

Department of Justice and Equality

**Implementation of the Change Programme
in response to the 2014 Toland Report**

24 November 2017

Overview

The Department's Management Board committed itself in 2014 to leading the implementation of a Change Programme responding to all the recommendations in the Toland Report. The report envisaged a two year timescale for the full implementation of its recommendations and that was largely achieved. Much of what was recommended was closely aligned with the Civil Service Renewal Plan which is led by the Civil Service Management Board across all Departments.

It should be remembered that it took two years to make a substantive permanent appointment at Secretary General level, which was not envisaged in the report, but the progress that was made during that period was very substantial. The focus has been on practical measures to underpin and strengthen the Department's culture – identifying and embedding behavioural change supported by robust, consistent structures and governance processes.

Crucially, in common with all Government Departments, a performance management process was introduced in 2016 for all other senior management grades in the Civil Service. The Department is complying 100% with this process.

Significant progress has been made in strengthening governance structures within the Department and with its Agencies, and the Department is seen as leading best governance practise by the Institute of Public Administration. Developing leadership and management practices had been a particular focus as well as ongoing work on internal and external communications. Significant development has taken place in relation to statistics, evaluation, research, information systems and data and this work is ongoing. Structured meetings are held in line with Governance agreements in place with all agencies and informal communications has also improved.

In early 2017, the Management Board decided that it was an appropriate time, at that stage of implementation, to take stock of the strategic reforms implemented to date and identify priorities for a new phase focused on continuous improvement up to 2021. EY Management Consultants were contracted to undertake a detailed assessment and work with the Board to identify progressive actions for a further phase of organisational improvement, taking into account the current operating environment and developments. An outline of the likely future focus resulting from this process is set out below along with the details of the implementation of recommendations to date.

Management

Management Board:

The Department's MAC was reconstituted as a Management Board as part of the reforms to enhance the strategic oversight of the Department and to facilitate more effective communication between the Secretary General and other members of the Management Board.

The purpose, functions and procedures relating to the meetings have been restructured in line with the recommendations in the Report – the Board reviews current/emerging issues and aims to hold a strategic meeting once a month covering annual overviews of both internal Divisions and the work of the Department's agencies. The Board meets weekly and minutes are published to staff (on the Plan & Risk Database) and a system of continuous tracking of action points and decisions is in place. A six month Work Programme is also in place which includes a schedule of Division and Agency overviews, review of legislative programme, governance matters etc. The Board met 16 times in 2013 and 20 times in 2014, in 2015 and 2016 it was 44 and 45 respectively, and it has met 41 times to date in 2017.

The membership of MB and Min/MAC was also expanded to widen and deepen the pool of participants. From January 2015, the Director of the Probation Service and three additional Principal Officers (PO from Reform and Development Unit and 2 rotating POs representing the PO forum) were co-opted onto the Management Board and the Ministers of State now also attend Min/MAC meetings which are held monthly. The format and structure of the Min/MAC meetings has also been formalised in line with the recommendations in Toland.

A Deputy Secretary General post was created in line with the report with responsibility for Criminal Justice (Home Affairs) side of the Department. This post was filled in April 2015 with the consequential vacancy (Assistant Secretary for Crime and Security filled externally under the mobility scheme for the Senior Public Service). A range of internal mobility transfers were also implemented in September 2015 at Assistant Secretary level.

Accountability/Performance Management

Across the Civil Service an enhanced performance review process for Assistant Secretaries, including 360 degree feedback, was fully implemented in 2016, following successful pilot in 2015. The revised performance review process for Assistant Secretaries is now supported by a new online system (LEADS).

The Department is 100% compliant with this process and 90% of the senior management cohort have participated in 360 reviews since 2015. In line with international best practise, the Secretary General

instituted mobility for all Assistant Secretaries in 2015 so that in addition to four new hires, nearly everyone at that most senior level has moved positions over that period.

Corporate Secretariat

A Corporate Secretariat Office was established following the Toland Report in 2014 to incorporate the offices of the Minister's private and constituency Offices, the Secretary General's Office and the Department's Press Office under a Principal Officer. Since March 2014, the Department has put in place revised systems and procedures to ensure that correspondence is handled appropriately and in particular, that it is brought to the attention of the Minister or relevant officials in a timely manner. In particular, new procedures were implemented to ensure that high priority correspondence, such as correspondence referencing section 41 of the Garda Síochána Act 2005, is 'red-flagged' and brought to the immediate attention of relevant recipients, including the Secretary General and the Minister.

