



AN ROINN DLÍ AGUS CIRT AGUS COMHIONANNAIS
DEPARTMENT OF JUSTICE AND EQUALITY

Oversight Agreement 2018
between the Insolvency Service of Ireland and the
Department of Justice and Equality

Part I – Oversight Agreement

1. Introduction

1.1 The Insolvency Service of Ireland, (ISI) is an independent statutory body under the aegis of the Minister for Justice and Equality (“Minister”). It was established on a statutory basis on 1 March, 2013 pursuant to the Personal Insolvency Act 2012. The ISI is based in Dublin.

1.2 In the absence of a Board, there is a non-statutory Senior Management Team in place, which is comprised, of the Director, Head of Bankruptcy, Head of Case Management, Head of Policy and Regulation, and Head of Legal Services. There is also representation from the Assistant Principal Officer grade. All major strategic matters facing the ISI are considered at formal meetings of the Senior Management Team which meets at regular intervals.

2. Role of the Insolvency Service of Ireland within the Justice & Equality Sector

2.1 Mission

The ISI’s mission is, by operating the statutory framework for personal insolvency solutions, to return insolvent people to solvency and full participation in social and economic activity. The work of the ISI contributes to the Department’s high level strategic goal of “Access to Justice: To support efficiency and reform in the administration of Justice including in relation to the provision of improved services to victims”.

2.2 Function

In accordance with Section 9 of the Personal Insolvency Act 2012, the principal functions of the Insolvency Service are as follows:

- To monitor the operation of the arrangements relating to personal insolvency provided for in the Act,
- To consider applications for Debt Relief Notices,

- To process applications for protective certificates,
- To maintain the Registers established under Section 133 of the Act,
- To provide information to the public on the working of the Act,
- To advise the Minister on any matter relating to its functions,
- In accordance with Section 47 of the Act -
 - Authorise a person or class of person to perform the functions of an approved intermediary,
 - Supervise and regulate persons or classes of persons authorised to perform the functions of an approved intermediary,
- In accordance with Part 5 of the Act -
 - Authorise individuals to carry on practice as personal insolvency practitioners,
 - Supervise and regulate persons practising as personal insolvency practitioners,
 - Perform such functions as are assigned to the Insolvency Service under that Part
- To prepare and issue guidelines as to what constitutes a reasonable standard of living and reasonable living expenses under section 23 of the Act,
- To arrange for the provision of such education and training, in relation to the performance by them of their functions under the Act, of approved intermediaries, personal insolvency practitioners and other persons, as it thinks fit,
- Subject to Section 60(3) of the Bankruptcy Act 1988, administer the functions assigned to the Official Assignee by the Bankruptcy Act 1988 or any other enactment,
- To compile, collect, analyse and disseminate information and statistics on the operation of this Act and of the Bankruptcy Act 1988,
- To monitor and analyse developments, as respects the situation of insolvent debtors and trends in, and patterns of, debtor and creditor behaviour,
- To develop strategies for communicating with the public aimed at promoting the use of insolvency arrangements and enhancing their effective application,
- To contribute to the development of policy in the area of personal insolvency, and
- To carry out any other duties and exercise any other powers assigned to it by or under this Act.

2.3 Vision

The vision of the ISI is to return people to solvency. This Vision is underpinned by the organisation's values of customer focus, integrity, innovation, transparency, respect, accountability, professionalism, effectiveness and efficiency.

3. Corporate Governance

3.1 Roles and Responsibilities

Accounting Officer

The ISI falls under the Department of Justice and Equality's ("the Department") 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

In accordance with section 11 of the Personal Insolvency Act, the Director of the ISI shall:

- (a) manage and control generally the Insolvency Service's staff, administration and business,
- (b) be responsible to the Minister for the performance of his or her functions, and
- (c) perform such other functions (if any) as may be required by the Minister or as may be authorised under this Act.

The Director will furnish a Compliance Statement to the Minister, in conjunction with the ISI's annual report and financial statements, outlining any significant commercial developments in the preceding year and affirming the ISI's compliance with relevant codes and regulations, in accordance with the Code of Practice for the Governance of State Bodies (2016), in particular

addressing 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*.

