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1	Cover Page	0			Grant
2	Circulation Control	0			Grant
3	Contents	0			Grant
4-6	Executive Summary	2	Part 1(n) of Schedule 1; Section 42; Section 32(1)(a)	Outside the Scope of the FOI Act; Restriction of the Act; Law Enforcement & Public Safety	Part Grant
7	Audit Report	1	Section 42	Restriction of the Act	Part Grant
8-18	Findings & Recommendations	27	Part 1(n) of Schedule 1; Section 42	Outside the Scope of the FOI Act; Restriction of the Act	Part Grant
19	Appendix 1	0			Grant



# AUDIT REPORT



## Public Holiday Allowance Payments Christmas and New Year 2018/2019

**August 2019**

## Circulation Control

Action	From	To	Date
<b>Sent for Management Response</b>	GIAS	CAO, Ex Dir Fin Local Management	<u>15/04/19</u>
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<b>Management Response Received</b>	CAO, Ex. Dir Finance, Local Management (with requires)	GIAS	<u>13/06/19</u>
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<b>Peer Review Received</b>	Niall Kelly	Therese Carolán	<u>09/08/19</u>
<b>Final Report:</b>	GIAS	Office of the Garda Commissioner  Office of the CAO  Executive Director HRPD  Garda Audit and Risk Committee  C&AG	<u>06/12/19</u>  <u>06/12/19</u>  06/12/19  06/12/19  19/12/19

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## 1. Executive Summary

### 1.1 Introduction

An Garda Síochána has a responsibility to use money effectively and efficiently. The Commission's Report on the Future of Policing in Ireland (September 2018) recommends better management within existing resources and that police resources should be deployed where they are needed. It also points out that the implementation of strategic reforms will deliver substantive benefits in return for any additional investment.

In September 2018, the Garda Commissioner gave a public commitment to ensure An Garda Síochána remains within its allocated budget. The Commissioner stated that his first priority was to understand how the organisation was spending money.

A recent audit of Overtime and Allowances (September 2018) identified significant additional expenses associated with working on Sundays and Public Holidays compared to other working days.

With this in mind, GIAS decided to examine the payment of Public Holiday Allowance to members based in offices in Garda Headquarters over three days during the Christmas and New Year period 2018/2019. The aim of the audit was to identify opportunities for increased efficiencies to the Garda Payroll to ensure prudence and transparency in the management of public/voted monies and make recommendations for future developments / improvements / cost savings.

The sections / offices included in the audit are resourced with a mix of Garda Members and Garda Staff and are not undertaking 'high visibility' duties.

Non-essential work should not be necessary or undertaken on Public Holidays. The cost of Public Holiday Allowance for the three dates and sections examined amounted to €201,000. If this is grossed up to include all 12 public holidays in the year the cost is approximately €800,000.

While this level of cost is not material in the context of the overall Garda Vote, it demonstrates the lack of prudent financial accountability and oversight of public monies by managers and supervisors. It suggests a culture of 'entitlement' -v- the public good which is not true to the Ethical values and professionalism being promoted in the organisation. Management in areas where 24/7 rosters are not required should have discretion (with the support of the Head of the area) to close on some or all of those holidays. The shift in emphasis could be to the employees' wellbeing and an entitlement to take the days unless directed otherwise.

In the design of any new roster arrangements, consideration will have to be given to the necessity for rostering on Sunday and Public Holidays to ensure that the incentives are aligned with policing demands and that this represents value for money. The need to balance the requirements of An Garda Síochána, public need and crime patterns, together with the welfare of the workforce will also require consideration.

With regard to these sections/offices, GIAS has not found evidence of the Garda Staff allocated there, working on Public Holidays (or at weekends).

GIAS identified an emerging risk relating to shortfall in the Garda Vote due to unforeseen commitments. Potential savings in this area could help mitigate this risk.

GIAS wish to thank the personnel in the Payroll Shared Services Centre and Garda Human Resources Directorate who assisted by providing data to facilitate us in carrying out this audit.

## 1.2 Audit Opinion

GIAS can provide **Limited Assurance** that the money spent on Public Holiday Allowance to Garda Members for the Christmas and New Year Period 2018/2019 represents good value.

In relation to specific audit objectives GIAS can provide:

- **Limited Assurance** that the Payment of Public Holiday Allowance to Garda Members for non-essential duty is efficient and represents good value for money to An Garda Síochána and our customers in terms of service provided. This represents **medium risk**.
- **Limited Assurance** that duties performed by Garda Members from Garda Headquarters on those Public Holidays was necessary and effective for the prevention of crime or the maintenance of public order and contributed to the overall visible policing requirement. This represents **medium risk**.
- **Limited Assurance** that this was the most economical use of resources for the prevention of crime or the provision of policing services. This represents **medium risk**.

## 1.3 Main Findings and Recommendations

Non-essential work should not be necessary or undertaken as a matter of routine on Public Holidays.

The necessity for an average attendance rate █████ over the three days for Garda Members attached to offices based in Garda Headquarters is questionable and the duty performed on the three Public Holidays examined requires justification.

A significant focus of senior management should be allocated to reviewing the necessity for operational Members to perform non-essential duties on Sundays and Public Holidays.

In their responses to GIAS, Divisional and District Officers have expressed the view that the roster cannot be changed. This suggests that if a Garda Officer is rostered for duty on a Sunday or Public Holiday they automatically attend whether or not there is a necessity for them to work. The Westmanstown Agreement however provides for flexibility and adjustments to rosters in line with policing needs. It is the view of GIAS that the Garda Executive has not empowered local managers at Chief Superintendent and Superintendent rank, to implement an agile approach to roster planning that meets



local business and policing needs as well as the strategic requirements of the organisation. This view has already been articulated in the Garda Inspectorate report 'Changing Policing in Ireland' 2015.

The lack of direction has created an institutional problem impacting the entire Garda organisation. GIAS recommend that a HQ Directive should issue before the Christmas period 2019 to address this matter and to encourage management to review practices and balance the needs of their area of command with staff wellbeing. [REDACTED]

Local Managers and supervisors should be advised to closely examine the working requirements and activity undertaken on public holidays. Allowances are not intended to be used as supplemental income. Management have a responsibility to ensure there are robust controls in place to monitor both the requirement for and the output from such duty.

