

OVERSIGHT AGREEMENT 2018

**BETWEEN THE PROBATION
SERVICE & THE DEPARTMENT OF
JUSTICE AND EQUALITY**

PART I – OVERSIGHT AGREEMENT

1. Introduction

1.1 The Probation Service is a non-statutory body established on an administrative basis under the aegis of the Department of Justice & Equality.

1.2 The Probation of Offenders Act (1907) provides for statutory supervision of offenders in the community and is the foundation for probation work in Ireland. Probation Officers become involved in the criminal justice process between the trial and sanction/sentencing phases, often in cases where a court requires a pre-sanction assessment to assist in deciding on an appropriate sanction. In some cases, the court may be considering placing an offender on probation service or community service.

Relevant legislation includes:

Probation

- Probation of Offenders Act 1907
- Criminal Justice (Administration) Act 1914

Community Service

- Criminal Justice (Community Service) Act 1983 (as amended)
- Criminal Justice (Community Service)(Amendment) Act 2011

Temporary Release (supervised)

- Criminal Justice Act 1960 (as amended)
- Criminal Justice (Temporary Release of Prisoners) Act 2003

Prisoners

- Transfer of Sentenced Persons Act 1995
- Transfer of Sentenced Persons (Amendment) Act 1997

Suspended Sentences (supervised)

- Criminal Justice Act 2006
- Criminal Justice (Suspended Sentences of Imprisonment) Act 2017

Children/Young Persons Probation

- Children Act 2001

Sex Offenders

- Sex Offenders Act 2001
- Criminal Law (Sexual Offences) Act 2017

Misuse of Drugs

- Misuse of Drugs Acts, 1977 (as amended)

Fine Default Alternatives

- Fines (Payment and Recovery Act) 2014

Spent Convictions

- Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016
- Section 258 Children Act 2001

Data Protection

- Freedom of Information Act 2014
- Data Protection Act 1988, Data Protection (Amendment) Act 2003 and Data Protection Act 2018

In addition, practice is guided by:

- Council of Europe Recommendation CM/Rec (2010)1 of the Committee of Ministers to Member States on the Council of Europe Probation Rules
- Council of Europe Recommendation CM/Rec (2017)3 of the Committee of Ministers to Member States on the European Rules on Community Sanctions and Measures
- Council of Europe Recommendation CM/Rec (2008)11 of the Committee of Ministers to Member States on the European Rules for juvenile offenders subject to sanctions or measures
- United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules) 1990
- United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (The Bangkok Rules) 2010
- United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules) 1985

- CORU Code of Professional Conduct and Ethics for Social Workers (2010)

2 Role of the Probation Service in the Justice and Equality Sector.

2.1 The Department works in close partnership with its Agencies/Bodies and the Probation Service is a key agency within the criminal justice system. The Department has responsibility *inter alia* for the strategic development of penal policy in Ireland and for driving the implementation of penal reform. While punishment for those who commit crime is a central element of the justice system, the rehabilitation and reintegration of offenders is at the core of the penal system and is the best way to achieve a reduction in re-offending and fewer victims. 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 Probation Service contributes to this by:

- Ensuring court ordered supervision is implemented.
- Reducing the likelihood of reoffending and risk of harm to the public.
- Making good the harm done by crime (reparation and restorative justice).

The Probation Service delivers the following services:

1. Offender assessment, supervision and sentence management
2. Community Service and Community Return
3. Young Persons Probation (YPP)
4. Community Partner Initiatives, (including Community Based Organisations in receipt of funding).

2.2 Probation Service Vision, Mission & Values

The Mission of the Probation Service is:

Offender rehabilitation and integration through respect, accountability, restoration and social inclusion.

The Vision of the Probation Service is:

Safer more inclusive communities where offending and its causes are effectively addressed.

3 Corporate Governance

3.1 Roles and Responsibilities

Accounting Officer

The Probation Service 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 the Department's control, for the efficiency and economy of administration by the Department and for the 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

The Head of the Probation Service is the Director who is responsible for the day-to-day management and administration of the business of the Probation Service and is appointed by the Minister. The Director is a member of the Department's Management Board.

