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Department of Finance

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Circular 23/06

Minute of the Minister for Finance on the 2002 Third Interim Report of the Committee of Public Accounts on the Department of Justice, Equality and Law Reform and related issues

A Chara

I am directed by the Minister for Finance to enclose for your information and guidance a copy of the Minute of the Minister for Finance on the 2002 Third Interim Report of the Committee of Public Accounts on the Department of Justice, Equality and Law Reform and related issues.

Mise le meas

Noel T. O’Gorman
Second Secretary General

To: All Accounting Officers

Minute of the Minister for Finance
on the 2002 Third Interim Report of the Committee of Public Accounts on
Department of Justice Equality and Law Reform and related issues

The Minister for Finance has examined the Committee's Third Interim Report of 2002 and has taken account of its findings. In relation to the Committee's recommendations, his response is as follows:

1. Dept. of Justice Equality and Law Reform - Chapter 4.1
Provision for accommodation for asylum seekers

- *A code of practice for consultation, with both the local communities and the planning authorities, in advance of major capital outlays should be developed.*

The Minister for Finance has been assured by the Commissioners for Public Works that in all cases where OPW has direct responsibility for major capital works, there is consultation with local communities and planning authorities.

- *The monitoring of the cost of accommodation services should be based on full costs, that is, including capital depreciation and ongoing insurance, security and maintenance costs.*

The Minister agrees that the monitoring of the cost of accommodation services should be based on full costs, including ongoing current costs.

- *More coherence and better coordination between all the State agencies involved is needed in the implementation of the strategy for providing accommodation for asylum seekers.*

The Minister has been advised by the Commissioners for Public Works that, since 2000, there is improved coordination between State agencies involved in the implementation of the strategy for providing accommodation for asylum seekers.

- *O.P.W. should review their resource base to ensure that they have the expertise necessary to undertake complex property transactions.*

The Minister has been assured by the Commissioners that they are satisfied that, in the normal way, adequate resources and expertise are available to the OPW to undertake all property transactions - on occasions, however, the engagement of consultants/agents to undertake work of this nature may be required. The Minister for Finance also understands that the Property Management Division of OPW has received ISO Accreditation and its approved manual of procedures contains a detailed

step-by-step process to be adopted in all property transactions. These processes are independently audited, continuously monitored, amended and updated as necessary.

- ***O.P.W. should adopt a more proactive approach to keeping properties in a manner that would maintain their full value.***

The Minister is advised that OPW adopts a pro-active approach to the maintenance and upkeep of properties in order to maintain their full value.

2. Department of Justice, Equality and Law Reform - Chapter 4.2

Sick leave in the Prison Service

- *There should be more monitoring and evaluation of the causes of sick leave in the prison service.*

The Minister for Finance is advised by the Department of Justice, Equality and Law Reform that this recommendation has been accepted by that Department.

The Minister is further advised by that Department that while a certain level of employee absence is an unavoidable feature of all employment, the nature of the working environment differentiates the prison service from employment in the general civil service. Prisons can be unpleasant places to work in because of, inter alia, overcrowding in some institutions, noise, potential danger from inmates, irregular work patterns, etc. While it is possible to reduce the amount of absence caused by certain aspects of the work such as injuries on duty, others of the aforementioned factors which are known to contribute to sick leave, are less easily remedied.

Available analysis of sickness data typically indicates that the causes underlying short-term absences are likely to be due to respiratory, digestive or nervous system disorders (colds, upset stomachs and headaches). Longer term absences, on the other hand, tend to be dominated by mental illness and musculoskeletal symptoms. This means that appropriate interventions will vary depending on whether the Prison Service is seeking to reduce the numbers of staff on long or short term absence.

The Report of the Office of the Comptroller and Auditor General on "The management of sick leave in Prisons" found that sick leave in the prison service arises mainly because of injury (24%), respiratory problems (22%), musculo-skeletal disorders (18%) and psychological causes (12%). Most of the medical causes of sick leave in this jurisdiction are also commonly experienced by Prison Service employees in England and Wales where the National Audit Office found that psychological conditions, musculo-skeletal problems, respiratory and gastro intestinal problems accounted for over 60% of the working days lost amongst staff.

The Minister notes that the Prison Service, in order to successfully monitor and evaluate the causes of sick leave, requires a policy that not only emphasises the prevention of absenteeism but also gives sufficient priority to those who are 'legitimately' absent and aids their return to work. Insofar as monitoring is concerned, there are regular meetings between Governors and Prison Service management to review individual sick leave records.

