



## **Financial Statements**

### **Property Services Compensation Fund**

**For the year ended 31 December 2022**



**PROPERTY SERVICES COMPENSATION FUND**

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## PROPERTY SERVICES COMPENSATION FUND

### STATEMENT OF AUTHORITY MEMBERS' RESPONSIBILITIES

Section 22 (2) of the Property Services (Regulation) Act 2011 requires the Authority of Property Services Regulatory Authority to keep, in such form as may be approved by the Minister for Justice with consent of the Minister for Public Expenditure, NDP Delivery and Reform, all proper and usual accounts of money received and expended by it.

In preparing these financial statements, the Authority of Property Services Regulatory Authority is required to:

- select suitable accounting policies and apply them consistently,
- make judgements and estimates that are reasonable and prudent,
- prepare the financial statements on the going concern basis unless it is inappropriate to presume that it will continue in operation, and
- state whether applicable accounting standards have been followed, subject to any material departures disclosed and explained in the financial statements.

The Authority is responsible for keeping proper and usual accounts of all moneys paid into the Compensation Fund and disbursements from the Compensation Fund, including an income and expenditure account, a cash-flow statement and a balance sheet, in accordance with Schedule 6 (7) of the Property Services (Regulation) Act 2011. The Authority is also responsible for safeguarding its assets and hence for taking reasonable steps for the prevention and detection of fraud and other irregularities.

On behalf of the Property Services Regulatory Authority

  
Ms. Maeve Hogan, Chief Executive Officer:

Date: 12 December, 2023

  
Mr. Michael Quinlan, Chairperson:

Date: 12 December 2023



## PROPERTY SERVICES COMPENSATION FUND

### STATEMENT OF INTERNAL CONTROL

#### **Scope of Responsibility**

On behalf of the Property Services Regulatory Authority, I acknowledge the Authority's responsibility for ensuring that an effective system of internal control is maintained and operated in the Authority. This responsibility takes account of the requirements of the Code of Practice for the Governance of State Bodies (2016).

#### **Purpose of the Statement of Internal Control**

The system of internal control is designed to manage risk to a tolerable level rather than to eliminate it. The system can therefore only provide reasonable and not absolute assurance that assets are safeguarded, transactions authorised and properly recorded and that material errors or irregularities are either prevented or detected in a timely way.

The system of internal control, which accords with guidance issued by the Department of Public Expenditure, NDP Delivery and Reform, has been in place in the Property Services Regulatory Authority for the year ended 31 December 2022 and up to the date of approval of the financial statements.

#### **Internal Controls in Place**

The Authority is satisfied that the systems, which it has in place, are reasonable and appropriate for the Authority's circumstances having regard to its size, level of expenditure, staff resources and the nature of its operations. However, the systems do not, and cannot, provide absolute assurance against material error.

The Property Services Regulatory Authority has adopted the Code of Practice for the Governance of State Bodies issued by the Department of Public Expenditure, NDP Delivery and Reform in 2016.

#### **Capacity to Handle Risk**

The Property Services Regulatory Authority has an Audit and Risk Committee (ARC) comprising two Authority members and two external members. I, as Chairperson of the Authority, am satisfied that the ARC discharged its role effectively with four meetings held in 2022.

The Authority has reviewed and agreed the risk management policy which sets out its risk appetite and the risk management processes.

The Property Service's Regulatory Authority's Internal Audit function is carried out by the Department of Justice's Internal Audit Unit under the oversight of the Audit Committee of Vote 24 (Justice). The role of Department of Justice Internal Audit Unit is to provide independent assurance to the Accounting Officer on the effectiveness of the internal controls in place across the Vote.

The Department of Justice's Internal Audit Unit carry out audit on financial and other controls in the Authority each year.





