

**Public Service Agreement 2010 -2014 (Croke Park Agreement)
CIVIL SERVICE AND NON-COMMERCIAL STATE AGENCY SECTOR**

PROGRESS REPORT: May 2012

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**Progress Report on Action Plan for: Office of the Attorney General
Office of the Chief State Solicitor
Law Reform Commission**

TO BE RETURNED NO LATER THAN 2nd May 2012

1. Summary of Main Progress Achieved in the 12 Month Period 1 April 2011 to 31 March 2012

Highlighted items

Counsels Fees

Compared with 2008 the level of fees paid to Counsel has been reduced significantly. The CSSO has met its target in the reduction of expenditure on Counsel Fees. Costs were 15% lower in 2011 compared to 2010 and 42% (€7.5 million) lower than in 2008.

Ensuring Appropriate Level of Legal Fees

The CSSO along with the AGO is playing an active role in determining the appropriate fees to be paid to counsel representing the State in the recent and ongoing banking cases. While it has been determined that the banks will ultimately pay the fees it is important to ensure that the fees paid are at an appropriate rate for the work involved.

National Procurement

Both Offices have worked in collaboration with the National Procurement Service (NPS) to improve procurement practice across the State and particularly in the development of the standard suite of Tender and Contract documentation for use by Contracting Authorities. The CSSO has dedicated staff to the NPS and has also been involved in training programmes for Departments in relation to procurement generally.

AGO PMDS Compliance

Compliance with PMDS in the AGO is 100% pursuant to the recent report submitted to D/PER and compares very favourably with compliance statistics from other Departments/Offices

Legislation Directory of Statutory Instruments

A new database has gone live on the EISB containing details of amendments made between 1 January 2006 and June 2011. This reduces the burden on Government Departments, legal professionals and the general public as they will no longer need to do or pay for individual research to ascertain the state of the law.

Volume of Legislation and Requests for Advice and Litigation

The Office continues to meet the large volume of requests for complex legal advice, drafting and legal services with diminished resources. The requests are frequently extremely urgent and relate to high profile, high value topics. In particular, those in relation to the legal support required in connection with the EU/IMF Memorandum of Understanding on Specific Economic Policy Conditionality have required the allocation of a great deal of resources.

Legal Costs Recovery

The CSSO achieved its 2011 target of a 25% increase on legal costs recovered compared to 2010. There was an increase of €275,000 in costs recovered over 2010.

Public Service Agreement 2010 – 2014

OFFICE OF THE ATTORNEY GENERAL

1. Better human resource management: To include, for example, actions around the reduction of staff numbers; the redeployment of staff to areas of greatest need; the restructuring/reconfiguration of service delivery; changes to work practices; revisions in attendance arrangements; absence management; performance management etc.

Terms of the Agreement 2010 – 2014	Action	Target Date as per Current Action Plan	Current Position
Paragraphs 1.1, 1.3, 1.4, 1.5 and 4.1	To meet the targets set for the Office under the Employment Control Framework (ECF)	To schedule set by Department of Finance (now by D/PER)	<p>The Department of Finance set a target for the reduction of AGO staff to 127 by the end of 2014. This represents a 10% reduction in overall numbers. The Office has already met this target.</p> <p>From the start of 2010 to the end of 2014 it is estimated that the reduction will save a total of €3.03 million in staff costs. Other initiatives including the incentivised career break scheme and the public sector pay cut will result in a further €3.44 million in savings during the same period.</p> <p>Arising from an increase in the demand for legislation and legal services the Office approached the Department of Public Expenditure and Reform for additional staffing. Following submission of a business case seeking six additional staff the Department sanctioned an increase of two to the Office's existing ECF target bringing the revised number to 129 for 2012 <i>et seq.</i></p>
All Paragraphs	Continuing to improve productivity wherever possible	Ongoing	<p>From within its existing resources the Office has met the increased demands of its clients for advice and legislation.</p> <p>In the past three years and particularly since September 2008 there has been a large increase in complex and urgent work arriving in this Office arising particularly out of the</p>

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			<p>banking/Euro sovereign debt and the EU/IMF Programme. Notwithstanding the cuts in resources, the work continues to be carried out successfully even in pressurised circumstances. This is being achieved by the dedication and flexibility of staff.</p> <p>By way of example, an enormous volume of legislation has been prepared to meet the Q3 commitments to the External Partners in respect of the reform of competition law, supervisory powers of the Central Bank, special resolution powers for the Central Bank, GP contracts and legal services.</p>
Paragraphs 1.1, 1.2, 1.3, 1.4 and 1.11	Reduction in costs where possible	Ongoing	<p>The Office has taken steps to reduce its expenditure across the board. During the past four years the Office's annual expenditure has reduced substantially. At the end of this year net expenditure is expected to be 30% lower than 2008. Net expenditure over that period was:</p> <p>2008 €18.1 million 2009 €15.6 million (13.8 % reduction on previous year) 2010 €13.5 million (13.4 % reduction on previous year) 2011 €13.4 (0.43% reduction on previous year)</p> <p>In relation to counsels' fees, pursuant to procedures and scrutiny processes between the AGO and the CSSO, there has been a reduction in expenditure out of the CSSO Vote of 15% in 2011 compared to 2010 and 42% when compared to 2008 payments.</p>

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Paragraphs 1.1, 1.3, 1.4, 1.5, 1.9, 1.10, 1.11, 4.1, 4.3 and 4.4	Comprehensive Review of Expenditure	Submission to D/PER by end of June 2011. Completed.	<p>In April 2011 the Office along with all Government Departments, Offices and Agencies was requested to carry out a Comprehensive Review of Expenditure in order to identify savings that could be achieved. The Office examined its previous years spending patterns, the core material used in estimating expenditure for the 2012-2014 period and expenditure to that point in 2011.</p> <p>In its report to D/PER the Office was able to identify significant savings in its own vote but also several options which, if pursued, would result in savings elsewhere in the public service.</p>
Paragraphs 1.4, 1.7, 1.9, 1.10, 1.11, 4.3, 4.4 and 4.15	Further roll out of Secondment Programme	Discussions with Departments ongoing.	The Office in conjunction with client Departments, is seeking to add more staff to its Secondment Programme which places AGO legal staff within Departments. The Programme provides direct legal advice and guidance to the client and is successfully in place in 8 Departments. Currently, the Office is engaged in a recruitment process from which it is anticipated approximately eight candidates will be selected and made available for further secondments.
Paragraphs 1.4 and 4.10	Control of Sick Leave A review of staff sick leave taken during 2010 in comparison with previous years will be undertaken. Results including any necessary recommendations will be	In place and ongoing Review completed by	The Office undertakes bi-annual audits of its sick leave as part of its strategy to address issues raised in the C & AG's Report on Sickness Absence in the Civil Service. Recommendations agreed by MAC and implemented in the Office include; <ul style="list-style-type: none"> - Regular reminders issuing to all staff regarding sick

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	<p>submitted to MAC</p> <p>[Update: The Office now undertakes bi-annual reviews of sick leave]</p>	<p>middle of January 2011 with a report to MAC by the end of the same month. Completed.</p> <p>Bi-annual reviews to be completed by middle of January and July with a report to MAC by the following month.</p>	<p>leave procedures</p> <ul style="list-style-type: none"> - Reminder to issue to all staff regarding need to submit social welfare forms - A new letter which issues to staff who have amassed 12 or more days absence over three or more absences in a 12 month period (irrespective as to whether the absences are covered by medical certificate). This will ensure both staff and managers are aware of levels of sick leave - Increment form revisions to draw managers attention to need to factor sick leave into evaluation when determining if increment is to be paid - Sick leave totals are now emailed to managers in advance of interim and annual review meetings. This will enable sick leave to be discussed if necessary at PMDS meetings - Officers are referred to the CMO at the earliest opportunity, but no later than after four weeks continuous sick leave, when issues with their sick leave arise. - HR Unit now undertakes a bi-annual sick leave audit and reports the findings to MAC. <p>The latest Bi-annual review of sick leave covering July to December 2011 have been completed and results show that time lost in 2011 was equivalent to 5.18% compared to 6.98% in 2008.</p>
Paragraphs 1.4 and 4.10	New sick leave procedures	Fully implemented.	In advance of its circulation the Office had already put into practice many of the measures contained in the Department

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	In addition to measures proactively taken by the Office, new measures agreed centrally such as the 10% reduction target will be implemented		<p>of Finance Circular 9/2010. In line with the circular the Office has updated its existing sick leave procedures.</p> <p>The Office will continue to take any measures necessary to monitor sick leave.</p>
Paragraphs 1.1, 1.2, 1.4, 1.5, 1.7, 1.10, 1.11, 4.1, 4.3, 4.4 and 4.5	Continued flexibility to accommodate staff losses	This will be ongoing throughout the term of the Agreement.	<p>The Office recognises the need to reduce the cost of the public sector. As of the end of March 2011 compared to the beginning of 2008 it has reduced staff by 11 members. Practically all of these arise in the administration areas where numbers have decreased by almost 19%. The Office continues to reorganise and adapt in order to minimise the impact that such losses have on the core legal work of the Office i.e. provision of advice and production of legislation. However, administrative staff are integral to the work of the Office by undertaking key tasks such as file maintenance, legal secretarial services and research as well as the full range of corporate support services. In the absence of administrative personnel legal staff will have to spend time dealing with such matters at the expense of their legal work.</p> <p>There is regular consultation with staff in order to find flexible and pragmatic solutions to address shortages and ensure that levels and quality of service are maintained.</p> <p>In August 2011 an AGO staff member transferred to the LRC to fill an existing vacancy. The AGO position is not being filled.</p>

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All Paragraphs	Implement all changes agreed centrally for the creation of a more efficient Public Service	As agreed centrally	The Office is supporting the objectives of the Public Service Agreement and the National Recovery Plan 2011 to 2014 to develop an effective and cost-efficient Public Service. All initiatives agreed centrally such as attendance patterns, sick leave, performance, shared services, the use of new technology etc are or will be implemented as scheduled.
Paragraphs 1.4, 1.13 and 4.12	Performance Management and Development System - Continued development	In place and ongoing	In advance of annual and interim PMDS reviews the HR Unit emails details of an officer's sick leave to each manager. This allows, where necessary, a discussion on sick leave at PMDS meetings. The Office has been able to report 100% PMDS compliance for both 2010 and 2011 pursuant to the reports submitted to D/PER. The Office has implemented the changes required for 2012 and will continue to implement any enhancements to the system as agreed centrally.