The ISI and the Department have agreed an approach to the completion of the Compliance Statement that reflects the governance structure of the ISI – in particular the absence of a Board and Chairperson.

The Senior Management Team

In the absence of a Statutory Board, the ISI has established a Senior Management Team (SMT). The Team meets under the chairmanship of the Director. The Director is supported by the SMT to provide strategic leadership, direction, support and guidance for the ISI and promote commitment to its core values, policies and objectives.

The members of the Senior Management Team are collectively responsible for leading and directing the ISI's activities within a framework of prudent and effective control as set forth in the *Code of Practice for the Governance of State Bodies* (2016).

3.2 Strategic Plan

Section 14 of the Act requires the ISI, as soon as is practicable after the establishment day and thereafter within 6 months before each third anniversary of the establishment day, to prepare and submit for the Minister's approval, a strategic plan for the ensuing three-year period. The ISI's most recent strategic Plan covers the period from 2016 to 2019.

3.3 Business Plan

Section 15 of the Act requires the ISI to submit an annual business plan to the Minister. The ISI's Business Plan should provide a detailed indication of its planned activities, outlining the staff numbers, income and expenditure required.

3.4 Draft Unaudited Financial Statements

Draft unaudited annual financial statements should be submitted to the Department not later than two months after the end of the relevant financial year, in accordance with the *Code of*

Practice for the Governance of State Bodies (1.4 (ii) – ‘Business and Financial Reporting’ Annex).

3.5 Annual Report and Accounts

Section 16 of the Personal Insolvency Act 2012 requires the ISI to make a report to the Minister, not later than four months after the end of the financial year, in relation to the performance of the functions and activities of the ISI during the preceding year.

3.6 Reporting Requirements – Annual Report

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 include:

- i. Confirmation that this Oversight Agreement has been reached with the Department and, in particular, indicating ISI’s level of compliance with the relevant requirements of the Code of Practice for the Governance of State Bodies
- ii. Confirmation that an appropriate assessment of ISI’s principal risks has been carried out, including a description of these risks, where appropriate, and associated mitigation measures or strategies.
- iii. Confirmation that the ISI is adhering to the relevant aspects of the *Public Spending Code*.
- iv. Confirmation that the ISI has complied with its obligations under tax law; and
- v. A statement on the system of internal controls in the ISI, addressing each of the items listed in Appendix D of the ‘Business and Financial Reporting’ annex to the *Code of Practice for the Governance of State Bodies*.

3.7 Reporting Requirements – Financial Statements

In accordance with Appendix B of the ‘Business & Financial Reporting’ Annex to the *Code of Practice for the Governance of State Bodies*, the Financial Statements should include:

- i. Details of salary of Director;
- ii. Aggregate pay bill, total number of employees and compensation of key management level;
- iii. Total Costs incurred in relation to travel and subsistence and hospitality;

- iv. Details of expenditure on external consultancy/adviser fees;
- v. Details of the number of employees whose total employee benefits for the reporting period fell within each band of €10,000 from €60,000 upwards;
Details of termination/severance payments and agreements with a value in excess of €10,000, made within the period.

The above disclosures should be included in the Governance Statement in the Financial Statements as set out in the Department of Public Expenditure and Reform's *"A Guide to the Implications for the Annual Financial Statements and the Annual Report"* (Nov 2017).

3.8 Internal Audit

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

Section 17(2A) of the Personal Insolvency Acts, requires the ISI to maintain accounts relating to the functions of the Official Assignee under the Bankruptcy Act 1988 or any other enactment. These accounts are subject to the supervision of the Court. Consequently, the financial statements of the ISI do not recognise any transactions in relation to bankrupts and do not fall under the remit of the Comptroller and Auditor General.

The ISI engages independent external auditors to carry out an annual review of the accounts relating to the functions of the Official Assignee and the internal controls operated by the Official Assignee.

