

Goal 5 – Providing Quality Services to Internal and External Customers

Introduction

The ODCE continued to prioritise the provision of quality services for all its customers in 2008. The Office's customers include both the public and Office staff, and one object of this Goal is to enable the effective and efficient execution of the functions of the Office. The main developments with respect to ODCE operations and services during the year are outlined below.

Sub-Goal 5.1: Securing and Managing ODCE Resources

Staffing

The ODCE's staffing level improved from 40.6 to 44.8 full-time staff during 2008. This increase represented the second and final phase of a commitment made by the Department of Enterprise Trade and Employment in 2007 to provide an extra eight staff to the Office. **Appendix 5.1.1** provides a breakdown of the Office's staff at year-end. As will be clear from earlier chapters of the Report, this increase in staffing enabled the Office to increase its activity in various areas during 2008.

The Director wishes to acknowledge the valuable contributions made by Michael Cumiskey, Joan Howley, Barry Harte, Jean Kelly and Deirdre Mitchell to the work of the Office during their times here. All five left the Office in 2008 to take on new challenges, some having been involved in the Office since its inception.

Financial Resources

The Office's administrative costs in 2008 were funded through Subhead A09 of Vote 34 (Minister for Enterprise Trade and Employment). A summary of the allocated and expended amounts for the main Pay and Non-Pay headings is provided in the following table. A more detailed breakdown of the 2008 figures is contained in **Appendix 5.1.2**.

Subhead A09, Vote 34	2008 Allocation (€000s)	2008 Actual Expenditure (€000s)
Pay	2,681	2,411
Non-Pay	2,276	1,932
Total	4,957	4,343

The outturn of just over €4.343 million in 2008 was a slight decrease on the €4.378 million spent in 2007. The 2008 outturn represented just 88% of the initial allocation of €4.957 million for the year. In accordance with public accounting procedures, the surplus of €0.613m was surrendered to the Exchequer.

The slight reduction in expenditure was achieved notwithstanding a 10% increase in staff and the cost of the High Court's appointment in July 2008 of an Inspector to investigate certain share transactions in DCC plc and two related companies. On the other hand, expenditure on certain initiatives such as advertising and publicity was curtailed in response to Government requests for cutbacks in uncommitted spending.

While some programmes of ODCE work will continue to be curtailed in 2009 due to Government cutbacks, the overall level of expenditure is expected to rise because the ODCE budget in 2009 will bear a substantial portion of the cost of the DCC Inspection.

Accommodation

The Office occupied additional accommodation in its building in early 2008 which catered for the higher staff numbers assigned in 2007 and 2008.

Organisational Development

In 2008, the ODCE again engaged external expertise to assist in undertaking its investigative and enforcement work in particular. The ODCE maintained and once again canvassed interest in its Legal and Accounting Panels by way of public advertisement. These Panels contain the names of persons or firms wishing to be considered for appropriate expert assignments. These Panels remain open at all times to applicants who wish to provide such services to the Office.

Risk Management Action Plan

The ODCE again co-operated with the Department of Enterprise Trade and Employment during 2008 in reviewing and further updating the Office's risk management plans. This was originally put in place as a result of the recommendations of the Mullarkey Report which dealt with accountability issues in the areas of internal financial controls, internal audit arrangements and risk management.

Green Agenda

In 2008, the Office formally initiated a number of environmentally friendly policies in order to use the resources assigned to it in the most effective and cost-efficient way possible. All staff participated in information sessions on the topic and are actively following guidelines to reduce the Office's consumption of energy, materials and water and to better manage Office waste. Certain operational changes have been implemented that are reducing the Office's carbon footprint as well as reducing associated costs.

Sub-Goal 5.2: Developing Staff

Performance Management

The Performance Management and Development System which applies across all Government Departments and Offices continued to be implemented in 2008 by the ODCE. It is directly related to the annual Business Plan of the Office, and it serves to clarify staff members' roles and contributions to the Business Plan as well as identifying staff training requirements.

Over 140 training and information days were availed of by ODCE staff during 2008, 88 of which were provided from ODCE resources. The Department of Enterprise Trade and Employment provided a further 47 days of training to twelve ODCE staff. The Companies Registration Office also allowed four ODCE staff to participate in its own staff training programmes covering a total of eight training days.

The training undertaken in 2008 included the following:

- management staff participation in the Department's Leadership Programme;
- continuing professional development training;
- information technology training and
- Irish language training for the Office's reception staff in particular.

The information days and in-house seminars covered various topics relating to the work of the Department, the Office and the public service generally. An ODCE-specific induction programme was provided for all of the new staff who joined the Office in 2008. Information sessions were also made available for all staff on the Official Languages Act and the Green Agenda initiative as a result of their application to the Office in 2008.