Robust supporting processes were put in place to enhance leadership and oversight of the Department and wider sector and to facilitate more effective management and governance of the strategic objectives. A Corporate Governance Framework for the Department was published in April 2016 and a process to refresh and update it has recently begun.

Culture and HR

Following a wide-ranging consultation with staff and external stakeholders, a Culture and Values Charter was published in 2016 with the objective of fostering a more outward facing, listening organisational culture. These values form the core of all induction and leadership training with a view to informing the way in which the Department engages with the public, with staff and stakeholders. It is recognised that changing organisational culture takes sustained effort over time and a cross grade team, led by the Secretary General, is working to ensure that this continues to be embedded in the organisation.

The Department is committed to building organisational capability and to date in 2017, 165 days of in-house training, with a combined attendance of over 1,800 staff, has been provided across a range of courses. This included over 800 managers trained in the Civil Service Underperformance Policy and Disciplinary Code; 280 frontline staff receiving Customer Service training; 144 senior managers received Risk Management training; 47 newly appointed HEOs and APs completing the Leadership Development Programme and a further 190 new entrants completed the CO and EO Development Programmes. Over 280 new entrants to the Department have completed induction training.

HR was a focus in the Toland report and since then the Department has committed to building HR capability. An open competition was held in 2016 for a professional Head of Strategic HR and an appointment made. It has also recruited HR specialists at AP level and through continuing professional development (CIPD accredited) is enhancing HR competence amongst the HR team. The Department developed a workforce plan, supported by a business partnering model, which has enabled HR to work effectively with the various parts of the Department to identify resourcing and capability gaps. A HR strategy, developed in alignment with the recently published Civil Service HR Strategy, will be published on 11 December. The HR Division will use the results of the Civil Service employee engagement surveys to measure progress into the future.

Agencies/Governance

The Toland Report made several recommendations regarding relationship management and oversight of Agencies, all of which have been implemented which has increased the level, consistency and quality of information flowing between the Department and its agencies. Agency performance and governance arrangements have been formalised and strengthened through formal Performance/Service Delivery Agreements and Frameworks agreed with 24 key agencies including An Garda Síochána. The Policing Authority was established in January 2016 to bring a new and dedicated layer of public accountability to the administration of policing services and drive necessary changes in the policing system and its practices.

Formal structures were put in place to support communication and collaboration with the agencies in the Justice and Equality sector: the **Criminal Justice Strategic Committee**, chaired by the Secretary General and comprising the heads of all the relevant agencies, was established in 2015. The Strategic Committee meets quarterly and is driving effective collaboration through a detailed work-plan on a range of shared interests from international cooperation, data needs and interoperability to leadership development and victims services. The **Civil Agencies Network** covers a range of diverse agencies with fewer common themes and meets 2-3 times annually to share information and best practise.

Strategic Implementation Plan

In 2015 an annual Strategic Implementation Plan was introduced to oversee priorities across the Department. In 2016 this evolved into a project called the One Plan which draws together in one single plan all of the strategic priorities across the Department. To support oversight of the plan by the Management Board, a programme management system was developed which provides monthly update reports on progress to the Board which interrogates them and drives implementation. Progress reports are published on the Department's website periodically.

Communications

The Communications area was strengthened with the appointment in January 2015 of a Head of Communications at PO level. The Head of Comms is also a member of the Management Board. The Press Officer post was upgraded from EO in 2014 to AP now, a Web-editor is now in place and external advice was procured. In addition, a Communications liaison team has been put in place across all divisions which meets regularly.

A new more user-friendly website for the Department was launched in 2015 on which all replies to PQs are published as well as access to the Dept's Twitter feed. The internal news Portal and staff newsletter have been key to sharing information, highlight developments and work of areas/agencies and generally embedding and sustaining transformation across a very large organisation.

A new communications strategy was launched in 2016 following consultation with staff and stakeholders and its implementation is monitored regularly

Data and Information

A programme of work in the key areas of Data and Information was developed and taken forward in cooperation with the Office of the Government Chief Information Officer. This includes a system providing real time support to the front-line Joint Agency Response to Crime (JARC) programme, the rollout of the e-Submissions system and the ongoing development of the Justice and Equality Hub, designed to facilitate better collaboration and information sharing between the Department and its stakeholders and the provision of data and management information to support the development of more evidence based policy. This is reflected in the Department's Strategy Statement where data is recognised as a key enabler.