2. Better Business Processes: *To include, for example actions to increase efficiency and productivity; rationalise core structures, business processes, accommodation requirements etc; establish shared service approaches, establish cross-functional teams/ new work structures, optimise the potential of new technology to streamline operations and generate efficiencies etc.*

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Paragraphs 1.4, 1.9, 1.10, 1.11, 1.12, 1.13, 4.1, 4.4, 4.11, 4.12, 4.14 and 4.15	<p>Develop protocols and Service Level Agreements with Departments/Offices to agree the most efficient methods of interacting with the Office</p> <p>Build on existing guidelines for seeking advice and the Cabinet Handbook in respect of legislative drafting.</p>	<p>Beginning in February 2011 the project should be completed by September 2011. It is proposed that the results of the programme will be reviewed towards the middle of 2012.</p>	<p>This measure will improve the efficiency of both the Office and the client Departments. Often time can be lost due to Departments submitting ill prepared or incompletely thought out requests for legal advice or drafting. By undertaking this programme of education it is planned that the material submitted will be complete, enabling AGO specialists to concentrate on the advice or drafting required rather than having to become involved in assisting the Department reframe or rethink their request.</p> <p>One of the challenges of the quarterly reviews by the Troika is the demand for legislation to be drafted within very condensed timeframes set by the Programme while the policy is still being decided upon.</p> <p>The need to prioritise resources to meet the demands for legal drafting and advice has meant that this project is progressing slowly. Preliminary work has commenced on a draft document setting out text which will form the basis of agreements in respect of requests for legal drafting.</p>
Paragraphs 1.4, 1.9, 1.10, 1.11, 1.12, 1.13, 4.1, 4.4, 4.11, 4.12,	<p>Assisting Client Departments create a database of previous AGO advices</p>	<p>Discussions are taking place with clients in the course of</p>	<p>In accordance with the Office's KM Strategy the Office will assist :- (a) seconded legal advisers who wish to collate previous</p>

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4.13, 4.14 and 4.15		<p>Client Service review meetings.</p> <p>Follow up as necessary within first quarter of 2011. Full implementation to timetable agreed with client.</p>	<p>advices of this Office to their Department (b) Departments in building up databases of AGO advices by providing advices electronically when requested."</p> <p>The provision of this service to Departments will involve significant resources. A member of MAC has been selected to co-ordinate the work and will set up an advisory committee. The Committee will prepare a paper to be delivered at the June 2012 MAC meeting addressing <i>inter alia</i></p> <ul style="list-style-type: none"> • a realistic scope for the project (e.g. how far back can the trawl for advices go; how comprehensive can the product of the search be); • the roles of the IT Unit, Library and Know-how Unit and AC groups; • the need for a draft protocol of how AGO would work with Departments who take up the offer, including cautions on how the database would be used, particularly in relation to the use of old advices; • what commitments would be expected of the Departments including the investment in setting up a database internally and a system for keeping the database up to date by adding new advices. <p>This will require a significant amount of planning and work.</p>

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			<p>Letters seeking expressions of interest would not be sent out until the internal scoping exercise has been complete. Such letters will be sent out to Departments no later than the end of August 2012.</p> <p>When the Office has received replies there will be a basis for addressing the resourcing of the project. Individual engagement and exchange of views, about what is desired and feasible, with Departments will be needed at that point.</p> <p>In the case of the Department of Justice and Equality, Criminal Law Division, a service is in place whereby advices from the Office are transmitted to the Department electronically to allow the Department to store and search the advices.</p>
Paragraphs 1.4 and 1.10	Implementation of new quality assurance procedures in respect of Advisory Counsels' input into draft legislation.	New procedures have been drawn up and implemented in respect of Advisory Counsel.	The Office revised its existing quality assurance procedures pertaining to Advisory Counsel to ensure that they meet current demands for effective legislation. At present the Office is also reviewing its case and records management system, ACME, to support the changes.
Paragraphs 1.4, 1.10, 1.14, 4.1 and 4.4	Transfer of legal work in respect of overseas Defence Force PIs	To be carried out during 2011. This has now been completed.	Facilitating the transfer of responsibility for dealing with personal injuries (PI) claims relating to overseas posting of Defence Force personnel from the AGO/CSSO to the State Claims Agency (SCA). Such a move would be cost effective for reasons of efficiency, economies of scale and specialist knowledge of the SCA.

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			The transfer of this responsibility to the SCA has now taken place.
Paragraphs 1.4, 1.9, 1.10 and 1.12	Review of non-core activities	Report to MAC by end of Q3 2012 completed.	Although scheduled for completion by end of Q3 2012 the Office completed the process earlier, by the end of Q1 following a request from D/PER.
Paragraphs 1.4, 1.9, 1.11 and 1.12	Alternative method of producing headnotes and abstracts of judgements for the Office's legal staff.	Report to MAC by end of Q3 2012.	<p>The Office has its own resources to ensure that its legal staff are kept up to date on the outcome of legal cases concerning significant issues. It is proposed that alternative, cost efficient and reliable sources for this material will be investigated with a view to freeing up internal resources for higher value work.</p> <p>The Legal Information Manager will undertake research, examine the options and report to MAC by Q3 2012.</p>
Paragraphs 1.1, 1.4, 1.7, 1.11, 1.12, 4.1, 4.3, 4.4, 4.14 and 4.17	Closer Administrative links with the Law Reform Commission.	Ongoing	A member of AGO staff has transferred to the Law Reform Commission to take over duties as its Head of Administration in August 2011. The duties include responsibility for Finance, IT, HR and other corporate services. The role has enabled closer co-operation between the two organisations providing LRC with access to high level support for administrative matters and for reassuring the AGO that appropriate levels of corporate governance are being put in place. Also, it is proposed to shortly assign a staff member from the Office's Finance Unit at EO level for a half day each week to assist the Commission's finance related responsibilities. These moves will be effected from

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			within existing staff numbers of both Offices.
Paragraphs 1.4, 1.10, 1.11, 1.12, 1.13, 4.1 and 4.13	<p>Enhancing Knowledge Management; particularly the know-how project.</p> <p>Enhancement and expansion of available know-how legal databases in the Office.</p>	Following a tendering process a suitable provider has been selected. Full implementation, including training, by end of June 2011.	<p>The Knowledge Management Strategy 2010-2013 contains recommendations and directions of MAC which are being progressed by different committees and business groups within the Office. A number of the recommendations or directions of MAC are already in place. An Implementation Group has been set up in the AGO to oversee and drive the implementation of the Strategy to ensure the 2013 deadline is met. In that regard the Group is actively engaging with committees/business units in the Office to ensure progress is being achieved and there is a cohesive approach in addressing the Strategy.</p> <p>The proposed new legal Know-how application will be modest in cost but will provide a powerful tool in the management and availability of legal knowledge in the AGO/CSSO.</p> <p>The contract for the new know-how application was signed in late April 2011 and work on implementing the application commenced in mid May 2011. Beta testing of the system commenced late 2011 and is almost complete. It is anticipated the system will be rolled out to staff summer 2012.</p>
Paragraphs 1.4, 1.9, 1.10, 1.11,	e-Legislation: Development of an Authoring Tool for legislation work	Phase 1 of the implementation	The OPC completed a process of testing an authoring tool (<i>Legislation Work Bench (LWB)</i>) to support the

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1.12, 4.1 and 4.13		of the LWB is scheduled to be completed by the end of December 2011. Phase 2 will begin in January 2012 and the scheduled go-live date is set for April 2012.	<p>process of authoring and managing legislation text (Bills, Government amendments and Statutory Instruments) with a view to reducing re-keying, proof reading and general tracking and administrative overheads in the preparation of legislation. If implemented, the authoring tool will integrate with the proposed LWB implementation in the Office of the Houses of the Oireachtas and will ultimately provide savings for both Offices.</p> <p>Following the completion of the testing phase and receipt of the Houses of the Oireachtas Framework agreement contract for Legislation services in late September 2011, the OPC agreed a programme of work with the vendor to implement the LWB in the OPC. The first phase of this work was completed by the end of December 2011 and a second phase of training was held in March 2012. Development work on the automation of the electronic communication of Bills between both Offices was also commissioned and work began in early 2012. A further phase of training will be scheduled in May 2012.</p> <p>The original date for the go-live of the LWB was April 18 2012. However the HOS have decided that it would be prudent to have an additional phase of testing prior to implementing the system. In July 2012, following the completion of the additional phase of testing, a new date for implementation of the system will be agreed.</p> <p>In the interim period the LWB will also be further tested in the OPC and, where practical, used to author and process</p>

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			draft Bills.
Paragraphs 1.4, 1.10, 1.11, 1.12, 4.1, 4.13 and 4.15	Development of a new IT Strategy	Work will commence in third quarter of 2011 to be completed by end of year.	<p>Over the past number of years the Office used the resources available to put in place a comprehensive and efficient IT infrastructure. The Office recognises that notwithstanding the potential to achieve savings and efficiencies, the development and maintenance of ICT facilities can involve significant cost. In the context of severely reduced funds and staffing there is a critical need to ensure that all necessary development to enhance, upgrade or introduce new facilities takes place in a coherent and strategic manner taking into account the scarce resources available to implement such measures.</p> <p>A new IT strategy has been formulated to cover the period 2012 to 2016 in order to plan all such developments and expenditure. The new Strategy was presented to MAC in December 2011.</p>
Paragraphs 1.4, 1.10, 1.11, 4.1, 4.13 and 4.15	Integration of the Financial Management System with the Case and Records Management System (ACME)	Pilot scheme to be in place by end of first quarter of 2011.	<p>Counsels' fees are a very significant cost to the State. It is imperative that the Office is able to manage the process to ensure both value for money and an effective financial process to support it. While currently the Office operates a comprehensive and detailed paper-based system, it is labour intensive and not as efficient as it might be for producing real time information for management purposes.</p> <p>Critical to managing the cost is an ability to monitor and recognise the financial commitment on an accruals basis when the activity takes place rather than just at the point an</p>

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			<p>invoice or fee note is received and subsequently paid.</p> <p>Both the ACME and FMS systems are efficient and effective in the tasks for which they were designed. However, linking the financial system with the ACME system will ensure that the financial commitments raised by advisory/CSSO legal staff when engaging legal counsel will be automatically captured. This will enable management to be aware with greater accuracy the extent of potential liability for future legal costs and fees as well as ensuring that ultimately when the formal invoice or fee note arrives the payment process will be both accurate and efficient. The visibility and completeness of this information will have significant added value for management decision making.</p> <p>The pilot phase has now ended. Feedback from the users was reviewed and this information used to facilitate the commencement of the live roll out of the system throughout the Office. Currently the EAW section is using the system to process fees and is anticipated that the system will be rolled out to all the litigation sections by the middle of this year.</p>
Paragraphs 1.4, 4.1 and 4.14	Enhanced system to evaluate training courses funded by the Office	Initial system now in place. This will be reviewed by end of second quarter of 2011.	Reliable and comprehensive evaluation of training is essential to ensure value for money and also to ensure that training events of the highest standards are identified and in particular taking account of the fact that much of the training sourced and availed of will not be generic in nature but rather legal and targeted to our particular

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			<p>requirements as a specialised Civil Service Office.</p> <p>The Office has reviewed and revised its training evaluation processes and these changes have been agreed with MAC. The existing evaluation form has been revised. Staff are not allowed to avail of subsequent training opportunities unless their evaluation of the previous event is up to date.</p> <p>An overall T&D Strategy for the AGO has been submitted to and approved by MAC. Its implementation is currently underway.</p>
Paragraphs 1.4, 1.10, 1.12, 4.1 and 4.14	Development of a quality control and compliance regime for work practices within the Office.	Design of the regime to begin in January 2011 with a view to being in place by June 2011	<p>By putting in place a system to review compliance with work practices the Office will be able to reassure itself both that work practices are being adhered to and that the practices remain relevant and efficient.</p> <p>A member of MAC has been assigned to head the project and preparatory work is underway on internal consultation with the relevant stakeholders.</p>
Paragraphs 4.1 and 4.14	The Office will, again, benchmark itself against similar organisations in other jurisdictions.	To be planned and carried out during 2012	<p>The Office does not have any direct comparators within the State. By comparing its output and staffing numbers with similar Government organisations in other jurisdictions the Office will be better able to evaluate its own effectiveness. A member of MAC has been assigned to oversee the project and is preparing proposals for the approval of MAC.</p> <p>The Office has found it difficult to identify any organisation</p>

