



Mr. Martin Hughes,
Clerk to the
Committee of Public Accounts

By email only: PAC@oireachtas.ie

Your reference: S0760 PAC33
Our reference: DJE-SG-00002-2022

15 March 2022

Dear Clerk,

I refer to your correspondence of 23rd February 2022, in which the Committee of Public Accounts requested further information to the following:

1. a breakdown of GSOC's workload that is undertaken by GSOC investigators and by members of An Garda Síochána;
2. a schedule of complaints referred by GSOC to An Garda Síochána and from An Garda Síochána to GSOC; and
3. request an update regarding the Workplace Relations Commission facilitated meeting that was scheduled for 26 January 2022

GSOC Investigations in 2020 & 2021

In **2020**, GSOC received a total of 1,955 complaints of which 1,264 were determined to be admissible and requiring further investigation under the provisions of the Garda Síochána Act, 2005, as amended.

In **2021**, GSOC received a total of 2,189 complaints of which 1,332 were determined to be admissible and requiring further investigation under the provisions of the Garda Síochána Act, 2005, as amended.

The table below provides a breakdown of the complaints determined to be admissible, the category of further investigation required and an explanatory note.

	2020	2021
<u>Investigations conducted by GSOC Investigators</u>		
Section 98	572	557
Section 95	150	101
<u>Investigations supervised by GSOC and conducted by An Garda Síochána</u>		
Section 94 (5)	106	118
<u>Investigations conducted by An Garda Síochána</u>		
Section 94 (1)	432	533
<u>Local Intervention conducted by An Garda Síochána</u>		
Local Intervention	263	220
<u>Referrals by AGS to GSOC</u>		
Section 102	43	59
Section 85	371	399

Explanatory Notes:

Section 98 and Section 95 investigations:

Section 98 investigations are complaints involving criminal allegations and the investigations are conducted solely by GSOC Investigators. Section 95 investigations are complaints that do not appear to involve offences but nevertheless are deemed by the Ombudsman Commission to relate to alleged breaches of discipline which warrant investigation solely by GSOC investigators.

Section 94(5) investigations:

Section 94 (5) of investigations are conducted by a Garda Síochána Investigations Officer (GSIO) under the supervision of GSOC where the Ombudsman Commission considers it desirable in the public interest to do so.

Section 94(1) investigations:

Section 94(1) investigations are alleged breaches of discipline which do not include criminal allegations and are investigated by AGS.

Local Interventions:

These cases are referred to Garda Inspectors for action under the Local Intervention scheme. These are low level service type complaints which are referred to An Garda Síochána, prior to admissibility, to be resolved informally at local level. Complaints that cannot be resolved through Local Intervention, if subsequently determined to be admissible by GSOC, are forwarded for investigation as considered appropriate by GSOC.

Section 102 referrals:

These cases involve any matter that appears to the Garda Commissioner to indicate that the conduct of a member of the Garda Síochána may have resulted in the death of, or serious harm to, a person. Investigations arising from section 102 referrals are conducted by GSOC Investigators as considered appropriate by GSOC.

Section 85 referrals:

These cases involve matters where an allegation of misconduct comes to the attention of An Garda Síochána or a complaint has been made directly to An Garda. Not all of these referrals result in admissible complaints however those that do are forwarded for investigation under sections 94, 95, or 98 as considered appropriate by GSOC.

Update regarding the Workplace Relations Commission

This industrial action was undertaken by the two representative Associations as a result of issues relating to the review of an allowance - the Availability Allowance - which is paid to Superintendents and Chief Superintendents. This review and associated industrial relations matters have been the subject of extensive engagement at official and Ministerial level over a number of years.


As part of an ongoing process of engagement the matter under dispute was before the Labour Court in December 2021. The Court recommended that all parties to the dispute should engage effectively to reach agreement with the support of the Conciliation Service of the Workplace Relations Commission (WRC). Should the parties be unable to reach a final agreement by the 30th April 2022, the matter will be referred back to the Labour Court for a definitive recommendation.

Following engagement at the WRC on 26 January 2022 and 1 February 2022, I can inform the Committee that agreement was reached between the parties on a mechanism to move the matter under dispute forward over the next two months. As part of this agreement, the Association of Garda Chief Superintendents and the Association of Garda Superintendents undertook to suspend their industrial action.

As a result, it was agreed that the Superintendents and Chief Superintendents will return, on a phased, balanced and realistic basis, to carrying out the activities which they had characterised as being outside of their core duties. This includes a return to carrying out relevant GSOC investigations once again.

I trust this clarifies the matter for the Committee.

Yours sincerely,


Oonagh McPhillips
Secretary General