3.9 Audit and Risk Committee

The SMT shall approve the risk management framework for the ISI and monitor its effectiveness. The ISI will highlight key risks to the Department within its Oversight Agreement and to its internal and external auditors as appropriate. Due to the ISI's size and lack of Board, a separate audit and risk committee shall not be formed. As the ISI falls under

the Justice Vote (Vote 24), the Department's Audit Committee, subject to resources, continues to support the ISI 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.

3.10 Protected Disclosures and Other Concerns

In accordance with Section 21(1) of the Protected Disclosures Act 2014, the ISI has adopted the Protected Disclosures Policy of the Department as its policy on protected disclosure in the workplace.

This Procedure outlines the process for the making of protected disclosures by workers who are or were employed by the ISI, and for dealing with such disclosures. If a worker wishes to report a wrongdoing they may contact their line manager, the Director or the Head of Internal Audit at the Department.

As a prescribed body under the SI No 339 of 2014 and any subsequent amending SI's, the ISI should ensure that staff treat any correspondence submitted as a Protected Disclosure with increased awareness of confidentiality.

The ISI has also established procedures for dealing with other concerns from persons who are external to the ISI. The ISI website contains the following publications:

- Customer Charter;
- Guidebook on how to make a complaint against the ISI;
- Guidebook on how to make a complaint against a Personal Insolvency Practitioner.

3.11 Procurement

In accordance with section 8.16 of the Code of Practice, the ISI will ensure that competitive tendering is standard procedure in the procurement process of the ISI and that procurement policies and procedures have been developed and published to all staff.

The Director should affirm adherence to the relevant procurement policy and procedures in the annual Compliance Statement to the Minister.

3.12 Customer Charter

The ISI has a customer charter setting out the level of service a customer can expect. The charter should be displayed prominently on the ISI's website and should be supported by a customer action plan. Guidance on each of these documents can be found on www.per.gov.ie.

3.13 General Data Protection Regulation

ISI will engage proactively with their data protection obligations and ensure substantial compliance with the General Data Protection Regulation (GDPR) (in force from May 25, 2018) and the Data Protection Acts 1988 & 2018, when enacted. The ISI, as a member of the Department's GDPR Steering Group, will ensure that ISI policies and procedures are in line with the Department's policies and procedures and will liaise with the Department's Data Protection Support and Compliance Office to clarify any issues that arise.

3.14 Governance Obligations

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

The ISI and the Department have agreed an approach to ensure relevant sections of the Code of Practice where practicable are complied with. This approach reflects the governance structure of the ISI – in particular the absence of a Board and Chairperson.

3.15 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 will complete on an

annual basis and submit to the Minister, in conjunction with the Annual Report, a Compliance Statement 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 statement 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*.

3.16 Provision of Information to Members of the Oireachtas

In accordance with D/PER Circular25/2016 - *Protocol for the Provision of Information to Members of the Oireachtas by State Bodies under the aegis of Government Departments/Offices*, the ISI are obliged to:

- i. Provide and maintain a dedicated email address (oireachtasmembers@isi.gov.ie) for Oireachtas members.
- ii. Put in place formal feedback processes to obtain feedback from Oireachtas members.
- iii. Comply with target deadlines and standards in terms of acknowledgements and responses to queries.
- iv. Designate a person at senior management level¹ within the ISI with responsibility for ensuring the timely provision of information to members of the Oireachtas.
- v. Report annually (in the Compliance Statement to the Minister) on compliance with standards set out in Circular 25/2016.
- vi. Seek, where appropriate, to publish the response to queries from members of the Oireachtas on the ISI's website.

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

3.18 Comply or Explain

- (i) Having regard to ISI's size and the fact that it is a Body without a Board, it is not deemed feasible for it to establish its own Internal Audit Unit or an Audit & Risk Committee.

¹ Head of Corporate Affairs

Alternative arrangements have been put in place to provide the ISI with access to the Department's Internal Audit Unit.