The Director will furnish a Compliance Statement to the Minister, in conjunction with the Probation Service's Annual Report, outlining any significant developments in the preceding year and affirming the Probation Service'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.

Directors

There are 2 Deputy Directors and 2 Assistant Directors supporting the Director. The 2 Deputy Directors lead the Corporate Affairs Directorate and the Operations Directorate.

Probation Senior Management Team

The senior management team comprises the Director, 2 Deputy Directors, 2 Assistant Directors, 9 Regional Managers/Assistant Principals, an Accountant and a Statistician. There is also a well-organised administrative and regional support structure.

3.2 Statement of Strategy

In accordance with section 1.17 of the Code of Practice for the Governance of State Bodies, the Probation Service should adopt a Statement of Strategy every 3 to 5 years which should be submitted to the Minister for consideration before its formal adoption. The Probation Service produces a multi-year Strategic Plan. The current plan covers the period 2018-2020. It also has a number of other strategy documents and protocols in place that are aligned to the Department’s overall mission and good governance practices. This includes a Joint Irish Prison Service and Probation Service Strategic Plan.

3.3 Annual Report

In accordance with section 6 of the Code of Practice, the Probation Service will prepare and submit to the Minister for Justice and Equality an Annual Report in relation to the performance of the functions and activities of the Probation Service during the preceding year. This Annual Report will 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*, the Annual Report should:

- (i) Note that this Oversight Agreement has been reached with the Department of Justice & Equality and, in particular, indicate the Probation Service's level of compliance with the requirements of the Code of Practice for the Governance of State Bodies.
- (ii) Confirm that the Probation Service has carried out an appropriate assessment of principal risks, including a description of these risks and, where appropriate, outline any associated mitigation measures or strategies.
- (iii) Confirm that the Probation Service is adhering to the relevant aspects of the Public Spending Code.
- (iv) Confirm that the Probation Service is in compliance with relevant tax obligations.
- (v) Provide a statement on the system of internal controls in the Probation Service, addressing each of the items listed in Appendix D of the 'Business and Financial Reporting' Document of the *Code of Practice for the Governance of State Bodies*.

3.4 Internal Audit

The Department's Internal Audit Unit provides support to the Probation Service in monitoring and reviewing the effectiveness of its arrangements for governance, risk management and internal control. Any audit work will be agreed between the Director 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 Probation Service falls under the Justice Vote (Vote 24), the Department's Audit Committee, subject to resources, supports the Probation Service 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.

The Probation Service has its own Risk Management Policy which is aligned with the Department of Justice & Equality policy. This policy was reviewed and approved by the Executive Leadership Team (ELT) in November 2017.

As an agency of the Department of Justice and Equality, the DJE Risk Committee may invite the Probation Service to outline details of their risks and to explain how they are being managed.

3.6 Protected Disclosures

In accordance with section 21(1) of the Protected Disclosures Act, 2014, the Probation Service has adopted the Department of Justice & Equality's Protected Disclosures policy. This is recorded under Appendix 1 of the Department's policy. This Policy outlines the process for the making of protected disclosures by workers who are or were employed in the Probation Service 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 & Equality.

3.7 Procurement

In accordance with section 8.16 of the *Code of Practice*, the Director will ensure that competitive tendering is standard procedure in the procurement process of the Probation Service 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.

3.8 Customer Charter

The Probation Service has a customer charter setting out the level of service a customer can expect. The charter is displayed prominently on the Probation Service's website and is supported by a customer action plan.

3.9 Data Protection

The Probation Service will engage proactively with the data protection obligations with a view to ensuring compliance with the General Data Protection Regulation (GDPR) (in force from May 25, 2018) and the Data Protection Acts 1988 & 2018. As an agency of the Department of Justice and Equality, the Probation Service is committed to the implementation of the Department of Justice and Equality's Data Protection Policy. The Department's Data Protection Officer (DPO) is the DPO for the Probation Service.