## PROPERTY SERVICES COMPENSATION FUND

### STATEMENT OF INTERNAL CONTROL

#### **Risk and Control Framework**

The Property Services Regulatory Authority 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 Authority and these have been identified, evaluated and graded according to their significance. The register is reviewed and updated by the ARC, in consultation with Senior Management. 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 responsibility for operation of controls assigned to specific staff. The Authority confirms that a control environment containing the following elements are in place:

- procedures for all key business processes have been documented,
- financial responsibilities have been assigned at management level with corresponding accountability,
- there is an appropriate budgeting system with an annual budget which is kept under review by senior management,
- there are systems aimed at ensuring the security of the information and communication technology systems. The ICT division of the Department of Justice provide the Property Services Regulatory Authority with ICT services. In January 2022 they provided an assurance statement outlining the control processes in place at that time. An internal audit of the ICT system provided to the Property Services Regulatory Authority by the Department of Justice carried out in 2018, identified issues of concern with the system in place and put forward recommendations for the ICT division to address. A number of these recommendations remain outstanding at the 31<sup>st</sup> December 2022, which is a cause of concern to the Authority. An online licence application system was provided by An Post through Licences.ie on behalf of the Property Services Regulatory Authority until June 2022. An assurance document regarding the security and controls of the system was in place during 2022 which was received from An Post in November 2021. An Post ceased providing Licences.ie on behalf of the Property Services Regulatory Authority in June 2022. The Property Services Regulatory Authority launched a new online platform, prsalicences.ie, in June 2022. All data from this platform is stored on Department of Justice ICT servers and is therefore covered under the Department of Justice Service Level Agreement (SLA).
- there are systems in place to safeguard the Property Services Regulatory Authority's assets, and
- there are control procedures in place regarding assessment and payments from the compensation fund.

Certain aspects of the control environment within the organisation have been adapted to mitigate risks arising from the workplace restrictions imposed as a result of Covid-19 and the introduction of Blended Working.



## PROPERTY SERVICES COMPENSATION FUND

### STATEMENT OF INTERNAL CONTROL

#### **Ongoing Monitoring and Review**

The Property Services Regulatory Authority has in place an Internal Control Document which identifies risks to the Authority, the controls in place and the reporting and monitoring procedures.

The Authority takes the major strategic decisions and meets at regular intervals to monitor performance and plans. The executive management only act within the authority delegated by the Authority to give effect to the Authority's policies and decisions.

A detailed procedural manual has been prepared and put in place. Where possible, staff duties are appropriately divided taking account of the risks involved and the limited number of staff.

I confirm that the following ongoing monitoring systems are in place:

- Key risks and controls have been identified and processes have been put in place to monitor the operation of those key controls and report on any deficiencies,
- Formal procedures are in place for the purchase of all goods and services, for approval of invoices in respect of goods and services and authorisation of payment in respect of goods and services.
- There are regular reviews by the Chief Executive Officer of periodic and annual performance and financial reports which indicate performance against budgets/forecasts.
- The Authority's financial and other control procedures are subject to an annual review by the Department of Justice Internal Audit Unit. The Department of Justice Audit Committee reviews the work of the Internal Audit Unit.
- Reporting arrangements have been established at all levels where responsibility for financial management has been assigned.

#### **Assurances**

##### ***Information and Communication Technologies***

The Property Services Regulatory Authority avails of the shared ICT support service from the Department of Justice. A SLA is in place with the Department in relation to the ICT service and arrangements are in place to back up PSRA systems. An assurance document was provided by Justice Information Management and Technology regarding controls in place in 2022.

An online licence application system was provided by An Post through Licences.ie on behalf of the Property Services Regulatory Authority until June 2022. An assurance document regarding the security and controls of the system was in place during 2022 which was received from An Post in November 2021. An Post ceased providing Licences.ie on behalf of the Property Services Regulatory Authority in June 2022. The Property Services Regulatory Authority launched a new online platform, prsalicences.ie, in June 2022. All data from this platform is stored on Department of Justice ICT servers and is therefore covered under the Department of Justice SLA.





## PROPERTY SERVICES COMPENSATION FUND

### STATEMENT OF INTERNAL CONTROL

#### Compensation Fund

The Authority has insured the Compensation Fund to address the risk that the compensation fund could be significantly reduced by a single significant claim in any one year.

#### Procurement

I confirm that the Authority has procedures in place to ensure compliance with current procurement rules and guidelines. Matters arising regarding controls over procurement are highlighted under internal control issues below.

