

Committee of Public Accounts

2020 Report of the Comptroller and Auditor General and Appropriation Accounts

Vote 24: Justice

Briefing Material April 2022

1. Vote Summary

The Justice and Equality Vote was one of six votes in the Justice Group of Votes in 2020. The other votes were An Garda Síochána, Prisons, Courts, the Data Protection Commission and the Policing Authority. Responsibility for the Irish Human Rights and Equality Commission (IHREC) transferred to the Department of Children, Equality, Disability, Integration and Youth since 14th October, 2020.

The Justice and Equality Vote accounts for 16% of gross expenditure in the overall vote group. The expenditure breakdown for the Justice and Equality Vote in 2020 was comprised of 40% in pay and pensions related expenditure, 4.4% in capital and the remainder of 55.6% in non-pay current expenditure.

There were 2,792 fulltime equivalent employees paid from the Vote at the end of December 2020 and the equivalent figure at the end of 2021 was 3,050.

2. Structure of the Justice and Equality Vote**(i) Programme Budgeting**

In 2020 the Department of Justice and Equality Vote was still structured on a programme basis under five headings as follows:

- A. Leadership in and Oversight of Justice and Equality Policy and Delivery,
- B. A Safe, Secure Ireland,
- C. Access to Justice for All,
- D. An Equal and Inclusive Society,
- E. An Efficient Responsive and Fair Immigration, Asylum and Citizenship System.

This structure was changed in 2021 following the Department's major restructuring with two main changes as follows;

- (i) the number of programmes was reduced from five to two to reflect the two Department's new policy pillars – criminal justice and civil justice.
- (ii) a number of expenditure areas were restructured as core Departmental functions, thus reflecting a more comprehensive view of the overall administration costs.

The estimate and outturn for 2020 are set out in **Appendix A** and for ease of comparison, the outturns for 2019 and 2021 are also included in this expenditure report in the "old" pre 2021 programme format, to facilitate the Committee's examination of the 2020 expenditure.

(ii) Transfer of functions 2020

As the Committee is aware, responsibility for a number of functions in the equality, disability, migrant integration, International Protection Accommodation Services and the Irish Refugee Protection Programme has transferred to the Department of Children, Equality, Disability, Integration and Youth.

The programme subheads which transferred were as follows:

- Magdalen Fund
- National Disability Authority
- Refugee and Migrant Integration
- Grants to National Women's Organisations
- Traveller & Roma Initiatives
- Positive Actions for Gender Equality
- Equality and LGBTI Initiatives
- Decision Support Service

- Asylum Migration and Integration Fund
- International Protection Seekers Accommodation

R1206 (ii) PAC33

Responsibility for a small number of projects in the Youth Justice area transferred inwards to the Department of Justice from the Department of Children, Equality, Disability, Integration and Children.

3. Update on the implementation of previous recommendations made by the Committee of Public Accounts to the Department of Justice:

- (i) **2018 Appropriation Account** examination by PAC – responses provided through Department of Public Expenditure and Reform

1. The existing accommodation centres do not have the capacity to deal with the number of asylum seekers entering the country.

The Committee recommends that the Department of Justice and Equality ensures its Reception and Integration Agency works intensively to procure sufficient and suitable accommodation for asylum seekers in a timely manner and with due regard for costs

The Minister for Finance and Public Expenditure & Reform is informed by the Department of Justice and Equality that it accepts this recommendation.

The Minister is further informed by the Department of Justice and Equality that:

- The Department of Justice and Equality has been working with the Office of Government Procurement since Quarter 3 2017 to develop a procurement strategy to deliver quality accommodation to meet the demand for places. As a result, the Department is engaged in a regional procurement process which is scheduled for completion in Quarter 2 2020. Covid-19 has delayed the final assessment of the last tenders received. A method of remotely assessing these is being examined.
- Following completion of this regional procurement process, an assessment will be carried out by the Department of Justice and Equality in consultation with the Office of Government Procurement to ascertain whether a further procurement process will be required and what form that process should take.
- The procurement process is utilizing the Most Economically Advantageous Tender Method where bids are assessed on both the quality of the submission and the proposed costs.
- As part of the Transformation Programme within the Department of Justice and Equality undertaken in 2019, a dedicated International Protection Procurement Services Unit has been established to procure accommodation that meets standards and is sufficient to meet demand while achieving value for money.
- An assessment is ongoing whereby the Department of Justice and Equality is considering the use of lands within State Ownership to build accommodation centres for asylum seekers to reduce the exposure of the Department's reliance on the commercial sector to provide accommodation.

In 2019, 735 additional beds were made available in existing and new accommodation centres (distinct from emergency beds). However, 220 bed spaces were lost due to the closure of one centre in Dublin.

Arising from Covid-19, the Department of Justice and Equality procured a range of new facilities which has ensured no more than three unrelated people will be housed in any room. The Department has also given a commitment that this will be the norm henceforth. In addition, four isolation units were opened and all vulnerable people identified and separately cocooned.