Audit and Risk

Relationships between the Internal Auditor/Audit Committee and the Secretary General and MB have been formalised. Membership of the Audit Committee was reviewed and an additional non-public service member added, bringing the total external members including the chair to four, with one internal member.

The Risk Committee has reviewed its role, content and monitoring arrangements of both local Risk registers and the overall Corporate Risk Register for the Department. It meets quarterly in advance of submission of the Corporate Risk Register to Management Board. The Chair of the Risk Committee also meets the Management Board - and separately meets the Secretary General - annually.

A further 253 officers at Principal Officer and Assistant Principal Officer level have completed risk management training in 2017.

Structures

As mentioned above, the Corporate Secretariat Office was established, the Communications/Press Office strengthened and a Head of Communications post was put in place. A new Deputy Secretary (Criminal Justice) post was created with the Assistant Secretaries for Crime & Security; Policing; and Prisons/Probation Policy reporting to that post. The Deputy Secretary also deputises as needed for the SG. (It should be noted the Structures Report recommends the creation of a second Deputy Secretary post covering the Justice aspects of the Department – this is subject to sanction.)

A Criminal Justice secretariat was established to support the Criminal Justice Strategic Committee which is chaired by the Secretary General and comprises the heads of all the Criminal Justice agencies; a work programme is advancing criminal justice system issues.

Overall Departmental Structure

This is an area where progress has been slower than anticipated because the Department's remit has continued to grow apace since the Toland Report. Three additional agencies were created – the Charities Regulatory Authority in 2014, and the Policing Authority and the Legal Services Regulatory Authority in 2016. Two other agencies were transferred at end 2015 from other Departments (the Valuation Office and its appeal body, the Valuation Tribunal from D/Public Expenditure and Reform) and the Ordnance Survey Ireland from D/Communications, Climate Action and the Environment). These additional bodies and policy areas brought the number of agencies to 29 and further complicated an already complex sector. In 2016, the Department engaged Mazars Management Consultants to analyse and evaluate the broad structure of the Department and advise how it could be more effectively organised to deliver on its strategic and business objectives. Arising from the report, the Management Board has approved a detailed work programme, starting (subject to sanction) with two separate Deputy Secretary areas - Justice and Home Affairs (formerly the Criminal Justice area) and including a dedicated Assistant Secretary post with responsibility for Governance.

In June 2017, the Taoiseach agreed to a proposal to transfer the Charities Regulatory Authority to D/Rural and Community Development (which has already happened) and the Valuation Office, OSI and Property Registration Authority to the Department of Housing (a memorandum is scheduled to go to Government shortly to effect this transfer from 1 January 2018).

A further complication in terms of a cohesive structure has been the spread of the Department's HQ staff over eight separate buildings (previously nine) in the Dublin 2 area. While the Office of Public Works has provisionally agreed to relinquish 52 St Stephen's Green so that the majority of staff (outside the Immigration area) could be co-located between 51 and 52 St Stephen's Green, no timeframe has been set for this.

Leadership and Management

Developing Management Capacity

The Management Board engaged external facilitators in 2015 to work with it over a twelve month period on its transformation process, e.g., on issues such as communications, behaviours, sustaining change, succession planning. This was a successful engagement which also supported the MB in developing its operating procedures and identifying key strategic priorities.

Since 2015, 95 staff at Higher Executive Officer, Administrative Officer and Assistant Principal Officer level have completed a tailored 20 day leadership development programme and another 115 officers will complete the programme by end 2018. In conjunction with the IPA, the Department has also developed a cross-sector criminal justice leadership programme and 18 participants from across the criminal justice system have been selected for the first iteration of the programme.

A PO Forum was established in December 2014 and meets regularly. This has been crucial to engaging POs in identifying how they can contribute to improving the coherence and efficiency of the Department's overall performance. They also have the opportunity to contribute corporately through selecting two Principals on rotation to the Management Board and this has also prepared people for the step up to senior management level.

