

DÁIL ÉIREANN

AN CHOMCHOISTE UM DHLÍ AGUS CEART AGUS COMHIONANNAS

JOINT COMMITTEE ON JUSTICE AND EQUALITY

Dé Céadaoin, 28 Meán Fómhair 2016

Wednesday, 28 September 2016

The Joint Committee met at 9 a.m.

MEMBERS PRESENT:

Deputy Colm Brophy,	Senator Frances Black,
Deputy Jack Chambers,	Senator Lorraine Clifford-Lee,
Deputy Clare Daly,	Senator Martin Conway,
Deputy Jim O’Callaghan,	Senator Niall Ó Donnghaile.
Deputy Mick Wallace,	

In attendance: Senator Mark Daly.

DEPUTY CAOIMHGHÍN Ó CAOLÁIN IN THE CHAIR.

Irish Sign Language: Irish Deaf Society

Chairman: The purpose of the first part of our meeting is to have a discussion with the Irish Deaf Society on the formal recognition of Irish Sign Language, ISL. I welcome Dr. John Bosco Conama and Ms Wendy Murray, directors of the Irish Deaf Society, and Mr. Brian Crean, deaf adult literacy services manager with the Irish Deaf Society. I thank the delegates for their attendance this morning to discuss this most important issue. I also wish to extend a very warm welcome to Mr. Darren Byrne, who will be interpreting for us all this morning. The format of the meeting is that the delegates will be invited to make a brief opening statement and this will be followed by a question-and-answer session. I welcome members of the committee and extend a warm personal welcome to Senator Mark Daly who has a very special interest in this area.

Before we begin, I must draw our guests' attention to the situation regarding privilege. The witnesses should note that they are protected by absolute privilege in respect of the evidence they are to give to the committee. However, if they are directed by the committee to cease giving evidence on a particular matter and continue to do so, they are entitled thereafter only to a qualified privilege in respect of their evidence. They are directed that only evidence connected with the subject matter of these proceedings is to be given and are asked to respect the parliamentary practice to the effect that, where possible, they should not criticise or make charges against any person, persons or entity by name or in such a way as to make him, her or it identifiable. Members should be aware that under the salient rulings of the Chair, they should not comment on, criticise or make charges against a person outside the House or an official by name or in such a way as to make him or her identifiable.

I now invite Dr. Conama to make his opening statement.

Dr. John Bosco Conama: I thank the committee and Chairman for the opportunity to be here this morning. It is quite a daunting experience to appear before a joint committee of our national Parliament and we thought long and hard about how we would prepare for this meeting. We looked at the Oireachtas website but found it difficult to find accessible committee information. We do not even have full access to the Parliament itself. I know that Senators and Deputies generally prefer communication by phone but that is also a struggle for us. I thought it important to say that before addressing the main subject of this meeting.

The recognition of Irish Sign Language can affect people at a personal level right up to State level. In terms of access to health services, for example, if there are no qualified interpreters available, people may be relying on family members to avail of health services. In some instances, they may seek services of a sensitive nature about which they do not want their families to know. At a State level, while there is some access to interpretation in criminal cases, in civil cases such access often depends on the goodwill of the presiding judge. Often deaf people find themselves paying for interpretation in civil court cases. It would be great to be able to give the committee an understanding of the depth of experiences but I will try to be as concise as possible this morning.

Historically, there has been a negative attitude towards the use of sign language in Ireland. Families were advised by health care professionals to avoid signing to people who were born deaf and to focus instead on written communication or speech. That would have been the experience of many families throughout the country. However, Irish Sign Language is such an expressive and a beautiful language which could greatly enhance family life. That was my own experience and while I get on very well with my family, I still meet family members who do not

believe in the idea of signing early. They still think that it should not be implemented straight away with deaf children.

Before this meeting began, we were discussing incidental knowledge. I was told by a person over the age of 60 years that he suffered a heart attack. He had no idea that there was a family history of cardiac conditions. His family were not communicating with him through Irish Sign Language and because of that, he was missing out on shared information. We have been working with Senator Mark Daly to try to look at ways to progress recognition of Irish Sign Language, so that professionals and families will actually see the value of having the language. Sometimes it is seen as a language that is just tolerated and is not properly recognised as being a basic right.

Ms Wendy Murray: Let me again mention the fact that a person did not know about the family medical history because of the poor communication in the family. I am in a different situation because my parents are deaf and we all communicate through sign language. That is great because I have access to my family but as a deaf person, I still experience oppression in terms of access to communicating. I have access to my parents because they are deaf too. I have siblings who are hearing but we all sign. I went into an education system that tried to force me to speak. I would often try to figure out what was being said or we would spend time trying to advise each other what the teacher was saying because we could not necessarily make it out. At the age of six, seven and eight years, I was not allowed to utter a word in sign language while I was in school. When I left school, I went on to third level education which was such a difference from my experience at primary and secondary schools. At third level, I was provided with sign language interpretation, I could ask questions and have them answered through sign language and it always made me wonder why I spent my time in primary and secondary schools guessing what was being said. I was able to access the world when I was so much older. Why would it make sense to wait until I was 22 or 23 years before I could access the world? Even saying that I had access in university, there is still not 100% access in the world in general.

I wish to give members an idea of how things are and of the differences. We would often struggle in relation to interpretations. In terms of meetings, we would worry about the availability of an interpreter. Will the interpreter turn up and how will we be able to express ourselves if the interpreter fails to turn up? That is our primary focus instead of focusing on coming to a meeting and worrying about the content of our contribution, we are often worried about the access arrangements and the barriers we will face. We are looking at Irish Sign Language as a means to bridge the barriers to communication and as a way to be able to connect with each other.

I will hand over to my colleague, Mr. Brian Crean.

Mr. Brian Crean: Our department deals with about 500 deaf adults. They would often say they felt access was not good in terms of their experience in education. If they went to a vocational or other school, they would have felt left out perhaps because there was no interpretation available. We would have had 500 students of whom 71% would be unemployed. That comes down to the disability allowance system.

The disability allowance is good in some ways but it encourages people to remain on the disability allowance. It does not motivate people to get going and try to get back into doing things. I would have grown up in a hearing family. I got on well but my family would have taken the advice from the State about it not being good to use sign language straight away. The three of us who are representing the deaf community, and 93% of people in the deaf community,

would say that if they had the chance to go back and be educated again, they would choose to be educated through Irish Sign Language from the very beginning. That is the reason we come looking for recognition for Irish Sign Language. We hope that in time, other children will not experience a repetition of our experiences but that the system will be able to remove the oppression that happened before in order that it is not repeated. We want to ensure there is access to ISL from the very beginning for deaf children.

Ms Wendy Murray: My parents are over the age of 70 years and they have experienced a great degree of oppression. They would not have had the opportunity to have felt like full citizens. They would not have had the experience of privileged access to information that hearing people would have, like the members of the committee. It often makes me think there are barriers in society in terms of very minor things we would find out that we do not have access to and we feel it is really important that recognition of Irish Sign Language, as a language, is a way for the system to change for the better, to offer another route where there is not that cycle of exclusion, marginalisation and oppression. It is almost like there is a wall surrounding us because our language is not recognised but if that wall were to be removed, we would be able to communicate, understand and have people understand us more easily.

Before we came to this committee meeting, we looked at a video clip of Bressie when he made a presentation on mental health to the Joint Committee on Health and Children to get an idea of what it is like to appear before a committee as a witness. We only had access to that because we were using the interpreter this morning. It was not accessible to us immediately. I know it has been mentioned already but in terms of accessing health services, there is an expectation that a deaf person would be accompanied by a family member. The professionals would not think of providing a professional sign language interpreter in many cases. If one is bringing in somebody who is not a professional interpreter, does he or she necessarily understand what is being said in terms of the terminology that is being used or will he or she try to shelter the deaf person because they think it is for the best? The non-professional interpreter would often leave out vital information that the deaf person should know because he or she thinks it is best for them.

We are looking at society as being the cause of many barriers. What I worry about is the state of services for me as an older deaf person and how it will impact on my mental health. We are asking whether the system can be broken down, so that it is not stay the same. I would hate to think that in 50 years' time, the situation will be the same and that by the time I am buried, nothing will have improved.

Mr. Brian Crean: Thinking about the luxury of access, even people who are in dire situations, who are self-harming have access to a helpline, they can telephone somebody. Deaf people face barriers to getting access to that kind of helpline. We are looking at the extreme marginalisation of deaf people. All that we want is to become full citizens and the way that will happen is through the recognition of our language.

Chairman: I thank the witnesses, Dr. John Bosco Conama, Ms Wendy Murray, Mr. Brian Crean and Mr. Darren Byrne, for that very informative presentation. I am very taken by Mr. Crean's last words, not to isolate it from all the other information shared but the words "extreme marginalisation" convey the message that has most certainly impacted on the committee members this morning. I thank the witnesses most sincerely for it. I would like to welcome the other members of the committee. They are all very welcome here. With the assistance of Mr. Darren Byrne, we are going to have a question and answer session with Dr. John Bosco Conama, Ms Wendy Murray and Mr. Brian Crean. We will then have a short engagement ourselves. We

will take a break at the end of the session for five minutes to take a photograph with our guests outside. I invite everyone here to participate in that. We hope to prepare and present a report. If members note the document that has been prepared by the Library and Research Unit on this issue and the other salient information that has been shared, I believe we can make an important and fruitful intervention on this issue at this time. It is open to members to indicate via a show of hands that they would like to speak. I invite Deputy Jim O'Callaghan to open our engagement with our guests. He will be followed by Senator Mark Daly.

Deputy Jim O'Callaghan: I will let Senator Daly go first.

Senator Mark Daly: I welcome the witnesses to the committee and thank them for being here. We launched the Recognition of Irish Sign Language for the Deaf Community Bill 2016 with the Minister in Buswells Hotel last week.

Chairman: Members are probably entitled to know that Senator Daly has sponsored a Bill that would formally recognise Irish Sign Language. When the Bill was presented previously, it was not carried forward because it was not a Government Bill. I understand he is on the cusp of reintroducing it in the Seanad.

Senator Mark Daly: Yes.

Chairman: It has the imprimatur of the Irish Deaf Society and its strong recommendation.

Senator Mark Daly: Yes. We have worked with officials in the Oireachtas to draft this legislation. This Bill has been put together with the assistance of Dr. Conama and others. It covers a wide range of topics, including the recognition of Irish Sign Language and the rights of the members of the deaf community. Dr. Conama referred briefly to access to this Parliament. When Brian Crowley MEP became a Member of the Seanad, he could not get into the Chamber because there was no wheelchair access. We brought in legislation over time to ensure everyone would be able to access public buildings. We argued that access should not be provided on a case-by-case basis, but should be based on legislation. Similarly, I am proposing in my Bill that members of the deaf community should be given access to services and to the national broadcaster and that service providers should be obliged to provide access in the same way that we now provide access to people with disabilities.

