



An Roinn Airgeadais
Department of Finance



An tOmbudsman Seirbhísí
Airgeadais agus Pinsean
Financial Services and
Pensions Ombudsman

Oversight Agreement (including
Performance Delivery Agreement)
between
The Department of Finance
- and –
The Office of the Financial Services and
Pensions Ombudsman
2025

Version	Date Commenced	Last Reviewed
1.0	22 December 2025	

1. Purpose of the Agreement

- 1.1 This Agreement is between the Department of Finance ('the Department') and the Office of the Financial Services and Pensions Ombudsman ('the Agency' or 'the FSPO').
- 1.2 This Agreement is prepared in fulfilment of the requirement under the Code of Practice for the Governance of State Bodies, published in August 2016, for each Department to ensure that they have written Oversight and Performance Delivery Agreements with State bodies under their aegis. It also fulfils the requirements of Circular 13/2014 Management of and Accountability for Grants from Exchequer Funds.
- 1.3 It is also in line with the Department's strategic goal to have a well-regulated, sustainable banking and financial sector.
- 1.4 This Agreement includes a Performance Delivery Agreement and sets out the level of performance expected of the Agency to ensure that the indicators as set out in Section 4 are met.
- 1.5 The key objectives of this Agreement are to:
 - define the requirements that the Department has of the Agency, within the resources that are available to the Agency,
 - assist the Department in monitoring and, where appropriate, managing the Agency's performance, and
 - where appropriate¹, ensure mutual agreement between the Department and the Agency with regard to priorities.
- 1.6 In line with the Code of Practice for the Governance of State Bodies, this Agreement is deemed to commence on the date of signature by both parties. It shall be reviewed annually and updated as required.

2. Context

- 2.1 The Agency is an independent statutory body established under the Financial Services and Pensions Ombudsman Act 2017 ('Act of 2017'), consisting of the Ombudsman, up to two people who have been appointed to the role of Deputy Ombudsman, and the Ombudsman's staff and relevant contractors appointed under section 15 of the Act of 2017. Under section 12 of the Act of 2017, the Ombudsman may authorise and direct one or more Deputy Ombudsman or members of the Ombudsman's staff to perform any of the functions conferred on the Ombudsman by the Act of 2017.
- 2.2 The Act of 2017 and any Statutory Instruments made under the Act underpin the role of the Agency in the performance of its functions.

¹ This objective shall not be appropriate where the Agency or Office is required to be statutorily independent in the exercise of its functions.

- 2.3 In accordance with Section 12 of the Act of 2017, the principal function of the Ombudsman shall be to investigate complaints in an appropriate manner proportionate to the nature of the complaint by:
- (a) informal means,
 - (b) mediation,
 - (c) formal investigation (including oral hearings if required), or
 - (d) a combination of the means referred to in paragraphs (a) to (c).
- 2.4 The primary functions of the FSPO Council ('the Council') are set out in Section 40 of the Act of 2017. These functions are:
- to determine and prescribe by regulation, in accordance with section 43 of the Act, the financial services industry levy
 - to keep under review the efficiency and effectiveness of the Ombudsman and advise the Minister for Finance ('the Minister'), either at the Minister's request or on its own initiative, on any matter relevant to the performance of the functions of the Ombudsman;
 - to advise the Ombudsman on any matter on which the Ombudsman seeks advice (including advice in relation to the development and publication of guidelines and procedures in relation to the complaints process and investigations under the Act); and
 - to carry out such other functions as are conferred on it by the Act.

The Council also has certain oversight responsibilities in relation to the work of the Agency, including its responsibilities in relation to the Agency's annual budget and its strategic plan as set out in section 40 of the Act of 2017.

Section 40(3) of the Act of 2017 states that the Council shall have no role in the manner in which the Ombudsman deals with a particular complaint.

3. Governance

General

- 3.1 The governance of the Agency shall be pursued in accordance with its establishing legislation and the relevant guidance issued by the Department or the Department of Public Expenditure, Infrastructure, Public Sector Reform and Digitalisation, including:
- [Report of the Working Group on the Accountability of Secretaries General and Accounting Officers \(Mullarkey Report\), 2002](#)
 - [Public Financial Procedures](#)
 - [Timely Production and Submission of Financial Statements/Accounts of State Bodies and Funds audited by the Comptroller and Auditor General and the Laying of Special Reports of the Comptroller and Auditor General](#)

[before the Houses of the Oireachtas \(Circular 24/2021\)](#)

- [Code of Practice for the Governance of State Bodies, 2016](#)
- [The Role and Responsibilities of Accounting Officers, A Memorandum for Accounting Officers, 2011](#)
- [The Public Spending Code 2013 \(Circular 13/2013\)](#)
- [Arrangements for Oversight of Digital and ICT-related Initiatives in the Civil and Public Service \(Circular 14/2021\)²](#)
- [Protocol for the Provision of Information to Members of the Oireachtas by State Bodies under the aegis of Government Departments/Offices \(Circular 25/2016\)](#)
- [Circular 13/2014 Management of and Accountability for Grants](#)

and any other relevant circulars or instructions issued by the Department, the Department of Public Expenditure, Infrastructure, Public Sector Reform and Digitalisation or any other Department, from time to time.

