



Minutes of Audit and Risk Committee 6 December 2023

Attendance

Committee:	Paul Dempsey (Chair) and James O'Boyle
Apologies:	Emily Logan
Secretary:	Pauline Byrne,
Management/Staff:	Aileen Healy (Director of Administration), Valerie Woods (Principal Officer Administration), Amanda McLoughlin (Head of Finance), Commissioner Hugh Hume & Kathryn Doherty (CMS Project Group) (item 5), Joanne O'Donohue (Chief Risk Officer) (item 6.1), Peter Whelan (Director of Operations) (item 6.2), Ellen Kenny (Data & Governance).
Representatives:	Ciaran Crowe (Office of the C&AG) (item 7.1), Robert Burke (Mazars) (item 7.2)

1. Committee Chair Opening Statement

The agenda was approved and no conflicts of interest were declared.

2. Minutes and Matters Arising

The minutes of the ARC meetings on 21 September were approved.

3. Director of Administration Update

The Director of Administration briefed the Committee on the main developments since the last meeting, including:

- GSOC's expenditure at the year-end.
- GSOC's current staffing levels are 156, which is currently under its full staffing complement of 172 and the continuing difficulties in relation to staff turnover, recruitment and onboarding, which are being experienced across the civil service.
- The procurement process for the new Case Management System (CMS) is ongoing under a two-tier process. An Invitation to Tender has been published as the second stage of the process and the deadline for the receipt of tenders is later in the month.
- A procurement process is also underway for the development an accredited training programme for staff.
- A contract has been awarded and is now in place for the new Information Security Management Programme.
- GSOC has been allocated an additional €2.7 million in the 2024 Estimates to enable it to progress the essential activities required to commence the Public Security and Community

Service (PSCS) legislation and establish the new organisation, Fiosrú – that is made up of a €1.4 million pay allocation and €1.3 million non-pay allocation.

- The Activity Report was noted.

4. Transition Update

The Committee was briefed on the progress of GSOC's transition programme. In particular, it was noted that:

- The legislative process is continuing and the Policing Security and Community Safety (PSCS) Bill is currently at Committee stage in the Seanad.
- GSOC representatives continue to engage with the Department's Implementation Programme, including bi-monthly programme board and monthly steering group and work strand meetings.
- Following a Seanad Committee amendment, the name of the new Organisation will be Fiosrú – the Office of the Police Ombudsman. There are a number of other proposed amendments to the Bill. The main amendment of note provides for disapplication by the Minister for Justice of the process specified in the legislation for the recruitment and appointment of the Ombudsman if the Minister is of the opinion that, due to exceptional circumstances, it is in the public interest for a nomination to be made to Government for an appointment, in which case a judge of the Circuit Court or a superior court may be nominated and hold office, with a maximum of 2 reappointments, for a period not exceeding 12 years.
- It was noted that the preparation of secondary legislation, in particular, the Conduct Regulations which will be central to Fiosrú's work, was not progressing as well as expected and this had been escalated to a high risk by DOJ. It is expected that the PSCS Bill will be enacted by the end of January 2024, and while the commencement date is still unknown, this is expected in July/August 2024.
- It was noted that sanction has now been received from DPENDR for the positions of Ombudsman, Deputy Ombudsman and CEO. The competition for the recruitment of CEO has been advertised.
- Within GSOC, the P2 Project Board continues to meet on a monthly basis. In addition, an internal working group will be established to develop organisational KPIs. The Committee emphasised the importance of having good KPIs, as they are key for the organisation, noting in particular that public discourse and criticism regarding timeliness is a huge issue and recommended that a bench marking exercise against similar organisations to identify possible KPIs in use would be beneficial.
- The Transition team continue to work to support the implementation of the transition plan, with a focus on using internal working groups to address major issues. The team also monitor the progress of the detailed implementation plan and escalate and present any issues arising to the P2 group for decision.
- Significant work on the design of new processes is ongoing and it was noted that a process for the sign-off of new processes is currently being finalised so that there is clarity on where

sign-off is required in advance of final sign-off by the Project Board or, in certain circumstances, the Commission. The Committee emphasised the importance of streamlining of processes and making them as lean and efficient as possible.

