

OVERSIGHT AGREEMENT 2019

**BETWEEN THE OFFICE OF THE
STATE PATHOLOGIST & THE
DEPARTMENT OF JUSTICE &
EQUALITY**

PART I – OVERSIGHT AGREEMENT

1. Introduction

- 1.1** The Office of the State Pathologist (OSP) is a non-statutory body established on an administrative basis under the aegis of the Department of Justice & Equality.
- 1.2** Currently, the Head of the OSP is an Acting State Pathologist and there is a Deputy State Pathologist, an Acting Deputy State Pathologist, a part-time locum Assistant State Pathologist, a senior scientist and four administrative staff.
- 1.3** The principle function of the OSP is to provide independent expert advice on matters relating to forensic pathology and to perform post-mortem examinations in cases where foul play is suspected.

2. Role of the Office of the State Pathologist in the Justice & Equality Sector

- 2.1** The Department of Justice & Equality has responsibility *inter alia* for the objective of the prevention and detection of crime. One of the six strategic goals of the Department in the Department's Strategy Statement 2016-2019 is "A Safe, Secure Ireland: To safeguard the security of the State and to achieve reductions in crime and re-offending and improvements in people's safety". The Department works in close partnership with its Agencies/Bodies and the Office of the State Pathologist is a key agency within the criminal justice system.
- 2.2** The OSP provides independent expert advice on matters relating to forensic pathology and performs the post mortem examinations in cases where foul play is suspected. A post mortem report in these cases is provided to the relevant Coroner. The pathologist attends the inquest

held into the death as well as any court proceedings arising out of a Garda investigation. A significant proportion of the OSP work also involves out-of-office activities. This includes scene visits, call-outs, inquests and court cases.

2.3 The workload of the OSP involves not only forensic post mortem examinations, but also the review of skeletonised remains and referred cases

2.4 The forensic histopathology laboratory accepts, handles and processes tissue samples retrieved from post mortem examinations by the forensic pathologist. Each case requires histological examination, and occasionally, further special staining to be performed by the scientist.

3. Corporate Governance

3.1 Roles and Responsibilities

Accounting Officer

The OSP 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.

State Pathologist

The State Pathologist is responsible for the day-to-day management and administration of the business of the OSP and is appointed by the

Department. The current Acting State Pathologist is supported in his work by a Deputy State Pathologist, an Acting Deputy State Pathologist, a locum Assistant State Pathologist (part time), a Senior Scientist and a staff of four administrative civil servants.

The State Pathologist will furnish a Compliance Statement to the Minister, in conjunction with the OSP's Annual Report, outlining any significant developments in the preceding year and affirming the OSP's compliance with relevant codes and regulations, in accordance with the 2016 Code of Practice for the Governance of State Bodies (the "Code of Practice"), in particular addressing the relevant requirements of paragraph 1.9 of the "Business and Financial Reporting Requirements" Annex to the 2016 Code of Practice.

3.2 Statement of Strategy

The Department along with the State Pathologist is responsible for setting the strategic direction of the OSP and this is incorporated into the OSP's Business Plan.

3.3 Annual Report

In accordance with section 6 of the Code of Practice, the OSP will prepare and submit to the Minister for Justice & Equality an Annual Report in relation to the performance of the functions and activities of the OSP during the preceding year. This Annual Report will be published not later than four months after the end of the relevant year (or as soon as possible thereafter).

In accordance with Appendix A of the 'Business & Financial Reporting Annex' to the 2016 Code of Practice, the Annual Report should:

- (i) Note that this Oversight Agreement has been reached with the Department of Justice & Equality and, in particular, indicate the OSP's level of compliance with the requirements of the Code of Practice for the Governance of State Bodies.

- (ii) Confirm that an appropriate assessment of the OSP's principal risks, including a description of these risks, has been carried out, and where appropriate outline any associated mitigation measures or strategies.
- (iii) Confirm that the OSP is adhering to the relevant aspects of the Public Spending Code.
- (iv) Confirm that the OSP is in compliance with relevant tax obligations.