Update April 2022– Responsibility for international protection accommodation services transferred to the Department of Children, Equality, Disability, Integration and Youth during 2020.

2. The system to move individuals who have been granted legal status to reside in Ireland from accommodation centres and into permanent housing is not adequate. The Committee recommends that the Department of Justice and Equality works with local authorities and appropriate bodies to ensure that individuals who receive legal status to reside in Ireland are assisted to move out of accommodation centres as speedily as possible.

R1206(ii) PAC33

The Minister for Finance and Public Expenditure & Reform is informed by the Department of Justice and Equality that it accepts this recommendation.

The Minister is further informed by the Department of Justice and Equality that:

- The Department of Justice and Equality has established a working group consisting of representatives of the Department, the City & County Managers' Association (CCMA) and the Department of Housing, Planning and Local Government (DHPLG) to develop a coordinated response to assist persons with legal status to reside in Ireland to find accommodation;
- The Department of Justice and Equality has engaged the services of two NGOs to provide a case-managed approach to finding suitable accommodation, mainly via HAP tenancies, and to ensure a breakdown in tenancy is avoided;
- An oversight group, chaired by the Department of Justice and Equality and consisting of representatives of the CCMA, DHPLG, Department of Employment Affairs & Social Protection and the NGOs has been established to drive this process and ensure it achieves its full potential.

In 2019, as a result of this response, in excess of 800 persons with status were supported in moving from International Protection Accommodation Service (IPAS) accommodation.

Update April 2022– Responsibility for international protection accommodation services transferred to the Department of Children, Equality, Disability, Integration and Youth during 2020.

3. Under-staffing in the Data Protection Commission, the Garda Síochána Ombudsman Commission, and the Probation Service appears to have impacted the ability of these agencies to fulfil their functions. The Committee recommends that the Department of Justice and Equality ensures the staffing needs of the Department's agencies are met in a more timely way.

The Minister for Finance & Public Expenditure and Reform is informed by the Department of Justice and Equality that it accepts this recommendation.

The Minister is further informed by the Department of Justice and Equality that:

Each agency has continued to fulfil its core functions effectively. However, the three agencies are expanding significantly and require additional expertise to meet future demands.

It is challenging to recruit a large number of specialists in areas such as regulation, IT, legal, and social services in the current recruitment market.

The Department of Justice and Equality has been examining its approach to recruitment for such positions and will implement the following:

- a new business partner model with our recruitment partners in the Public Appointment Service,
- support from third party recruitment agencies for certain niche/specialist competitions,
- review our selection processes to help ensure the most suitable candidates are identified.

The Department of Justice and Equality is committed to supporting its agencies in reaching their full staffing complement and the Department of Justice and Equality is confident that the new approaches will lead to more efficient and timely recruitment.

Update April 2022

- **Data Protection Commission** – this office now has a separate vote (within the Justice Vote Group) with effect from 1st Jan 2020. It now manages its own recruitment through the Public Appointments Service but has been supported through the estimates process in a budgetary increase in payroll of €7 million (79%) since 2019, which has enabled the Commission to make significant progress in recruiting the essential resources to fulfil its key regulatory functions. At the start of 2019, the total fulltime staffing equivalent was in the region of 108 and had increased to 190 at the end of 2021 with further recruitment due in 2022.
- **Garda Síochána Ombudsman Commission** - over the period from the start of 2019 to end 2021 staffing numbers have increased from circa 90 to 122 (35%) with additional budgetary provision for further recruitment in 2022.
- **Probation Service** - there has also been an increase in Probation staffing from circa 381 at beginning of 2019 to 415 at end of 2021 (9%). There are currently over 50 vacancies in the Probation Service with the funding in place to fill the vacancies in question. Regular competitions are held and panels formed but it is a competitive jobs market for many of the skillsets required by the Probation Service.

(ii) **2019 Appropriation Accounts** – Examination by PAC - responses provided through Department of Public Expenditure and Reform

Recommendation 1 – Direct Provision / Applications for International Protection

Given the costs associated with Direct Provision, the Committee recommends that the Department of Justice ensures that all applications for international protection are processed within nine months. The Committee also recommends that the Department provides the Committee with an update on current timeframes and the steps it is taking to reduce them.

The Minister for Finance and the Minister for Public Expenditure and Reform are informed by the Department of Justice that it accepts this recommendation.

That Department further informs the Minister for Finance and the Minister for Public Expenditure and Reform that:

- Its overall objective is to have decisions made on applications from people seeking international protection as quickly as possible. This ensures that those found to be in need of protection in Ireland can receive it quickly and begin rebuilding their lives here with a sense of safety and security.
- However, ongoing work to improve processing times has been seriously impacted by Covid-19, which has reduced the output of decisions below that projected in advance of the pandemic.
- Despite the complex challenges presented by the pandemic, the International Protection Office (IPO) of the Department of Justice processed 2,667 applications for international protection to completion/closure in 2021. It recommended a grant of protection status or a decision to grant permission to remain at first instance in 1,527 cases during 2021 (57% of all cases processed). The number of cases processed in 2021 was 111% higher than 2020.
- The median processing time for all cases processed to completion in the IPO in 2021 was 23 months and 10 months for prioritised cases. The median processing time for cases completed in the Ministerial Decisions Unit in 2021 was 4 days.

