



**Tithe an
Oireachtais
Houses of the
Oireachtas**

An Coiste um Chuntais Phoiblí

Scrúdú ar an gCuntas Leithreasa, 2019 i gcomhair Vóta 24 - Dlí agus Ceart agus Comhionannas; agus Vóta 21 - Príosúin

Eanáir 2022

Committee of Public Accounts

Examination of the 2019 Appropriation Account for Vote 24 - Justice and Equality; and Vote 21 – Prisons

January 2022

Contents

CONTENTS	1
DEPARTMENT OF JUSTICE.....	2
INTRODUCTION	2
IRISH PRISON SERVICE	3
INTRODUCTION	3
ISSUES IDENTIFIED AND RECOMMENDATIONS MADE BY THE COMMITTEE OF PUBLIC ACCOUNTS.....	5
APPENDIX 1 COMMITTEE MEMBERSHIP	11
APPENDIX 2 COMMITTEE ORDERS OF REFERENCE	12
APPENDIX 3 WITNESSES	15
APPENDIX 4 REFERENCES.....	17

Department of Justice

Meeting Date: 9 December 2020

[Link to transcript](#)

Matters for Examination:

- Appropriation Account 2019:
 - [Vote 24 – Justice and Equality](#)

Introduction

The Committee met with the Department of Justice (the Department) on 9 December 2020 to examine matters relating to the 2019 Appropriation Account for Vote 24 – Justice and Equality. In 2019 Vote 24 recorded gross expenditure of €540 million. This represented an increase of €84 million, or 19%, on expenditure recorded in 2018.

Of the €540 million gross expenditure recorded in 2019, €223 million was spent on immigration, asylum and citizenship services. This included €130 million on accommodation for asylum seekers, which was a 66% increase on this category of expenditure in 2018. The Committee acknowledges that, following the reconfiguration of government departments in 2020, responsibility for a range of asylum and immigration services, including accommodation for asylum seekers, transferred to the Department of Children, Equality, Disability, Integration and Youth¹.

The Comptroller and Auditor General (C&AG) issued a clear audit opinion in relation to Vote 24. However, attention was drawn to a material level of non-compliant procurement in relation to 41 individual contracts with a value of approximately €8.6 million.

¹ [S.I. No. 436/2020 - Disability, Equality, Human Rights, Integration and Reception \(Transfer of Departmental Administration and Ministerial Functions\) Order 2020](#)

Irish Prison Service

Meeting Date: 10 December 2020

[Link to transcript](#)

Matters for Examination:

- Appropriation Account 2019:
 - [Vote 21 – Prisons](#)
- Comptroller and Auditor General's 2019 Report on the Accounts of the Public Services:
 - [Chapter 7 – Catering and ancillary services in prisons](#)

Introduction

On 10 December 2020 the Committee continued its engagement with the Department of Justice, alongside representatives from the Irish Prison Service (IPS), to examine matters relating to the 2019 Appropriation Account for Vote 21 – Prisons. The Committee also examined Chapter 7 of the 2019 Report on the Accounts of the Public Services – Catering and ancillary services in prisons.

The IPS operates 12 prisons nationally and has an average daily prison population of 3,971 prisoners. At the end of 2019 it employed 3,405 full-time equivalent staff. The IPS operates under a Governance Agreement with the Department of Justice and daily operations are managed by the Irish Prison Service. However, the Secretary General of the Department of Justice is the Accounting Officer for the Irish Prison Service's Voted Expenditure.

In 2019, Vote 21 recorded gross expenditure of €358 million, of which €255 million related to pay. The C&AG issued a clear audit opinion in relation to Vote 21 - Prisons.

However, attention was drawn to a material level of non-compliant in relation to 26 individual contracts with a combined value of €14.8 million.

Chapter 7 of the C&AG's 2019 Report on the Accounts of the Public Services examined the management of catering and ancillary services in the prison system. Overall, the C&AG found that the systems for managing the control and operation of the provision of food within the prison system were weak and needed to be significantly strengthened. The report also found that there were no written agreements underpinning the relationship between individual prisons and Voluntary Mess Committees (VMCs), and that the system to ensure no subsidisation of VMCs from the Prison Vote was inadequate. The Accounting Officer accepted these findings and, in the report, stated that a governance review of VMCs was underway.

Issues identified and recommendations made by the Committee of Public Accounts

Issue 1 – Direct Provision

Direct Provision is the name used to describe the accommodation, food, and weekly cash allowance provided to those seeking international protection in Ireland i.e. asylum seekers.

