

**Committee of Public Accounts**

**Report of the Garda Síochána Ombudsman Commission**

**Audited Financial Statements for 2022**

**Vote 24: Department of Justice**

**Briefing Material February 2024**

## **Background**

The Garda Síochána Ombudsman Commission (GSOC) is an independent statutory agency set up in May 2007 under the Garda Síochána Act, 2005, as amended ('the 2005 Act'). GSOC's primary function is to deal with complaints involving possible misconduct by members of the Garda Síochána, in an efficient, effective and fair manner.

## **Structure**

The Ombudsman Commission consists of three members, one of which is appointed as Chairperson. The current Ombudsman Commission is comprised of:

- Mr Justice Rory MacCabe, Chairperson, (Mr Justice MacCabe took up his appointment in January 2022),
- Mr Hugh Hume (Mr Hume took up his appointment in February 2021),
- Ms Emily Logan (Ms Logan took up her appointment in February 2021).

## **Governance**

The Ombudsman Commission is responsible for the control and direction of the Garda Síochána Ombudsman Commission, and for ensuring good governance for which it is accountable to the Minister for Justice. GSOC operates under the Code of Practice for the Governance of State Bodies.

## **Finance**

GSOC is funded through the provision of an annual grant from the Vote for the Department of Justice. The Secretary General of the Department is the Accounting Officer for the Vote and for funding provided to GSOC.

Section 77 of the 2005 Act requires GSOC to keep, in such form as may be approved by the Minister for Justice with the consent of the Minister for Public Expenditure and Reform, all proper and usual accounts of money received and expended by it. The Commission is responsible for keeping adequate accounting records which disclose, with reasonable accuracy at any time, its financial position and enables it to ensure that the financial statements comply with Section 77 of the Act. The Chairperson is responsible for the preparation of GSOC's accounts.

GSOC received funding from the Department of Justice Vote for 2022. The total amount received by for 2022 was €13.447 million.

## **Summary of Expenditure in 2022**

Table 1 shows the breakdown between Pay and Non-Pay from GSOC's expenditure in 2022.

***Table 1 – Breakdown between Pay and Non-Pay in 2022***

	<b>Expenditure (€000)</b>
Pay and Allowances	9,575
Non-Pay	3,960
<b>Total</b>	<b>13,535</b>

Table 2 shows a breakdown of the main areas of non-pay expenditure in 2022.

Expenditure of €1.111 million on the leasing of its Office accommodation in Dublin and Cork was the single biggest item. The remaining non-pay expenditure was incurred through the general day to day operation of the organisation and the expense arising from investigation of complaints and bringing cases to Court.

**Table 2 – Main areas of non-pay expenditure:**

	<b>Expenditure (€000)</b>
A02 - Travel and Subsistence Costs	129
A03 - Staff training and development	165
- Library, Publications, Reports and Subscriptions	94
- Vehicle maintenance costs	52
- Contracted Services	116
- Legal Costs	220
A04 – Telecoms	41
A05 - IT Expenses, including:	980
- Case Management System maintenance and development	156
- IT Contracted Services	353
- IT Hardware and Software maintenance	332
- IT Assets	139
A06 - Leasing of accommodation and service charges	1111
- Security costs	304
- Cleaning costs	52
- Light & Heat	178
- General Office Maintenance	141

### **Expenditure Summary 2020 to 2023**

The expenditure outturn for 2022 is set out in Table 3 below with the outturn for 2020 2021 and 2023 for comparison.

**Table 3. expenditure outturn 2020 - 2023**

	<b>2020 €000</b>	<b>2021 €000</b>	<b>2022 €000</b>	<b>2023 *Unaudited €000</b>
<b>Pay</b>	7,638	7,801	9,575	10,968
<b>Non-Pay</b>	3,792	3,904	3,960	5,160
<b>Total</b>	11,430	11,705	13,535	16,127

## **Staffing**

In 2022, GSOC 's funding and staffing sanctions allowed for a complement of 165 staff. At 31 December 2022, GSOC had 160 staff in post with a number of vacancies to be filled.

**Table 4:** The following table shows a breakdown of GSOC's staffing resources in place at the end of each year from 2020 to 2023.

**Table 4**

<b>Year End</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>
<b>Headcount</b>	127	125	160	158
<b>Sanctioned Staff complement</b>	135	135	165	172

Table 5 shows the volume of complaints and other matters dealt with by GSOC in 2021 and 2022:

**Table 5**

	<b>2021</b>	<b>2022</b>	<b>% Increase/Decrease</b>
Complaints Opened	2,189	1,826	-17%
Allegations Within Complaints	3,760	3,270	-13%
Complaints Closed	2,078	2,301	+11%
S102 Referrals*	59	41	-31%
Public Interest Investigations Opened**	13	17	+31%
Protected Disclosures	20	18	-10%
Criminal Investigations Opened	557	411	-26%

*\*S102 referrals from the Garda Síochána of matters where it appeared 'the conduct of a member of the Garda Síochána may have resulted in the death of or serious harm to a person'.*

*\*\*These are investigations undertaken in the absence of a complaint or a referral from the Garda Commissioner.*

The level of complaints received in 2022 (1,826) represented a decrease of 17% on the number received in 2021 (2,189). This follows a trend of increasing numbers of complaints in the previous two years.

Similarly, the number of referrals under section 102 of the 2005 Act which GSOC received from An Garda Síochána has fallen from 59 in 2021 to 41 in 2022 (a 31% decrease) following increases in the previous two years.

Table 6 shows a comparison in the number of complaints received and closed by GSOC in the period 2020 – 2022.

**Table 6**

	<b>2020</b>	<b>2021</b>	<b>2022</b>
Complaints Received	1,955	2,189 (12% increase)	1,826 (17% decrease)
Complaints Closed	1,724 (decrease)	2,078 (21% increase)	2,301 (11% increase)

Table 7 gives greater detail on the caseload handled by GSOC in 2020 to 2022.

**Table 7:**

<b>Nature of Activity</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
No. of queries handled	3,908	4,615	3,422
No. of calls answered by caseworkers	1,132	3,286	2,654
No. of people met in public office	51	11	37
No. of complaints determined admissible	1,264	1,332	904
No. of complaints determined inadmissible	746	855	918
No. of criminal investigations opened	572	557	349
No of disciplinary investigations opened	688	752	529
Referrals from the Garda Síochána under section 102(1)	43	59	41
Investigations opened in the public interest under section 102(4)	26	13	17
No. of allegations dealt with in complaints closed	1,989	2,902	4,484