3.10 Governance Obligations

As a non-statutory administrative body operating under the aegis of the Minister, the Probation Service is subject to a range of statutory and corporate governance obligations including the 2016 Code of Practice. The Probation Service 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 Compliance Statement to the Minister

To confirm compliance (or otherwise) with the 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 a Compliance Statement. This, in conjunction with the Annual Report, served 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.'

3.12 Provision of Information to Members of the Oireachtas

In accordance with D/PER Circular 25/2016 – *Protocol for the Provision of Information to Members of the Oireachtas by State Bodies under the aegis of Government Departments/Offices*, the Probation Service is obliged to:

- i. Provide and maintain a dedicated email address. Oireachtas@probation.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. Ensure the timely provision of information to members of the Oireachtas (Assistant Principal, Corporate Services, has been assigned responsibility for this within the Probation Service).
- v. Report annually (in the Compliance Statement to the Minister) on compliance with standards sets out in Circular 25/2016.
- vi. Seek where appropriate, to publish the response to queries from members of the Oireachtas on the Probation Service website.

3.13 Comply or Explain

- i. As the Probation Service is an Agency of the Department 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 Probation Service with access to the Department's Internal Audit Unit and Audit Committee.
- ii. As an Agency of the Department, the Probation Service is not required to produce Financial Statements. The Probation Service liaises with the Department's Financial Management Unit who report on the Probation Service'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 Probation Service can be measured and assessed. Equally, the agreement will set out the expectations of the Probation Service in relation to the support, guidance and information flow from the Department of Justice & Equality, which are vital to enable the Probation Service to achieve its strategic and operational goals. To achieve this, it is necessary to set out the following:

- The Department's expectations of the Probation Service;
- The key inputs, outputs and expected outcomes of the Probation Service's activities;
- Assessment of performance by monitoring of agreed targets, around those key outputs, inputs and outcomes;
- Support of Probation Service 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 Probation Service'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 Probation Service 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, 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 Probation Service forms part of the estimates for the Justice & Equality Vote and the requirements of the Probation Service will be considered in that context.

5.2 Department of Justice and Equality commitments

- Provide dedicated support from 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 Probation Service in relation to Public Service Reform initiatives.
- Liaise with Probation Service in relation to agreed policy objectives.
- Provide guidance and direction on Government Accounting and Governance.
- Provide guidance and direction on procurement when required via the Department's Procurement Strategy Group.
- Provide invoice processing and other accounting services through the Department's Financial Shared Services.
- Provide for and resource the annual budget for the Probation Service which forms part of the Estimates of the Department of Justice and Equality Vote (24).
- Provide ICT Services and support to the Probation Service through the Managed Service.

6 Inputs

6.1 Financial Inputs

The following table summarises the Probation Service's budget allocation for 2018.

Expenditure	2018 Budget Allocation
B4-salaries, wages & allowances	23,643,000
B5-operating expenses	3,375,000
B6-services to offenders	16,732,000*
B7-community service order scheme	2,971,000
TOTAL	46,721,000

*includes YPP project funding

6.2 Staffing Resources

The following table sets out the Probation Service's staffing levels as at 1st January 2018.

Grade	Staffing Level 1st January 2018
Director	1
Deputy Director	2
Assistant Director	2
Regional Manager	7
Senior Probation Officer	41.53
Probation Officer	226.40
Professional Accountant	1
AP	2
HEO	4.8
EO	10.3
CO	47.3
SVO	2
Community Service Supervisors	42
TOTAL	389.33

7 Outputs/Targets

The following sections set out the Key Performance Indicators which will be used to assess the Probation Service's progress towards achieving its key mandate and core function;

