

**Appropriation Account 2019**

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**Vote 5**

**Office of the Director of Public  
Prosecutions**

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## **Introduction**

As Accounting Officer for Vote 5, I am required each year to prepare the appropriation account for the Vote and to submit the account to the Comptroller and Auditor General for audit.

In accordance with this requirement, I have prepared the attached account of the amount expended in the year ended 31 December 2019 for the salaries and expenses of the Office of the Director of Public Prosecutions.

The expenditure outturn is compared with the sums granted by Dáil Éireann under the Appropriation Act 2019, including the amount that could be used as appropriations-in-aid of expenditure for the year.

A surplus of €614,000 is liable for surrender to the Exchequer.

The Statement of Accounting Policies and Principles and notes 1 to 5 form part of the account.

## **Statement of Accounting Policies and Principles**

The standard accounting policies and principles for the production of appropriation accounts have been applied in the preparation of the account.

## **Statement on Internal Financial Control**

### ***Responsibility for system of internal financial control***

As Accounting Officer, I acknowledge my responsibility for ensuring that an effective system of internal financial control is maintained and operated by the Office.

This responsibility is exercised in the context of the resources available to me and my other obligations as Head of Office. Also, any system of internal financial control can provide only reasonable and not absolute assurance that assets are safeguarded, transactions authorised and properly recorded, and that material errors or irregularities are either prevented or would be detected in a timely manner. Maintaining the system of internal financial controls is a continuous process and the system and its effectiveness are kept under ongoing review.

### ***Shared services***

I have fulfilled my responsibilities in relation to the requirements of the service management agreement between this Office and the National Shared Service Office for the provision of human resources and payroll shared services.

I rely on a letter of assurance from the Accounting Officer for the National Shared Services Office that the appropriate controls are exercised in the provision of shared services to this Office.

**Financial control environment**

I confirm that a control environment containing the following elements is in place.

- Financial responsibilities have been assigned at management level with corresponding accountability.
- Reporting arrangements have been established at all levels where responsibility for financial management has been assigned.
- Formal procedures have been established for reporting significant control failures and ensuring appropriate corrective action.
- There is an Audit Committee to advise me in discharging my responsibilities for the internal financial control system.
- Procedures for all key business processes have been documented.
- There are systems in place to safeguard the assets.

**Administrative controls and management reporting**

I confirm that a framework of administrative procedures and regular management reporting is in place including segregation of duties and a system of delegation and accountability and, in particular, that

- there is an appropriate budgeting system with an annual budget which is kept under review by senior management
- there are regular reviews by senior management of periodic and annual financial reports which indicate financial performance against forecasts
- a risk management system operates within the Office
- there are systems aimed at ensuring the security of the ICT systems
- there are appropriate capital investment control guidelines and formal project management disciplines.

**Procurement compliance**

The Office ensures that there is an appropriate focus on good practice in purchasing and that procedures are in place to ensure compliance with all relevant procurement guidelines. The Office complied with the guidelines with the exception of eight contracts (in excess of €25,000) totalling €295,857 (excluding VAT), which were listed in my annual return in respect of Circular 40/2002, as set out below.

- Six of the contracts with a total value of €188,281 (excluding VAT), involved services for which there was only one supplier.
- One contract with a total value of €76,456 (excluding VAT), was for cleaning services. This had been awarded under a competitive process but was extended beyond its original contract dates. The other contract with a total value of €31,120 (excluding VAT) was for courier services. A competitive tendering process for both contracts have been undertaken and contracts will be in place shortly.

**Internal audit and Audit Committee**

I confirm that the Office has an internal audit function with appropriately trained personnel, which operates in accordance with a written charter which I have approved. Its work is informed by analysis of the financial risks to which the Office is exposed and its annual internal audit plans, approved by me, are based on this analysis. These plans aim to cover the key controls on a rolling basis over a reasonable period. The internal audit function is reviewed periodically by me and by the Audit Committee. I have put procedures in place to ensure that the reports of the internal audit function are followed up.

***Risk and control framework***

The Office has implemented a risk management system which identifies and reports key risks and the management actions being taken to address and, to the extent possible, to mitigate those risks.

A risk register is in place which identifies the key risks facing the Office and these have been identified, evaluated and graded according to their significance. The register is reviewed and updated by the Management Board on a twice yearly basis. The outcome of these assessments is used to plan and allocate resources to ensure risks are managed to an acceptable level.

The risk register details the controls and actions needed to mitigate risks and assigns responsibility for operation of controls to specific staff.