I will give an example of the importance of putting this in legislation. Funding for the advocacy service for members of the deaf community was cut some years ago. I was contacted by people who wanted the matter to be raised in the Dáil Chamber and I asked our Leader to do so. Two hundred members of the deaf community wanted to come into the Public Gallery on the day this was due to happen, but they needed interpreters. We asked the Ceann Comhairle's office to ensure an interpreter was made available and put on the floor of the Dáil, but we were told this could not be done. We were advised that members of the deaf community could go to the audiovisual room, where an interpreter could be provided. These members of the deaf community were unable to go to the Public Gallery like other citizens. When this row became public, the head of communications in the Oireachtas at the time was not pleased that it became public that no interpreter was available. He wanted to meet me and members of the deaf community. We went into a meeting. We sat down and he explained his displeasure and set out the plans for the use of the audiovisual room. After five minutes, I asked why the services of an interpreter were not being provided at a meeting with the head of communications. The other people at the meeting had no idea what he had been saying. It dawned on him that it was a question of citizens of Ireland not being able to access the Parliament of Ireland. As it turned

out, interpreters were put into the Dáil Chamber for the benefit of the members of the deaf community who were in the Public Gallery. The advocacy funding was reinstated. That was a clear example of how the hearing community has no concept of how difficult life is for members of the deaf community. Everyone has the right to access a doctor who can interpret what one's symptoms are. If one has to write down what is wrong with one when one goes to the doctor, that is simply not acceptable in life-and-death situations.

My Bill was introduced on two occasions during the last Dáil, but unfortunately it was defeated on both occasions. It was explained to us that we firstly needed to take all the steps in relation to the UN Convention on the Rights of Persons with Disabilities by passing that, then all the other bits and pieces would be brought in on a piecemeal basis, and then consideration might be given to recognising Irish Sign Language. We were told there would be no need for recognition at that stage because everything would have been done. That could take decades because there is no obligation on anyone to provide such services. It would be too piecemeal. Some things have been done in certain Departments. In fairness to the former Minister for Social Protection, she put in place a system to ensure interpreters would be made available for members of the deaf community while interacting with her Department. That happened because of her own personal experiences. It is not a wideranging policy across the Government. The Recognition of Irish Sign Language for the Deaf Community Bill 2016 would oblige the Government over time to enable members of the deaf community to be able access Government services, the national broadcaster and others. The Bill has been published and placed on the Seanad Order Paper. We hope it will be debated and the Minister will support it. However, he did not outline this as one of his three priorities when he launched the Bill. However, it is a priority for the deaf community. There is a disconnect in this regard. I hope that with the assistance of members, we can push this Bill forward and get it passed during the current Dáil term. We need to understand that it can be difficult for the deaf community to access Government services. Indeed, it is virtually impossible for a member of the deaf community to visit this Parliament to see what is going on here.

Deputy Jim O'Callaghan: I thank the witnesses for coming in this morning and giving such effective presentations. Like the Chairman, I was not aware of the extent to which deaf people have been subjected to extreme marginalisation, as we heard in the presentation. That is why I think it is so worthwhile that the witnesses are here. I thank Senator Daly for the work he has done in this area. My party will be supporting the legislation he has proposed. The Government has indicated that it will ratify the UN Convention on the Rights of Persons with Disabilities by the end of this year. Everyone in the Oireachtas should be holding the Government to that commitment. I would appreciate it if the witnesses could respond to three questions. First, Dr. Conama mentioned that there has been a historic bias against sign language. Why does he think that has been the case? Second, how early should deaf children learn sign language? My third and final question might be an indication of my ignorance in this regard. Is there a difference between Irish Sign Language and other forms of sign language throughout the world? If users of Irish Sign Language go to other countries, can they communicate as effectively as the witnesses have been able to communicate with us today?

Dr. John Bosco Conama: Those questions are relatively easy for me to answer. I could probably go on forever in response to them, but I will try not to. There has been a bias against sign language for historical, political and perhaps religious reasons. An attitude began to develop in the 19th century that sign language was not a real language. Research in Holland and America in the 1960s showed that the linguistic features of sign language are the same as the linguistic features of any language. Such features exist in sign language too. Since the 1960s,

not one piece of research has been produced which indicates that sign languages are not valid languages. Sometimes people suggest that sign languages are unable to deal with abstract concepts and so on, which is not the case either. As a deaf sign language user, I find that spoken languages are more limited in what they can do than the visual language we use.

The Department of Education and Skills allowed the school systems to run in its own way and the idea that prevailed was that if spoken languages were used and if the oral education system was used, deaf people would better integrate in society. The opposite is the case when this occurs.

Mr. Crean referred to a conference that took place in Milan in 1880, at which the removal of sign language from the education system was discussed. Some 210 international educators attended and they thought it was a good idea to get rid of sign language.

On the second question, children should have access to Irish Sign Language at the earliest possible time. If one looks around, one will find classes for baby signs, which are targeted at hearing children who will eventually be able to speak. We do not have the same attitude towards deaf children. Hearing children should learn to sign as early as possible but deaf children should not learn to sign as early as possible. The obvious thing about early access for hearing children is the language processing benefits arising from having access to language. These benefits are also available for deaf children. The answer to the question, therefore, is that children should have access to Irish Sign Language as early as possible.

On the third question, sign languages vary throughout the world. There are approximately 6,000 spoken languages in the world and perhaps 300 or 400 sign languages, depending on the countries. Irish Sign Language is used in the South whereas British Sign Language and Irish Sign Language are used in the North due to historical developments. My experience when I visit other countries is sometimes similar to the experience a hearing person will have when travelling abroad. If one has some familiarity with a language, one can make out bits and pieces, depending on how much one knows beforehand. Sign languages are different, for example, in terms of syntax and structure, different hand shapes and different ways of expressing words may be used. Despite these different linguistic structures, we may be able to catch up and pick up on them. Ms Murray has a point to make on that.

Ms Wendy Murray: On going abroad, I did a year abroad at Gallaudet University in the United States. I had to do a course in American sign language before I was allowed to attend any lectures. The purpose of this four-week crash course was to try to get as much of the basic linguistic structures and vocabulary into my head before I did my main course of study.

Mr. Brian Crean: Members may not be aware of Gallaudet University. It is the only liberal arts university in the world for deaf people. I have been there also and when I went for the first time I had no concept that sign languages were different. I had always assumed they were exactly the same everywhere. When I visited Gallaudet University it took me a little time to pick up the language, perhaps a week, and start to get a grip in terms of my receptive and understanding skills. My expressive skills took two or three years to develop.

In terms of how early children should sign, I agree with the idea that they should sign from the moment they are born.

To go off topic slightly, in terms of society in general, we got to where we are now because the attitude was that if a child who is deaf signs, he or she will not learn to speak. The focus was

on removing sign language from the equation to get deaf children to learn to speak. However, sign language is the only fully accessible language for deaf children. Once they are exposed to sign language, they can acquire that regardless of what goes on separate from that. I have two hearing children and their first language was Irish Sign Language. When public health nurses visited us, they said our children would probably not learn to speak properly because we were signing with them. I remember telling them that in the case of parents who were Irish speakers, which is also a completely different language, public health nurses visiting Gaelgeoirí would never tell them that their children might never learn to speak English properly. They do not do that. Having access to Irish Sign Language does not lead to the development of any intellectual impediments. We ask, therefore, that the system take this into account and understand the richness of Irish Sign Language.

People may or may not develop the ability to speak but that is a completely separate issue and one on which the use of Irish Sign Language does not have any impact.

Senator Niall Ó Donnghaile: I thank the witnesses for their comprehensive and insightful presentation. I believe all Members will agree with them on the issues deaf people face in respect of access to services and service provision. Is Mr. Byrne with the Irish Deaf Society or have his services been provided by the Oireachtas?

Dr. John Bosco Conama: That is a good question. In an ideal world, it would be the choice of the Oireachtas to pick the interpreter. Through experience, however, I have volunteered to take on the role of assigning an interpreter for a number of reasons. There are often not enough interpreters available and some are not competent to work at this level. As I know Mr. Byrne is one of the top interpreters, I wanted him to perform this role to ensure this opportunity was not wasted and that we did not have to worry about whether we were being understood.

Ireland does not have a national register of interpreters, nor do we have an accreditation or vetting process. Trinity College Dublin provides interpreter training but there is no monitoring after graduation. This can also be a missed opportunity. The way we see it is that the qualification is a starting point but there is no continuing professional development programmes available for interpreters. This means the matter is left to the interpreters, who mainly work freelance, and they often leave the profession over time.

In an ideal world, the chairperson should have been able to give somebody the role of booking an interpreter. However, without a national register and an accreditation process, I would have a concern in that regard. The Irish Sign Language legislation calls for an accreditation mechanism for interpreters for this reason. I hope that answers Senator Ó Donnghaile's question.

Senator Niall Ó Donnghaile: In bringing Mr. Byrne with them, the witnesses have chosen well. I was trying to expand on Senator Daly's point that lessons do not appear to have been learned from previous experiences of visiting the Oireachtas. Members do not need legislation to take action on this issue, notwithstanding the importance of the Bill, which certainly has my support.

I have a technical question on the proposed legislation. Do its proposals extend beyond the issues of accessibility and recognition for Irish Sign Language? Does it, for example, propose mechanisms for sharing the language within the hearing community? As important as it is to take a step forward by giving recognition to Irish Sign Language, society must also engage more with the language, whether through people working as interpreters or through children

who are in school with other children who are deaf. If Irish Sign Language were shared beyond the deaf community and across society, it would have a key role to play in breaking down the extreme marginalisation that exists. I wonder if there is provision for that. If there is no such provision, how might we go about seeking to push the matter into both the Irish consciousness and the mainstream?

Dr. John Bosco Conama: The Senator is making very true comments. It is certainly true that Irish Sign Language is not only used by deaf people, it is also used by hearing people such as co-workers, family members, neighbours and sign language interpreters. For every deaf person, there would be four or five hearing people around them who may sign but whose level of fluency may vary. It is very true that Irish Sign Language belongs to Irish society rather than to the deaf community only. It is part of our country. However, people may not have had exposure to it all the time. Attitude and understanding are the two really important aspects. They need to be progressed with regard to bringing forward access. Family members need to have access to learning Irish Sign Language. The gentleman with the heart condition, whose family did not have clear access and communication with him, was missing out on the incidental information. People may be interested and they can certainly go along to learn to sign, if that were a possibility.

Mr. Brian Crean: Putting Irish Sign Language onto the national curriculum could be a way of improving awareness and recognition so that hearing children have the choice of learning it as they would with any other language. They have the choice to learn French or German. They learn Irish. Why not learn Irish Sign Language? It would benefit the deaf community in Ireland but it would also mean that hearing people would have the proper opportunity to learn the language. Their learning the language would help us to change attitudes. Sometimes people see deaf people and their language as a negative thing but attitudes could really be changed so much if people were looking at the language and wanting to know more about it. It could allow them to develop a respect for deaf people as citizens going forward.

Ms Wendy Murray: Some deaf children obviously need access to Irish Sign Language but so too do some hearing children. Landau-Kleffner syndrome is a condition where some hearing children, a number of whom I have worked with, start off being able to speak and at around the age of two and a half years their language processing skills deteriorate with regard to spoken language but they are still able to communicate through Irish Sign Language because it works in a different way. I have seen the parents of hearing children lobbying to try to get access to Irish Sign Language for their children. It is amazing to think there are hearing children who, because the focus is different, get so much more access to Irish Sign Language than deaf children. Often, the focus with deaf children is that we should try to get them to speak and when or if the speech does not work or when they “fail” - and I use that word in quotation marks - then that is the point where we can start to allow Irish Sign Language into the picture. It is about waiting until they fail out of the other system. Then the Irish Sign Language becomes something that will do for those children. Some parents want to learn Irish Sign Language for their own benefit. Their children may or may not want to speak a bit, but the parents want to be able to communicate with other deaf people around their children. The idea of waiting until they fail is such a bad way for things to be.

We spoke about the decades ahead. We are already decades into this and I would hate to think of it going even further. I hope members will not forget all of this tomorrow and that we would be able to keep the issue moving forward.