(ii) The ISI and the Department have agreed an approach to the completion of the Compliance Statement (section 3.1) that reflects the governance structure of the ISI – in particular the absence of a Board and Chairperson. This Compliance Statement will satisfy the requirement for the Chairperson's Comprehensive Report to the Minister, as prescribed by the Code of Practice.

Part II - Performance Delivery Agreement

4. Objectives of the Agreement²

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

- The Department's expectations of the ISI;
- The key inputs, outputs and expected outcomes of the ISI's activities;
- Assessment of performance by monitoring of agreed targets, around those key outputs, inputs and outcomes;
- Support of the ISI by the Department in the delivery of its functions as set out in the Personal Insolvency Act 2012.

The Agreement seeks to:

- (a) facilitate the ISI 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.

The Agreement will support the ISI in achieving its high level goals as set out in its Strategic Plan 2016 – 2019.

5. Commitments

5.1 Mutual Commitments

- Both parties agree to proactive and timely communications, cooperation and information on service delivery;
- Both parties agree to consult and to keep each other fully apprised on all matters of mutual relevance, particularly in the context of the ISI's function to contribute to the development of policy in the area of personal insolvency;

² 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.

- Both parties support the effective achievement of agreed targets, as well as the promotion of partnership, responsiveness and mutual co-operation in their ongoing interactions.

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

The ISI will identify, based on its business plans, its budgetary requirements to the Department as part of the budget process. When the budget is settled, consideration may have to be given to the preparation and submission of a revised Business Plan.

5.2 Department of Justice and Equality Commitments

The Department will provide the following supports to the ISI to enable it deliver on its objectives:

- Liaise with the Department of Public Expenditure and Reform to ensure as far as possible, timely sanction for expenditure and staffing in line with Public Financial Procedures and Public Service Numbers policy;
- Provide updates on Public Financial Procedures and Civil Service HR Policy Guidelines;
- Provide a Human Resource Management service including, but not limited to, recruitment, employee relations, workforce development and performance management;
- Provide the ISI with sufficient staff in accordance with its Work Force Planning submission to the Department from 2016. Summary table in Section 6. Any subsequent reductions in staff numbers from agreed allocation will be discussed in relation to business impacts and ability to meet previously agreed targets. Where possible, the Department will provide at least two weeks' notice before a member of staff is transferred;
- Provide guidance and direction on procurement matters by providing assistance towards legal and administrative compliance; assisting as appropriate through the procurement cycle of identifying approach to market, drafting and publishing tenders, clarifying queries from bidders, obtaining input from the Office of Government

Procurement and the Chief State Solicitors Office, evaluating bids and publishing awards. The primary features of guidance are to use OGP placed frameworks wherever possible and to minimise instances of single organisation procurement;

- Provide high quality ICT services via the Shared Service in accordance with the Service Level Agreement currently in place; provide advice in relation to proposed IT projects and resulting expenditure and ensure prompt review (by ICT Governance Group) of the sanctioning of project related expenditure;
- Provide guidance on Government Accounting and Governance;
- Provide financial services (e.g. invoice payment and accounting services) through the Department's Financial Shared Services;
- Provide internal audit services to the ISI;
- Provide assistance to the ISI in meeting its obligations under the Code of Practice for the Governance of State Bodies, including letters of assurance covering certain services provided to the ISI in areas such as IT;
- Provide data protection support to the ISI through the Department's Data Protection Support and Compliance Office;
- Provide a networking and information service to the ISI, to ensure that staff of the organisation, 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 the parent Department;
- Inform and involve the ISI in any activities related to the role that the ISI plays or may be required to play within the Department;
- Work with the ISI in the regular reporting processes under the Public Sector Reform and Civil Service Renewal Programmes;
- Provide monthly financial reports, processing of mobile phone bills, asset tracking and general financial advice via the Department's Financial Management Unit (FMU);
- Keep under review, in collaboration with the ISI, the effectiveness of the Personal Insolvency Acts and Bankruptcy Act 1988, drafting amending legislation, as necessary and in a timely manner;
- Provide timely responses to request for changes to secondary legislation.

