

# The Office of Public Works Governance Framework





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### ***Version and Amendment Table***

The following table outlines high-level revisions to this framework.

| <b>Date</b>    | <b>Version</b>   | <b>Revision</b>   |
|----------------|------------------|---|
| 21 April 2016  | Original Release |   |
| 29 June 2016   | Version 2        | Appointment of a new Minister of State for the Office of Public Works and Flood Risk. |
| 4 January 2019 | Version 3        | Organisation changes & general updating of all chapters                               |
|                |                  |   |

## Foreword by the Chairman

Governance has been described as *"having a broad coverage, including how an organisation is managed, its corporate and other structures, its culture, its policies and strategies and the way it deals with its various stakeholders. Governance encompasses the way public sector organisations acquit their responsibilities of stewardship by being open, accountable and prudent in decision-making, in providing policy advice, and in managing and delivering programmes<sup>1</sup>".*

As Chairman of the Office of Public Works, I am fully supportive of the prerequisite of good governance in order to achieve the objectives of this Office in an efficient and effective manner.

This framework provides an overview of the structure, roles and responsibilities, policies and procedures and channels of communication which I and the Management Board have approved to facilitate an environment of sound governance practices.

I recognise there are challenges in implementing good governance not least the need for proper risk management, effective leadership, ethical decision making and responsible, transparent and accountable use of resources. However, I am fully confident that we as a team will continue to work closely together to ensure that a culture of doing the right thing at the right time is the norm and constantly strive to strengthen effective governance across the Office.

I therefore encourage all staff to actively participate and contribute both individually and collectively in ensuring that we carry out our work to the highest standards within a culture of respect, integrity, fairness, accountability and transparency. This provides our stakeholders - the Government, other Government Bodies and the Public, with confidence in the manner by which this Office is strategically directed and operates in the delivery of essential services within Flood Risk Management and Estate Management, including Heritage.

Maurice Buckley

Chairman

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<sup>1</sup> Australian National Audit Office (ANAO)

## Corporate Governance

Governance within the Office of Public Works is about ensuring that we undertake and complete our work in a responsive, transparent, accountable and equitable manner, within the rule of law. The OPW places a significant emphasis on governance and on ensuring that an appropriate control environment is in place within the Office. Management responsibilities are clearly defined and processes are in place to identify business risks and to evaluate their financial and non-financial implications.

## Purpose

This document has been prepared as a guide for the public and our staff on the governance framework within which the OPW functions. It provides an overview of governance structures, processes and responsibilities within the OPW. Existing administrative and legislative provisions, applying to the OPW continue to apply, and this document is not intended to interfere with the existing roles, responsibilities and accountabilities of any Minister or Minister of State, the Chairman, the Board of Commissioners<sup>2</sup>, the Management Board<sup>3</sup> or staff of the OPW.

The OPW considers good governance central to the effectiveness of its operations, and recognises its importance in discharging its statutory, administrative and policy obligations. This governance framework is underpinned by the five principles of good governance laid down in the [Corporate Governance Standard for the Civil Service](#).

### *Five Principles of Good Governance*

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.
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.
3. Good governance means developing the Office's capacity, including the capability of the leadership team, management and staff.
4. Good governance means managing risks and performance through robust internal control systems and effective performance management practices.

<sup>2</sup> For this document, "the Commissioners of Public Works in Ireland" are referred to as the Board of Commissioners.

<sup>3</sup> Formerly known as the Management Advisory Committee.

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

## **Structure**

The OPW governance framework is structured into four main sections, which combine to form the basis for achieving good governance.

- Overview of the Office of Public Works.
- Ministerial and Senior Management Roles & Assignment of Responsibilities.
- Management Board and other Governance Structures.
- Audit, Assurance and Compliance Arrangements.

## **Scope**

This governance framework applies to all staff of the OPW.

## **Review**

The OPW's governance framework is supported by a culture of continuous improvement in business processes and knowledge management, and continues to evolve over time. The OPW is committed to this ongoing improvement through the use of policies and procedures, training and development, objectives and targets, audit recommendations, analysis of data, corrective and preventive actions and management reviews.

This document is a live document to ensure that it remains up-to-date, fit for purpose and kept under continuous review by the Governance & Evaluation Unit of the OPW.

*The mission of the Office of Public Works is to use our experience and expertise to fulfil our role and responsibilities with effective, sustainable and innovative services to the public and to our clients, with competence, dedication, professionalism and integrity*

## Background

- 1.1. The Office of Public Works (OPW) was established in 1831, by an Act of Parliament: An Act for the Extension and Promotion of Public Works in Ireland. The primary function of the OPW is to support the implementation of Government policy and advise the Minister and the Minister of State, principally in the disciplines of property (including heritage properties) and flood risk management. The OPW has a central role in sustaining certain property-related actions arising from the Government's Public Service Reform Plan, 2014-2016. These include the ongoing co-ordination of information from Public Service property holders on the Intra- State Property Register; reviewing the agreed Protocols on Asset Sharing and Transfer and the Policy on Acquisitions and Disposals; and continuing to develop appropriate training for staff in the property management area. These activities are undertaken in consultation with other property holding State organisations.
- 1.2. The OPW operates as a service provider and facilitator of expertise to Government Departments, Offices and other Agencies in the areas of:
  - **Estate Management (including Heritage Services)**

The OPW provides a shared service in the area of property management and property maintenance incorporating architectural, engineering, valuation, quantity surveying, project management, art and facilities management and the conservation, preservation and presentation of heritage and cultural properties.
  - **Flood Risk Management**

The OPW is the lead agency for flood risk management in Ireland. It is responsible for developing and implementing comprehensive policies and strategies for flood risk management. It leads and co-ordinates a whole of Government approach to flood risk management across three strategic and policy areas of prevention, protection and preparedness.
  - In addition, the OPW provides other services including a sales facility to the public for Government publications and a shared service for elections.



## Vision

- 1.3.** The OPW vision for Estate Management (including Heritage Services) is to maximise the efficient use and value of the State property portfolio.  
To deliver the management, maintenance, design and sourcing services for the State Property Portfolio and to provide design excellence, construction, advisory and support services of the highest standard for the Government and State clients.
- 1.4.** The vision for Heritage Services is to protect and promote our national built heritage. To conserve and protect the nation's built heritage in our care; to manage the natural and man-made collections, buildings landscapes and artefacts entrusted to us, and through interpretation, education and engagement with visitors and the wider public, to inspire a strong ethos of respect for our heritage and a desire for its protection.
- 1.5.** The vision for Flood Risk management is to minimise the extent and impact of flooding. To minimise the extent of coastal and river flooding and its social, economic and environmental impacts through the implementation of effective protection and mitigation measures for at-risk areas, the provision of flood risk guidance and advice in the area of sustainable planning, and assisting the development of resilient communities.

## Regulatory Environment

- 1.6.** The legal framework within which the OPW operates and which guides the specific core activities carried out by the Office is set out primarily, but not exhaustively in the following enactments:
- Public Works (Ireland) Act, 1831
  - Commissioners of Public Works (Functions and Powers) Act, 1996
  - State Property Act, 1954
  - Arterial Drainage Acts, 1945 – 1995
  - European Communities (Assessment and Management of Flood Risks) Regulations 2010 –to 2015
  - Coastal Protection Act, 1963
  - National Monuments Acts, 1930 – 2004
  - State Authorities (Development and Management) Act, 1993
  - European Communities (Energy End-Use Efficiency and Energy Services) Regulations 2009 - Statutory Instrument No. 542/2009.
- 1.7.** The OPW is a scheduled Office under the [Public Service Management Act, 1997](#), which sets out arrangements for the management of Departments and Offices and the specification of

individual responsibilities and accountability at a senior level. In the context of this legislation and the OPW and throughout this Framework, the term of “Minister” relates specifically to the Minister for Public Expenditure and Reform (the Minister).

- 1.8. Under the [Minister and Secretaries Act 1924](#), as amended, the Commissioners of Public Works in Ireland (the Board of Commissioners) and its powers, duties and functions are assigned to, and administered by, the Minister as the responsible head of the Board of Commissioners to Dáil Éireann. The [Ministers and Secretaries Act, 1924](#) designates the Minister as the corporation sole that is a perpetual legal entity separate from the individual Office holders.
- 1.9. [The Public Works Loans Act 1892](#) designates the Board of Commissioners as a body corporate with perpetual succession that is a perpetual legal entity separate from the individual Office holders.
- 1.10. Under the [State Authorities \(Development and Management\) Act 1993](#) (the 1993 Act), Ministers and the said Board of Commissioners are defined as State Authorities. The powers conferred under the 1993 Act on a State Authority (other than a Minister) shall be exercisable only with the consent of the Minister.
- 1.11. The above body of legislation confers relevant and equal powers in relation to the OPW both on the Minister and the Board of Commissioners, provided that the Board of Commissioners obtain consent from the Minister in exercising those powers as mentioned above. The current Minister of State for the Office of Public Works and Flood Relief (the Minister of State) has special responsibility for the OPW.
- 1.12. In common with other Departments and Offices the OPW is subject to the provisions of legislation such as:
  - [Minister and Secretaries Acts 1924 - 2013](#)
  - [Civil Service Regulation Acts 1923 - 2005](#)
  - [Public Service Management Act, 1997](#)
  - [Data Protection Acts 1988 and 2003](#)
  - [General Data Protection Regulation 2018](#)
  - [Ethics in Public Office Acts 1995 and 2001](#)
  - [Protected Disclosures Act, 2014](#)
  - [Freedom of Information Act, 2014](#)
  - [The Regulation of Lobbying Act, 2015](#)
  - [Official Secrets Act, 1963.](#)

**1.13.** National and EU legislation, regulations, directives and circulars in areas such as finance, taxes, building and building control, property, planning, employment, equality, health and safety, environment, official languages and procurement also form significant parts of the OPW's regulatory framework.