***Ongoing monitoring and review***

Formal procedures have been established for monitoring control processes and control deficiencies are communicated to those responsible for taking corrective action and to management and the Management Board where relevant, in a timely way. I confirm that key risks and related controls have been identified and processes have been put in place to monitor the operation of those key controls and report any identified deficiencies.

***Review of effectiveness***

I confirm that the Office has procedures to monitor the effectiveness of its risk management and control procedures. The Office's monitoring and review of the effectiveness of the system of internal financial control is informed by the work of the internal and external auditors and the senior management within the Office responsible for the development and maintenance of the internal financial control framework.

***Internal financial control issues***

No weaknesses in internal financial control were identified in relation to 2019 that resulted in, or may result in, a material loss.

**Barry Donoghue**  
Accounting Officer  
Office of the Director of Public Prosecutions

16 March 2020

## **Comptroller and Auditor General**

### **Report for presentation to the Houses of the Oireachtas**

#### **Vote 5 Office of the Director of Public Prosecutions**

##### **Opinion on the appropriation account**

I have audited the appropriation account for Vote 5 Office of the Director of Public Prosecutions for the year ended 31 December 2019 under section 3 of the Comptroller and Auditor General (Amendment) Act 1993.

In my opinion, the appropriation account

- properly presents the receipts and expenditure of Vote 5 Office of the Director of Public Prosecutions for the year ended 31 December 2019, and
- has been prepared in the form prescribed by the Minister for Public Expenditure and Reform.

##### ***Basis of opinion***

I conducted my audit of the appropriation account in accordance with the International Standards on Auditing (ISAs) as promulgated by the International Organisation of Supreme Audit Institutions. My responsibilities under those standards are described in the *Preface to the Appropriation Accounts*. I am independent of the Office of the Director of Public Prosecutions and have fulfilled my other ethical responsibilities in accordance with the standards.

I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

##### **Report on the statement on internal financial control, and on other matters**

The Accounting Officer has presented a statement on internal financial control together with the appropriation account. My responsibilities to report in relation to the information in the statement, and on certain other matters upon which I report by exception, are described in the *Preface to the Appropriation Accounts*.

I have nothing to report in that regard.

**Seamus McCarthy**  
Comptroller and Auditor General

12 June 2020

## Vote 5 Office of the Director of Public Prosecutions

### Appropriation Account 2019

	2019		2018
	Estimate provision	Outturn	Outturn
	€000	€000	€000
<b>Programme expenditure</b>			
A Provision of prosecution service	43,719	43,090	43,389
<b>Gross expenditure</b>	<b>43,719</b>	<b>43,090</b>	<b>43,389</b>
<i>Deduct</i>			
B Appropriations-in-aid	<b>910</b>	<b>895</b>	<b>830</b>
<b>Net expenditure</b>	<b>42,809</b>	<b>42,195</b>	<b>42,559</b>

#### Surplus

The surplus of the amount provided over the net amount applied is liable for surrender to the Exchequer.

	2019	2018
	€	€
<b>Surplus to be surrendered</b>	<b>613,809</b>	<b>942,617</b>

**Barry Donoghue**  
Accounting Officer  
Office of the Director of Public Prosecutions

16 March 2020

## Notes to the Appropriation Account

### Note 1 Operating Cost Statement 2019

	2019	2018
	€000	€000
Programme cost	25,152	25,919
Pay	15,211	14,185
Non pay	2,727	3,285
<b>Gross expenditure</b>	<b>43,090</b>	<b>43,389</b>
<i>Deduct</i>		
<b>Appropriations-in-aid</b>	<b>895</b>	<b>830</b>
<b>Net expenditure</b>	<b>42,195</b>	<b>42,559</b>
<b>Changes in capital assets</b>		
Purchases cash	(193)	
Depreciation	195	
Loss on disposals	3	5
		(227)
<b>Changes in net current assets</b>		
Increase in closing accruals	785	
Increase in stock	(32)	753
		(262)
<b>Direct expenditure</b>	<b>42,953</b>	<b>42,070</b>
<b>Expenditure borne elsewhere</b>		
Net allied services expenditure (note 1.1)	2,638	2,239
Notional rents	2,025	1,955
<b>Net programme cost</b>	<b>47,616</b>	<b>46,264</b>

#### 1.1 Net allied services expenditure

The net allied services expenditure amount is made up of the following amounts in relation to Vote 5 borne elsewhere, net of costs of services provided to other Votes.

