IFCO
IRISH FILM CLASSIFICATION OFFICE

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

Oversight Agreement 2018

between the Irish Film Classification Office and the Department of Justice and Equality

Part I – Oversight Agreement

1. Introduction

1.1 The Irish Film Classification Office (IFCO), (formerly known as the Film Censor's Office) is a statutory body established under the aegis of the Department of Justice and Equality. It was established on a statutory basis pursuant to the Censorship of Films Act 1923. Its role was expanded by the various Censorship of Films Acts and the Video Recordings Act, 1989.

1.2 The Office is based in Smithfield, Dublin 7. Staffing consists of a Director of Film Classification, an Office Manager and five other civil servants. In addition, five Assistant Classifiers provide services to IFCO on a contract for service basis, as provided for in S.2. of the Censorship of Films (Amendment) Act 1992.

1.3 In accordance with the above Acts, the principal functions of IFCO are:

1. To examine and certify all cinema films and videos/DVDs supplied in Ireland and which are not otherwise exempt from classification;
2. To examine those video games rated 18 by PEGI to ensure compliance with the Video Recordings Act 1989;
3. To provide the public and parents in particular with a modern and dependable system of classification that:
   a) protects children and young persons
   b) has regard for freedom of expression
   c) has respect for the values of Irish society;
4. The licensing of retail and wholesale outlets to sell or rent videos/DVDs; and
5. Providing An Garda Síochána with certificates for court proceedings involving the above Acts.

2. Role of the Irish Film Classification Office within the Justice & Equality Sector

2.1 Mission

IFCO's mission is to provide the public, and parents in particular, with the information and tools to make informed viewing choices for themselves and for those minors for whom they are responsible. As well as its statutory remit, the Office endeavours to engage with the public to hear their concerns and to gauge levels of satisfaction with its work.

2.2 Function

The role of the Irish Film Classification Office in the Justice and Equality Sector has evolved from a censorship vehicle to an age classification body providing consumer advice. It does, however, retain all powers of prohibition conferred by the relevant Acts. The core function of IFCO is the examination and certification of all cinema releases and videos/DVDs distributed in Ireland.

2.3 Secretariat to Boards

IFCO provides the secretariat for the Classification of Films Appeal Board, the Censorship of Publications Board and the Censorship of Publications Appeals Board.

Classification of Film Appeals Board

Section 3 Part 1 of the Censorship of Film Act, 1923 provides for the establishment of a Censorship of Films Appeals Board of no more than 9 members, all of whom shall be appointed by the Minister and one of whom shall be designated as its chairperson. Since 2008, the Appeal Board has been known as the Classification of Films Appeal Board in accordance with Section 71 of the Civil Law (Miscellaneous Provisions) Act 2008.

The current Appeal Board was appointed for a term of five years from 17th December 2015.

Censorship of Publications and Censorship of Publications Appeals Boards

Section 2 Part 1 of the Censorship of Publications Act, 1946 provides for the establishment of a Censorship of Publications Board and a Censorship of Publications Appeals Board of no more than five members, all of whom shall be appointed by the Minister and one of whom shall be designated as its Chairperson.

3. Corporate Governance

3.1 Roles and Responsibilities

Accounting Officer

IFCO 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 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 of Film Classification

IFCO is headed by the Director of Film Classification. In accordance with Section 2 of the Censorship of Films Act 1923 (as amended), the Director of Film Classification is appointed by the Minister for such time and on such terms as the Minister shall determine. The Director is responsible for the establishment and maintenance of high standards in implementing the functions of IFCO, for setting strategic direction and being IFCO's public face.

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

3.3 Strategic Plan

In accordance with paragraph 1.15 of the Code of Practice, IFCO should have a formal process in place for setting strategy. A strategic plan should be adopted for a period of three to five years ahead. The plan should be aligned to specific objectives in the Department of Justice and Equality's Statement of Strategy and should be consistent with any Government policies for reform and modernisation of the Public Service, as well as IFCO's statutory responsibilities.

A copy of the draft strategic plan should be sent to the Minister for Justice and Equality before being finalised and adopted by IFCO. IFCO's current Strategic Plan relates to the period from 01 January 2017 -31 December 2019.

3.4 Annual Report

Section 29(1)(a) of the Video Recordings Act 1989 (as amended) provides that the Director of Film Classification shall in each year prepare a report on his activities in the preceding year under the Video Recordings Act 1989 and the Censorship of Films Acts 1923 to 1970 and shall submit to the Minister, who shall cause copies thereof to be laid before each House of the Oireachtas.

The Annual Report of the Director of Film Classification 2017 will be submitted to the Minister by end June 2018 and the Department will arrange for copies in both Irish and English to be laid before the Houses of the Oireachtas.