GIAS recommends that consideration should be given to allowing Members who are conditioned<sup>1</sup> to work Monday to Friday to avail of time off on Public Holidays and that incentives are aligned with policing demands, which in turn will deliver value for money. Such employees should work public holidays on request from Garda Management rather than as an automatic entitlement.

Policing rosters should be aligned with policing demand and represent value for money for the citizen and taxpayer. The Westmanstown agreement (4.17), on which the current roster is based, allows for flexibility in rosters in line with policing demand. It is the responsibility of Garda Management to ensure that taxpayer's money is used efficiently and in line with policing demand. 'Rosters are a very important factor in operational deployment. Good rosters match resources to demand and ensure that people are on duty at times of most need.'<sup>2</sup> The current review of rosters must ensure that there is sufficient agility to suit the diverse needs of the organisation. GIAS is of the view that the working group should also examine any new proposed roster system from a value for money perspective.

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<sup>1</sup> Some Garda Members/ Staff have as a condition of their employment that they work Monday to Friday rather than on a roster.

<sup>2</sup> Garda Inspectorate Report Changing Policing in Ireland 2015.



## 2. Audit Report

### 2.1 Background

Public Holiday Allowance is paid to Members of Garda, Sergeant and Inspector Ranks for working on a Public Holiday. It is an allowance in the nature of pay and is treated in the same way as duty on a Sunday. It is calculated at:

- (a) Double basic rate for a Public Holiday, which is a rostered working day;
- (b) Double rate of pay and a free day for Garda and Sergeant ranks for duty on a rest day.
- (c) Treble basic rate for a Public Holiday, which was a rostered rest day for Inspector rank.

In order to identify opportunities for greater economy and increased efficiencies to the Garda Payroll, GIAS decided to examine the payment of Public Holiday Allowance over the Christmas and New Year period 2018/2019 to Members of An Garda Síochána attached to offices / administrative functions at Garda Headquarters.

### 2.2 Audit Scope and Methodology

The audit had the following objectives:

- To identify opportunities for increased efficiencies to the Garda Payroll and make recommendations for future developments/ improvements / cost savings.
- To identify opportunities for increased efficiencies regarding the deployment of resources.
- To identify opportunities for the more economical use of resources.
- To ascertain whether the money spent represents good value for money to An Garda Síochána and our customers in terms of service provided.

Information was sought from the Payroll Shared Services Centre and Garda Human Resources Directorate as required to carry out our research.

Following this, an analytical review of the information gathered was undertaken. The views of local management were also obtained.

### 2.3 Exclusions



### 3. Findings and Recommendations

#### Expected Control:

Adequate controls are in place to ensure that the necessity for duty to be carried out on Public Holidays is controlled in line with policing needs and budgets and that this represents value for money spent.

#### 3.1 Organisation-Wide Perspective

The total spend by An Garda Síochána on Public Holiday Allowance over the Christmas and New Year period 2018/2019 was €4.95m. The total number of employed Members of Garda, Sergeant and Inspector Ranks during this period was 13,811. A breakdown for the three Public Holidays, together with the percentage of Members on duty, is shown in Table 1.

Table 1 - National Perspective

Date	Number of Members	Members on Duty	% on Duty	Cost (€m)
25-Dec-18	13811	7055	51	1.61
26-Dec-18	13811	7389	54	1.69
01-Jan-19	13811	7216	52	1.65

(Source HRPD/PSSC)

€4.95

**Note:** Other than Garda Staff rostered to support operational policing duties in GISC (Garda Information Services Centre) and Command and Control, nationally [REDACTED] Garda Staff worked overtime over the Christmas and New Year period. [REDACTED] Garda Staff attached to the Garda Press Office worked overtime on the 26<sup>th</sup> December 2018. A further [REDACTED] Garda Staff worked overtime on the 1<sup>st</sup> January 2019, [REDACTED] of these was attached to GISC and [REDACTED] was attached to Command and Control. GIAS cannot ascertain if the duty performed by the other [REDACTED] Garda Staff on the 1<sup>st</sup> January was required for operational reasons.

#### 3.2 Garda Headquarters

Twenty seven sections/offices attached to Garda Headquarters were included in the audit. A section was included in this analysis if a Member from that section worked at least one of the three Public Holidays. The total number attached to these 27 sections/offices was 587 Garda Members. The total spend on Public Holiday allowance for these sections/offices came to €200,804. [REDACTED]

**Table 2- Garda Members in Garda Headquarters**

Date	Number of Members	Members on Duty	% on Duty	Cost €
25-Dec-18	█	█	█	63,539
26-Dec-18	█	█	█	69,579
01-Jan-19	█	█	█	67,687

(Source HRPD/PSSC)