#### Review of Effectiveness

I confirm that the Property Services Regulatory Authority has procedures to monitor the effectiveness of its risk management and control procedures. The Property Services Regulatory Authority'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, the ARC which oversees their work, and the senior management within the Property Services Regulatory Authority responsible for the development and maintenance of the internal financial control framework.

I confirm that the Authority conducted an annual review of the effectiveness of internal controls for 2022.

The Authority is reasonably assured that the systems of internal financial control instituted and implemented in the Property Services Regulatory Authority for the financial year ended 31 December 2022 are effective.

#### Internal Control Issues

##### Non-Competitive Procurement

During 2022, expenditure of €154,350 was incurred in relation to insurance services where the procedures employed did not comply with procurement guidelines. This was due to the rollover of an existing contract. This contract was initially awarded in October 2017 following two requests for tenders which were unsuccessful in that no tenders were received.

The Authority intends to review the risks to the Compensation fund and the insurance requirements. On completion of this review the Authority will issue a new competition for insurance services.

On behalf of the members of the Authority

  
Mr. Michael Quinlan, Chairperson:

Date: 12 December 2023



## **Ard Reachtaire Cuntas agus Ciste** **Comptroller and Auditor General**

### **Report for presentation to the Houses of the Oireachtas** **Property Services Compensation Fund**

#### **Opinion on the financial statements**

I have audited the financial statements of the Property Services Compensation Fund prepared by the Property Services Regulatory Authority for the year ended 31 December 2022 as required under the provisions of schedule 6 (8) of the Property Services (Regulation) Act 2011. The financial statements comprise

- the statement of income and expenditure
- the statement of financial position
- the statement of cash flows, and
- the related notes, including a summary of significant accounting policies.

In my opinion, the financial statements properly present

- the transactions on the Property Services Compensation Fund for 2022, and
- the balance of the Fund at 31 December 2022.

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

I conducted my audit of the financial statements 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 appendix to this report. I am independent of the Property Services Regulatory Authority 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 information other than the financial statements, and on other matters**

The Property Services Regulatory Authority has presented certain other information together with the financial statements of the Fund. This comprises the statement of Authority members' responsibilities and the statement on internal control. My responsibilities to report in relation to such information, and on certain other matters upon which I report by exception, are described in the appendix to this report.

I have nothing to report in that regard.

**Leonard McKeown**  
**For and on behalf of**  
**Comptroller and Auditor General**

**18 December 2023**



## Appendix to the report

### Responsibilities of the Property Services Regulatory Authority

The statement of responsibilities sets out the Authority members' responsibilities. The Authority members are responsible for

- the preparation of annual financial statements in the form prescribed under schedule 6 (7) of the Act
- ensuring that the financial statements properly present the Property Services Compensation Fund's transactions for the year and the balance of the Fund at year-end
- ensuring the regularity of transactions, and
- such internal control as they determine is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

### Responsibilities of the Comptroller and Auditor General

I am required under schedule 6 (8) of the Act to audit the financial statements of the Fund and to report thereon to the Houses of the Oireachtas.

My objective in carrying out the audit is to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement due to fraud or error. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with the ISAs will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

As part of an audit in accordance with the ISAs, I exercise professional judgment and maintain professional scepticism throughout the audit. In doing so,

- I identify and assess the risks of material misstatement of the financial statements whether due to fraud or error; design and perform audit procedures responsive to those risks; and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- I obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the internal controls.
- I evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures.
- I evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

I communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that I identify during my audit.

I report by exception if, in my opinion,

- I have not received all the information and explanations I required for my audit, or
- the accounting records were not sufficient to permit the financial statements to be readily and properly audited, or
- the financial statements are not in agreement with the accounting records.

### Information other than the financial statements

My opinion on the financial statements does not cover the other information presented with those statements, and I do not express any form of assurance conclusion thereon.

In connection with my audit of the financial statements, I am required under the ISAs to read the other information presented and, in doing so, consider whether the other information is materially inconsistent with the financial statements or with knowledge obtained during the audit, or if it otherwise appears to be materially misstated. If, based on the work I have performed, I conclude that there is a material misstatement of this other information, I am required to report that fact.