## **Organisational Structure**

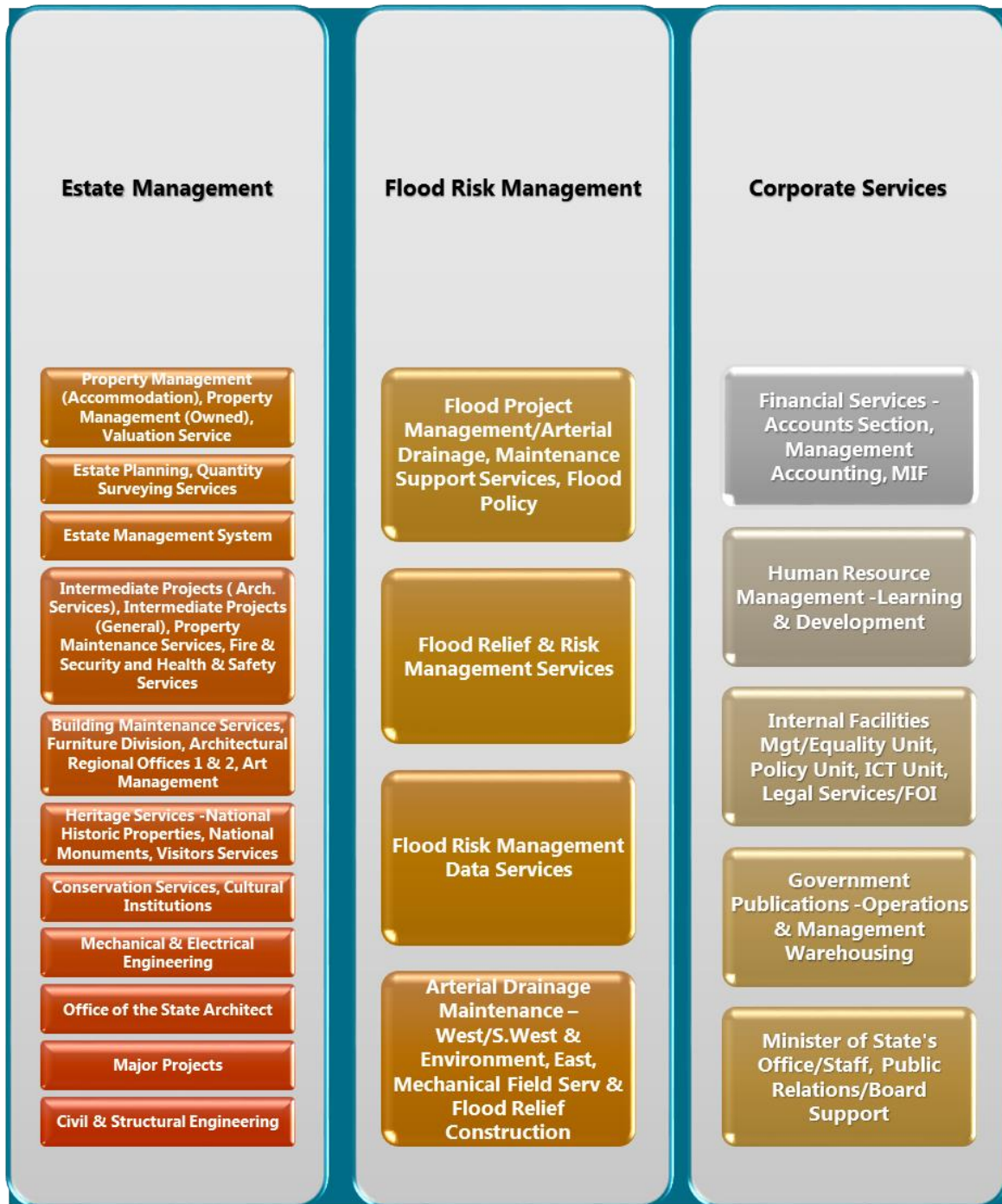
**1.14.** The OPW's management structure is organised around the interlinking entities of the Board of Commissioners and the Management Board. Details of the Management Board can be accessed at [www.whodoeswhat.gov.ie](http://www.whodoeswhat.gov.ie). In addition, a Senior Management team is in place which includes all Principal Officers and equivalent grades of the Office<sup>4</sup>.

**1.15.** The core operations of the OPW are carried out by the two main functional areas of Estate Management (including Heritage Services) and Flood Risk Management, supported by Corporate Services. Operations are carried out by a workforce of both civil service and OPW specific grades in the order of 1,550 permanent staff and circa 450 seasonal or temporary staff.

**1.16.** Within the functional and corporate divisions of the OPW, there are a number of business units. A detailed breakdown of these outlining the role and structure; senior management services delivered; information available; and classes of records held for each business unit is provided in the OPW's [FOI Manual](#).

<sup>4</sup> Throughout this framework, the Office of Public Works is referred to as both "the Office" and "the OPW".

## Divisions & Business Units of the OPW



## Values, Behaviours and Culture

1.17. Governance within the OPW includes shared values of dedication, professionalism and integrity. The Management Board of the OPW recognises the importance of its leadership and actions in fostering these shared values and maintaining a culture of high ethical standards and best practice. Through their actions the members of the Management Board are required to establish and endorse the values and behaviours of the Office.

**1.18.** All staff of the Office are expected to act with the highest moral and professional standards. [The Civil Service Code of Standards and Behaviour](#) (the Code) is an integral part of the terms of employment of established staff of the OPW.<sup>5</sup> The Code outlines the overall framework of values, including those of honesty, impartiality, integrity, fairness, equality and respect within which staff of the OPW are required to carry out their work at all times. The code requires, inter alia, that all civil servants:

- be impartial in the performance of their duties and maintain high standards of service in all of their dealings with the public
- work within the law, including avoiding improper disclosure of information gained in the course of their work in accordance with the [Official Secrets Act 1963](#)
- respect their colleagues and give due regard to their beliefs.

**1.19.** In addition to the requirements of the Code, staff of the Office are required to perform their duties within the requirements of all applicable legal and policy codes. Staff are informed through the OPW intranet, office notices, training and through communication with their managers of the rules, regulations and legislative matters governing the behaviour with which they should carry out their duties including:

- [The Ethics in Public Office Acts, 1995 and 2001](#) applies to public servants occupying prescribed positions under the Act.<sup>6</sup> Under the Act a person in a prescribed position is primarily obliged to make an annual written statement to the Chairman in respect of any interests (and, as far as that person is aware, those interests of a spouse or civil partner and a child or stepchild) which could materially influence a person in the performance of his or her official duties. A person is also restricted in performing official functions where a material interest is involved. Annual declarations under this Act are requested by and made to the Chairman's Office.
- [Official Secrets Act, 1963](#) - Staff are required to sign that they have read and noted contents of Circular 15/79 relating to the Act. Under the Act each civil servant is prohibited from communicating official information unless s/he is authorised to do so in the course of, and in accordance with, his/her official duties, or where it is his/her duty under law or in the interest of the State to communicate it.

<sup>5</sup> In addition, the OPW is committed to the values espoused within the [Civil Service Renewal Plan](#).

<sup>6</sup> A list of applicable designated positions within the OPW can be located at [www.sipo.gov.ie](http://www.sipo.gov.ie).

- **[Protected Disclosures Act 2014](#)** - The Protected Disclosures Act 2014, protects whistleblowers from dismissal or other detriment suffered as a result of raising in good faith a concern regarding potential wrongdoing that has come to their attention in the workplace. The Act sets out a number of ways in which disclosures can be made – for example, to a person’s employer and, in some circumstances, to an external ‘prescribed’ person. In accordance with Section 21(1) of the Act the OPW has developed procedures which have been approved by the Management Board.
- **[The Regulation of Lobbying Act 2015](#)** - The purpose of the Act is to provide for a web-based register of lobbying to make information available to the public about who is lobbying whom about what. The Act provides restrictions and conditions on designated officials taking up certain employments for a specified period of time where a possible conflict of interest arises. The OPW has published a [list](#) of its designated public officials as required by Section 6(4) of the Act.
- **[Child Protection Policy](#)** - The OPW’s child protection policy provides guidance and procedures for its staff consistent with the principles of Children First: National Guidance for the Protection and Welfare of Children.<sup>7</sup> [OPW Child Safeguarding Statement 2018](#).
- **[Health & Safety](#)** - The most significant primary legislation in this area is the [Safety Health and Welfare at Work Act 2005](#) which contains the framework of rules aimed at preventing accidents and ill-health in the workplace. This legislation is in turn supplemented by a range of regulations aimed at specific issues or activities e.g. construction, chemicals and noise. The OPW has nominated safety officers and safety statements throughout the Office as required under the Act.
- **[Employee Complaints Procedures](#)**<sup>8</sup> - Complaints within the OPW are dealt with through informal resolution or, if that is not successful, through mediation or by way of a formal investigation. Industrial relations for established staff are dealt with through the Civil Service Conciliation and Arbitration Scheme. The OPW grievance procedure is a process that seeks to deal in a fair, prompt and impartial manner with the complaints of members of staff that are within the scope of the procedure, but are not appropriate for discussion under the Conciliation and Arbitration Scheme. Procedures for dealing with grievance problems are outlined in [Circular 11/01 Grievance Problems](#).

<sup>7</sup> Department of Children and Youth Affairs 2011.

<sup>8</sup> Circular 11/01- The grievance procedure is a process that seeks to deal with the complaints of individual members of staff which are not appropriate for discussion under the Conciliation and Arbitration (C&A) Scheme.

The Departmental Council<sup>9</sup> operates under the Scheme of Conciliation and Arbitration for the Civil Service. Matters for discussion by the Council include principals governing recruitment to Departmental grades, work-related claims on pay, conditions, promotion and matters affecting the health and safety of staff.

Industrial relations for OPW specific grades are dealt with through the [Workplace Relations Commission](#) and the labour Court on matters such as pay and conditions. The Joint Industrial Council (JIC) was established to promote orderly and harmonious relations between State Industrial Employees<sup>10</sup> and employers. Most negotiations on pay and conditions of the OPW specific grade employees take place in this forum. Codes agreed under the JIC, are followed by the OPW for grievances, [disciplinary](#) matters and policy in relation to bullying and harassment regarding specific grades of the OPW.

## **Strategic Planning, Decision Making & Performance Management**

### **Statement of Strategy**

- 1.20. In accordance with the [Public Service Management Act 1997](#), the OPW produces and presents a [Statement of Strategy](#) (Statement) to its Minister within six months of the appointment of a new Minister or at the expiration of a three year period since the last Statement was prepared. A draft Statement is submitted to the Minister of State and Minister for consideration and agreement.
- 1.21. On approving the Statement the Minister submits the Statement to Government. Arrangements are then made to lay the Statement before both Houses of the Oireachtas and to circulate to the relevant Oireachtas Committees.
- 1.22. The OPW [Statement of Strategy](#) is a forward looking document that serves as a framework for action and reflects the commitments in the Programme for Government. In the development of the Statement, the OPW consults widely with both internal and external parties, taking account of the views and requirements of staff, other Departments, Offices, and Agencies. The Statement sets out the Offices' high level priorities, plans and enablers which are subsequently reflected in the annual work programmes of the Office.
- 1.23. In line with Section 4 of the [Public Service Management Act 1997](#), the Chairman provides a progress report to the Minister on the implementation of the Statement on an annual basis or at such intervals as the Government may from time to time direct. The Chairman and Minister of State review progress on objectives within the Statement at regular intervals. An annual

<sup>9</sup> Departmental Council is an industrial relations forum at local level between officials and staff representatives.

