controls in respect of bodies for which the Accounting Officer has responsibility, which facilitates the signing of the annual Statement of Internal Financial Controls (SIFC). The Unit undertakes a large of body of work around the annual Appropriation Accounts to determine the level of assurance that can be provided for the SIFC. This work is carried out in the first quarter of each year.

The work is designed to offer reasonable assurance to the Accounting Officer that the system of internal financial controls was adequate and operating effectively in Vote 24 (Justice) and Vote 21 (Prison Service) during the preceding year.

Any issues identified during the audits are notified to the respective management functions along with recommendation for strengthening of controls in areas where weaknesses are identified and management are asked to address these as a matter of priority.

## 4.7 Shared Services

Payroll and human services are provided to the Department on a shared service basis by the National Shared Services Office. The Accounting Officer for the Department of Justice (Secretary General of the Department) receives a letter of assurance from the Accounting Officer of the Vote for Shared Services that the appropriate controls are exercised in the provision of shared services to the Department.

The Secretary General, as the Department of Justice Accounting Officer, provides a letter of assurance to Accounting Officers in receipt of financial shared services from the Department's Financial Shared Services (FSS) centre in Killarney regarding the controls in place.

## 4.8 Frauds, Irregularities and Control Failures

**The** Department has a procedure for collating, analysing and reporting frauds, irregularities and control failures each year.

The Financial Shared Services (FSS) and the Payroll Shared Service Centre (PSSC) document any control failures for payments and payroll respectively as they occur throughout the year on behalf of their client organisations. The cause of the failures is recorded and analysed at the time of reporting where possible. All detail is made available to Internal Audit at year-end.

In addition, all Principal Officers are required to report to Internal Audit on frauds, irregularities and control failures as and when they occur but they are also required to report them annually. Internal Control failures include both financial and non-financial issues.

Fraud is a potential threat and risk that can have significant impact on the assets, resources and reputation of the Department. The Department minimises the risk of fraud occurring by implementing strong financial controls. These controls seek to prevent, detect and report on fraud that could occur across the Department. The Department's [Anti-Fraud Policy](#) sets out the processes for preventing, detecting and reporting on fraud.

In addition to local management addressing issues as they arise, the Internal Audit Unit analyse control failures annually, note trends, contact management and discuss the cause of failure and possible changes to address this failure. This extends to sending findings and recommendations to management both internally and management of the Payroll Shared Services Centre or PeoplePoint where appropriate.

The Management Board also receives a copy of the reported issues.

## 4.9 Comptroller and Auditor General

The Comptroller and Auditor General (C&AG) is required under Section 3 of the Comptroller and Auditor General (Amendment) Act 1993 to audit all accounts of monies administered by or under the authority of the Oireachtas and report on these to Dáil Éireann. The C&AG includes an element of Value for Money reviews as part of his routine work. The Office of the Comptroller and Auditor General has a full-time presence based in the Department of Justice headquarters in Dublin.

There is ongoing co-operation and co-ordination of work with the Comptroller and Auditor General's staff. The C&AG presents findings in respect of both Votes to Audit Committee at its fourth quarter meeting each year.

## 4.10 Risk Management

The Department's Risk Management Policy is a key part of our corporate governance arrangements. It outlines the Department's approach to risk management, and outlines the roles and responsibilities of the Management Board, the Risk Committee, Heads of Division and Internal Audit. The Department applies the [Risk Management Guidance for Government Departments and Offices \(2016\)](#) to the management of risk within the Department.

The following principles underline the Department's approach to risk management:

- Risks are owned by individual business managers who are responsible for the identification and monitoring of those risks;
- The Management Board assumes responsibility for risk management across the Department as a whole;
- Recognition and disclosure of risk on a financial and non-financial basis;
- Monitoring of key risks will take place by the Risk Committee and the Management Board;
- The risk management process is integrated with normal management processes and the annual business planning cycle.