Team-Based Working

Multi-disciplinary teams continued to operate within the ODCE in order to handle the Office's extensive volume of casework in the detection, enforcement and insolvency areas.



The Office Management Committee, chaired by the Director and representative of all staff, met quarterly in 2008 to deal with policy and organisational issues affecting the Office's continuing development and direction.

During the year, the Director made fourteen new or amended instruments delegating his powers to certain staff under section 13 of the Company Law Enforcement Act 2001. The affected individuals included three new members of staff.

Sub-Goal 5.3: Developing and Maintaining Quality Customer Services

Services Offered

The ODCE continued in 2008 to commit considerable resources to the development and use of technology to provide information to its customers, to receive input from customers and to enhance efficiencies in work practices. The services offered by the Office to the public and professionals include:

- information on company law and related matters via the Office's website, publications, etc. In this context, some 817 customers were registered at end-2008 with a view to being notified of new information being placed on the website. 48 of these were newly registered in 2008;

- talks, seminars and other compliance initiatives provided by Office staff. For instance, the Office took a trade stand at the BT Small Business Show in Cork for the first time;
- the facility permitting the public to make complaints of suspected corporate misconduct;
- statute-based services whereby auditors, liquidators and other interests are required to report suspected company law offences to the Office;
- general assistance offered to Office clients by phone, correspondence, e-mail, etc. For instance, some 468 requests to the info@odce.ie account were promptly answered during the year.

Official Languages Act 2003

During the year, the Office finalised with the Department of Community Rural and Gaeltacht Affairs its Draft Scheme of commitments to the provision of English and Irish language services under the Act. The Scheme was launched in July and is available on the ODCE website at www.odce.ie.



In addition to the staff training undertaken in 2008, the Office compiled a glossary of useful terms and expressions to help staff deal with citizens who wish to conduct their business with the Office through Irish. Further language training is planned in 2009 to help improve the Office's capacity to offer services of comparable quality through both Irish and English.

Publications

Nine formal publications were prepared and published during 2008 as indicated in **Appendix 1.1.1** to this Report. In accordance with our commitments made pursuant to the Official Languages Act, four of these were published bilingually. In addition to the agreed Scheme under the Official Languages Act, the publications in question were the ODCE's Annual Report for 2007, the Company Law Handbook on Residential Property Owners' Management Companies and a companion Guidance Booklet on Management Companies.

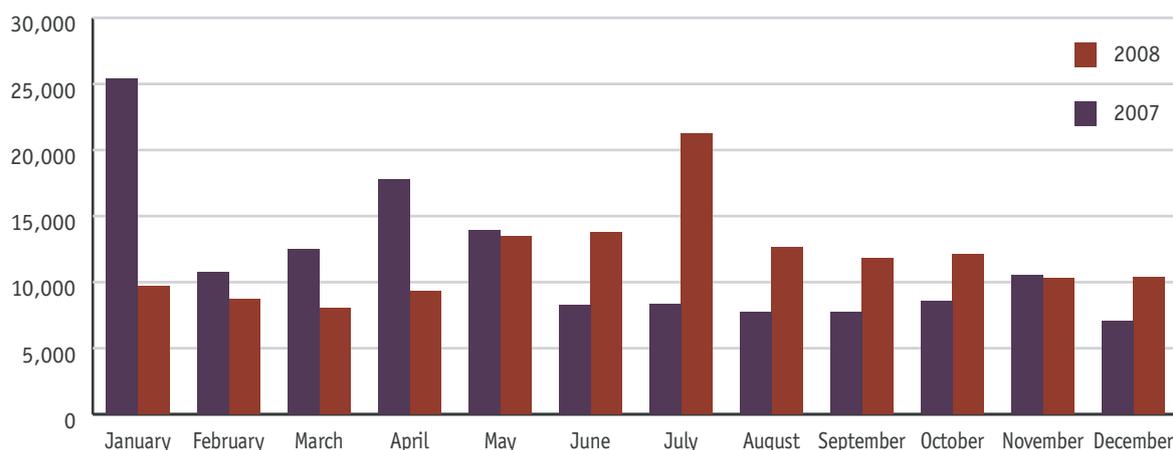
As indicated earlier, the Director also issued a number of press statements, and several ODCE staff contributed papers and presentations to the national and professional media and to business and other groups. Staff also participated in national and local media interviews on request.

Website

The ODCE website at www.odce.ie was continually updated during 2008 with new information on the ODCE's work and associated corporate governance developments. All new publications, press statements, articles, etc. were made available on the site as were the results of Court enforcement proceedings in which the Director was involved and other Court decisions of relevance in a company law context.