Chairman: I assure Ms Murray that we will not forget it. However, we are also affected by

other considerations. I understand that Dr. John Bosco Conama has to return to Trinity College shortly after 10 a.m. Is that correct?

Dr. John Bosco Conama: I am willing to stay if necessary, I think this is more important.

Chairman: I am going to bring everybody in but I am going to group the contributions in twos. I ask all contributors to be as succinct as possible because I want everybody to have an opportunity. I am very conscious that Dr. John Bosco Conama has to return to Trinity College.

Deputy Clare Daly: Now I am under pressure and I have to rush everything together. With regard to Senator Mark Daly's point on the issue being a priority for the deaf community, it is also a priority for the committee. It is the first equality issue that we have tabled. We are taking it very seriously. The witnesses have done very well in highlighting that what we are talking about here is really a language and a method of communication, without which people are marginalised. People's human rights are being violated. Given that we are pushed for time, I have a couple of quick questions on what would it mean in practical terms. I know we have spoken before about cases in the courts system, for example, and I have had to deal with someone who was excluded because they are deaf and could not understand what was going on. The witnesses have also raised previously the outrageous case of two co-accused - one of whom was asked to sign for the other and give the message back - one could not make this up that this would be deemed acceptable in a court of law. If somebody arrived in Ireland from a different country and came before one of the courts, an interpreter would automatically be provided. It is, in part, about raising awareness. There are a couple of issues around what it would mean in practical terms.

The point was made that Ireland is behind the times. In that context, the fact that other countries have recognised Irish Sign Language was highlighted. With regard to the points made by Dr. John Bosco Conama about standards and scrutiny, I would be interested to know the size of the deaf community and how many professional interpreters are there. That is a big body of work. Reference was made to initiatives in schools. I understand there is a cycle at junior certificate level which does Irish Sign Language. Does the Irish Deaf Society liaise with the Department of Education and Skills with a view to expanding that programme?

Chairman: Can the witnesses please take these questions with those from the next contributor? I know it is difficult but I ask them to remember the questions Deputy Clare Daly has asked and group them with those Deputy Chambers is about to pose. I will then revert to the panel for answers.

Deputy Jack Chambers: I thank the Chairman. I will be brief. I thank all the witnesses for attending and for giving a very honest insight into their community's current situation around what has not been recognised. I was particularly taken aback by the information around the cardiac conditions and how a basic facet of any medical history is that a person can check the family history. The fact that this is being constrained in a medical scenario is very difficult. This also applies to the issues around mental health where people in a community are being blocked and barriers are in place to getting access to the services which we all take for granted. This is something that can be addressed in the Bill. I thank Senator Mark Daly for trying to progress this.

Will the witnesses clarify if there is any other country in which a model of set of rights has been codified and has worked well and to which Ireland can immediately look in order to progress this quickly? As we know, legislation can achieve some things but progressing the

necessary and practical implementation of the rights that are codified in any legislation is very important. Is there any other place that has done this well and to which we can look in order to try to progress the practical implementation of the Bill?

Chairman: Will Dr. John Bosco Conama please respond to Deputy Clare Daly? Perhaps the points raised by Deputy Jack Chambers could be addressed by Mr. Crean and Ms Murray. If we could all be more succinct, it will allow everyone the opportunity to participate.

Dr. John Bosco Conama: To address Deputy Daly's questions first with regard to the case of the brother and sister, the sister was not even signing. She was actually trying to lip-read somebody else, which is a slightly different issue, but an issue nonetheless.

The size of the deaf community is sometimes debated. We try to follow the international rule of thumb that there is in or about one deaf sign language user to every 1,000 of the population. If we have a population of 4.5 million people, we are talking about approximately 4,500 deaf sign language users. However, according to the census, we have 72,000 deaf or severely hearing-impaired people listed, approximately 19,000 of whom are under the age of 50. I wonder if those who are under the age of 50 are sign language users. If one breaks down the big group, approximately one quarter, or 19,000, would be right.

The way the question was asked in the census was not very clear. It asked how many people used sign language. The figure was approximately 3,500 but they were mostly hearing. I think that it is very much under-reported. If one were to compare it with Scotland or New Zealand, which have similar populations, Scotland has 12,000 British Sign Language users. These are people who use British Sign Language at home. We have 3,500. In New Zealand, there are 20,000 sign language users. There is obviously something going on in terms of the answering of that question and how it is being filled in. We are looking at there being maybe 20,000 to 50,000 people who use Irish Sign Language regularly. I hope that answers the question.

Mr. Crean has just reminded me about the question on interpretation and the number of interpreters. Off the top of my head, I would say there are approximately 60 or 70 interpreters. These would be freelance people who often leave or who get summer work and then come back and do bits and pieces. Internationally, 60 would be seen as an incredibly low number for our population. In Finland, there are 500 Finnish sign language interpreters on the register. We have 60 to 70 qualified interpreters. That is the historic number of qualified interpreters. It is not the number of people who are actively on the register as such. Mr. Crean is also saying to me that, in Finland, they would say that 500 is not enough. That is comparative to the population.

Ms Wendy Murray: On Deputy Jack Chambers's question, there are many variations in terms of legislative or constitutional recognition. Sometimes amendments are made. We like the model used in the New Zealand sign language recognition Bill. When that was passed, they realised there were some gaps in it. We have, therefore, tried in Senator Daly's Bill to work through and draw from the best of what is in other Bills, Acts and constitutions. The European Union of the Deaf has examined our Bill and stated it is a good proposal given it covers so much. It was a PhD student who looked at it and compared it to other situations and said it is a very good proposal.

Chairman: Before I introduce the next speaker, let me note that there are three further speakers, namely, Senator Black, Senator Clifford-Lee and Deputy Wallace.

Every one of our guests this morning are interpreters. However, am I correct in saying that Ms Murray is not just an interpreter but a television personality also? I think I have seen her before. Has she appeared on our television screens?

Ms Wendy Murray: Yes, I do a bit on television.

Chairman: There we are. Well done.

Ms Wendy Murray: However, I am not an interpreter. I work as an Irish Sign Language teacher. I would not be able to interpret the way the interpreter here is interpreting because I cannot hear.

Chairman: In any event, it is very nice to have you all here. I call Senator Black.

Senator Frances Black: I thank everyone for coming here today. The work Senator Daly is doing in pushing forward this legislation is fantastic. Ms Murray mentioned various issues. I cannot even imagine what it must be like to feel the isolation one might feel at times when trying to communicate in general with society. It must be very difficult. She mentioned mental health issues which can often arise. Is there a huge incidence of depression and anxiety because of that lack of communication, particularly with the younger generation in the deaf community? What services are available for young people or anyone else with mental health issues?

Chairman: I call Senator Clifford-Lee.

Senator Lorraine Clifford-Lee: I thank the Chairman. I will keep this as brief as possible. I look forward to supporting my colleague, Senator Mark Daly, in the Seanad on this Bill. Like my colleagues, I thank the delegates for coming here today. Their contributions were informative and moving. I was particularly struck by the comments on access to the health service. I think many of us were surprised to hear of these barriers. I have some personal experience of those barriers because I have suffered a significant hearing impairment since birth. I, therefore, have an understanding of some of the barriers faced, although they are obviously not as extensive. I, therefore, look forward to supporting this.

I have a few quick questions. The delegates stated that children should learn to sign as soon as possible. What supports are there for children and how early can they access them? What supports are there for other family members that may be hearing, who want to learn and want to become fluent, to support their child?

The unemployment figure of 71% was shocking. The delegates mentioned that there are various issues around the disability allowance because it sometimes acts as a de-motivator for people to engage in employment. What would they suggest we, in the Oireachtas, can do to address that issue? Would this Bill assist in improving the unemployment statistics in the deaf community?

Chairman: The panel might respond to Senators Black and Clifford-Lee.

Ms Wendy Murray: In reply to Senator Black, I would not be an expert in the area of mental health. However, looking at younger deaf people, it really depends on their own level of confidence as to whether they could actually go and ask for interpretation and whether they feel they are able to fight for it. Some deaf people are able to speak and that would be fine. Other deaf people may go to avail of a service but be afraid to ask because the person they are asking support from might say an interpreter is a bit expensive and ask them to try by themselves.

They then feel the obligation to try by themselves. Even as an adult, I hate the idea of asking for an interpreter. The question is always asked, “Who pays?” One cannot prepare for that when dealing with a mental health issue and be supposed to be able to ask for more services. One would not necessarily have the confidence to be able to do that. A deaf person who has availed of mental health services might be better able to answer that question and the Irish Deaf Society might have a further response on that for the committee later.

Mr. Brian Crean: I wish to discuss mental health for a moment before we move on to access for deaf children and the hearing families they are born into. When it comes to mental health, I may wish to avail of counselling but I may not get the opportunity to avail of it. I lived in the United States for a while. I am trying get my thoughts together. Hearing people may hear advertisements on the radio for support services that exist. However, often we find ourselves having to wait until someone asks us whether we knew X existed. When it comes to access to mental health services and awareness of the services, all deaf people have limited access. This applies even to awareness about services such as helplines and so on. We may not even know where to begin.

Senator Clifford-Lee asked a question relating to timing and the attitude that exists. Sometimes parents are not encouraged to sign with their children and instead are encouraged to try to get them to speak first. Then the view is that if speech is not working out, Irish Sign Language is something that we can use. However, the European Union of the Deaf, EUD, and the World Federation of the Deaf, WFD, have carried out research showing that sign language is the key and that the key to success is provision of sign language as early as possible.

Dr. John Bosco Conama: I wish to add a comment. The Department of Education and Skills provides a home tuition service for deaf children. Ms Murray is one of the tutors on that programme. However, that scheme is not well advertised. Some parents have found out about it by accident and much later in terms of their experiences with their child. Sometimes it comes about through word-of-mouth. It is not necessarily being promoted as an early service.

Ms Wendy Murray: We have a universal neonatal hearing screening. When the hearing test takes place and a child is identified as being deaf, the common phrase is, “I am sorry your child failed the test”. That amounts to setting the parents up in a particular way from the beginning. It brings about a certain devastation when they are being told their child has failed such a basic thing. We maintain there should be a provision of a broad spectrum of information in order that parents get to see their child as a human being and need not start to think that their child has some kind of limited potential or is “less than” in some way.

Irish Sign Language is a natural and beautiful language, as natural and beautiful as English and Irish. It works in a slightly different way. It is a visual language. Otherwise, there is absolutely no difference. We maintain that it should be the third official language in Ireland. However, it is the third language in Ireland and just as beautiful as the other languages.

Chairman: Absolutely, and we hope to be a party to ensuring that it will. Deputy Mick Wallace is our last contributor. Be very succinct, please.

Deputy Mick Wallace: I will not ask any questions. I thank the witnesses for the powerful presentations. From the start, I have felt sorry for Mr. Byrne, the interpreter. I find the pace that they go at incredible. I found the comment of Dr. Conama about the power of visual language very interesting. It is something I had not really thought about but it reminded me of something. I remember being in Italy years ago and I saw an Italian in a telephone booth. He was holding

the telephone with the side of his head so that he could use his two hands. His two hands were going all the time while he was on the telephone talking to someone. The Italians probably understand the power of the visual more than we do.

I have to admit that I have found this incredibly educational. I had been ignorant about the issue. I am struck by the degree to which I had not thought about how much people's human rights are being violated. I thank the deputation for making us so aware of this.