The Department encourages the taking of appropriately approved, controlled risks, capitalising on new opportunities and the use of innovative approaches to further the Department's business objectives. Risk must be controlled within legal and regulatory parameters.

The Management Board as a whole is responsible for ensuring an effective risk management process is in place and regularly reviewed and a member of the Management Board chairs the Risk Committee.

The Risk Committee is representative of different functional areas within the Department. Its role is to oversee the risk management process to ensure that it is operating as intended, to review the content of the risk registers and report on the process to the Management Board.

A copy of the Risk Committee Terms of Reference is attached at **Appendix C**.

The Corporate Risk Register summarises the strategic risks facing the Department. While the Management Board owns the Corporate Risk Register, clear ownership of the individual risks is assigned and detailed within the register. At function and business unit level, risks are also captured and assigned clear ownership. The Corporate Risk Register includes only those risks that are strategic in nature and or have the significance to impact at a whole-of-Department level.

The Chair of the Risk Committee meets with the Audit Committee at least once per year to discuss the key risks in the Corporate Risk Register and to outline how the risks are being addressed by the Department. The minutes of each Audit Committee meeting are provided to the Risk Committee members when signed off.

The Chair of the Risk Committee meets with the sectoral heads of risk management annually to discuss matters of common interest and to standardise practices. Where significant risks have been identified, the Risk Committee can request that Internal Audit carry out an audit to assess the level of risk and what actions have or should be taken to address the risk.

The Risk Management Policy and Corporate Risk Register are included within the Department's publication schedule, and will be published on the Department's website in 2022.

## 4.12 Protected Disclosures

The Protected Disclosures Act was enacted in 2014 to allow employees to bring alleged wrongdoing to the attention of the appropriate authorities within a statutory framework.

Under Section 22 of the Protected Disclosures Act, 2014 each public body is required to publish an annual report setting out the number of protected disclosures received in the preceding year and the action taken. The publication of the data in the report must be done in a way that protects the identity of the disclosers. The Department has a strong commitment to ensuring its culture and working environment encourages and facilitates anyone who might wish to 'speak up' on an issue that they believe impinges on the Department's ability to carry out its responsibilities. A dedicated and confidential email address [speakup@justice.ie](mailto:speakup@justice.ie) is available to encourage workers to report wrongdoings.

The Department of Justice policy in relation to dealing with Protected Disclosures is set out in its policy document [Protected Disclosures in the Workplace](#). This policy, introduced by the

Department under the requirements of the Protected Disclosures Act 2014, is designed to facilitate and encourage all workers to raise genuine concerns about possible wrongdoing taking place in the workplace so that these concerns can be investigated and addressed in a manner appropriate to the circumstances of the case.

The Department also has a sectoral policy which sets out how Protected Disclosures in the wider Justice Sector are dealt with.

Organisations or agencies with their own Accounting Officer or with a board (for example, the Courts Service, An Garda Síochána or various statutory bodies) are required to report under their own organisation's policy. Assurance is provided to the Department, in this regard, through the Governance agreements with the relevant bodies. Some statutory bodies within Vote 24 may adopt the Protected Disclosure Policy of the Department.

The Protected Disclosure Policy is published on the Department's website.

## 4.13 Data Protection

The Department of Justice is fully committed to protecting the personal data that it processes, in line with the principles of the General Data Protection Regulation (GDPR) and the provisions of the Data Protection Acts 1988-2018. It is the policy of the Department that staff receive training in data protection to ensure they understand their obligations in this area. Strict technical and organisational measures and protocols are in place to protect personal data contained in IT systems and physical files. The Department appointed a Data Protection Officer (DPO) in 2018 to undertake the duties set out in GDPR including coordinating the responses to Subject Access Requests (SARs), ensuring the transparent reporting of any personal data breaches that may occur and providing support and advice on work and projects involving personal data.

The Department's data protection policy is published on its website and available [here](#). The Department has developed a suite of internal data protection policies, procedures, templates and guidance which are available to all staff including privacy statements, Data Protection Impact Assessments (DPIAs), Data Sharing, Breaches and SARs.