<sup>10</sup> Known in the OPW as "OPW Operational Staff".

strategic review is included in the [Annual Report](#) of the OPW, which is prepared in accordance with the [Public Service Management Act, 1997](#). The report is laid before the Houses of the Oireachtas and published on the OPW website.

### **Business Planning**

**1.24.** The OPW has an integrated business planning system in place which flows from the Statement of Strategy through to divisional business plans taking account of multi annual business needs.

The process involves the:

- review and discussion by managers and staff on outcomes attained in the current/past year and targeted key outputs for the following year, taking account of the overall strategies and resources of the Office;
- completion of a standard draft business plan templates by each division;
- agreement of divisional plans by the relevant Management Board member;
- presentation of the plans to the Management Board for approval and agreement, and
- discussion with the Minister of State on key deliverables.

**1.25.** Each Management Board member is responsible for the delivery of the actions within the business plans relevant to his/her area of responsibility. Progress and performance on business plans is reviewed on an on-going and periodic basis by Senior Management and the Management Board.

### **Performance Management**

**1.26.** The Management Board recognises that the Office's principal asset, in the delivery of quality and timely service, is the professionalism and expertise of its staff. It is a prime objective of the Office that staff are trained to the highest standard and are familiar with best practice in their business environment including activities such as the planning, appraisal, cost benefit analysis, budgeting and management of projects.

**1.27.** Business plans provide the foundation for annual role profiles of staff as part of the Performance Management and Development System (PMDS). Performance management in the OPW is a process of mutual understanding between managers and individual staff. The OPW attaches great importance to the implementation of PMDS. PMDS is designed to assist and manage individual performance, encourage a culture of continuous improvement and support staff in the achievement of agreed targets and the identification of learning and development requirements, including formal training. Human Resource Management monitors the completion by staff of the ePMDS annual returns. The Learning and Development Unit supports the delivery of identified training.



**1.28.** The role of performance reviews for top-level posts within the OPW are carried out by a performance review group, which feeds back to the Civil Service Accountability Board.<sup>11</sup> In line with Action 12 of the Civil Service Renewal Plan there are two separate performance review processes for the Management Board. The process for the Chairman of the OPW, as Secretary General, comprises the setting of objectives agreed with the Minister or Minister of State, to include policy, operational efficiency, leadership of the OPW, and collaboration and leadership of the Civil Service. The process for other members of the Management Board is called LEADS (Leadership Evaluation and Development System) and is similar to the three-stage process for all other grades under ePMDS.

## **Internal Communications**

**1.29.** The Management Board recognises effective communication as a multi-faceted process and a shared responsibility of all managers and staff of the Office. Communication within the Office is a constant process of daily interaction between staff through face-to-face and phone conversations, email, video conferencing, meetings and submissions. Issues that affect all staff are generally communicated through email and office notices maintained on the Office's intranet. Stór, Alfresco,<sup>12</sup> the Office intranet and shared network folders are used internally for sharing information between related groups and the OPW website represents a substantial information resource for staff and external customers. Communication on policy flows from the Management Board to Senior Managers to staff.

**1.30.** The OPW promotes a positive approach to Partnership<sup>13</sup> for improving communication and ensuring staff input into areas such as policy development. The OPW has established various committees and working groups to consider issues directly affecting members of staff. These committees and working groups are made up of a combination of management, staff and unions and are a means for staff to contribute to the decision making process on issues that affect them and the organisation.

## **Engagement with External Stakeholders**

**1.31.** The OPW is a shared service organisation with a culture of customer focus in dealing with all clients, including the public, the Government, other Government Bodies, members of the Houses of the Oireachtas and the European Commission. The OPW is committed to providing its customers with clear, accurate, comprehensive and timely information on policies, schemes and services. The Office communicates with clients, customers, the public and the

<sup>11</sup> The Civil Service Accountability Board is chaired by the Taoiseach and balanced with ministerial, civil service and external membership. [Terms of Reference.](#)

<sup>12</sup> A system for collaborative document management.

<sup>13</sup> Grouping of management, staff and unions for the purpose of the sharing of ideas and decision-making in relation to resolving problems and agreeing what is to be done and how it is to be done to the mutual benefit of all concerned.

media in many ways including meetings, letters, emails, social media, press releases, information leaflets, reports, announcements and through its website.

- 1.32.** The Office has developed standards that staff must adhere to when dealing with customers, which are outlined, in the OPW [Customer Service Action Plan](#) and [The Customer Charter](#). The Action Plan and Charter are based on guidelines issued by the DPER which contain twelve principles of quality customer service, one of which is to maintain a well-publicised, accessible, transparent and simple-to-use system of dealing with complaints about the quality of service provided.
- 1.33.** Guidelines and general governance principles are issued via Office notices to staff regarding their usage of the internet, email and social media in communicating with external stakeholders.
- 1.34.** The OPW supports the concept of open data by making, where possible, records and data held by it available and easily accessible online for reuse and redistribution, both on the OPW website [www.opw.ie](http://www.opw.ie) and [www.data.gov.ie](http://www.data.gov.ie).<sup>14</sup>
- 1.35.** Freedom of Information (FOI) legislation confers legal rights on the public to seek access to official records held by public bodies, to have personal information held on them corrected where incorrect, and to be given reasons for decisions made by public bodies, which affect them. The FOI Unit oversees and supports the proper functioning of FOI in accordance with the provisions of the [FOI Act 2014](#) and the [FOI Code of Practice](#), including the following:
- An FOI officer to liaise with staff, the public, the Office of the Information Commissioner and the Central Policy Unit.
  - In line with the FOI Act, a publication scheme is available on [www.opw.ie](http://www.opw.ie) with as much information as possible is available outside of FOI.
  - A training framework is in place for staff for both basic and advanced FOI training.
- 1.36.** The AIE Regulations 2007 to 2018 gives citizens the right to access information on the environment from public authorities. Under the Regulations, information relating to the environment held by, or for, a public authority must, subject to certain exceptions, be provided on request to any person. The Regulations provide a definition of environmental information and outline the manner in which requests for information should be provided to public authorities. The OPW has an AIE officer who manages the AIE process on behalf of the Office.

<sup>14</sup> [Data.gov.ie](http://www.data.gov.ie) is intended to provide easy access to datasets that are free to use, reuse, and redistribute. The portal is operated by the DPER.

## Official Languages

1.37. The Office complies with the Official Languages Act 2003, and its 2014-2017 language scheme is available at [Language Scheme](#). Section 11 of the Act provides for the preparation of a statutory scheme by public bodies detailing the services they will provide

- through the medium of Irish
- through the medium of English and
- through the medium of Irish and English.

## Minister

- 2.1. Article 28.4.2<sup>o</sup> of the Constitution, provides that the Government shall meet and act as a collective authority and be collectively responsible for the Departments of State administered by its members.
- 2.2. Under the [Minister and Secretaries Act 1924](#), as amended, the Minister is the responsible head of the OPW and is responsible to Dáil Éireann for the administration of the OPW. The Act designates the Minister as the corporation sole that is a perpetual legal entity separate from the individual Office holders. [The State Authorities \(Development and Management\) Act 1993](#) confers similar powers on the Board of Commissioners as those of the Minister provided that the Board of Commissioners obtain consent from the Minister in exercising those powers. The Minister bears political responsibility under the Act for all actions of the OPW.
- 2.3. Government approval is required by the Minister and where applicable the Minister of State for significant new or revised policies or strategies relating to the OPW. This requirement arises from the nature of collective responsibility. The fact that a specific decision or function may be expressly vested in the Minister or Minister of State does not serve to set aside this requirement.

## Minister of State

- 2.4. [The Ministers and Secretaries \(Amendment\) \(No. 2\) Act, 1977](#), provides for the delegation of a Minister's powers and duties to Minister(s) of State by Order made by the Government at the request of the Minister concerned. Delegation from a Minister to a Minister of State of non-statutory responsibilities is generally made by way of an understanding between a Minister and Minister of State.
- 2.5. The Minister has delegated by way of an understanding, special responsibility for the OPW to the Minister of State for the Office of Public Works and Flood Relief. The Minister remains responsible to Dáil Éireann for the exercise or performance of any powers or duties delegated to the Minister of State.
- 2.6. This governance framework does not replace or usurp the “Carltona” Doctrine whereby administrative functions of the Minister or Minister of State may sometimes be exercised, without any express act of delegation of the Minister or Minister of State, by appropriate senior officials of the OPW on behalf of the Minister or Minister of State.<sup>15</sup> The Minister

<sup>15</sup> A “judicial” function of the Minister or Minister of State cannot be delegated.

remains the responsible head to the Oireachtas for actions undertaken by officials of the OPW under his authority.

## **Special Adviser**

- 2.7.** The role of the Special Adviser is set out in [section 11 of the Public Service Management Act \(PSMA\) 1997](#).
- 2.8.** A Special Adviser to the Minister of the Office of Public Works and Flood Relief is in place. The role of the Special Adviser is to assist the Minister or the Minister of State, as the case may be, by providing advice, monitoring, facilitating and securing the achievement of Government objectives that relate to the Department, and performing such other functions as may be directed by the Minister or the Minister of State, as the case may be, or any other office holder.
- 2.9.** The Special Adviser is accountable to the Minister or the Minister of State, as the case may be, in the performance of those functions. [The Civil Service Code of Standards](#) applies to Special Advisers.

## **Relationship with the Minister and the Minister of State**

- 2.10.** The primary contact between the Minister and the OPW is through the Chairman and the Minister of State.
- 2.11.** The primary contact between the Minister of State and the OPW is the Chairman. The Chairman communicates regularly with the Minister of State and meets as required for discussion on the oversight of progress and monitoring of the functions of the OPW. The OPW Management Board meets formally with the Minister of State on regular basis as considered necessary. Minutes of the meetings taken are recorded and maintained by the Chairman's Office.
- 2.12.** Human Resource Management in the OPW manages the appointment of staff to the Minister of State's Office,<sup>16</sup> when their selection is advised and approved by the Minister of State. Staff within the Minister of State's Office provide administrative and advisory support to the Minister of State and act as a liaison between the Minister of State and the OPW.
- 2.13.** The Minister of State's Office is responsible for the management of correspondence involving the Minister of State from members of the public, public representatives and interest groups.