- The Department of Justice is fully committed to implementing the key recommendations in the Expert Advisory Group Report to reduce processing times of both first instance decisions and appeals to 6 months respectively, as outlined in the White Paper to End Direct Provision and Establish a New International Protection Support Service.
- The White Paper proposes that the new system should be operational by 2024 and that the intervening period should provide an opportunity to progress improvements in the overall processing times for international protection.
- An end-to-end review of relevant international protection processes by a multi-disciplinary team from within the Department has now been completed and published. Over the last number of months, the Department has implemented measures to assist in meeting its overall objectives in this regard and improve on efficiencies and case throughput.
- One such measure is the careful identification of certain applications that may proceed without the need for an interview. While applicants for international protection are generally interviewed, the legislation allows a trained international protection officer to dispense with the interview if they are of the opinion that based on the available evidence, the applicant is a person that should be granted a refugee declaration.
- Other measures include the restructuring of teams within the International Protection Office (IPO) to allow for more efficient workflow, identification and streamlining of processes and ensuring that staff are directed to the areas where they can add most value.
- A case management process has oversight of applications to ensure they are moved through the process without unnecessary delay. Additional staff have also been trained to conduct interviews, which has increased interviewing capacity, and a revised, "plain English" approved, shorter international protection questionnaire is in place since 28 June 2021, and is available in a wide selection of languages. Applicants can also now fill in the questionnaire online and submit it by e-mail to the IPO. The online questionnaire is currently available in English, French and Arabic, with more languages to follow.
- The recently announced Regularisation Scheme for Long-Term Undocumented Migrants also includes a separate strand to implement the recommendation included in the Report of the Expert Advisory Group, led by Dr Catherine Day. Applicants who have an outstanding international protection application and have been in the asylum process for a minimum of two years are being invited to apply for consideration under this separate strand of the Scheme, which opened for applications on 7 February 2022.
- By October 2022 at the latest, the Department of Justice will commence a review of the progress made in reducing and improving processing times. Based on the outcome of that review, it will decide by the end of this year whether additional measures are required in order to ensure that the new system can come into operation without the overhang of any significant number of legacy cases.
- Since the commencement of the International Protection Act 2015, the best year for decisions output in the IPO was 2019, with an average of 286 first instance recommendations/decisions per month.
- The average monthly total of first instance recommendations/decisions in Q4 2021 was 389 (36% above the highest pre-COVID average in 2019 and 132% above the average of the first 9 months of 2021).
- The figure for the month of January 2022 is expected to exceed 400 closed cases, demonstrating the momentum created by some of the early innovations and efforts of staff, along with the above mentioned enhancements that have been made to the international protection process.

(i) Increase in number of applications for International Protection

- Applications have increased very significantly in the first quarter of this year with 391 in January, 750 in February and a provisional figure for March of 1,041.
- This is a 495% increase over the same period in 2021 and a 94% increase over pre-pandemic times in 2019.
- These are the highest number of applications since 2002, when a total of 11,634 were made.
- The trend of increased applications started from the end of 2021. If this trend continues, it is expected that there will be in excess of 9,000 applications for 2022.

(ii) Regularisation Scheme for Long-Term Undocumented Migrants

- Approximately 5,000 applications have been made to the two strands so far, with over 250 positive decisions issued recently. Processing of all other applications remains ongoing with more decisions and permissions expected to issue in the coming period.

Recommendation 2 – Detaining Individuals on Immigration Offences

The Committee recommends that the Department of Justice examines the practice of detaining individuals within the prison system who are refused entry into the State. The Committee also recommends that the Department reports back to the Committee with its findings within six months.

The Department of Justice accepts this recommendation of the Committee. Justice Plan 2021 contains a commitment to review the policy of holding immigration detainees in prisons and work to complete this action is continuing.

There is a statutory obligation to return a person who is refused entry permission as soon as is practicable. Non-custodial measures, such as a requirement to report to a Garda Síochána station or a requirement to reside in a specified place, are widely used as alternatives to detention.

Section 5 of the Immigration Act, 2003 (as amended by the International protection Act, 2015) contains the main provisions dealing with the removal from the State of persons refused permission to enter.

It specifies that a person to whom this section applies may be arrested by an immigration officer or a member of the Garda Síochána and detained in a prescribed place of detention for the purpose of facilitating their removal from the State, which must be as soon as is practicable. It also provides that a person may be detained for a period not exceeding 12 hours at the airport or port from which the person is due to depart.