A Data Protection Steering Group assists the Secretary General, the Management Board and the DPO in fulfilling their Data Protection responsibilities. Members of the Group act as Data Protection Champions to drive data protection compliance across their individual Functions. The DPO can be contacted at [dataprotectioncompliance@justice.ie](mailto:dataprotectioncompliance@justice.ie).

## 4.14 Cyber Security

The Department's CTI Division employs a range of policies and practices to provide assurance around the integrity, confidentiality and availability of the Department's data and ICT infrastructure and to protect it from potential threats, both external and internal. In these efforts, CTI Division utilises expert support from specialist resources including its managed service contract and is advised by the National Cyber Security Centre (NCSC).

The National Cyber Security Centre (NCSC) which is located within the Department of Communications, Climate Action and Environment, is the primary cyber security authority in the State. The NCSC provides a range of cybersecurity services to operators of Critical National Infrastructure, Government Departments and Agencies. The Department's cyber security protocols are supported by the work of the NCSC and the national computer security incident response team, CSIRT, which provides early warnings, alerts, announcements and dissemination of information about risk and incidents to my Department.

## 4.15 Compliance Framework

A compliance framework has been developed as an accompaniment to this Governance Framework and is enclosed at **Appendix B**, providing an overview of all compliance assurance activity in the Department and identifying who within the Department is responsible for each activity.



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## Chapter 5 Agencies/Bodies under the aegis of the Minister

This Chapter outlines the arrangements put in place for effective oversight of bodies/agencies under the Minister’s aegis.

### 5.1 Governance of Aegis Bodies/Agencies

The Department of Justice has governance responsibility for 30 bodies/agencies that come under its aegis. The Table at **Appendix E** lists the statutory and non-statutory bodies/agencies under the aegis of the Department and the governance agreements that are in place with each (where applicable).

Following the Department’s restructuring to a new functional model, separate Governance functions were established under the Civil and Criminal Pillars to ensure that bodies/agencies have a clear strategy, manage their resources appropriately and meet agreed standards of performance, transparency and governance.

In order to ensure clarity, fairness and accountability, the Governance functions support bodies/agencies to perform effectively and to adopt consistent approaches based on recognised standards that can be tailored to each organisation as appropriate.

These bodies/agencies range in scale from large national services such as:

- An Garda Síochána
- the Courts Service
- the Irish Prison Service

to oversight bodies:

- GSOC
- Garda Inspectorate
- Policing Authority
- Office of the Inspector of Prisons

to sectoral regulators including:

- the Data Protection Commission
- the Private Security Authority
- the Property Services Regulatory Authority
- the Legal Services Regulatory Authority

to statutory Boards exercising appellate type functions with no permanent staff such as:

- Censorship of Publications Boards
- Private Security Appeal Board
- Property Services Appeal Board

The Department supports and oversees bodies/agencies in terms of their:

- budgets (against those set down by the Minister);
- compliance with corporate governance obligations and standards;
- plans (including strategy statements and other corporate plans);
- risks (e.g. operational, strategic, financial) and mitigations;
- and monitoring performance in meeting objectives and targets, in line with the requirements of the [Code of Practice for the Governance of State Bodies](#) (Department of Public Expenditure and Reform, August 2016) and [Public Financial Procedures](#) (Department of Public Expenditure and Reform, 2012).

The [Public Financial Procedures](#) (section A. 5, paras 18 and 19) require Accounting Officers to satisfy themselves that the internal controls and monitoring systems/procedures in place in bodies/agencies under their Department's aegis are adequate and that any problems are subject to appropriate corrective action by the body/agency as soon as possible.

## 5.2 Civil and Criminal Governance functions

Transformation of the Department of Justice to a functional model led to the creation of two Governance functions for the Civil Justice and Criminal Justice sectors. The Governance functions have the primary oversight responsibility for bodies/agencies operating under the aegis of the Department. Working collaboratively, the Governance functions aim to ensure that bodies/agencies have a clear strategy, manage their resources appropriately and meet agreed standards of performance, transparency, governance and accountability. The Governance functions seek to exercise appropriate oversight of the body/agency's activities, to support them in performing effectively, and to apply a consistent governance approach based on recognised standards which can be tailored to each body/agency as appropriate.