3.5 Reporting Requirements – Annual Report

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

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

ii. Confirmation that an appropriate assessment of IFCO's principal risks has been carried out, including a description of these risks, where appropriate and associated mitigation measures or strategies;

iii. Confirmation that IFCO is adhering to the relevant aspects of the *Public Spending Code;*

iv. Confirmation that IFCO has complied with its obligations under tax law; and

v. A statement on the system of internal controls in IFCO, 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*.

3.6 Internal Audit

The Department's Internal Audit Unit provides support to IFCO in monitoring and reviewing the effectiveness of the Office's 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 of Justice and Equality. The Audit Unit will, subject to resources, carry out the audits within an agreed timeframe.

3.7 Audit and Risk Committee

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

3.8 Protected Disclosures

In accordance with Section 21(1) of the Protected Disclosures Act 2014, IFCO has adopted the Protected Disclosures Policy of the Department of Justice and Equality 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 Office, and for dealing with such disclosures.

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

3.9 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 IFCO 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.

3.10 Customer Charter

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

3.11 Data Protection

IFCO will engage proactively with the 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. Arrangements have been put in place to provide the Office with access to the Department's Data Protection Support and Compliance Office.

3.12 Governance Obligations

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

3.13 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 of Film Classification 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 requirements of paragraph 1.9 of the '*Business & Financial Reporting Requirements*' Annex to the *Code of Practice for the Governance of State Bodies*.

3.14 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*, IFCO are obliged to:

i. Provide and maintain a dedicated email address (reps@ifco.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. The Director of IFCO has been designated 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 IFCO's website.

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

3.16 Periodic Critical Review

A Periodic Critical Review (PCR) of IFCO is proposed to be conducted in 2018, following the issuing of the necessary Guidance materials by the Department of Public Expenditure and Reform. The purpose of this PCR will be to consider whether there is an ongoing business case for IFCO, in accordance with paragraph 8.14 of the Code of Practice for the Governance of State Bodies.

3.17 Comply or Explain

i. Having regard to the size of the Office, it is not deemed feasible for it to establish its own Internal Audit Unit or its own Audit & Risk Committee. Alternative arrangements have been put in place to provide the Office with access to the Department's Internal Audit Unit and Audit Committee.

ii. IFCO's legislation does not require the production of Financial Statements. The Office liaise with the Financial Shared Services Centre who report on the Office's income and spending in their monthly management reports.

Part II - Performance Delivery Agreement

4. Objectives of the Agreement[1]

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

- The Department's expectations of IFCO;
- The key inputs, outputs and expected outcomes of the Office's activities;
- Assessment of performance by monitoring of agreed targets, around those key outputs, inputs and outcomes;
- Support of IFCO by the Department in the delivery of its functions as set out in the relevant Acts.

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 IFCO's key targets for 2018 and defines the output and outcome indicators on which performance should be measured.

The Agreement seeks to (a) facilitate IFCO 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 Office in achieving its high level goals.

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

5. Commitments

5.1 Mutual Commitments

- Both parties agree to proactive and timely communications, cooperation and information on service delivery;
- Both parties support the effective achievement of agreed targets, as well as the promotion of partnership, responsiveness and mutual cooperation in their ongoing interactions;
- Both parties agree to consult and to keep each other fully appraised on all matters of mutual relevance;
- Both parties agree on the effective realisation of this agreement and the agreed targets that will come about.

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

5.2 Department of Justice and Equality Commitments

The Department will provide the following supports to the Office 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;
- Ensure that appointments to the Classification of Films Appeal Board are made in accordance with legislative provisions;
- Provide assistance where possible in relation to the appointment of Assistant Classifiers having regard to IFCO's business needs;
- 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 guidance on Government Accounting and Governance;
- Provide financial services (e.g. payroll and accounting services) through the Department's Financial Shared Services;
- Provide high availability ICT services via the Shared Service including delivery on a secure network, of standard desktop productivity applications, the design and development databases and applications and the provision of helpdesk and desk side support facilities;
- Provide internal audit and risk management services to the Office;
- Provide a networking and information service to the Office, to ensure that staff of the Office, 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 IFCO in any activities related to the role that IFCO plays or may be required to play within the Department;
- Work with the Office in the regular reporting processes under the Public Sector Reform and Civil Service Renewal Programmes; and
- Provide monthly financial reports, processing of telephone bills, asset tracking and general financial advice via the Department's Financial Management Unit (FMU).

6. Inputs

6.1 Financial Inputs

The following table summarises budget allocation for 2018.