When a person is refused leave to land at an airport, the priority is to return them on the next available return flight to the last point of embarkation. The reason for this is to avoid detaining people where possible. Staff have been trained on issues of vulnerability, including with regard to detecting if a person may be a victim of trafficking or if a person is in need of International Protection. People in these categories will not be returned and they are not detained.

In the case of persons refused leave to land to enter the State, arrangements are made by the Garda National Immigration Bureau (GNIB) to return them to their point of embarkation at the earliest opportunity, which may take a number of days.

With a view to reducing any detention period, where there is no return flight to the airport of embarkation, immigration authorities endeavour to return the person refused leave to land to a different airport in the same country if there is an earlier flight to that State.

Arrangements for the removal of persons refused permission to enter the State are essentially operational matters for the GNIB who work closely with the Department's immigration officers on these matters.

It is important to state that detention for immigration reasons only arises when all other possible options have been considered. Alternatives to detention are routinely used by immigration authorities in Ireland and this is decided on a case-by-case basis. Detention of a person refused entry to the State is only undertaken as a last resort. The main considerations for a detention decision is the level of risk of absconding, whether the person poses a threat to public security, has committed a serious crime, or if the person has not made reasonable efforts to establish their identity.

Work has been completed on the refurbishment of a new Block F in Cloverhill remand prison which was being considered as an option for use to accommodate people detained for immigration purposes to ensure they could be housed separately from people in remand. However, the outbreak of the Covid-19 pandemic required significant measures within the Irish Prison Service (IPS) to manage and control infection risk, which meant it was necessary to repurpose Block F as an isolation unit for those prisoners who have, or are suspected of having, the virus.

When the pandemic is over, consideration will be given to using Block F as a possible location for the accommodation of people detained for immigration purposes separate from people on remand. This consideration will be subject to the availability of staff and the impact on resources. While this option might address the situation in the immediate term, work is ongoing on the consideration of a longer-term sustainable solution.

For the information of the Committee, the number of people detained under immigration laws in Irish prisons for the years 2011-2020 is set out in the table below.

As indicated above, the Department accepts this recommendation of the Committee and is working to progress a review of the policy of holding immigration detainees in prisons. Once completed the outcome of this review and any proposal to progress recommendations made will be shared with the Committee.

Number of Persons detained under Immigration Laws in Irish Prisons 2011 - 2020

Year	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Number of Committals	423	400	396	407	342	421	418	414	490	247	86
Number of Detainees involved	395	385	374	390	335	408	396	406	477	245	83

Figures from IPS Annual Reports for 2011-2020. Figures for 2021 subject to confirmation in the Annual Report for 2021

Further update April 2022

The former Transaer building at Dublin airport has been refitted for the new Dublin Airport Garda station and additional office facilities occupied by GNIB. Immigration detention facilities have been operational at the Transaer building from 1 March 2022. This allows for up to four passengers refused leave to land to be detained for up to 24 hours within the curtilage of the airport, thereby enabling their return for outbound flights without delay. These detention facilities are used solely for immigration detainees.

Recommendation 3 – Protected Disclosures in the Irish Prison Service

The Committee recommends that the Department of Justice reviews the Protected Disclosure Policy currently applied in the Irish Prison Service with a view to ensuring that the policy is working as intended and that staff members can have confidence in the system. The Committee recommends that this review is carried out within six months and that it is furnished with a copy of the findings.

The Minister for Finance and the Minister for Public Expenditure and Reform are informed by the Department of Justice that it and the Irish Prison Service accept this recommendation in principle. The Department of Justice and the Irish Prison Service will comprehensively review their Protected Disclosures policies in the context of the changed obligations arising from Directive (EU) 2019/1937 and to this end, are closely following the progress of the Protected Disclosures (Amendment) Bill 2021, which will transpose the EU Directive into Irish law. However, it is not possible to commit to completing the review within the six months suggested by the Committee, as this is dependent on the legislative process.

Further update April 2022

Work has commenced on reviewing both the Department's and the Irish Prison Service Protected Disclosure policies. The policies will be amended to align with the EU Directive 2019/1937, known as the Whistleblowing Directive. The revised Protected Disclosure policies will be finalized and ready to be put into operation once the Protected Disclosures (Amendment) Bill has completed the legislative process. (As of 23 March 2022, the Bill is at Report Stage in the Dáil).

Recommendation 4 – Catering and Ancillary Services in Prisons

The Committee recommends that the independent review of the operation of Voluntary Mess Committees in prisons is published by the end of quarter one 2022, as stated by the Department of Justice, and that the Committee is furnished with a copy of the report upon its completion.

The Minister for Finance and the Minister for Public Expenditure and Reform are informed by the Department of Justice that the recommendation in respect of the independent review of the operation of the Voluntary Mess Committees is accepted. It is expected that the report will be published and provided to the Committee by the end of Quarter 1 2022. In the event of any unforeseen delay the Committee will be kept informed.

