

Office of the Attorney General

IRDP report

for

Q4 2016

1 Governance

1.1 Governance

Senior Responsible Owner: Liam O'Daly (Director General, AGO), Eileen Creedon (Chief State Solicitor) and Paul Linehan (Chief Parliamentary Counsel))

Action:

Both Offices have in place procedures and initiatives to ensure that the Public Service reform agenda is progressed. The Director General and the Chief State Solicitor retain overall responsibility for the implementation of all the measures being undertaken. However, oversight of each significant task has been allocated to senior staff member at MAC level. In the AGO Public Service Reform is a permanent MAC agenda item and each relevant Senior Responsible Officer is asked to report regularly to the Committee on progress made. In the CSSO the Chief State Solicitor and Head of Administration monitor implementation of the actions, again with significant tasks allocated to senior staff and regular reports to MAC. Many actions in both the Offices have become MAC agenda items in their own right, for instance PMDS, Knowledge Management, Statement of Strategy, Reduction in Legal Costs. They are reported on at the monthly meetings and at joint AGO/CSSO MAC meetings.

Q4 Update: Green

The Director General and Chief State Solicitor continue to oversee the progress under the reform agenda. Specific progress on the main actions is set out below.

2 Departmental / Sectoral Reforms

2.1 Reduction in Costs - Legal Fees

Senior Responsible Owner: Liam O'Daly (Director General AGO) and Eileen Creedon (Chief State Solicitor)

Action:

The issue of fees has been under very close scrutiny for the last several years. There has been a 32% reduction in legal fees paid out when comparing 2008 expenditure with 2015. Savings in this area fluctuate depending on the complexity of cases and the demand for services. However, the Offices will continue to monitor, evaluate and reduce as necessary all fee notes received from counsel to ensure the State gets the best possible value for its spend. In the CSSO the Professional Fees Control Group will continue to meet fortnightly through 2016 to monitor expenditure and ensure consistency in payment of fees.

D/PER has acknowledged that the level of savings which have been achieved is very acceptable. The Offices are examining alternative methods of engaging counsel including the possibility of introducing a tendering process for counsel interested in representing the State in certain areas of work and whether this is capable of achieving any additional savings.

Q4 Update: Green

The payment of counsel fees continued to be monitored by both the Director General and the Chief State Solicitor during Q3 and Q4 of 2016. The matter was also a permanent topic on the Main Management Committee (joint MC of AGO and CSSO) agenda during this period. In Q3 and Q4 of 2016 the Professional Fees Control Group met weekly, supervising the payment of legal fees. EUR12.1 million in counsel fees were paid by the end of 2016, representing over 1,915 cases.

2.2 Law Reform Programme

Senior Responsible Owner: Ray Byrne (LRC Full-time Commissioner)

Action:

The Government approved the Law Reform Commission's Fourth Programme of Law Reform in October 2013 and work is underway on seven of the eleven projects in the programme, with one project completed: see www.lawreform.ie for details.

The Commission revised its working methods across all aspects of its work in order to increase its efficiency and output. Issues Papers have proved to be successful in achieving greater levels of responses from interested parties and at an early stage of law reform projects. The Commission has developed a new template for Reports and Issues Papers which will be used in 2016. Video Conferencing has been successfully used to facilitate a range of meetings at a distance, including consultative meetings. The Commission decided to acquire a new library management software system which will be implemented in 2016 so as to provide additional online access for legal researchers from their own desktop, which will enhance the efficiency of the research process. The Commission will also develop in 2016 an improved electronic records management system for all sections in the Commission. The Commission will also begin work in 2016 on a consultative process for the development of a Fifth Programme of Law Reform.

In connection with law reform, the Commission will publish the following in 2016:

- Issues Paper on Corporate Offences and Regulatory Enforcement

- Report on Crime affecting personal safety, privacy and reputation, including cyber-bullying

- Report on Documentary Evidence, Hearsay and Expert Evidence

- Issues Paper on Section 117 of the Succession Act 1965

- Report on Section 117 of the Succession Act 1965

- Issues Paper on Compulsory Acquisition of Land

- Discussion Paper on Domestic Implementation of International Obligations (and Inventory of International Obligations)

- Issues Paper on Consolidation and Simplification of the Statute Book

As part of its work on Access to Legislation, the Commission will publish the following in 2016:

- updates to the Legislation Directory of Acts and Statutory Instruments every 4-6 weeks; extension of the scope of the LD for SIs if possible back to 1998;

- bi-annual updates to the Classified List of Acts in force;

- a first draft of a Classified List of Statutory Instruments in force;

- updates to (currently 260) published Revised Acts (administrative consolidations of Acts) as they are

amended; and

- new revisions of all Acts from 2006 onwards (other than Finance and Social Welfare Acts) if they are textually amended.