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			outside the State that undertakes a similar range of duties. Consequently, it is now seeking the co-operation of the specialist unit in D/PER in sourcing suitable comparators.
Paragraphs 1.1, 1.3, 1.4, 1.8, 1.9, 1.10, 1.11, 1.12, 1.13, 4.1, 4.3, 4.4 and 4.15	Implementation of Public Service Reform Plan	Timescales as to be set out in final version of the plan	<p>The Department of Public Expenditure & Reform has drawn up a <i>Draft Plan for Public Service Reform</i>. The Office, in conjunction with the Department, arranged presentations on the initiative for senior staff members. The Office issued a written response to the Department and is awaiting the final version of the Plan to be approved by Government.</p> <p>The Deputy Director General has been assigned responsibility for the supervision of the implementation of the aspects of the Plan appropriate to the Office.</p>
Paragraphs 1.4, 1.8, 1.9, 1.10, 1.11, 1.12, 4.1, 4.3, 4.4 and 4.13	Review and Reform of AGO	MAC to review Client Service results by end of Q1 2012. Organisation to be evaluated and Action Plan to be drawn up and agreed by end of Q3 2012.	<p>The Office was to carry out a review of its organisation and operation taking into account findings from its client surveys and the Organisational Review. MAC was then to evaluate how it was meeting its clients' needs and consider what changes were necessary as a result of other Public Service Reform initiatives.</p> <p>The evaluation was to lead to the creation of an Action Plan to be implemented over a 12 to 18 month period. The Office was notified in late 2011 that the Organisation Review Programme (see below) has been suspended for 18 months. Similarly, there have been delays in the client surveys (see below) so the expected precursors to this Action have not yet taken place. The Action is being</p>

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			<p>reviewed and alternative processes and timescales are being considered.</p> <p>The Deputy Director General has been assigned responsibility for the project.</p>
Paragraphs 4.1, 4.4 and 4.14	<p>Organisational Review The Office will undertake a review under the Organisational Review Programme (ORP).</p>	Review will be undertaken during April 2011	<p>The ORP was a significant aspect of the Transforming Public Services agenda. The Office was to be reviewed to assess it in terms of effectiveness in developing strategy, delivering services to clients and evaluating the delivery of legal services with a view to enhancing services in terms of quality and delivery.</p> <p>In 2011 responsibility for the Reviews transferred to D/PER but late in 2011 the Office was informed that the programme was being suspended for 18 months and that a new schedule for reviews would be considered after that point.</p>
Paragraphs 1.4, 1.8, 1.9, 1.10, 1.11, 1.12, 4.1, 4.3 and 4.11	Senior Public Service	Ongoing in conjunction with D/PER	<p>As part of its reform initiatives D/PER is creating a Senior Public Service to enhance the management capacity of the Public Service.</p> <p>The Office has submitted its observations on the proposals particularly from the perspective of a specialised professional Office.</p> <p>Awaiting further developments from D/PER.</p>
Paragraphs 1.10,	Use of Financial Management System	In place and	The enhancements allow the system to produce enhanced

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4.1, 4.2, 4.13, 4.15 and 4.16	Enhancing the functionality of the system	ongoing – Upgrade of system to be completed by end of Q3 2012.	<p>financial reports to include accrual accounting information detailing financial commitments entered into by the Office(s).</p> <p>Following a comprehensive review of its anticipated needs, the Office planned to update its current Financial Management System. The upgrade, pending CMOD approval, could be completed by end of Q3 2012. However, the Office is postponing making a final decision pending receipt of timescales from D/PER in relation to the implementation of a shared financial system throughout the Civil Service.</p>
Paragraphs 1.10, 4.1, 4.4 and 4.14	Management Reporting for Advisory Legal Files	In place and ongoing	<p>In addition to the sensitive files procedure, there are two parallel systems in place for formal management reporting on advisory legal files. Firstly, a written report is produced by each Advisory Counsel group, following their weekly team meeting, which is then discussed at the weekly meeting of Advisory Counsel Grade I chaired by the Director General. These reports are then forwarded to the Attorney General for her consideration and comments. Secondly, every 8 weeks Advisory Counsel submit a report to management indicating any request for advice which is outstanding for a period of 8 weeks or more. Thirdly, files of particular significance are reported to Government three times per year under an alert of sensitive litigation files or periodically under the Early Warning Notice System.</p> <p>The ACME system also includes functionality to alert</p>

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			fileholders to outstanding files. Crystalfile reporting provides key information on outstanding files.
Paragraphs 1.4, 1.10, 1.12 and 4.14	<p>Review of Financial Procedures</p> <p>A review of all the Office's financial policies and procedures.</p>	<p>Review now complete. Recommendations to be fully implemented by end of 2011.</p>	<p>This review provides assurance as to the effectiveness of the system of internal financial control operated by the Office. Ensuring that controls and processes comply with best practice and adequately satisfy the requirements of accuracy, reliability and security.</p> <p>Following the completion of the Review, the Report was delivered to the Offices' Audit Committee. The Finance Unit has implemented the recommendations.</p>
Paragraphs 1.4, 1.9 1.10, 1.11 and 1.12	<p>Shared Services</p>	<p>Assignment of Senior Official to co-ordinate shared services projects by end of Q1 2012. Further targets in conjunction with central initiatives.</p>	<p>A Senior Official has been assigned. The Office is co-operating with D/PER's Shared Services working groups as requested.</p> <p>The Office currently operates a shared services approach with the Law Reform Commission in the areas of IT and finance.</p>

3. Delivering for the Citizen: *To include, for example, actions to enhance service delivery to the public, including changes to the technology used, more online services, service integration, efforts to reduce information burdens on citizens through better data management/sharing of data, including around identity etc*

Terms of the Agreement 2010 – 2014	Action	Target Date as per Current Action Plan	Current Position
Impact on all aspects of the PSA	<p>Implementation of the National Recovery Plan 2011 – 2014</p> <p>The plan sets out detailed measures that are to be taken over the next four years. These measures are wide ranging and many will require from this Office legal advice and draft legislation. The Office will deliver on such requests from its clients in a timely and efficient manner to support the plan.</p>	On an ongoing basis as required by clients	The plan is the Government's blueprint for the State's return to sustainable growth. It sets out the measures and reforms necessary to meet this objective and the Office's efficient provision of legal advice and legislation is facilitating the processes involved.
Impact on all aspects of the PSA	<p>Implementation of the IMF/EU Memorandum of Understanding on Specific Economic Policy Conditionality (MoU)</p> <p>The Office will assist the Government, the Department of Finance and other Government Departments and organisations in implementing the MoU by providing timely and accurate advice and legislation.</p>		<p>Implementation of the MoU and the changes agreed subsequently, is a core objective for the State in the current crisis. Timely and accurate legal services assist the State in meeting the targets specified in the memorandum and reduce the risk of default.</p> <p>The targets set for the publication of legislation in the Programme have consumed huge amounts of AGO/OPC resources.</p>

Terms of the Agreement 2010 – 2014	Action	Target Date as per Current Action Plan	Current Position
<p>Paragraphs 1.4, 1.11, 1.12, 4.3 and 4.4</p>	<p>Facilitating client Departments in providing aid to the development of industry.</p> <p>The recently published statement of strategic Government priorities states that the overall goal is to maximise the jobs available to those seeking work and to underpin living standards across the community, including necessary public services at a high and sustainable level. One of the priorities underpinning this goal will be accelerating the return to sustainable growth.</p> <p>Legal staff in the AGO and CSSO will through effective case management identify at an early stage legal issues where the broader objective will lead to opportunities to encourage business and job creation.</p> <p>Systems will be put in place so that such files will be identified and treated with particular expedition and consideration.</p>	<p>On an ongoing basis and in consultation with client Departments ensure the prompt identification of legal issues and effective and timely delivery of the highest quality legal advice and services.</p>	<p>The change which is being accommodated from within existing resources facilitates the prompt provision of high quality advices and legal services. The AGO and CSSO capacity to respond to relevant issues as they arise has been enhanced leading to a better quality of service to the Attorney General, the Government and the citizen.</p> <p>Any legal files pertaining to job creation are designated for special expedition.</p>
<p>Paragraphs 1.4, 1.11, 1.12, 4.3 and 4.4</p>	<p>Allocation of Resources for Urgent Legal Issues</p> <p>The allocation of resources on a flexible</p>	<p>On an ongoing basis resources will be allocated on a</p>	<p>The changes which are being accommodated from within existing resources facilitate the prompt provision of high quality advices and legislation. There is an enhanced AGO capacity to respond to issues as they arise and greater</p>

Terms of the Agreement 2010 – 2014	Action	Target Date as per Current Action Plan	Current Position
	<p>basis to tackle urgent major projects modelled on the work method developed to deal with the legal issues and the heavy workload arising out of the banking and euro sovereign debt crisis. Teams of advisory counsel and parliamentary counsel will work flexibly to ensure an immediacy of response and a high quality of advice and legislation in response to a crisis.</p> <p>It is noted as reported in the Court Services Annual Report 2009 that there is an upward trend in the courts' case load. These cases involve the State legal services. This trend is a challenge but will continue to be met from within existing resources.</p>	flexible basis for the particular projects as required to ensure the prompt and effective delivery of the highest quality legal advice and legislation.	<p>expertise available in a complex and multidisciplinary context in cooperation with outside lawyers and with full participation by all stakeholders leading to a better quality of service to the Attorney General, the Government and the citizen.</p> <p>By way of example the work done in the preparation of the legal services bill and the special stabilisation and resolution regime for banks has been effected using this multidisciplinary approach.</p> <p>Court applications under CISA* Credit Institutions (Stabilisation) Act 2010, stabilisation legislation relating to subordinated bonds in 2011 broke new legal ground and saved the exchequer significant amount (€4.5 Billion) across the banking system. The legal work in the recoupment of the subordinated junior debt owed by the Irish banks was effected by means of the well executed stabilisation legislation and the successful defending of the litigation challenging the court orders made under the legislation.</p> <p>The targets set for the publication of legislation in the Programme have consumed huge amounts of AGO/OPC resources but these targets have been met successfully.</p>
Paragraphs 1.4, 1.11, 1.12, 4.1, 4.3	Pace of Communication	On an ongoing basis AGO	The changes will facilitate the provision of high quality advices. There is greater AGO capacity to respond to issues

* Credit Institutions (Stabilisation) Act 2010

Terms of the Agreement 2010 – 2014	Action	Target Date as per Current Action Plan	Current Position
and 4.4	<p>The enhancement of AGO communication methods and the management of enormous volumes of information enabled increased accessibility and responsiveness to stakeholders to deal with the particular challenges of larger projects such as the large number stakeholders, the intense volume of transactions and the urgency of the work.</p> <p>The Office will facilitate the use of high speed, multi user communications methods for discussion of ideas and the issue of formal advices There will be a major AGO effort to align existing systems for the management of information such as ACME.</p>	communication methods and the management of information will be enhanced to ensure the timely and effective delivery of the highest quality legal advice.	as they arise and greater expertise available in a complex and multidisciplinary context with full participation by all stakeholders.
Paragraphs 1.1, 1.4, 1.9, 1.10, 1.11, 4.1, 4.2, 4.4, 4.13, 4.15. Also paragraphs 2, 10 and 11 of the appendix to the Agreements: service Delivery Options	The Office will continue to work closely with the National Procurement Service (NPS) in the design and crafting of a suite of standardised Tender and Contract Documentation.	Cabinet Ministers were advised of the templates and guides in October 2010. Much of the standardised documentation is now in use with the	The Office in conjunction with the Commercial Contract Section of the CSSO has drawn up a suite of standardised Tender and Contract Documentation for the use of Contracting Authorities across the State including central Government, local authorities, Health and Education sector and various agencies for the procurement of goods and services. The documentation is being used to guide these organisations through the relevant process and assist them in avoiding problems which can lead to delays in awarding contracts, inefficiencies and financial exposure. The Office continues to provide advice to the NPS.