That Department further informs the Minister for Finance and the Minister for Public Expenditure and Reform that the Irish Prison Service has confirmed that a contract for a new stock management system has been awarded and is currently being adapted for implementation in respect of the operation of prison shops. It is expected that it will be implemented in the first prison shop by end April 2022 with full implementation thereafter. This will further strengthen the control environment in relation to the operation of prison shops.

Further update April 2022

The independent review has now been completed. The report has been provided to the Public Accounts Committee and published on the Departments and Prison Service websites.

		2019	2020	2020	2021
		Outturn	Estimate Provision	Outturn	Provisional Outturn
		€'000	€'000	€'000	€'000
Administration					
i. Salaries, wages and allowances		26,518	64,694	69,221	74,356
ii. Travel and subsistence		343	985	535	513
iii. Training and development and incidental expenses		6,823	9,736	18,699	17,572
iv. Postal and telecommunications services		2,391	2,096	2,734	2,615
v. Office equipment and external IT services		9,534	12,766	13,948	16,132
vi. Office premises expenses		2,307	3,055	4,050	4,501
vii. Consultancy services and value for money and policy reviews		135	68	89	336
viii. Research		279	1,286	741	637
ix. Financial shared services		5,998	6,645	6,135	6,693
x. Justice & Policing Transformation Programme		6,164	8,000	5,527	4,227
Total Administration		60,492	109,331	121,679	127,582
Programme A – Leadership in and Oversight of Justice and Equality Policy and Delivery					
A.1. Administration- Pay		10,103	11,411	12,268	28,978
A.2. Administration- non Pay		13,120	14,636	11,922	17,608
A.3 Prisons Inspectorate		646	1,200	638	1,349
A.4 Garda Ombudsman Commission		10,660	11,181	11,124	11,583
A.5 Office of the Garda Inspectorate		1,119	1,306	1,079	1,010
A.6 Office of the Data Protection Commissioner		10,448	0	0	0
A.7 Irish Film Classification Office		503	702	505	496
A.8 Central Authorities		72	135	62	40
A.9 Legal Services Regulatory Authority		1,000	1,001	1,000	1,000
A.10 Property Services Regulatory Authority		2,591	2,276	2,438	2,994
A.11 Insolvency Service Ireland		6,239	7,510	6,730	7,340
A.12 Judicial Appointments Commission		0	251	0	0
A.13 Judicial Council		28	1,251	365	379
A.14 Gambling Regulatory Authority		0	100	0	0
Total A		56,529	52,960	48,131	72,777

		2019	2020	2020 (i) P 2020	2020 (ii) P 2021
		Outturn	Estimate Provision	Outturn	Provisional Outturn
		€'000	€'000	€'000	€'000
Programme B - A safe and secure Ireland					
B.1 Administration Pay		9,505	11,817	13,803	49,819
B.2 Administration Non pay		7,819	7,765	7,715	31,177
B.3 Criminal Assets Bureau		9,860	9,090	10,401	10,111
B.4 Probation Service-Salaries Wages and Allowances		21,042	22,234	21,949	23,308
B.5 Probation Service-Operating Expenses		4,120	4,125	4,002	4,141
B.6 Probation Service-Service to Offenders		16,629	17,532	16,866	17,529
B.7 Community service Order Scheme		2,220	3,045	1,984	2,527
B.8 Irish Youth Justice Service		12,941	14,014	13,919	15,110
B.9 Funding for Services to victims of Crime		1,720	1,892	2,001	3,744
B.10 Mental Health (Criminal Law)Review Board		375	288	302	289
B.11 Compensation for personal injuries criminally inflicted		3,260	8,016	6,815	2,301
B.12 Legal Aid (Criminal)		65,092	65,302	62,224	73,466
B.13 Legal Aid Custody Issues		3,201	3,000	4,257	6,031
B.14 Parole Board		361	157	133	589
B.15 Crime Prevention Measures		411	1,197	489	1,049
B.16 Private Security Authority		3,328	3,799	3,285	3,744
B.17 Funding for prevention of domestic, sexual and gender based Violence		2,409	2,069	2,464	2,700
B.18 Forensic Science Lab ²		14,925	56,991	33,779	72,384
B.19 State Pathology		1,230	983	1,088	1,119
Total B		180,448	233,316	207,476	321,138

		2019	2020	2020	2021
		Outturn	Estimate Provision	Outturn	Provisional Outturn
		€'000	€'000	€'000	€'000
Programme C – Access to Justice for all					
C.1. Administration- Pay ³		230	391	471	Changed programme structure in 2021
C.2. Administration- non Pay ³		190	303	281	Changed programme structure in 2021
C.3. Commissions And Special Enquiries		5,937	6,316	6,406	6,658
C.4. Legal Aid Board		40,796	42,207	42,207	44,575
C.5. Free Legal Advice Centres		98	98	98	294
C.6. Coroners Service		3,814	2,834	4,500	6,904
Total C		51,065	52,149	53,963	58,431