3.4 Internal Audit

The Department's Internal Audit Unit provides support to the OSP in monitoring and reviewing the effectiveness of its arrangements for governance, risk management and internal control. Any audit work will be agreed between the State Pathologist and the Head of Internal Audit in the Department. The Internal Audit Unit, subject to available resources, will carry out the audits within an agreed timeframe.

3.5 Audit and Risk Committee

As the OSP falls under the Justice Vote (Vote 24), the Department's Audit Committee, subject to resources, supports the OSP 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.

3.6 Protected Disclosures

In accordance with section 21(1) of the Protected Disclosures Act 2014, the OSP is covered by the Protected Disclosures Policy of the Department of Justice & Equality. This Policy outlines the process for the making of protected disclosures by workers who are or were employed in the OSP and for dealing with such disclosures. If a worker wishes to report a wrong doing they may contact their line manager or the Head of Internal Audit at the Department of Justice & Equality.

3.7 Procurement

In accordance with section 8.16 of the *Code of Practice*, the State Pathologist will ensure that competitive tendering is standard procedure in the procurement process of the OSP. Procurement competitions conducted by the Office of the State Pathologist are carried out in consultation with the Department's Procurement Unit.

The State Pathologist should affirm adherence to the relevant procurement policy and procedures in the annual compliance statement to the Minister.

3.8 Customer Charter

The Office of the State Pathologist comes under the Department of Justice and Equality's Customer Charter and Customer Action Plan.

3.9 Data Protection

The OSP will engage proactively with data protection obligations with a view to compliance with the General Data Protection Regulation (GDPR) (in force from May 25, 2018) and the Data Protection Acts 1988 & 2018. Arrangements have been put in place to provide the OSP with access to the Department's Data Protection Support and Compliance Office.

3.10 Public Sector Equality and Human Rights Duty

Section 42 of the Irish Human Rights and Equality Commission Act 2014 establishes a positive duty on public bodies to have regard to the need to eliminate discrimination, promote equality and protect the human rights of staff and persons to whom services are provided.

In particular, the OSP will have regard to its obligations under Section 42 of the Act to:

- Assess and identify human rights and equality issues relevant to its functions, especially in relation to medical ethics and respecting the dignity of the deceased.

- Identify the policies and practices that are in place/will be put in place to address these issues.
- Report on developments in that regard in its Annual Report.

3.11 Environmental and Energy Issues

The OSP will fulfil statutory and other obligations in relation to environmental and energy issues as follows:

- (i) In accordance with requirements set out in the Department of Communications, Climate Action and the Environment's Public Sector Energy Efficiency Strategy 2017, the OSP will come under the Department of Justice's energy and environmental initiatives.
 - Will appoint an Energy Manager who will participate in the Department of Justice's Energy Performance Officers Forum and assist in accurately reporting energy use through the Department, annually, to the Sustainable Energy Authority of Ireland (SEAI), in advance of their deadline.
 - Strive to achieve the statutory target of a 33% reduction in energy use by 31st December 2020 in accordance with S.I. 426 of 2014 (European Union (Energy Efficiency) Regulations).
 - Publishing progress (or lack thereof) achieved on energy reduction in the annual report.
- (ii) Eliminating the use of single-use plastics from the organisation, in accordance with the Government Decision of 3 January 2019.
- (iii) Participating in Justice-sector and wider public sector initiatives in relation to energy and environmental issues.

3.12 Governance Obligations

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

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

3.13 Comply or Explain

- i. As the OSP is non-statutory body which falls under the Justice Vote (Vote 24), it does not have its own Internal Audit Unit or Audit Committee. Alternatively, arrangements have been put in place to provide the Office of the State Pathologist with access to the Department's Internal Audit Unit and Audit Committee.
- ii. As a small non-statutory body, the OSP is not required to produce Financial Statements. The OSP liaises with the Department's Financial Management Unit who report on the OSP's income and spending in their monthly management reports.