The Legislation Directory is published on the eISB. The Revised Acts and Classified List of Acts in force are published on the Commission website; links to these from the eISB were put in place in 2014. As part of the redesign of the eISB, it is planned to include links to Revised Acts from each page of each of the original Acts-as-enacted, thereby greatly enhancing the visibility of Revised Acts.

Following a strategic review of IT in the Access to Legislation project the following will also be implemented in Q1 and Q2 2016:

- conversion of the Legislation Directory repository from XML files to a database so as to enable better management and automation of certain functions;

- Addition of hyperlinks to legislation in the Revised Acts and Classified List;

- Semi-automation of the Classified List of Acts;

- In response to the new layout and formatting of Acts from 2013 onwards, creation of a set of formatting utilities and new PDF design for the production of Revised Acts;

- Creation of Revised Act web pages for publication of Revised Acts in legislative units (sections etc.), as well as entire as at present.

Q4 Update: Green

In relation to its law reform research work, the Commission has begun or completed work on all projects in its Fourth Programme of Law Reform (other than on the two projects - on sexual offences and residential tenancies - that have been overtaken by Government proposals). Work on three of the projects had been completed by end 2016. The Commission is also working on a request from the Attorney General under the Law Reform Commission Act 1975 concerning media reporting and defamation law.

The Commission published the following 6 documents in 2016:

- *Report on Harmful Communications and Digital Safety* (LRC 116-2016): recommendations for (a) reform of criminal law concerning harmful communications; and (b) Digital Safety Commissioner to oversee effective take-down of online harmful communications. Includes a Draft Harmful Communications and Digital Safety Bill.

- *Report on Consolidation and Reform of Aspects of the Law of Evidence* (LRC 117-2016): recommendations for (a) reform of hearsay rule, documentary and expert evidence; and (b) consolidation and reform of 18 Evidence Acts (including 15 pre-1922 Acts). Includes a Draft Evidence (Consolidation and Reform) Bill.

- *Issues Paper on Regulatory Enforcement and Corporate Offences* (LRC IP 8-2016): addresses 12 issues concerning (a) enforcement and supervisory powers of financial and economic regulators and (b) reform of corporate criminal liability.

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Issues Paper on section 117 of the Succession Act 1965 (LRC IP 9-2016): identifies issues concerning reform of section 117 of 1965 Act, which provides for challenges to wills by children (including adult children).

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Issues Paper on Contempt of Court and Other Offences and Torts Involving the Administration of Justice (LRC IP 10-2016): addresses reform of contempt of court law and other related areas, including law on litigation funding (maintenance and champerty).

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Issues Paper on Accessibility, Consolidation and Online Publication of Legislation (LRC IP 11-2016): describes current situation on accessibility of legislation; and identifies possible improvements, notably as to planned programmes of consolidation and enhanced online publication of legislation in amended (Revised) form.

The Commission also hosted a major conference on its project on regulatory enforcement and corporate offences in Dublin Castle on 3rd November 2016. Papers were presented at the conference by: Dr Imelda Higgins, Barrister, Senior Associate, McCann FitzGerald Solicitors, Dublin; Professor Christopher Hodges, Professor of Justice Systems, Centre for Socio-Legal Studies, University of Oxford; Professor Irene Lynch-Fannon, School of Law, University College Cork; Professor David Ormerod, Professor of Criminal Justice, University of London and Commissioner, Law Commission of England and Wales; Ms Derville Rowland, Director of Enforcement, Central Bank of Ireland; and Professor Colin Scott, Professor of EU Regulation & Governance, UCD Sutherland School of Law, University College Dublin.

In 2016 the Commission also began preparatory work on the development of its Fifth Programme of Law Reform.