- The Committee questioned the governance arrangements in place for the project with particular regard to escalation of issues and timely decision-making. It was noted that the P2 Project Board is the main clearing house for overseeing the status of the implementation and approval of project documents and decision-making regarding issues arising. The Commission are briefed on a monthly basis (or more frequently if necessary) with regard to progress on the project and any matters for decision or sign-off arising from the Project Board are brought to their attention.
- Work is well advanced on preparations for the establishment of the Vote in conjunction with the National Shared Services Office (NSSO) and the assistance of Financial Shared Services (FSS) in DOJ and a number of tasks which have been on hold can now progress with confirmation of the organisation's name. The Committee acknowledged the extra work undertaken by GSOC's Finance Unit in this regard and noted the substantial additional responsibility and workload that will be involved for Finance Unit with the establishment of the Vote. It was noted that this will require a dedicated Finance Officer and team to ensure that all the requirements of a Vote are complied with, including the maintenance of the FMS, supporting the Accounting Officers, internal and external audit, preparation of monthly returns, the preparation of the Appropriation Account, the maintenance of the Fixed Asset Register etc, many of the functions will be transferred to Fiosrú from DoJ.
- A tender process has been completed and awarded for the development of a new corporate identity and public information campaign for the new organisation and initial work is underway on this project.
- A tender process is ongoing for the development of a new website.

5. Case Management System (CMS) Project Group

The CMS Project Group sponsor and project lead briefed the Committee on the development of the new CMS, including:

- The background to the decision to seek to develop a new CMS in light of the requirements of the new legislation and the additional functions of the new organisation, noting the age and lack of capacity of the current CMS to meet these needs.
- A CMS Project Board is in place, GSOC's CMS Project Manager and Business Analyst raise all decisions with the board and are discussed on a monthly basis. A Peer Review Group meets every quarter and a monthly report is forwarded to the DoJ.
- As it is accepted that the new CMS will not be in place when the new organisation is established, contingency arrangements have been put in place to record complaints received by the new organisation. This will take the form of a parallel version of the current CMS, which is being enhanced to provide necessary functionality, as an interim solution pending implementation of the new CMS, which is not likely to be operational until Q1 2025.
- In 2023 GSOC was allocated a budget of €1.2 million of the CMS project, which was not spent and a request has been made for this allocation to be deferred to 2024.

- The main project risks and how there are being mitigated.

There was a discussion on the importance of the reporting functionality and incorporation of a KPI function on the new CMS and it was agreed both of these are essential requirements for the new organisation. The Committee noted that a cross organisational working group is to be established to focus on the essential data which will need to be recorded on the new CMS and it was acknowledged that it was essential that the new CMS is capable of dealing with all the new reporting functionalities as required by the PSCS legislation.

6. Risk Management

6.1 Risk Register

The Chief Risk Officer (CRO) briefed the Committee on the Risk Register noting that:

- The Risk Register was submitted to and approved by the Commission. It is now available to staff on GSOC's internal Orion system and information about the register will be circulated to staff in the upcoming Organisational Bulletin due to be released this Friday. The Committee noted that the 2023 year-end Risk Register will be submitted to the Commission following the ARC meeting and subsequently will be available to staff.
- The Risk Management Group last met on 7 November 2023 to review the register and discussed and made some changes on scoring which are now reflected in the Risk Register. This has impacted the following risks:
 - The data protection risk has increased from a medium risk to high risk, as a result of an increase in low risk data breaches. The Committee noted that there is a Data Breach Management Plan in place, which includes the GSOC Data Handling Procedures and the GSOC Data Breach Notification Form. However, it appears from one of the most recent data breaches that the policy is not being adhered to in all cases.
 - The ICT and Security risk has decreased from high risk to medium risk. This reflects recent improvements made in ICT and increased controls in place and effectiveness of internal controls.
- A review of emerging or potential risks would be in considered in Q1 2024, which include, compliance with the Organisation of Working Time Act, 1997 and physical security with consideration also to the re-vetting of staff and regular security clearance of all staff including security and contractors. Consideration is also being given to a potential emerging risk in regards to Fleet Management, following the publication of a report by the Road Safety Authority (RSA) into the increased number of road deaths in 2023. RSA highlighted 'driving for work' both commuting or driving for work as a high-risk activity. Another potential emerging risk that will be considered and the existing policy reviewed is GSOC's compliance with GSOC Register of Interest.
- The CMS Project will be added to the Risk Register as a stand-alone risk due to the scale of the project.

The Committee noted the recommendation for a Governance Unit, which is also reflected in the Grant Thornton Report and potentially emerging from the Performance Management Internal Audit.