Terms of the Agreement 2010 – 2014	Action	Target Date as per Current Action Plan	Current Position
		balance anticipated to be completed and circulated to Contracting Authorities by the middle of 2011	
Paragraphs 1.4, 1.11, 1.12, 4.3 and 4.4	<p>Client and customer Survey</p> <p>Undertake follow-up client and customer survey of the Advisory and Administration sides and client survey of the Office of the Parliamentary Counsel and benchmark the findings against the results of the previous surveys undertaken in 2008.</p>	Surveys and review completed by end second quarter of 2011.	<p>One of QCS Guiding Principles states that Public Service organisations: “will ensure meaningful evaluation of service delivery”. The Office is committed to rigorously evaluating performance against the service standards set out in the Office’s Client and Customer Charter. The undertaking of follow-up surveys of clients and customers will enable the Office to evaluate performance against the results of the previous surveys with a view to improving service delivery to clients and customers. The surveys will consider service delivery in terms of:</p> <ul style="list-style-type: none"> • Effectiveness in communicating proactively with clients, customers and Government Departments; • Responsiveness and timeliness in service delivery performance; • Accuracy, quality and consistency of work outputs, advice provided and legislation drafted; • General service delivery and professionalism of legal and Administrative staff; • Client, customer and Departmental contributions to service delivery;

Terms of the Agreement 2010 – 2014	Action	Target Date as per Current Action Plan	Current Position
			<ul style="list-style-type: none"> Improvements achieved over intervening periods. <p>Due to pressure of other work, particularly surrounding the change of Government and reorganisation of some of our clients, the Office was not in a position to begin the review process until recently.</p> <p>The Office issued an invitation to selected companies on 12 September 2011 to submit a proposal to undertake separate surveys of clients and customers of the Advisory and Administration sides and clients of the Office of the Parliamentary Counsel to the Government (OPC). Proposals received by the deadline were evaluated and a preferred tenderer has been selected.</p> <p>It is envisaged that the survey of clients and customers of the Advisory and Administration sides will be commenced in early May 2012 to be followed by the survey of clients of the OPC and both surveys should be completed by end of September 2012.</p>
<p>Paragraphs 1.4, 1.9, 1.10, 1.11, 1.12, 1.13 4.1, 4.4, 4.11, 4.12, 4.14 and 4.15</p>	<p>Evaluate the need for delivering further courses in conjunction with CMOD to educate civil servants in relevant and important legal matters such as EU Law, including drafting of Statutory Instruments and preparation of legislation.</p>	<p>Consideration of the details of the project will begin in the first quarter of 2011 with a view to delivering the initial lectures by the end of the</p>	<p>The Office sees the benefit of educating relevant civil service staff in a range of legal matters. A greater awareness of the fundamental provisions of key legislation, such as EU Law, will in the first instance, assist Departmental officials in considering and preparing policies. It will also help officials to recognise potential problems much earlier.</p> <p>In conjunction with CMOD the Office developed and</p>

Terms of the Agreement 2010 – 2014	Action	Target Date as per Current Action Plan	Current Position
		year.	<p>delivered courses in Administrative Law for civil servants. However, the recent announcement of the scaling down of CMOD means that the courses are unlikely to run in the future. We are awaiting further information from CMOD.</p> <p>The Office sees the benefit of educating relevant civil service staff in a range of legal matters. A greater awareness of the fundamental provisions of key legislation, such as EU Law, will in the first instance, assist Departmental officials in considering and preparing policies. It will also help officials to recognise potential problems much earlier.</p>
All Paragraphs	Take all measures necessary to facilitate our clients in achieving the objectives of the Public Service Agreement	To deadlines as set by the Implementation Body.	The Office appreciates the benefits of achieving a more efficient and effective public sector. It also recognises that the process involved is not easy. However, it has consistently been developing and adapting its work practices and organisation to ensure it operates efficiently and meets the needs of its clients. The Office facilitates our clients in the measures they take in order to implement the Agreement. Implementation of the PSA may require formulation of legal measures requiring advice, drafting or litigation and the Office will continue to provide a high quality service to assist the process. The Office has, to date, met all such requests for legal services.

Terms of the Agreement 2010 – 2014	Action	Target Date as per Current Action Plan	Current Position
Paragraphs 1.4, 1.9, 1.10, 1.12 and 4.1	Assisting and advising Client Departments on proposals to reduce litigation costs	In association with Client Departments	<p>The Office reaffirms the need to seek ways to reduce the cost to the State of litigation. In particular mechanisms such as continuing advice in respect of avoiding litigation and early resolution will be prime objectives. For instance, at the Office's instigation protocols are now in place with the Departments of Health and Education to ensure that in the same legal action multiple legal teams are not allowed to represent multiple State Bodies. This is a development of the process already in place where the Office co-operates with other State agencies such as the DPPO or Revenue Commissioners in defending litigation and agreeing joint legal teams to represent the State's interests. We will work with Client Departments to identify and consider similar efficiencies and cost saving proposals.</p> <p>Particular measures being pursued with clients at present include: timely production of EU implementation legislation in order to avoid EU fines, drawing to the attention of relevant Departments situations where legal disputes between State Agencies are being pursued and supporting efforts to seek alternative non litigation resolutions such as mediation and arbitration wherever practical.</p> <p>The Office in the course of its Comprehensive Review of Expenditure (see above) made several suggestions to reduce legal costs being incurred by the State. Examples include: a reform of the taxation of costs system, establishment of a centralised State legal cost unit, removal of the requirement for endorsement of European Arrest</p>

Terms of the Agreement 2010 – 2014	Action	Target Date as per Current Action Plan	Current Position
			<p>Warrants by the High Court in order to avoid engaging Counsel, a simpler administrative rather than Court based system for restoring companies struck off the Companies Register and changes to procedures in respect of Garda compensation cases.</p> <p>Advice given as to the establishment of a Unit within the State Claims Agency to process Tribunal Bills of Costs.</p>
<p>Paragraphs 1.4, 1.9, 1.10, 1.11, 1.12, 4.1 and 4.13</p>	<p>Electronic Irish Statute Book - Upgrading Project - Access for mobile devices</p>	<p>To be completed within 2011 Mobile device project to be completed by end of February 2011.</p>	<p>All updates in relation to advanced searching, direct links from Acts to the Legislation Directory and customisation of the eISB to optimise access to the content of the eISB for users of mobile devices, including implementation of “Apps” for iPhone/iPad and Android users, were completed in 2011.</p> <p>The eISB has also published a Legislation Directory for statutory instruments with legislative changes effected between January 2003 and December 2011. A full Legislation Directory for Acts is also available for the period 1922 to December 2011 and is updated on a regular basis.</p> <p>The eISB is updated in a timely manner with Acts and statutory instruments .Since section 7 of the Official Languages Act 2003 was amended by the Civil Law (Miscellaneous Provisions) Act 2011 to permit electronic publication of Acts of the Oireachtas in one official language only, prior to their printing and publication in both official languages, Acts of the Oireachtas</p>

Terms of the Agreement 2010 – 2014	Action	Target Date as per Current Action Plan	Current Position
			<p>have been made available on the eISB within a short period of enactment and receipt from the Houses of the Oireachtas Service.</p> <p>The eISB will be reviewed on an ongoing basis to ensure access to electronic legislation and related resources is maintained and improved where possible subject to financial constraints. All promised updates have been completed within 2011.</p>
Paragraphs 1.1, 1.4 and 1.11	Support the Government's FÁS Work Placement Programme	As opportunities arise	<p>The Work Placement Programme and, more recently, the JobBridge National Internship Scheme provide an opportunity for unemployed persons to gain work experience relevant to their skills. The Office supported the Programmes by providing meaningful experience in legal work for persons with appropriate legal skills.</p> <p>Originally six persons were involved in the Office's Statute Law Revision (SLR) Project (see below). Since the arrival of the original six, three left to take up a job offer or further advance their careers and two additional persons from the Programme then joined the SLR Project which concluded in December 2011.</p> <p>The Office is considering using the programme as part of its project to establish a database of previous legal advices to Departments (see above). The work involved would be</p>

Terms of the Agreement 2010 – 2014	Action	Target Date as per Current Action Plan	Current Position
			both very interesting and educational for the person involved.
Paragraphs 1.4, 1.9, 1.10, 1.11, 1.12, 4.1, 4.2, 4.3, 4.13 and 4.15	<p>Statute Law Revision Project - To identify and repeal spent and obsolete Pre-Independence Statutes</p>	On an ongoing basis dictated by availability of resources.	<p>Considerable work has been undertaken on the Statute Law Revision Project culminating in the enactment of the Statute Law Revision Act 2007 and subsequently, the Statute Law Revision Act 2009 in December 2009 resulting in the repeal of spent and obsolete Pre-independence Statutes.</p> <p>However, as a result of the current fiscal constraints, a review of the project had to be undertaken in 2010 due to reduced funding. In 2011, agreement was reached with parties who indicated an interest in re-commencing the project. Work to complete the pre-independence phase of the Project on a greatly reduced cost basis continued by utilising the FÁS Work Placement Programme and JobBridge National Internship Scheme (see above).</p> <p>The Statute Law Revision Bill 2012, which is expected to be before the Seanad on 9 May 2012 for second stage, is the last Bill in this phase of the Project examining all pre-1922 Acts of Parliament. When enacted, it will mean that all pre-independence Acts will have been examined and only those with continuing relevance will have been retained (subject to subsequent repeal) on the Irish Statute Book.</p>

Terms of the Agreement 2010 – 2014	Action	Target Date as per Current Action Plan	Current Position
			<p>The Statute Law Revision Programme as a whole will simplify the Statute Book and is intended to reduce legal and business transaction costs. Furthermore it will greatly facilitate future legislative measures and benefit the Law Reform Commission in its task of preparing the Legislation Directory.</p> <p>The Project is currently being transferred to D/PER and that process should be complete by the middle of May 2012.</p>

Public Service Agreement 2010 – 2014

Office of the Chief State Solicitor

Public Service Agreement 2010-2014 (Croke Park Agreement) Progress Report

2. Detailed Progress Update for the 12-months – 1 April 2011 to 31 March 2012

1. Better human resource management: *To include, for example, actions around the reduction of staff numbers; the redeployment of staff to areas of greatest need; the restructuring/reconfiguration of service delivery; changes to work practices; revisions in attendance arrangements; absence management; performance management etc.*

Terms of the Public Service Agreement 2010 – 2014	Action	Target Date as per Current Action Plan	Current Position
1.13 4.11	<p>Competitive Promotions:</p> <p>Competitive promotions apply for the majority of promotional posts arising within the Office and (where the ‘Common Pool’ applies for legal posts between the CSSO and the Solicitors’ Branch of the DPP’s Office) for cross opportunity promotions between the CSSO and the DPPO, (SB). Competitive promotions apply for all administrative grades from SO upwards.</p> <p>Under an agreement with CPSU 25% of Staff Officer posts are filled on seniority subject to suitability basis. Management is anxious to discontinue this arrangement and will enter into discussions with the staff interests to achieve this end. The current issues in this case will be reviewed with Department of PER</p> <p>All promotion decisions are supported by competency frameworks and by the application of PMDS rules.</p>	<p>In place and ongoing.</p> <p>June 2012</p>	<p>While discussions with the CPSU have taken place no agreement has been reached yet.</p>

