



**Minutes of Audit and Risk Committee  
21 September 2023**

**Attendance**

Committee: Paul Dempsey (Chair), James O'Boyle and Emily Logan  
Secretary: Pauline Byrne,  
Management/Staff: Aileen Healy (Director of Administration), Amanda McLoughlin (Head of Finance), Valerie Woods (Principal Officer Administration), Kathryn Doherty (Progress Reform Group) (item 5), Joanne O'Donohue (Chief Risk Officer) (item 6), Jon Leeman (Deputy Director Operations) (item 6.1), Ellen Kenny (Data & Governance).

**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 28 June 2023 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 2022 Annual and Financial Reports are to be submitted to the Government on 26 September 2023 with publication expected imminently,
- GSOC was the target of two unrelated security risks, in which the current protocols were followed in both instances. The Committee noted that the Commission will undertake a review of the policies and protocols for such instances.
- The procurement process for the new Case Management System (CMS) is ongoing under a two-tier process. Tenders have been received and evaluated from the initial PQQ process and a detailed specification is being developed for the system which will be included in the Invitation to Tender to be issued to successful tenders from this stage.
- The Activity Report was noted.

#### 4. Transition

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

- The Department of Justice (DOJ) Programme Implementation groups continue to meet to oversee the progression of the work in preparation for the commencement of the Bill. GSOC is represented on the Programme Board which meets bi-monthly, the Steering Group and two working groups concerned with the detailed implementation of the legislation in OPO. i.e. the Process Reform and New Model Groups.
- The legislative process is continuing and the Policing Security and Community Safety (PSCS) Bill will begin its passage through the Seanad on 4 October 2023. However, the Minister of Justice remains confident that the PSCS Bill will be enacted by year end 2023. It is expected that the DOJ will bring a number of technical amendments at the Seanad Committee stage to deal with any outstanding matters, including the name of the new organisation, which has to be amended to comply with the Official Language Act.
- Sanction from the Department of Public Expenditure & Reform (DPENDR) is still outstanding for the appointment of the new organisation's senior leadership positions, although DOJ are hopeful that this will be in place shortly.
- A business case to seek additional resources for the 2024 estimates was submitted to the DOJ and there has been engagement with the DoJ in relation to a number of clarifications sought. It is understood that the DOJ have submitted the 2024 estimates bid to DPENDR and are now in negotiations with that department. It is noted that, while the outcome will not be known to Budget Day on 10 October 2023, indications are that allocations are unlikely to be in the region of funding sought and the DOJ have emphasised that it is likely that additional funding will only be available for essential activities required to commence the PSCS legislation.
- Internally in GSOC, the Project Board meets on a monthly basis to oversee progress on the implementation. A detailed implementation plan is being compiled to capture all of the activities and tasks required and to assist in monitoring progress by the Project Board. The Commission receive a monthly update from the Project Board on the status of the preparations and in relation to any matters where Commission decisions are required. It is intended to go to the market to engage a programme manager to lead the transition project in GSOC as recommended in the Grant Thornton report.
- 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. Some aspects of this work require confirmation of the new organisation's name to proceed further.
- A tender process has been completed and awarded for the development of a new corporate identity and public information campaign for the new organisation. A meeting has been scheduled between GSOC and the successful tenderer to kick off this work and it is expected that initial planning can be completed, given that the design of the brand must await confirmation of the new organisation's name.
- A tender process is ongoing for the development of a new website for the new organisation.

There was a discussion on the prospect of 1 January 2024 being the commencement date for the enactment of the PSCS Bill. It was acknowledged that the scaling up of resources for this time-scale would be extremely challenging, even if additional funding is received. The scale of additional work required to put preparations for commencement day essentials in place by the 1 January and the lack of adequate resources to do so seriously risks GSOC's ability to become fit for the purpose to meet the requirements of the new legislation. Furthermore, the lack of sanction for the Ombudsman and CEO positions, meaning that these key positions would not now be filled by January and the lack of clarity regarding 2024 funding allocations, are additional high-risk factors affecting GSOC's ability to stand-up the new organisation in January 2024. The Commission needs to communicate this risk to the DOJ.