As a means of focusing on the issue, printouts showing the sick leave records of officers who have had more than 60 days sick in the previous four years (30 days sick leave for officers who have been recruited since 2001/2002) are discussed. This figure does not indicate an acceptable level of sick leave: it is simply an administrative filter to focus on the more serious cases. Discussions centre not just on the level of an individual's sick leave but also on the causes of their sick leave, and only then are decisions taken on how to tackle those officers whose records suggest absenteeism. Monitoring, at local level, includes recording the causes of sick leave in accordance with the provisions of Circular 7/78 wherein it is stated that "if an officer submits a medical certificate which does not state the nature of the illness.... it should be pointed out that it is not possible to grant sick leave if the proper certificate is not submitted". The prison service has had occasion to refuse payment for sick absences where the cause of such absence was not provided. Should monitoring of the levels and causes of sick leave provide evidence of abuse of the privilege, there is then a choice of sanctions to be imposed.

- *The factors leading to high levels of sick leave in some locations should be tackled.*

The Minister is advised by the Department of Justice, Equality and Law Reform that this recommendation has been accepted by that Department.

The Minister notes that the PAC Report found that the incidence of sick leave in three prisons - Cork, Limerick and Portlaoise - during the period 2000 to 2002 was consistently in excess of the national average. This is correct but, as the Secretary General of the Department of Justice, Equality and Law Reform advised at the time, a small number of officers made a disproportionate contribution to the total sick leave recorded for each of the prisons in question. In Cork, 18% of officers incurred 55% of the sick leave; in Limerick 10.7% of staff incurred 48% of the sick leave; in Portlaoise, just 6.6% of staff incurred 32% of the total sick leave. Following from this, there were specific reasons why a small number of officers in each of the three institutions named might be absent on sick leave for a prolonged period of time.

In Limerick, as was widely reported in the media, officers' homes were attacked and their families, including young children, intimidated by criminal elements leading to some officers being absent from duty for prolonged periods because of the stress and trauma associated with such attacks. There was also an incident in Limerick Prison (in which there is ongoing litigation involving fourteen officers) which gave rise to very substantial levels of sick leave during the period mentioned in the Report and following which some officers retired on ill-health grounds. Portlaoise, meanwhile, is a high security prison, which presents particular problems for officers employed there.

Furthermore, the age profile of prison officers employed in Portlaoise (and Cork) is considered to be a factor in the level of sick leave in both institutions.

The Minister is further advised by the Department of Justice, Equality and Law Reform that in 2004 and again in 2005, the aforementioned three institutions continued to have some of the highest levels of sick leave in the State on a per capita basis. Cork, followed by Limerick and Portlaoise, remain well in excess of the national average. Any examination of the data must, however, take account of the large number of officers who are absent due to long-term illness. In Limerick, for example, in the four-year period 2001 to 2004, absences totalling 5,609 days were attributable to just twenty members of staff. This obviously impacts adversely on sick leave for the prison as a whole. The twenty officers in question were absent, in large part, for reasons unconnected to their employment including heart surgery, angina and car accidents. Three of the officers retired from the prison service last year. Similar situations exist in relation to Cork Prison and, to a lesser extent, Portlaoise. Notwithstanding the high level of sick leave involved, prison service management has little or no control either in the duration of such absences or the reasons giving rise to same.

However, some progress has been made. The introduction of a system of additional hours working (based on the concept of the annualised hours system) has, as the PAC acknowledged, the prospect of having a positive impact on the incidence of sick leave generally, given that it will introduce a greater degree of regularity and uniformity into the working hours of prison officers. An assumption of a 33% reduction in sick leave is built into the new system. The new system is only in place in all prisons for six months and, although in some prisons progress has been made, the projected reduction has not been achieved to date. Notwithstanding this, it is important to point out that the new system effectively caps and contains the cost of sick leave replacement.

Finally, research will be undertaken which will provide an in-depth analysis into why so many staff suffer injuries at work and how best the prison service can fulfil its duty of care requirement in this regard.

3. Courts Service - Chapter 5.1

Refurbishment of Cork Courthouse

- ***O.P.W. needs to review its approach to the negotiation of property leases with a view to obtaining best value for money and, in particular, to ensure that expenditure undertaken in relation to the refurbishment of premises is taken into account.***

The Minister for Finance has been informed by the Commissioners of Public Works that they have reviewed and revised all their property procedures in recent years. The revised procedures set out clearly the various steps to be followed when properties are being acquired by the OPW on behalf of Govt. Depts/Agencies. The procedures have been assessed by the National Standards Authority of Ireland and have been deemed suitable for ISO accreditation. Underlying the procedures is the requirement to achieve value for money in the acquisition and refurbishment of properties and office accommodation.