Terms of the Public Service Agreement 2010 – 2014	Action	Target Date as per Current Action Plan	Current Position
1.7 1.14 4.3	<p>Secondments to Departments:</p> <p>The Office has seconded a legal officer to a Department to work on a specific long term project. The Office commits itself to working with Department in this manner in the future and on the basis of flexibility of arrangements for numbers and payroll control.</p>	In place and ongoing.	The Office currently has one solicitor seconded to a Department. A further solicitor, while not actually seconded works full time with the National Procurement Service in Trim. A second solicitor will deployed to this work shortly.
1.1 1.5 1.10 4.1 4.3	<p>Numbers Control and Employment Control Framework.</p> <p>The Office has already achieved the staff reduction target set for 2011 and is working towards the new ECF targets set for the period 2012 to 2014.</p> <p>The Office will work constructively with the Department of PER to identify ways and means of resourcing the current high levels of demand for legal service by Departments, especially in relation to staff numbers and salaries. A constructive approach to resource problems will avoid a situation where the Office will be unable to provide all the services demanded of it.</p>	In place and ongoing.	<p>The Office is awaiting revised figures from the Department of PER.</p> <p>When the revised ECF is known the Office will be carrying out a Workforce Planning exercise as requested by the Department.</p>

Terms of the Public Service Agreement 2010 – 2014	Action	Target Date as per Current Action Plan	Current Position
	<p>The Office will require flexible arrangements from the Department of PER to achieve the work outputs required of it in response to Departmental business demands. This will be particularly so in rapidly growing service areas such as judicial review, European Arrest Warrants & extradition and in certain property areas.</p>		
1.13	<p>Development of Staff:</p> <p>The Office will remain committed to the training and development of all staff in line with PMDS requirements and the training plans of the Office. The Office will utilise schemes such as Refund of Fees, Law Clerk Training, Trainee Solicitor Scheme, etc., to focus on the appropriate development of staff competences and in areas of greatest benefit to the Office and to the Civil Service.</p>	In place and ongoing.	<p>There are currently two officers availing of the Trainee Solicitor scheme.</p> <p>It is hoped to appoint two trainee law clerks by the end of May 2012.</p> <p>CPD is provided for all solicitors as required by the Law Society.</p>
Paragraphs 1.4 and 4.10	<p>Control of Sick Leave</p> <p>A review of staff sick leave taken during 2011 in comparison with previous years will be undertaken. Results including any necessary recommendations will be submitted to MAC</p> <p>The office will attempt to comply with the target of a 10% reduction in sick leave and remains committed to providing a medical screening and lifestyle counselling programme for staff.</p>	Review completed by middle of January 2012 with a report to MAC by the end of the same month.	Review has been completed and reviewed by MAC.

Terms of the Public Service Agreement 2010 – 2014	Action	Target Date as per Current Action Plan	Current Position
	<p>MAC will review sick leave on a quarterly basis in 2012</p> <p>A new Office policy to manage sick leave will be developed. Staff information sessions will be held</p>	<p>In place and ongoing</p> <p>September 2012</p>	

2. Better Business Processes: *To include, for example actions to increase efficiency and productivity; rationalise core structures, business processes, accommodation requirements etc; establish shared service approaches, establish cross-functional teams/ new work structures, optimise the potential of new technology to streamline operations and generate efficiencies etc.*

Terms of the Public Service Agreement 2010 - 2014	Action	Target Date as per Current Action Plan	Current Position
1.4 1.11 4.1	<p>Control of Expenditure on Professional Fees:</p> <p>To continue the work of the Professional Fees Control Group to ensure consistency of approach across the Office in the interest of economy.</p> <p>Expenditure will be reported to MAC on a quarterly basis.</p>	<p>In place and ongoing.</p> <p>Every quarter.</p>	<p>The Professional fees Group continues to meet every week. In the last year fees paid to counsel have been reduced by €1.8m.</p>
1.10 4.1	<p>Cost Reduction and Cost Recovery as PMDS objectives of CSSO staff.</p> <p>The Office will introduce Party & Party cost minimisation and, also, cost recovery as competencies for PMDS purpose in 2012. Jobholders will be assigned specific related objectives which will be reviewed in the context of performance reviews.</p>	<p>2011 PMDS cycle and continued for 2012 - 2014</p>	<p>Cost Reduction and Cost Recovery have been included as competencies for the 2012 PMDS cycle.</p>
1.10 4.1	<p>Recovery of costs awarded to State.</p> <p>The policy of the Office is to look for an order of costs in favour of the State in every case where the State succeeds in litigation. The award of an order for costs is at the discretion of the Courts. Such orders are frequently granted. It is also the policy of the Office to enforce</p>	<p>Ongoing</p>	<p>MAC receives bi-monthly reports on recovery of costs. Amount of costs recovered has increased by €275,000 over the first year of the agreement.</p>

Terms of the Public Service Agreement 2010 - 2014	Action	Target Date as per Current Action Plan	Current Position
	<p>recovery of these costs.</p> <p>Bi-monthly report to MAC on costs recovered and due for recovery.</p>	Ongoing	
<p>1.10</p> <p>1.12</p>	<p>Assignment of responsibility for all legal costs control and management.</p> <p>The functions of the Office as regard the control and management of costs payable by the State and the recovery of costs will be assigned at Assistant Chief State Solicitor level so as to achieve high level attention. Organisational units within the Office engaged in costs related duties will report, through their Section Head, to this Assistant Chief State Solicitor. This Assistant Chief State Solicitor will have responsibility for reporting on costs objectives at MAC and will have the related risk management control responsibilities.</p>	Assignment pending filling vacancy by Q3 2012.	A competition to fill a vacant Assistant Chief State Solicitor position has been advertised. The successful candidate will be assigned responsibility legal costs control and management. It is intended that this appointment will be made by end June 2012.
1.10	<p>Use of Best Counsel:</p> <p>To continue to work with the Attorney General's Office to identify and utilise emerging talented counsel and to ensure such a spread of work as to obtain the speediest and more economical service having regard to statutory duties.</p>	In place and ongoing.	The Office along with the Office of the Attorney General has put arrangements in place to increase the number of Junior and Senior Counsel briefed

Terms of the Public Service Agreement 2010 - 2014	Action	Target Date as per Current Action Plan	Current Position
			by the State pursuant to Section 7 of the Prosecution of Offences Act, 1974. These arrangements are designed to ensure a more equitable distribution of State work to Counsel and to avoid situations where a small number of Counsel earn very large sums from the State. The arrangements are being monitored on a monthly basis by the Attorney General and the Chief State Solicitor.
1.14	<p>Departmental Legal Units:</p> <p>The Office will develop closer working relationship with the legal service units within departments and will support and contribute to the work of these units.</p>	In place and ongoing.	Regular meetings are held with key clients.
1.10	<p>Energy and Environmental Savings.</p> <p>The Office will continue to commit to Government policies of achieving lower carbon emissions and to achieve higher levels of energy cost savings. To this end the Office Partnership maintains a Green Committee to work on issues of recycling and energy use reduction.</p> <p>OPW appointed consultants will give a presentation to</p>	<p>In place and ongoing.</p> <p>End June 2012</p>	Using 2007 as a benchmark the Office has reduced energy use by 23%.

Terms of the Public Service Agreement 2010 - 2014	Action	Target Date as per Current Action Plan	Current Position
	Staff on the importance of energy conservation		
1.7	<p>Handling of Large Cases:</p> <p>The resources required by the Office to handle large cases of major importance to Government will be kept under review with the Dept. of PER.</p>	Ongoing	There has been no need for any special arrangements in the reporting period. However the Office continues to liaise with Dept. of PER on its workloads and resources.
1.10 1.14	<p>Serial Litigation with Multiple Public Service Defendants:</p> <p>The Office will maintain a relationship with the Department of PER enabling resource strategies of defending all public service defendants (where appropriate) and where a combined approach to defending these cases would be tactical and would save expense. This is a continuance of a policy already in place as communicated by the Attorney General</p> <p>This proposed approach to these cases will also require flexibility in staffing and cost by the other agencies being defended.</p>	Ongoing	The Office is continuing to work with Dept. of PER on these issues as they arise.

Terms of the Public Service Agreement 2010 - 2014	Action	Target Date as per Current Action Plan	Current Position
4.16	<p>Increased Use of EFT.</p> <p>An increased use of electronic funds transfer will reduce staffing demands in the Accounts Section and free staff for other administrative duties. The Office will endeavour to increase its use of EFT for payment of counsel to 90% by the end of 2012.</p> <p>The Office will also review the possibility of issuing remittance advice by electronic means in the course of a system upgrade.</p>	<p>End 2012</p> <p>June 2012</p>	<p>The Office is working towards this deadline and expects to meet the target.</p> <p>This is being considered as part of an upgrade to the Financial Management System but is also dependent on the initiative to share Financial Services.</p>
1.14 4.14	<p>Improvements in Litigation Methods.</p> <p>Continued collaboration with client Departments and offices on high profile and high volumes cases to ensure most efficient practices are followed so that cases are settled at the earliest opportunity so as not to expose the State to greater financial or reputational risk</p> <p>Liaise with clients to ensure that cases are dealt with as efficiently as possible taking into account the impact of litigation on the Exchequer.</p> <p>Specifically continue the initiatives currently in place.</p>	<p>In place and ongoing.</p>	<p>Clients are kept involved, particularly in high profile and sensitive cases with a view to early settlement where possible and tight management the case to ensure it is managed most efficiently.</p>

Terms of the Public Service Agreement 2010 - 2014	Action	Target Date as per Current Action Plan	Current Position
	<p>Initiate greater collaboration with key clients to ensure the Judicial Review defence process is made more efficient.</p> <p>Internal litigation procedures are constantly under review to ensure the disposal of dormant litigation matters where possible.</p>	Ongoing.	
1.14	<p>Transfer of Attorney General Scheme.</p> <p>The Office is anxious to complete the transfer of responsibility for the Attorney General Scheme to the Department of Justice and Equality as soon as possible in order to achieve greater efficiency in the process. The Department has agreed in principle to the transfer. However, discussions with the Department have not yet concluded so no agreement has been reached. The Office will continue to pursue this matter through 2012.</p>	End 2012	The Office is in consultation with the Department of Justice and Equality regarding arrangements for the transfer. The main issue is the amount of funding to transfer.
Appendix – service delivery options	<p>Outsourcing of Work.</p> <p>Outsource legal work in exceptional circumstances where the Office does not have the required specialist expertise or capacity to deal with the work to the required professional standard. The Office will continue to exercise a control function where work is outsourced by it.</p>	As required	There has been no requirement to outsource legal work during the reporting period.

