

**Committee of Public Accounts**

**2021 Report of the Comptroller and Auditor General and Appropriation Accounts**

**Vote 24: Justice**

**and various matters as requested by the Committee**

**Briefing Material May 2023**

**Vote 24: Justice****1. Vote Summary**

The Justice Vote was one of six votes in the Justice Group of Votes in 2021. The other votes were An Garda Síochána, Prisons, Courts, the Data Protection Commission and the Policing Authority.

The Justice Vote accounts for c. 16% of gross expenditure in the overall vote group. The expenditure breakdown for the Justice Vote in 2021 was comprised of 40% in pay and pensions related expenditure, c. 4.5 % in capital and the remainder of c. 55.5 % 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 Vote****(i) Programme Budgeting**

In 2021, there were two structural changes to the programme budgeting 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 2021 are set out in **Appendix A** and for ease of comparison, the outturns for 2020 and 2022 are also included in this expenditure report in the 2021 programme format.

**(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.

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 Youth.

### **3. Immigrant Investor Programme (IIP):**

R1903 (iii) PAC33

The Immigrant Investor Programme was established over a decade ago during a time of unprecedented economic difficulty to stimulate investment in Ireland that would be of strategic and public benefit to the State. Key to the programme is that the investments are beneficial for Ireland, generate or sustain employment and are generally in the public interest.

While the Programme has brought significant investment to Ireland, it is important that all programmes are kept under review. Over the lifetime of the programme, the IIP has continually been re-evaluated and the programme recalibrated.

The level of risk attaching to both residency by investment programme, and citizenship by investment programme, has continued to increase, and this is documented in a number of reports from EU and international institutions. The UK closed their equivalent programme in the days prior to the invasion of Ukraine.

Having taking into account both internal and external reviews including implications for wider public policy, such as the continuing appropriateness and suitability of this programme for cultural, social and economic use, the Government agreed to close the Immigrant Investor Programme. The Government has no plans to replace the IIP with a similar scheme.

Over 1,750 applications have been successful under the IIP to date, with an approved investment value of €1.3bn. In total, 950 new applications covering 135 separate projects have been received in 2023 to date. The majority of these new applications were received after the announcement of the closure of the programme.

**Table 1: Value of Investment by Type:**

<b>Investment Type</b>	<b>Total Applications Approved</b>	<b>Total Value of Investment</b>
<b>Enterprise</b>	901	765,200,000
<b>Investment Fund</b>	247	229,000,000
<b>REIT</b>	6	12,000,000
<b>Endowment</b>	578	233,700,000
<b>Bond &amp; Mixed Investment</b>	56	53,950,000
<b>TOTAL</b>	<b>1,788</b>	<b>1,293,850,000</b>

#### **4. Expenditure & Governance in relation to the International Protection assessment process**

The International Protection Office (IPO) is an office of the Department which processes applications for international protection under the International Protection Act 2015. It also considers, as part of a single procedure process, whether applicants should be given permission to remain. The number of applications received has increased significantly over the past year.

As set out in Table 2 below, in 2022, almost 5,000 first instance decisions were made – representing a higher number than any annual number of applications over the past five years and exceeding the target of 3,500 per annum set in the Catherine Day Report. Of those cases, 1,383 were granted refugee status, 69 were granted subsidiary protection, 2,081 were granted permission to remain while 94 were deemed inadmissible and 869 were refused

13,651 applications were received in 2022 compared to 2,648 in 2021 and 1,566 in 2020. 4,780 applications were received in 2019, pre-Covid. 3,746 applications have been made up to 3 May 2023, compared to 3,479 in the same period last year. The current caseload in the IPO awaiting processing is 15,255 (3 May).

As part of Budget 2023, €17.7m was provided to the Department of Justice to deal with the significant increase in international protection applications, and to recruit staff and reduce processing times for all international protection applications on hand. €16m of this additional funding has been allocated to the IPO.

Since January 2023, IPO staffing has increased by 43% (from 206 to 294 by 18 May). As set out in table 3 below, the IPO requires over 400 staff to meet the level of demand on hand, and significant progress has been made towards that target to date, with the support of the Public Appointments Service. In addition, a campaign is underway to recruit an extra 160 panel members.

To absorb current and future growth in personnel, a second processing location became operational at Mount Street in January 2023, while a third location in Tallaght commenced operations in April 2023. Further expansion of the staff accommodation at the Mount Street location is planned for later in May.

The key objective of the IPO Modernisation Strategy 2023-24 is to increase output in 2023, while significantly accelerating certain categories of cases and improving quality of decision making. The strategy centres on four pillars: human resources, infrastructure, technology and process engineering.

**Table 2 – First instance decisions at the IPO 2019-2022**

<b>IP Applications Processed – 1<sup>st</sup> Instance Decisions 2019-2023 (including withdrawals from the process)</b>	
<b>2019</b>	<b>3431</b>
<b>2020</b>	<b>2257</b>
<b>2021</b>	<b>2469</b>
<b>2022</b>	<b>4901</b>

**Table 3 - IPO Staffing**

<b>Date</b>	<b>Staff numbers</b>
<b>End 2019</b>	<b>143</b>
<b>End 2020</b>	<b>147</b>
<b>End 2021</b>	<b>176</b>
<b>End 2022</b>	<b>206</b>
<b>18 May 2023</b>	<b>294</b>
<b>Target for end 2023</b>	<b>433</b>

In February 2022, Minister McEntee indicated that a new statutory agency on domestic, sexual and gender-based violence (DSGBV) would be created.

The agency is to be tasked with:

- Delivering services to victims of DSGBV, which will include delivering on the number of safe and accessible accommodation spaces needed for victims of DSGBV, as well as ensuring that helpline and other supports are available to everyone who requires them;
- Ensuring a robust set of national service standards and governance arrangements are in place to ensure adherence to the appropriate standards for such supports;
- Leading on awareness raising campaigns designed to reduce the incidence of DSGBV in Irish society as well as ensuring that all victims know how to access the supports they require;
- Leading on consistent and ongoing research to inform DSGBV policy development, working with others, such as the CSO, who have research and data projects underway.