<sup>16</sup> Appointments are in line with Instructions to Personnel Officers – Ministerial Appointments for the 31<sup>st</sup> Dáil, issued by the Department of Finance on 24 March 2011. These instructions can be found on the DPER's website at <http://circulans.gov.ie>

- 2.14. The Policy Unit of the OPW is responsible for drafting and coordinating responses on Government initiatives affecting operations of the OPW.
- 2.15. The Press Office of the OPW is responsible for the management and delivery of all media engagements on behalf of the Minister of State and the OPW.

### **Secretary General and Accounting Officer**

- 2.16. In the OPW, the Chairman is the Secretary General and the Accounting Officer and is accountable to the Minister for the performance of the Chairman's duties as the administrative Head of the OPW. Some responsibilities of the Chairman as Secretary General and Accounting Officer overlap.
- 2.17. The responsibilities of the Chairman as Secretary General are outlined in the [Public Services Management Act, 1997](#) and include the management of the OPW; implementing Government policy; preparing and reporting on the Statement of Strategy; delivery of outputs as determined with the Minister of State; provision of advice to the Minister and Minister of State, ensuring the resources of the OPW are used appropriately and assigning responsibilities for the performance of duties.
- 2.18. The responsibilities of the Chairman, as Accounting Officer include the regularity and propriety of the transactions in the annual [Appropriation Account](#) (which is accompanied by a Statement of internal financial control); the economic and efficient use of the OPW's resources; the OPW's internal control environment and the safeguarding of the assets of the OPW.<sup>17</sup>
- 2.19. As Accounting Officer, the Chairman is responsible for giving evidence to the Public Accounts Committee in the Chairman's own right and not as a representative of the Minister on the issues relating to regularity and propriety of transactions recorded in the OPW [Appropriation Account](#); on the economy and efficiency of the Office in the use of its resources; the systems, procedures and practices for evaluating effectiveness and any matter affecting the Office referred to in a special report of the Comptroller & Auditor General under [Section 11\(2\) of the Comptroller and Auditor General \(Amendment\) Act, 1993](#).

### **Leadership and Organisational Capacity/Capability**

- 2.20. The Chairman of the OPW recognises the importance of leadership and management in cultivating a positive working environment and a culture of continually developing best practice. Through a Framework of Assignments to members of the Management Board and

the Senior Management Team, the Chairman, endeavours to ensure that there are mechanisms in place for the effective, efficient and economic operation of the Office, such as robust internal control systems and effective risk management. By means of these assignments, the Chairman receives appropriate assurance about the regularity, propriety and efficiency of the Office's operations. The Framework of Assignments is reviewed annually and an extract is provided at Appendix 1.

- 2.21.** Through the framework of assigned responsibilities, individual members of the Management Board and the Senior Management Team are provided with clarity on their roles and responsibilities for leading and developing capacity and capability in their respective areas of responsibility; delivery of the Office's objectives and ensuring that the performance of duties is carried out in accordance with the core principles of good governance. This is reinforced through the PMDS process, where roles, responsibilities and goals of staff are set out, discussed and agreed.
- 2.22.** Human Resource Management plays an important role in ensuring that the OPW has the capacity to fulfil its mandate with regard to appropriate staffing levels and skills mix. The OPW is aware that the Office operates most effectively and efficiently when people with the right knowledge, skills and competencies are deployed to the right roles. The OPW has developed a work force plan, which is reviewed annually to support the objectives of the Office's strategic and business plans. This plan will contribute to the recruiting, training and placing of staff in order to meet the priority needs of the Office.
- 2.23.** Through the provision of training and developing services the capability of the Office is fostered by the continuous development of staff, including continuous accreditation in specialist, professional and technical areas; competency development in line with the Civil service Competency Framework; and core business skills specific to the Office.

### **Information Management**

- 2.24.** Information management is a key requisite for the successful operation of the OPW. The OPW is committed to the management and protection of information in its care in order to meet its operational, contractual, statutory and regulatory requirements, including that of data protection. This includes records that have business value to the organisation and provide evidence of legal, financial, or operational activity.
- 2.25.** A Data Protection Officer is in place and data protection requirements are made known to staff through training and on the Office intranet. Staff of the OPW are expected to acquaint themselves with their responsibilities under data protection legislation, and to handle personal records accordingly.

- 2.26.** The OPW is required under the [National Archives Act 1986](#) to preserve records<sup>18</sup> made or received and held in the course of its business for transmission to the National Archives when they are thirty years old, unless their disposal has been specifically authorised by the Director of the National Archives or fall within grounds specified by the Act.
- 2.27.** Business units within the Office use a combination of paper based, ICT systems, emails, shared folders, databases and spreadsheets in conducting their day-to-day activities, thus creating multiple types of documents and records.<sup>19</sup> A number of business units within the OPW have attained ISO 9001 accreditation and as part of that accreditation, they have procedures in place to cover document control.
- 2.28.** All records developed or acquired by the Office are property of the OPW and may only be used for OPW approved purposes.
- 2.29.** Email messages sent or received in OPW are automatically archived, allowing users to recover messages if the originals have been deleted or cannot be located. The ICT Unit takes regular data backups from the Office’s network resources and server applications, which are retained for as long as is necessary to meet the functional requirements of the OPW, data protection regulations and other compliance obligations.
- 2.30.** The OPW has carried out a review of its records management and is currently in the process of further developing and strengthening, standards, processes, systems and infrastructure to manage the records of the OPW.
- 2.31.** The Office has effective and secure ICT systems in place to both support the holding of records and to assist staff in the performance of their functions. To mitigate risk to data protection and ICT security, the OPW has a comprehensive and detailed policy document in place, which outlines the obligations of all staff in their use of the Offices’ computer systems. These security policies and procedures are kept under review and updated as required. In addition, ICT services from time to time arrange for a specialist security company to carry out audits and penetration testing to assess any vulnerability of the OPW’s computer systems.

## **Responsibility of all Staff**

- 2.32.** Good governance within the OPW relies on all staff taking responsibility for their decisions and actions. Staff within the Office have an obligation to work within the law, to adhere to guidelines issued internally and by professional governing bodies, and to incorporate good

<sup>18</sup> Departmental records is defined in Section 2 of the Act – [www.nationalarchives.ie](http://www.nationalarchives.ie)

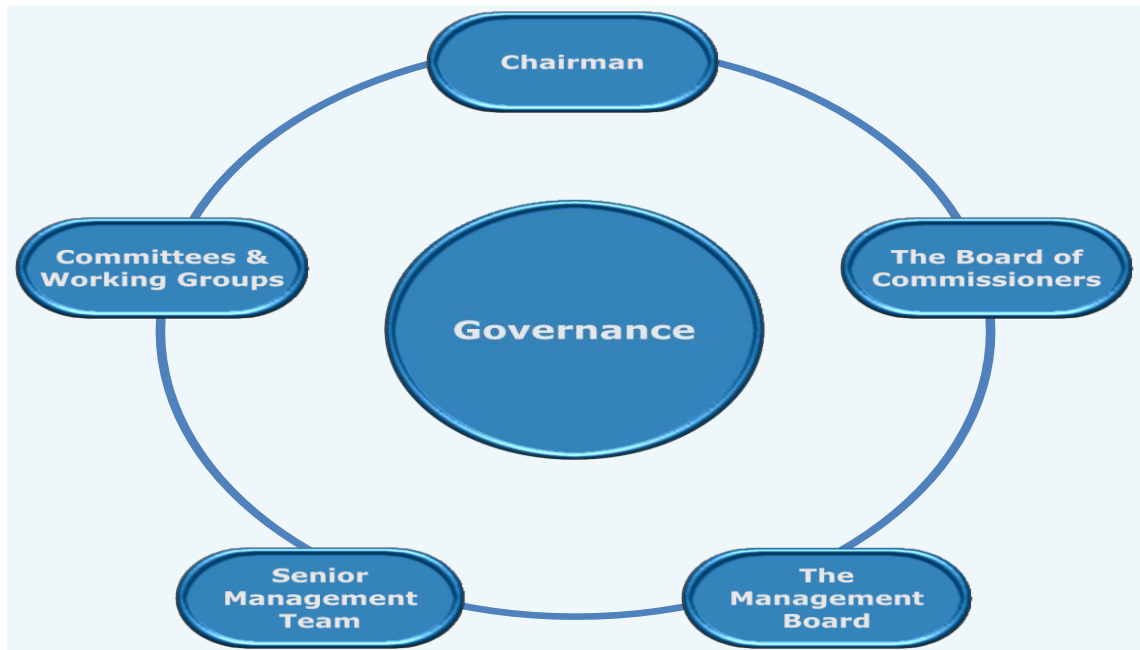
<sup>19</sup> A document is data held in a temporary capacity e.g. draft workings, which can be modified, amended or deleted in the course of carrying on the business of the Office. A record is of a permanent nature and is information created, received, and maintained by the Office as evidence and information, in pursuance of legal obligations or in the carrying out of the functions of the Office.



governance principles in their work practices. In support of good governance, employees are expected to act within and encourage a culture including the following principles:

|                       |   |
|-----------------------|---|
| <b>Integrity</b>      | <b>being truthful, ethical and lawful in our decisions and actions taken</b>  |
| <b>Transparency</b>   | <b>being open about decisions and actions taken and sharing information appropriately, openly and timely</b>                          |
| <b>Impartiality</b>   | <b>being objective, fair and unbiased in our decision making process, with decisions based on merit and free from prejudice</b>       |
| <b>Accountability</b> | <b>being individually and collectively responsible for our decisions and actions and opening ourselves to scrutiny where relevant</b> |
| <b>Respect</b>        | <b>being professional and proficient in our work, while treating others with consideration and courtesy</b>                           |

- 3.1. Governance structures of the OPW include the Board of Commissioners, which includes the Chairman of the OPW; a Management Board; the Senior Management Team; Committees and Working groups.



### The Chairman

- 3.2. The Chairman of the OPW is appointed by the Minister for Public Expenditure and Reform under the [Ministers and Secretaries Act 1924](#). The Chairmanship is a key leadership role and as the administrative head of the OPW has overall responsibility for the Office.