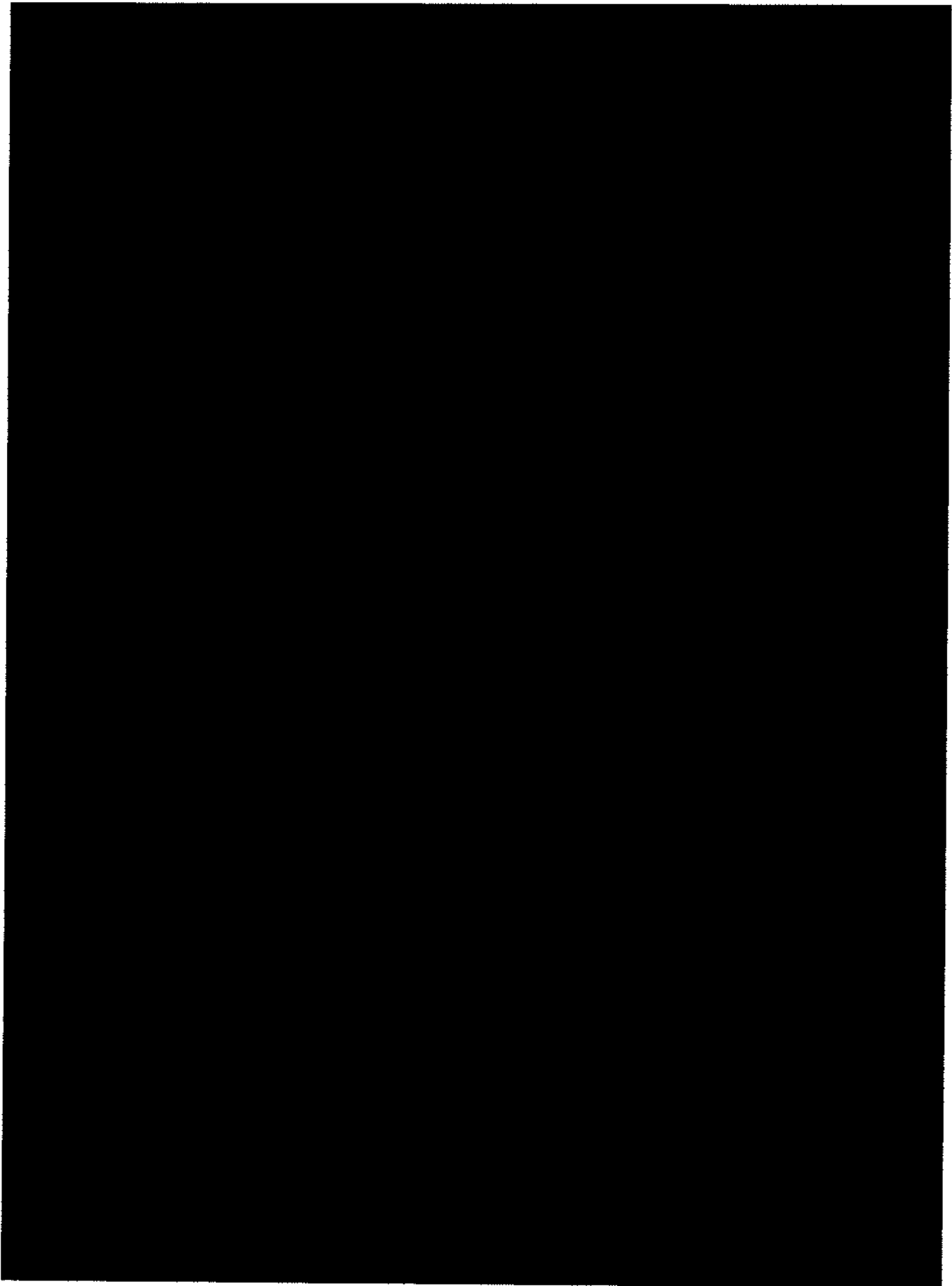
€200,804

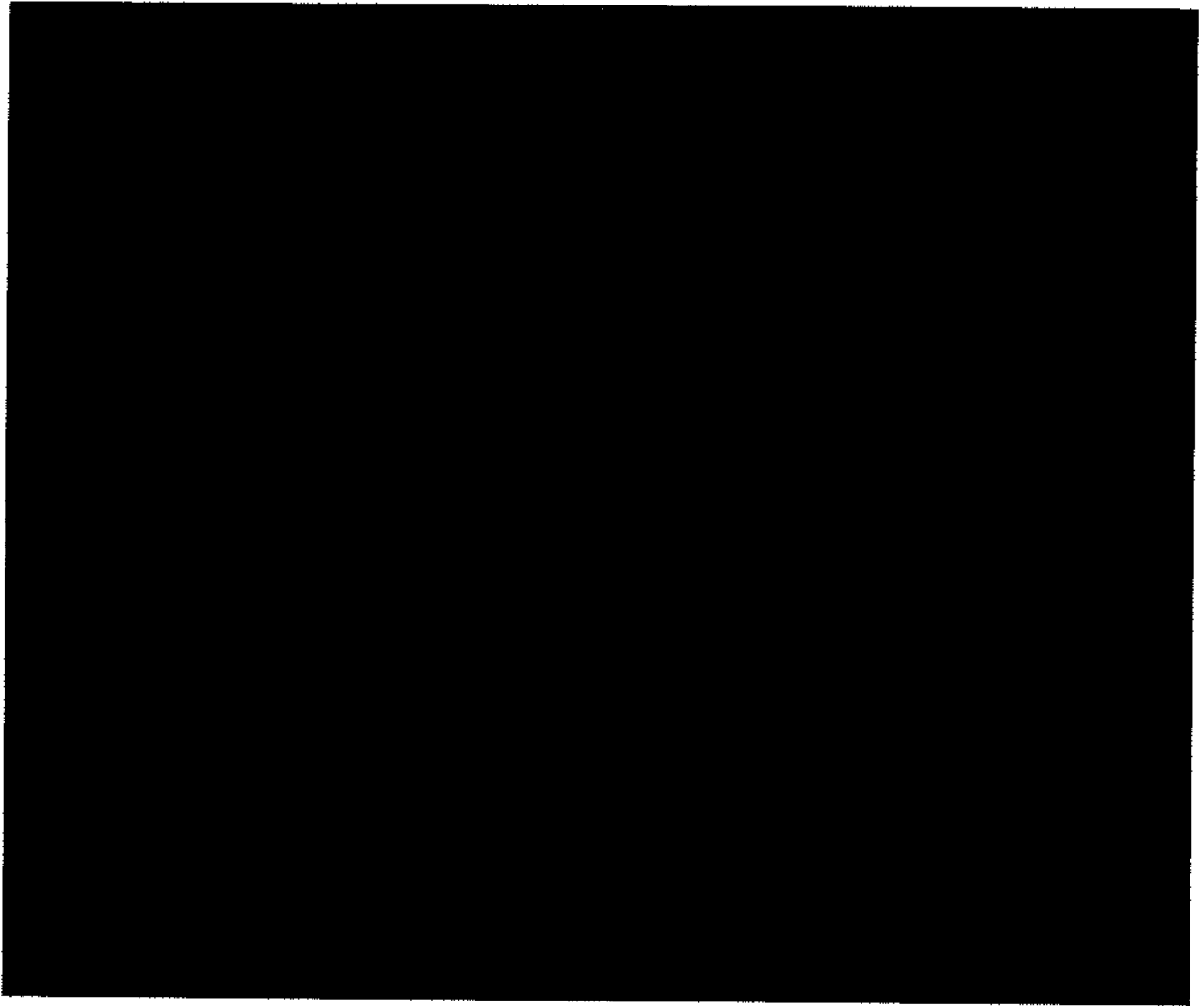
On average, over the three days examined, the attendance rate of non-operational Members attached to sections / offices within Garda Headquarters was █

