

OVERSIGHT AGREEMENT 2018

**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 The Head of the OSP is the State Pathologist, there are 2 Deputy State Pathologists, an Assistant State Pathologist (part time), a senior scientist (currently vacant – locum scientist in place) and 4 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. In addition, the State Pathologists also perform forensic autopsies at a Coroner's request. These cases are not necessarily suspicious deaths but do require their specialist expertise. A proportion of these cases (approx. 1/3) can require the Pathologist's attendance at the inquest to give evidence.

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 her control, for the efficiency and economy of administration by her 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 State Pathologist is supported in her work by two Deputy State Pathologists, an 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 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.

3.11 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 2018 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 2018

Expenditure	2018 Budget Allocation
Pay	760,000
Non-Pay	209,000
Total	969,000

6.2 Staffing Resources

Grade	Staffing Level Feb/March 2018
State Pathologist	0.8
Deputy State Pathologist	2
Assistant State Pathologist (part time)*	1
Senior Laboratory Analyst**	1
Executive Officer	0.8
Clerical Officer	2 +1 (0.5)

*A part time Assistant Pathologist covers the Cork & Kerry Region and provides national cover at weekends on a rota basis.

****This post is vacant at present and a competition will be held to fill the post. In the meantime a locum scientist has been engaged.**

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. Ensure ongoing professional training for forensic pathologists and other scientific staff in the OSP.
3. Ensure efficient administration and operation of the OSP.

7.2 Service Levels & Performance Measurement 2018

Strategic Objective 1- Provide for the State an independent expert forensic pathology service

Goal	Action	KPI	Target
Provide independent expert advice on matters relating to forensic pathology and to perform post mortem	Post mortem examinations carried out in cases where foul play is suspected.	Expert opinion provided on the cause of death. Timely and expert reports of post mortems	Ongoing as demand led.

examinations in cases where foul play is suspected.	Provide independent expert advice on forensic pathology.	provided to the relevant Coroner. Attendance by examining pathologist at the inquest and at any court proceedings arising out of a Garda investigation.	
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Strategic Objective 2 - 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	Provide ongoing professional training and development opportunities for forensic pathologists and scientific staff. Deliver specific training programme/structure for part qualified pathologist. Progress recognition by IMC of forensic pathology as a	Forensic pathologists and scientific staff trained to a high standard to meet their roles. Part qualified pathologist attains forensic pathologist qualifications. Compliance with the requirements of the Irish Medical	2018/2019

	speciality and subsequent establishment of a training post in OSP.	Council and the Royal College of Pathology. Forensic pathology recognised as a speciality. In house training system to provide qualified and accredited forensic pathologists.	
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Strategic Objective 3 – An efficient and effective administrative and operational environment/Office

Goal	Action	KPI	Target
To ensure that the administration and operation of the OSP is efficient and effective	Ensure administrative practices are kept under review. Proper management of financial and staffing resources. Procedures and protocols within the OSP are kept under review and	No backlog in production of post mortem reports. Office operates within budget. Sufficient staffing resources are maintained. Procedures and protocols are in	2018

	revised as required	line with international standards.	
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8. 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:

- 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.

9. Flexibility and Amendment of Targets

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

10. Monitoring Arrangements

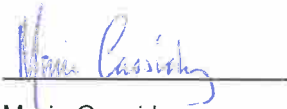
In accordance with the Department's policy on the monitoring of governance arrangements in relation to the organisations within its remit, the Office of the State Pathologist will meet with the Department twice yearly, or more frequently if required by the Department, to provide an update on developments 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.

10. Duration and Signatories to the Agreement

The State Pathologist Dr. Marie Cassidy 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, 2018.



Marie Cassidy
State Pathologist



Michael Flahive
Assistant Secretary
Department of Justice and Equality

Date: 7th June 2018

Date: 7 June 2018