7.1 Service Levels & Performance Measurement 2018

Key Performance Indicators - 2018

Total Number of Persons Subject to Supervision in the Community:	2017 Target	2017 Output	2018 Target
This total figure includes the following:			
1) Assessments for Court	9000	11227	10500
2) Same Day CS Assessments	700	903	700
3) Supervision of Community Service Orders	1750	2215	1750
4) Sex Offenders supervised in the community	350	376	350
5) Life Sentence Prisoners supervised in the community	75	93	80
6) Repatriation Reports prepared for the DJE (Note: *No Repatriation Reports requested in 2017)	10	0*	10
Number of Persons Engaged Within a Custodial / Detention Setting:			
This total figure includes the following:			
7) Community Return Cases assessed and subsequently supervised in the community – and/or successful number of community return completions	350	221	250
8) Parole Board Assessments	60	72	60
9) Sex Offenders	250	270	250

Based on the 2018-2020 Probation Service Strategy Statement the Probation Service will deliver the following outputs/ outcomes:

Strategic Goal 1: **Evidence - Informed Practice:** The Probation Service is committed to providing the best evidence informed interventions to reduce reoffending, protect the public and enable sustained desistance from offending.

Actions	KPI	2018 Target	Outputs
The Probation Service will establish and implement a structured offender supervision framework.	1) Design a bespoke Offender Supervision Framework. 2) Consult with all staff 3) Manage tendering process to recruit subject experts. 4) Develop an implementation plan for the Framework.	Qtr 2 Qtr 2 Qtr 4 Qtr 4	A consistent approach to offender management and rehabilitation.
The Probation Service will ensure the continued availability of innovative and effective direct alternatives to custody.	5) Further develop Community Service with a particular focus on Integrated Community Service. 6) Assist the IPS in the delivery of structured prison releases e.g. Community Service	Qtr 1 Qtr 2	Ability to provide suitable interventions to enable reintegration and rehabilitation of offenders

Actions	KPI	2018 Target	Outputs
	<p>and Community Return.</p> <p>7) Deliver on Service commitments arising from implementation of the Fines (Payment & Recovery) Act 2014</p>	Qtr 4	
The Probation Service will further develop its services to victims.	<p>8) Establish a dedicated Victim Service and Restorative Justice (RJ) unit.</p> <p>9) Expand the existing dedicated victim service.</p> <p>10) Ensure appropriate training is delivered to the relevant frontline staff nationwide.</p>	<p>Qtr 3</p> <p>Qtr 3</p> <p>Qtr 4</p>	Implementation of the EU Directive addressing the rights, supports and protection of victims of crime.

Strategic Goal 2: Connected and Trusted: The Probation Service recognises that to achieve its vision of a safer and more inclusive Ireland it needs to work with a range of stakeholders, including probation colleagues, criminal justice partners, service-users, and the wider community.

Actions	KPI	2018 Target	Outputs
The Probation Service will continue to deliver, and further develop, the operation of the Joint Agency Response to Crime (JARC) initiative with its key partners.	1) Continue to lead on the delivery of JARC in identified locations. 2) Further, develop Y-JARC in Dublin and Cork 3) Deliver on the National Performance evaluation framework for JARC, with its partners.	Qtr 3 Qtr 3 Qtr 4	Working with its partners, An Garda Síochána, the Irish Prison Service, the Department of Justice and Equality and the community and voluntary sector, provision of suitable interventions to enable reintegration and rehabilitation of offenders
In publishing the third joint strategy, <i>Irish Prison Service - Probation Service Strategy 2018-2020</i> , the Probation Service will continue to strengthen its collaborative arrangements with the Irish Prison Service to improve integrated sentence management and through-care of prisoners into the community.	4) Launch third Joint Strategy with the IPS. 5) Deliver on its 2018 commitments in third Joint IPS/PS Strategy. 6) Continue PS/IPS Oversight meetings.	Qtr 2 Qtr 4 Qtr 4	Improved integrated sentence management and through-care of prisoners into the community.
The Probation Service will engage with the wider community in delivering its services, recognising its unique contribution in supporting desistance.	7) Continue to align the work of its community-based organisations with Probation Service strategic priorities. 8) Develop a Home Visiting Policy to support its engagement with	Qtr 2 Qtr 4	Provision of suitable interventions to enable reintegration and rehabilitation of offenders. Working with the Community Based Organisations to achieve maximum potential

Actions	KPI	2018 Target	Outputs	
	service users' family and community. 9) Further, promote the use of Community Service in local communities.	Qtr 4		

Strategic Goal 3: People Centred: The Probation Service is a people-centred organisation that believes in people's capacity to change their behaviour; with its knowledgeable, skilled and engaged staff acting as change agents, it can achieve better outcomes for service users and the wider community.