6. Inputs

6.1 Financial Inputs

The following table summarises budget allocation for 2018.

Expenditure	2018 Budget Allocation
Pay	€4,582,000
Non-Pay	€2,800,000
Total	€7,382,000

6.2 Staffing Resources

Grade	Headcount (as at 5th March 2017)	FTE (as at 5 th March 2018)
Director	1	1
Principal Officer	3	3
Assistant Principal Officer	10	10
Higher Executive Officer / Administrative Officer	15	14
Executive Officer / Staff Officer	19	18.5
Clerical Officer	28	27.3
Total	76	73.8
	Current Vacancies: 12.7	Current shortfall: 15%

The ISI has a resourcing requirement of 86.5 staff. The ISI's 2018 pay budget contains sufficient scope to recruit the required additional staff. Efforts are underway within the HR Division of the Department of Justice and Equality and the Public Appointments Service to fill the vacancies.

7. Outputs /Targets

The following section sets out the Key Performance Indicators which will be used to assess the ISI's progress towards achieving its key targets and core function; the restoration of insolvent individuals to solvency under the provisions of the Personal Insolvency Acts.

The ISI has identified five key strategic objectives in its Strategic Plan 2016 – 2019, which are the focus of its current work programme, to:

1. Process personal insolvency debt solutions,
2. Ensure enhanced communications and increased public awareness,
3. Ensure effective and appropriate regulatory controls (Authorise, Regulate, Supervise, Support),
4. Contribute to policy development and legislative improvements,
5. Provide corporate support and development of our staff.

Goal 1: Process personal insolvency debt solutions (Estimated Cost of Delivery - €6.082m)

Objectives	Key Performance Indicators	Targets
Monitor, review and evaluate ISI's performance in meeting case processing requirements	<ul style="list-style-type: none"> Innovative, automated technology-led solutions with minimal use of paper files Efficient and effective processes and resources Delivering value for money 	<ul style="list-style-type: none"> Cases from AIs and PIPs processed to Courts within optimised turnaround times (complete: 3 days; submitted: 2 days)
Efficient administration of bankrupts' estates	<ul style="list-style-type: none"> Innovative, automated technology-led solutions with minimal use of paper files Efficient and effective processes and resources Delivering value for money 	<ul style="list-style-type: none"> All information for OA applications for Court collated 1 week prior to Court date. 100% of cases where Statement of Affairs and Statement of Personal Information input and validated within 1 week of adjudication. Report to creditors issued 2 weeks post adjudication. All assets reviewed within 3 months of adjudication. General investigations completed within 8 weeks of adjudication. Court applications for extension to bankruptcy 3 months pre scheduled discharge
Engage with stakeholders to proactively identify suggestions and solutions to streamline processes and deliver greater efficiencies	<ul style="list-style-type: none"> Consultations held and appropriate solutions implemented 	<ul style="list-style-type: none"> Consultative forum and protocol oversight committee meetings held Present at relevant seminars throughout 2018 for both debtors and creditors
Ensure high quality IT systems are in place to support greater efficiency	<ul style="list-style-type: none"> High quality IT systems in place and Management Information Systems available 	<ul style="list-style-type: none"> Progress procurement of replacement Online Case Management System.

in case processing while also providing appropriate management information		<p>Preferred bidder identified Q2/2018</p> <ul style="list-style-type: none"> Develop Portal solution for debtors applying for bankruptcy
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Goal 2: Ensure enhanced communications and increased public awareness

(Estimated Cost of Delivery - €0.1m – Note: Q1/2017 Campaign funded during 2016)

