



**OIFIG AN ARD-RUNAÍ, AN ROINN DLÍ AGUS CIRT AGUS COMHIONANNAIS**  
**OFFICE OF THE SECRETARY GENERAL, DEPARTMENT OF JUSTICE AND EQUALITY**

Ms Margaret Falsey  
PAC Secretariat  
Committee of Public Accounts  
Houses of the Oireachtas  
Kildare Street  
Dublin 2

2 August, 2018

Dear Ms Falsey,

I refer to your correspondence of 3 July regarding the meeting of the Committee on Public Accounts on 28 June at which concern was expressed with regard to the time that it is taking to come to conclusions on the implementation of the Toland Report.

This concern was raised in consideration of correspondence of 20 June from me updating the Committee on the restructuring of the Department. Your correspondence also requests a note on the progress of the implementation of change in the Irish Prison Service (IPS). The attached report sets out the recent developments with respect to the Department and material with respect to the IPS will be submitted shortly.

Material with respect to your correspondence of 3 July regarding the operation of CCTV by local authorities will also be submitted shortly.

Yours sincerely,

Oonagh McPhillips  
Secretary General (Acting)

*Cuirfear fáilte roimh chomhfhreagras i nGaeilge*

## Update on Reform to Committee on Public Accounts

### 1. Department of Justice & Equality – Implementation of Reform

#### First interim report of Effectiveness and Renewal Group

In January the Taoiseach and the Minister for Justice and Equality announced the establishment of an independent Change Implementation Group (now known as the Effectiveness and Renewal Group (ERG)).

In line with its terms of reference, the ERG was asked to assess progress in implementing the recommendations of the Toland report and to present its first report by the end of June. That report was submitted to the Taoiseach and the Minister on 29 June and following consideration by Government, it was published and laid before the Houses of the Oireachtas on 10 July. A copy of the report is enclosed.

With respect to the implementation of the Toland Report, the report finds that “notwithstanding that this level of change was challenging, the Department embraced and implemented many of the recommendations of the report”. However, the report also finds that further radical reform with respect to the structure of the Department is required.

#### Key Recommendations from first interim Report

When established, the ERG was tasked with assessing progress on the implementation of the recommendations of the Toland Report as well as reviewing the culture of the Department and examining the relationship between the Department and An Garda Síochána.

The deficiencies identified in the report with respect to the Department are found to be rooted in its structural model that prevents the Department from meeting its entire functional remit. The report finds that the limitations of this traditional model (as it is referred to in the report) are also found in other areas of the public service which reinforces the view that it is an outdated structure that lacks capacity to adapt to the challenges of a fast changing world.

The key recommendation contained in this report addresses therefore the need for a fundamental restructuring of the Department. There are two stages to this restructuring.

#### *1. Divide the Department into two internal Divisions*

The Group states: “one of the most commonly quoted challenges facing the Department is the pure breadth of its responsibilities, which reach from national security to equality, touching nearly every aspect of Irish society”.

To address this span of control, the Group recommends that the Department be divided into two Divisions – ‘Justice and Equality’ and ‘Home Affairs’ each led by a Deputy Secretary. This will require the appointment of an additional Deputy Secretary post. The existing Deputy Secretary post in the Department was responsible for crime, security and policing. With the additional responsibility of INIS, this post will become Deputy Secretary of Home Affairs. An open competition is being held for the additional Deputy Secretary who will have responsibility for the Justice and Equality portfolio.

This division of the Department into two internal portfolios will require adjustments to the senior management structures in the Department. The Department has a Management Board chaired by the Secretary General with a wider membership made up of each Assistant Secretary in the Department plus Director of the Probation Service, the head of the Reform and Development Unit and representatives of the Principal Officer grade.

Following the restructuring, the Department will continue to be governed by a much smaller Management Board chaired by the Secretary General with a focus on provision of service, prioritisation in the sector consistent with the Programme for Government, security, relations with other Departments, culture, organisational change, audit and budgetary control.

In addition, each portfolio will also have its own Executive Board chaired by the relevant Deputy Secretary who will align their respective areas of responsibility, including the agencies within their remit, to sectoral priorities, as well as ensuring the efficient and robust execution of the functions of their Division.

## *2. The new Functional Model*

The most fundamental recommendation in the Report is the conversion of the Department from what the Group calls the “Traditional Model” (i.e. the current model) to a Functional Model.

Under the new Functional Model, the functions of both Divisions would be divided across five Units: Policy, Governance, Legislation, Transparency, and Operations, with each Unit performing tasks solely related to its function. For example, all policy relating to the entirety of the Home Affairs portfolio, including crime, policing,

prisons, probation, immigration and international policy would be developed in a single Policy Division while the Transparency Unit would manage all information and communications.

This model will require cross-functional work teams and the potential benefits which have been identified include greater operational clarity and accountability, greater efficiency, better informed decision making, increased level of competency.

The development of this model involves a very significant change management process and in line with the recommendations the Department will go to tender for external expertise to support this process.

#### Other matters addressed in the report

##### *Proposal to convert INIS and the Irish Prison Service (IPS) into separate agencies*

The Group considers that the structure of INIS and IPS should be further examined with a view to converting their operational elements into agencies. The Group also recognises that the Minister has some inalienable executive functions relating to the work of INIS and IPS but its initial view is that any devolution of the organisations into separate entities might involve the retention of these functions. Given the sensitivity of the executive functions exercised in these areas the Department are engaging further with the group on this recommendation.

##### *Department's relationship with An Garda Síochána*

The Group examined the role that the Department should play with respect to policing in Ireland and how it organises and equips itself to assist the Minister to undertake the tasks required in respect of the Gardaí. The design of the remodelled Department set out in the report seeks to allow it to manage its relationship with the Gardaí in a far more structured manner.

The Group notes that the report of the Commission on the Future of Policing, chaired by Kathleen O'Toole, is expected in September and is also due to make recommendations in respect of the optimal governance framework for the Gardaí.

#### Next Steps

- *Appointment of senior leadership*

The Group states that the early appointment of a permanent Secretary General and Deputy Secretary General is essential to lead and own the change. As the Committee may be aware, Mr. Aidan O'Driscoll, current Secretary General for the Department of Agriculture, Food and the Marine, has been appointed Secretary General to the Department of Justice and Equality and will take up his post on 1

September. As stated above Mr. O'Driscoll will be supported by two Deputy Secretaries with responsibility for Justice and Equality and Home Affairs. This will require the appointment of an additional Deputy Secretary General to lead the Justice and Equality portfolio. This appointment will be on foot of an open competition and the process is underway.

- *Procurement of External Change Management Specialists*

Developing this level of structural and organisational change, particularly while progressing existing Government priorities, will require considerable investment in specialist expertise and support. The Group therefore recommends the procurement of external change management specialists with this process to begin as soon as possible. Preparatory work to tender for these services is underway.

- *Continued input of Effectiveness and Renewal Group*

In accordance with its terms of reference, the Group will stay in place to oversee the changes required and will continue to work closely with the Department and all stakeholders. The Group expects that following the appointments to the senior management team, a structured Change Management approach will be put in place.

*Timeframe*

- The Group sets a timeframe of nine months from when the external change team is in place for this restructuring project. It is envisaged that this team will be in place later this year following procurement.