	2019	2018
	€000	€000
Vote 12 Superannuation and Retired Allowances	1,904	1,543
Vote 13 Office of Public Works	508	478
Vote 18 National Shared Services Office	20	17
Vote 20 Garda Síochána	206	201
	<b>2,638</b>	<b>2,239</b>

## Note 2 Statement of Financial Position as at 31 December 2019

	Note	2019 €000	2018 €000
<b>Capital assets</b>	2.1	549	554
<b>Current assets</b>			
Bank and cash	2.2	889	875
Stocks	2.3	162	130
Other debit balances	2.4	405	77
Prepayments		161	170
<b>Total current assets</b>		<u>1,617</u>	<u>1,252</u>
<b>Less current liabilities</b>			
Accrued expenses		3,437	2,661
Other credit balances	2.5	1,217	971
Net Exchequer funding	2.6	77	(19)
<b>Total current liabilities</b>		<u>4,731</u>	<u>3,613</u>
<b>Net current liabilities</b>		<u>(3,114)</u>	<u>(2,361)</u>
<b>Net liabilities</b>		<u><b>(2,565)</b></u>	<u><b>(1,807)</b></u>
<b>Represented by:</b>			
<b>State funding account</b>	2.7	<u><b>(2,565)</b></u>	<u><b>(1,807)</b></u>

**2.1 Capital assets**

	<b>Furniture and fittings €000</b>	<b>Office equipment €000</b>	<b>Total €000</b>
<b>Gross assets</b>			
Cost or valuation at 1 January 2019	575	3,552	4,127
Additions	7	186	193
Disposals	—	(163)	(163)
Cost or valuation at 31 December 2019	582	3,575	4,157
<b>Accumulated depreciation</b>			
Opening balance at 1 January 2019	505	3,068	3,573
Depreciation for the year	10	185	195
Depreciation on disposals	—	(160)	(160)
Cumulative depreciation at 31 December 2019	515	3,093	3,608
<b>Net assets at 31 December 2019</b>	<b>67</b>	<b>482</b>	<b>549</b>
Net assets at 31 December 2018	70	484	554

**2.2 Bank and cash**

at 31 December	<b>2019 €000</b>	<b>2018 €000</b>
PMG balance	888	865
Other bank account balances	1	10
	<b>889</b>	<b>875</b>

**2.3 Stocks**

at 31 December	<b>2019 €000</b>	<b>2018 €000</b>
Stationery	23	29
IT consumables	139	101
	<b>162</b>	<b>130</b>

**2.4 Other debit balances**

at 31 December	<b>2019</b>	<b>2018</b>
	<b>€000</b>	<b>€000</b>
Other debit balances	405	77

**2.5 Other credit balances**

at 31 December	<b>2019</b>	<b>2018</b>
	<b>€000</b>	<b>€000</b>
<b>Amounts due to the State</b>		
Income tax	585	489
Pay related social insurance	165	148
Professional services withholding tax	346	299
Value added tax	13	25
	<u>1,109</u>	<u>961</u>
Payroll deductions held in suspense	103	—
Other credit suspense items	5	10
	<u><b>1,217</b></u>	<u><b>971</b></u>

**2.6 Net Exchequer funding**

at 31 December	<b>2019</b>	<b>2018</b>
	<b>€000</b>	<b>€000</b>
Surplus to be surrendered	614	943
Exchequer grant undrawn	(537)	(962)
<b>Net Exchequer funding</b>	<u><b>77</b></u>	<u><b>(19)</b></u>
<b>Represented by:</b>		
<b>Debtors</b>		
Bank and cash	889	875
Debit balances: suspense	405	77
	<u>1,294</u>	<u>952</u>
<b>Creditors</b>		
Due to State	(1,109)	(961)
Credit balances: suspense	(108)	(10)
	<u>(1,217)</u>	<u>(971)</u>
	<u><b>77</b></u>	<u><b>(19)</b></u>

**2.7 State funding account**

	Note	2019	2018
		€000	€000
Balance at 1 January		(1,807)	(2,296)
Disbursements from the Vote			
Estimate provision	Account	42,809	
Surplus to be surrendered	Account	(614)	
Net vote		42,195	42,559
Expenditure (cash) borne elsewhere	1	2,638	2,239
Non cash expenditure – notional rent	1	2,025	1,955
Net programme cost	1	(47,616)	(46,264)
<b>Balance at 31 December</b>		<b>(2,565)</b>	<b>(1,807)</b>

**2.8 Commitments**

	2019	2018
	€000	€000
at 31 December		
Procurement of goods and services	328	—

In addition to the above, the Office had commitments in respect of legal fees at the end of the year, but the value of these commitments is difficult to estimate accurately, due to the inherent uncertainties and status of outstanding cases. The Office had no other legally enforceable commitments at 31 December 2019 (2018: nil).