Objectives	Key Performance Indicators	Targets
Ensure that ISI communication and awareness campaigns are appropriately funded, carefully designed and targeted to key audiences	<ul style="list-style-type: none"> Media campaigns designed, delivered and evaluated for quality and targeted to key audiences Widespread distribution of insolvency publications and guidelines Increase in customer contacts to the ISI through websites and information line Ensure that all debt solutions are promoted Outreach programmes targeted to relevant stakeholders Support and actively contribute to wider relevant national communications plans in conjunction with nominated stakeholders 	<ul style="list-style-type: none"> Information Campaign for Q1/2018 with post-event review.
Identify information requirements and the most appropriate channels for communication and dissemination	<ul style="list-style-type: none"> Detailed case studies published Provide timely information in suitable format for practitioners and public Develop multi-channel (broadcast, print, digital media, etc.) targeted communication plans to optimise the impact associated with all ISI information/awareness activity and obtain maximum coverage/return on investment Providing accessible updates to relevant media personnel and contributors 	<ul style="list-style-type: none"> Information Campaign for Q1/2018 with post-event review.

	<ul style="list-style-type: none"> ▪ Informed media coverage achieved 	
Identify scope and agree collaborative arrangements with other stakeholders	<ul style="list-style-type: none"> ▪ Consultative processes held 	<ul style="list-style-type: none"> ▪ Stakeholder meetings held
<p>Continue to consult, engage and communicate with stakeholders to ensure that we identify, respond to and provide updates in respect of emerging issues as they relate to the personal insolvency regime in Ireland</p> <p>Proactively identify and work to address key stakeholders' statistical requirements</p> <p>Respond to Government, public and media queries</p>	<ul style="list-style-type: none"> ▪ Update requirements identified and addressed ▪ Trends are identified ▪ Timely and informative responses 	<ul style="list-style-type: none"> ▪ On-going ▪ Manage ISI communications with all stakeholders and provide timely and accurate response to queries ▪ Regular review of public facing information to ensure that information is relevant, clear, accurate and up-to-date

Goal 3: Ensure effective and appropriate regulatory controls (Authorise, Regulate, Supervise, Support)
(Estimated Cost of Delivery – €0.4m)

Objectives	Key Performance Indicators	Targets
<p>Authorise personal insolvency practitioners</p> <p>Supervise and regulate personal insolvency practitioners</p> <p>Authorise and supervise approved intermediaries</p> <p>Promote continuous professional development to support personal insolvency practitioners in enhancing their knowledge and expertise</p>	<ul style="list-style-type: none"> Personal insolvency practitioners are fit and proper persons competent to carry on practice and compliant with legislative and regulatory requirements Ensure personal insolvency practitioners continue to meet legislative requirements by monitoring and reviewing their activities Approved intermediaries comply with regulatory requirements CPD programme developed and administered 'Practice Statements' and 'Practice Tutorials' developed and made available 	<ul style="list-style-type: none"> On-going
<p>Provide information to PIPs/AIs using experience gained by the ISI to improve the administration and operation of the personal insolvency regime</p>	<ul style="list-style-type: none"> Regular information updates provided 	<ul style="list-style-type: none"> Newsletters issued
<p>Operate a complaints procedure in line with statutory provisions</p>	<ul style="list-style-type: none"> Complaints are dealt with effectively 	<ul style="list-style-type: none"> On-going
<p>Identify unauthorised activity</p>	<ul style="list-style-type: none"> Monitor and consider unauthorised activity 	<ul style="list-style-type: none"> On-going

Goal 4: Contribute to policy development and legislative improvements

(Estimated Cost of Delivery – €0.4m)