### Reporting on other matters

My audit is conducted by reference to the special considerations which attach to State bodies in relation to their management and operation. I report if I identify material matters relating to the manner in which public business has been conducted.

I seek to obtain evidence about the regularity of financial transactions in the course of audit. I report if I identify any material instance where public money has not been applied for the purposes intended or where transactions did not conform to the authorities governing them.




## PROPERTY SERVICES COMPENSATION FUND

STATEMENT OF INCOME AND EXPENDITURE  
FOR THE YEAR ENDED 31 DECEMBER 2022


	Notes	2022 €	2021 €
<b>Income</b>			
Contributions to the Fund	2	574,850	569,800
Deposit Interest received	2	2,024	2,002
<b>Total Income</b>		<b>576,874</b>	<b>571,802</b>
<b>Expenditure</b>			
Insurance		154,350	148,470
Deposit Interest retention tax		668	661
Interest paid		-	2,541
Compensation awards	3	296,153	196,445
<b>Total Expenditure</b>		<b>451,171</b>	<b>348,117</b>
Surplus for the year		125,703	223,685
Balance brought forward at 1 January 2022		4,576,469	4,352,784
<b>Balance carried forward at 31 December 2022</b>		<b>4,702,172</b>	<b>4,576,469</b>

**The Statement of Income and Expenditure and Retained Revenue Reserves includes all gains and losses recognised in the year. The Statement of Cash Flows and notes 1 to 7 form an integral part of these financial statements.**

On behalf of the Property Services Regulatory Authority

  
Ms. Maeve Hogan, Chief Executive Officer:

Date: 12 December 2023

  
Mr. Michael Quinlan, Chairperson:

Date: 12 December 2023




**PROPERTY SERVICES COMPENSATION FUND**

**STATEMENT OF FINANCIAL POSITION  
AS AT 31 DECEMBER 2022**

	Notes	2022 €	2021 €
<b>Current Assets</b>			
Cash and cash equivalents	4	4,578,692	4,452,989
Receivables and prepayments	5	123,480	123,480
		<u>4,702,172</u>	<u>4,576,469</u>
<b>Total Net Assets</b>		<u>4,702,172</u>	<u>4,576,469</u>
<b>Representing</b>			
Compensation Fund		4,702,172	4,576,469
		<u>4,702,172</u>	<u>4,576,469</u>

The Statement of Cash Flows and notes 1 to 7 form an integral part of these financial statements.

On behalf of the Property Services Regulatory Authority

  
Ms. Maeve Hogan, Chief Executive Officer:

Date: 17 December 2023

  
Mr. Michael Quinlan, Chairperson:

Date: 12 December 2023





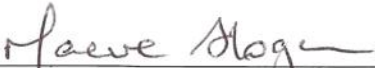
## PROPERTY SERVICES COMPENSATION FUND

STATEMENT OF CASH FLOWS  
FOR THE YEAR ENDED 31 DECEMBER 2022

Net cash flows from operating activities	2022	2021
	€	€
Excess income over expenditure	125,703	223,685
(Increase)/Decrease in receivables	-	(5,880)
<b>Net cash inflow from operating activities</b>	<b>125,703</b>	<b>217,805</b>
<b>Increase in cash and cash equivalents</b>	<b>125,703</b>	<b>217,805</b>
Cash and cash equivalents at 1 January 2022	4,452,989	4,235,184
Cash and cash equivalents at 31 December 2022	<b>4,578,692</b>	<b>4,452,989</b>

Notes 1 to 7 form an integral part of these financial statements.

On behalf of the Property Services Regulatory Authority

  
 Ms. Maeve Hogan, Chief Executive Officer:

Date: 12 December 2023

  
 Mr. Michael Quinlan, Chairperson:

Date: 12 December 2023



## PROPERTY SERVICES COMPENSATION FUND

### NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 DECEMBER 2022

#### 1. Accounting Policies

(a) The basis of accounting and significant accounting policies adopted by Property Services Compensation Fund are set out below. They have all been applied consistently throughout the year and for the preceding year.

#### (b) General Information

The Property Services Regulatory Authority was set up under the Property Services (Regulation) Act 2011, with a head office at Abbey Buildings, Abbey Road, Navan, Co. Meath, C15 K7PY.