Chairman: Thank you for that, Deputy Wallace. Senator Conway, I am sorry, we are going to have to clip this very short for you.

Senator Martin Conway: That is okay. I have tried about six times to get your attention in the past quarter of an hour. In the last Seanad, as Dr. Conama and his colleagues will know, Senator Mark Daly and I very much supported the concept of Irish Sign Language. I hope this time around we will see more success than we did last time. I reiterate my support for the work done. I have had extensive engagement with Dr. Conama in recent years. More than anything else, I wanted to be associated with that.

Chairman: That is very welcome. For the information of members, I will note intending contributors when they raise their hand.

Last week was Irish Sign Language awareness week. Our engagement this morning is coming soon afterwards. The launch of the week, which I attended along with Senator Daly, was a powerful event. You have replicated the impact here this morning for this committee. My understanding is that Irish Sign Language and British Sign Language are formally recognised north of the Border. If that is the case, can you confirm it? Are you in a position to tell us whether this formal recognition has made the critical difference for your counterpart community in the north of the island?

On behalf of the committee, I would like to say that it has been a powerful experience for all of us to be here with you this morning and to have shared this engagement. I have every confidence that in private session later, we will confirm our intent to press for the formal recognition of ISL at the speediest opportunity and I have every confidence in the support of all political opinion represented in the Houses. Can we have a quick response on the situation north of the Border, please?

Dr. John Bosco Conama: Let us consider the United Kingdom as a whole. Scotland is the only place that has an Act as such. The legislation is the British Sign Language (Scotland) Act and it exists in Scotland. In Northern Ireland, there was a verbal decree but it did not come with any legal obligation. I suppose it is something we cannot really look at as being enforceable.

In terms of making a difference, however, I believe Northern Ireland is a little better in terms of attitude, education and understanding. I assume there is some kind of influence back and forth between Scotland and Northern Ireland. There has been research and discussions in Stormont in terms of looking at moving things forward. I would love to see legislative recognition here because it is long overdue. If people think of us as members of Irish society, we have been here as long as Ireland has, so it is a long time without that recognition.

Mr. Brian Crean: Senator Daly referred to cutbacks in advocacy services for deaf people and how that was reopened. Northern Ireland has a much smaller population of deaf people than we have here. There is a much smaller population of deaf people in Northern Ireland than here. There are 26 employees in the advocacy service for the deaf community there but down

here there are three. There are not enough and we need much more to be done. Northern Ireland definitely has better advocacy support for deaf people.

Chairman: The latter point aside, the critical message in the response about the situation north of the Border is that legislation is required. On that note, I thank Dr. John Bosco Conama, Ms Wendy Murray, Mr. Brian Crean and the very hardworking Mr. Darren Byrne for their attendance.

We will suspend for five minutes before engaging with the Policing Authority and its chairperson, Josephine Feehily.

Sitting suspended at 10.01 a.m. and resumed at 10.17 a.m.

Policing Authority: Discussion

Chairman: I thank the members for their engagement with our last guests from the Irish Deaf Society.

This is the second session of today's meeting. I extend a very warm welcome to Ms Josephine Feehily, chairperson, and Ms Helen Hall, chief executive, of the Policing Authority. I understand Ms Karen Shelly is joining us in the Public Gallery.

The purpose of this part of the meeting is to have an engagement on the priorities and challenges for the new Policing Authority formed in January 2016. The joint committee has identified oversight and accountability of An Garda Síochána as one of the priority issues for its 2016 work programme. We were late getting to work on that programme but in a short time, we identified several witnesses to appear before us. Last week the chairperson of the Garda Síochána Ombudsman Commission, GSOC, Ms Justice Mary Ellen Ring appeared before us. Today we are engaging with the Policing Authority, the Garda Commissioner will attend on 5 October and the Garda Inspectorate will appear later in October whereupon we will make a report to the Tánaiste and Minister for Justice and Equality.

I thank Ms Feehily and Ms Hall for their attendance today. They will be invited to make a brief opening statement to be followed by a question-and-answer session. I must now put the witnesses on notice about privilege. Witnesses are protected by absolute privilege in respect of the evidence they give to the committee. If, however, they are directed by it to cease giving evidence on a particular matter and continue to do so, they are entitled thereafter only to qualified privilege in respect of their evidence. They are directed that only evidence connected with the subject matter of these proceedings is to be given and asked to respect the parliamentary practice to the effect that, where possible, they should not criticise or make charges against any person or an entity by name or in such a way as to make him, her or it identifiable. Members should be aware that, under the salient rulings of the Chair, they should not comment on, criticise or make charges against a person outside the Houses or an official, either by name or in such a way as to make him or her identifiable.

I invite Ms Feehily to make her opening statement.

Ms Josephine Feehily: I thank the joint committee for giving me the opportunity to meet it so early in its work programme. The Chairman asked me to address issues and challenges for the Policing Authority in the short and medium term. I will keep them brief and will be happy

to develop the themes further in our conversation.

It is important to crystallise the role of the Policing Authority which is best captured by the Long Title of the Bill. It is about “overseeing the performance by the Garda Síochána of its functions relating to policing services”. We have a long list of specific tasks, but overseeing performance is the umbrella under which all tasks take place. As the Chairman said, the authority is not quite nine months old; therefore, I am quite certain that we have not yet identified anything like the full list of issues, problems and challenges we are likely to encounter in the coming years. As one of my colleagues said, our job is a marathon, not a sprint, which is an appropriate description.

We have all the issues and tasks one would expect a start-up to have - staff, logistics, authority governance, providing basic public information, too much to do and not enough time to do it. Headway has been made under all these headings, but we are conscious that they will always be a work in progress.

Start-up issues for the authority were compounded by a set of statutory requirements with fixed or implicit timelines for our first year of operation and at our first meeting the authority decided that meeting these requirements was not optional for a variety of reasons, not least ensuring public confidence in this new institution. They include the following “must dos”, all of which have either been achieved or are well advanced: having meetings with the Garda Commissioner in public - the fourth such meeting will take place tomorrow and we will have another in November; developing and publishing our strategy statement - it was laid before the Oireachtas in July and circulated to committee members recently; approving the Garda strategy statement, which was recently consented to by the Tánaiste and Minister for Justice and Equality; developing policing priorities for 2017 - they will shortly be sent to the Minister for approval; working with the Garda Commissioner to develop the policing plan for 2017 which must be formally submitted to us before November; and developing a code of ethics for the Garda by 31 December 2016. These are not light tasks, but they all have to be done in year one, which means that there is not much room left for discretionary work. I will return to the latter two topics, but I assure the committee that, thanks to the huge personal commitment of authority members and the chief executive officer and her team, we have achieved a great deal in a short time.

At the outset, the authority also decided as a matter of principle to be as transparent as possible in everything it did and to develop the public facing parts of our functions as quickly as we could. In addition to public meetings with the Garda Commissioner, there have been two rounds of public consultations on the code of ethics; we invited public comment on our strategy and hosted the first meeting for many years of chairmen of joint policing committees and will do so again; we held a very successful consultation day with stakeholder representatives and have published all of our governing documents and minutes. Since the authority’s establishment, we have also received a number of formal referrals from the Minister which have to take their place on the priority list.

There is a long list of challenges, some of which I will mention. An ongoing and understandable challenge is to “establish” the authority in the fullest sense of the word. By this I mean we have to register the authority as a legitimate stakeholder in the realm of policing, including in the mind of the public, and to establish its authority. The statutory framework for Garda oversight and accountability, as I am sure the committee is discovering given its work programme, is complex, with many actors. Clarifying where we fit in and developing an understanding among stakeholders of the full scope of our functions and an appreciation of the value

of a more transparent and timely oversight regime will be a work in progress for some time.

Overseeing policing performance is the core of the authority's statutory remit. Our greatest challenge in the short and medium term probably is to establish a performance framework to enable us to assess the performance of the Garda. We are working with the force using the statutory cycle of the policing plan to begin to establish performance targets which are more specific and measurable than in the past. It is our intention that next year's plan will contain some measurable targets and baselines and that in the future we will build from there. We will need to understand the links between policing priorities and resource deployment and consider it essential that progress be made in deepening organisational and individual performance management and accountability in the Garda. The importance of having robust performance management systems in place has been emphasised in recent reports by Mr. Justice O'Higgins and the Garda Inspectorate. A functioning performance framework will also be essential in overseeing the implementation of a wide range of third party reports, including those by Mr. Justice O'Higgins, the Garda Inspectorate, GSOC and so on. This is not just a mechanical process with numbers and dates. Victims' experiences, public confidence in and perception of Garda performance will be important measures.

On the code of ethics, during a recent consultation day event a number of people observed to me that the draft code we had published for public comment was 90% there, but there was, by no means, agreement on the same 90%. However, since a code that satisfies everyone is probably not achievable, that was not too bad. We will deliver a revised text soon, but the medium-term challenge we foresee, in which the committee might like to take an interest, will be embedding the code throughout the Garda organisation. Much of this work will fall to the Garda Commissioner and her senior team, overseen by the authority, but I expect we will have suggestions to make to them.

The authority has certain functions in approving civilian posts and making senior civilian appointments which have recently taken effect. We expect new regulations to commence our functions relating to senior Garda appointments shortly. These tasks will present a logistical and resource challenge for us, but we regard them as contributing enormously to influencing the culture of An Garda Síochána. Related to this, we have also been asked by the Minister to oversee the preparation by the Garda Commissioner of a workforce plan to deliver the Government's vision of a Garda service with 21,000 personnel, comprising gardaí, civilians and reserves, including a plan to increase Garda visibility by redeploying more gardaí to front-line policing duties and replacing them with civilians. That is a task we have not yet commenced.

While I have referred to the challenges in what the authority has to do, we are always conscious that the challenge above everything else for all of us in this room is to have a police service that deserves and enjoys the trust and support of the people. The Garda public attitude survey gives strong evidence of trust and community confidence in the Garda overall. In that regard, Ireland is fortunate because law enforcement relies to a large measure on voluntary compliance and public confidence. The authority considers that right now the combination of the recommendations for change provided in various reports, the capital envelope provided for investment in technology and equipment which is badly needed, the acceleration of recruitment and the Garda Commissioner's personal commitment to modernisation and renewal provides a real opportunity for the Garda to professionalise, build and improve its capacity and provide a 21st century policing service. By delivering on our mission "to drive excellent policing through valued and effective oversight and governance", the authority is determined to play its part in meeting that challenge.

Senator Martin Conway: I thank Ms Feehily and her colleagues for attending. I was a member of the joint committee in the previous Dáil. The role has changed and evolved greatly and the establishment of the Policing Authority is a timely step forward. Members of the former Joint Committee on Justice, Defence and Equality went to see how it was done in Scotland and Northern Ireland. We garnered a lot of information and knowledge from that experience about how it was done in those jurisdictions. I note Ms Feehily's comments about doing an awful lot of work very quickly in terms of the establishment of the authority and I commend her on that.

I have a number of observations on Ms Feehily's opening statement. She indicated the policing plan has to be referred to the authority before the end of November. How will that be managed? How much influence will the Policing Authority have on the policing plan? Can the authority say it is not happy with the policing plan and tell the Commissioner to go away and come back with a completely new one? At which point does the management of An Garda Síochána have autonomy? Does the authority have complete control over the policing plan? I am interested in that bit of information. The move for absolute openness and transparency is extremely important. We have seen too much secrecy in policing in this country over the years. Ms Feehily's mission statement in terms of having transparency is important. The political side and being here today is extremely important. Ms Feehily said in her presentation she has had a meeting with the chairs of the joint policing committees, JPCs. I would like to know a little bit more about that. I am a member of a JPC and have been for a number of years. They are a resource that is totally under-utilised. There are some counties where the JPCs are very effective and other counties and councils where the JPC barely exists and has no real function. What are Ms Feehily's observations on that?