GIAS extrapolated (based on attendance continuing at this level and the remaining Public Holidays in 2019) a reasonable further cost of attendance of €600,000 in the sections/office attached to the Garda Headquarters.

### 3.3 Analysis

A full breakdown for 25<sup>th</sup> December 2018 of the 27 sections is shown in Table 3. The data is sorted by largest section to the smallest.





Questions arise for management as to:

- (a) The most economical use of resources – particularly when the Members concerned may be entitled to a compensatory day off in addition to payment of the allowance.
- (b) Whether there is evidence of the effectiveness of the specific activities undertaken in reaching operational objectives; and



- (c) The urgency of the tasks undertaken and whether and why the activities could only be undertaken on these days rather than during the 'normal' working week.

### 3.4 Garda Staff

Garda Staff are also conditioned to work Monday to Friday and have no automatic entitlement to Public Holiday Allowance. With regard to these sections/offices, GIAS has not found evidence of the Garda Staff allocated there working on Public Holidays (or at weekends).

The question of discrimination, intentional or otherwise, arises whereby Garda Members are perceived to be facilitated to work rostered duty in sections/offices where attendance is generally required on a non-rostered 8:00hrs / 9:00hrs to 17:00hrs / 18:00hrs basis, and where the option of weekend or Public Holiday duty is not available to Garda Staff working in the same sections/offices.

### 3.5 Further Analysis

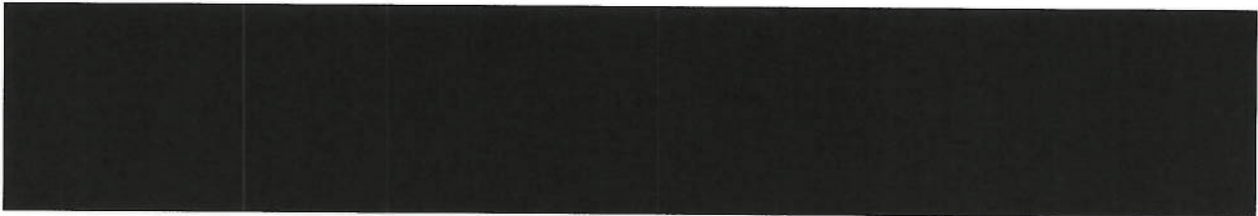
For each of the sections examined, GIAS asked Local Management for a response to the findings relating to their respective area of responsibility. In total 22 responses were requested and 12 responses were received. The responses received are included in Appendix 2.

The main reason cited by management for Members working the dates in question was because they were rostered to do so. In one case it was highlighted that the Members concerned are not in receipt of either Designated Post or Ex Gratia allowances.

GIAS also requested copies of the A85s for the relevant period from every section audited. Forms from 8 sections were subjected to detailed analysis. This identified some good and some poor practice.

### Garda National Immigration Bureau

The largest section highlighted in the audit report is GNIB. Although Dublin Airport was closed on Christmas Day, [REDACTED] The Irish Naturalisation and Immigration Service, the Courts Service and the embassies were also closed.






**Garda National Economic Crime Bureau**

The following table shows the attendance levels for the Garda National Economic Crime Bureau for the 25<sup>th</sup> to 28<sup>th</sup> December 2018. This data was obtained from the analysis of A85s.



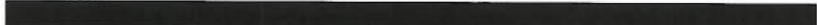
**Garda National Protective Services Bureau**

The following table shows the attendance levels for the Garda National Protective Services Bureau for the 25<sup>th</sup> to 28<sup>th</sup> December 2018. This data was obtained from an analysis of A85's.



This identified reasonable practice with attendance levels more consistent over the dates examined. All Forms A85 were well presented.

**Technical Bureau**

GIAS found the Members of the Documents section attached to the Technical Bureau are also conditioned to work Monday to Friday. The Forensic Liaison Office was staffed on Christmas Day 

## Internal Affairs

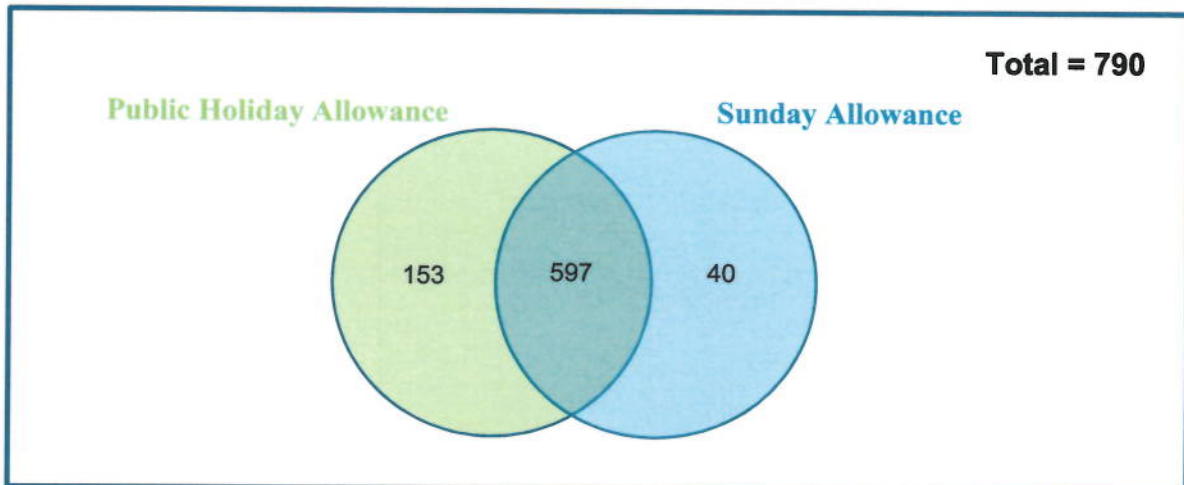
Members of the Gearain Office (GSOC liaison office), Internal Affairs, were rostered for duty on both 26<sup>th</sup> December and the 1<sup>st</sup> January. At the time of the establishment of the Gearain Office in May 2013, GIAS notes that it was a requirement of the Members selected for the positions that they would make themselves available to perform duty on all public holidays.