At the time of the meeting, there were 44 Direct Provision centres providing accommodation for international protection applicants. Seven of these are State-owned while the remainder are leased from private companies. An additional 27 emergency centres were also in use, mainly in hotel-type settings.

In 2019, Vote 24 recorded expenditure of €130 million on accommodation for asylum seekers. This represents a 66% increase on this expenditure in 2018. Due to a lack of capacity in Direct Provision centres €35 million of this was spent on emergency accommodation, an increase of 25% from 2018. The Department attributed this to an increase in the number of asylum seekers accommodated in 2019.

In 2019, there was 4,781 applications for international protection, a 30% increase on the number of applications received in 2018. This is low by European standards and Ireland receives just 0.6% of all international applications made within the EU. The Department stated that the increase in applications resulted in greater reliance on emergency accommodation which is often more expensive.

The Committee is unsatisfied with the State's reliance on emergency accommodation, which is often provided in hotel settings. The Committee is of the opinion that this type of accommodation does not provide adequate facilities for those living there. For example, the Department stated that only 50% of those accommodated in Direct Provision have access to cooking facilities.

While responsibility for the provision of accommodation for those seeking international protection transferred to the Department of Children, Equality, Disability, Integration and Youth in 2020, responsibility for processing applications for international protection remains with the Department of Justice.

According to the *Annual Report on Migration and Asylum 2019: Ireland*, the median processing time for international protection applications was 15.6 months. That report also stated the intention by the then Minister for Justice and Equality to reduce processing times to nine months. The Committee is of the opinion that there is a clear correlation between processing times and the amount of time individuals spend in Direct Provision and, therefore, on the amount spent on Direct Provision.

The Committee also heard from the Department on the use of intermediaries in sourcing accommodation for direct provision. However, Members were not provided with the cost of or the rationale for utilising such intermediaries.

Recommendation 1:

Given the costs associated with Direct Provision, the Committee recommends that the Department of Justice ensures that all applications for international protection are processed within nine months. The Committee also recommends that the Department provides the Committee with an update on current timeframes and the steps it is taking to reduce them.

In relation to the use of intermediaries in sourcing accommodation for direct provision, the Committee recommends that the Department of Children, Equality, Disability, Integration and Youth - to which responsibility transferred in 2020 - provides the Committee with a report on same to include:

- the costs associated with this practice to date,
- the average cost as a component of total costs of direct provision, and
- information on any continued use of intermediaries.

Issue 2 – Detaining Individuals on Immigration Offences

During the course of the meeting the Committee was informed that Ireland does not have a specific detention centre for individuals who are refused entry to the State, or for those arrested for immigration reasons. While individuals are awaiting deportation, they are housed within the prison system.

The Department of Justice informed the Committee that it aims to avoid detaining individuals in this manner and as a result, dedicated facilities are not provided for these occurrences. However, in information later supplied to the Committee, the Department stated that in 2019, 479 individuals were detained within the prison system for immigration reasons. The Committee notes that the number of those detained for these reasons has been increasing steadily since 2017. The Committee is of the opinion that this number is significant and that detaining individuals in prison for these reasons does not represent best practice.

Recommendation 2:

The Committee recommends that the Department of Justice examines the practice of detaining individuals within the prison system who are refused entry into the State. The Committee also recommends that the Department reports back to the Committee with its findings within six months.

Issue 3 – Protected Disclosures in the Irish Prison Service

The Committee raised concerns regarding the process of reporting protected disclosures in the Irish Prison Service (IPS). In 2019 the IPS received eight disclosures that were deemed to be protected disclosures under the *Protected Disclosures Act 2014*. Of these, one was transferred to the Department of Justice and the remaining seven were sent for external investigation. At the time of the meeting, three of these investigations had concluded and one disclosure had been terminated by the investigator.

The IPS informed the Committee that when a disclosure is submitted, it is sent to an external examiner to determine whether it meets the criteria to be classified as a protected disclosure. If a complaint is determined to be a protected disclosure, it is then sent for external investigation.

However, the Committee is concerned that the Terms of Reference for investigating protected disclosures appear to be quite narrow and that cases cannot be sent to An Garda Síochána if criminality is suspected. While the Committee is aware that the Terms of Reference and the legal status of protected disclosure investigations are not determined by the Department of Justice or the IPS, it remains a matter of concern.

Furthermore, the Committee notes that a negative perception of the protected disclosures process could potentially deter individuals from making disclosures for fear of professional reprisal. The Department and the IPS stated that no staff member has been disciplined as a result of making a protected disclosure and that the IPS' Protected Disclosure Policy allows for individuals to make a complaint if they feel they have been disciplined for this reason. Nevertheless, the Committee is concerned that the Protected Disclosure Policy is not fully working in the way it was intended to and that disclosers are not fully protected by the process.