The Policing Authority put its statement of strategy out for public consultation. I am curious to know how many submissions there were. Was there much engagement in terms of the various areas where the Policing Authority looked for the public's engagement and submissions? Was it taken up to the degree that was expected? Was it over-subscribed or under-subscribed?

Chairman: I thank Senator Conway. Would Ms Feehily like to respond?

Ms Josephine Feehily: Please remind me if I miss out on anything. The scheme for the policing plan set out in the Act envisages a linear process. The Commissioner prepares the plan and it comes into us before November and we either approve it or do not approve it. We decided it was not necessarily the most productive way to proceed. The Commissioner and her team readily agreed that we would prepare it in a collaborative way. We already have had a full-day workshop with the Commissioner's team to develop the plan together so that when it comes into us there should be minimal surprises and minimal disagreement on the content. That is not to say that it will happen but that is how we want to work. We want to work collaboratively. It is the Commissioner's plan, the Commissioner sends it to us and the Act requires that we approve it. By definition, we can decide not to approve it but it makes much more sense if we have had all of that discussion before the deadline. That is how we are working it. We will be considering the first text at a meeting of the authority tomorrow. We will give some feedback to the Commissioner and there will be an opportunity for a more refined plan by the time of the deadline. That is how we see that working. The policing plan goes to the Tánaiste and Minister for Justice and Equality for her consent and then it gets laid before the Houses as it always has done. That is something the committee might want to think about in terms of suggestions as to how it will handle engagement with the policing plan in future.

I completely agree with Senator Conway on the JPCs. My sense of it has been that they are an under-utilised resource and that there is some patchiness. Our function in JPCs is twofold.

One is to bring them together from time to time and the other is that we are responsible for providing guidance for JPCs. In turn, JPCs are supposed to send us their annual reports and strategies. Before we had the meeting I could have counted those reports on less than one hand. Once we had the meeting, introduced ourselves and told them that we are here and have a function in the policing world we have started to receive more material from them. I regard it as a very important constituency for us. I did not want the first year to pass without at least bringing them together for conversation. Some of them attended our public consultation day and we will build on that next year. I am not quite sure yet how we will do that but our intention is to build on and deepen our engagement with the JPCs next year.

The strategy statement was probably the least responded to of the various public consultations. There were perhaps 15 or 20 responses. However, the engagement with the code of ethics has been much more extensive. We got quite a lot of submissions. From memory, there were about 30 but as many of them were from groups, they represent a broader range of people. Our public consultation day was over-subscribed. We have statutory consultees we are obliged to consult so in order to make sure we had a balance in the room between the various actors, we had to limit some of the people. We did not limit members of the public but we had to limit some of the people who wanted to attend. If they wanted to send four or five people, we had to tell them they could only have one or two. That was a very successful event in terms of engagement.

The attendance at public meetings is modest but we are webcast. One would expect it to be modest - people will not come into Dublin to go to public meetings in the middle of a working day when they can watch it on YouTube.

Senator Martin Conway: I have a brief supplementary question on JPC engagement. If at some stage a booklet of minuted meetings is produced, will Ms Feehily make it available to the committee secretariat?

Ms Josephine Feehily: Yes.

Deputy Clare Daly: In some ways this is a slightly difficult session because the Policing Authority is relatively new and everybody is on a learning curve, not least the authority. One thing Ms Feehily has highlighted clearly is the authority's role in overseeing performance. Ms Justice Mary Ellen Ring was here last week and was very frank about the legislative shortcomings that stifled her organisation's ability to do its job properly in terms of dealing with complaints. Has the Policing Authority noticed any legislative shortcomings in its task of overseeing performance, particularly from the point of view that it has to share the authority? A really independent Policing Authority would be able to make the decisions for itself. The way the legislation is framed means that a lot of the powers remain in the hands of the Minister for Justice and Equality. In that context, how much interaction has there been between the Policing Authority and the Minister since its establishment? Have there been formal, face-to-face meetings? Is there regular dialogue with departmental officials? How much nitty-gritty has the Policing Authority got into in that regard? It is particularly pertinent to deal with appointments and I will deal with that in a minute. Overall, what level of engagement has gone on there?

In the public mind, the Policing Authority came onto the map around the time of the O'Higgins report with a very hard-hitting and frank statement about the holding of public hearings and the attempt to hold the Commissioner to account. That is at the heart of what the public would see the Policing Authority's function to be. Maybe in some ways the public meetings lacked teeth or a certain oomph. I am not really sure why. One gets the impression that, in part

because of the way the Act is structured and because ultimately the authority does not really have the power to deal with the Commissioner, the establishment within the Garda authorities can come along and paint a merry story. What checks are going on behind the scenes?

I will deal with two issues in particular. One is the treatment of whistleblowers and protected disclosures. There is no doubt that the Policing Authority would not have been set up if it was not for whistleblowers, who were instrumental in shining a light on what was going on. One of the first public hearings the Policing Authority had was on the new protected disclosure policy. I attended the meeting at which the Commissioner lauded the new policy. Every garda was going to get it. A new liaison person was appointed and everything was going to be absolutely great. The Policing Authority issued a statement after that stating it would actively oversee the development of a safe environment in which people could report wrongdoing.

My knowledge of what has gone on inside An Garda Síochána under the new policy indicates that it is still not a safe place for whistleblowers to make protected disclosures. There are many shortcomings there. Since that policy was aired in public in a practical sense, has Ms Feehily had much opportunity to engage directly with the Commissioner - not just at public meetings, but also non-public fora - at deputy commissioner, assistant commissioner or whatever other level that interaction takes place? While I am not criticising it, I know there has been no engagement with the whistleblowers themselves. I am sure the Policing Authority would not see that as its role. How can very real shortcomings be brought to the authority's attention other than learning it from the hierarchy, which is its point of contact? How does Ms Feehily see that? If the Policing Authority is going to oversee performance, it must be able to oversee past that first layer and what level of engagement will have gone on.

My last point is the most important and relates to appointments. The legislation gave the authority power and responsibility with regard to appointments. We all know that a raft of senior Garda appointments were made without the authority's input at the year's inception, which makes a mockery of the Act in the first place, particularly when many people who were on promotions list are the very people against whom complaints have been made by whistleblowers. We have this sort of ridiculous circle as a result of that. Who gets promoted is critical in terms of transforming how a police service operates and the feeling of the public would be very much that the old boy network of people being appointed needs to be broken down. This is one of the authority's key tasks, but it has not been allowed to do that. Has it made representations to the Minister to try to stop that from happening? I believe the authority should be given that and the fact that it has not been enshrines a layer of Garda hierarchy over which it does not have any say or accountability which restricts the role somewhat.

Ms Josephine Feehily: I hope I have them in the right order. The dialogue with the Tánaiste and the Department is positive. Literally in the past couple of days the chief executive and the Secretary General have signed a governance document setting out the relationship between the two of us. We will place that on our website today or tomorrow. It provides for formal liaison meetings at official level. I have met the Tánaiste on a few occasions - I am trying to count them now. I am quite satisfied that I have an open door to the Department and the Tánaiste if I want to raise something. I am not conscious of any problem or constraint in that regard that I feel inhibits us.

The legislative scheme is the legislative scheme. The Deputy mentioned its limitations. I tend to see it in a positive way - kind of glass half full. Many of the powers we have require the Minister's consent. Consent is a quite a low bar. It is not approval and it is kind of binary. If the Minister does not consent, she can send it back. In a transparent context I think those bars

are fairly low. We certainly have not found them to be a constraint.

The other thing in the Act that is very positive, and this addresses the Deputy's first question, is that, unusually, it requires us to make a report to the Minister after two years about any constraints we have or functions or powers we do not have. Most Acts struggle to get themselves reviewed. In this one we are obliged to report if our powers are strong enough and whether our functions are working. We do not have a choice and we will have to do that by the end of next year. I have given my authority colleagues a direct instruction that they are to keep a jotter. I do not want to start next year trying to work out what we think we need to know. We should be gathering it as we go along.

We have already noted one or two edges on the appointments piece that need a bit of refining. Other than that we have not yet come up against anything that we regard as a problem. I have no doubt that by next year we will have a substantial submission to make to the Tánaiste as we proceed through our work programme. I look forward to that and I see that in a positive way.

The Deputy said that our public meetings lacked teeth. I suppose this in a way comes back to my remarks about a performance framework. To be fair to the Garda, the legislative scheme always expected a policing plan with performance targets. There never was one. There was never anybody asking how many, how much and what it cost. It just did not happen. A more rigorous set of conversations are needed first of all to build a framework. We would like to be getting a monthly report, as the Northern Ireland Policing Board does - a short report, not a tome - from the Commissioner covering performance against targets and what has been happening in policing in the previous weeks. The PSNI Chief Constable does this every month and he publishes it. We are working to have that as a basis.

It is much easier to have teeth in a public meeting when one has a bit of paper against which one can measure. We have to create all that infrastructure first. We are also all learning about how to behave in public. Not all authority members may be as comfortable as Deputies and Senators are at asking questions in a public forum. It is a different kind of oversight from what exists in most other parts of the public sector. I would say it is a work in progress.

I also think we made the mistake in our public meetings of overloading our agendas and we are about to do it again this week, because there is just so much that people want to ask. As a result, coverage versus depth becomes a problem for us. We are very conscious of that.

We have private meetings with the Commissioner and we have a committee system through which there is engagement with the senior team in the Garda. That forms part of the checks and balance the Deputy asked about.

Regarding whistleblowers, rightly or wrongly the authority will claim some credit for getting the policy published because we called for it to be published. We are now in the middle of a formal review of that policy to be completed in the next few weeks. This was at the request of the Tánaiste, but we were doing it anyway for ourselves.

The dilemma on the day of the public meeting, which the Deputy described, was that we got the policy about two hours before the meeting. That did not make it easy to ask the kinds of rigorous questions the Deputy might have expected and we might have asked. We are carrying out a review and we are getting input from a few experts. In a matter of weeks we will produce a draft report on that policy. There is no point in challenging the operation of a policy if the

policy itself is not best in class. We will send that to the Commissioner for her observations and we will then publish it. In a couple of weeks we will have a review of the protected disclosures policy to make available.

In response to how we learn about shortcomings, the Deputy would be surprised at how many people write to us. We get letters from victims, civil society groups and members of the Garda Síochána. Information comes to our attention in a variety of ways. We are deepening our engagement not just with joint policing committees, JPCs. Some of the staff of the authority will begin to attend local policing forums accordingly as we have staff to spare. We are very conscious of the need to broaden our sources of input so that it is not bilateral. The Deputy is absolutely right about that. The members of the authority also have deep networks and bring a range of experience. Everybody has some basis for engaging, measuring and understanding how policing works. The members of the authority also have their own networks. We have many inputs and we turn those inputs into themes.

We have a notion for next year, and I ask the committee not to hold me to this if it does not happen immediately. We are thinking of trying to evolve the public meetings into themed meetings where some of the inputs would inform how we would set out our work programme for the year. However, we have not got there yet.