	2019	2020	2020 (ii)	2021
	Outturn	Estimate Provision	Outturn	Provisional Outturn
	€'000	€'000	€'000	€'000
Programme D –An Equal and Inclusive Society				
D.1. Administration-Pay ³	734	22	76	Changed programme structure in 2021
D.2. Administration- non Pay ³	603	15	29	Changed programme structure in 2021
D.3. Social Disadvantaged Measures(Dormant Accounts Funded)	5,111	7,726	6,739	8,789
Total D	6,448	7,763	6,844	8,789

	2019	2020	2020	2021
	Outturn ¹	Estimate Provision	Outturn	Provisional Outturn
	€'000	€'000	€'000	€'000
Programme E – An efficient responsive and fair immigration asylum and citizenship system				
E.1 Administration-Pay ³	9,979	45,594	46,842	Changed programme structure in 2021
E.2 Administration-Non pay ³	8,209	17,377	28,272	Changed programme structure in 2021
E.3 Immigration and International Protection Programmes	0	8,896	7,678	5,893
Total E	18,188	71,867	82,792	5,893
Total Gross	312,678	418,055	399,206	467,028

		2019	2020	R12020 (ii) PAC30	2021
		Outturn ¹	Estimate Provision	Outturn	Provisional Outturn
		€'000	€'000	€'000	€'000
F. Appropriations in Aid					
1. Film Censorship Fees		1,202	1,503	810	822
2. Data Protection Fees		0	0	0	0
3. EU Receipts		17,843	10,000	9,691	21,000
4. Miscellaneous Receipts		1,325	573	2,229	628
5. Immigration Registration Fees		39,423	26,800	31,445	35,547
6. Visa Fees		9,847	3,200	3,082	3,019
7. Dormant Account Receipts		4,873	7,726	6,598	8,734
8. Private Security Authority Fees		3,444	2,564	2,643	2,565
9. Nationality and Citizenship Certificate Fees		5,368	8,500	8,852	9,983
10. Legal Services Regulatory Authority – Levy on professional bodies		0	1	0	1,050
11. Property Services Regulatory Authority Fees		2,250	2,300	2,210	2,250
12. Insolvency Service of Ireland Fees		1,083	680	767	499
14. Receipts from additional superannuation contributions on public service remuneration		4,447	3,214	3,865	4,416
Total A-in-A		91,105	67,061	72,192	90,513
Total Net		221,573	350,994	327,014	376,515

Notes

¹ The 2019 Outturn includes a net supplementary estimate of €33.3m.

² The 2021 Provisional Outturn for A.21 Forensic Science Ireland includes a deferred surrender of capital for €3.9m.

³ For 2021, the number of programmes in the Justice Vote was reduced from five to two to better reflect the new structure of the Department following the Transformation process - criminal justice and civil justice pillar. Therefore, there are only Administration-Pay and Administration-Non-Pay balances in these 2 programmes in 2021.

Committee of Public Accounts

Appropriation Accounts 2020 - Vote 21: Prisons

April 2022

Vote 21: Prisons

1. Vote Summary

The Prisons Vote was one of six votes in the Justice Group of Votes in 2020. The other votes were An Garda Síochána, Department of Justice, Courts, the Policing Authority and the Data Protection Commission. Responsibility for the IHREC vote has transferred to the Department of Children, Equality, Disability, Integration and Youth since 14th October, 2020.

The Prisons Vote accounts for almost 13% of gross expenditure in the overall vote group. The expenditure breakdown for the Prisons Vote in 2020 was comprised of 71% in pay related expenditure, 7% in capital and the remainder of 22% in non-pay current expenditure.

There were 3,455 fulltime equivalent employees paid from the Vote at the end of December 2020. The current serving staff number is 3,476 of which 3,242 are Prison Grade Staff.

2. Structure of the Prisons Vote

Programme Budgeting

The Prisons Vote is comprised of thirteen subheads which are accounted for under one programme- *Programme A – Administration and Provision of Safe, Secure, Humane and Rehabilitative Custody for People who are sent to Prison.*

The detailed breakdown of the subheads and related expenditure is set out at Appendix A.

The aim of the Prisons expenditure programme is to provide safe and secure custody, dignity of care and rehabilitation to prisoners for safer communities. The following indicators provide a context for the work carried out by the Irish Prison Service;

<u>Programme A</u>		<i>2018</i>	<i>2019</i>	<i>2020</i>
1-	Number of Committals	8,071	8,939	6,340
2-	Average number of Prisoners in Custody	3,893	3,971	3,824
3-	Number of Bed Nights	1,421,918	1,450,407	1,396,716
4-	Average number of Prisoners on Temporary Release	202	264	341
5-	Number of Prisoners who participated in the Community Return scheme	218	206	287
6-	Number of prisoners who participated in Community Support	631	599	280
7-	Number of Prisoners by Incentivised Regimes banding (31 December):			
	Enhanced	1,921	1,934	1,918
	Standard	1,570	1,535	1,470
	Basic	378	435	237

8	Number of Prisoners who received opiate substitution treatment (i.e. methadone substitution therapy)	2,128	2,024	1,293
9	Number of prisoners who attended addiction counselling services	2,149	2,371	1,948
10	No. of referrals to IPS Psychology Service *	2,537	2,928	3,304

*may include multiple referrals for one individual

3. Capital Expenditure - Redevelopment of Limerick prison

The main focus on the Capital Expenditure for the period from 2019 to 2022 has been the redevelopment of the Limerick Prison Complex. A project for the redevelopment of Limerick Prison including the replacement of the A & B Divisions commenced in March 2019.