- ***Protocols governing the co-ordination of all State parties to significant property dealings should be drawn up.***

The Commissioners have advised the Minister that they have updated the procedures, where appropriate, to ensure greater coordination in situations where there is a number of State bodies, including the OPW, involved in specific property acquisitions. As a result, the OPW will play a key role in such acquisitions in terms of assessing the property options, negotiating the deals, advising on architectural and related matters and ensuring compliance with the property procedures.

4. Office of Public Works – Chapter 3.1

Provision of Accommodation for Probation and Welfare Service

- *The full financial implications of choosing particular locations for the delivery of public services should be determined before final commitment to proceed is given.*
- *O.P.W. should tighten up its procedures to better protect the taxpayer in its dealings with landlords.*
- *Accurate information on the likely costs of fitting out properties should be available to decision makers before legal commitments are made.*

The Minister for Finance has been advised by the Commissioners of Public Works that it is now the general policy that leases are not signed until the full financial implications for the taxpayer including fit-out costs, landlord works, etc. are clarified and agreed.

The Minister has also been advised by the Commissioners that, to this end, it is now the general policy to occupy leased premises only after leases have been signed. As regards cost estimates for fit-out works, the Minister has been assured by the Commissioners that every reasonable effort is made to anticipate the client's requirements but that it can happen that, because of unforeseen circumstances, the final brief will differ from the initial brief and that in such circumstances it is only possible to give firm estimates on completion of contract documents prior to the invitation of tenders.

5. Value for Money Report Number 46 - Probation and Welfare Service

- ***As part of MIF management reporting, the P&WS should monitor and analyse case load variations between community based teams. There is insufficient information on how staff are deployed and the outputs they produce.***

The Minister for Finance is advised by the Department of Justice, Equality and Law Reform that as the Committee notes (par.4.11), there has been considerable investment in I.T. in recent years and this continues within the Probation and Welfare Service. The computerisation of Service operations has proceeded to the point where all Probation and Welfare staff, both professional and clerical, now have access to a personal computer. The Case Tracking System (CTS) has been designed and put in place covering all new referrals from courts for reports or for supervision.

The Department of Justice, Equality and Law Reform has been advised by the Director of the Service that he is confident that the system does and will generate quality data to inform management decisions going forward; this will undoubtedly help with the strategic planning of the Organisation into the future.

The Case Tracking System captures the vast majority of the Service's work for 2005 (a small number of remote offices which came late to the system are in the process of uploading the 2005 data into the CTS System: this will be completed shortly).

Version 3 of the Case Tracking System when developed (later in 2006) will capture other areas not currently captured by Version 2, i.e. prison based intervention/work, miscellaneous referrals, repatriation reports etc.

A Probation Staff Management System has been developed and has gone live which will provide quality information for management decisions.

- ***There is some lack of clarity over the objectives of the P&WS and an insufficiency of performance indicators to adequately evaluate its performance. These should be addressed in the next round of strategic and business plans.***

The Minister is advised by the Department of Justice, Equality and Law Reform that one of the main functions of the new Director of the Probation and Welfare Service over the past six months has been to develop a Strategic Statement of Intent for the Service going forward. The Probation Service Strategy Statement and Work Plan of Strategic Actions 2006 – 2007 together with a new website and title, Probation Service, was launched on 26 June, 2006.

The Probation Service objectives for the period in question are to:

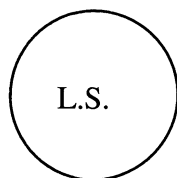
- critically review and develop management and staffing structures
- restructure the delivery of services to the courts and prisons
- create a Young Persons' Probation (YPP) and dedicate specific resources to it
- review and reform where appropriate, funding and service delivery agreements with partner agencies and projects
- further develop restorative justice models and reform/revitalise delivery of community service
- in conjunction with the Department of Justice, Equality and Law Reform, examine the legislative and policy requirements to meet the new demands faced by the Service

• ***The staffing needs of the P&WS should be reviewed in light of the additional functions assigned to the service by legislation in recent years.***

The overall staff numbers are determined by Government policy. The Minister is advised by the Department of Justice, Equality and Law Reform that 30 additional staff (25 professional and 5 administrative) were approved specifically for the Probation and Welfare Service to implement those provisions of the Children Act, 2001 relevant to the Service. The Minister notes that the approved core staffing for the Service now stands at 359 (290.5 professional posts and 68.5 clerical/administrative posts). In addition, there are 79 Community Service Supervisors (23 full time and 56 permanent part-time) employed by the Probation and Welfare Service.

The Probation and Welfare Service has also developed training workshops, resource centres and probation residences to buttress and support the process of supervision in the community. These projects (66 countrywide), with the support of Service staff, enable viable programmes to be put in place for offenders who might not otherwise be manageable in the community and extend the range of choice for courts.

Given under the Official Seal of
the Minister for Finance this
21st day of July, 2006



David Doyle
Secretary General
Department of Finance