A Memorandum of Understanding (MOU) between the Minister for Children, Equality, Disability, Integration and Youth, the Minister for Justice and the Child and Family Agency (Tusla) was agreed and signed in June 2022.

The MOU provides for the orderly transition of DSGBV services to the Department of Justice and ultimately, when established, to the new DSGBV agency. Prior to the MOU, responsibility for DSGBV services rested solely with Tusla. For the duration of the MOU both departments are jointly accountable, with Tusla contributing, as necessary for matters relating to DSGBV.

The total Tusla funding to DSGBV services in 2022 was €30.14m. In 2023, that funding has increased by €6.8m, for a total Budget of €36.94m. For the information of the Committee, the Budget available to support DSGBV services for the years 2021-2023 is set out in the table below

**Table 3: Budget available for funding DSGBV services in 2021, 2022 and 2023**

	2020 €m	2021 €m	2022 €m	2023 €m	Increase 2023/2022 %
Tusla DSGBV Services	29.5	30.0	30.1	36.9	(23%) or €6.8m
Justice DSGBV Awareness and Training	2.5	3.0	4.1	6.1	(49%) or €2m

## **6. Update on the implementation of previous recommendations made by the Committee of Public Accounts to the Department of Justice;**

- (i) **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.

### **Update May 2023**

Ireland, like other EU Member States has seen a marked increase in applicants for International Protection from a broad range of countries since the resumption of international travel, which was interrupted during the pandemic.

In 2022, almost 5,000 first instance decisions were made – representing a higher number than any annual number of applications over the past five years and exceeding the target of 3,500 per annum set in the Catherine Day Report. Of those cases, 1,383 were granted refugee status, 69 were granted subsidiary protection, 2,081 were granted permission to remain while 94 were deemed inadmissible and 869 were refused. The number of grants in 2022 was affected by the regularisation scheme for the undocumented, which is set out below.

13,651 were received in 2022 compared to 2,648 in 2021 and 1,566 in 2020. 4,780 applications were received in 2019, pre-Covid. 3,746 applications have been made up to 3 May 2023, compared to 3,479 in the same period last year. The current caseload in the IPO awaiting processing is 15,255 (3 May).

The International Protection modernisation programme is continuing to set targets and actions to deliver increased outputs despite the changed context. A new governance structure is in place, with a programme board focused on four key strategic objectives:

1. Finalise 1,000 first-instance decisions per month by Q1 2024, which will require a steady increase in output through 2023
2. Process accelerated and priority cases in less than three months by Q3 2023
3. Enhance quality control systems with transparent and effective feedback loop by Q4 2023
4. Build a high-performing team

Approximately €18m was allocated in Budget 2023 to the International Protection Office (IPO) and International Protection Appeals Tribunal (IPAT) to scale up processing. This budget will help deliver the strategy, which centres on four pillars: human resources, infrastructure, technology and process engineering.

The IPO had 206 staff in January 2023, which increased to 299 in April 2023. From a medium-term perspective, the IPO requires to grow to over 400 staff in 2023 to continue growth in processing. An external digital marketing campaign is currently underway with a view to recruiting an extra 160 panel members. To absorb current and future growth in personnel a second processing location became operational at 85-93 Mount Street in January 2023 and a third location in Tallaght commenced operations in April 2023. The IPO is currently developing a digital storage facility for new applications to enable the office to begin its move towards becoming paperless. A digital customer portal for new applications will be in place by Q1 2024.

Initiatives to increase effectiveness include the introduction in November 2022 of English-language only questionnaires for customers, and a planned legislative change to the International Protection Act 2015 to allow for legal documents to be served electronically.

A new accelerated process was introduced in November 2022 in tandem with reforms to the application, interview and decision-making process. These steps are intended to ensure that most applicants from that date from safe countries will receive a first instance decision in less than three months, which is a significant reduction from a norm of 17 to 24 months earlier in the year. Designated countries include Georgia, Albania and South Africa among others.

Overall, these measures are intended to minimise the timeframe for receiving a decision on an international protection application, ensuring that those who are found to be entitled to international protection can rebuild their lives here, while also ensuring the integrity of the immigration system can be upheld in respect of those whose applications are refused.

Modernisation alone will not be sufficient to deal with the current unprecedented demand; it is dependent on sourcing and maintaining the required staffing etc to reach the targets set out.

### **Regularisation scheme for the undocumented in 2022.**

The Regularisation Scheme for undocumented migrants included a parallel process for applicants who had an outstanding international protection application on 7 February, 2022.

As of the end of April 2023, a total of 3,241 applications were received under the international protection strand of the Regularisation Scheme.

- 1,565 applications have been successful while
- 1,094 applicants were granted an equivalent, or higher order of, immigration permission by another area of the International Protection Office.
- 460 applicants had a refusal decision issued to them by 30 April 2023, all of whom then had access to the Scheme's appeals process.
- 121 applications, less than 4% of the total, remained to be determined.

Applications made under the Scheme were assessed independently of the applicant's overall application for international protection with all such international protection applications continuing to be determined in accordance with the processes provided for under the International Protection Act 2015.

### **EU Temporary Protection Directive**

Those arriving from Ukraine are eligible for temporary protection. Temporary Protection is an exceptional measure to provide immediate and temporary protection in the event of a mass influx of displaced people from non-EU countries who are unable to return to their country of origin.

The EU Temporary Protection Directive (2001/55/EC) was activated by the EU Council in March 2022 in response to the Russian aggression against Ukraine. The Council Decision to activate the Directive, places specific obligations on Ireland and on all EU Member States, including the duration of the temporary protection to be awarded and the State supports and services that the beneficiary should be entitled to.

