



Oversight Agreement 2019

**Between Forensic Science Ireland and the Department
of Justice and Equality**

Part I – Oversight Agreement

1. Introduction

- 1.1** Forensic Science Ireland (FSI) is an executive agency of the Department of Justice and Equality. FSI is based in Garda Headquarters in Dublin. Plans to build a new fit-for-purpose building on the scientific campus at Backweston, Celbridge are well advanced.
- 1.2** Originally named the Forensic Science Laboratory, FSI was established in 1975 to provide a scientific service to the criminal justice system by analysing samples submitted from crime scenes and providing expert evidence in criminal trials. The work of FSI plays a vital part in the investigation and prosecution of criminal offences and has substantially grown its role in missing person investigations and person identifications.
- 1.3** FSI is the custodian of the national DNA Database System, with responsibility for its establishment and operation, as provided for by the Criminal Justice (Forensic Evidence and DNA Database System) Act 2014.

2. Role of the Forensic Science Ireland in the Justice & Equality Sector

- 2.1** The Department of Justice and Equality has responsibility *inter alia* for the criminal justice system. The Department's objectives include leadership in and oversight of justice policy and delivery, and the maintenance of a safe and secure Ireland.
- 2.2** FSI occupies a unique place in that criminal justice system, as a specialised executive agency of the Department, with an independent operational

mandate, providing a specific scientific service. As such, FSI contributes to both the investigation and adjudication of crime within the Irish criminal justice system.

- 2.3** FSI's current vision is 'Science supporting Justice'. The current mission of FSI, as set out in its 2015 – 2018 Strategic Plan, is to deliver, to best international standards, independent expert opinion, advice, training and research to support the Irish criminal justice system. A new strategic plan is being developed by FSI, due for completion by April 2019, whereby the Vision and Mission statements are being revisited.

3. Corporate Governance

3.1 Roles and Responsibilities

Accounting Officer

FSI falls under the Department of Justice and Equality's Vote (Vote 24) and as such, the Department's Secretary General is the Accounting Officer. The Accounting Officer is responsible for the safeguarding of public funds and property under his control, for the efficiency and economy of administration by his Department and for the regularity and propriety of all transactions in the appropriation account. Further external scrutiny and governance is provided through the submission and analysis of the Appropriation Accounts to the Comptroller and Auditor General and ultimately to the Oireachtas through the Public Accounts Committee.

Director General

The Director General is responsible for the day to day management and administration of the business of FSI. The Director General is responsible for

the establishment and maintenance of high standards in implementing the functions of FSI, for setting strategic direction and being FSI's public face.

The Director General will furnish a Compliance Statement to the Minister for Justice & Equality ("the Minister"), in conjunction with FSI's annual report outlining any significant developments in the preceding year and affirming FSI's compliance with relevant codes and regulations, in accordance with the Code of Practice for the Governance of State Bodies (2016), in particular addressing the relevant requirements of paragraph 1.9 of the 'Business & Financial Reporting Requirements' Annex to the 2016 *Code of Practice for the Governance of State Bodies*.

Management Team

FSI has a management team consisting of the Director General, five Directors, a Quality Manager, eight Team Managers, a Customer Liaison Manager, a Health & Safety Manager, an Information Systems Manager and a DNA Database Team Manager.

The management team has responsibility for:

- Setting targets and standards for the laboratory;
- Identifying the resources necessary to implement these targets and standards;
- Seeking the resources identified so that an effective forensic science service can be provided to the laboratory's clients.

In carrying out its work, the management team is committed to maintaining the quality of laboratory services and to ensuring that the requirements of international standards for laboratories are met.

Quality Manager

The Quality Manager has the responsibility for ensuring that the management system related to quality is implemented and followed at all times. The Quality Manager has direct access to the Director General and other members of the management team for this purpose.

3.2 Statement of Strategy

In accordance with paragraph 1.15 of the Code of Practice, FSI should have a formal process in place for setting strategy. A Statement of Strategy should be adopted for a period of three to five years ahead. The statement should be aligned to specific objectives in the Department of Justice and Equality's Statement of Strategy.