Terms of the Public Service Agreement 2010 - 2014	Action	Target Date as per Current Action Plan	Current Position
1.10	<p>Provision of Service in Low Value Areas.</p> <p>Review the provision of some low value services by analysing the effort involved and the suitability for outsourcing on a self financing basis.</p>	Ongoing	<p>This review has been conducted following a request from Department of PER to review non – core work with a view to using external service providers. It is felt that this stage the volumes of non-core work are so low that they would not have any significant effect of Office resources while outsourcing on a self financing basis may increase the cost to business or the citizen.</p> <p>The matter will be reviewed again if volumes of low value work increase.</p>
1.9 4.14	<p>Procurement Advice Service</p> <p>The CSSO will work to enhance and further develop relationships between the Department of Finance, the NPS and State bodies vested with a role in public procurement to ensure that a standardised, professional and legally compliant approach is applied to public procurement processes so as to assist the State in complying with its obligations at EU law. The CSSO will work with the NPS to coordinated procurement strategy for the State so as to be effective and efficient.</p> <p>The Office is constantly working with the NPS and Department of PER to ensure that sufficient skilled legal resources are available in this area.</p>	In place and ongoing. Ongoing.	The Office has dedicated resources to the NPS and has a permanent presence in the NPS Headquarters in Trim.
1.25	Staff Consultation on Further Savings Opportunities:		

Terms of the Public Service Agreement 2010 - 2014	Action	Target Date as per Current Action Plan	Current Position
1.27	The Office has agreed at Partnership to seek further recommendations and suggestions from staff as to additional opportunities for savings, improved performance and greater efficiency and will commence this process in October 2010.	Ongoing	This will be on the Partnership agenda for all future meetings.
All	<p>Productivity related proposals</p> <p>By the end of 2012 the Office will have an authorised staff complement of 228. This is down from a high of 249 in 2008. The Office is keeping workloads across all areas under review, with a view to rationalising the structure and reporting arrangements within legal Divisions and Sections.</p>	Ongoing	The structure and reporting arrangements are reviewed regularly and will be reviewed again later in 2012 following the filing of a vacancy at Assistant Chief State Solicitor level.
1.1, 1.4 1.11	<p>FAS Work Placement Programme</p> <p>The Office is continuing to look at the possibility of taking in 4 work placements over a period of 18 months and needs to agree with the staff side a set of learning objectives which will render the experience meaningful and beneficial to the placement candidates.</p>	June 2012	The Office is making arrangements to make two appointments under this scheme.
1.4	<p>Shared Services</p> <p>Participate in central initiatives to achieve Shared</p>		

Terms of the Public Service Agreement 2010 - 2014	Action	Target Date as per Current Action Plan	Current Position
1.9 1.10 1.11 1.12	<p data-bbox="392 290 862 322">Services within defined timeframes.</p> <ul data-bbox="443 368 1086 555" style="list-style-type: none"> <li data-bbox="443 368 974 437">• Assign Senior Official to co-ordinate requirements <li data-bbox="443 443 1086 512">• Already using services of Dept. of Finance for payroll <li data-bbox="443 518 1041 555">• Complete transition to HR Shared Services 	<p data-bbox="1158 363 1279 395">Jan 2012</p> <p data-bbox="1158 512 1288 544">End 2014</p>	<p data-bbox="1400 352 2027 421">A Senior Official to coordinate requirements has been assigned.</p> <p data-bbox="1400 501 2004 603">The office has cooperated with the requests for input to date and is awaiting developments at central level</p>

3. Delivering for the Citizen: *To include, for example, actions to enhance service delivery to the public, including changes to the technology used, more online services, service integration, efforts to reduce information burdens on citizens through better data management/sharing of data, including around identity etc*

Terms of the Public Service Agreement 2010 - 2014	Action	Target Date as per Current Action Plan	Current Position

Public Service Agreement 2010 – 2014

Law Reform Commission

PUBLIC SERVICE AGREEMENT 2010-2014 (CROKE PARK AGREEMENT)

- PROGRESS ON DEPARTMENTAL /AGENCY ACTION PLAN

For submission 2 May 2012

1. Better human resource management: Actions to include under this heading include reductions in numbers, reconfiguration of service delivery, revisions in attendance arrangements, better attendance, and absence management etc.

Terms of the Agreement 2010 – 2014 <i>(refer to all relevant paragraphs)</i>	Action	Target Date as per Current Action Plan	Current Position
Law Reform			
1.1, 1.3, 1.4, 1.5 and 4.11	Reduction in researcher numbers from ten to six with reduced rates of pay	In Place	Cost savings of approximately €127,536 per annum.
Restatement			
1.1, 1.3, 1.4, 1.5 and 4.11	Reduction in researcher numbers from three to one with reduced rates of pay	In Place	Cost savings of approximately €63,768 per annum.
Legislation Directory			
1.1, 1.3, 1.4, 1.5 and 4.11	Reduction in researcher numbers from two to one with reduced rates of pay	In Place	Cost savings of approximately €31,884 per annum.
Administration			
4.10	Sick Leave/Attendance	Ongoing in 2011/2012	The Commission continues to monitor attendance and sick leave proactively, which includes quarterly reports to the Management Committee.
1.12, 4.13	Administration	Ongoing in 2012	The Commission will endeavour to maintain current levels of activities, bearing in mind the substantial reduction of 40% in

Terms of the Agreement 2010 – 2014 (refer to all relevant paragraphs)	Action	Target Date as per Current Action Plan	Current Position
			<p>overall financial resources and the reduction from 26 to 19 in staff numbers from Q4 2009 to present. This has and will continue to entail restructuring of work practices, procedures, and new PMDS role profiles to reflect the new responsibilities that staff members have taken on. Where feasible, the Commission will enhance current levels of activity, such as the hyper-linking enhancement connected with the Classified List of Legislation in Ireland and the development of a Classified List/Legislation Directory of Statutory Instruments in Force.</p>
<p>1.1, 1.3, 1.4, 1.5, 1.6 and 4.3</p>	<p>Redeployment of civil service staff</p>	<p>In place</p>	<p>Four civil servants were redeployed in 2010.</p>
<p>1.1, 1.4, 4.7</p>	<p>Shorter working year</p>	<p>In place</p>	<p>The Commission continues to maximise the benefit of the Shorter Working Year scheme with one member of staff being released during August 2011 (the quietest period).</p>
<p>1.4</p>	<p>Training Evaluation</p>	<p>Ongoing in 2012</p>	<p>All training is evaluated to ensure value for money and that quality training is being provided. Where possible free training is availed of in the Civil Service Training and Development Centre. The HR officer, as part of the Civil Service Training Officers Network, continues to contact other training officers to ensure the best and most cost effective courses are obtained.</p>
<p>1.1, 1.3, 1.4, 1.5 and 4.11</p>	<p>Commission Internship programme</p>	<p>In place and ongoing</p>	<p>The Commission has a number of volunteer interns who are placed in work experience (under an experienced mentor) on various legal projects. This has assisted in maintaining a high level of output in spite of considerable reductions in resources.</p>
<p>1.1, 1.3, 1.4, 1.5 and 4.11</p>	<p>Shared services: New</p>	<p>Q1 2012</p>	<p>Begin implementation of shared payroll service with D/PER salaries section.</p>

Terms of the Agreement 2010 – 2014 <i>(refer to all relevant paragraphs)</i>	Action	Target Date as per Current Action Plan	Current Position
		<p>Q2 2012</p> <p>Q2 2012</p>	<p>Complete transfer of payroll to shared service.</p> <p>Seek transfer of administration of pension payments for the Commission to the Paymaster General on an agency basis</p>

2. Better business processes: Actions under this heading would include efficiency measures and improvements to the processes by which your Dept/Body delivers its services to the public, including changes to the technology used, better data management including around identity and so on.

Terms of the Agreement 2010 – 2014 (refer to all relevant paragraphs)	Action	Target Date as per Current Action Plan	Current Position
Law Reform			
1.4	<p>Consultation Paper containing a Classified List of over 2,000 Acts in Ireland was published in December 2010. Report, with complete Classified List of Legislation, to be published by end Q3 2011.</p> <p>First New element since Action Plan: Commission intends additional enhancement of Classified List in 2011: see Comment Box.</p> <p>Second New Element since Action Plan: ongoing updating of Classified List in 2011 and onwards: see Comment Box</p>	<p>Project on Classified List of Legislation to be completed by end 2011.</p> <p>By end 2011</p> <p>New. In place and ongoing</p>	<p>The Classified List in the Consultation Paper contains a complete List of all Extant Post-1922 Acts in Ireland, and over 100 pre-1922 Acts, classified under 36 Major Subject-Matter headings. This facilitates access to legislation for all users, whether individuals, businesses or State bodies. It proved of particular use to Departments in preparing Transfer of Functions Orders after the General Election 2011. It also complements and builds on the Commission’s work on Statute Law Restatement and the Legislation Directory (see below) and is consistent with Better Regulation and Smart Regulation principles.</p> <p>First New element since Action Plan: in 2011 the Commission developed a rolling plan of enhancements to the Classified List, in particular by providing hyperlinks (a) from the Classified List to the full text of Acts and relevant entries in the Legislation Directory (on the electronic Irish Statute Book), (b) to Restatements of Acts where available and (c) to full text of over 400 pre-1922 Acts.</p> <p>Second New Element since Action Plan: the Commission has updated the Classified List from 2011 onwards; and ensures it is freely available on the Commission’s website. Version 3 and</p>

Terms of the Agreement 2010 – 2014 (refer to all relevant paragraphs)	Action	Target Date as per Current Action Plan	Current Position
		<i>January to March 2012</i>	<p>Version 4 were published in February 2011 and September 2011. Version 4 of the Classified List took account of Transfer of Functions Orders made to 8 September 2011 and Acts passed to 23 September 2011.</p> <p>February 2012: Version 5 of Classified List of Legislation published on Commission website.</p> <p>March 2012: Commission began preparing plan for further integration of projects on Restatement, Legislation Directory and Classified List of Legislation to ensure additional online accessibility to in-force legislation (and to consider whether a project on accessibility should be included in Fourth Programme of Law Reform: see below)</p>
Restatement			
1.4	Refinement of XML authoring system.	<p>September to December 2010</p> <p><i>October to December 2011</i></p> <p>January to March 2012</p>	<p>The Commission specified the addition of a number of facilities to the authoring system to make it more efficient. Additional features were tested and added at no extra cost.</p> <p>Two additional enhancements to the XML authoring system were identified to improve efficiency and were implemented: datefix utility and XML publication enhancement.</p> <p>Refinement to XML authoring system specified and implemented under terms of support contract (improvements to PDF outputs).</p>
1.4	Tighter methodology for	October to December 2010	Greater productivity and quality of work. This is now possible

Terms of the Agreement 2010 – 2014 (refer to all relevant paragraphs)	Action	Target Date as per Current Action Plan	Current Position
	preparation of restatements: Development of written procedures, expansion of reference manual, more detailed training and supervision based on above materials.	In place in June 2011 with ongoing maintenance	with bedding down of the authoring system and experience of first restatements. The Manual continues to be updated as new issues arise and are resolved. Rationalisation of versions of restatements is completed. The new datefix utility (above) permits better management of new versions in future.
1.4	Repurposing of Legislation Directory data to produce running restatements/ revised Acts.	New: From January 2012-	The Commission has decided to produce running restatements/ revisions of primary legislation enacted after 1 January 2006. It will use the data already collected by the Legislation Directory team to produce these. This will prevent the piling up of amendments to legislation which has traditionally led to lack of transparency and accessibility. This could form the basis of a comprehensive eLegislation model for the State. These changes will also contribute to the reduction of legal costs for those accessing the law.
Legislation Directory			
1.4	In place	Use of XML authoring system	Electronic data produced for the Legislation Directory in best-practice format and compatible with other eLegislation projects in the State to allow full integration and maximum efficiency.
Administration			
1.4, 1.10 1.12,4.13, 4.16	Implementation of SAGE Accounts system	Ongoing in 2011	SAGE accounts has been fully deployed in the Commission with effect from 1 January 2012. The old system of keeping accounts using Microsoft Excel was discontinued from that date.