### The Board of Commissioners

- 3.3. [The Public Works \(Ireland\) Act, 1831](#), provides for the establishment of three Commissioners of Public Works in Ireland (the Board of Commissioners).<sup>20</sup> The Board of Commissioners operates in accordance with its statutory obligations and the vision and purpose of the OPW, as outlined in the Office's Statement of Strategy.
- 3.4. The Board of Commissioners' core responsibilities are outlined in their terms of reference attached at Appendix 2. In order to carry out their responsibilities, the Board of Commissioners engage with staff, stakeholders, customers, Government officials and the general public as and when considered necessary.

<sup>20</sup> The Chairman of the OPW is one of the three Commissioners.

## **The Management Board**

- 3.5.** The Chairman, two Commissioners, the State Architect, the Head of Planning & Estate Management, the Director of Flood Risk Management, Director of Corporate Services comprise the Management Board. . The Management Board is the top-level management group which advises the Minister and Minister of State on policy and directs the activities and functions of the Office. It is a collegiate body established to provide vision and leadership for the Office as a whole.
- 3.6.** The Management Board plays a central role in providing advice on the formulation of the Statement of Strategy, the development and monitoring of the business planning process and in determining resource allocation. Policy on key strategic and management issues is formulated by the responsible division before submission to the Management Board. The Board advises and supports the Board of Commissioners in the exercise of their statutory functions.
- 3.7.** Each Management Board member takes ownership of decisions made at Management Board level and ensures that structures are in place to communicate the outcomes of Management Board meetings to all staff within their areas of responsibility. The terms of reference of the Management Board are outlined at Appendix 3.

### **Submissions to the Minister of State, Chairman and/or the Management Board**

- 3.8.** The Office has a standard template in place for submissions to the Minister of State and/or the Chairman and/or the Management Board. Submissions must clearly and concisely highlight, the decisions sought or the topics presented for information, along with supporting documentation. Submissions are required at a minimum one week in advance of the meeting at which the matter is to be tabled. Submissions to the Minister of State are generally presented to the Chairman in the first instance.

### **Relationships and Communication with other Stakeholders**

- 3.9.** Relationships of the Management Board include those with the Minister of State, the Senior Management Team; staff in general, other Government Departments, Offices and Agencies, Members of the Houses of the Oireachtas, European Commission and the public. The Management Board meets formally with the Minister of State on a quarterly basis or as considered appropriate. It meets with the Senior Management Team generally on a quarterly basis. In addition, Management Board members engage with individual Senior Management Team members on a regular basis in relation to the corporate agenda and the Senior Managers in turn communicate relevant information with staff.

3.10. Minutes, decisions and supporting documentation of the Management Board are recorded by the Head of Human Resource Management. Management Board Minutes are published for all staff on the OPW intranet. Issues of general importance are regularly communicated to staff through line-management, divisional meetings, emails, office notices and through the Partnership process.

## Internal Working Groups and Management Structures

3.11. Specific purpose groupings or internal committees and working groups are often put in place to deliver on particular matters relevant to the Office or concerning areas of reform that impact on divisions across the Office.

### Sub- Committees of the Management Board

3.12. There are a number of sub-committees established to advise the Management Board. Each has clearly defined terms of reference, formal reporting mechanisms to the Management Board and performance and review procedures. Where appropriate, they have a timeline for completion of their brief. The number of Management Board members on each Committee is kept to the minimum, with other relevant areas represented at senior manager level, or as appropriate. Current sub-committees include –



- **Expenditure Monitoring Committee (EMC)** - There are six such Committees currently in operation, each representing different divisions of the Office. The primary role of these committees is the oversight and management of expenditure for each spending area on the OPW Vote to include the early consideration and notice of projected savings or overruns. A Management Board member chairs each committee. Officials from the Finance Unit attend at all meetings and report to the Chairman and Management Board on a monthly basis about meetings held and any emerging issues.

- **The Risk Committee** - This committee is in place to develop and facilitate the implementation of the risk management process, which includes the identification, assessment, monitoring, mitigating and reporting on risk to the operations of the OPW. The Committee is made up of representatives of each of the divisions within the OPW and it coordinates the reporting of risk across the OPW business areas. It is chaired by the Director of Corporate Services who reports to the Management Board on risk management and internal control issues. The Committee undertakes a formal review of the OPW's risk register on an annual basis
- **A Project Oversight Group (POG)** was established in 2017, with a role to ensure effective governance within property development. The POG operates in accordance with the vision and purpose of the OPW as outlined in the Office's Statement of Strategy and carries out its function in line with the principles as set out in the OPW Governance Framework. It is a decision making Group, which supports effective project governance in Estate Management by ensuring that sound management processes are in place so that the:
  - State achieves best value for public money being invested in Estate Management;
  - Objectives of each project are identified, evaluated and approved; and
  - Performance on the delivery of each project is monitored against budget, timelines and objectives.

The POG generally meets on a fortnightly basis on alternate weeks to the Management Board meetings. It is comprised of Management Board members and Senior Managers, including heads of the main professional disciplines.

- It is envisaged that as the POG continues to embed into the OPW's new organisational structure, the Group will be a key enabler for more robust management of organisational risk within Estate Management. At a strategic level, this will be achieved through regular reporting to the Management Board on progress of the delivery of projects against, timelines, scope and budgets. The POG will be a focal point for ensuring that the Office's delivery of Estate Management capital projects is more actively planned and managed and that resource allocation decisions are informed by the activities of the Group, the Project Pipeline Committee and Capital Reviews.
- **Information Communications Technology Steering Committee** - This committee's role is to provide oversight on ICT governance and risk within the OPW. Its functions include reviewing ICT policy; being the decision-making authority on ICT strategy; appraising, reviewing and approving business cases and finances for major ICT related projects; and oversight of ICT project delivery. The committee is chaired the Chairman and

comprised of personnel with expertise in ICT, customer service, property asset management, procurement, project assessment and appraisal, architectural services, engineering services, heritage and service delivery. The committee meets on average four times a year and more frequently if the need arises. Minutes of the committee meetings are made available to the Management Board.

- **The Corporate Governance Committee** - This committee's role is to advise on the ongoing development of good governance principles within the OPW. The committee is chaired by the Director of Corporate Services, current membership comprises of staff from the Finance, Human Resources, ICT, Estate Management, Engineering Services and Audit sections of the Office. The Committee meets on a quarterly basis, or more frequently if required. Minutes of meetings are posted on the OPW Intranet for all staff. The Chair reports to the Management Board on any issues with compliance or new developments in governance. An annual report is prepared and presented to the Management Board. The audit nominee reports to the Audit Committee.
- **Safety Management Advisory Committee (SMAC)** - This committee's role is to ensure uniform implementation of safety, health and welfare legislation throughout the OPW. The Committee is chaired by a member of the Management Board and membership consists of staff from various divisions of the Office. Meetings are held on a quarterly basis with minutes circulated to the Management Board and posted on the Intranet for all staff. An annual report is prepared and presented to the Management Board.
- **Art Management Committee** – This committee's role is to advise on the implementation of the *Per Cent for Art Scheme* within the OPW and the management of the State Art Collection. In addition, the Committee's expertise is available to all Government Departments and other public bodies for advice on the purchase, acquisition, maintenance, commissioning, restoration and valuation of art works. The Committee is comprised of members of the Management Board and representatives from the Art Management Office, Architectural and Heritage sections of the Office.

## Senior Management Team

**3.13.** The Senior Management team meets on a regular basis, usually quarterly. The primary role of these meetings is to provide a forum for senior managers to meet to discuss matters of common interest on the operation of the Office and to provide feedback through the Chair to the Management Board. Matters raised through the Partnership Committee may be considered by the Senior Management Team. Meetings are chaired by the Chairman and in the Chairman's absence a Management Board member. Secretariat is provided by Human Resource Management.

## Partnership Committee

**3.14.** Partnership 2000 (paras 9.8 and 9.9) sets out a definition of partnership in the workplace which identifies a number of key elements. Essentially, partnership involves the sharing of ideas and decision-making in relation to resolving problems and agreeing what is to be done and how it is to be done to the mutual benefit of all concerned.

**3.15.** The OPW has a well-established partnership structure in place, including a Central Partnership Committee, Regional Partnership Committees and a series of working groups dedicated to specific areas of activity. Working groups report to the Central Partnership Committee or to the Regional Committee as appropriate. The Partnership Committee is made up of management representatives, union representatives and staff members who are representative of all staff within the Office. A [Partnership Charter \(2018 to 2020\)](#), promoting and fostering

**3.16.** Active, participative and representative Partnership structure and culture within the Office is in operation. The Charter outlines the role of the Committee, which is to:

- maximise communication with, input from and development of people within the OPW;
- provide for meaningful participation as an approach to resolving issues and challenges generally;
- enable management, unions and staff at all levels to actively participate in the development and implementation of modernisation and reform action programmes, and
- identify and put in place and support the consultation and communication processes necessary to encourage common ownership of the modernisation and reform agenda within the organisation.

## Governance across Organisational Boundaries

**3.17.** Government bodies work on a daily basis across organisation boundaries in the development and implementation of Government policies and delivery of services. The OPW contributes

to the design and delivery of a number of programmes and services across organisational boundaries including leading Flood Risk cross government programmes and policies for Government. It does this in collaboration with a number of parties including other Government Departments, Offices and Agencies, both in the context of the Office's work as a service provider, and through its commitment to Public Service Reform measures including the adoption of a whole of government approach wherever appropriate.

- 3.18.** An essential component of the successful delivery of these programmes and services is the governance principles of the parties involved. The OPW sees the publishing of this framework, along with other central Government Departments and Offices publishing their frameworks, as a positive step in defining relationships between Departments and Offices in working across organisational boundaries within similar governance principles.
- 3.19.** Shared delivery of cross boundary services in which the OPW participates can be both informal and formal in nature. Interactions range from verbal to formal written agreements using email and, letters, and in some cases, Service Level Agreements and Memorandums of Understanding. These are used to describe the intentions of the parties to work together in order to achieve a common objective; to outline the expected nature and quality of the service to be provided by each party and in some cases to monitor progress.
- 3.20.** Work across organisational boundaries for the OPW includes participation on a number of external committees and boards. The OPW recognises an external committee/board is one whose work is outside the direct remit of the work of the Office. An official may be asked to become a member due to his/her specific knowledge or expertise in a particular area or because of his/her role within the OPW. Senior Manager level and above are responsible for ensuring that relevant information is ascertained prior to making a decision about an OPW Official being appointed to an external committee/board.
- 3.21.** Arrangements for appointment to State Boards (commercial and non-commercial) are set out in the ['Guidelines on Appointments to State Boards' \(2014\)](#). According to the guidelines, all vacancies (subject to limited and specified exceptions including the role of the Chair) are advertised openly on the State Boards portal [Stateboards.ie](#), operated by the Public Appointments Service (PAS). Applications are then processed by way of a transparent assessment system designed and implemented by the PAS to support the Minister in making appointments to State Boards under his/her remit. Appointments meet specific and detailed criteria determined in consultation with key stakeholders (such as the current Chair of the State Board concerned and the PAS) as necessary for the effective performance of the relevant role(s).