PART II – PERFORMANCE DELIVERY AGREEMENT

4. Objectives of the Agreement

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

- The Department’s expectations of the OSP;
- The key inputs, outputs and expected outcomes of the OSP’s activities;
- Assessment of performance by monitoring of agreed targets, around those key outputs, inputs and outcomes;
- Support of the OSP 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 the OSP’s key targets for 2019 and defines the output and outcome indicators on which performance should be measured.

The Agreement seeks to (a) facilitate the OSP 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.

5. Commitments

5.1 Mutual Commitments

Both parties will:

- Be proactive and timely in communications, provide 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 the OSP forms part of the estimates for the Justice & Equality Vote and the requirements of the OSP will be considered in that context.

5.2 Department of Justice & Equality commitments

- Provide dedicated support from within the nominated Division within the Department.
- Liaise with the Department of Public Expenditure and Reform to ensure timely sanction for expenditure and staffing in line with public financial procedures and public service numbers policies.
- Provide a Human Resource Management Service not limited to recruitment involving employee relations, workforce development, performance management and liaison with (HR) shared services.
- Liaise with the OSP in relation to Public Service Reform initiatives.
- Liaise with OSP in relation to agreed policy objectives.
- Provide guidance and direction on Government Accounting and Governance.

- Provide invoice processing and other accounting services through the Department's Financial Shared Services.
- Provide for and resource the annual budget for the OSP which forms part of the Estimates of the Department of Justice & Equality Vote (24).
- Provide ICT services and support to the OSP through the Managed Service.

6. Inputs

6.1 Financial Inputs

The following table summarises the OSP's budget allocation for 2019

Expenditure	2019 Budget Allocation
Pay	€766,000
Non-Pay	€209,000
Total	€975,000

6.2 Staffing Resources

Grade	Staffing Level Feb/March 2019
State Pathologist	1
Deputy State Pathologist	1
Acting Deputy State Pathologist	1
Assistant State Pathologist (Part-time locum)*	1
Senior Laboratory Analyst	1
Executive Officer	0.8
Clerical Officer	2 +1 (0.8)

*A part time locum Assistant State Pathologist provides national cover on a 1:3 rota basis.

7. Outputs/Targets

The following sections set out the Key Performance Indicators which will be used to assess the OSP's progress towards achieving its key mandate and core function; to provide independent advice on matters relating to forensic pathology and to perform post mortem examinations in cases where foul play is suspected.

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

1. Provide independent expert advice on matters relating to forensic pathology and to perform post mortem examinations in cases where foul play is suspected.
2. Cooperate in effective succession planning for forensic pathologists for the OSP.
3. Ensure ongoing professional training for forensic pathologists and other scientific staff in the OSP.
4. Ensure that the administration and operation of the OSP is efficient and effective.
5. Continue to establish the OSP in its Whitehall site, which is shared with Dublin City Mortuary.

7.2 Service Levels & Performance Measurement 2019

Strategic Objective 1- Provide independent expert advice on matters relating to forensic pathology and to perform post mortem examinations in cases where foul play is suspected.

Goal	Action	KPI	Target
Provide independent expert advice on	Post mortem examinations carried out in	Expert opinion provided on the cause of death.	Ongoing as demand led.

matters relating to forensic pathology and to perform post mortem examinations in cases where foul play is suspected.	<p>cases where foul play is suspected.</p> <p>Provide independent expert advice on forensic pathology.</p> <p>Scenes of crime attended where appropriate.</p> <p>Fulfill the Office of the State Pathologist's teaching and examination role to the Irish Medical Schools.</p>	<p>Timely and expert reports of post mortems provided to the relevant Coroner.</p> <p>Attendance by examining pathologist at the inquest and at any court proceedings arising out of a Garda investigation.</p> <p>Teaching role for medical schools fulfilled.</p>	
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Strategic Objective 2- Cooperate in effective succession planning for forensic pathologists for the OSP.