In relation to its work on Access to Legislation, the Commission published the following in 2016:

- Updates to the Legislation Directory of Acts and statutory instruments every 4-6 weeks;
- An additional two years of legislative effects made by over 1,100 instruments in 1998 and 1997, thus extending the Legislation Directory for SIs to effects that now cover 20 years from 1997 to 2016;
- Classified List of In-Force Acts (over 2,000 Acts classified under 36 subject headings) updated in February and September;
- First version of Classified List of In-Force Acts and In-Force Statutory Instruments was published in May 2016; updated in September 2016 to incorporate feedback from a number of Government Departments;
- Over 290 Revised Acts (full text of Acts in their amended form) are now maintained and updated on the Commission's website: these include all amended post-2006 Acts (other than Finance and Social Welfare Acts) and over 130 of the most-used pre-2006 Acts (a number of new pre-2006 Acts were added in 2016 on the basis of requests received from Departments).

The Commission is working with the Office of the Attorney General to enable links from the eISB to Revised Acts to be put in place in early 2017.

The Commission continued to implement its IT strategy, including conversion of the LD files to a database, simplified entry procedure and publication of Revised Acts by section as well as by entire Act.

Work is advanced in relation to

- semi-automation of generation of updates to the Classified List;
- addition of hyperlinks to the Revised Acts and Classified List; and
- publication of the Classified List online and in PDF.

Funding has been sought for the formatting utility to accommodate the new format of Acts introduced in 2013.

2.3 Internal Measures for Reduction in Litigation Costs

Senior Responsible Owner: Ruth Fitzgerald (Advisory Counsel Grade I) and Owen Wilson (Assistant Chief State Solicitor)

Action:

As stated above the Offices deliver very focused specialised legal services and do not operate expenditure programmes. Our main contribution to reform and cost savings is in providing efficient legal services. However, by our central position we are able to offer valuable insight into areas where the State incurs legal costs and can provide a forum to develop strategies whereby such costs can be minimised. As these measures usually involve other providers of State legal services many of our reform suggestions are set out in **Section 3 - Cross-Cutting Reforms**. Actions more within the control of the Offices are as follows

Q4 Update: Amber

Progress on specific actions set out below.

2.3.1 Settlement and taxation of costs

Senior Responsible Owner: Ruth Fitzgerald (Advisory Counsel Grade I) and Owen Wilson (Assistant Chief State Solicitor)

Action:

Legal staff in the CSSO will continue to settle costs in uncontested judicial review and habeas corpus proceedings where it is possible to achieve settlement at reasonable levels. A standing instruction on costs from clients in uncontested Article 40 proceedings (see 3.10.1 below) is of considerable assistance in this regard. The creation of a database on costs (see 2.5.2 below) provides very useful information to the CSSO and the AGO on the levels at which costs are being taxed.

Q4 Update: Green

Continuing to settle where reasonable

2.3.2 Data on costs

Senior Responsible Owner: Ruth Fitzgerald (Advisory Counsel Grade I) and Owen Wilson (Assistant Chief State Solicitor)

Action:

The CSSO has completed the development of a Costs Accounting database within its electronic file system (ACME), which is now live. Input of all data concerning legal costs agreed by the CSSO and taxed by the Taxing Masters commenced on 1 October 2014. Reports are currently being developed for use within the Costs Accounting Unit and for Management.

The availability of such data and the generation of costs reports will represent major progress in facilitating the overall cost effective management of litigation.

In addition to the costs database which encompasses costs information on all relevant cases, the Judicial Review Section in the CSSO will continue to maintain and update a table on costs that have been settled in

uncontested judicial review and habeas corpus proceedings. The table which sets out the cause of action in each case, covers cases in the Judicial Review and Asylum Section in the CSSO and the Judicial Review Section in the CPSO. This table will be useful to identify any recurring issues in cases which can be brought to the attention of clients and will also complement the information contained in the Office-wide database. There will be quarterly reporting to CSSO MAC a formal report to Main MAC by the end of Q3 2016.

Q4 Update: Amber

No data available at time of submission of progress report to end Q4 of 2016.