Objectives	Key Performance Indicators	Targets
Research best practice as it applies in relevant jurisdictions with a view to supporting the on-going development of Irish insolvency debt solutions	<ul style="list-style-type: none"> Submissions for legislative change to the Minister for Justice and Equality 	<ul style="list-style-type: none"> Build upon ISI's submissions to the Department from December 2014 and May 2016
Propose and recommend legislative enhancements to support the efficient operation of personal insolvency debt solutions	<ul style="list-style-type: none"> Improved and effective case processing / administration service delivery Report on effectiveness of legislative provisions 	<ul style="list-style-type: none"> On-going
Monitor effectiveness of the DSA and PIA Protocols ³ and other policy documents	<ul style="list-style-type: none"> Implementation of recommendations by the Protocol oversight committee⁴ Effective policy documents in operation 	<ul style="list-style-type: none"> On-going
Ensure that 'Reasonable Living Expenses' ⁵ guidelines are appropriate	<ul style="list-style-type: none"> Guidelines reviewed annually and updated as required 	<ul style="list-style-type: none"> Consultation held prior to Q2/2018 review
Participate in the establishment, implementation, monitoring and review of the Government's Scheme of Independent Aid and Advice for Home Mortgage Arrears ⁶	<ul style="list-style-type: none"> Effective legal and financial supports in place for insolvent debtors in mortgage arrears Debtors remain in their home, where possible 	<ul style="list-style-type: none"> On-going
Contribute to insolvency related EU Regulations and implement as appropriate	<ul style="list-style-type: none"> Legislative changes required under the recast Insolvency Regulation (EU No 2015/848)⁷ implemented Electronic registers established with effect from 26th June, 2018 Preparatory work undertaken for the interconnection of national insolvency registers between EU Member States 	<ul style="list-style-type: none"> On-going attendance at IT Sub-Committee meetings on the Interconnection of Insolvency Registers. Liaise with associated stakeholders as necessary.

³ [Standard DSA, PIA and Debt Solutions protocol principles documents](#)

⁴ [Protocols – background information](#)

⁵ [Reasonable Living Expenses](#)

⁶ <http://www.justice.ie/en/JELR/Pages/PR16000032>

⁷ http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2015.141.01.0019.01.ENG

Goal 5: Provide corporate support and development of our staff

(Estimated Cost of Delivery – €0.4m)

Objectives	Key Performance Indicators	Targets
Support staff development by identifying and addressing current and future training needs and ensuring that all staff are provided with the skills, knowledge and experience to perform and develop within their roles	<ul style="list-style-type: none"> Staff have clarity in relation to their roles, duties and responsibilities Staff appropriately qualified and trained to carry out their duties Ongoing development and support including professional and technical skills 	<ul style="list-style-type: none"> On-going Training Needs Assessment undertaken and actioned. Training Courses/Further education opportunities and professional presentations organised and rolled out to staff in response to identified needs. Internal training needs assessed and appropriate staff designated to develop and give presentations.
Effective knowledge management in operation	<ul style="list-style-type: none"> Knowledge management systems available to staff 	<ul style="list-style-type: none"> Information available to staff
Enhance internal communications to ensure the effective integration of all divisions	<ul style="list-style-type: none"> Staff informed through regular communications and updates Communications strategy implemented Management meeting minutes circulated 	<ul style="list-style-type: none"> On-going
Ensure office automation systems meet the needs of the organisation and staff	<ul style="list-style-type: none"> Staff have appropriate 'tools' to carry out their roles and functions 	<ul style="list-style-type: none"> On-going
Support staff development through identification and implementation of internal skills mobility to meet the operational needs of the business	<ul style="list-style-type: none"> Opportunities identified 	<ul style="list-style-type: none"> On-going
Promote and monitor Customer Charter and Complaints process	<ul style="list-style-type: none"> Effective implementation of Charter Effective monitoring and management of complaints 	<ul style="list-style-type: none"> On-going

8. Potential Risk Factors

The ISI operates a formal Risk Management policy and maintains a Risk Register and 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 at the time of writing are:

1. Lack of Resources to achieve targets. The resourcing requirement for the ISI 86.5.
Currently a deficit of 12.5 (15%), including 3 vacancies at AP level.
2. Procurement of a replacement case management system. Risk of delays and/or errors until system is sourced and fully operational.
3. Personal Insolvency Practitioner (PIP) Business Model - Personal Insolvency Legislation built around role of PIP. Business model of PIP yet to stabilise.

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, the ISI 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 ISI 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.

11. Duration and Signatories to the Agreement

Lorcan O' Connor, Director, Insolvency Service Ireland and Doncha O' Sullivan, 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 2018.



Lorcan O' Connor
Director
Insolvency Service Ireland

Date: 9/3/ 2018



Doncha O'Sullivan
Assistant Secretary
Department of Justice and Equality

Date: 9/3/ 2018