GIAS have been advised that early in 2019 this practice was reviewed with consultation with the office of Conciliation and Arbitration, Human Resource Management to establish best approach in this regard. This office was advised that Members were directed to restrict performance of public holidays to half of those per calendar year commencing from Q2 2019. Members now indicate in advance the Public Holidays they are working. This is approved to ensure that there are resources available to cover each Public Holiday and ensure the duties of the office and the considerable volume of deadlines are met.

This represents reasonable practice and is a good interim change. GIAS would query however whether there is any real requirement to staff the Gearain Office on Sundays and Public Holidays.

### 3.6 Members conditioned to work Monday to Friday

Using the complete payroll data for 2018, and eliminating those in receipt of a Saturday Allowance Payment during the course of the year, GIAS identified 597 members who received both Sunday Allowance and Public Holiday Allowance payments. 153 members received Public Holiday Allowance Payments only and 40 members received Sunday Allowance Payments only.





The total cost of Public Holiday allowance for this subset of members amounted to €940,000. The total cost of Sunday Allowance for this subset of members amounted to €2.345 million.

The total spend on Public Holiday Allowance and Sunday Allowance for those not in receipt of Saturday Allowance is in the region of €3.3 million.

GIAS further analysed the 790 members against their respective cost centres and as expected the figure was in the main, evenly distributed across cost centres. This indicates that the vast majority of the 790 members are likely based in District and Divisional Offices. However, the analysis also highlighted some example worthy of specific mention. Of the 790 members in total, [REDACTED]

### 3.7 Data Quality

Following the examination of the A85s, GIAS found inaccuracies in the data held by HRD. Some Members attached to units were not included in the data supplied by HRD and some Members included in the HRD data were not attached to the units concerned. Due to the absence of RDMS, it was impossible to ascertain true attendance level of Garda Members recording duties on Public Holidays. Given the limitations of the A85 and HRM systems our analysis was based on payroll payments from the Corepay system which have a high probability of accuracy based on the actual payroll payments made for the days examined in this audit.

GIAS requested data from HRD which would indicate which members are based in administrative roles but HRD do not hold such data. GIAS also requested data from the Workforce Modernisation Census 2019 to assist with the audit. However GIAS were advised that this data is incomplete as the Census was not completed by all sections and units.

### 3.8 Recommendations

#### Priority 2

Non-essential work should not be necessary or undertaken as a matter of routine on Public Holidays.

The necessity for an average attendance rate of [REDACTED] over the three days for Garda Members attached to offices based in Garda Headquarters is questionable, and the duty performed on the three Public Holidays examined requires justification.

A significant focus of senior management should be allocated to reviewing the necessity for operational Members to perform non-essential duties in offices / administrative functions on Public Holidays.

Local managers and supervisors should be advised to closely examine the working requirements and activity undertaken on Public Holidays. Allowances are not intended to be used as supplemental income. Management have a responsibility to ensure

there are robust controls in place to monitor the requirement for, attendance and the output from such duty.

GIAS recommends that consideration should be given to allowing Members conditioned to work Monday to Friday to avail of time off on Public Holidays and Sundays and that incentives are aligned with policing demands, which in turn will deliver value for money.

The Senior Leadership Team may wish to consider whether instructions are required to be issued to provide for management's discretion in determining service needs in their areas in advance of Public Holidays.

GIAS acknowledge that some sections/units do require a presence on all days of the year, however, it is the level of attendance required to meet business needs balanced with employee wellbeing that should be examined.

## **Management Response**

### **Chief Administrative Office**

*You will be aware of the ongoing workforce reform initiative in the organisation and the parameters within which roles are being considered for reassignment of Garda members. I must highlight that the Executive has, in the context of the workforce reform initiative, agreed roles that are considered suitable to be examined with a view to identifying reassignment opportunities.*

*You will also be aware of the Commissioners directions to the Senior Leadership Team in respect of the monitoring and management of overtime, and I want to highlight to you the importance being placed on our financial performance by the Commissioner. The directions of the Commissioner in respect of overtime also apply in respect of allowances and other such discretionary payments.*

### **Finance Directorate**

*Various sections mentioned in the report are operational in nature, and are required to have a presence on all days of the year, necessitating working on Public Holidays.*

*A working group, the Roster Reform Project, has been set under an Assistant Commissioner to examine the current system of rosters, and make recommendations for a revised roster system.*



### Priority 3

In the design of any new roster arrangements, consideration will have to be given to the necessity for rostering on Sunday and Public Holidays to ensure that the incentives are aligned with policing demands and that this represents value for money spent.

The need to balance the requirements of An Garda Síochána, public need and crime patterns, together with the wellbeing/welfare of the workforce will also require consideration.

The increased allocation of Garda Staff to these sections and the return of Garda Members to core operational policing duties should obviate the need for attendance these days. This should be expedited so that savings can be generated within the Subhead.

GIAS reminds managers that when certifying A85s they are responsible for ensuring all data is correct and that data recorded reflects the true position.

Buildings such as the Garda Headquarters complex will also increasingly have to consider environmental factors such as costs of light/heat/services, etc. over the course of the year, including holiday and weekend utilisation.