The Department of Public Expenditure and Reform introduced a centralised talent management programme for those at Principal Officer level in the Civil Service. This PO Executive Leadership Programme programme is delivered by Roffey Park Institute, a U.K. based organisation with experience in organisational leadership in both public and private sectors. The Department has three Principal Officers participating on the programme and will continue to avail of the programme into the future as part of an overall approach to building senior leadership capability and succession planning.

Garda Reforms

The range of specific recommendations identified by the Toland Group in relation to An Garda Síochána has been implemented but remains a continuing priority for the Department.

The establishment of an Independent Policing Authority in 2015 was at the core of the Government's reform programme and represents a far-reaching reform of the Garda Síochána. The Authority provides a new independent and dedicated forum for the public oversight of policing services in Ireland. It also provides a new engine to drive reforms of the policing system and practices, to ensure that the Garda Síochána is fit to address the ongoing and emerging challenges of modern policing. The Authority has extensive functions, including functions concerned with overseeing the governance, structures and performance of the Garda Síochána in the policing area.

A Commission on the Future of Policing was established in May 2017 to undertake a comprehensive root and branch examination of all aspects of policing in Ireland.

A restructuring of the policing area of the Department also took place and new structured governance arrangements with An Garda Síochána have also been introduced. A Corporate Governance Agreement was put in place in 2016 and an updated Agreement was signed by the Secretary General and the Garda Commissioner on 23 November 2017 with the aim of bringing the governance arrangements between the Department and An Garda Síochána into line with the 2016 edition of the Code of Practice for the Governance of State Bodies. It sets out the broad governance and accountability framework within which An Garda Síochána operates, and defines key roles and responsibilities which underpin the relationship between An Garda Síochána on the one hand and the Department, the Minister and the Government on the other.

Among the Garda commitments in the Agreement is a commitment to ensure that effective governance and risk management frameworks are in place in the organisation and an undertaking to keep these frameworks under review to ensure their continued effectiveness.

The Agreement also requires at least two Governance meetings between the Department and An Garda Síochána per annum and that such meetings will afford both organisations the opportunity to address any matters arising out of the operation of this Agreement and will, inter alia, consider:

- any specific policy issues pertaining to An Garda Síochána;
- any matters that should be brought to the attention of the Minister including—

- any matter that might be comprehended by section 41 of the Act of 2005,
- any internal governance-related matter,
- any matter relating to An Garda Síochána that might have been the subject of, or might give rise to, public commentary or scrutiny,
- any matter that might impact on the reputation of An Garda Síochána.

In addition, provision is made for regular meetings involving the Department, An Garda Síochána and the Policing Authority. Officials also meet monthly with An Garda Síochána to oversee progress on strategic and resource matters. In addition, arrangements are in place for quarterly meetings involving the Department, An Garda Síochána and the Policing Authority in the context of the Authority's statutory functions in relation to advising the Minister with regard to Garda resources

2017 Stocktake of the Change Programme

In 2017, the Management Board decided that it was an appropriate time, after over two years of implementation, to take stock of the strategic reforms implemented to date and identify priorities for the next phase up to 2021. EY Management Consultants were contracted to undertake a detailed assessment and identify progressive actions for a further phase of organisational improvement, taking into account the current operating environment and developments.

EY engaged with key internal and external stakeholders, including the Management Board, the PO Forum, staff representatives at all levels, chair and members of the Audit Committee, Heads of Agencies and key external stakeholders such as the Department of Public Expenditure and Reform and the Attorney General's Office. They also engaged with the Tánaiste as a former Minister, and the Special Adviser to the current Minister. EY has submitted a draft report, which acknowledges the significant progress in implementing the Toland Report recommendations and identifies six key actions for the future focus:

1. Change programme should be formally closed and a new Programme established with a clear purpose owned by the Department.
2. Move from outputs to outcomes. The next phase of change needs to be outcome-focused with clarity on how progress of the activities is measured.
3. Implement the structural changes. The recommendations on the structure of the Department need to be implemented and consideration given to internal interactions.
4. Capability building. New capabilities should be considered in Continuous Improvement and Organisation Design. Sustaining technical knowledge in complex areas needs attention.

5. Enhance relationships with key stakeholders. Build on the governance frameworks with Agencies to further articulate the roles and responsibilities of all parties.
6. Shift to external focus. The Department needs to garner valuable fresh perspectives by looking outwards to other reference organisations and pro-actively engaging with external stakeholders.

ENDS

24 November 2017.