Terms of the Agreement 2010 – 2014 (refer to all relevant paragraphs)	Action	Target Date as per Current Action Plan	Current Position
			SAGE software was also upgraded in Q3 of 2011 allowing the Commission to administer payroll through SAGE software leading to pending the transfer of the payroll to D/PER (underway in Q1 2012)
1.10, 4.1, 4.13	FMS	Ongoing in 2012	<p>The enhanced use of SAGE includes the production of monthly financial statements. These monthly reports help the Commission to continue to operate efficiently.</p> <p>Where feasible all creditors are now paid by way of Electronic Fund Transfer.</p>
1.4, 1.12 4.13	IT Enhancements: Flexi-clock Broadband service	2011 End of Q4 2011 End of first quarter 2012.	<p>In the third quarter of 2011 the Commission further upgraded the monitoring of its IT system. The server infrastructure was upgraded in Q4 of 2011, and the Commission moved from a system of tape back-up (with tapes being collected for storage offsite to an online backup system resulting in a small long-term cost saving as well as a more robust and secure backup facility.</p> <p>The flexi-clock software (which was 12 years old) was upgraded in Q4 2011 at a cost of €1,000. This has delivered considerable time-saving and other efficiencies in Human Resources.</p> <p>Tenders have been received for replacement of the current broadband service and will be awarded shortly. This is expected to result in an improved service at a reduced cost.</p>
4	Energy Saving	September 2010 onwards	Measures taken to reduce energy consumption in accordance

Terms of the Agreement 2010 – 2014 (refer to all relevant paragraphs)	Action	Target Date as per Current Action Plan	Current Position
			<p>with advice of Energy Consultant supplied by Sustainable Energy Ireland. Reminders sent to staff regarding conservation of energy.</p> <p>Recycling measures in place.</p> <p>Reminders on energy conservation periodically sent to staff.</p>
4	Reduction in paper publications and replacement with electronic versions of documents	In place and ongoing	Electronic copies of Commission publications are now available free of charge to download from the website and pdf copies are emailed to interested parties including members of the Oireachtas. Paper copies are still available but at a cost. This has reduced the printing costs to a minimum resulting in a saving of approximately €37,000 in 2011 when compared to 2009.
1.4,4	Active management of costs and negotiation with all suppliers	Continuing and ongoing	Non-pay costs in 2011 were €1.033M compared to €1.779M in 2009. Non-pay budget for 2012 is €897,000, a reduction of €822,000 or 46% since 2009.
1.4,4	Contracts	Ongoing in 2011	The Commission continues to seek the best possible value for money when either renewing or entering into contracts for services.
1.4,4	Premises	Ongoing in 2012	The Commission is actively engaged in reducing the cost of the premises by engaging with the landlord to secure reductions in the rent and service charges, and to ensure that no non-essential services in relation to the premises are in place. Examples include a reduction in the frequency with which windows are cleaned, reduction in the number of allocated car park spaces, loss of receptionist on the front desk on entering

Terms of the Agreement 2010 – 2014 (refer to all relevant paragraphs)	Action	Target Date as per Current Action Plan	Current Position
			the building. This resulted in a saving in 2011 of approximately €20,000 with savings of a further €20,000 expected to be realised in 2012.

3.Delivering for the citizen: Actions under this heading would include efficiency measures and improvements to the processes by which your Dept/Body delivers its services to the public, including changes to the technology used, better data management including around identity and so on.

Terms of the Agreement 2010 – 2014 (refer to all relevant paragraphs)	Action	Target Date as per Current Action Plan	Current Position
Law Reform			
1.4	The following Law Reform Projects in <i>Third Programme of Law Reform 2008-2014</i> , as specified in the Action Plan, were completed. Projects 1 to 3 are connected to the Financial Support Agreement between the State and the ECB/IMF, and the Government <i>Legislation</i>	Law Reform Projects to be completed or progressed by end 2011	The following text indicates the benefits of the current Commission law reform projects.

<p>Terms of the Agreement 2010 – 2014 <i>(refer to all relevant paragraphs)</i></p>	<p>Action</p>	<p>Target Date as per Current Action Plan</p>	<p>Current Position</p>
	<p><i>Programme Summer Session 2011.</i></p> <ol style="list-style-type: none"> <li data-bbox="517 475 887 647">1. <i>Report on Personal Debt Management and Debt Enforcement.</i> Report, with draft Bill, published December 2010. <li data-bbox="517 935 887 1107">2. <i>Report on Alternative Dispute Resolution.</i> Report, with draft Bill, published November 2010. 		<ol style="list-style-type: none"> <li data-bbox="1308 501 2045 922">1. <i>Report on Personal Debt Management and Debt Enforcement.</i> This Report, and draft <i>Personal Insolvency Bill</i> of 77 sections and Heads of Bill on Bankruptcy of 13 Heads, proposes a statutory non-judicial debt settlement system for personal debt, and related reform of the law on personal insolvency and bankruptcy, leading to greater efficiencies in this area. Legislation based on this work is mandated in the Financial Support Agreement between the State and the ECB/IMF. Arising from this, the Government published the Scheme of Personal Insolvency Bill 2012 (includes non-judicial debt settlement system for personal debt, and reform of law on bankruptcy, drawing on Commission’s proposals). <li data-bbox="1308 967 2045 1356">2. <i>Project on Alternative Dispute Resolution.</i> This Report, and draft <i>Mediation and Conciliation Bill</i> of 38 sections, proposes a general statutory framework to allow civil and commercial disputes to be resolved by mediation and conciliation. It would facilitate cost savings for both public and private sector bodies who would wish to use, in suitable cases, the proposed statutory framework. Legislation based on this work is mandated in the Financial Support Agreement between the State and the ECB/IMF. Arising from this, the Government published Heads of Mediation Bill 2012 (drawing on Commission’s proposals).

<p>Terms of the Agreement 2010 – 2014 <i>(refer to all relevant paragraphs)</i></p>	<p>Action</p>	<p>Target Date as per Current Action Plan</p>	<p>Current Position</p>
	<p>3. <i>Report on Consolidation and Reform of the Courts Acts.</i> Report, with draft Bill, published November 2010.</p> <p>4. <i>Report on Children and the Law: Medical Treatment.</i> Report, with draft Bill, published May 2011.</p>		<p>3. <i>Report on Consolidation and Reform of the Courts Acts.</i> This Report (a collaboration between the Law Reform Commission, the Courts Service and the Department of Justice and Equality), and the draft <i>Courts (Consolidation and Reform) Bill</i> of 359 sections, proposes to repeal over 200 Acts concerning the role and function of the courts and to replace them with a single, modern, Courts Act. The relevant provisions of the draft Bill concerning legal costs f are related to the Financial Support Agreement between the State and the ECB/IMF and were used as background material to develop the legislation on reform of taxation of legal costs. The draft Courts Bill would facilitate ongoing and planned proposals to ensure the efficient administration of justice in the courts. The reform elements include: (a) simplifying and reducing the number of forms required in civil cases, (b) requiring parties to minimise costs and use ADR where suitable (a direct link with the ADR project, above) and (c) involving judges in active judicial case management of case-flows through the courts. The Government Legislation Programme Summer Session 2012 (Section C): Courts (Consolidation and Reform) Bill “to provide for implementation of recommendations of the Law Reform Commission” expected to be published in 2013.</p> <p>4. <i>Report on Children and the Law: Medical Treatment.</i> This Report and draft <i>Health (Children and Consent to Medical Treatment) Bill</i> would clarify for those under 18, their parents/guardians and health care practitioners the capacity of persons under 18 years of age to consent to medical</p>

<p>Terms of the Agreement 2010 – 2014 <i>(refer to all relevant paragraphs)</i></p>	<p>Action</p>	<p>Target Date as per Current Action Plan</p>	<p>Current Position</p>
	<p>5. <i>Report on Defences in the Criminal Law.</i> Report published; elements on defence of the dwelling contained in <i>Defence of the Dwelling Bill 2010.</i></p> <p>6. <i>Report on Advance Care Directives.</i> Report published; draft Bill could be incorporated into proposed <i>Mental Capacity Bill</i> (Department of Justice and Equality).</p> <p>7. <i>Project on the Law of Sexual Offences.</i> Consultation Paper to be published in 2011.</p>		<p>treatment, and provide a “good faith” defence to health care practitioners concerning possible civil liability. This would limit potential liability of the State, since most clinical negligence claims are covered by the State’s Clinical Indemnity Scheme.</p> <p>5. <i>Project on Defences in the Criminal Law.</i> This would result in the enactment for the first time of legislation concerning the main defences in criminal law, notably self-defence (including defence of the dwelling), and other defences such as provocation and duress. It would also assist the wider project of enacting a Criminal Code Bill. The Criminal Law (Defence of the Dwelling) Act 2011 implemented in part this Report (defence of the dwelling).</p> <p>6. <i>Report on Advance Care Directives.</i> This would provide for the ability of adults to give directions as to their future medical treatment in the event that they lose mental capacity in the future (e.g. from car crash or Alzheimer’s disease) and would allow the State to implement a 2009 Council of Europe Recommendation on this matter. It would also complement planned general legislation on mental capacity proposed by Department of Justice and Equality in the Government <i>Legislation Programme Summer Session 2012.</i></p> <p>7. <i>Project on the Law of Sexual Offences.</i> This would</p>

<p>Terms of the Agreement 2010 – 2014 <i>(refer to all relevant paragraphs)</i></p>	<p>Action</p>	<p>Target Date as per Current Action Plan</p>	<p>Current Position</p>
			<p>propose reform of specific aspects of the existing legislation on sexual offences, including the aspect of consent. It would complement a proposed project planned by the Department of Justice and Equality on consolidation of all the legislation on sexual offences, and would ensure that there is no overlap between these two proposed projects. Consultation Paper published in 2011; and discussed at Commission Annual Conference 2011.</p>
<p>1.1, 1.4</p>	<p>Complete remaining Projects in <i>Third Programme of Law Reform 2008-2014</i>. Publish 7-9 Consultation Papers/Reports in 2011. Publish 7-8 Consultation Papers/Reports in 2012. Complete Mid-term Review of <i>Third Programme of Law Reform 2008-2014</i> by mid-2011.</p>	<p>In place and ongoing throughout the term of the Agreement</p>	<p>Taking account of the 40% reduction in the Commission’s grant-in-aid for 2010 and resulting ongoing cost savings (including salary savings: see below), the Commission intends to maintain the high quality of its outputs (see <i>2008 Report of the Value for Money Review of the Law Reform Commission</i>), notably by building on its existing project management procedures. This will ensure that the Commission provides additional value for money by maintaining the existing quality of outputs, and at reduced cost. Among the projects to be completed in the <i>Third Programme of Law Reform 2008-2014</i> will be: (a) Reform of Jury Selection Procedures (this would enhance the efficiency of the jury selection procedure, including by further developing existing ICT processes, and would also expand the jury selection pool to include EU citizens); (b) Civil Law Aspects of the Law of Missing Persons (this would take account of a 2009 Council of Europe Recommendation on this matter, and of reform of this area in Northern Ireland in 2009, thus taking account of the State’s international obligations and endeavouring to ensure that there is no avoidable conflict between and relevant law in this</p>