*** R by PMcM***

2.4 Knowledge Management

Senior Responsible Owner: Caitlin Ni Fhlaitheartaigh (Advisory Counsel Grade 1, AGO) and Des Hogan (Assistant Chief State Solicitor)

Action:

Knowledge Management provides a framework for identifying, capturing, delivering and reusing knowledge and information to enable greater work efficiency and enhance the delivery of legal services. The Offices continue to develop knowledge initiatives which are closely aligned with the Offices' joint Statement of Strategy and support the business objectives which will flow therefrom.

Towards the end of 2015 the AGO adopted its third Knowledge Management Strategy following consultations

both externally on latest trends and developments concerning KM and also internally with staff by way of an Office KM survey. An implementation plan is now being finalised with a view to seeking to ensure all action points contained in the Strategy are implemented during 2016.

The CSSO Knowledge Audit Report was completed and presented to MAC in Q4 2015. In Q1 2016 MAC adopted its first Knowledge Management Strategy on foot of the report. During 2016 the Office will roll out the action points contained in the Strategy.

Q4 Update: Green

The Attorney General's Office has implemented 9 out of 18 actions points contained in its Knowledge Management Strategy adopted by the Management Board of the Office January 2016. The achievements so far include:

- Confirmation that each business unit having regular meetings with all staff in the unit;
 - A process governing after action reviews has been developed and is presently being implemented;
 - process in place for ensuring increased engagement in cross-organisational networks and greater participation in internal working groups and committees by administrative staff;
 - the development of drafting precedents on ARK;
 - Greater use of the legal Blog as an internal legal information tool for legal and research staff;
 - Training on use of collections on ARK;
 - Regular feedback from AC1 meetings provided to all Advisory Counsel on cross cutting legal issues;
 - Process in place ensuring greater interaction between Groups on cross cutting legal issues or of general interest;
 - Following a review of Legal Issues Meetings the successful piloting of different formats;
- Work is continuing in relation to the nine outstanding action points.

In relation to the CSSO, the development and launch of the CSSO legal intranet, CSSO Legal, occurred during Q4 of 2016. This was a key component of the CSSO Knowledge Management Strategy Implementation Plan. CSSO Legal is now the primary channel for the sharing of legal knowledge and information in the CSSO. During Q4 Knowledge Plans were developed in Sections across the CSSO. The use of these plans in 2017 will enable the consistent generation of explicit knowledge which can be captured in due course on CSSO Legal.

During Q4 work was also completed on developing various knowledge management connections and networks. Q4 also saw the further development of the CSSO Legal Bulletin, to better align it with the needs and requirements of CSSO legal staff.

2.5 Review of Legal Services Provided

Office of the Attorney General: Q4 2016

Senior Responsible Owner: Richard Barrett (Deputy Director General) and Christine Comiskey (Assistant Chief State Solicitor)

Action:

The AGO/CSSO plans to undertake a continual review of :-

- the legal services it provides to certain State agencies.
- communication issues, particularly ensuring that appropriate stakeholders are informed of, and are consulted where necessary, in the provision of relevant legal advice, including maintenance of Departmental databases of previous AGO advice.

Q4 Update: Green

Engagement continues at Departmental and agency level to address communication and functional questions. The Model for Change has seen a restructuring of responsibilities in certain areas within the CSSO over Q3 and Q4 2016 which has resulted in a more cohesive team structure to service client and associated agency needs. Ongoing dialogue with certain agency entities has resulted in a review of dedicated funding needs with upward revision and specialist recruitment to support service needs.

This is an ongoing project to address best client service needs.

2.6 New In-house Committee tracking recent EU legal issues

Senior Responsible Owner: Caitlin Ni Fhlaitheartaigh (Assistant Secretary) and Des Hogan (Assistant Chief State Solicitor)

Action:

A new internal committee will be set up with responsibility for tracking and providing awareness and education for the Office in relation to evolving significant legal issues. In addition, Office processes and the manner in which the Office engages with clients on EU law issues will be considered anew taking into account past initiatives in EU.

Q4 Update: Green

The oversight committee has met six times and the sub-committees have made good progress in their work:-

- Research is being undertaken on involvement in EU legislation and transposition.

- Updated and new templates regarding intervening in CJEU cases have been produced.

- Work is ongoing on revising an EU Law manual for Departments.

- A programme of delivery of lectures on EU law in the Office has been commenced and in EU law reading group has been set up.

- An attractive and branded manner of communication of EU developments has been put in place.

