



# Government's proposal to Dáil Éireann for spending on the Justice Vote Group in 2021

– with a particular focus on Garda Síochána (Vote 20)

## A Note...and a Data Visualisation Presentation

This Note serves as a 'gateway' to our [Flourish Data Visualisation presentation](#) on the Justice Vote Group in the Government's [Revised Estimates for Public Services 2021](#). By using the presentation you will be able to understand the context and analyse voted spending in a more accessible way than by using a 'traditional' publication.

Please launch the [Data Visualisation presentation](#) using Firefox, Edge or Chrome.

## Reading time is only 5 minutes in total...

- ✓ This Note – a two-minute read; and
- ✓ The Data Visualisation – a three-minute read.

## Key messages

- 1. Six Votes make up the Justice Vote Group:** V.20 Garda Síochána, V.21 Prisons, V.22 Courts Service, V.24 Justice (i.e. the civil service Department), V.41 Policing Authority, and V.44 Data Protection Commission.<sup>1</sup> See PBO infographic [here](#). The total gross allocation for the Justice Group in 2021 is €3 billion. Current spending makes up more than €9 of every €10 in this Group.
- 2. The Revised Estimates for these Votes do not specify whether any spending relates specifically to the COVID-19 public health emergency.**
- 3. The Justice Vote Group, in general, is characterised by very few programmes.** The Garda Síochána, Prisons, and Courts Service Votes have only one programme each. The Department of Justice's own Vote has two - for a €476m spend.
- 4. The Garda Síochána Vote is the most fiscally significant in the Justice Vote Group** - €2 of every €3 of total Group spending will be spent by this Vote. The composition of spending (current/capital) of Vote 20 has remained relatively stable over the period 2008 to 2021. While capital spending has increased significantly from its lowest point in 2012, increased spending under the Vote has been primarily current and mainly driven by growth in pay and pension costs.
- 5. Supplementary Estimates** (sought from the Dáil in November/December) are a regular feature of Vote 20, often driven by unbudgeted overtime.<sup>2</sup> The final 2020 allocation of €1,942 million (following a Supplementary Estimate) is just €10 million less than the total allocation in 2021.<sup>3</sup>

<sup>1</sup> Vote 25 - Irish Human Rights and Equality Commission moved to the Children Vote Group during 2020.

<sup>2</sup> Efficiency and control measures in relation to Garda overtime were the subject of an IGEEES Spending Review paper (2018) available [here](#).

<sup>3</sup> The 2021 allocation is €22 million above the forecast outturn of €1,930m (i.e. the actual amount spent) in 2020.

## Key messages continued...

6. In recent years a large component in the growth of staffing has been driven by civilianisation. From its lowest level (2014) to Q3 2020, Garda numbers (WTE) have increased 1,910.5 (14.9%) while civilian staffing has grown 1,143 (54.7%). Given the emphasis placed on freeing up Gardaí from administrative roles and replacing them with civilian staff,<sup>4</sup> and in the context of transparency, **the Revised Estimates should provide a breakdown between civilian and Garda staff**. Equally, as so much of Vote 20 is spent on pay, **consideration should be given to having separate subheads for Garda and Civilian pay and for overtime payments**.
7. With regard to **performance budgeting** – key **output targets** include both those where the level of service provided is being quantified ('Average number of contacts with victim per incident – all incidents') and those that relate to organisational strategies or activities ('No of Gardaí reassigned to policing duties' and 'Average overtime hours per Garda member per year').
8. The importance of, and considerations in relation to developing a **multi-annual budgeting framework for An Garda Síochána**, was set out in an [IGEES Spending Review paper](#) (2019). It is unclear that any progress has been made towards such a framework or what implications it would have for Dáil scrutiny of the delivery of policing services.

## Why are the Revised Estimates important?

- Even the smallest Vote Group in the Revised Estimates would, in the context of the private sector, be considered a large company in budgetary terms.
- The Voted spending detailed in the Revised Estimates sets out the bulk of all spending on public services. Most of the remaining spending is outside of the direct control of central government.<sup>5</sup> The spending set out in the Votes allocates the money that is raised through taxation/borrowing and how Government will spend it on providing public services.
- Constitutionally, the sole and exclusive power of making laws for the State is vested in the Oireachtas. The High Court has stated that budgetary allocation and taxation are key features of the representative duty of each Dáil Deputy.<sup>6</sup> The primary way the Dáil undertakes this duty is through the reference of the Revised Estimates to its Select Committees for scrutiny, prior to consideration for approval on the floor of the House.

## Voted spending developments prior to the COVID-19 pandemic

The PBO Note, [An Overview of the Revised Estimates for 2020](#), sets out pre-pandemic voted spending from 2016-2019 and the originally planned spending for 2020. It provides context for the level of 'core' spending and associated priorities before the Government's COVID-19 response.

4 See IGEES Spending Review paper [Policing Civilianisation in Ireland, Lessons from International Practice](#) (2018, p.3).

5 For more detail about the composition of public expenditure, and why Voted Expenditure makes up the key portion of it for Dáil Scrutiny please see [General Government Expenditure: How its composition constrains decisions about government spending](#).

6 Article 15.2.1 of *Bunreacht na hÉireann* and *Collins v. Minister for Finance* [2013] IEHC 530.



## Estimates for Public Services – The Process

Dáil Éireann must scrutinise and approve the Revised Estimates for the full budgetary allocation of a Vote to be spent. Up to 80% only of the proposed allocation for year x-1, as set out in that year's Appropriations Act, is available until the Revised Estimates for the current year (x) are approved.

Do you want to understand the role of the Oireachtas in the provision of public services? Click [here](#) for a PBO infographic.

The Estimates process is **not** over when the Revised Estimates are approved:

- » Some Departments do not spend all the money they are allocated; and
- » Others regularly under-estimate how much they need, or unexpected events lead to additional spending and thus to Supplementary Estimates.

The Revised Estimates are published two months after the *Estimates for Public Services* that accompany the Budget (as part of the *Expenditure Report*). They provide greater detail and update the spending proposed in Budget 2021. This additional information should, in theory, help Dáil select committees when they meet Ministers to scrutinise the public services to be provided in 2021.

The design of the Revised Estimates continues to hamper effective Dáil scrutiny of the money spent on public services. PBO [Publication 5 of 2021](#) (a 2-minute read) explains why.

Some Departments have made progress in the *Revised Estimates 2021* by explicitly linking subheads (money/inputs) to performance information. The bodies/Votes which have made progress are:

- ✓ Department of the Taoiseach (V.2);
- ✓ Office of Public Works (V.13);
- ✓ National Shared Services Office (V.18);
- ✓ Environment, Climate and Communications (V.29);
- ✓ Enterprise, Trade and Employment (V.32);
- ✓ Housing, Local Government and Heritage (V.34); and
- ✓ Army Pensions (V.35).

The PBO commends this progress which enhances transparency and makes scrutiny of the Revised Estimates by the Dáil and its Committees more straightforward. **None of the Votes in the Justice sector have made such progress.**