- 3.2 The Council bears responsibility only for those oversight and governance responsibilities provided to it under the governing legislation in section 40 of the Act of 2017. The Ombudsman is the statutory Accountable Officer for the Agency as per Section 20 of the Act of 2017. As Accountable Officer, many of the governance and oversight responsibilities are the responsibility of the Ombudsman under the Act of 2017.
- 3.3 The draft FSPO Strategic Plan should be submitted to the Council. As soon as may be after approving a Strategic Plan, the Council shall submit the plan to the Minister, in line with the requirements of its governing legislation.
- 3.4 The Ombudsman shall, as per Section 24 of the Act of 2017, not later than 6 months after the end of a financial year, prepare an annual report on the performance of the functions of the Ombudsman during that year, and submit the report to the Council. As soon as may be after receiving the annual report, the Council shall present the report to the Minister and the Minister for Social Protection.
- 3.5 In line with Circular 14/2021 on ICT Control, all proposals for new ICT projects must be submitted with the checklist and business case template for approval to the Department of Finance, through the liaison unit, by the ICT Liaison in the Agency (Director of Corporate & Communication Services) after they have been approved by senior management within the Agency.
- 3.6 The Agency shall have regard to its obligations under Section 42 of the Irish Human Rights and Equality Commission Act 2014 which places a positive duty on public bodies to have regard to the need to eliminate discrimination, promote equality and protect the human rights of staff and persons to whom services are provided.
- 3.7 The Agency shall maintain an up-to-date customer charter setting out the level

² Circular 14-2021 on ICT control does not formally apply, as the Department of Finance liaison unit undertakes the ICT oversight role. However, in the interest of good governance, relevant ICT projects are approved in line with the approach set out in Circular 14/2021. A checklist and business case template based on the approach in circular 14/2021 has also been developed.

of service a customer can expect. The charter should be displayed prominently on the FSPO's website and is supported by a customer action plan.

- 3.8 The Agency shall fulfil its statutory and other obligations including in relation to environmental and energy issues by adhering to all relevant Government decisions, policies, and strategies.
- 3.9 As outlined in section 8.14 of the Code of Practice for the Governance of State Bodies, the Agency shall undergo a Periodic Critical Review (PCR) by the Department at appropriate intervals. Sufficient advance notice shall be given by the Department to allow for adequate planning and preparation for the PCR.
- 3.10 The Agency shall give due regard to the findings of any Periodic Critical Review conducted by the Department.
- 3.11 The Strategic Plan shall be submitted to the Minister in accordance with Section 26 (1) of the Act of 2017.
- 3.12 No derogations from the Code of Practice for the Governance of State Bodies apply, with the exception of any conflicts that may arise in order to comply with the Act of 2017.
- 3.13 An annual meeting between a senior member of the Department and the Agency's Senior Management Team shall be held in Q1 each year to ensure there is an understanding of the Department's strategic priorities and to discuss key issues and challenges.
- 3.14 Review meetings between the Agency and the Department at operational level shall be held on a quarterly basis.

Financial Management

- 3.15 The Agency shall comply with the Department's requirements in relation to financial management, monitoring and control.
- 3.16 Payments due in relation to this Agreement (i.e. annual funding) shall be made in light of the annual estimate of income and expenditure as outlined in the Act of 2017.
- 3.17 The Ombudsman shall, in good time in advance of each financial year, as per the Department's estimates requirements:
 - arrange for the preparation of a statement setting out estimates of the income and expenditure of the office of the Ombudsman for that year.

The Ombudsman shall also submit a Budget and briefing statement to the FSPO Council for approval and it shall

- specify the amounts expected to be collected and recovered during the financial year concerned from the imposition of the financial services industry levy,
- specify the amount of proposed funding by the Oireachtas to be agreed by the Minister,