**2.9 Matured liabilities**

	2019	2018
	€000	€000
at 31 December		
Estimate of matured liabilities not discharged at year end.	13	67

### Note 3 Vote Expenditure

#### Analysis of administration expenditure

Administration expenditure set out below is included in Programme A to present complete programme costings.

	Estimate provision €000	2019	2018
		Outturn	Outturn
		€000	€000
i Salaries, wages and allowances	15,538	15,211	14,185
ii Travel and subsistence	176	205	169
iii Training and development and incidental expenses	1,145	1,077	970
iv Postal and telecommunication services	240	227	211
v Office equipment and external IT services	791	828	1,130
vi Office premises expenses	948	359	784
vii Consultancy and other services	37	31	21
	<b>18,875</b>	<b>17,938</b>	<b>17,470</b>

#### Significant variations

The following outlines the reasons for significant variations in administration expenditure (+/- 25% and €100,000).

##### vi Office premises expenses

*Estimate provision: €948,000, outturn: €359,000*

The shortfall in expenditure of €589,000 relative to the estimate provision occurred because refurbishment works, which were planned to be carried out in 2019, did not proceed as quickly as planned.

**Programme A Provision of a Prosecution Service**

	2019		2018
	Estimate provision	Outturn	Outturn
	€000	€000	€000
A.1 Administration – pay	15,538	15,211	14,185
A.2 Administration – non pay	3,337	2,727	3,285
A.3 Fees to counsel	14,528	16,814	17,392
A.4 General law expenses	2,946	1,102	1,678
A.5 Local state solicitor service	7,370	7,236	6,849
	<b>43,719</b>	<b>43,090</b>	<b>43,389</b>

**Significant variations**

The following outlines the reasons for significant variations in programme expenditure (+/- 5% and €100,000). Overall, the expenditure in relation to Programme A was €629,000 lower than originally provided. €937,000 of this related to administration expenditure and has already been explained. The balance of the variance of €308,000 was mainly due to the following:

**A.3 Fees to counsel**

*Estimate provision: €14.528 million, outturn: €16.814 million*

The excess in expenditure of €2.286 million on expenditure relative to the estimate provision arose because the estimate provision was not adequate to meet the underlying level of activity in the criminal courts.

**A.4 General law expenses**

*Estimate provision: €2.946 million, outturn: €1.102 million*

The shortfall in expenditure of €1.844 million on expenditure relative to the estimate provision was due to fewer cost awards in 2019 than anticipated.

## Note 4 Receipts

### 4.1 Appropriations-in-aid

	2019		2018
	Estimated	Realised	Realised
	€000	€000	€000
1 Receipts from additional superannuation contributions on public service remuneration <sup>a</sup>	782	708	731
2 Miscellaneous	128	187	99
	<b>910</b>	<b>895</b>	<b>830</b>

Note <sup>a</sup> The 2018 figure refers to pension related deductions. These were replaced by additional superannuation contributions from 1 January 2019.

### 4.2 Extra receipts payable to the Exchequer

In 2019 there were no receipts payable to the Exchequer arising from forfeitures ordered by the courts (2018: €19,273).

## Note 5 Staffing and Remuneration

### 5.1 Employee numbers

Full time equivalents	2019	2018
Number of staff at year end	210	206

### 5.2 Pay

	2019 €000	2018 €000
Pay	13,863	13,001
Higher, special or additional duties allowance	156	115
Overtime	6	5
Employer's PRSI	1,186	1,064
<b>Total pay</b>	<b>15,211</b>	<b>14,185</b>

### 5.3 Allowances and overtime payments

	Number of recipients	Recipients of €10,000 or more	Highest individual payment	
			2019	2018
			€	€
Higher, special or additional duties	44	5	41,592	41,592
Overtime	11	—	1,537	944

### 5.4 Other remuneration arrangements

This account includes expenditure of €151,382 (2018: €149,906) in respect of one officer who was serving outside the Office in 2019 and whose salary was paid from Subhead A.1.

### 5.5 Overpayments

at 31 December	Number of recipients	2019 €	2018 €
Overpayments	10	21,885	14,625
Recovery plans in place	3	5,385	—