## **5. Progress Reform Group**

A representative from the Process Reform Group joined the meeting and briefed the Committee on the following:

- Work is continuing under the auspices of the Progress Reform Group between GSOC and An Garda Síochána (AGS) to prepare for the implementation of the new legislation, with a number of deliverables in this work programme completed. Good progress has been made on the development of process maps for new activities following a series of process workshops being undertaken with AGS with the assistance of a DOJ Business Analyst. These, however, relate only to those activities that involve interaction with AGS, and all GSOC processes for existing and new activities will also need to be examined in detail with a view to mapping them – this is also a required input for the new CMS. These will be workshopped and new processes documented and reviewed for legal compliance. Work is ongoing regarding the reform and streamlining of the complaint processes governed by the legislation.
- Initial work has commenced to review the protocols in place with AGS. A number of new protocols will also be necessary in relation to new functions under the legislation, including in relation to co-incident investigations, incidents of concern and victims of crime protocols.
- GSOC's Casework Unit are currently examining the admissibility process with a view to being more effective and efficient. Staff are also exploring different complaint handling procedures which may enable work to be handled by different staff grades. Work is also underway regarding a new complaint's form. However, resourcing is currently an issue for the unit given the scale of this work in addition to heavy work volumes and high staff turnover.
- It was noted that work is progressing on the new CMS but that it is now accepted that this would not be in place by 1 January. It is expected that the procurement will be completed and the successful tenderer will be on site in January at which time new processes will be ready to inform the configuration of the system.

The Committee raised concerns about the efficiency of internal processes, referencing the Grant Thornton report. They stressed that it was essential that GSOC's internal processes should be streamlined and up to date and emphasised the need to take this opportunity to improve existing processes and eliminate unnecessary elements. It was noted that a lot of these reforms have the

potential for a 'quick win' for GSOC, by benefitting current processing and assisting in reducing current backlogs. It was suggested that the use of a design methodology e.g. support for developing Lean Training (Six Sigma) capabilities, could assist in the streamlining of the complaint handling processes by critically analysing the steps and reengineering processes leading to greater efficiency, noting that this could be done quickly and at a reasonable cost.

The Committee thanked the OPO Progress Reform Group Representative and acknowledged the significant work load undertaken by the Reform Group.

## **6. Risk Management**

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

The Risk Register has been submitted to and approved by the Commission. It is now available to staff on GSOC's internal Orion system. GSOC staff have been informed about the register and a link provided to the Risk Register through the internal staff bulletin. Risk management is now a standing item on all admin and operations meeting agendas.

The Risk Management Group last met on 31 August 2023 and some changes on scoring were made and reflected in the Risk Register. The Committee noted that security has been identified as an emerging risk, in light of a number of recent incidents. The register will be updated to reflect this risk and a review of GSOC's security policy will be undertaken.

The Committee acknowledged the impressive work in developing the risk Register over the past year, emphasising the need for it to be embraced as a routine element of processes across the organisation rather than become a tick-box exercise. In this context they were interested in engagement with the risk management process by managers and risk owners, particularly in terms of provision of updates to the register and noted that this impact will be visible in terms of internal control improvements as risk mitigation actions are put in place.

It was noted that there was no overall change in the status of any risk on the register since their last review, which would be expected to be evident as mitigations are actioned. In particular, they considered that there was room for movement with regard to ICT risk, taking account of evidence of implementation of audit recommendations including in relation to disaster recovery planning and that, consequently, consideration should be given to upgrading the effectiveness of controls in this area to 'good'. It was acknowledged that there were a lot of actions being undertaken which might not yet be in evidence and that it was still a work in progress. Nevertheless, it is essential to document evidence of progress on the register. This will also encourage staff to engage in the process when they can see their work impacting on improved ratings.

The Committee noted the importance of being aware of lessons from other organisations and questioned whether incidents in other organisations had been considered in GSOC's assessment of risk, for example data breaches in the PSNI and a range of governance issues, including remuneration and allowances, in RTE. It was noted that there was a risk that similar incidents could arise in GSOC and that timely consideration of the controls we have in place and learning from other organisations are important in mitigating risks which have huge reputational impact. For instance, data breaches, management of exhibits, governance, compliance with the Working Time Act, and

the payment of allowances were areas of risk arising where a review of current practices may be warranted in order to ensure that practices are justified, provide value for money and in compliance with statutory and other requirements.