Those eligible for Temporary Protection (granted initially for one year, but renewed until March 2024) have immediate access to the labour market, social welfare, accommodation and other State supports as necessary.

There is a coordinated whole-of-Government response to support people arriving in Ireland who have fled the violence in Ukraine. Since 25 February 2022, just over 80,000 people have arrived in Ireland from Ukraine seeking temporary protection. Temporary Protection beneficiaries are entitled to the associated supports in Ireland for as long as the Temporary Protection Directive is activated.

EU Member States and the Commission are considering what measures will need to be put in place to support beneficiaries when Temporary Protection ends, including supports to return sustainably to Ukraine. Clearly the circumstances and impact of the ongoing invasion are such that this will not be in the immediate future

**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.

**Update May 2023**

Justice Plan 2023 contains a commitment to complete the review of the policy of holding immigration detainees in prisons and work to complete this action is continuing.

There is a statutory obligation to return any 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 very widely used as alternatives to detention.

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.

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.

The number of refusals of leave to land annually is very small when set against the overall number of arrivals into the State each year (approximately 0.06% of arrivals for 2022).

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, depending on the flight schedules.

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 GNIB who work closely with civilian immigration officers on these matters.

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 are the level of risk of absconding; whether the person poses a threat to public security; whether the individual has committed a serious crime, or if the person has not made reasonable efforts to establish their identity.

The new Dublin Airport Garda Station is situated in the former Transaer building at Dublin Airport in the Garda Division of DMR North. GNIB operates from the station and immigration detention facilities have been



operational at the building from 1 March 2022. This allows for up to four passenger refusals (i) PAC3 and to be detained for up to 24 hours within the boundary of the airport, thereby enabling their return for outbound flights without delay. These detention facilities are used primarily for immigration detainees.

The Department is working to progress a review of the policy of holding immigration detainees in prisons. Due to the impact of transfer of resources to the Ukraine response team, progress on this review was paused in early 2022 but resumed in Q4. A final draft is expected to be concluded in mid-2023.

For the information of the Committee, the number of persons detained under immigration law in Irish Prisons for the years 2011 – 2022 is set out in the table below.

**Table 5: Number of Persons detained under Immigration Laws in Irish Prisons 2011 - 2022**

Year	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
<b>Number of Committals</b>	423	400	396	407	342	421	418	414	490	247	86	117
<b>Number of Detainees involved</b>	395	385	374	390	335	408	396	406	477	245	83	106

*Figures from IPS Annual Reports for 2011-2021. 2022 figures not yet published but supplied by IPS*

**Recommendation 3 – Protected Disclosures in the Irish Prison Service****R1903 (iii) PAC33**

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.

**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.

As these recommendations relate to the Irish Prison Service, which is not a constituent element of Vote 24, an update in relation to these matters will be provided to the Committee under separate cover.

	2020	2021	2021	2022
	Outturn	REV plus supplementary	Outturn	Provisional Outturn
	€'000	€'000	€'000	€'000
<b>Administration</b>				
i. Salaries, wages and allowances	69,221	74,418	74,356	84,908
ii. Travel and subsistence	535	686	513	1,052
iii. Training and development and incidental expenses	18,699	18,753	17,572	17,295
iv. Postal and telecommunications services	2,734	2,096	2,615	3,951
v. Office equipment and external IT services	13,948	17,766	16,132	20,389
vi. Office premises expenses	4,050	3,055	4,501	4,288
vii. Consultancy services and value for money and policy reviews	89	68	336	126
viii. Research	741	1,286	637	1,485
ix. Financial shared services	6,135	6,757	6,693	6,805
x. Justice & Policing Transformation Programme	5,527	5,400	4,227	4,856
<b>Total Administration</b>	<b>121,679</b>	<b>130,285</b>	<b>127,582</b>	<b>145,155</b>
<b>Programme A – Criminal Justice Pillar</b>				
A.1. Administration- Pay	27,083	29,211	28,978	32,820
A.2. Administration- non Pay	17,182	18,310	17,608	19,641
A.3 Prisons Inspectorate	638	1,954	1,349	1,289
A.4 Garda Ombudsman Commission	11,124	11,273	11,583	13,449
A.5 Office of the Garda Inspectorate	1,079	1,315	1,010	1,118
A.6 Criminal Assets Bureau	10,401	9,961	10,111	9,830
A.7 Probation Service-Salaries Wages and Allowances	21,949	23,699	23,308	24,330
A.8 Probation Service-Operating Expenses	4,002	4,885	4,141	4,305
A.9 Probation Service-Service to Offenders	16,866	17,532	17,529	17,503
A.10 Community service Order Scheme	1,984	3,075	2,527	2,524
A.11 Youth Justice Service	13,919	14,514	15,110	22,817
A.12 Victims of Crime including Sexual Crimes and Domestic Abuse	2,001	4,104	3,744	5,421
A.13 Mental Health (Criminal Law) Review Board	302	439	289	265
A.14 Compensation for personal injuries criminally inflicted	6,815	7,016	2,301	6,319
A.15 Legal Aid (Criminal)	62,224	77,000	73,466	76,653
A.16 Legal Aid Custody Issues	4,257	6,500	6,031	4,716
A.17 Parole Board	133	1,331	589	1,470
A.18 Crime Prevention Measures	489	1,197	1,049	1,071
A.19 Private Security Authority	3,285	3,835	3,744	4,012

A.20. Domestic, Sexual & Gender Based Violence - Awareness raising and training	2,464	2,997	2,100	(iii) PA€399
A.21 Forensic Science Lab	33,779	76,630	72,384	56,920
A.22 State Pathology	1,088	988	1,119	1,499
A.23. Commissions And Special Enquiries	6,406	8,231	6,658	10,096
A.24. Social Disadvantaged Measures(Dormant Accounts Funded)	6,739	9,674	8,789	9,125
A.25 Community Safety Innovation Fund	—	—	—	1,623
<b>Total A</b>	<b>256,209</b>	<b>335,671</b>	<b>316,117</b>	<b>332,925</b>