It is fair to say that we are also disappointed about appointments. That would not be a surprise to the Department, the Tánaiste or the Commissioner. Deputy Daly asked whether we had objected. I will put it the other way around in a positive way, if the Deputy does not mind. At our first meeting, we identified the commencement of the appointments sections as a key piece in terms of that cultural change. We wrote to the Department to that effect. We subsequently had some minuted engagement with officials from the Department about the timing. We gave it contributions on what we might see in the regulations. We have been very active in terms of being ready. At the same time, I have to say that there came a point in the year when the Commissioner's capacity in terms of her senior team was seriously diminished due to retirements and so on. We cannot expect an excellent service from a policing service that simply does not have people in post. There is always a dilemma there. It was not our dilemma, rather it was one between the Commissioner and the Department. I wish to say that we share the committee's interest in commencing those sections and we are ready to begin to hold appointment competitions for the senior ranks as soon as those regulations are made. We also have a function, as I mentioned, in regard to civilians, which has been commenced. We are waiting on submissions from the Commissioner on senior civilian appointments because we already have that function.

Deputy Mick Wallace: I thank the witness for her presentation. I am conscious of the fact that the Policing Authority is at its infancy stage and I would be the first to admit that I feel that it does not have as much power as it should have. I argued very strongly for as much in the Chamber when the legislation was going through the House.

In the witness's statement of strategy, she pointed out that she is keeping on a review the performance of An Garda Síochána, of its functions, the arrangements and strategies in place to support and enhance the performance of these functions and the mechanisms in place within An Garda Síochána for the measurement of performance and accountability of members and staff. The witness will be familiar with the fact that the O'Higgins report raised serious concerns about the role of the Garda Commissioner in efforts to undermine the credibility of whistleblower Maurice McCabe. It is clear from the report that if Maurice McCabe had not taped the meeting in Mullingar, he would probably have been thrown under the bus. How much has the Policing Authority progressed in addressing that concern? I wonder if it has the teeth to hold

the Commissioner to account.

The witness made the point that the Policing Authority has access to the Minister and it is an open door. I believe that emphasises the point that the authority is a preacher of the Minister. I see it as being unfortunate that the authority is not a more independent body as well as being independent of the Commissioner. Does the witness agree with that?

To return to the Garda inspectorate report, I am very aware of the fact that the Policing Authority has too much on its plate. I do not know how well-resourced it is to deal with the challenges that face it. The Garda Commissioner committed to implementing the broad principals that were contained in that Garda inspectorate report but not to the 200 recommendations. Where does that sit?

Deputy Daly touched on the issue of promotions, which is a huge problem and challenge to get right. We have had a lot of contact with members of the force in the last few years. One of the most striking things that has come our way is the fact that so many good gardaí struggle to rise up the ladder. We are equally shocked by the number of gardaí who have reached the high table who have been engaged in poor practice at different stages along the way. We are aware at the moment of some members who are on the promotion list. There is a person at No. 14 who I will not name who is actually under investigation. It beggars belief from our point of view. I do not see how things are going to change if we are going to see this being tolerated. How much of a handle is the Policing Authority going to be able to get in this area? How much is the authority going to be able to hold the Commissioner to account in terms of who she does and does not promote? I will leave it at that.

Ms Josephine Feehily: That is enough to be going on with. The Deputy made a remark about resources. I do not want the committee to think that I am whingeing. We have a decent budget and our own Vote. We just have not had the time to do the recruiting. I am not whingeing about our budget. That might be unusual for a public sector body, but we have a decent budget for this year and are in the middle of negotiating next year's budget. It is simply a question of getting up and running, building systems and recruiting people. If we stopped to do that, we would not get all of the other jobs done.

The performance that I refer to is broad. There is the performance of the organisation. There are various ways and dimensions through which we are looking at that. One of them is the inspectorate report and I will return to that. There was also a commitment about individual performance management, which was very clear in the O'Higgins report. That has not been implemented in the Garda Síochána. We have a function to oversee that. That is what we were talking about in our strategy statement. Over the next three years, we will want to see the deepening of performance beyond a headline set of figures towards a deepening at regional and divisional level down to the individual performance that the O'Higgins report referred to and that the Commissioner intends to implement. We need to understand how deep that is going to be and then oversee the implementation of it. That is not without its tensions for the Commissioner. I am aware of that.

With regard to the most recent inspectorate report entitled Changing Policing in Ireland, the Commissioner has committed to accepting, or accepting with modifications, about 90% of those recommendations. We will produce a piece of work next year and beyond. We will produce quarterly reports on that commitment and we will be sending them to the Tánaiste. The Tánaiste has asked us to do this. We would have done it in any event but might not have sent them to her. We regard this as a very important piece of our work. In a way, that is why I

referred to it in the opening statement.

One of the criticisms of the Garda Síochána that I have heard down the years that is reasonable to put on the table is the failure to implement recommendations in other reports, whether from commissions of inquiry, GSOC inspectorates or even the one from a group chaired by then Senator Maurice Hayes rather a long time ago that has still not been implemented. We are determined to take the most recent one and build a structure in which we will assess quarterly the implementation of those 90% of recommendations that the Commissioner has accepted. I believe Deputy Wallace is right to emphasise that and we are emphasising it as well. It is going to be one of our measures of performance.

There are two dimensions to the promotions. There is the issues of the senior ranks, which I have discussed with Deputy Daly, around which the amount of power the authority has and what we will be able to do depends on the regulations. We have made our submission. We want the regulations to be as facilitating as possible to allow us to have best practice around recruitment. That will probably mean the kinds of practices that might be a bit new to the Garda Síochána but would not be new in the context of the Civil Service and the public sector. I am concerned here about having different approaches that are already in use. It is unusual to find appointment processes being so specifically regulated in a statutory instrument. Most public bodies have a framework to do with ethics and merit. However, things like one's practices, the toolkit or how many will be on an interview board all evolve with HR experience. This is a little bit different so we want the regulations to give us as much scope as possible to evolve the processes for the selection of the senior ranks. We also have a function to keep under review general recruitment and appointments below that level and we will follow up on a third-party report produced by the Commission for Public Service Appointments in its capacity as auditor of the appointments made by the Commissioner, namely, those to sergeant and inspector. The commission has published a report with a set of recommendations and we intend to follow up on those as well. We are keen not to duplicate work if another body has done an audit and made findings. We will see what is going to happen with those before we turn over any new stones.

The last comment related to the Commissioner. The oversight accountability framework in the statute is complex but the Commissioner's personal accountability is to the Tánaiste. Our role is about the organisation, the services, the systems and the processes and we are mindful of that. That is not to say we have any reason to complain about the Commissioner. I do not wish this to be misunderstood. I am just trying to answer the Deputy's question directly.

Deputy Mick Wallace: Is Ms Feehily saying that if she looks at the O'Higgins report, no matter how damning she may or may not find it, it is outside her remit to address any difficulties it throws up?

Ms Josephine Feehily: If it throws up issues and difficulties that are to do with the organisation, its performance, the systems, the processes or the procedures we can address all of those but the Deputy asked about the Commissioner's personal-----

Deputy Mick Wallace: Is the Commissioner's performance, as outlined in the O'Higgins report, outside Ms Feehily's remit?

Ms Josephine Feehily: The O'Higgins report outlined the performance of the Commissioner as a body corporate. The Commissioner is the Commissioner. It is a bit like the Minister being the Minister. In that sense we can oversee the follow-through on the O'Higgins report and its recommendations. We can press for their implementation in a public way. I do not know

if that answers the Deputy's question adequately.

Chairman: Whether it does or does not, it is the answer to the question.

Deputy Jim O'Callaghan: I thank Ms Feehily for her attendance. In contrast to ten years ago, there are a lot of statutory bodies involved in supervising gardaí, namely, the Garda Síochána Ombudsman Commission, GSOC, the Garda Inspectorate and the Policing Authority. We also frequently have commissions of investigation, which have to be considered seriously, and reports under the Garda Síochána Act. In my view, of all the authorities I have mentioned the Policing Authority has the most potential and its statutory authority could become very powerful if developed in the right way. This would be to the benefit of An Garda Síochána.

Deputy Wallace referred to the O'Higgins report, the main message of which was the significant absence of management and supervision within An Garda Síochána. What can Ms Feehily do to try to improve management and supervision?

The power of the authority will be envied for the moulding role it can play in respect of the Garda Síochána through the power of recruitment, which it will get in due course. Is it the intention of the authority to hold competitions for recruitment to positions such as superintendent? Is it Ms Feehily's ambition to seek to offer those positions to people who are not within An Garda Síochána? I refer to police officers in different jurisdictions or graduates who might have a useful role to play. What will Ms Feehily do to encourage the young ambitious garda who wants to improve himself or herself by going onto third level education, as many do at present? How will his or her efforts be rewarded in terms of promotion?

Ms Josephine Feehily: I certainly share the Deputy's concern about the absence of supervision, which was patently obvious in the O'Higgins report and has been made obvious in a number of other reviews and reports. This is where performance management comes in; if nobody asks a sergeant, an inspector or a supervisor about their performance, the consequence is we are going to end up with very patchy performance.

I mentioned the absence of good technology and there is not a good IT-based incident management which can monitor who picked up the file, metaphorically speaking, what they did with it, when they did it, the time lapses or details of when a file was dropped or not pursued. From the point of view of supervision, there is not an easy way to access those data and that was a surprise to me, given where I came from, where we used technology to monitor how cases moved along. Performance encompasses supervision and we can make that a centrepiece of our examination of the Commissioner. I have advised the Commissioner's team that it needs to build measures into its incident management system so that we can ask the questions about time lapses, throughput and such things.

The Deputy asked about moulding and that is hugely important. The code of ethics also has a part to play in this area and next year we will set aside time to look under the bonnet of the training programme to see where we can influence it in respect of service and victims. We will look toward the formation of gardaí in the context of policing principles, which are a powerful element of the Act.

Our ambition, as opposed to what is likely to happen in respect of appointments, may require two answers. The ambition of my authority colleagues, which we have communicated to the Department, would be for open recruitment to be moved downward. The Government took a decision to have open recruitment for the top two levels and we would like to bring it down

to the next level. This is not reinventing the wheel as it is common in other parts of the public sector. Open recruitment has moved gradually downward and recruitment is now open at all levels. That is our ambition but I am not sure whether the regulations will allow that, at least initially. If they do not, it will be on the list we will prepare by the end of next year, and which I discussed with Deputies Wallace and Clare Daly. The Garda Inspectorate has been asked to look at best practice internationally in respect of opening up recruitment at all levels. I am very encouraged by that and the authority will make a submission to that project.

If recruitment cannot be opened to the public we are at least keen for it to be open at a number of levels, as happens in other sectors, so that ambitious newly-recruited junior gardaí do not have to go through being a sergeant to be an inspector. In the ranks for which we will have responsibility we want to encourage applications from a number of levels at the same time. However, as to whether that will happen, we are in the hands of the regulations.

Deputy Jim O’Callaghan: Thank you.

Chairman: I call Deputy Jack Chambers.

Deputy Jack Chambers: I thank the two witnesses for being here and for presenting their statement. As mentioned previously, public confidence, transparency and oversight are key to what the authority is trying to achieve in the context of the process of reform within An Garda Síochána. I was slightly alarmed when Ms Feehily mentioned collaborative co-operation around the policing plan. I would like her to detail what that involves. As a statutory authority of governance and oversight, how has she ensured that the authority has a process of governance and independence? If the authority is engaging and co-operating at that level, how can it properly review, monitor and provide that system of oversight for its policing plan? Is there a conflict at an organisational and governance level? What is the authority doing to ensure that does not occur or that issues around that do not occur in terms of public confidence in that critical engagement? Ms Feehily might respond to those questions.