Goal	Action	KPI	Target
Cooperate in effective succession planning for forensic pathologists for the OSP.	Recruit State Pathologist and Deputy State Pathologist to fill upcoming vacancies.	<p>State Pathologist and Deputy State Pathologist recruited.</p> <p>Locum pathologists</p>	2019

	<p>Provide locum pathologists in the interim.</p> <p>Examine and implement relevant recommendations from the review on the future of the Office of the State Pathologist by Royal College of Physicians of Ireland (RCPI).</p> <p>Obtain recognition by Irish Medical Council (IMC) of forensic pathology as a speciality and subsequent establishment of a training post in the Office of the State Pathologist (OSP)</p>	<p>provided when required.</p> <p>Assist in examining the RCPI review and implementing relevant recommendations.</p> <p>Forensic pathology recognised as a speciality. In-house training system in place to provide qualified and accredited forensic pathologists.</p>	
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Strategic Objective 3 - To ensure knowledge, skills and standards in forensic pathology are maintained and developed to a high standard.

Goal	Action	KPI	Target
Ensure ongoing professional training for forensic pathologists and other scientific staff in the OSP	<p>Provide ongoing professional training and development opportunities for forensic pathologists and scientific staff.</p> <p>Deliver specific training programme/structure for part qualified pathologist.</p> <p>Recruit State Pathologist and Deputy State Pathologist to fill upcoming vacancies and provide locum pathologists in the interim to support professional training requirements.</p>	<p>Forensic pathologists and scientific staff trained to a high standard to meet requirements of their roles.</p> <p>Part qualified pathologist attains forensic pathologist qualifications.</p> <p>State Pathologist and Deputy State Pathologist recruited in 2019 and locum pathologists provided when required supporting professional training requirements.</p>	2019/2020

		Compliance with the requirements of the Irish Medical Council and the Faculty of Pathology of the Royal College of Physicians of Ireland (RCPI).	
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Strategic Objective 4 –To ensure that the administration and operation of the OSP is efficient and effective.

Goal	Action	KPI	Target
To ensure that the administration and operation of the OSP is efficient and effective	<p>Ensure administrative practices are kept under review.</p> <p>Proper management of financial and staffing resources.</p> <p>Internal Audit recommendations implemented.</p> <p>Procedures and</p>	<p>Appropriate measures in place to ensure no backlog in the production of post mortem reports.</p> <p>Office operates within budget.</p> <p>Sufficient staffing levels maintained.</p> <p>Internal Audit recommendations</p>	2019

	protocols within the Office of the State Pathologist are kept under review and revised as required.	implemented. Procedures and protocols are in line with international standards.	
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Strategic Objective 5- To continue to establish the OSP in its Whitehall site, which is shared with Dublin City Mortuary.

Goal	Action	KPI	Target
Continue to establish the Office of the State Pathologist in its Whitehall site, which is shared with Dublin City Mortuary.	Proper procedures in place for the Office of the State Pathologist's operation from a shared building.	All actions completed and procedures in place for the operation of the Office in its shared building location.	2019

5. Potential Risk Factors

The Office of the State Pathologist operates a formal Risk Management Policy and maintains a Risk Register and, in accordance with the Department of Public Expenditure and Reform guidelines, this 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:

Inadequate succession planning for filling future State Pathologist and Deputy State Pathologist vacancies as they arise resulting in:

- Overburdening of existing staff members
- Delays in Post mortem examinations in cases where foul play is suspected.
- Impact on provision of independent expert advice on forensic pathology in a timely manner.

6. 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, the Office of the State Pathologist 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.

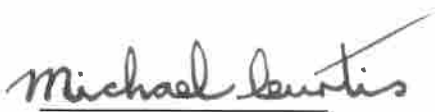
The Office of the State Pathologist undertakes to return:

- (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 indicators, and in keeping with the timeframe, agreed with the Department of Justice and Equality.

7. Duration and Signatories to the Agreement

The Acting State Pathologist Dr. Mike Curtis and Mr. Michael Flahive, 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 31 December, 2019.



Mike Curtis
Acting State Pathologist



Michael Flahive
Assistant Secretary
Department of Justice and Equality

Date: ^H5 June 2019

Date: 6 June 2019

Adm. Comm.

Adm. Comm.