<b>Programme B - Civil Justice Pillar</b>				
B.1 Administration Pay	46,377	49,860	49,819	56,888
B.2 Administration Non pay	31,037	32,904	31,177	35,806
B.3. Central Authorities	62	135	40	90
B.4. Legal Services Regulatory Authority	1,000	1,001	1,000	1,000
B.5. Property Services Regulatory Authority	2,438	2,999	2,994	3,282
B.6. Insolvency Service Ireland	6,730	7,569	7,340	6,586
B.7. Gambling Regulatory Authority	—	200	—	161
B.8. Judicial Appointments Commission	—	254	—	—
B.9 Judicial Council	365	1,754	379	833
B.10. Coroners Service	4,500	8,055	6,904	7,712
B.11. Legal Aid Board	42,207	44,575	44,575	45,212
B.12. Free Legal Advice Centres	98	294	294	294
B.13. Immigration and International Protection Programmes	4,373	3,137	2,524	7,419
B.14. International Protection Appeals Tribunal	3,305	3,696	3,369	3,255
B.15 Irish Film Classification Office	505	707	496	377
<b>Total B</b>	<b>142,997</b>	<b>157,140</b>	<b>150,911</b>	<b>168,915</b>

<b>C. Appropriations in Aid</b>				
1. Film Censorship Fees	810	750	822	941
2. EU Receipts	9,691	21,000	21,000	1
3.Miscellaneous Receipts	2,229	573	628	588
4.Immigration Registration Fees	31,445	35,000	35,547	60,686
5.Visa Fees	3,082	2,700	3,019	7,913
6.Dormant Account Receipts	6,598	8,274	8,734	9,061
7.Private Security Authority Fees	2,643	2,564	2,565	3,424
8.Nationality and Citizenship Certificate Fees	8,852	10,400	9,983	13,215
9.Legal Services Regulatory Authority – Levy on professional bodies	—	1,050	1,050	—
10.Property Services Regulatory Authority Fees	2,210	2,250	2,250	2,210
11.Insolvency Service of Ireland Fees	767	680	499	699
12. Receipts from additional superannuation contributions on public service remuneration	3,865	4,160	4,416	4,747
<b>Total A-in-A</b>	<b>72,192</b>	<b>89,401</b>	<b>90,513</b>	<b>103,485</b>
<b>Total Net</b>	<b>327,014</b>	<b>403,410</b>	<b>376,515</b>	<b>398,355</b>



## Value for Money Process

In common with other Departments, the previous Value for Money process has been replaced by the Spending Review Process initiated by the Department of Public Expenditure and Reform since 2017. The last formal value for money report was completed and published in 2018 and related to the Prisons Vote. It was a cross sectoral Value for Money and Policy Review Report in relation to the escort of prisoners

<http://justice.ie/en/JELR/VFMPR%20Prisoner%20Escorts%202018.pdf/Files/VFMPR%20Prisoner%20Escorts%202018.pdf>

As the Committee will be aware, the Spending Reviews are carried out in conjunction with the annual estimates process. The Justice Sector has been fully engaged in this process since its commencement and has produced a number of reviews and contributed to others carried out by the Department of Public Expenditure and Reform during this period.

In total, there has been 11 such reviews carried out across the Vote Group (**Appendix 1**) with two specific reviews relating to the Justice Vote (Vote 24).

The reviews carried out by this Department relating to the Justice vote refer specifically to *Criminal Legal Aid (2018)*

<https://assets.gov.ie/7320/b26e8d13fb42468fb66a40aed88fe875.pdf> and in 2019 in relation to *Direct Provision: Overview of Current Accommodation Expenditure*  
<https://assets.gov.ie/25626/c666dab7df0849c59695e19b926b6204.pdf>.

In both cases, these reviews were selected based on the increasing level of expenditure in the specific areas. It should be noted, that responsibility for the Direct Provision function transferred to the Department of Children, Equality, Disability, Integration and Youth in October 2020.

A template is attached reflecting the spending review in relation to Criminal Legal Aid (**Appendix 2**). A similar template is also provided in relation to a C&AG report in 2016 in relation to Development of ICT Systems by the Department of Justice, which also reflected VFM considerations in the recommendations implemented (**Appendix 3**).

1. Do you have a systematic/cyclical approach to choosing areas/programmes/expenditure to review? If so, please describe the approach in detail.

The areas selected for the Spending Review Process are done on a consultative basis across the six votes in the Justice Vote Group including discussion and agreement with the Department of Public Expenditure. The larger spending votes and in turn the larger spending areas within the Votes in question have been the subject of most focus since this process was introduced in 2017.

2. How and why you choose particular areas/programmes/expenditure to review?

The focus to date has been on larger areas of expenditure including areas where expenditure has tended to increase from year to year.

3. Do you have a schedule of planned reviews? If so, covering what period, and at what level is it signed off?

A number of areas are considered for review and following input at senior level in the particular votes, this Department and DPER the particular area (s) is/ are selected each year.

4. The governance arrangements pertaining to the implementation of the recommendations arising from the reviews.

The implementation of any recommendations is considered as part of the annual estimates process and responsibility for implementation is ultimately the responsibility of the relevant Vote.

5. For each of the reviews for the accounting period under examination by the Committee and the preceding two years:

- a) details of implementation to date,
- b) timelines for implementation.

See completed template attached at Appendix 2 in relation to Criminal Legal Aid, which is specific to the Justice Vote (Vote 24)

6. What specific effects have the implementation of the recommendations or conclusions of each review undertaken in the last seven years had in terms of the allocation of funding within the Vote(s)?

The Spending Review reports are a key component of the Estimates process. The selected reviews have tended to focus on the larger areas of expenditure and hence have provided reassurance and specific analysis as to the budgetary requirements for the areas in question.

The process has also reinforced the value of readily available data and has reinforced the need for the Department to enhance its data capture and research and analytics capability in recent years.