### Management Response

#### Chief Administrative Officer

*As outlined previously there is an ongoing workforce reform initiative in the organisation which manages and adheres to parameters for roles to be considered for reassignment of Garda members. The Garda Executive supports this process in the context of the workforce reform initiative and agrees the roles that are considered suitable to be examined with a view to identifying reassignment opportunities.*

*. All roles and functions considered to be administrative or suitable to be filled by a Garda Staff member should be considered within the parameters of the workforce reform initiative.*

#### Finance Directorate

*It is a priority of Garda Management to replace Garda Members with Garda Staff wherever possible. It's recommended in the Commission on the Future of Policing in Ireland Report. It is intended to recruit 600 Garda Staff (net) in 2019 releasing 500 experienced Garda members for front line duties.*

***Niall Kelly***

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Niall Kelly

Head of Internal Audit

Date: 18<sup>th</sup> October

## APPENDIX 1 - Categorisation of Audit Findings

The findings in this report have been categorised using a formalised assessment process as follows;

**Priority 1:** Where both the impact of the control weaknesses on the operations of the Division and the likelihood of occurrence is considered to be high. Priority 1 issues need to be given immediate attention by management as this represents **high risk**.

**Priority 2:** Where one of either the impact of the control weakness on the operations of the Division or the likelihood of occurrence is considered to be high and the other is considered medium. Priority 2 issues need to be given attention by management as this represents **medium to high risk**.

**Priority 3:** Where one of either the impact of the control weakness on the operations of the Division or the likelihood of occurrence is considered to be medium and the other is considered low. Priority 3 issues need to be given attention by management as this represents **medium to low risk**.

**Priority 4:** Where both the impact of the control weak on the operations of the Division and the likelihood of occurrence is considered to be low. Management should keep Priority 4 issues under review as this represents **low risk**.

## APPENDIX 2 – Responses from Local Management

Mr Niall Kelly,  
Internal Audit Service.

RE: Audit of Public Allowance Payments – An Garda Síochána Band.

I refer to your correspondence of the 3<sup>rd</sup> May 2019 in the above.

The Garda band's roster necessitates that in any given roster period, two Saturdays and two Sundays should be rest days and that there must be at least one three-day rest period in each roster period.

The remaining rest days are generally designated as Mondays since this is the day on which demand for the band has historically been lowest.

The requirements of the European Working Time Directive place further constraints on the rostering of the band.

Changing the rest days to avoid Public Allowance Payments would result in the members working more Saturdays and Sundays which attract allowances and would not result in a significant saving.



Regards,

*Dermot Mann*  
Chief Superintendent  
Personal Assistant to Commissioner

**Mr. Niall Kelly**  
**Garda Internal Audit Service**

With reference to the above, please see correspondence below from Detective Superintendent Gerard Walsh, Garda National Economic Crime Bureau, in relation to an audit of public holiday allowances.

Please note that I concur with the views expressed by Detective Superintendent Walsh .

The current system allows no opportunity to alter working arrangements in the Garda National Economic Crime Bureau. Members work the roster which was agreed as a pilot several years ago.

In addition, I would recommend that a value for money audit be carried out on the overall roster system since its implementation in An Garda Síochána.

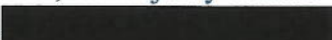
*Forwarded for your information and consideration, please.*



*Patrick Lordan*  
*Detective Chief Superintendent*  
*Garda National Economic Crime Bureau*



Gerard Knightly  
GIAS

With reference to the above, HRM is responsible for a large number of people, mixed between operational and administrative roles. Members on secondment to the Department of Employment Affairs and Social Protection (DEASP) who are operational come under HRM, as do GRA, AGSI, and Health & Safety,

In the case of the members who were working on the dates mentioned, the majority of these members are attached to the Garda Employee Assistance Service. 

In terms of administrative staff working on the days mentioned, I will review the situation and endeavour to ensure that only those who are required to be present in work, or their presence is otherwise unavoidable, will be working on these dates in the future.

Forwarded for your information, please.

Sent on behalf of Chief Superintendent McLoughlin.

**Sergeant Noel Kavanagh,**  
HRM Divisional Office,  
Human Resources & People Development,  
Garda Headquarters, Phoenix Park, Dublin 8. DO8 HN3X.  
☎ 01-6662374

Dear Mr. Knightly

I note the contents of your email and your request for the views of this office as to how the rostering of GNPSB for duty on the 25<sup>th</sup> and 26<sup>th</sup> December 2018 represents value for money. Additionally, you have requested to know what alternative working patterns were considered.

Garda members attached to GNPSB operate a non-core roster. Their allocated roster is based on the Westmanstown Agreement which provides that their tour of duty will be set out in the roster and shall not be changed outside the prescribed parameters.

Therefore, the question of value for money does not arise as the members are rostered for duty to suit the operational needs of this section. This office has no authority to alter the shift pattern outside of the Westmanstown Agreement.

Declan Daly

Detective Chief Superintendent

Garda National Protective Services Bureau

To whom it concerns,

**RE: Audit of Public Holiday Allowance Payments**

In relation to the above and your correspondence of the 3<sup>rd</sup> May inst., I wish to report that GPSU work to a carefully planned time schedule in order to meet its commitments annually. As you will be aware, considering the similarities in the requirements on both our Units, a key part of our work plan involves the completion of written reports detailing the findings of our exams. From past experience, I have found that in order to complete these reports, staff need to be allocated sufficient time and space. I find that Public Holidays facilitate such need and allow staff to complete the designated work with minimal interference. Accordingly, in 2018, I as Head of GPSU, committed to completing specific work for the year and, despite a large extra volume of work being allocated to the Unit, I can report that this work was completed on schedule. This successful completion of work on schedule was achieved by accurate planning which included utilising staff on Public Holidays. In my opinion, providing such an efficient and timely service provides the Organisation with “value for money”.

In addition to the above, it should be noted that part of the Job Description for posts in GPSU, work times require “*Members to be flexible and work weekends*”. Consequently, I am grateful for those members who do give their time to work on Public Holidays and can advise that no alternative working patterns were considered for the date in question.