Actions	KPI	2018 Target	Outputs
<p>The Probation Service will promote human rights and equality across all aspects of its work, including the design and delivery of services and business processes.</p>	<ol style="list-style-type: none"> 1) Working with the Irish Human Rights and Equality Commission (IHREC), the Service will participate in the pilot project on Public Sector Duty. 2) Support and contribute to the IHREC working groups. 3) Conduct a human rights and equality assessment across key aspects of our work. 4) Develop an action plan based on the outcome of the assessment. 	<p>Qtr 1</p> <p>Qtr 1</p> <p>Qtr 4</p> <p>Qtr 4</p>	<p>Promotion of human rights and equality across all aspects of its Probation Service work.</p>
<p>The Probation Service will respond to the many complex challenges service-users present with, including mental distress, domestic violence, homelessness, trauma and alcohol and drug misuse.</p>	<ol style="list-style-type: none"> 5) Continue to deliver on actions in the Probation Service Mental Health Strategy. 6) Introduction of STORM training to 	<p>Qtr 2</p> <p>Qtr 2</p>	<p>Interventions to enable reintegration and rehabilitation of offenders.</p>

Strategic Goal 4 Learning Organisation: The Probation Service will remain informed about the best empirical evidence of what is effective probation practice, and take appropriate measures to incorporate new learning into its work, creating a culture of continuous learning and reflective practice.

Actions	KPI	2018 Target	Outputs
The Probation Service will keep abreast of best practice developments in offender rehabilitation and management, ensuring our work is evidence informed.	1) Continue to collaborate with third level institutions to identify and support learning opportunities for staff. 2) Liaise with European probation colleagues to facilitate the sharing of best practice and joint learning. 3) Provide online access to a number of key international journals to keep staff up-to-date with developments in probation practice.	Qtr 2 Qtr 2 Qtr 3	Its work is evidence informed.
The Probation Service will generate and implement a research strategy to inform future developments and support evidence-informed decision making.	4) Contribute to and deliver on, the Department's Data and Research Strategy (2018). 5) Implement Probation Service Research Strategy 2018-2020.	Qtr 2 Qtr 2	Organisation informed on future developments required to support evidence-informed decision making.

Actions	KPI	2018 Target	Outputs
	6) In collaboration with CSO, undertake a further recidivism study.	Qtr 4	
The Probation Service will design and deliver an annual training programme for staff, reflecting its strategic priorities as well as integrating new and emerging practices	7) Delivery of staff training in accordance with the agreed annual training programme	Qtr 3	Staff equipped to deliver effective services
	8) Work with One Learning to maximise additional training opportunities for staff.	Qtr 3	
	9) Identify opportunities to promote E-Learning across the Service.	Qtr 4	

Strategic Goal 5: Efficient and Accountable: The Probation Service is an agile and resilient organisation, with structures and processes to support the attainment of organisational goals, promote good governance and ensure it remains accountable for the work it does.

[illegible]

8 Potential Risk Factors

The Probation Service operates a formal Risk Management Policy and maintains a Risk Register, in accordance with the Department of 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:

- 1) The impact of delays in the staff recruitment process – The risk is failure to have sufficient resources required to meet service delivery needs.
- 2) A pay budget underspend in 2018 due to delays in staff recruitment – The risk is failure to have sufficient staffing budget to meet requirements in future years.
- 3) Delay in the publication of 2017 recidivism study – The risk is failure to have evidence informed practice.

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 Probation Service 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 Probation Service 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.

11 Duration and Signatories to the Agreement

Mr Vivian Geiran, Director, Probation Service 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.



Vivian Geiran
Director, Probation Service



Michael Flahive
Assistant Secretary
Department of Justice and Equality

Date: 30 Aug 2018

Date: 30 August 2018