### **6.1 Operational Risk**

The Deputy Director of Operations (DDO) joined the meeting and there was a discussion in relation to how risk is managed in an operational context.

It was agreed that risk is on the agenda for weekly Operations meeting and that Senior Investigations Officer's (SIO's) are tasked to provide input on the Risk Register but that currently resourcing within Operations was a risk to GSOC. It was noted that the focus is on operational risk, centred on informing AGS where matters come to GSOC's attention involving a risk posed to members of the public, which is not reflected on the risk register. With regard to corporate risk, work is ongoing to getting proper engagement by staff but this is hampered by staffing levels.

The Committee discussed the critical issue of timeliness of investigations and recent media coverage concerning a high-profile investigation. The Committee noted that there is now an established and consistent approach being taken in regards to management of investigations. It was noted that investigation cases that pose a higher operational risk are prioritised and, while delays don't build confidence in GSOC, the organisation is often criticised for the timeliness of investigations, which are sometimes outside of its control. There was a discussion of guidelines or standards in place for the conduct of investigations or stages of investigations; supports, including peer supports, available to investigators to progress their cases effectively; and opportunities for shared learning. The benefits of having internal processes for decision making regarding cases referred for prosecution e.g. in relation to grounds for prosecution and evidential difficulties were noted, as were the importance of having a dedicated team in the DPP's office for GSOC cases.

The Committee noted that the investigations unit remained operational during the Covid 19 pandemic. However, due to the challenging circumstances, there was a backlog of disciplinary cases, as criminal cases and public interest cases took precedent. The risk of giving priority to criminal cases, while noted to be necessary in light of a range of issues, was highlighted in the context of lack of timely communication and outputs for Garda members, which can be detrimental to relationships due to delays in progressing disciplinary cases. It was noted additional resources have been made available to Operations which has resulted in more focus and accountability with regards to investigations.

The Committee noted that it unfortunate that the Director of Operations was not available to attend the meeting and agreed that he would be invited to attend the next ARC meeting.

### **7. Audit**

GSOC's Head of Finance briefed the Committee on the status of the Internal Audit Plan, noting that there was no draft audit report for the Committees consideration at this meeting. Work is currently

underway on the scoping of the audit on; performance management. The final audit for 2023 will be in relation to complaints processes and this is to commence in October.

## **8. Corporate Procurement Plan**

The Committee noted the Corporate Procurement Plan, commenting on the professional and comprehensive nature of the document. The importance of managing contracts post procurement was emphasised. The Committee were advised that the Financial Procedures Manual would be submitted for discussion at the next meeting.

## **9. Data Protection**

GSOC's Data Protection Officer (DPO) briefed the Committee on the statistics in the Data Protection Unit. The Committee noted that the changes introduced to the processing of Subject Access Requests (SAR's) has been beneficial. The Committee discussed data breaches with particular emphasis to those reported to the Data Protection Commission (DPC). The Committee noted the critical role of behaviour in preventing data breaches and the need to increase awareness of appropriate procedures; and the risk that there are other breaches which GSOC are not aware of. In relation to the former it was noted that the DPO was in discussions with the Training Unit in regards to using the One Learning training course on data protection as mandatory training. It was agreed that the DPO would prepare a guidance document for all staff. In relation to the latter there was a discussion with regards to conducting an audit of exhibits and it was decided to discuss this with the Director of Operations prior to a final decision being taken.

The Committee discussed the implications of the recent data breach which occurred within the PSNI, there was a further discussion as to whether GSOC could block emails containing spreadsheet attachments.

## **8. AOB**

The next ARC meeting is scheduled for 6 December 2023. The Committee invited a representative of the C&AG's office to attend this meeting to discuss the audit of the 2022 Financial Statements.

## **9. Private Session**

The Committee members held a private session without the Executive present.