Expenditure	2017 Budget Allocation	2018 Budget Allocation
Pay	€322,000	€331,000
Non-Pay	€361,000	€361,000
Total	€683,000	€692,000

6.2 Staffing Resources

Grade	Staffing Level Dec 2017 (FTE)
Principal Officer	1
Executive Officer	2
Clerical Officer	3
Total	**6**

Note: The Director of Film Classification is assisted in carrying out the duties of the Office by a team of five Assistant Classifiers who provide services to IFCO on a contract for service basis, as provided for in Section 2. of the Censorship of Films (Amendment) Act 1992. Their primary responsibility is the classification of in excess of three thousand video works that the Office certifies annually. Assistant Classifiers are Office Holders and are not civil servants; they provide services to the Office as and when required.

7. Outputs /Targets

The following section sets out the Key Performance Indicators which will be used to assess the IFCO's progress towards achieving its key mandate and core function; the examination and certification of all cinema releases and videos/DVDs distributed in Ireland under the provisions of the Video Recordings Act 1989 and the Censorship of Films Acts 1923 to 1970.

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

1. To ensure Classification decisions comply with relevant legislation and are consistent with the Office's published guidelines and mission statement;
2. To continue to develop high standards and best practice in its dealings with business customers;
3. To actively promote use of it's website by consumers as they seek advice on material content;
4. To provide the public, and parents in particular, with the tools necessary to make informed viewing decisions for themselves and on behalf of minors under their care.

7.2 Service Levels & Performance Measurement 2018

Goals	Actions	KPIs	Target
To ensure Classification decisions comply with relevant legislation and are consistent with the Office's published guidelines and mission statement.	• Continue to be aware of the guidelines and legislation. • Continue to review decisions and ensure consistent classification of content. • Promote IFCO classifications for methods of delivery outside legislative scope. • Be aware of and respond to public feedback	Volume of certifications issued.	Ensure client date deadlines are met and investigate any failures
			4,161 classification certificates issued (volume issued during 2017 as baseline)
		Review of current guidelines	Review to be completed by Q4 2018
		Number of online distributors and broadcasters, who are not subject to legislation, who carry IFCO classifications.	In 2018 get RTE and TV3 to use IFCO classifications
		Time taken to respond to customer feedback.	Within two working days
To continue to develop high standards and best practice in its dealings with business customers.	• Be aware of and respond to customers' needs. • Maintain positive working relationships with clients. • Issue certificates for court proceedings and make officers of IFCO available for such proceedings.	Number of client queries successfully resolved.	Bi-Annual discussions with key client personnel
			>10 queries/day regarding scheduling/certification. Ensure all satisfactorily concluded same working day where possible.
		Improvement in service delivery to business clients.	Phase out physical disc delivery and accept encrypted data files by Q2 2018. Contingent on successful IT delivery

		Efficient communication with Gardai and legal personnel	Satisfactory and timely outcomes of any legal proceedings
To actively promote use of IFCO's website by consumers as they seek advice on material content.	• Modernising revamp of office website. • Launch IFCO App. • In all dealings with public, focus groups and educators to promote the resources available on website.	Engagement with target groups to gauge efficacy. Liaise with cinemas, industry groups to ensure public awareness of tools available Monitor use of website and App and, if necessary, investigate methods to increase usage.	Greater use of consumer information on www.ifco.ie IFCO App launched Q2 2018 Subject to IT completion 30K page loads/month
Maintain strict budgetary controls	• Monthly examination of financial outputs	Maintaining the current efficiencies on spending	Monthly spend to fall below €32K
Increase education role of IFCO	• Liaise with ADIFF, Cinemagic and schools to make presentations available to those with charge of young children and adolescents	Generating positive feedback from participants	20 interactions with ADIFF through "Fantastic Flix". At least 3 large screenings through Cinemagic project engaging with second level students. An as yet to be determined number of school sessions to be in Q4

8. Potential Risk Factors

The Office operates a formal Risk Management policy and maintains a Risk Register and, in accordance with the Department of Finance 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 at the time of writing are:

- As the window for classification becomes ever shorter, IFCO have to ensure client deadlines are met. To this end IFCO will, during 2018 put in place a system of product being delivered online rather than physical DVDs.
- As the viewing public increasingly uses downloadable film and DVD, which is not subject to IFCO legislation, the Office must be strident in our efforts to demonstrate the value of IFCO certs as a valuable trust mark for our business clients. Also we will endeavour to increase use of IFCO certification on such product.
- As the DVD submissions continue to decrease, there must be a constant monitoring of financials to ensure ongoing viability.

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 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 undertakes to return:

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

(b) relevant and appropriately detailed performance information for inclusion in the Revised Estimates for Public Services volume; and

(c) performance information in line with the set of such indicators, and in keeping with the timeframe, agreed with the Department of Justice and Equality.

11. Duration and Signatories to the Agreement

Ger Connolly, Director of Film Classification, Irish Film Classification Office 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.

Ger Connolly
Director of Film Classification
Irish Film Classification Office

Date: 7/3 2018

Doncha O'Sullivan
Assistant Secretary
Department of Justice and Equality

Date: 7/3 2018