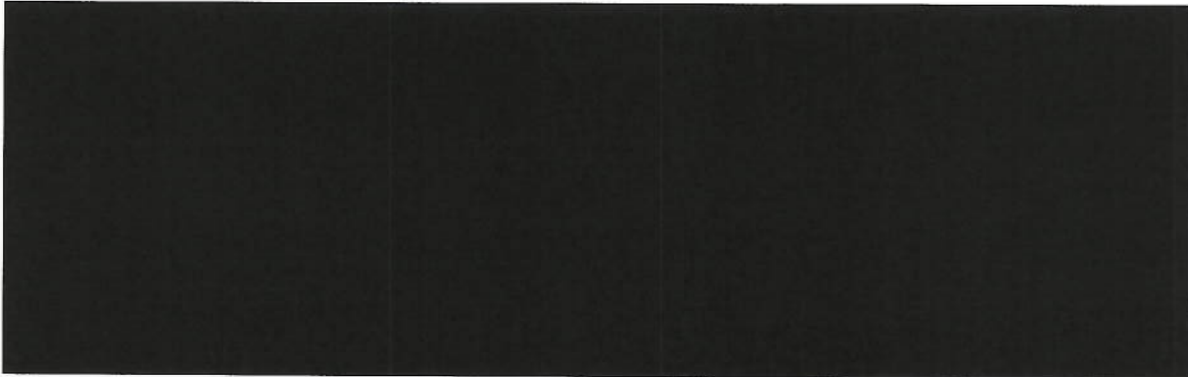
Forwarded.

*John Nolan*

John Nolan | Chief Superintendent | Garda Professional Standards Unit

Good Morning Gerard,

I refer to your email below and can report:



In relation to the detailed query:

There are ■ members in Telecommunications HQ

The ■ members of Telecommunications Section who were recorded as being on duty on 25<sup>th</sup> December, 2018 were rostered to work as per their shift pattern

Of the ■ members were recorded as being on duty on 26<sup>th</sup> December, 2018; ■ were rostered to work as per their shift pattern the remaining ■ were required to provide support to Garda systems

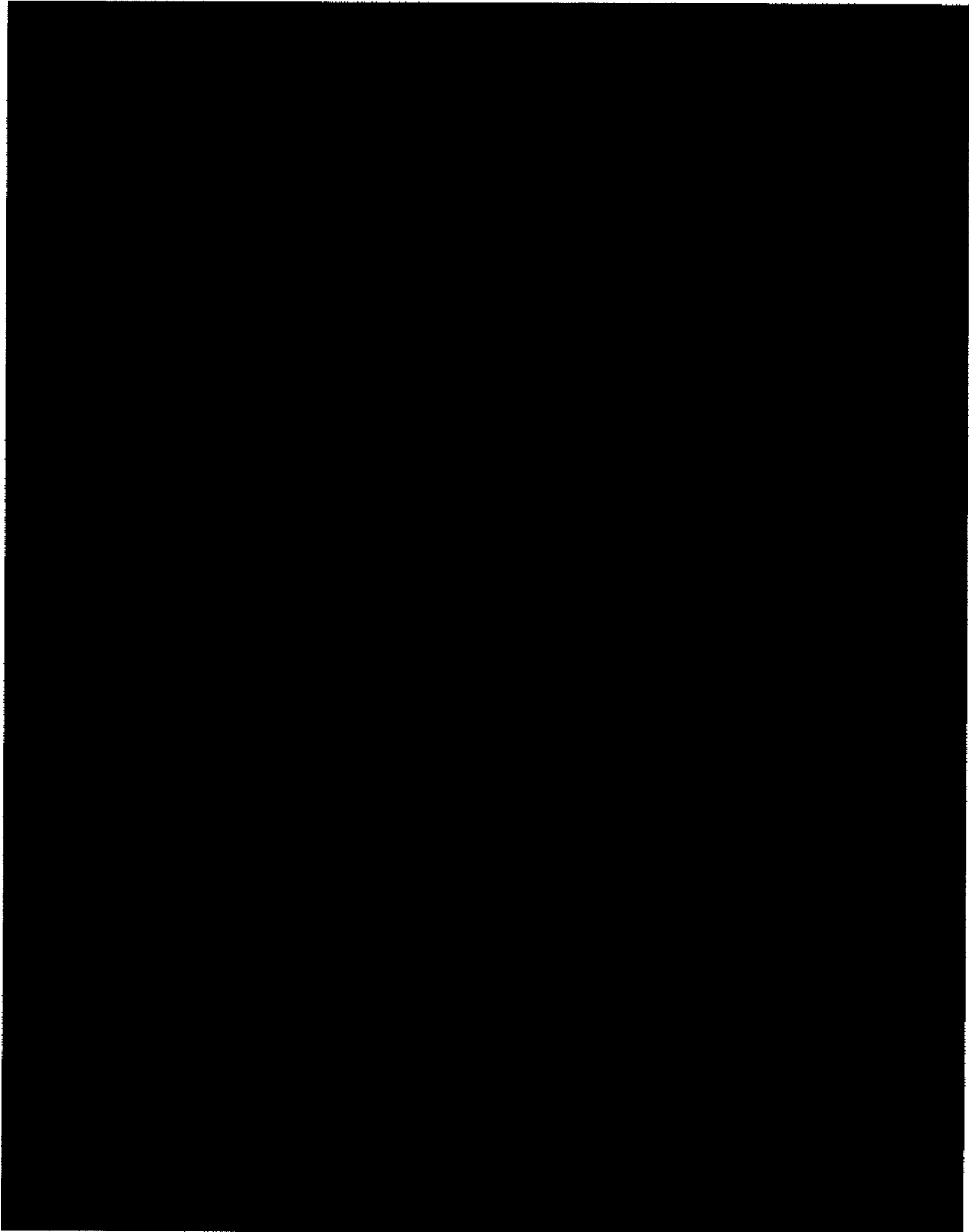
Of the ■ members were recorded as being duty on the 1<sup>st</sup> January, 2019 ■ were rostered to work as per their shift pattern, the remaining ■ were required to provide support to Garda systems.