**3.22.** External Committees membership currently held by the Chairman of the OPW are outlined below.

- The Chairman holds an ex officio position on the Board of Governors & Guardians and Buildings & Grounds Committee of the National Gallery of Ireland.
- The Chairman is a member of the Civil Service Renewal Board.
- The Chairman of the OPW chairs the Shannon Flood Risk State Agency Co-ordination Working Group. The Working Group was established to enhance on-going co-operation across all of the State Agencies involved with the River Shannon. The [terms of reference](#) of the Working Group were approved by Government.

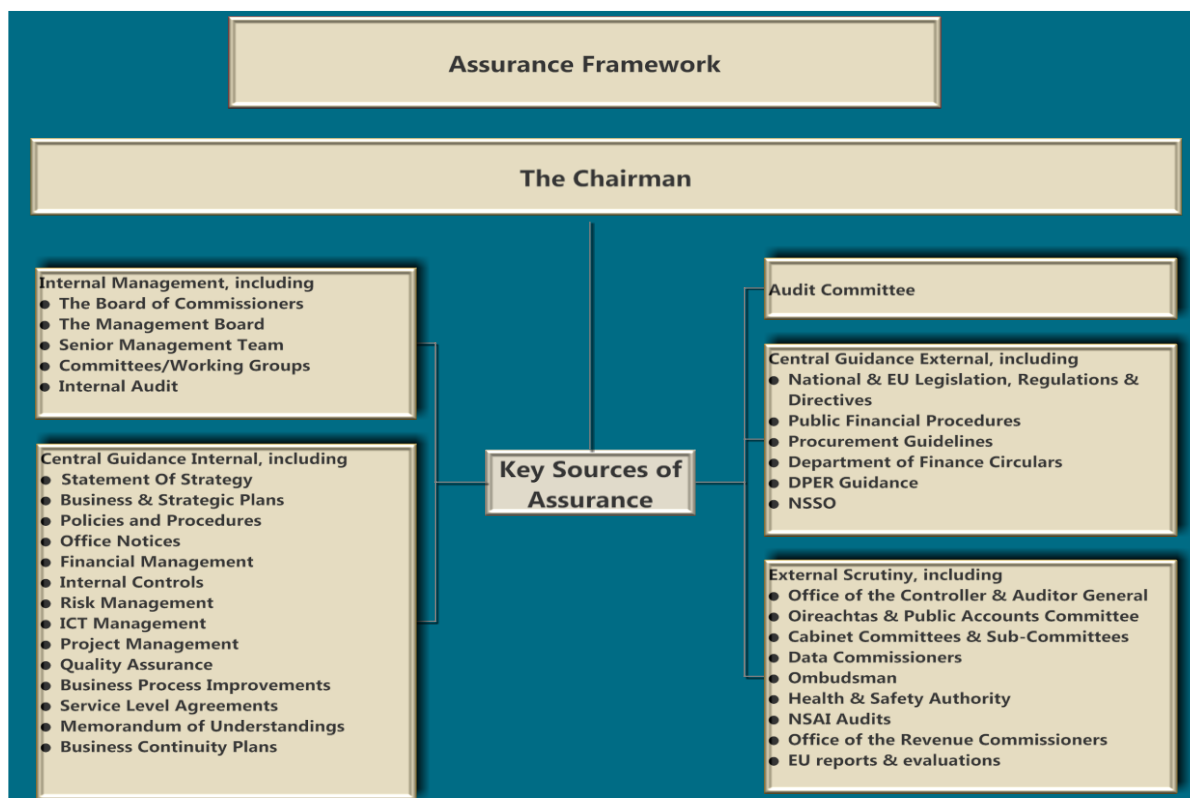
**3.23.** In addition to these external committees, the Chairman is a member of the Civil Service Management Board, which comprises all Secretaries General and Heads of major Offices and is chaired by the Secretary General to the Government. The Board's immediate focus is on overseeing the implementation of the priorities set out in the [Civil Service Renewal Plan](#).

## Background

- 4.1. The Chairman of the OPW is accountable to Dáil Éireann and through Dáil Éireann to the public for the proper management and use of public resources, for ensuring the Office operates within the law and for ensuring that the Office has proper accounting and governance standards in place. All budget holders<sup>21</sup> within the Office have a responsibility for the proper management and efficient and effective use of public funds and resources. The Office has a number of audit and assurance arrangements in place to evaluate compliance and recommend improvements where applicable.
- 4.2. As Accounting Officer, the Chairman is responsible for the safeguarding of public funds and property under the control of the Chairman; for the regularity and propriety of all the transactions in the [Appropriation Account](#); and for the efficiency and economy of administration of the OPW. Through the completion and signing of the annual Statement of Internal Financial Control as part of the OPW annual [Appropriation Account](#), the Chairman acknowledges responsibility for ensuring that an effective system of internal financial control is maintained and operated by the Office. The Chairman also acknowledges that any system of internal financial control can provide only reasonable and not absolute assurance that assets are safeguarded, transactions authorised and properly recorded, and that material errors or irregularities are either prevented or would be detected in a timely manner. Maintaining the system of internal financial controls within the OPW is a continuous process and the system and its effectiveness are kept under continuous review.
- 4.3. The OPW receives shared services that are delivered by the National Shared Services Office (NSSO), in support of the Civil Service Shared Service programme. The NSSO is allocated a dedicated Vote<sup>22</sup> for which the Accounting Officer is the Secretary General of the DPER. In relation to the OPW's receipt of services, the Chairman relies on a letter of assurance from the Accounting Officer of the NSSO that the appropriate controls are exercised in the provision of these services to the OPW.

<sup>21</sup> Budget holders are those tasked with the responsibility to monitor and control spend within a specific budget and to address any potential variation in the projected outturn.

<sup>22</sup> The Share Services Vote is the financial control and administration vehicle for Shared Services projects and Shared Service Operations (PeoplePoint and Payroll Shared Services Centres (PSSC))



## Audit Committee and Internal Audit

- 4.4. The OPW has an Audit Committee and Internal Audit Unit (IAU) in place. Their roles are set out in the OPW's Audit Committee and the IAU Charter. The Chairman approves the Charters and any subsequent amendments thereto.

### Role of the Audit Committee

- 4.5. The OPW's Audit Committee is an important part of the Office's governance framework. It is tasked with providing independent advice to the Chairman, in the Chairman's role as Accounting Officer, regarding the suitability and robustness of the organisation's internal control systems and procedures. In addition, it provides proactive oversight of risk management within the Office and reviews the effectiveness of the internal audit function.
- 4.6. The Committee is comprised of a Commissioner and a number of external representatives. The Committee is chaired by an external representative and reports to the Chairman.

At least once a year the Audit Committee invites representatives of the Office of the Comptroller and Auditor General to meet with them to discuss matters of mutual interest including a co-ordinated audit approach.

- 4.7. Each year the Audit Committee prepares an Annual Report for submission to the Accounting Officer, which includes an assessment of the work of the IAU, the supports provided to the Audit Committee and a self-assessment of the Audit Committee's effectiveness.

### **Reporting Relationships**

- 4.8. In order to maintain its independence from management, the Audit Committee communicates directly to the Accounting Officer. The Audit Committee exercises oversight of the work of the IAU and advises the Accounting Officer in this regard.
- 4.9. To facilitate regular engagement with the OPW, the Audit Committee meets at least four times a year, with additional meetings convened, as circumstances require.

### **Role of Internal Audit Unit**

- 4.10. The role of the IAU is to provide independent, objective assurance to the Chairman of the OPW in the role of Accounting Officer with the aim of adding value and improving OPW operations. It aims to assist the OPW accomplish its objectives by bringing a systematic, disciplined approach to the evaluation and improvement of risk management, control and governance processes in the OPW. In line with the DPER's determination of November 2012, the Internal Audit Unit (IAU) strives to apply the Institute of Internal Auditors International Standards for the Professional Practice of Internal Auditing to all of its work.
- 4.11. In carrying out its role as described above the IAU
- assesses and makes recommendations for improving the governance process within the OPW;
  - evaluates the design, implementation and effectiveness of the OPW's ethics-related objectives, programmes and activities;
  - assesses whether the information technology governance of the OPW supports its organisational strategies and objectives; and
  - evaluates the adequacy, effectiveness and efficiency of the OPW's controls and promotes continuous improvement in this area.

### **Reporting Relationships**

- 4.12. The IAU derives its authority from the Chairman of the OPW. The Head of Internal Audit (HIA) reports directly to the Chairman and on a quarterly basis to the Audit Committee. In addition, the HIA attends Management Board and Senior Management Team meetings, as considered necessary. The HIA, in unison with the Audit Committee, agrees the annual work programme of the IAU, taking account of the Office's Statement of Strategy, Risk Management Strategy, Divisional Business Plans, the OPW's Governance Framework and discussions with representatives of the Office of the Comptroller and Auditor General. The

Audit Committee reviews progress on the audit plan and advises the Accounting Officer on resource allocation to the IAU.

## External Audit

**4.13.** The Office is subject to independent external scrutiny from the Office of the Comptroller and Auditor General (OCAG). This scrutiny by the OCAG includes the:

- audit and reporting on the [Appropriation Account](#);
- establishment of whether the transactions of the Office are in accordance with the legal authorities governing them and that funds are applied for the purposes intended;
- provision of assurance on the system of internal financial control put in place; and
- examination of whether the Office administers its resources economically and efficiently and has mechanisms in place to evaluate the effectiveness of operations.<sup>23</sup>

**4.14.** The work of the OCAG takes into account the special considerations which attach to the management of public funds including the requirements of probity and sound corporate governance.<sup>23</sup>

## Internal Financial Management

**4.15.** Financial Services of the OPW has put in place adequate controls in order to provide reasonable assurance to the Chairman on the Office's compliance with finance related laws and regulations; on the reliability of reporting of financial data, and on the attainment of value for money. These controls and procedures are in keeping with the requirements of [public financial procedures](#) as well as directions from the DPER.