Governance processes and considerations for bodies/agencies in the Justice sector include:

- Bodies/agencies under the aegis of the Department are clearly defined in terms of their responsibilities and relationships with the Department;
- Appropriate governance arrangements are put in place for bodies/agencies, under which formal governance meetings will take place at least twice a year (or more often as required);
- Minutes of meetings will record decisions and action points;

- Compliance statements (aka Chairperson/CEO's Comprehensive Report to the Minister) will be completed by all bodies/agencies on an annual basis in accordance with the Code of Practice for the Governance of State Bodies;
- An annual Agency overview will be carried out by the Management Board.

The establishment of the Functional Model ensures that these matters are now being managed in a more systemic way.

Both the Civil Governance and Criminal Governance Functions engage with bodies/agencies on the preparation and review of their strategic and/or business plans as applicable. In some cases, strategic plans require approval by the Minister. As part of the Governance meeting cycle the relevant governance and strategic/business planning frameworks are discussed with each body/agency at least biannually, and more frequently should specific issues arise.

### 5.3 Annual Agency Overview

A subgroup of the Management Board reviews bodies/agencies on a rolling basis over each calendar year and reports back to the Management Board with its assessments and any recommendations arising. A key cross cutting component of this structure is that Risk Management is a fixed agenda item for both Governance Meetings and the Management Board Subgroup.

### 5.4 Governance Agreements

The revised [Code of Practice for the Governance of State Bodies](#) (August 2016) requires parent Departments to put in place governance agreements – specifically Oversight Agreements and, where appropriate, Performance Delivery Agreements – with non-commercial State bodies under their aegis. The Code specifies that Agreements should be aligned to the State body's legal mandate and to specific objectives in the Department's *Statement of Strategy* (to the extent relevant), and should be consistent with any Government policies for the reform and modernisation of the Public Service.

Such Agreements are now in place with the majority of statutory bodies and non-statutory agencies under the aegis of the Department (Agreements have not been deemed necessary for some smaller organisations such as appellate bodies). The Agreements are signed by the Head of Criminal Governance or the Head of Civil Governance as applicable (or in some cases by the Secretary General) and by the Chief Executive Officer of the body/agency. Along with the formal governance meetings that they underpin, these governance agreements support more effective communication between the Department and the bodies/agencies under its aegis.

The **Oversight Agreements**, which are generally multi-annual, bring clarity to the respective roles and responsibilities and commitments of the Department and the body/agency, the key compliance and reporting obligations, and the arrangements for monitoring and engagement including formal governance meetings. The annual **Performance Delivery Agreements (PDAs)** specify the body/agency's key performance targets for the year, having regard to their strategic priorities, their resources (finance, staff, other) and risks to delivery. Progress against these targets is reviewed at the formal Governance meetings. Provision is made for appropriate amendment of PDAs if circumstances are agreed to have changed.

A small number of statutory bodies under the Department's remit have particularly high levels of independence from Government arising from their constitutional or legislative basis or their particular status under European Union (EU) or other international legislation (e.g. Data Protection Commission). As a result, the introduction of detailed Oversight Agreements or PDAs might be considered to encroach on their independence from Government. The approach agreed with these bodies has been to develop multi-annual **Corporate Governance Assurance Agreements** in lieu of Oversight Agreements/PDAs. These set out clearly the respective roles and responsibilities of the Department and the body in question, and the governance and resourcing contexts in which the body operates, without recourse to specific oversight arrangements or performance targets.

The Management Board has mandated that a formal Governance Agreement (Oversight Agreement) be put in place with all new bodies/agencies to ensure mutual understanding, from the outset, as to the respective roles and responsibilities of the Department and the body/agency in question.