FSI is currently working on a Strategic Plan covering the years 2019-2022 which will provide a comprehensive account of FSI's role, structures, work and goals. This plan will be published by the end of April 2019.

3.3 Annual Report

In accordance with Section 6 of the Code of Practice, FSI should prepare and submit to the Minister for Justice and Equality, a comprehensive annual report on its activities during the preceding year. This Annual Report should be published not later than four months after the end of the relevant year.

In accordance with Appendix A of the 'Business & Financial Reporting' Annex to the *Code of Practice for the Governance of State Bodies*, the Annual Report should, inter alia, include:

- i. Noting that this Oversight Agreement has been reached with the Department of Justice and Equality and, in particular, indicating FSI's level of compliance with the requirements of the Code of Practice for the Governance of State Bodies.

- ii. Confirmation that an appropriate assessment of FSI's principal risks has been carried out, including a description of these risks, and where appropriate and associated mitigation measures or strategies;
- iii. Confirmation that FSI is adhering to the relevant aspects of the *Public Spending Code*.

The annual report should also include, in accordance with the Criminal Justice (Forensic Evidence and DNA Database System) Act 2014, a review of performance by the Director of his/her functions relating to the DNA Database.

3.4 The "Prüm" Decision

The Department is responsible for overseeing the overall implementation of EU Council decision 2008/616/JHA, known as the Prüm Decision. Under Prüm, Ireland is obliged to put in place mechanisms to allow for the exchange of various types of information, with other EU Member States in order to combat terrorism and international crime. As the custodian of the DNA Database System, FSI play a central role in the implementation of the requirements under Prüm, including acting as a national contact point for Ireland in respect of DNA information exchange. The number of EU member states with active Prüm connectivity and exchange is planned to reach four by the end of 2019.

3.5 Internal Audit

The Department's Internal Audit Unit provides support to FSI in monitoring and reviewing the effectiveness of its arrangements for governance, risk management and internal control.

3.6 Audit and Risk Committee

As FSI falls under the Justice Vote (Vote 24), the Department's Audit Committee, subject to resources, supports FSI in order to provide oversight, ensuring that the

interests of Government and other stakeholders are protected in relation to business and financial reporting and internal control.

3.7 Protected Disclosures

As an executive agency of the Department, FSI is covered by the Protected Disclosures Policy of the Department of Justice and Equality. This Procedure outlines the process for the making of protected disclosures by workers who are or were engaged by FSI, and for dealing with such disclosures.

If a worker wishes to report a wrongdoing they may contact their line manager or the Head of Internal Audit at the Department of Justice and Equality.

3.8 Compliance Statement to the Minister

To confirm compliance (or otherwise) with key provisions of the Code of Practice and the Governance Standard for Justice and Equality Sector Bodies, the Director General of FSI will complete, on an annual basis in conjunction with the Annual Report, a Compliance Statement to the Minister in order to provide assurance to the Department that the systems of internal control, risk management and other areas of compliance are operating effectively. This report which is a confidential letter to the Minister, will address all of the relevant requirements of paragraph 1.9 of the 'Business & Financial Reporting Requirements' Annex to the Code of Practice for the Governance of State Bodies.

3.10 Governance Obligations

As a non-statutory administrative body operating under the aegis of the Minister, FSI is subject to a range of statutory and corporate governance obligations including the 2016 *Code of Practice for the Governance of State Bodies*. FSI will ensure that all the necessary obligations, including those for risk management, internal audit and the Public Spending Code are fully complied with.

3.11 Governance obligations will also be reviewed as part of the overall monitoring process of this Oversight Agreement itself.