Recommendation 3:

The Committee recommends that the Department of Justice reviews the Protected Disclosure Policy currently applied in the Irish Prison Service with a view to ensuring that the policy is working as intended and that staff members can have confidence in the system. The Committee recommends that this review is carried out within six months and that it is furnished with a copy of the findings.

Issue 4 – Catering and Ancillary Services in Prisons

In the 2019 *Report on the Accounts of the Public Service*, the C&AG reported on catering and ancillary services in prisons. The Committee discussed this chapter alongside the Appropriation Account for Vote 21 - Prisons, focusing on Voluntary Mess Committees (VMCs) and tuck shops.

VMCs operate in most prisons and act as canteen facilities for prison staff. Kitchen facilities are provided to VMCs free of charge and prisoners prepare food under a training regime that is then sold to prison staff. VMCs purchase food from approved suppliers at prices agreed by the Irish Prison Service.

The C&AG informed the Committee that the relationship between the Irish Prison Service and the VMCs is not underpinned by a written agreement and the report found that adequate processes were not in place to ensure there was no subsidisation of food costs for the staff committees. The IPS stated that following publication of the C&AG's report, new oversight arrangements were agreed between the IPS and VMCs, including the signing of an annual service agreement.

Each prison also operates a shop to facilitate the purchase of personal items by prisoners. Most sales are processed electronically with money transferred

directly from each prisoner's personal account for their purchases. However, the report also found that until April 2019 staff were able to make cash purchases in these shops resulting in cash being handled on site.

In 2019 gross profit of €1 million was recorded from sales of €7 million across the prison system. The C&AG found a number of issues in respect of the operation of the prison shops, including weaknesses in controls over stock and cash purchases and delays in the submission of accounts and bank reconciliations. The IPS explained that work was on-going to strengthen the operation and oversight of prison shops.

The Committee notes that many of the issues were previously discussed with the IPS and remains concerned that many of the issues highlighted by the C&AG have not been adequately addressed. Consequently, the Committee wrote to the Minister for Justice requesting an external investigation of the matters raised. In July 2021 the Minister informed the Committee that a review had been approved and provided the Committee with the Terms of Reference. The Committee welcomed this response from the Minister. The Department subsequently informed the Committee that the review would be completed by the end of 2021 and that it expects to be in a position to publish the report by the end of quarter one 2022.

Recommendation 4:

The Committee recommends that the independent review of the operation of Voluntary Mess Committees in prisons is published by the end of quarter one 2022, as stated by the Department of Justice, and that the Committee is furnished with a copy of the report upon its completion.

Appendix 1 Committee Membership

The following TDs were members of the Public Accounts Committee when the report was agreed:

Colm Burke	Fine Gael
Jennifer Carroll MacNeill	Fine Gael
Matt Carthy	Sinn Féin
Cormac Devlin	Fianna Fáil
Alan Dillon	Fine Gael
Neasa Hourigan	Green Party
James O'Connor	Fianna Fáil
Paul McAuliffe	Fianna Fáil
Imelda Munster	Sinn Féin
Catherine Murphy	Social Democrats
Verona Murphy	Independent
Seán Sherlock	Labour
Brian Stanley (Cathaoirleach)	Sinn Féin

Appendix 2 Committee Orders of Reference

Dáil Standing Order 218 – Committee of Public Accounts

- 1) There shall stand established, following the reassembly of the Dáil subsequent to a General Election, a Standing Committee, to be known as the Committee of Public Accounts, to examine and report to the Dáil upon—
 - a) the accounts showing the appropriation of the sums granted by the Dáil each year to meet the public expenditure and such other accounts as they see fit (not being accounts of persons included in the Second Schedule of the Comptroller and Auditor General (Amendment) Act 1993) which are audited by the Comptroller and Auditor General and presented to the Dáil on an annual basis, together with any reports by the Comptroller and Auditor General thereon;
 - b) the Comptroller and Auditor General's reports on his or her examinations of economy, efficiency, effectiveness evaluation systems, procedures and practices; and
 - c) other reports carried out by the Comptroller and Auditor General under the Act.
- 2) In considering particular accounts pursuant to paragraph (1)(a), the Committee shall examine whether, having regard to changes in—
 - a) the volume or quality of services or other outputs delivered, and
 - b) associated expenditure, over time, it can be demonstrated that value for money has or has not been achieved.
- 3) The Committee shall bring conclusions and recommendations reported to the Dáil pursuant to paragraph (1)(a) in relation to particular accounts to the attention of the relevant Committee established pursuant to Standing Order 95.
- 4) The Committee may suggest alterations and improvements in the form of the Estimates submitted to the Dáil and shall bring any such suggestions as reported to the Dáil to the attention of the Committee on Budgetary Oversight.