7. In accordance with section 19 of the Comptroller and Auditor General Act 1993, any other evidence you might wish to provide as to:

“(b) the economy and efficiency of the Department in the use of its resources,  
(c) the systems, procedures and practices employed by the Department for the purpose of evaluating the effectiveness of its operations”.

8. Any other information that you, in your capacity as Accounting Officer, might wish to add to assist the Committee in forming a view as to whether you can demonstrate VFM in the context of Standing Order 218(2)

Answers to questions 7 and 8 combined:

The Department has strong financial and administrative management processes in place with budgets devolved to different offices and units. There is regular reporting and monitoring of expenditure to ensure it remains within budget and that outputs are being delivered. There are financial authorization limits in place for the payment of supplier invoices with appropriate segregation of duties.

The processes outlined below support effective management in the Department:

- Business plans are in place for the Department and all business units with measurable objectives that are monitored periodically.
- There are regular reviews by senior management of periodic and annual financial reports which indicate financial performance against forecasts
- The Department’s Financial Management Committee meet with senior financial managers from the Justice sector on a monthly basis to report and monitor how budgets are being managed.
- A Funds Administration Unit provides administration and oversight of grants to Non-Governmental bodies and ensures that deliverables are monitored.
- The Department has agreements in place with its aegis bodies, there are dedicated teams in place to monitor going compliance.
- Senior management meets periodically to discuss the deliverables and compliance.
- A risk management system operates within the Department
- There are systems aimed at ensuring the security of the ICT systems
- There are appropriate capital investment control guidelines and formal project management disciplines in operation.



In addition as accounting officer, I am supported by an internal audit function with appropriately trained personnel, which operates in accordance with a written charter. The annual internal audit plans are approved by the Audit Committee.

The annual work programme of the Internal Audit includes a review of certain areas of expenditure under the Public Spending Code which includes a value for money perspective. The work verifies that there are a range of business processes in place that supports the delivery of value from capital and current expenditure projects in the Department. These include the following processes:

- An appropriate business case in place to justify the investment.
- An effective sanctioning/approval process in place to scrutinise proposals.
- Effective management of capital projects at an operational and organisational level.  
E.g. project boards
- Procurement in line with the Office of Government Procurement guidelines.
- Effective monitoring and reporting systems in place to report on financial and deliverables.
- Post project reviews carried out to enhance learning.

The work supports the implementation of good practice in the Department and compliance with the Public Spending Code.

## Appendix 1: Spending reviews 2017 onwards relating to the Justice Group

Year	Heading	Vote	Summary	Author
2017	Challenges to Investment in Policing: A Public Expenditure Perspective	20	This paper is the first of a series of Department of Public Expenditure and Reform papers on policing. It analyses recent trends in expenditure, the current trajectory of investment in policing, presents the current progress of Garda reform and explores alternatives to the current model of resource allocation.	DPER / IGEES
2017	Courts Service Reform	22	This report considers the rationale, sustainability, impact and efficiency of selected Court Service reforms. It also assesses plans for further reforms.	CS
2018	Policing Civilianisation in Ireland: Lessons from International Practice	20	This paper examines civilianisation currently, and historically, in An Garda Síochána with a particular emphasis on learning from international examples of civilianisation and informing the Irish approach to the issue.	DPER / IGEES
2018	Review of Overtime Expenditure in An Garda Síochána	20	This paper reviews overtime expenditure in An Garda Síochána. It examines the efficiency of overtime spending and the effectiveness of control measures in An Garda Síochána. In addition to outlining recent trends in expenditure, the paper examines the role of overtime expenditure in policing services across other jurisdictions.	DPER / IGEES
2018	Review of Criminal Legal Aid	24	This paper assesses the Criminal Legal Aid programme in Ireland and how it compares internationally. While the review does not aim to provide a conclusive view of every aspect of the Criminal Legal Aid programme, it does suggest possible amendments that could improve the system.	IGEES & Justice and Equality
2019	Towards a Framework for Multi-Annual Budgeting: Considerations for An Garda Síochána	20	This paper assesses the potential application of multi annual budgeting in An Garda Síochána. Set against the background of the ongoing policing reform programme, this paper addresses the criteria required for successful implementation of multi annual budgeting.	DPER / IGEES
2019	Direct Provision: Overview of Current Accommodation Expenditure	Transfer of functions - Department of Children, Equality, Disability,	This paper assesses direct provision in the context of current accommodation expenditure while also providing an international comparison of similar provision systems.	IGEES & Justice and Equality

Year	Heading	Vote	Summary	Author
		Integration and Youth		
2020	Toward Digitally-Enabled Court Services: Review of Investment in Courtroom Technology and the Creation of a Centralised Jury Summons Unit	22	The paper describes spending on courtroom technology from 2015 to 2019 and then examines the creation of a Jury Summons Office last year. The paper outlines the rationale behind the initiatives, highlighting some of the potential efficiencies associated with the use of modern technology and the productivity gains that can be achieved.	IGEES & Courts Service
2020	Designing Performance Metrics in Policing	20	This paper highlights good practice identified in the literature review and employed in other jurisdictions regarding the selection of suitable performance indicators to measure performance.	DPER / IGEES
2021	Progressing the Development of the Costed Policing Plan and Multi-Annual Budgeting	20	This paper aims to progress and inform a number of finance function related priority actions within the Garda Reform plan "A Policing Service for our Future". It builds upon the work undertaken in Spending Reviews published on similar themes in recent years and is the first jointly authored Spending Review developed in the Justice Sector in collaboration between the Department of Public Expenditure and Reform, An Garda Síochána and the Department of Justice.	DPER / IGEES , DJ and AGS
2021	Review of the Programme of Work and Training in the Irish Prison Service	21	This paper outlines the model of work and training service delivery across the Irish Prison Service estate, detailing key inputs and outputs, and reviews its labour market relevance. It also examines key stakeholder perspectives on the effectiveness and efficiency of work and training and examines the model of delivery in other jurisdictions	IGEES & IPS

## Template

### Instructions

Please complete this template for each *ex-post* review of expenditure completed since 2015. Please include hyperlinks to the reviews where possible and otherwise provide the reviews in soft copy.