- There is engagement with the Legal Counsellor in Brussels and consideration of how we engage with the ICEE and the EU Court Agents Network.

3 Cross-cutting Reforms

3.1 Improved Service Delivery / Customer Service

Senior Responsible Owner: Pdraig McMahon (Head of Administration, AGO) and Michael Fallon (Head of Administration, CSSO)

Action:

The Offices will continue to implement the delegated sanction received from D/PER in relation to the management of staff numbers.

Any new central initiatives will be implemented.

Q4 Update: Green

All directions received from D/PER relating to staff numbers and costs have been and will continue to be fully applied.

3.2 Digital Government / ICT - Electronic Irish Statute Book (eISB)

Senior Responsible Owner: Liam O'Daly (Director General AGO) and Paul Linehan (Chief Parliamentary Counsel)

Action:

The electronic Irish Statute Book (eISB) is an on-line repository of legislation available to the public through the web site www.irishstatutebook.ie. The eISB publishes Acts and statutory instruments from 1922 to date and is updated in a timely manner. A Legislation Directory for Acts (updated to November 2015) is also published which enables users of the eISB to identify whether a particular statutory provision has been amended or otherwise affected since its enactment. A Legislation Directory for statutory instruments is also included, which identifies amendments and revocations to statutory instruments effected between January 1999 and November 2015. The eISB also contains the full text of the Constitution with links to amending Acts as well as most of the pre 1922 public and general statutes still in force in the State, following the enactment of the Statute Law Revision Act 2007. The eISB is the primary data source with regard to Irish on-line legislation for the N-Lex system, a web-based common access portal for sources of national law in the EU.

The eISB is reviewed on an ongoing basis to ensure optimum access to electronic legislation and related resources and is maintained managed and, where possible, improved, subject to financial constraints.

Several updates to the eISB are scheduled for 2016, including a new web site design, to improve user access, through all electronic devices, which is due to go-live in February. The second and third phases of the European legislation identifier (ELI) are also scheduled to begin in 2016 in line with best practice in Open and Linked Data initiatives. Other updates to the eISB, scheduled for later in the year, include improvements to the usability of the search function and the inclusion of a selection of Revised Acts.

Q4 Update: Green

An improvement to the search functionality i.e. the addition of highlighted text to search hits has been implemented. Work on the second and third phases of the European Legislation Identifier (ELI) continues with an ELI based eISB metadata ontology schema published in November 2016. A new web hosting site for the eISB server went live in October. The Legislation Directory for Acts and statutory instruments has been updated to November 2016.

3.3 Shared Services

Senior Responsible Owner: Pdraig McMahon (Head of Administration, AGO) and Michael Fallon (Head of Administration, CSSO)

Action:

Both Offices have for years adopted a shared approach to financial, general IT and specialised legal applications in order to reduce implementation and maintenance costs.

The Offices will in 2016 continue to cooperate with requirements and timescales for the proposed Shared Financial Services.

Both Offices will continue to cooperate with the initiatives and timescales in relation to PeoplePoint, Shared Payroll Services and Shared Financial Services.

Q4 Update: Green

Both Offices continue to co-operate fully with the shared services initiatives and have met all targets relating to implementation and/or the supply of information in preparation for planned services.

3.4 Alternative Models of Service Delivery / External Service Delivery

Senior Responsible Owner: Ruth Fitzgerald (Advisory Counsel Grade I) and Des Hogan (Assistant Chief State Solicitor)

Action:

In consultation with the AGO, the CSSO will explore with client Departments modalities to provide additional centralised legal services through resourcing models which include greater focus on streamlining client instructions, early intervention in cases and improving administrative decision making so as to minimise legal challenges.

Q4 Update: Green

In Q3 and Q4, the CSSO continued its discussions with client Departments on how additional demands for legal services could be better resourced, holding meetings with a number of Departments and agreeing additional resourcing to the CSSO to meet anticipated client needs.

3.5 Public Expenditure Reforms and Organisational Performance

Senior Responsible Owner: Richard Barrett (Deputy Director General, AGO) and Maria Browne (Assistant Chief State Solicitor)

Action:

The Offices will publish their joint Statement of Strategy for the period 2016 to 2018 following the formation of the new Government.