- set out the proposed financial services industry levy for that year,
 - set out the expected expenses to be paid out of moneys provided by the Oireachtas for that year, and
 - specify any other sources from which funds are expected to be obtained during that year to finance the carrying out of the functions of the Ombudsman and the amounts expected to be raised from those sources.
- 3.18 The amount of proposed funding by the Oireachtas shall be based on the percentage division of the complaints received by the Ombudsman in the three immediately preceding financial years which relate to pensions providers as set out in section 3 (3) of the Act of 2017.
- 3.19 The Council shall, with the consent of the Minister, prescribe by regulation the financial services industry levy to be paid having regard to the expenditure incurred or reasonably expected to be incurred by the Agency in relation to complaints received by the Agency which relate to financial service providers.
- 3.20 Public Financial Procedures require that drawdown requests for exchequer funding should not exceed the needs of a public body for the period in question. Accordingly, in submitting drawdown requests to the Department, the Agency should only request sufficient funding to meet its needs for the period in question.
- 3.21 Given the importance of Exchequer Vote Management and the efficient and effective use of the financial and staff resources, the Agency shall be required to ensure that programme expenditure is reviewed on a regular basis as against projections/profile and that it informs the Department as soon as possible of any savings/excesses that may occur.
- 3.22 The Ombudsman shall confirm annually by letter in line with Circular 13/2014 the following:
- that funding by the Oireachtas shall only be used in line with Section 3 of the Act of 2017,
 - that “adequate financial control systems” are in place,
 - that the Comptroller and Auditor General has conducted an audit of the Agency’s Financial Statements, and
 - that the Agency is in compliance with provisions in relation to the retention of end-year balances.

In line with Circular 13/2014, the Agency should have regard to the reclassification provisions of the Circular and in particular those provisions detailing the payment principles to be followed, including as they relate to requests for prefunding. The Agency should also comply with the provisions of the Circular not only insofar as they relate to their responsibilities as grantees of public monies but also as they relate to situations where they make onward grants to other bodies, including the payment principles that must be followed in such instances.

- 3.23 Funding for each year is determined as part of the Revised Estimates Volume (REV) approved by the Oireachtas and initially published in December of the previous year.
- 3.24 The funding capacity and subsequent provision made to the Agency shall be determined by the overall financial provision being made to the Department of Finance Vote taking into consideration Government priorities and the available resources at the disposal of the Minister and Department.
- 3.25 The Agency shall continue to administer the superannuation schemes and shall remit any surplus to the Department on a quarterly basis.

Risk Management

- 3.26 The Agency shall operate a formal Risk Management policy, which includes a Risk Appetite Statement and the maintenance and regular review of a corporate Risk Register.
- 3.27 The Audit and Risk Committee (ARC) shall support Council's statutory role to keep under review the efficiency and effectiveness of the FSPO, advising Council on the strategic processes in place for risk, internal control and governance.
- 3.28 Internal audit shall provide objective assurance to the Ombudsman, Deputy Ombudsmen, the Senior Management Team, and to the Audit and Risk Committee as appropriate, on the effectiveness of the risk management system and assesses if key business risks are being managed appropriately and that the system of internal control is operating effectively.
- 3.29 Reflecting the statutory role of the Agency, the following potential risks are identified as the main areas that could impact on the achievement of the targets of the Agreement:
- Resourcing risks, due to increase in complaint volumes, or decrease in available resources
 - Business continuity risks arising from external events, or vacancies in relation to Office holders
 - Legal risks, due to the difficulty in predicting potential legal actions against the Agency arising from its statutory functions.

4. Performance Delivery Agreement

General

- 4.1 While fully respecting the independence of the Agency as set out in the Act of 2017, the performance of the Agency shall be monitored by the Department against the commitments in the key deliverables which are set out in this section 4 and having regard to the statutory role of the Agency. To facilitate this, the Agency shall provide, on a monthly basis, and at quarterly meetings to the Department a report on progress in reaching targets and performance indicators

set out therein.

- 4.2 The Agency shall provide all relevant information to the Department, follow guidance and directions from the Department, and ensure that there is efficient and effective use of the financial and staff resources assigned to it in order to meet the Key Output targets, and context and impact indicators as set out in the Revised Estimates Volume for that year, under the Department of Finance Vote, in so far as they relate to its work.
- 4.3 Both parties agree that any issues which may impact on the Agreement shall be brought to the attention of the other party as soon as reasonably possible, having regard to all the circumstances, and that both parties agree to work towards a mutually satisfactory solution.
- 4.4 The Agency shall seek at all times to meet the terms of this Agreement. Where any shortfalls in performance are identified, the Agency shall put forward its proposals and a timetable for reaching the targets for consideration by the Department with a view to reaching an agreed amendment to the Agreement.
- 4.5 In circumstances where the Department and the Agency cannot reach agreement on resolving an issue arising from this Agreement to mutual satisfaction, the Minister's decision on the matter shall be final.
- 4.6 Both parties support the effective achievement of the agreed targets and commit to keep each other fully apprised and updated on all key issues covered by this Agreement.