Link to report: Criminal Legal Aid: Overview of current system and potential lessons from an international comparison

<https://www.gov.ie/pdf/?file=https://assets.gov.ie/7320/b26e8d13fb42468fb66a40aed88fe875.pdf#page=null>

### VFM Information

Title of ex-post review of expenditure	Criminal Legal Aid: Overview of current system and potential lessons from an international comparison	Type of review:	Spending Review
Accounting period(s) to which it relates:	Review is with reference to general trends rather than specific accounting period but encompasses expenditure for the years 2007 – 2017.	Authored by:	Dept. Justice and Equality and the Irish Government Economic and Evaluation Service (IGEES) Unit
Related review(s) previously undertaken:		Started:	
Quantum of expenditure covered by review:	c. €54m/yr	Completed:	July 2018
% of total voted expenditure covered by review:	2-3% of the overall criminal justice system	Expenditure type:	Current
Programme line(s):	Criminal Legal Aid - relating to cases coming before the District Court, the Circuit Court and the higher courts	Relevant subhead(s):	B.12. Legal Aid - Criminal
% of total programme expenditure:	100%	If the review is reflected in a Public Service Performance Report, please provide year and page number:	



## VFM details

### Objectives:

The Department of Justice administers the criminal legal aid scheme and expenditure on the scheme forms a significant part of the non-pay expenditure of the justice vote. It is difficult to predict accurately expenditure on the scheme each year.

The IGEES unit of the Department carried out this spending review of Criminal Legal Aid ('CLA'). The overall objective was to assess the programme in terms of how it compares internationally and to identify recommendations and areas for further consideration that could improve the system. The review looked at the role of CLA in the criminal justice system, including in relation to demands on the programme that may result due to activity in other parts of the system. However, the review did not aim to provide a conclusive view of every aspect of the CLA programme, which should be monitored and reviewed on a regular basis. Some operational aspects of the programme were outside the scope of the review and no consideration was given to the supply side of criminal legal aid.

The Review made a list of 7 possible high-level recommendations and areas for further consideration which are set out below:

1. Accurate and timely data is fundamental to the assessment of impacts in the Criminal Justice system and this is also true for the CLA system. An ability to track individual CLA certificates as they move through the criminal justice system would be beneficial.
2. Other areas need to be monitored on an ongoing basis include the fee structure and the incentives of this fee structure to ensure a fair, effective and efficient criminal justice system.
3. It is important to consider that many of the benefits in other aspects of the justice system will likely have knock on positive impacts on the CLA system. For example, consideration of further 'alternatives to prosecution' may reduce demand on the courts/CLA and may speed up the length of trials for a more efficient system
4. Any new legislation should be monitored (by reference to the Regulatory Impact Assessment) so that impacts can be examined at an early stage of implementation.
5. The new proposed draft legislation has a number of areas where change will occur. It is that the impact of any of these proposed changes be monitored at the earliest opportunity.
6. This review has mentioned the smaller CLA schemes but has not gone into the level of detail necessary to look at the efficiency and effectiveness of these schemes. A separate review of these schemes may be beneficial.
7. Consideration should be given to a formal early warning system, which can be an effective tool to analyse future budgetary pressures. This system may be based on detailed analysis of the types of crimes that account for the largest share of trials and cases that involve the introduction of new laws that will be tested in the courts.

### Findings



This could then be to anticipate possible 'shocks' to criminal legal aid expenditure at an early stage. Significant effort already goes into monitoring and assessing the most expensive criminal legal aid cases by the Department of Justice and Equality.

The progress against these seven recommendations is overseen by the Department. Significant developments include the work to update and modernise the law relating to criminal legal aid and to implement key recommendations including those contained in this report as well as further recommendations identified by the Department's Internal Audit Unit relating to governance, control and accountability in respect of criminal legal aid. This work is at an advanced stage. A Criminal Legal Aid Oversight Committee, made up of key stakeholders, is responsible for driving the reforms, monitoring and assessing impacts of reforms and to advise and oversee legislative amendments.

Access to accurate and timely data is critical to managing and overseeing expenditure on criminal legal aid. While the Department and the Courts Service produce information relating to expenditure and the number of certificates granted in the District Court, further work to improve the quality of data is being developed through a number of channels including: a subgroup of the Criminal Justice Strategic Committee, a separate project to provide for the automation of criminal legal aid payments, the modernisation programme for the Courts Service as well as the work being done to develop the new legislation. The use of a unique identifier is also being explored. A mapping process following the criminal legal aid certificate is completed for the Courts and is nearing completion for the payments side.

As part of the reform of criminal legal aid which will take place in parallel with the development of the new legislation, a review of the prescribed fees will also take place in order to make it fair, efficient, transparent, auditable and value for money. This process is due to commence in June 2023.

There has been a 58% increase in criminal legal aid certificates since 2015. Much of this can be attributed to the increase in the number of prosecutions and trials (outside of 2020/2021 which were impacted by Covid). As part of the Covid response, the use of video link between the prisons and the Courts saw a reduction in expenditure. Other reforms have also been introduced which may have impacts for criminal legal aid such as the introduction in 2022 of preliminary trial hearings designed to increase the efficiency of the trial process in sensitive and complex cases and to avoid unnecessary delay. The potential for these type of reforms to reduce the length of trials will be reviewed over time to identify impacts for criminal legal aid.

As noted, legislative reforms to overhaul the criminal legal aid system are at an advanced stage and are designed to update and modernise the law in this area and to implement key recommendations arising from this review and the separate Audit review. Work has commenced to introduce other reforms such as automation of payments of legal aid and a review of fees is also to commence shortly. All of these reforms are being overseen by the Criminal Legal Aid Oversight Committee and the impact of those reforms will be measured against the approved impact assessment as well as expenditure and efficiency targets.