The Offices will also develop new Business Plans based on this new Statement of Strategy. This is in line with action 4 of the Civil Service Renewal Plan - Strengthen strategic planning and business planning processes.

Q4 Update: Green

Office of the Attorney General: Q4 2016

The draft Statement of Strategy 2016 - 2019 was submitted to the Programme for Government Office, Department of the Taoiseach on 18 November 2016 for the Taoiseach's observations. The Department reverted on 12 December 2016 with no observations on the draft Strategy Statement.

The draft Strategy Statement was submitted to Government and approved at the Cabinet meeting held on 20 December 2016.

3.6 Leadership Development and HR Reforms

Senior Responsible Owner: Liam O'Daly (Director General AGO), Eileen Creedon (Chief State Solicitor) and Paul Linehan (Chief Parliamentary Counsel)

Action:

Senior management within both Offices are part of the Senior Public Service.

It is possible that some senior managers may retire over the lifetime of this plan and the Offices plan for such eventualities. The filling of any senior vacancies will be subject to D/PER sanction.

Q4 Update: Green

In both Offices, all senior vacancies filled during Q3 and Q4 of 2016 took place following the receipt of D/PER sanction and observed all conditions set out by the Department.

3.7 Increased Openness, Transparency and Accountability

Senior Responsible Owner: Liam O'Daly (Director General AGO), Eileen Creedon (Chief State Solicitor) and Paul Linehan (Chief Parliamentary Counsel)

Action:

The Offices will implement any initiatives relating to accountability, open government, FOI, National Archives etc in such timescales as directed by Government.

The Offices will publish a Corporate Governance Framework as required by 31 March 2016. This is a requirement arising out of the Civil Services Renewal Plan.

The Offices will also continue to offer to Departments specialist training on matters such as FOI, judicial review, extradition etc.

The Office's Estimates are negotiated and agreed with D/PER through the annual estimates cycle. This process involves scrutiny by the Select Committee on Finance, Public Expenditure and Reform. The Offices' accounts are also examined on an annual basis by the C The Offices will comply with any enhancements to these processes. Also, the Offices are in a position to comply with any obligations with regard to the introduction of accrual accounting.

Q4 Update: Green

Both Offices finalised and published separate Corporate Governance Standards.

Both Offices have put in place Protected Disclosures procedures.

3.8 Civil Service Renewal Plan Implementation

Senior Responsible Owner: Liam O'Daly (Director General, AGO), Eileen Creedon (Chief State Solicitor) and

Paul Linehan (Chief Parliamentary Counsel)

Action:

The Civil Service Renewal Plan contains 25 actions for delivery on a phased basis over 3 years. In the coming year, the new Civil Service Management Board will finalise the implementation plans that will clarify detailed actions/targets for Departments and Offices.

During 2016, once the Offices have details of the objectives, suitable action plans will be formulated and action points will then be incorporated into this document so that progress on implementation can be monitored

Q4 Update: Green

The Offices continue to implement all initiatives relating to accountability, openness etc. The Offices have published internal policies relating to the implementation of the Protected Disclosures Act within the Offices and have published their separate Framework Documents for Corporate Governance.

The two new performance management processes one for staff below Assistant Secretary level and the other for Assistant Secretaries are in place and operational.

3.9 Risk Management

Senior Responsible Owner: Richard Barrett, Deputy Director General, AGO) (June Reardon, Parliamentary Counsel, OPC) and Des Hogan (Assistant Chief State Solicitor)

Action:

The Offices maintain a comprehensive Risk Management Programme including internal reviews and regular reports to Government on sensitive files. A Risk Register is maintained and reviewed regularly by MAC.

The Offices are also planning to conduct a series of workshops to assist the Offices' managers in revising/updating their respective Risk Registers. Appropriate statements of assurance will be sought and the Registers will be reviewed by end Q2 2016.

Q4 Update: Green

Both Offices submitted their respective risk registers to the Audit Committee in September 2016 for the views of the Committee. The registers were revised in Q4 of 2016 to take account the observations of the Committee. Legal Group/Divisional and Section Heads and Administrative Unit Heads in both Offices were requested to review their respective risk registers and submit a signed assurance statement to the secretary to the Main MC before end 2016.