The website once again attracted large numbers of people interested in corporate governance matters. During the year, some 141,557 visits were made, up by 2% on the figure of 138,604 for 2007. The chart shows that while numbers remained similar to 2007, the number of visits to the site was down on 2007 from January to May, increasing over the following seven months. There was a particularly busy period in July, coinciding with the appointment by the High Court of the Inspector to DCC plc, S&L Investments Ltd. and Lotus Green Ltd., the launch of the Scheme under the Official Languages Act and the Consultation Paper on the ODCE Strategy Statement for 2009-2012.

In early 2008, the Office put in place an on-line survey of website users to help ascertain their satisfaction with the services offered. While the response rate to the survey was low, the feedback given was positive.



Freedom of Information (FOI) Acts

The FOI Acts permit the disclosure of records concerning the general administration of the Office only. During 2008, the ODCE received no requests under the Acts for records. The Office updated its FOI Manual and made it available (in both Irish and English) on its website.

Data Protection Acts

The ODCE is registered with the Office of the Data Protection Commissioner as a Data Controller. The Data Protection Acts 1988 and 2003 protect against the improper use or disclosure of any information held about an individual. In 2008, the ODCE updated its registration with the Data Protection Commissioner and continued to comply with its own strict confidentiality duties as outlined in the Company Law Enforcement Act 2001.

During 2008, with the assistance of the Department of Enterprise Trade and Employment, data security was further enhanced by encrypting data held on mobile devices used by Office staff such as laptops and memory sticks.

Prompt Payment of Accounts Act 1997

The Prompt Payments of Accounts Act provides for the payment of interest to suppliers whose invoices are unpaid at the prescribed date. Despite the Office's policy of arranging that all invoices are settled in a timely manner, the ODCE incurred one interest surcharge on payments in 2008. The amount charged was €351.06.

Compliance with Agreed Customer Service Standards

The ODCE is committed to providing a quality customer service to all members of the public who have dealings with it as well as to its own staff, and during 2008, the Office kept its service standards under regular review. A small number of formal complaints were received and dealt with during the year. The Feedback Form on the ODCE website provides a permanent opportunity for the public to comment to us on the information available on our website and on our services more generally.

Every effort is made to assist persons who contact the Office even when the issue at hand is not directly related to the work of the Office. We regularly refer matters to other authorities where we feel that the issue in question is more appropriately dealt with by them. For instance in late March, the High Court concluded a case in which the Pensions Board successfully prosecuted a company for failing to remit workers' pension contributions to the relevant pensions scheme. The ODCE had previously informed the Pensions Board of a complaint it received in the matter.

Within the constraints of a demanding workload, the Director considers that his Office achieved satisfactory compliance with our Customer Service Standards during 2008.

Conclusion

As we start 2009, we can look back on a good year of achievement in 2008 with satisfactory results achieved under all of our goals. As the Report indicates, we broke new ground in quite a number of areas.

The challenges ahead look to be quite demanding. The serious downturn in the economy will pose difficulties for the budgets of all public service organisations. While additional State funds have been provided to us in 2009 to meet the cost of the DCC High Court Inspection, the ODCE's general budget will be tight particularly if any significant costs award were to be made against us in Court proceedings.

The Office has a number of major cases on its hands. This is already giving rise to new and unique difficulties which we are continuing to address with the assistance of the Department where resource issues arise.

The deteriorating economic conditions are also seeing a significant and unwelcome increase in the number of businesses failing. Given our statutory role with respect to insolvent companies, we are expecting a further significant increase in liquidator reports to the Office in the short term. New reports are likely to exceed 900 in 2009 which compares with 406 and 286 in 2008 and 2007 respectively. While some compensatory measures have been taken to make room for this doubling of work in 2009, it will represent a serious challenge to the staff and resources of the Office.

With more businesses under pressure, there is also a risk that standards of compliance with company law and other legislative requirements will decline as company directors give attention to more immediate business concerns. We will have to redouble our efforts to maintain a coherent and credible message with respect to compliance with the Companies Acts. The limitations placed on ODCE expenditure for advertising and similar publicity will mean that alternative communications channels will have to be identified and deployed to reach our business, community and professional audiences.

However, the Office has faced difficult challenges before and has successfully overcome them, and we can do so again. The reputation of Ireland has suffered as a result of recent events, and it is important that we demonstrate a commitment to the maintenance of a stable and reliable legal environment for companies in the State. If we continue to play our part, it will greatly assist entrepreneurship and competitiveness at company level which will be important in creating jobs and restoring confidence. Our aim is to continue to create a better environment for business and community enterprise in the State.