**4.16.** Financial Services monitors the OPW spend against approved budgets and reports on financial performance to the Management Board on a monthly basis. This process supports the OPW's delivery of targeted services within approved financial limits.

**4.17.** In addition to expenditure on the OPW Vote, the OPW acts as an agent, and incurs expenditure on behalf of other Government Departments and Agencies.<sup>24</sup> Funding for this agency expenditure is provided to OPW by the sponsoring Department/Agency and appears as a charge on the account of the client organisation. Financial Services of the OPW monitors and issues monthly and annual statements to clients of this spend.

<sup>23</sup> [www.audgen.gov.ie](http://www.audgen.gov.ie)

<sup>24</sup> Agency Services are services provided by one Department for another because the agent Department is better equipped to provide the service than the principal Department.

**4.18.** Financial Services is represented on all expenditure monitoring committees and reports monthly to the Management Board on the following matters:

- oversight and management of expenditure in the main spending areas on the OPW Vote and non-voted expenditure;
- allocation of annual Subhead funding to budgets and sub-budgets;
- management and distribution of contingency amounts retained on an annual basis;
- consideration of duplicate payments and interest on late payments;
- other matters that may arise under financial management in the area of expenditure; and
- consideration and submission of annual and multi-annual funding requirements in the context of the annual Estimates process.

## **Risk Management**

**4.19.** Risk management is fundamental to the efficient and effective delivery of OPW services and is integrated into the Office's strategic and operational planning process. It is used as a tool to enable the proactive management of risks into the future and to inform effective decision-making.

**4.20.** A risk management policy is in place for the Office, providing assurance through outlining key responsibilities as follows:-

- The Management Board has overall responsibility for the OPW's risk management and for systems in place to mitigate against risk.
- A Chief Risk Officer (member of the Management Board) is in place. The Chief Risk Officer's responsibilities include the development of the OPW risk policies, the co-ordination of risk management and internal control activities of the Office and the preparation of reports on risk for the Management Board.
- Members of the Senior Management Team are responsible for identification, assessment, management and mitigation on a continuous basis of the operational risks within their areas of responsibility.
- Internal Audit Unit is responsible for the independent assessment of the adequacy of the internal control environment and reports significant control weaknesses to the Chairman.
- Staff are responsible for operating and monitoring the systems of internal control and for raising risks with their line managers.

## Procurement Oversight

**4.21.** Procurement is a central part of the OPW's business. It affects practically all areas of the Office and is a core activity. It is the policy of the Office that procedures followed by staff must comply with European procurement law as transposed into national legislation and that the procedures used must adhere to guidance that issues from the Office of Government Procurement (OGP). The OPW aims to secure optimum value for money through the utilisation of best practice procurement processes across the Office as a whole. The OPW uses the tools provided by the OGP in the areas of framework contracts, standardised legal documents and e-procurement, and collaborates with other public service bodies to achieve this aim.

**4.22.** The Office has a number of measures in place to ensure an appropriate focus on good practice in purchasing. These measures include the following:-

- A designated Procurement Officer (Director of Corporate Services) monitors and manages the systems in place to ensure regulatory compliance in all procurement and that it is carried out honestly, fairly, and in a manner, that secures best value for public money.
- Managers are tasked with ensuring that staff in their sections have the appropriate competency level to conduct the level and type of procurement required of them.
- A continuous programme of staff training in procurement is in place.
- Financial authorities are established to place contracts and make payments.
- Procurement guidelines are provided through Office notices.
- Advance approval of the Management Board is obtained for expenditure over stated procurement limits.
- Processes are in place for notifying cases relating to Circular 40/02.<sup>25</sup>

## Information & Communications Technology

**4.23.** The provision and development of up-to-date, efficient and effective technologies within the OPW is a key enabler to the effective operation of the Office and the delivery of its strategic objectives. The Office has an ICT steering committee in place, which oversees the development and implementation of the Office's ICT strategy, thereby assisting the OPW in having an efficient, shared and integrated ICT environment, aligned with the broader ICT initiatives across the public sector.

<sup>25</sup> Circular 40/02: Public Procurement Guidelines – revision of existing procedures for approval of certain contracts in the Central Government sector.

- 4.24.** The ICT Unit of the Office provides ICT support for about 1,200 OPW staff across approx. 140 different sites. Responsibilities include the development, monitoring and maintenance of the Office's ICT infrastructure; the development and maintenance of ICT systems which support the core operations of the Office; the provision of ICT related advice and technical support; the management and support of online services<sup>26</sup>, networks, databases, telephony, mobile devices and computer systems; the development of the Office's business intelligence environment and the management of ICT security systems.
- 4.25.** The Press Office manages the various social media platforms on which OPW currently have a presence – Twitter, Facebook, YouTube and Flickr. The OPW has an appropriate social media policy in place, which is available on the OPW intranet.

## **Other Assurance Platforms**

### **International Organisation for Standardisation**

- 4.26.** A number of Business units within the OPW undergo independent surveillance audits by the National Standards Authority of Ireland (NSAI) in line with standards developed by the International Organisation for Standardisation, known as ISO. The objectives of these audits is to establish whether the management system in a particular division is in accordance with the requirements of the relevant standard, and is capable of achieving the division's policies and objectives. The ISO provides an independent assurance that the services provided by the OPW conform to agreed high standards and are a means for continuous improvement.
- 4.27.** The OPW consistently maintains its accreditation in these standards and continue to expand the adoption of standards across the organisation

### **Health & Safety**

- 4.28.** The Commissioners of Public Works in Ireland hold primary responsibility for Safety, Health and Welfare within the OPW and for ensuring that adequate arrangements are in place for the ongoing implementation of statutory provisions relating to safety, health and welfare at work.
- 4.29.** Members of the Management Board are directly responsible to the Commissioners for the establishment and maintenance of an ongoing and effective policy for safety, health and welfare.

<sup>26</sup> Some on-line services relating to work of the OPW e.g. Catchment Flood Risk Assessment and Management (CFRAM) are hosted by external bodies.



**4.30.** The Safety Management and Advisory Committee (SMAC) facilitates:

- Oversight at the implementation of safety, health and welfare throughout the office.
- The development of corporate strategies for accident prevention and reporting
- The Management Board in the development and review of OPW safety, health and welfare policy.
- The collection of relevant data on safety performance and accident statistics for presentation to the Management Board.

**4.31.** The OPW has a safety statement in place and a committee that oversees the assessment of relevant legislation and its application to the OPW. The Health and Safety committee (SMAC) oversees the development of corporate strategies on health and safety assurance. This committee also develops appropriate auditing processes for reporting on compliance with all statutory requirements.

### **Compliance with the Governance Framework**

**4.32.** It is the responsibility of the Management Board and the Senior Management Team to ensure through its communications and actions that staff understand and comply with the governing principles laid down in this framework.

**4.33.** Governance and Evaluation Unit supports managers and staff of the OPW in complying with the Governance Framework and is responsible for collating a report on the Office's adherence to the framework on an annual basis.

**4.34.** The OPW Corporate Governance Committee advises the Chairman and Management Board of the OPW on:

- the development of the OPW Governance Framework, in line with the Corporate Governance Standard for the Civil Service;
- the development and implementation of a Compliance Framework in line with the Governance Framework;
- the provision and internal publication of guidance on governance best practice to staff of the OPW;
- the monitoring and assessment of compliance with the Governance Framework;
- the review and revision of the Governance and the Compliance Framework as and when required but at least on an annual basis, and any other matters that arise under Corporate Governance or as requested by the Chairman.

Extract from Framework of Assignments- Assignment of Responsibilities from the Chairman to Assistant Secretary, Directors, Principal Officers and equivalent grades of the OPW

| <b>Responsibilities delegated to Commissioners, Assistant Secretary and Director and Equivalent</b>  | <b>Responsibilities delegated to Principal Officer and Equivalent</b>   |
|--|---|
| <ul style="list-style-type: none"> <li>• The achievement of objectives relevant to their area (as specified in the OPW Statement of Strategy) and managing work to that end;</li> <li>• Overseeing the day to day management of the business of their area;</li> <li>• Advising management and the Minister of State/Government on strategic direction, the formulation of policy and the implementation generally of relevant Government policies;</li> <li>• Managing the overall performance of their area, including implementation of the Performance Management and Development System;</li> <li>• The general management of staff in their area;</li> <li>• Preparing the relevant elements of the Statement of Strategy and associated progress reports for approval by the Management Board and the relevant Minister of State;</li> <li>• Strategic planning for the Division for which they have responsibility, in line with the strategic objectives of the Office;</li> <li>• Contributing to the overall Public Service Reform Plan through effective dialogue with other Departments and Offices in the delivery of shared services;</li> <li>• Ensuring the proper use of resources in the area, including effective financial management, public procurement and the provision of cost-effective public services;</li> <li>• Overseeing the assignment of specific responsibilities to individual officers or groups or grades within the area;</li> </ul> | <ul style="list-style-type: none"> <li>• Acting to achieve, as far as possible, objectives relevant to their section in accordance with Divisional objectives, Business Plans and the OPW Statement of Strategy and monitoring progress to that end;</li> <li>• Co-operating and collaborating with other Senior Managers to identify and deliver cross-functional opportunities for efficiencies in the OPW service delivery;</li> <li>• Strategic planning for the section in line with the strategic objectives for the Division and the Office;</li> <li>• The provision of policy advice to the Management Board and the Minister of State;</li> <li>• Implementation by the section of relevant policies in accordance with Government/Ministerial guidelines and directives;</li> <li>• Managing the day-today business of the section;</li> <li>• Ensuring the proper use of resources, assigned to the section, including effective financial management, public procurement and the provision of cost-effective public services appropriate to the section;</li> <li>• Overseeing the assignment of specific responsibilities to individual officers or groups or grades within the section;</li> <li>• The maintenance of appropriate systems and structures to support the work of the section;</li> <li>• Taking appropriate steps to ensure the effective management of risk within the section;</li> </ul> |

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- Ensuring the maintenance of appropriate systems and structures to support the work of the area;
  - Ensuring the effective management of risk in the area;
  - Ensuring the coordination and alignment of the area's activities with those of other areas within the Division and between Divisions, as appropriate;
  - Participation in Management Board and other internal management groups and cross-cutting interdepartmental groups and committees, as required or as requested by the Chairman.
- Co-ordinating the section's activities with those of other sections and Divisions as appropriate;
  - Participation in the Senior Management Team and other internal management groups and cross-cutting interdepartmental groups as required.
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## The Board of Commissioners

### Terms of Reference

#### 1. Vision and Purpose

[The Public Works \(Ireland\) Act, 1831](#), provided for the establishment of three Commissioners of Public Works in Ireland (the Board of Commissioners)<sup>27</sup>. The Board of Commissioners operates in accordance with its statutory obligations and the vision and purpose of the OPW, as outlined in the Office's Statement of Strategy.