Part II - Performance Delivery Agreement

4. Objectives of the Agreement¹

The purpose of this agreement is to formalise a process through which the outputs and outcomes required from FSI can be measured and assessed. Equally, the agreement will set out the expectations of FSI in relation to the support, guidance and information flow from the Department of Justice and Equality (“the Department”), which are vital in enabling FSI to achieve its strategic and operational goals. To achieve this, it is necessary to set out the following:

- The Department’s expectations of FSI;
- The key inputs, outputs and expected outcomes of FSI’s activities;
- Assessment of performance by monitoring of agreed targets, around those key outputs, inputs and outcomes;
- Support of FSI by the Department in the delivery of its functions.

This Agreement documents the agreed level of service between the parties in order to facilitate improved effectiveness and efficiency of relevant public services. It sets out FSI’s key targets for 2019 and defines the output and outcome indicators on which performance should be measured.

The Agreement seeks to (a) facilitate FSI in carrying out its functions, (b) progress the ongoing development of output measures for its expenditure, and (c) improve the effectiveness and efficiency of public services.

¹ Appendix E to the Code of Practice for the Governance of State Bodies sets out the expected format and detail to be included in the Performance Delivery Agreements.

5. Commitments

5.1 Mutual Commitments

Both parties will:

- Be proactive and timely in communications, co-operation and information sharing on service delivery.
- Support the effective achievement of agreed targets.
- Promote partnership, responsiveness and mutual co-operation in our interactions.
- Provide prompt and timely responses to correspondence, information requests and related matters.
- Keep each other apprised and updated on all key issues.

The annual budgetary provision for FSI will form part of the estimates for the Justice and Equality Vote and the requirements of FSI will be considered in that context.

5.2 Department of Justice and Equality Commitments

The Department of Justice and Equality will provide the following supports to enable FSI to fulfil its mandate:

- Regular contact with FSI with a view to supporting FSI in delivering on its outputs;

- Provide updates on Public Financial Procedures and Civil Service HR Policy Guidelines;
- Provide active support and guidance on recruitment activities;
- Provide support and guidance on employee relations, workforce development and performance management, including AGS IR/HR issues;
- Provide a networking and information service to FSI to ensure that staff of FSI, who are civil servants attached to the Department of Justice and Equality, are kept fully informed of developments, career opportunities, staffing changes and policies in their parent Department;
- Provide guidance on Government Accounting and Governance;
- Provide payroll, invoice processing and other accounting services through the Department's Financial Shared Services Centre;
- Provide ICT and support services in support of FSI's unique laboratory operating requirements. A significant investment is needed on the basis of a recent security assessment and the future demands on FSI.
- Provide monthly financial reports via the Department's Financial Management Unit (FMU);
- Liaise with FSI in relation to Public Service Reform initiatives.

6. Inputs

6.1 Financial Inputs

The following table summarises FSI's budget allocation for 2019. This will be reviewed throughout 2019 based on new programmes and needs. In particular, non-payroll allocation will need to be monitored based on known test costs and demand.

Expenditure	2018 Budget Allocation
Pay	€8.850 million
Non-Pay	€3.365 million
Capital	€28.570 million
Deferred Capital	€0.942 million
Total	€41.727 million

6.2 Staffing Resources

The following staffing levels are funded for 2019. Recruitment campaigns were initiated in 2018 with a plan to achieve these staffing levels in 2019. These staffing levels assume a full transfer of staff from GNTB for the relevant disciplines, including FLO, Fingerprints, Ballistics and Documents & Handwriting. Staffing needs will be kept under continuing review and raised with DOJE as necessary.

Grade	Staffing Level
Director	1
Deputy Director	5
Assistant Principal	0

Higher Executive Officer	2
Executive Officer	9
Clerical Officer	8
Forensic Scientist Grade 1	14
Forensic Scientist Grade 2	44
Forensic Scientist Grade 3	43
Analyst or Senior Laboratory Analyst	21
Total	147

7. Outputs /Targets

The following section sets out the Key Performance Indicators which will be used to assess FSI's progress towards achieving its key mandate and core function; to provide a scientific service to the criminal justice system by analysing samples submitted from crime scenes and providing expert evidence in criminal trials.