**Actions taken:**



The Internal Audit Unit of the Department has commenced a programme of audits for the smaller criminal legal aid schemes, namely the Garda Station Scheme, the Legal Aid Custody Issues Scheme and the CAB Scheme. An audit of the Garda station scheme has been completed and due to be reported shortly. An audit of the Legal Aid Custody Issues Scheme has commenced. Any recommendations arising from these audits will be acted on and will be overseen by the Oversight Committee.

Anticipating expenditure on criminal legal aid is difficult as was identified in the Spending Review. Criminal Legal Aid is a demand led scheme and it is difficult to anticipate and manage the expenditure. The increase in the country's population, the increase in the number of Gardaí, and the forthcoming increase in judges there will continue to be an increase in the number of cases being brought to trial. This is reflected in the year on year increase in the expenditure on criminal legal aid. The accounts are monitored on a monthly basis to determine any anomalies as was seen during COVID when claims weren't processed as promptly resulting in a shortfall in 2021 and an increase in expenditure in 2022 when the 2021 claims were processed. Procedures such as fee claims having to be submitted within two years of the completion of a case are being introduced which will eliminate some of the very overdue and unanticipated claims and to better forecast expenditure. Criminal legal aid is a vital element of the criminal justice system. The focus for the future is maximizing the efficiency of the expenditure through reforms that reduce length of cases, while ensuring those without means to do so, have access to an adequate defence.

# Dáil Standing Order 218(2)

An Coiste um Chuntais Phoiblí  
Committee of Public Accounts

## Appendix 3: ICT systems

## Template

### Instructions

Please complete this template for each ex-post review of expenditure completed since 2015. Please include hyperlinks to the reviews where possible and otherwise provide the reviews in soft copy.

Link to report: Development of ICT Systems by the Department of Justice and Equality

[chapter13-development-of-ict-systems-by-the-department-of-justice-and-equality.pdf](http://chapter13-development-of-ict-systems-by-the-department-of-justice-and-equality.pdf) ([audit.gov.ie](http://audit.gov.ie))

### VFM Information

Title of ex-post review of expenditure	Development of ICT Systems by the Department of Justice and Equality	Type of review:	Report on the Accounts of the Public Services
Accounting period(s) to which it relates:	<p>The review covers the time frame from 2012 to 2016, looking at ICT projects undertaken by the Department on behalf of agencies including:</p> <ul style="list-style-type: none"><li>• a case management system and ancillary developments for the Insolvency Service of Ireland</li><li>• a reporting and registration system and ancillary developments for the Charities Regulatory Authority and</li><li>• an on-line licence renewal system for the Private Security Authority.</li></ul>	Authored by:	Comptroller and Auditor General
Related review(s) previously undertaken:		Started:	
Quantum of expenditure covered by review:	€4.639m in total for the 3 projects, as at March 2017	Completed:	2017
% of total voted expenditure covered by review:		Expenditure type:	Current
Programme line(s):	<p>ICT</p> <p>Please note this report was previously discussed by the PAC on the 25<sup>th</sup> April 2018.</p> <p>The updates attached refer to the position as of 2023.</p>	Relevant subhead(s):	<p>A.12 Insolvency Service of Ireland</p> <p>A.10 Charities Regulatory Authority</p> <p>B.16 Private Security Authority</p>
% of total programme expenditure:		If the review is reflected in a Public Service Performance	





## Appendix 3: ICT systems

Report, please  
provide year and  
page number:

### VFM details

#### Objectives:

The Department of Justice provides information and communication technology (ICT) support services for many functional areas and agencies within its Vote group. The Change, Technology and Innovation (CTI) Division provides ICT support on shared services basis to over 3,000 users in more than 70 locations across the group.

The objective of the chapter on the development of ICT systems by the Department was to review the planning and oversight on three ICT projects undertaken by the Department on behalf of the Insolvency Service of Ireland, the Charities Regulatory Authority and the Private Security Authority, which amounted to €4.6 million. The C&AG identified a number of shortcomings in project governance in relation to planning and oversight on this project.

The 2017 audit of the development of ICT systems by the department made 3 recommendations:

- **Recommendation 13.1** All ICT projects should require a business case that is properly assessed and that has been agreed between the Department and the end user. The business case should set out the business requirements, the expected benefits, the project methodology, the proposed delivery approach, project costs and evaluation of options, as appropriate.
- **Recommendation 13.2** All ICT projects should have detailed budgets, with estimated costs for each stage of development. Regular comparisons of budgeted expenditure against actual spend should be undertaken and presented to the relevant project oversight group, together with clear explanations of material variances.
- **Recommendation 13.3** The Department should review its governance approach to planning and managing complex ICT development projects to ensure the system developed is fit for purpose and achieves value for money.

#### Findings

#### Actions taken:

- **Recommendation 13.1** All ICT projects should require a business case that is properly assessed and that has been agreed between the Department and the end user. The business case should set out the business requirements, the expected benefits, the project methodology, the proposed delivery approach, project costs and evaluation of options, as appropriate.

As noted in the Accounting Officer's response in the published report, the recommendation is accepted. The terms of reference of the ICT Governance Group have been strengthened and a new project business case approval workflow system



## Appendix 3: ICT systems

introduced. All business cases going to the Governance Group now must follow this standard comprehensive template. A Technical Subgroup with appropriate expertise (and including an external member) meets on a monthly basis and performs a robust assessment and vetting of business cases for ICT expenditure prior to their consideration by the full Governance Group. Automated project tracking is in the process of being implemented to reduce the risk of deviation from approved cases without it being brought to the Governance Group for approval.

However, it is important to note in this context that the detailed requirements and design need to be clear and fully understood by all stakeholders. This was not the situation in the case of the Insolvency Service of Ireland developments as the legislation was in draft and the precise operating model of the business was not known at the early stages of this development.