<p>Terms of the Agreement 2010 – 2014 <i>(refer to all relevant paragraphs)</i></p>	<p>Action</p>	<p>Target Date as per Current Action Plan</p>	<p>Current Position</p>
			<p>State and in Northern Ireland). The Commission met projected targets by: (a) publishing 3 Reports and 4 Consultation Papers in 2011; (b) making significant progress during 2011 on remaining projects in Third Programme of Law Reform; and (c) completing Mid-Term Review of Third Programme of Law Reform.</p>
<p>1.1, 1.4</p>	<p>Development of <i>Fourth Programme of Law Reform</i>. Appoint project team in 2013 to prepare for consultation on <i>Fourth Programme of Law Reform</i>. 2014: complete consultation process, including public consultation, and prepare <i>Draft Programme of Law Reform</i> for approval by Government (in accordance with the <i>Law Reform Commission Act 1975</i>).</p>	<p>To be completed in 2013 and 2014</p> <p>New. Commission to decide by end 2011.</p>	<p>As occurred during 2006 and 2007 in the preparation of the <i>Third Programme of Law Reform 2008-2014</i>, the Commission will begin public consultation on the development of a <i>Fourth Programme of Law Reform</i> during 2012-2013. The Commission will also ensure relevant liaison and consultation with the Attorney General, Government Departments and the Oireachtas. This will be done in accordance with relevant <i>Better Regulation</i> guidelines on consultation by public bodies, to ensure best practice outcomes from the consultation process.</p> <p><i>In light of the Mid-Term Review of the Third Programme of Law Reform (see above), in March 2012 the Commission began, with a view to the development of a Fourth Programme of Law Reform, preparatory analysis of: current and future priorities for law reform in the State; and law reform programmes and related developments (including accessibility of legislation) in other jurisdictions.</i></p>
<p>Restatement</p>			

Terms of the Agreement 2010 – 2014 <i>(refer to all relevant paragraphs)</i>	Action	Target Date as per Current Action Plan	Current Position
<p>1.4</p>	<p>Completion of First Programme of Restatement.</p>	<p>In place</p> <p>June 2011</p> <p>October to December 2011</p>	<p>Extended first programme of restatement completed with delivery of Road Traffic Acts 1961 to 2011 and Roads Acts 1993 and 2007 to Office of the AG for certification in June 2011, and publication as pre-certified restatements on LRC website. Assistance continues from unpaid volunteer interns.</p> <p>Pre-certified restatements made available in January 2011 on Commission website and publicised in Irish Times, Law Society Gazette and elsewhere.</p> <p>Restatements technically capable of publication on eISB when certified, in both XML and PDF formats. Enhancement to XML and PDF publication to permit publication with and without annotations put in place.</p>
<p>1.4</p>	<p>Development of second programme of restatement based on submissions and advice of volunteer User Group.</p>	<p>July to December 2010</p>	<p>The Commission adopted a Second Programme of Restatement which will benefit large communities of users, including those in the public sector. The work of restatement may be preparatory to formal consolidation, codification and reform, and in this way can assist in making legislation more relevant and accessible.</p> <p>The Second Programme of Restatement is published on the Commission's website, with hyperlinks to restated Acts as</p>

Terms of the Agreement 2010 – 2014 <i>(refer to all relevant paragraphs)</i>	Action	Target Date as per Current Action Plan	Current Position
			they become available.
1.4	<p>Undertaking a Second Programme of restatements 2011-2012, subject to external factors and resources.</p> <p>The Second Programme includes legislation in the areas of :</p> <ol style="list-style-type: none"> 1. Employment 2. Irish Nationality and Citizenship 3. Children 4. Family 5. Mental Health 6. Criminal Law (Bail and Offences Against the State) 7. European Union 8. Planning and Development 	January 2011-December 2012	<p>The Second Programme will provide updated legislation with amendments integrated and annotated, thereby saving time for all users of this legislation including users in the public service and making legislation more accessible.</p> <p>Restatements are a major step towards online accessibility of legislation and will be a major efficiency for all users. When linked with the list of classified Acts, also prepared by the Commission, on the eISB, they will enable lay users to identify applicable law with confidence for the first time.</p> <p>Annotations include commencement information, non-textual amendments, exercise of powers to make regulations, previous affecting provisions and editorial notes. Hypertext links to legislation referred to in restatements may be possible to be added on publication by the manager of the eISB website.</p> <p>The cost of ascertaining the current state of the law is a burden on and cost to all users including the public service, legal professionals and their clients, and members of the public. Having restatements available will lead to efficiencies and cost savings. It will improve the transparency of the law as outlined by the “Better Regulation” objectives and the OECD report Better Regulation in Europe – Ireland, Nov 2010, pp 83, 98.</p>

Terms of the Agreement 2010 – 2014 <i>(refer to all relevant paragraphs)</i>	Action	Target Date as per Current Action Plan	Current Position
	9. Aquaculture 10. Environmental Protection Agency 11. Foreshore 12. Dumping at Sea 13. Waste Management (if time) 14. Water (if time) 15. Electoral (if time) 16. Registration of Title Act 1964 (added later) 17. Central Bank Act 1942 (added later)		Restatements also contribute to the preparation of consolidations and reform of legislation by providing an up-to-date statement of the law as a starting point (recently seen in the use of the Central Bank Act 1942 restatement for the preparation of new legislation).
1.4	Development of Second Programme of Restatement based on submissions and advice of volunteer User Group.	July to December 2010 October 2011 January 2012	The Second Programme of Restatement is published on the Commission's website, with hyperlinks to restated Acts as they become available. The Registration of Title Act 1964 and the Central Bank Act 1942 were added to the Second Programme as a result of submissions received.
1.4	Undertaking a Second	January 2011-December	Pre-certified restatements from the Second Programme are

Terms of the Agreement 2010 – 2014 (refer to all relevant paragraphs)	Action	Target Date as per Current Action Plan	Current Position
	Programme of restatements 2011-2012, subject to external factors and resources.	2012 January to March 2012	published on the Commission’s website, including Employment, Child and Family legislation. <i>Work ongoing on Child, Family, European Union and Planning legislation. Over 100 restatements published on Commission website.</i>
Legislation Directory			
1.4	Upgrading of Legislation Directory of the Acts to include pre-independence legislative effects (amendments, non-textual amendments and other ways legislation has been affected). Approximately 1,000 pre-1922 statutes remain on the statute book, many of which were amended pre-1922. A considerable amount of information is already in place and further information will be added on a monthly basis subject to external factors.	June 2010 -December 2012 Ongoing January to March 2012	This is remedying a long-identified deficiency in the Legislation Directory. It will reduce the burden on Government Departments, legal professionals and the general public as they will no longer need to do or pay for individual research to ascertain the state of the law. This will lead to efficiencies and ultimately cost-savings. It will improve the transparency of the law in line with the “Better Regulation” objectives. This work is in addition to the project transferred to the Commission. It has been completed with a staff reduction of 50% and with the assistance of volunteer interns and without extra costs to the exchequer. <i>This work is now completed.</i>
1.4	Identification of statutory instruments which are in force in the jurisdiction. Over 28,000 statutory instruments were made since	June 2010-June 2013	First step in remedying long-identified deficiencies with the transparency of secondary legislation as identified in the recent OECD report on Ireland. The long-term aim of this project is to work together with Government Departments and other regulatory bodies to

Terms of the Agreement 2010 – 2014 <i>(refer to all relevant paragraphs)</i>	Action	Target Date as per Current Action Plan	Current Position
	<p>1922 and many of them are obsolete, revoked or spent. In order to avoid tracking changes to those which are no longer in force, all obsolete SIs are being identified and eliminated from the working list. This work may also identify SIs which are no longer relevant but have not been revoked.</p> <p>This work is underway. It is estimated that it will take at least one year to compile the initial list. Delivery timescales on this aspect of the project are dependent of the availability of unpaid interns.</p> <p>The long-term aims for this project will take some years to achieve and will depend on cooperation between all stakeholders and the availability of resources.</p>		<p>remove obsolete statutory instruments from the Irish Statute Book.</p> <p>This project will reduce the burden on Government Departments, legal professionals and the general public as they will no longer need to do or pay for individual research to ascertain the state of the law. This will lead to efficiencies and ultimately cost-savings. It will improve the transparency of the law in line with the “Better Regulation” objectives.</p> <p>This work is in addition to the project transferred to the Commission. It is being done with a staff reduction of 50% and with the assistance of volunteer interns and without extra costs to the exchequer.</p> <p>A second check of this list is ongoing and it is hoped to publish this list as part of a Consultation Paper on eLegislation towards the end of 2012.</p>
<p>1.4</p>	<p>Upgrading of Legislation Directory to include statutory instruments using existing</p>	<p>In place and ongoing</p>	<p>This is the second step in remedying long-identified deficiencies with the transparency of secondary legislation as identified in the recent OECD report on Ireland.</p>

<p>Terms of the Agreement 2010 – 2014 <i>(refer to all relevant paragraphs)</i></p>	<p>Action</p>	<p>Target Date as per Current Action Plan</p>	<p>Current Position</p>
	<p>authoring tool.</p> <p>At present amendments to statutory instruments are not tracked, and there is no equivalent of the Legislation Directory for Acts where any changes can be checked. Ascertaining whether and to what extent a piece of secondary legislation has been amended involves systematic searches of the existing body of legislation. Searching can be done electronically using the Irish Statute Book online, but requires skill and know-how which is generally not available to lay users.</p> <p>A database for the years 2006-2010 has been produced and is awaiting upload to the eISB.</p> <p>Further developments will depend on resourcing.</p>	<p>January to March 2012</p>	<p>It will reduce the burden on Government Departments, legal professionals and the general public as they will no longer need to do or pay for individual research to ascertain the state of the law. This will lead to efficiencies and ultimately cost-savings.</p> <p>The authoring tool which was commissioned to allow the compilation of the Legislation Directory for Acts has been expanded, without additional costs to the exchequer, to allow the compilation of a Legislation Directory of Statutory Instruments by an appropriately-resourced body.</p> <p>The Commission is committed to producing a pilot Legislation Directory of statutory instruments covering the period 2006-2010 but does currently not have the capacity to look at the years pre-2006.</p> <p>This work is in addition to the project transferred to the Commission. It has been completed with a staff reduction of 50% and with the assistance of volunteer interns and without extra costs to the exchequer.</p> <p><i>The Commission has now uploaded material for 1 January 2002-present. It is hoped to complete the years 2001 and 2000 in 2012.</i></p>

Terms of the Agreement 2010 – 2014 (refer to all relevant paragraphs)	Action	Target Date as per Current Action Plan	Current Position
1.4	Work to ensure efficient interaction between the Legislation Directory and other aspects of the eISB. In particular, cooperate with the eISB upgrade to allow the linking of Acts directly to the eISB.	Ongoing New – Commenced January to March 2012	Greater benefits for users of the eISB. More transparency as to the current status of legislation. Greater use of the legislation directory resource. The linking of Acts is in place. We are now exploring whether similar integration between S.I.s and the new S.I. database is possible. This is ongoing as part of a general redesign of the Legislation Directory on the eISB.
Administration			
1.12,4.13	Improve Website Accessibility	Q1 2011 and ongoing	In Q1 2011 accessibility of the Commission’s website was improved by adding a number of general enhancements. The Commission recognises that its website is used frequently to access Reports and Consultation Papers and will ensure that it remains up-to-date and, where feasible, will continue to add new features, such as the hyper-linking enhancement connected with the Classified List of Legislation in Ireland and Classified List/Legislation Directory of Statutory Instruments in Force. The website has now been enhanced by addition of a facility improving the legibility of text to persons with a visual impairment.