- 5) The Committee may proceed with its examination of an account or a report of the Comptroller and Auditor General at any time after that account or report is presented to Dáil Éireann.
- 6) The Committee shall have the power to send for persons, papers and records.
- 7) Paragraphs (4) to (9) inclusive of Standing Order 96 shall not apply to the Committee.
- 8) Every report which the Committee proposes to make shall, on adoption by the Committee, be laid before the Dáil forthwith whereupon the Committee shall be empowered to print and publish such report together with such related documents as it thinks fit.
- 9) The Committee shall present an annual progress report to Dáil Éireann on its activities and plans.
- 10) Notwithstanding the provisions of paragraph (1) of this Standing Order, the Committee shall have the power to examine and report upon a specific matter of general public interest relating to the appropriation of public moneys, which is not comprehended by appropriation accounts or reports of the Comptroller and Auditor General within the meaning of paragraph (1), subject to—
 - a) a positive determination having been made by the Committee on Remit Oversight under Standing Order 93A pursuant to a request by the Committee of Public Accounts under Standing Order 93B for an extension to its orders of reference for the purpose of examining the matter; and
 - b) the approval of the Dáil by way of an appropriate motion under Standing Order 93B to instruct the Committee in conducting its examination of the matter.
- 11) The Committee shall refrain from—
 - a) enquiring into in public session, or publishing, confidential information regarding the activities and plans of a Government Department or office, or of a body which is subject to audit, examination or inspection by the Comptroller and Auditor General, if so requested either by a member of the Government, or the body concerned; or

b) enquiring into the merits of a policy or policies of the Government or a member of the Government or the merits of the objectives of such policies.

12) The Committee may, without prejudice to the independence of the Comptroller and Auditor General in determining the work to be carried out by his or her Office or the manner in which it is carried out, in private communication, make such suggestions to the Comptroller and Auditor General regarding that work as it sees fit.

13) The Committee shall consist of thirteen members, none of whom shall be a member of the Government or a Minister of State, and four of whom shall constitute a quorum. The Committee and any sub-Committee which it may appoint shall be constituted so as to be impartially representative of the Dáil.

Appendix 3 Witnesses

The Comptroller and Auditor General Mr. Seamus McCarthy is a permanent witness to the Committee and attends all of its engagements.

The following table contains the names of witnesses who provided information to the Committee during its meeting on 9 December 2020:

Department of Justice	
Ms Oonagh McPhillips	Secretary General
Ms Oonagh Buckley	Deputy Secretary General (Acting)
Ms Martina Colville	Assistant Secretary General
Mr. Doncha O’Sullivan	Assistant Secretary General
Mr. Seamus Clifford	Principal Officer
Mr. David Delaney	Deputy Head of Immigration Service Delivery

Department of Public Expenditure and Reform	
Mr. Liam Gleeson	Assistant Principal Officer – Justice Vote Section

The following table contains the names of witnesses who provided information to the Committee during its meeting on 10 December 2020:

Department of Justice	
Ms Oonagh McPhillips	Secretary General
Mr. Doncha O’Sullivan	Assistant Secretary General

Irish Prison Service	
Ms Caron McCaffrey	Director General
Mr. Fergal Black	Director of Care and Rehabilitation
Mr. Don Culliton	Director of Human Resources
Mr. Derek Caldbeck	Director of Finance and Estates

Department of Public Expenditure and Reform	
Mr. Liam Gleeson	Assistant Principal Officer – Justice Vote Section

Appendix 4 References

Information from the following sources informed the Committee's recommendations: -

References
Transcript 09.12.2020
Transcript 10.12.2020
Appropriation Account 2019 Vote 24 - Justice and Equality
Appropriation Account 2019 Vote 21 - Prisons
2019 Report on the Accounts of the Public Service Chapter 7 – Catering and ancillary services in prisons
Annual Report on Migration and Asylum 2019: Ireland
Protected Disclosures Act 2014
R0283 PAC33
R0298 PAC33
R0481 PAC33
R0723 PAC33
R0984 PAC33

Houses of the Oireachtas

Leinster House
Kildare Street
Dublin 2
D02 XR20

www.oireachtas.ie

Tel: +353 (0)1 6183000 or 076 1001700

Twitter: @OireachtasNews

Connect with us



Download our App