The Committee acknowledged the impressive work in developing the Risk Register over the past year and requested the Data Protection Officer provide an update to the Committee at the next scheduled meeting in relation to data breaches.

6.2 Operational Risk

The Director of Investigations and Operations (DO) joined the meeting for a discussion in relation to how risk is managed in an operational context. The Committee queried how risks were identified and managed from the perspective of the operational risk owner and the importance of operational staff understanding risk and the potential damage to the organisation. In particular, concerns in relation to timeliness and fairness of processes as particularly significant from an operational perspective were noted, acknowledging that challenges that can arise.

There was a discussion in relation to risks that have been identified, such as; independent complaints handling and criticism from Garda representative bodies and others on the timeliness of investigations. Under resourcing was noted as a difficulty, particularly that GSOC investigative staff carry higher caseloads in comparison to its peers as indicated by the Grant Thornton Report. It was noted that there has been significant work carried out within the operational unit to streamline processes and improve timeliness of investigations which has been possible due to the identification of Commission priorities and the delegation of decision-making in other cases and this has reduced delays at specific points in the process. It was noted that criminal matters, which form the majority of cases investigated by GSOC, can be complex and time sensitive, with challenges often being experienced in terms of undertaking complex investigations within the available timeframe. These cases are prioritised and controls have also been put in place to monitor timeliness of investigations to ensure that cases do not become statute barred.

There was a discussion on the impact of the new legislation and the resources that will be required to support the level of complex investigations expected in the future and how those services will be delivered, noting that this is yet at an early stage and a lot more work will be required, including in relation to the training of staff.

The Committee acknowledged the work undertaken to date. However, it noted the importance of having KPIs in place to rebut criticism of GSOC's performance, noting that regular publication of statistics e.g. in relation to timelines would be helpful in addressing risk to organisational reputation. It was noted that, in order for this to be effective, Operations need to own, understand and buy into KPIs to set a standard that everyone is aware of so that they know what is expected of them, and for the CMS to provide the data to measure and report against these standards, noting that, in practice there will always be exceptions which can be explained.

The Committee noted that, as part of its work programme for 2024, it will visit different areas of the organisation to see what is happening on the ground and to create awareness of the work of the ARC.

7. Audit

7.1 Meeting with Office of Comptroller and Auditor General

The Committee welcomed the representative from the Office of the Comptroller and Auditor General (OCAG) and there was a discussion on any areas of concern noted during the audit of the Financial Statements.

The representative advised the Committee that GSOC's 2022 finances are well run and there were no issues arising in the audit of the Financial Statements and no significant errors or compliance issues. It was noted that at recent meeting of the PAC, the intention to invite GSOC to attend with the Garda Commissioner was indicated.

The risks associated with the transition to a new Vote were discussed. The C&AG again referred to the strong internal controls and didn't consider any significant risks associated with the transition.

There was a discussion in relation to engagement with GSOC's Internal Audit function, noting that 2023 was the first year of operation of this service. It was agreed that it would be useful if there was contact between the Office of OCAG and Mazars in 2024 to discuss any issues or risks. The C&AG representative expressed willingness for further meetings with the ARC whenever required.

7.2 Internal Audit

The Committee welcomed the representative from Mazars for discussion on the findings and recommendations of their internal audit on GSOC's Strategic Implementation and Performance Management. The Mazars representative outlined the scope of their Internal Audit and the methodology used in the review. It was noted that the purpose of the audit was to understand how GSOC's Statement of Strategy was prepared and how it linked with Business plans and KPIs to manage and report on the organisation's performance in its implementation. The audit findings and recommendations were outlined in detail, noting that these had been accepted by management.

There was a general discussion on the implementation of KPIs and on whether or not the process should be benchmarked against similar organisations. The Mazars representative agreed that it would be useful to benchmark KPIs against similar organisations, however to do so had been outside of the scope of the audit, the focus of which was on internal controls, however they were happy to recommend that this be done as part of the process of developing KPIs for Fiosrú.

The Internal Auditor reported that an audit of the complaints processes had commenced and briefly outlined the scope of the audit to include an assessment as to whether work is being undertaken at the right level, to identify any scope for streamlining processes and improving timeliness.

8. AOB

It was agreed that the Secretary would circulate the annual assessment of effectiveness for the ARC to members in addition to annual Ethics returns.

It was agreed that there would be two ARC meetings during Q1 2024. The first meeting was proposed for February 2024 and the second meeting to be held in March 2024. The Committee Secretary will confirm the meeting dates and agendas at a later point.