- **Recommendation 13.2** All ICT projects should have detailed budgets, with estimated costs for each stage of development. Regular comparisons of budgeted expenditure against actual spend should be undertaken and presented to the relevant project oversight group, together with clear explanations of material variances.

As noted in the Accounting Officer's response in the published report, the recommendation is accepted. The modified project approval and tracking systems recently developed encompass an improved project reporting capability and each project sponsor is responsible for updating their project status on the system on a monthly basis. These updates will flag any deviation from the approved business case in areas of cost or timescales and any projects showing an 'amber' or 'red' status will be reviewed at each Governance Group meeting. Only in very urgent and exceptional circumstances will a project be initiated without detailed budgetary planning where the priority of the system is deemed critical, as was the case with the Insolvency Service of Ireland project.

- **Recommendation 13.3** The Department should review its governance approach to planning and managing complex ICT development projects to ensure the system developed is fit for purpose and achieves value for money.

As noted in the Accounting Officer's response in the published report, the recommendation is accepted. As already set out above, the Department, through what was the ICT Governance Group updated its governance approach to planning and managing complex ICT projects. The revised approach was influenced by the lessons learned from previous projects including the Insolvency Service of Ireland and the Charities Regulatory Authority projects. A greater emphasis is placed on the management of individual projects once they are approved. Each project sponsor was accountable for the delivery of their project and project boards are required to oversee projects of significant scale. Each project manager was required to submit a monthly status report for review by the Group and projects exhibiting a status of 'amber' or 'red' further investigated. To address longer term project reviews, the Group also established a post implementation review process, through which completed projects were required to attend at the Group meetings and present on project outcomes, achievement of deliverables and lessons learned.



## Appendix 3: ICT systems

### Update

The process was further developed when the ICT Governance Group was replaced by the programmes and portfolio Oversight Committee in 2020, recognising the importance and value of delivering projects effectively and with appropriate governance and oversight. The committee meets quarterly. The Committee is chaired by a member of the Department's Management Board and contains representatives from CTI Division, the Corporate Pillar and the Governance Functions. It also includes representatives from a number of other Government Departments. P3 is supported by Financial and Technical Review groups. The Technical Review Group consider whether technical solutions proposed are aligned to the overall ICT Strategy and architecture. The Financial Review Group validate funding availability for projects and ensure appropriate assurance over certain ICT expenditure (including non-project expenditure). The Department's Project Management Office (PMO) also closely supports P3 committee in its work.

P3 supports projects in every area of the Department of Justice, and its agencies where the Secretary General is the Accounting Officer. This structure provides assurance to the Secretary General in that capacity that projects are being managed and overseen effectively, that the department is operating in line with relevant D/PER guidance and is achieving value for money in relation to ICT and project expenditure.

This process supports business areas and agencies to deliver projects that will provide important benefits to them and their stakeholders, while also helping to promote a culture of innovation within the Department. It decides on the best use of public funding given limited resources and strives for quality in the delivery of services to our customers.

A full project lifecycle process has been implemented across all the portfolio of projects within the Department and its agencies. This begins with the initiate phase which generates innovative ideas to solve a problem and fully understand the business challenge. This ensures a well-researched, robust business case is developed. The business case addresses the business challenge being faced, the strategic objective of the project, scope of the project, identified risks, compliance with data protection, alternative options, benefits and disbenefits, and finally, costs and funding. Proposed business cases are assessed by their alignment to the Department's strategic focus and business risk mitigation. Other project benefits which are considered include the public and internal experience, financial efficiency and operational importance.

Once the business case has been finalised, and signed off by a business owner and sponsor, it is sent to the P3 committee for review and a decision on how the project will progress. Decisions on new project proposals are based on:

- The information provided in the project Business Case;
- the Financial and Technical Review Groups' recommendations;
- Alignment with the Department's strategic objectives, Justice Plan and other central government priorities and frameworks.



## Appendix 3: ICT systems

The P3 Committee also:

- Makes recommendations to the Management Board on the prioritisation of projects considering available resources.
- Keeps existing projects under review to ensure they are delivering expected outcomes within the agreed budget, time and scope.
- Oversees and ensures the development and maturity of the Department's Project Management Office.

Where a project is approved, during the initiate stage of the project management process, the activities include establishing the project team, the deliverables for the project and validating the expected budget. The project board is established, and this board ensures the project costs are justified and the project provides value for money. During this stage, the budget is approved. If expected costs exceed those stated in the costs section of the business case, approval to proceed will be needed by the Project Board/P3 Committee.

Throughout the project, the project manager will monitor the benefits, risks, actions, issues and decisions made throughout the project. As the project moves from initiate to plan stage of the project management lifecycle, a plan is identified to ensure management of scope creep. Project budget and expenditure is tracked weekly. Project managers issue a weekly status report on all in-flight projects to the project management office. This report focuses on the time, benefits, scope and cost of the project and can assure or alert stakeholders of the current state of the project. P3 is updated quarterly on the overall status of all projects in flight.

A change request is completed when there are any changes to cost, scope, time or benefits/quality of a project from the original agreed baseline (business case). This change request process ensures that all those involved with the project understand what the change is, why it is happening, what it will mean for them and how it will impact the project overall. Dependent on the size of change, a decision will be made by the project manager, project board or P3 level to formally approve (or not) the request.

In line with Circular 14/2021, Arrangements for Oversight of Digital and ICT-related initiatives in the Civil and Public Service, approval to proceed with work on digital projects approved by P3, is also requested from the Digital Governance Oversight Unit in DPER (DGOU). The PMO meet quarterly with DGOU to provide assurance that digital and ICT related initiatives are appropriately aligned with all relevant government policies and the strategies that support them; and that appropriate governance arrangements are in place. Additionally, this Circular provides for an internal or external Peer Review Group to be established for projects exceeding certain costs. The Department fully complies with this provision.