I raised a question with Ms Justice Mary Ellen Ring when she appeared before the committee last week about the annual report of Garda Síochána Ombudsman Commission, GSOC, which contains 36 recommendations on systemic and management issues in An Garda Síochána. In the vast majority of cases some were not responded to at all and some were forwarded or acknowledged but there was no detailed response or feedback around the actions taken on foot of that. Ms Feehily mentioned the follow-through aspect. Has she engaged with Garda senior management and the Commissioner to ensure that happens in terms of what GSOC has advocated? What emerged from what we heard last week is that it finds itself constrained by the legislation and by its lack of empowerment in terms of implementation. The authority’s role in that respect is important.

In the context of the authority’s strategy, Ms Feehily mentioned a community-focused approach and performance indicators around that. I have seen the haemorrhaging of gardaí in community policing locally, and I am sure the authority’s engagements with the joint policing committees have illustrated that. That needs to be actively addressed. Also, some counties have no drug units. We have seen an increase in drug-related crime recently. The issue of certain counties not having drug units needs to be addressed at a policing level, as there is a vacuum there.

Chairman: I would very much endorse the Deputy’s last point.

Deputy Jack Chambers: The Chairman has seen that in his constituency.

Chairman: I have that problem in my constituency. I call Ms Feehily to respond.

Ms Josephine Feehily: On the conflict of interest issue, we are very careful about that.

At our very first meeting, we adopted our own standing orders, governance codes and so on and, and as I said in my remarks, we published them. We had a choice. One could argue that by being the approving body, the act of approving has the same risk. We could get a plan and say that it is good, but the risk applies in any event. Our dilemma is whether we allow the Garda to produce a policing plan without any input and then respond by saying we do not like it and send it back with that process taking months. We chose, based on our assessment of last year's plan and on deficiencies we would have seen in terms of measures, to help the Garda to design a plan that might be able to get itself approved by the authority more quickly. I take Deputy Chamber's point and we are careful about it.

We have also done other work, which we want to deepen in future years but there was not the time to do that this year. One of our functions is to establish policing priorities. We would like greater public consultation on that in future years. This year we outlined them at the meeting I held with the JPCs and we got input from the chairs of JPCs, and on our consultation day we got input from civil society groups. We put forward a set of policing priorities that seemed to us to be reasonable. We set out why we chose them and we got input from those two groups. Next year when we will work on a code of ethics, we will engage in deeper public consultation. In a way that keeps us from being captured. We have to consult the Commissioner as well about the priorities but we have to set them. It is a matter of striking a balance. We are very mindful of the point the Deputy made.

On the GSOC report and follow-through on that, one of the items we asked the Commissioner to include in the policing plan for next year, and always, is to advance the recommendations of what we are calling third party reports because the list is rather long. I expect when the Commissioner meets the committee she will identify something of the order of 1,000 recommendations that she is attempting to implement and which have been clustered together into the modernisation plan for advancement. We will certainly be pressing the Commissioner to follow through on recommendations but I have to be honest and say that if we took deal with every one of those 1,000 recommendations we would do nothing else. We want to follow through on the reports from the Garda Inspectorate and GSOC that came out in 2015 and 2016, including one that came out in the past few weeks which contains specific system recommendations, rather than to allow ourselves get bogged down in a morass of dealing with a 1,000 recommendations.

If we can get this framework going with the Garda where we can have a tracking system for recommendations that are current, at least we might stay on top of them. I would like if we could address the other aspects but being honest we have to work on the current ones and see how we get on because the bucket is going to continue to fill. There are other parts of the system making recommendations. The Inspectorate has new work to do. GSOC will have another annual report and so on. We are going to try to keep it current. The Deputy is right in identifying us, we are the follow-through element. That is our job. We have put it explicitly in our strategy. We put it explicitly in the Garda Commissioner's strategy before we approved it that we expect to see follow-through on third party reports.

On the unevenness of deployment, I mentioned in my opening statement that this is one of the places we have to go - the connection between resourcing and deployment. It is not a piece

of work we have done yet. I have to be honest with the committee on that. I see a huge opportunity in the programme for Government commitment to increase numbers in order to for us to get under the bonnet of that issue. The Commissioner has been asked by the Tánaiste to develop a workforce plan in conjunction with the authority. I see this as the way into that. Some of the answer to the visibility question and the community policing question is about recruiting civilians. The Inspectorate has put that out in lights. It is about replacing trained, sworn gardaí with civilians where that makes sense in order to make sure that there is a higher proportion of the fully trained gardaí available for duties, whether it relates to drugs crime, community policing and so on.

At our first public meeting we explored the community policing element with Deputy Commissioner John Twomey and he committed to an evaluation of where they stand on community policing and I understand that evaluation is now commencing. When we have a meeting and the Garda group team commit to doing something, we follow up on that. We have followed up on that commitment and they have told us that it is now beginning in a few regions and they will grow it from there. The Deputy can take it that we will be keeping on their case about the evaluation of community policing.

Chairman: Thank you, Ms Feehily. I will call Deputy Colm Brophy next but before he comes in I wish to indicate to any other member who wants to contribute that I have a further question I will ask at the end and that we will shortly have to bring this meeting to a close. We have to go into private session and we only have use of this committee room until 12 noon.

Deputy Colm Brophy: I would like to focus on a few areas. The establishment of the authority is very welcome, as is the attendance of the witnesses here today. We are now nearly at a point where we as a committee should be considering a six-monthly type process where we would get an update and have this type of exchange to track back on many of the issues that Ms Feehily has highlighted today. As so much of the authority's work is at commencement stage, it is very difficult for members to form any real judgment on it at this point without being unfair to the witnesses.

There is no question but that over time the Policing Authority will become one of the powerful parts of the entire system. That will rankle people in other areas because the authority creating that space for itself will mean that others will have to give in some way. I hope the witnesses are successful and that the Policing Authority comes to play a meaningful role. I wish them all the best in that regard.

I want to pick up on one or two issues. I am sorry to be direct but on a point made already, and I listened to the reply, I do not believe it is right that the authority engaged in the process mentioned with the Garda Commissioner to devise the plan. To be clear about where I am coming from, the authority's mission statement refers to the purpose of overseeing the performance of the Garda Síochána and its functions with regard to policing services. If, at a point in the future, an issue comes under investigation or challenge, it cannot be best practice for people within Garda management to be able to say that, for example, they held a one-day work session and that issue originated with the Policing Authority. That would present a major conflict. The witnesses might say that is splitting hairs but it would present a very different and much more problematic conflict in terms of an authority endorsing and signing off on a plan. Even though it would mean that the process of approval will be elongated in the future, I ask the witnesses to reconsider that in terms of their practice in future years.

My next point is on how one views the Garda Síochána as a force. It is not equivalent to

other State services in terms of people applying at different levels and this goes to the recruitment issue. In a service with ranks and a command structure and where, because of the nature of the work involved, there is a necessity to maintain a command structure, I seriously question the notion of people being able to jump quantum levels, so to speak, within that structure. For example, somebody at a rank in the command structure one day could jump multiple levels above the person who previously had been a rank above them in that structure. That might be a new structure for the Garda Síochána, which the authority might examine in the future, but in terms of some of the functions the gardaí have to perform in their role, which is very different to a person coming in to an administrative type job, there are many benefits arising out of the existing command structure in terms of force discipline. The State cannot have it both ways. If we want to recognise the Garda Síochána as separate and stand alone, with the restrictions that apply to it, as highlighted by the Garda Representative Association, GRA, over the years, we cannot mess around with that in the way the witnesses outlined, which would mean we would have an appointments process that would undermine a command structure.

Ms Josephine Feehily: I would make two points. The Deputy said the process was a little early but it is also an opportunity. We are at a formation stage. The Chairman indicated that the committee plans to produce a report and recommendations, so suggestions are welcome. Like the previous committee to which Senator Conway referred, we also visited Northern Ireland and Scotland. There are nuanced differences both in the legal and governance infrastructures. We are all different and we have things to learn from each other. That is why I was grateful to get in early in the committee's work programme. There are advantages in us having an opportunity to hear the members' views also as we evolve our work methods.

All I can say on the collaboration question is that I hear the Deputy. I assure him we are extraordinarily mindful of the risk of regulatory capture. We made a judgment. It may not be necessary to have a collaborative process every year. This is something for which we needed to get a better plan. In the literature about policing oversight, the phrase used is "critical friend". There is an element, and we have a statutory role also, of supporting policing and supporting the gardaí. Creating a dynamic that is always a case of "you do it and we will knock it" is not necessarily the best form for a fledgling oversight body. We judged that to get this performance framework established better, we should give them a better understanding of the kind of plan we would want before us for approval.

I must take slight issue with the Deputy on another matter. He probably did not mean it but I would not want it to be left hanging. If, in future, somebody can say that the genesis of an idea came from the Policing Authority, that is almost inevitable because everything will not be in the policing plan. For example, as I mentioned to Deputy Daly, we will be completing a review shortly of the protected disclosures policy and we will say that "X" might be considered. We will always be contributing ideas and recommendations and if one of them turns out not to be adequate, we have to be held to account but I do not believe we will ever not be contributing ideas. We would not be doing the full scope in terms of the critical friend but also the power of oversight, and Deputy O'Callaghan spoke about our contribution to formation, moulding and assisting the force, unless we are putting ideas before Garda management and the Department. In case that comment was left hanging, I want to make clear that there will always be ideas. In five years' time, someone will say he or she would not have done something only for the authority. That is life.

The Deputy made a point about my remarks on recruitment and command structure. Most public bodies are bureaucracies. They have a degree of command structure and grading sys-

tems. If we, as a nation, want to have an opportunity to influence the culture of the Garda Síochána, as called for in many reports, not just commissions of investigation but the inspectorate report and so on, one way of influencing culture, which is what I believe was Deputy O’Callaghan’s point, is to let in fresh thinking. If the only way in the door is Templemore, and the only way up is step by step, that creates a cultural restriction. That is why we believe the inspectorate examining the other ways in is a positive move. It is not unusual in other police services. For example, in other police services a basic grade police officer could apply by way of an open competition and become superintendent. That is not unheard of, and it is not unheard of to move around police services and bring a richness of ideas. We have to be open. I am not sure that even if we go this route, or if the regulations allow us to go this route, the result might not necessarily be that the experience people gain at each level will make them fit to be the most likely promotees. Opening up the process addresses an ambition piece that we need to look after in terms of junior people and an opportunity for ideas to allow people move quicker through the organisation. The extent to which the ambitions I outlined will come to pass will depend on regulations.

Chairman: I thank Ms Feehily.

Deputy Colm Brophy: I wish to add one quick point. I will not comment on Ms Feehily’s answer in terms of whether I agree or disagree with some aspects but there is a point she made that I would like to comment on. I would never subscribe to the view - Ms Feehily used the expression - that you build it up and we knock it. That would be an appalling way for the authority to develop and that was not in any way what I was advocating. To put the record straight on that, I was merely looking at a particular aspect.

Ms Josephine Feehily: I appreciate that.

Deputy Colm Brophy: I merely wanted to comment on that one line.

Chairman: We all accept that.

Deputy Clare Daly: I am conscious that the authority is only starting up and much of the work has been macro rather than micro. I am not reading too much into the answers to these questions but I ask Ms Feehily to indulge me.