3.10 Proposals to Reduce Litigation Costs Involving External Organisations

Senior Responsible Owner: Ruth Fitzgerald (Advisory Counsel Grade I) and Owen Wilson (Assistant Chief State Solicitor)

Action:

The CSSO and the AGO are actively pursuing proposals to reduce litigation costs.

As has been pointed out previously, when Departments/Offices seek legal advice in matters where litigation is threatened, or could possibly arise, the State legal offices will provide advice on the best course of avoiding

litigation and thus minimising financial exposure.

Litigation is managed tightly by the CSSO and the AGO to ensure, for example, that judicial review proceedings are not contested unnecessarily and that appropriate civil cases are identified for early settlement to avoid incurring additional legal costs.

Some organisational initiatives have already been set out above at 2.3 and specific initiatives that involve cooperation with other organisations are identified below. It is anticipated that other initiatives will be developed during the year.

Q4 Update: Green

See below for progress achieved on specific actions.

*** R by PMcM***

4 Civil Service Renewal

4.1 Workforce Restructuring

Office of the Attorney General: Q4 2016

Senior Responsible Owner: Pdraig McMahon (Head of Administration, AGO) and Michael Fallon (Head of Administration, CSSO)

Action:

The AGO, CSSO and LRC have all lost staff compared to 2008 figures. The Offices reorganised and adapted in order to minimise the impact of such losses on the core legal work of the Offices i.e. provision of advice and legal services as well as production of legislation. It is acknowledged that there is a point beyond which losses lead to a reduction in overall efficiency. During 2016 the Offices will continue to be flexible and seek to work with available resource allocations whilst maintaining services and efficiency.

Section 3.11 of the Haddington Road Agreement and Action 16 of the Civil Service renewal Plan refer to proposals to restructure and rationalise grades. In addition, many of the actions in the Renewal Plan will result in changes that will impact on the organisations. Throughout 2016 the Offices will cooperate with any initiatives forthcoming in this area.

The CSSO is conducting Strategic Workforce Planning Exercise and will have preliminary findings by end March 2016 with a final report issued by end 2016.

The AGO will review their Workforce Plan on a quarterly basis throughout 2016.

Q4 Update: Green

The CSSO has completed its Strategic Workforce Planning Exercise. The final report has been submitted to the Department of Public Expenditure and Reform.

4.2 Flexitime

Senior Responsible Owner: Pdraig McMahon (Head of Administration, AGO) and Michael Fallon (Head of Administration, CSSO)

Action:

The Offices' flexitime systems have been amended to include the additional working time required. Both Offices have reduced the maximum amount of flexi-leave to one day per four week period with effect from 1 July 2014.

In future flexitime will only be made available to grades up to the equivalent of Higher Executive Officer. While several serving Assistant Principal Officers currently avail of flexitime the Offices can confirm that this will not apply to future appointments at this grade.

As directed by D/PER the Offices have implemented the pilot scheme extending flexi time arrangements for an 18 month period and will cooperate with any directions following the completion of the pilot.

Q4 Update: Green

New conditions fully embedded.

4.3 Performance Management

Senior Responsible Owner: Liam O'Daly (Director General, AGO), Paul Linehan (Chief Parliamentary Counsel) and Owen Wilson (Assistant Chief State Solicitor)

Office of the Attorney General: Q4 2016

Action:

In the Civil Service Renewal Plan in Action 11 seeks to strengthen the performance management process. The Offices have always been able to report high compliance rates with performance management initiatives. The Offices have fully implemented all iterations of the process so far and will implement all necessary changes for the 2016 cycle.

Q4 Update: Green

A notification issued to all staff from Peoplepoint in December 2016 indicating that 2016 end of year reviews are now available for completion. The AGO Management Committee agreed that all 2016 annual review should be completed, signed off and returned to PeoplePoint BY 31/1/2017 at the latest. To date 36 (31.3%) have been marked as having been received by PeoplePoint.

The CSSO continues to have a high compliance rate with PMDS. 86.5% of CSSO staff are now at the annual review stage of the 2016 cycle which is underway and is due to be completed shortly.

RAG status codes for updates

The following codes are used in this report:

- R: Red - No tangible progress to-date or progress is more than one quarter behind schedule
- A: Amber - Progressing but will not meet target date (no more than one quarter behind schedule)
- G: Green - Implementation complete or on schedule for delivery