The redevelopment of Limerick Prison incorporates the construction of:

- A new standalone female prison with 51 rooms for female prisoners,
- A New B Wing cell block with 102 cells (capacity circa 125) for male prisoners including staff facilities, kitchen, laundry, delivery facilities and a waste management facility,
- This will result in an additional 90 male prisoner spaces and 22 female prisoner spaces,
- A New Gatehouse and offices, Escort Corps (PSEC) and Operation Support Group (OSG) offices, Visits and Reception Facilities,
- New Secure Vehicle Gatelock,
- External works comprising, ancillary services, landscaping and recreation facilities,
- New Probation Services Offices (**Completed in 2021**)

The proposed project will end the practise of “slopping out” for the male prison population in Limerick and will also mean a more appropriate, rehabilitative and open environment for female detainees.

While the project has been delayed due to the Covid-19 pandemic and the impact on the construction industry, it remains within budget. It is expected that the project will be substantially completed in late 2022.

4. Revaluation of IPS lands in North County Dublin

Land in the Prisons is valued at existing use value or market value (if not in use) in the Statement of Fixed Assets. Prison buildings are valued at average replacement cost per cell. Most of the most recent revaluations took place in 2020; the land at Thornton Hall was revalued in 2022 following the recommendation of the C&AG.

Historically Thornton Hall was valued at cost reflecting the investment in infrastructure and services, on the basis that it is a strategic State asset with potential future use value. Its availability has been identified to the Land Development Agency.

While the land remains a strategic State asset and is subject to ongoing engagement with the Land Development Agency, an updated independent valuation was sought and will be

reflected in the 2021 accounts. This also reflects the opinion of the Comptroller and Auditor General in his certificate to the 2020 Accounts.

The net effect is that the most recent independent valuation puts a value of €6.5 million on the lands and buildings on the site (the original cost was €49.3 million encompassing the acquisition cost and development of the lands). The most recent valuation is based on the existing use and agricultural zoning, and takes into account the quality of the agricultural land, location and road frontage. It specifically does not take into account any increased value based on a rezoning or alternative state use of the land.

The asset has now been revalued to take account of the most recent valuation. This position will be kept under review on an ongoing basis and particularly to reflect future use value as a strategic State asset and any further changes in valuation will be reflected in the accounts for the relevant financial year.

5. Catering and ancillary services in Prisons – including updates on the recommendations in the 2019 C and AG report as at April 2022

Progress on Recommendations

1. Catering services

Recommendation

The quantities of food purchased and catering costs incurred by individual prisons should be monitored and variances investigated and costed.

All food purchased for education or training purposes should be ordered from approved suppliers, at contract prices and reflect the educational aim of teaching basic cookery skills and nutritional values to prisoners. Any exceptions should be pre-approved, at an appropriate level.

Update on the Implementation of Recommendations

The Irish Prison Service has introduced a number of new controls to enhance the oversight and management of food ordering and costs in prisons. The role of the Assistant Chief Officer Catering has been clarified and professional training/qualifications are being provided to the post holders where required.

Policies and Standard Operating Procedures have been reviewed and updated including the updating of controls on the receiving goods (including food) and credit notes. A new policy for catering for corporate events has also been published.

Food expenditure reports were introduced in September 2020 on a monthly basis. These reports are analysed by the Care and Rehabilitation Directorate in Headquarters who

consider the cost per prisoner per day, costs compared to previous year and costs against the 28 day menu. Action is taken if any areas of concern arise.

2. Staff mess committees

Recommendation

A management review of the operational effectiveness of providing work training opportunities to prisoners in staff messes should be undertaken. The review should also consider the extent to which the governance guidance provided to the voluntary mess committees has been complied with, and if it needs to be strengthened.

Update on the Implementation of Recommendations

A governance review of the voluntary mess committees was completed in 2020 resulting in additional controls being put in place through Service Agreements, with strict reporting obligations to be discharged by the VMCs, including the need to provide audited accounts.

In 2021, following a request from the PAC, the Department of Justice engaged KOSI Corporation Ltd (KOSI) to conduct an independent review of the governance arrangements within the Voluntary MESS Committees (VMCs) and the financial control frameworks in place within the MESSs that operate across the Irish Prison Service. This review has recently concluded, been published and sent to the Public Accounts Committee.