#### 2. Membership

Membership comprises three Commissioners, one of which is the Chairman of the OPW. Under the [Public Service Management Act 1997](#), the Chairman is the non-political Head of the OPW. Other Personnel of the Office or external to the Office may be requested to attend meetings as and if required. The Private Secretary to the Chairman acts as the Secretary to the Board of Commissioners.

#### 3. Roles and Responsibilities

The role and responsibilities of the Chairman of the Board of Commissioners is to:

- schedule, facilitate and chair meetings;
- approve the agenda;
- ensure that procedures are in place to provide the Commissioners with relevant and timely information in order for the Commissioners to be in a position to deliberate and consider properly all agenda items;
- ensure that the Commissioners carry out their responsibilities under these terms of reference.

**Roles and responsibilities of the members of the Board of the Commissioners** - The Board of Commissioners delegates responsibility to the Management Board of the OPW for operational and strategic matters, as outlined in the terms of reference of the Management Board of the OPW. The Board of Commissioners retain statutory obligation and decision-making responsibility in accordance with applicable legislation, directives and regulations including:

- Determinations under [Section 19 of the Finance Act 1982](#) (approval given by the Commissioners to Seal document).
- Schemes pursuant to the [Coastal Protection Act 1963](#).
- Proposed Planning Applications Pursuant to the requirements of the Planning and Development Act 2000-2013 and the Planning and Development Regulations 2001-2013 (Part 9).

<sup>27</sup> For operational purposes the Commissioners of Public Works in Ireland shall be referred to as “The Board of Commissioners”

- Certain decisions regarding use of State property.
- Designation of Heritage properties under the terms of [Section 1003a of the Taxes and Consolidation Act 1997](#), as amended by the [Finance Act 2010](#).
- Seeking approval of the Minister of Public Expenditure and Reform for amendments to Regulations.
- Authorisation of staff to act on the Commissioners behalf under the [State Property Act 1954](#).
- Schemes pursuant to the [Arterial Drainage Acts 1945](#) and [1995](#).
- Ordering the sealing of documents under the [Arterial Drainage Acts 1945](#) and [1995](#).
- Authorisation for the execution of contracts, including acquisition of property.
- Approval to the authorisation of the signing of contracts of sale.
- The proposal of legislation.
- The consideration of legislation impacting on the powers or functions of the Office.

The roles and responsibilities of the Board of Commissioners members are complementary to and should not conflict with any existing statutory roles and responsibilities of the Chairman, as Secretary General or Accounting Officer of the OPW.

The Chairman through vested powers as Chairman of the Commissioners of Public Works under Sections 4(1)(i) and 9(1), of the [Public Service Management Act 1997](#) assigns to the Commissioners the necessary responsibility and authority to carry out their duties and functions within the OPW.

#### **4. Working Practices**

The Board of Commissioners general working practices are that:

- meetings are convened as matters require consideration;
- the Chairman chairs the meeting and either Commissioner can act as Chair in the absence of the Chairman;
- minutes of meetings are retained in the Chairman's Office.

#### **5. Approach to policy**

The Board of Commissioners' delegate responsibility to the Management Board of the OPW for consideration of policy issues.

#### **6. Relationship with the Minister and the Minister of State**

Interaction between the Board of Commissioners and the Minister is through the Chairman and the Minister of State.

#### **7. Performance and Evaluation**

The Chairman shall arrange a periodic review to measure delivery, performance and effectiveness of the Board of Commissioners against its terms of reference.

## **8. Secretariat Support**

The Board of Commissioners shall be supported by a Secretariat. The Secretariat will:

- develop the agenda for each meeting in consultation with the Chairman;
- ensure that papers are prepared and submitted to the Commissioners in sufficient time to consider before meetings;
- attend and minute meetings; and
- monitor compliance with these terms of reference and advise the Chairman of any concerns.

## **The Management Board of the OPW**

### **Terms of Reference**

#### **1. Vision and Purpose**

The Management Board of the OPW (the Management Board) operates in accordance with the vision and purpose of the Office of Public Works (the OPW) as outlined in the Office's Statement of Strategy and carries out its function in keeping with the governance principles set down in the OPW Corporate Governance Framework.

It is a collective advisory group of key management with responsibility for the implementation and achievement of strategic and operational objectives of the Office and for supporting the Minister and the Chairman of the OPW in the achievement of their statutory roles. The Chairman is the Head of the OPW and primary decision maker of the Management Board.

#### **2. Membership**

Membership comprises:

- the Chairman
- two Commissioners
- the State Architect
- the Head of Planning & Estate Management
- the Director of Flood Risk Management
- the Director of Corporate Services.

The Head of Personnel and Development Services (Principal Officer) is secretary to the Management Board.

The Accountant (Principal Officer) attends as requested for agenda items on financial matters of the Office. Other personnel of the Office or external to the Office may be requested to attend as and when required.

#### **3. Role and Responsibilities**

The role and responsibilities of the Chairman, as Chairperson of the Management Board is to:

- a) schedule, facilitate and chair Board meetings;
- b) approve the agenda;
- c) ensure that procedures are in place to provide the Management Board members with relevant and timely information in order for the members to be in a position to deliberate and consider properly all agenda items;
- d) ensure that the Management Board implement and progresses the strategic vision of the Office;
- e) ensure Board adherence to the principles set out within the OPW Corporate Governance Framework.

The role and responsibilities of the members of the Management Board are to:

- a) give priority to attendance at Management Board meetings;
- b) actively participate at meetings in the consideration of matters relating to the management of the whole of the OPW;
- c) notify the Management Board of any risks to the OPW or matters that threaten the propriety, regularity or value for money with which the Office carries out its business; or of any significant matters which may impact on the Office's capacity and capability to deliver its objectives; and provide details of associated mitigating actions proposed or taken;
- d) use their experience to consider and critically examine items under discussion by the Management Board;
- e) ensure structures are in place to communicate the outcomes of Management Board discussions to all staff within their areas of responsibility;
- f) provide leadership and strategic direction, drive and oversee the implementation of agreed strategies of the Office;
- g) consider and approve contracts exceeding a value of €5million.

The roles and responsibilities of the Management Board members are complementary to and should not conflict with any existing statutory roles of the Chairman, as Secretary General or Accounting Officer of the OPW.

The Chairman through vested powers as Chairman of the Commissioners of Public Works under Sections 4(1) (i) and 9(1), of the [Public Service Management Act 1997](#) assigns to the Board members the necessary responsibility and authority to carry out their duties and functions within the OPW.

#### **4. Working Practices**

The Management Board's general working practices are that:

- meetings are held fortnightly, with the exception of August;
- the Chairman of the OPW chairs the Board meetings and in his absence a Commissioner may chair the meeting;
- minutes of the meetings are made available to staff of the OPW.



## 5. Approach to policy

The Management Board sets the approach for the implementation of Government policy, relevant to the OPW. The Chairman of the OPW is the primary adviser to the Minister and Minister of State in policy matters relevant to the OPW.

Requests for changes in operational policies of the Office are prepared by the appropriate division/s of the Office and are submitted along with supporting evidence and rational analysis to the Chairman and the Management Board for consideration.

## 6. Relationship with the Minister and the Minister of State

Interaction between the Management Board and the Minister is through the Chairman and the Minister of State. The Management Board meets formally with the Minister of State on a quarterly basis or as considered appropriate. The agenda for briefing of the Minister of State includes but is not limited to:

- Government priorities;
- strategy;
- key issues including finances and
- performance of the OPW.

Any interactions with Special Advisers of the Minister shall be in accordance with guidance and circulars issued by the Department of Public Expenditure and Reform.

## 7. Committees

The Management Board may create sub-committees to perform specific tasks and assist the Management Board in the consideration of reform issues. Prior to setting up any sub-committee the Management Board must agree, the terms of reference, membership, reporting arrangements and time frames (if applicable) of the sub-committee. Each sub-committee will have a member of the Management Board as a member, who will have responsibility for the operation and progress of the sub-committee.<sup>28</sup>

The Secretary of the Management Board shall maintain details of such sub-committees including their purpose, structure and formal reporting arrangements, commencement and cessation dates.

## 8. Decisions and Reporting

Matters dealt with by the Management Board, include, but are not limited to:

- a) Formulation, implementation and monitoring progress of the Statement of Strategy;

<sup>28</sup> Unless there are exceptional circumstances no more than one member of the Management Board will be on each committee.

- b) Consideration of the impact of Government decisions relevant to the Office; and implementation of Government policy;
- c) Consideration of operational strategic issues and matters of significant risk, which may impact on the capacity and capability of the Office to deliver on its objectives;
- d) Monitoring and review of financial matters pertinent to the Office including expenditure against profile;
- e) Consideration of significant management and capital requirements and progress and status of major projects and programmes;
- f) Challenges and opportunities confronting the Office from both an internal and external perspective;
- g) Reports of progress of sub-committees, including, governance, finance, ICT, Health & Safety and Risk management;
- h) Development, implementation and progress of the whole of the Office's business plans;
- i) Organisational Capacity & Capability reviews; Resource planning; Communication strategies, Public Sector Reform Initiatives;
- j) Review of relevant documentation prior to publication, e.g. annual report.

## **9. Procedures for submitting agenda items**

Submissions on matters requiring the Management Boards consideration are on a standard template and shall be submitted at a minimum one week in advance of the meeting at which the matter is to be tabled.

## **10. Performance and Evaluation**

The Chairman shall arrange a periodic review to measure delivery, performance and effectiveness of the Management Board against its terms of reference.

## **11. Secretariat Support**

The Management Board shall be supported by a Secretariat. The Secretariat will:

- develop the agenda for each meeting in consultation with the Chairman;
- ensure that submissions and papers are provided to members of the Management Board in sufficient time to consider before the meeting;
- attend and minute meetings;
- monitor compliance of the Management Board with these terms of reference and advise the Chairman of any issues of concern.