The Property Services Regulatory Authority's primary objectives as set out in Section 11 of the Property Services (Regulation) Act 2011 are as follows:

- Issue and renew licences;
- Maintain the Register of Licensees;
- Enforce qualifications requirements and other requirements
- Enforce standards including technical standards and appropriate ethical standards;
- Administer the Fund;
- Administer a system of investigation of licensees;
- Impose minor sanctions or major sanctions on licensees;
- Apply to the High Court for the confirmation of the imposition of major sanctions on licensees;
- Promote public awareness and disseminate information to the public in respect of property services;
- Promotion of the Codes of Practice;
- Keep the Minister informed of developments in respect of the provision of property services by licensees and assist the Minister in co-ordinating and developing policy in that regard;
- Publish particulars of residential property sales prices;
- Maintain the Commercial Leases Database; and
- Perform any other functions conferred on it by any other provision of the Act or any other enactment or by regulations made under the Act or any other enactment

The Property Services Regulatory Authority is a Public Benefit Entity (PBE).

Section 77(1) of the Act requires the Authority to establish, administer and maintain a fund to be known as the Property Services Compensation Fund. The accounts of the Fund are prepared and audited separately in accordance with Schedule 6 of the Act.



## PROPERTY SERVICES COMPENSATION FUND

### NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 DECEMBER 2022

**(c) Basis of preparation**

The financial statements of the Property Services Compensation Fund have been prepared in accordance with the accounting policies set out below, and in the form approved by the Minister for Justice with the consent of the Minister for Public Expenditure, NDP Delivery and Reform.

**(d) Income Recognition**

Contributions to the Fund, interest received on the Fund and court awards to the Fund are reported on a cash received basis.

**(e) Surplus on the Fund**

The Fund is required, in accordance with Section 77(3) of the Act, to have a balance of not less than €2 million on and after the fourth anniversary of the date of its establishment.

**(f) Expenditure Recognition**

Compensation awards are recognised as expenditure when the Authority is satisfied that a client of a licensee suffers a loss as a result of dishonesty on the part of that licensee, or any persons acting on his/her behalf, arising from the provision of property services.

Dirt charges are reported on a cash basis.

All other expenditure is accounted for on an accrual basis.

## 2. Compensation Fund Income

	2022	2021
	€	€
Contributions to the Fund	574,850	569,800
Deposit interest received	2,024	2,002
	<u>576,874</u>	<u>571,802</u>

The Property Services Regulatory Authority in exercise of the powers conferred on it by section 95 of the Property Services (Regulation) Act 2011 with the consent of the Minister for Justice made regulations which came into operation on 30 May 2012. The Property Services (Regulation) Act 2011 (Compensation Fund) Regulations 2012 sets out the contribution to be made to the Fund by a person making an application for a licence or the renewal of a licence: property services employer €200, independent contractor €200 and principal officer or employee €50.





## PROPERTY SERVICES COMPENSATION FUND

### NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 DECEMBER 2022

#### 3. Compensation awards

Awards totalling €302,153 were made out of the Fund for the year ended 31 December 2022. A claimant reimbursed €6,000 to the compensation fund as they had been refunded their claim directly by the property services provider. The total awards for 2022 was therefore €296,153 (2021: €196,445).

#### 4. Cash and cash equivalents

	2022	2021
	€	€
An Post	4,050,349	4,048,993
Commercial Bank Account	528,343	403,996
	<u>4,578,692</u>	<u>4,452,989</u>

#### 5. Receivables and prepayments

	2022	2021
	€	€
Prepayments	123,480	123,480

#### 6. Awards – Contingency

At 31 December 2022, the Authority had 6 compensation claims on hand for which no decision had been reached by the Authority (31 December 2021: 14 compensation claims on hand). The Authority is unable to reliably estimate the potential financial impact of the above cases.

There was one compensation claim awaiting a decision by the Property Services Appeals Board (PSAB) at 31 December 2022. The potential financial impact of this claim amounts to €5,000.

#### 7. Approval of the financial statements

These financial statements were approved by the Authority of the Property Services Regulatory Authority on 4<sup>th</sup> December 2023.