Reporting Requirements

- 4.7 Monthly Reports to include drawdown of exchequer funding, pension payments, staffing, complaints and other information as agreed with the Department shall be provided by the Agency to the Department in a timely manner.
- 4.8 More detailed information, including complaint trend data, shall be provided to the Department at least five working days in advance of each quarterly meeting.
- 4.9 In line with Circular 14/2021 on ICT control, the Agency should update the Department on major milestones for relevant ICT projects including Procurement Stage (Pre "Go to Market"), Investment Decision, Project Initiation, and Project Closure. A quarterly status update report will be provided to the Department throughout the project lifecycle, which will include milestones, dependencies, risks, costs, next steps and RAG status.
- 4.10 The Agency shall provide ad hoc information and/or advice as requested by the Department in relation to any proposals for legislative change or any other policy matters concerning financial services or pensions and relating to the functions of the Agency.
- 4.11 The Agency shall implement any other relevant instruction issued by the Department or the Department of Public Expenditure, Infrastructure, Public Service Reform and Digitalisation, from time to time provided such instruction is

does not conflict with the Act of 2017. This includes any requested reporting requirements on sanctioned posts.

Ongoing Commitments

- 4.12 Complaints regarding financial service and pension providers to be completed within the earliest possible timeframe to reduce timelines for complaints and the associated backlog including targeting the following:
- 80% of new complaints received in a given year to be closed within 12 months of receipt by 2026
 - 150 Legally Binding Decisions per quarter year from end 2026 onwards
- 4.13 Input to Parliamentary Questions provided within the allocated timeframe.
- 4.14 Prompt payments deadlines to be met.
- 4.15 When requested, Access Information Environment Returns (AIE) to be provided by the Agency.
- 4.16 Any resignations of Members of the Council shall be immediately notified to the Department.
- 4.17 Where a publication is to be made, that an embargoed draft copy be delivered to the Department at the earliest appropriate opportunity in advance of publication.
- 4.18 An advance copy of the Annual Overview and the Ombudsman's Digest of Decisions shall be submitted to Department before publication for information to the Minister.

Annual Requirements

- 4.19 Comply or Explain return, required under section 8.2 of the Code of Governance of State Bodies to be provided in H1 each year.
- 4.20 In relation to Circular 13/2014 "Annual Delegated Sanction Letter", the Agency to confirm the following:-
- The "Pension Budget" shall only be used in line with Section 3 (2) (b) and Section 3 (3) of the Act of 2017,
 - "adequate financial control systems" are in place,
 - The Office of the Comptroller and Auditor General audits the Agency's accounts, and
 - If there is going to be a request for "Retention of end-year Balance".
- 4.21 Each year by the relevant deadline, the Agency to provide information as part of the National Disability Authority (NDA) Census, as required under the Disability Act 2005.

- 4.22 Each year by 31 July, the Agency to send a copy of its Tax Clearance Certificate to be sent to Minister to confirm the Agency is Tax compliant.
- 4.23 Draft unaudited financial statement shall be furnished to the Department no later than two months after the end of the financial year.
- 4.24 The Agency's Annual Report including the Financial Statements shall be submitted to the Minister within one month of the audit certificate on the accounts being issued by the Comptroller and Auditor General, together with any report of the Comptroller and Auditor General on the accounts.
- 4.25 When approved by the Council, the "Financial Services Industry Levy" Regulation shall be submitted to the Minister for his consent.
- 4.26 The Agency to confirm that the requirements in relation to Annual Ethics Returns have been met in respect of the Agency and the Council.
- 4.27 The Agency shall, to the best of their ability, model and forecast, at least annually and update periodically where estimates are reviewed, potential lump sum payments arising from retirements.

5. Department's Responsibilities

- 5.1 The Liaison Unit in the Department shall be the initial point of contact between the Agency and the Department or any other Government Department in relation to corporate issues, including finance, human resources, pensions and employment contracts, unless otherwise advised by the Liaison Unit.
- 5.2 The Department shall endeavor to arrange for the Minister to meet with the Ombudsman and/or a Deputy Ombudsman at least once a year to discuss relevant issues, including progress towards strategic targets and objectives, policy developments and other relevant issues.
- 5.3 The Department commits to assisting the Agency in the achievement of its targets by providing:
- regular relevant information,
 - guidance and directions where necessary, and
 - appropriate levels of financial and sanctioned staff resources (for which the Agency shall manage the recruitment), within the Department's control.
- 5.4 Both parties support the effective achievement of the agreed targets and commit to keep each other fully apprised and updated on all key issues covered by this Agreement.

SIGNED

Financial Services and Pensions Ombudsman For the Department of Finance

Liam Sloyan

Kevin Brady

On 22 day of December 2025

on 22 day of December 2025

Liam Sloyan

Kevin Brady

Financial Services and Pensions Ombudsman

Principal Officer, Banking Division