The review has identified some challenges in this area and has made a number of recommendations for both the Irish Prison Service and the VMC's, which are now being considered. It has also acknowledged that improvements have been made in some areas across the period under review.

3. Operation of prison shops

Recommendation

Prison shop stock and accounting systems need to be updated and enhanced and used as the basis for verifying if gross profits earned are as expected having regard to the mix of goods sold.

Update on the Implementation of Recommendations

The Irish Prison Service introduced a new pricing structure in 2021 which has resulted in all non-tobacco related products being sold at cost price (+5% for loss/waste).

A professional retail accountant has been recruited to oversee and manage the implementation of a new operating model for tuck shop management.

The prison tuck shop business model is in the process of being transferred from being a mainly manual and spreadsheet model operating from 12 distinct separate locations to a new modern automated centralised retail management system with new retail point of sale system/inventory management system and centrally based financial management system.

The rollout of the new system and business model to prisons is now in progress with Limerick being the pilot site.

4. Prisoner assistance programme fund

Recommendation

Prison managers should be reminded of the policy and procedures for the administration of the PAPF. In addition, because payments are made locally, training should be delivered to local prison managers in relation to public procurement guidelines and taxation requirements.

Update on the Implementation of Recommendations

The Irish Prison Service terminated the operation of the Prisoner Assistance Programme Fund in 2021 and has replaced the system with a new *Prisoner Initiatives Development Fund* ("PIDF"). The new PIDF is funded by voted funds which were sought and approved via the 2021 Estimates process.

The PIDF is centrally managed by the Care and Rehabilitation Directorate with funding for appropriate projects allocated by that Directorate following an application and approval process. The funding is managed by the Care and Rehabilitation Directorate and is issued directly to the service provider, supplier of service or equipment in line with procurement guidelines.

6. Protected disclosures in the Irish Prison Service. (Extract from Report of PAC on the examination of the 2019 Appropriation Accounts for Vote 24- Justice and Vote 21- Prisons)

Recommendation 3 – Protected Disclosures in the Irish Prison Service

The Committee recommends that the Department of Justice reviews the Protected Disclosure Policy currently applied in the Irish Prison Service with a view to ensuring that the policy is working as intended and that staff members can have confidence in the system. The Committee recommends that this review is carried out within six months and that it is furnished with a copy of the findings.

Extract from recent response to Minister PER on PAC recommendations in relation to 2019 C&AG Report

The Minister for Finance and the Minister for Public Expenditure and Reform are informed by the Department of Justice that it and the Irish Prison Service accept this recommendation in

principle. The Department of Justice and the Irish Prison Service will comprehensively review their Protected Disclosures policies in the context of the changed obligations arising from Directive (EU) 2019/1937 and to this end, are closely following the progress of the Protected Disclosures (Amendment) Bill 2021, which will transpose the EU Directive into Irish law. However, it is not possible to commit to completing the review within the six months suggested by the Committee, as this is dependent on the legislative process.

Further update April 2022

Work has commenced on reviewing both the Department's and the Irish Prison Service Protected Disclosure policies. The policies will be amended to align with the EU Directive 2019/1937, known as the Whistleblowing Directive. The revised Protected Disclosure policies will be finalized and ready to be put into operation once the Protected Disclosures (Amendment) Bill has completed the legislative process. (As of 23 March 2022, the Bill is at Report Stage in the Dáil).

Appendix A

	2019	2020	2020	2021
	Outturn	Final Estimate Provision ¹	Outturn ²	Provisional Outturn
	€'000	€'000	€'000	€'000
Administration				
i. Salaries, Wages and Allowances	255,084	270,600	271,324	271,455
ii. Travel and Subsistence	2,208	1,966	1,773	1,645
iii. Training and development and incidental expenses	4,343	4,660	4,483	4,020
iv. Postal and Telecommunications services	1,701	1,600	1,474	1,670
v. Office Equipment and External IT Services	9,173	9,970	11,085	11,313
vi. Consultancy Services and Value for Money and Policy Reviews	0	0	0	0
Total Administration	272,509	288,796	290,139	290,103
A.3. Buildings and Equipment	44,778	67,169	60,241	54,419
A.4. Prisoner Services	28,595	36,050	34,203	32,801
A.5. Operational Services	6,570	4,950	5,585	4,726
A.6. Educational Services	1,389	1,400	1,424	914
A.7. Compensation	3,855	9,500	9,087	9,152
A.8. Social Disadvantage Measures (Dormant Accounts Funded)	200	226	200	274
Total Gross Expenditure	357,896	408,091	400,879	392,389
Deduct:				
B. Appropriations-in-aid	10,284	10,880	10,825	10,568
Net Expenditure	347,612	397,211	390,054	381,821

Notes

¹ The 2020 Final Estimate includes a supplementary estimate of €14 million.

² The 2020 outturn includes a supplementary estimate of €14 million.

³ The 2021 Provisional Outturn for A.3 Buildings and Equipment includes a deferred surrender of capital for €5.468m.