Ms Feehily stated that the authority is devising a formal structure of liaison with the Department of Justice and Equality and that she has met the Minister on a number of occasions. I am curious. Has Ms Feehily a rough idea of how many times she has met her? I will not in any way hold Ms Feehily to it. Has the Tánaiste asked to meet Ms Feehily or has the authority asked to meet her?

On a related issue, Ms Feehily made the point that many of the authority’s powers require the Minister’s consent. It is, of course, built into the Act. Has either Ms Feehily asked her anything which has been refused or has she asked the authority anything? It is merely to get an idea of it. Has Ms Feehily any idea of the number of times she has met the Commissioner as well?

Ms Josephine Feehily: I am conflating in my mind because I was designate for a while. I met the Tánaiste probably a dozen times in the past year and a half. The most recent occasion was at her request. That is one I can remember straight off the top of my head.

The Tánaiste also visited us at our first meeting and she spoke openly and frankly to authority members. I am not quite sure whether that invitation came from us or from her, but it was

a positive engagement between the Tánaiste and all of the authority members, not only with myself.

On the final part of the Deputy's question, nothing on which we have asked consent has been refused. Conversely, and I have a list here somewhere, the Tánaiste has asked us to do a number of things that she can formally refer to us under the Act. She formally referred the O'Higgins report to us in our oversight capacity. She formally asked us to examine the policies on whistleblowers. She formally asked us to oversee a review by the Garda Inspectorate - this goes to some of the earlier discussion - of the boundaries of Garda districts, the distribution of gardaí, deployment and rostering. That is a long piece of work that has been formally referred to us. We have been requested formally to report periodically on Changing Policing in Ireland to give our assessment of implementation, and we have been asked, as I mentioned earlier, in conjunction with the Commissioner, to develop a five-year plan for achieving the vision of the 21,000 people involved, comprising civilians, the reserve and gardaí. Therefore, we have had five formal referrals under the Act from the Tánaiste, all of which is adding to that list of priorities I mentioned, and we have sent a number of statutory documents - our strategy and the Commissioner's strategy - to the Tánaiste for her consent and we have not run into any difficulties in that regard.

Chairman: On my own behalf, I have a couple of points before closing. The first of them is that I erred in signalling that the Garda Commissioner will be coming before us on 5 October. It will actually be on 12 October. On Wednesday next, 5 October, we will have the Tánaiste and Minister for Justice and Equality. We will deal with that in private session in a few moments.

On the expected new regulations on commencing her functions *vis-à-vis* the appointment of senior Garda positions, Ms Feehily used the word "shortly" in her earlier response. Could she translate that into any timeframe or is it likely in the remaining period to the end of the year?

I have a couple of questions and I will bundle them for Ms Feehily, if I may. In terms of her remarks and looking at the strategy, while I understand and accept that every day in life is a new and learning experience and we are always building on what we have done before, is there a bedding-down period? Is there a reasonable expectation of when the new Policing Authority will be functioning at its zenith? Ms Feehily might give us a sense of it.

I commend the use of the word "service" in relation to An Garda Síochána and policing. It rattles with me when the word "force" is used. It gives a completely wrong and negative message. I commend that and I hope it will have a currency right across the board. It is important that it does.

How regularly does the authority meet? Ms Feehily is talking about creating the means of measuring, and I noted that throughout. Setting targets and the authority having a methodology to measure progress comes across as how it goes about that, but are there other, preferably better, means of measuring progress? There may be others but if they are not better, they are of no use. Has Ms Feehily considered any other methodology of measuring progress in terms of her objectives other than mere target-driven methodology?

Ms Feehily spoke about plentiful correspondence, which is good for a relatively new organisation. Does the correspondence by its nature reflect an awareness of the Policing Authority's role and function, or is some or much of it misdirected, as can often be the case in our experience in public life?

Ms Josephine Feehily: On the new regulations, to answer the Chairman's question directly, my latest understanding is that they will be available before the end of the year.

I suppose the bedding-down bit is a tricky one. From the authority's point of view, we will be producing our first annual report by Easter next. We will be reporting a body of work at that point and I would hope that we would be able to state that certain of our functions are established and up and running. The appointments piece may well continue to be a work in progress because it is commencing so late, and the fact that in the course of next year we will be developing a report on the shortcomings in our legislative framework probably makes it difficult to say whether we will ever bed down. I am certainly happy that elements, such as having a proper tracking system in place, better public meetings, better public engagement and a published code of ethics, will have been established as part of our infrastructure and be functioning better than they are this year by the time we make our first annual report. I would be happy to come in then and talk to the committee.

Picking up Deputy Brophy's point about regular reporting, maybe when we produce our annual report we can then say what bits are embedded and what parts of our functions we have not even begun. We have a long list of functions, for example, to keep under review the governance, training, recruitment, etc. Some of those pieces will be one-off tasks that we will get to incrementally.

The Chairman asked how often the authority meets. The authority meets as an authority in plenary. We started out thinking we would meet 11 times - that would be once a month, except August. As it happens, this year we will probably have met 13 times, including one or two that have been done by electronic means. At all of the 11 plenary meetings this year, we will meet the Commissioner. I am sorry I did not answer that question from Deputy Clare Daly. We meet the Commissioner at every one of our monthly meetings. Four or five of them are in public. This year, it is five.

We also have a committee system. Authority members have formed three committees. We have four, but three are for engaging with the Garda. These are performance and strategy, code of ethics and appointments. Those committees would meet Garda colleagues and Garda representatives as often as necessary. The performance and strategy committee meets at least once a month. The code of ethics committee meets frequently, but less frequently with the Garda. The appointments committee is a work in progress because we are not doing the appointments. Between the whole lot, we will certainly meet them. The chief executive and her team meet a liaison team at least twice a month.

Ms Helen Hall: At least, yes.

Ms Josephine Feehily: There is a lot of engagement. The Chairman asked about targets. I will ask Ms Hall to give an example that might crystallise the difference between the policing plan of last year and the one we foresee. That might give members a sense of what we are using as targets because they are not all hard numbers. We are also hoping to identify in the plan how the targets will be measured.

To get back to the question, some of the measures are numbers. Some will come from better technology that will enable us to interrogate efficiency. However, one of the biggest measures is a public attitude survey the Garda has carried out and published. It contains a very rich body of information and was independently conducted. We made a proposal recently that we might joint-fund that piece of work because we want to broaden and deepen it. We do not see value

in two separate agencies asking the public what it thinks of the performance. Properly carried out public attitude surveys such as the current one demonstrate a high level of public trust in the abstract and also public confidence in the Garda. However, since the sample size may not be as good as it should be, the granularity evident at the level of victims may not be rich enough to give us the answers. Therefore, we would like to have more input from victims' and community groups through a deeper survey system. It is absolutely correct to state measures are not all hard numbers.

On the final question about awareness, the first thing we had to do was draft a leaflet setting out what we, GSOC and the Garda Inspectorate do. This is because so much of our correspondence is misdirected. To the extent that there is strong awareness, it tends to be among groups of people who already have a strong awareness of the policing realm and, perhaps, people who are coming to us after having already engaged with other parts of it. Sometimes, other than saying this will inform our development of thematic oversight, we do not have a function that can help them. On an individual basis, it largely rests with GSOC. The Chairman was correct in that regard. It is partly what I meant when I talked in my opening remarks about the authority becoming established in the public mind.

I was asked about making space for us and relationships. I described it last year as having to elbow our way into the relationships that had been established for over 100 years and that had their own language, working norms and understandings. The Deputy is absolutely right. We have to make that space and grow it over time.

Chairman: I knew that the delegates would strike an accordant note between them. That was very good.

Ms Josephine Feehily: Ms Hall will give an example of our thinking on the policing plan. The example involving victims would probably be the best.

Ms Helen Hall: Just to give members an idea, the measuring of performance will be a work in progress and a journey for a number of years. As Ms Feehily mentioned, we started with a collaborative process. I will give a practical example. In last year's policing plan the objective in the Garda Commissioner's plan was to make victims central to the service provided. One of the measures required a consistent and professional service to be provided for all victims of crime and reduced re-victimisation. We were trying to get something that would be more measurable into this year's plan. This year, therefore, the action is to provide a professional service, but we are looking for very specific targets. Targets represent the place to start. In future years we will be examining proxies for performance and enhancing it in a qualitative way. An example we hope to see in the 2017 plan is a measure stipulating that for a minimum of X percentage of incidents an investigating officer must be assigned. The percentages will be filled in later. A minimum of X per cent of investigation deadlines are to be met. The level of victim satisfaction is to be increased and maintained at a minimum of 60% in the public attitude survey. There are references to improved detection rates in key areas such as assaults, including sexual assaults. As one can see, it is much more specific. We hope that when we are speaking to the Commissioner at meetings, the performance management system will be the basis for conversations on performance in 2017.

Chairman: If Deputy Jack Chambers is to contribute, I will be evicted, never mind ejected, from this room. I have had the ambition of never being evicted from anywhere. Nevertheless, I invite the Deputy to have a go.

Deputy Jack Chambers: I wish to raise the issue of the balance between critical engagement and ongoing collaborative co-operation. Reference was made to public attitudes and public perception. A consistent question in my mind is who guards the gardaí? What has the Policing Authority done specifically to separate and segregate staff into separate units, with one group engaging and collaborating with senior management? At another level, one is talking about what the Garda Commissioner or the Minister for Justice and Equality has advised the Policing Authority to investigate and explore. Is there a crossover? How many staff does the authority have? What are the separate departmental structures within it? If there is none, there are no proper governance structures in place. It is important that the authority specifically clarify this in order that we can have confidence in the governance structures that might have been established.

Ms Josephine Feehily: I will first answer the question on the number of staff. We have 13. Everybody is doing everything. That is what happens in a start-up and what I mentioned. All of the issues with a start-up arise. However, we have specified boundary issues in our governance framework, of which we are very mindful. In fact, my figure was wrong in that a 14th member joined us recently. That is helping us to reorganise our senior team to have more balance.

We have also established our own audit committee and invited external people to join it. They are not members of the authority. One of the jobs I have asked them to do involves taking a good look at our governance, reviewing our performance and devising a methodology to review it. When I use the words “the authority”, I mean the authority members, the nine of us. It is our job to review the performance of Ms Hall and her team.

I will certainly feed into the work the comments made today. It is a matter of which we are mindful. We documented very early on the governance structures and the division of functions. We are drafting a relationship agreement with the Garda that will tease out some of these issues further. We have our own governance framework. We have just published a relationship agreement with the Department of Justice and Equality and will produce one between us and the Garda in order to underline the need to be as helpful as we can. We have a shared objective. All actors in the space - GSOC, the Garda Inspectorate, the Policing Authority, the Garda Commissioner and the Minister - have a shared ambition, namely, for there to be an excellent policing service. There is no question about this and it is important that we do not lose sight of it while we are all dividing ourselves into our silos.

For the information of the Chairman, the word “service” has actually been contained in the Act since 2005, but it is really difficult to get it into the vernacular. If I slip occasionally, I apologise, but I do try to use the word.

Chairman: Ms Feehily has done so today.

Ms Josephine Feehily: I do try to use it all the time.

Chairman: Full marks - ten out of ten. I appreciate very much Deputy Colm Brophy’s withholding of his remarks to allow me to conclude.

On behalf of the joint committee, I thank most sincerely the chairperson of the Policing Authority, Ms Feehily; the chief executive, Ms Hall, and their colleague, Ms Karen Shelly, who is in the Visitors Gallery.

The joint committee went into private session at 11.50 a.m. and adjourned at 12.20 p.m. until 9 a.m. on Wednesday, 5 October 2016.