7.1 FSI's current work programme can be broken down into the following key objectives:

1. Deliver on outputs as outlined in SLA with AGS. The 2019 SLA will include the following commitments;
 - Report 9000 drugs cases, including 5000 complex cases
 - Report 6000 non-drugs cases
 - Report 20 missing persons investigations
 - Report 50 GNTB cases assisted by FSI staff
2. Maintain ISO 17025 accreditation.
3. Maintain and improve the performance of the DNA Database.

4. Support the design work of the new laboratory in Backweston.
5. Develop and implement an integration plan for Garda National Technical Bureau services.

7.2 Service Levels & Performance Measurement 2019

Strategic Objective 1 — **Estimated Cost of Delivery - €12.215 million (excluding Capital/Deferred Capital)**

Goals	Actions	KPIs	Target
Excellence in Science.	Maintain ISO 17025 accreditation.	Successfully maintained accreditation after INAB audits in Q4'19	Q4 2019
Customer service	Agree SLA with AGS and deliver on targets within SLA.	Aligned SLA with AGS.	March 2019
		One SLA review during 2019.	June 2019
		SLA goals delivered in 2019.	Q4'19

Modern Organisation	New purpose built facility built in Backweston.	Tender issued for main contract based on approved design. Start of construction	Q1'19 Q3'19
DNA Database	FSI to exchange data in line with PRUM obligation	Expand number of EU member states with active Prüm connectivity and exchange to four.	End 2019
Merger	Develop and implement an integration plan for GNTB services, including staffing, training, quality and service transfer.	50 GNTB cases supported by FSI staff.	End 2019

8. Potential Risk Factors

FSI operates a formal Risk Management policy in accordance with the Department of Finance Guidelines, which is updated on an ongoing basis. The maintenance of the Register ensures that risks are identified and assessed and necessary mitigating actions are, where resources allow, put in place.

Reflecting the key priorities of the organisation, the main potential risks to the achievement of targets set out in this Agreement are:

- Service disruption due to poor state of repair of current building and Annexes and lack of control over current facilities management structure (e.g. Toxicology service shut down in Q4 2018 for 6 weeks while Annex was being repaired).
- DNA evidence ruled inadmissible due to contamination concerns.
- Mix-up of cases/samples due to over-crowding, resulting in erroneous conclusions and miscarriages of Justice.
- Staff capacity and speed of recruitment to backfill staffing gaps at FSI.
- Backlogs in case load and mis-match of capacity to current demand.
- Integration risks associated with GNTB, impacting speed of integration or current FSI casework.
- Miscarriage of justice due to misinterpretation of forensic evidence.
- Unable to progress PRUM due to delays in implementation of necessary IT systems and space constraints.
- Funding based on non-pay overspend due to case mix and other factors

9. Flexibility and Amendment of Targets

Where amendments become necessary, both parties will engage to agree on amended targets.

10. Monitoring Arrangements

In accordance with the Department's policy on the monitoring of governance arrangements in relation to the organisations within its remit, FSI will meet with the Department twice yearly, or more frequently if required by the Department, to provide an update on developments and achievement of targets as set out in this Agreement.

FSI undertakes to return:

- (a) relevant and appropriately detailed performance information to allow for monitoring of this agreement;

- (b) relevant and appropriately detailed performance information for inclusion in the Revised Estimates for Public Services volume; and
- (c) performance information in line with the set of such indicators, and in keeping with the timeframe, agreed with the Department of Justice and Equality.

11. Duration and Signatories to the Agreement

Chris Enright, Director General, Forensic Science Ireland and John O'Callaghan, Assistant Secretary, Department of Justice and Equality agree that the arrangements as set out in this Agreement will apply with effect from the date signed hereunder until 31st December 2019.



Chris Enright
Director General
Forensic Science Ireland



John O'Callaghan
Assistant Secretary
Department of Justice and
Equality

Date: 26 March 2019

Date: 26/3 2019