With regard to value for money, this section has continued to provide support and maintain Garda systems in the most trying of circumstances, the members working on those Public Holidays were kept to a minimum and their duties on the day were key to the role of this section,

Yours

Mick Flynn

Superintendent Michael Flynn  
Telecommunications Operations,





Mr Knightly

I refer to the attached.

The members concerned are not in receipt of either Designated Post or Ex Gratia allowances as is availed of on a weekly basis by the majority of the sworn members attached to Crime Legal section. Accordingly, the members concerned understand they are ordinarily rostered to work Monday to Friday and the 3 days in question fell on a Tuesday/Wednesday/Tuesday. Therefore, those members understood they were required to work their ordinary tours of duty on those days or alternatively avail of Annual Leave, rest days or TOIL etc as some did.

However, given the issues raised in your correspondence, the working arrangements for the small number of members affected in this section will be reviewed and alternative working patterns considered for the Christmas and new year period 2019.

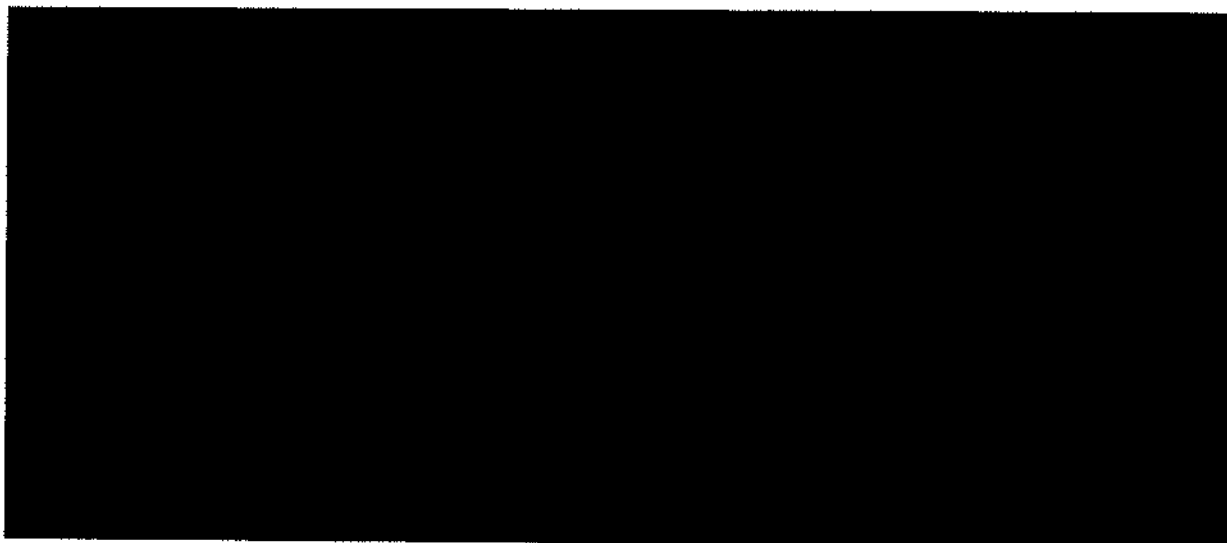
Regards,

***John Ryan***  
Superintendent  
Crime Legal,

Mr Niall Kelly  
Head of the Garda Internal Audit Service

I refer to the above, and your recent email regarding the audit of Public Holiday Allowance Payments for the Garda National Technical Bureau (GNTB).

The Garda National Technical Bureau provides operational support and assistance to An Garda Síochána with forensic investigations of a serious and complex nature. This service is provided on a 24 hour basis nationwide.



Given the unpredictability of the requests for our services I believe that the correct working patterns are in place to offer the best service to the Organisation.

Forwarded please.

Sent on behalf of

Detective Superintendent O'Reilly

by

**Carmel Griffin Sergeant,  
Management Support Office,  
Garda National Technical Bureau,**

**Hello Gerard**

Thank you for your email

I have a staff of 165 at the Garda National Vetting Bureau.

160 of my team are unsworn Garda Staff and I have 5 Sworn Members who are Sergeants.

My Vetting team are bi-located in the following 5 towns, namely;

- Thurles
- Tipperary Town
- Ennis
- Waterford, and
- Enniscorthy.

The demands placed on the G.N.V.B are tremendous. For example, in 2018 we successfully;

- ✓ Processed over 520,000 Vetting Applications to 24,500 Relevant Organisations as demanded by statute
- ✓ Progressed 601 Specified Information Files,
- ✓ Processed 20,000 European Criminal Record Checks,
- ✓ Processed 6,000 Pulse Update Files and
- ✓ Processed 45,000 Criminal Record Checks

My staff are stretched to capacity and I am currently already down 2 Sergeants in 2019.

I need a small number of my Sergeants to progress the above workloads on occasional Sundays and Bank Holidays, in order to mitigate against any corporate risk of AGS not meeting our legal requirements as contained in section 14 of the National Vetting Bureau (Children & Vulnerable Persons Act) 2012/2016 – disclosure of *Specified Information*.

Both Sergeants in question who worked on January 1<sup>st</sup> are attached to my “Specified Information Team”

*Specified Information* relates to information which gives rise to a bona fide concern that the individual may harm or cause to be harmed a child or vulnerable adult.

The Act provides for a thorough process wherein the *Chief Bureau Officer* must correspond with the vetting applicant in respect of any specified information being considered and provides for the vetting applicant to make a submission on their own behalf. The *Chief Bureau Officer* must determine if it necessary, reasonable and proportionate to disclose the *Specified Information* to a relevant organisation based on all the available evidence and any submissions made by an applicant. Following the decision

of the *Chief Bureau Officer*, the applicant may appeal the decision made to the independent Appeals Officer.

601 vetting applications were processed through the *Specified Information Team* in 2018. 397 vetting applications were referred to the Team in 2018. At the end of 2018, *Specified information* was disclosed in the case of three vetting applications, and 188 vetting applications were on hand being progressed through the various stages of *Specified Information*. 14 vetting applications are currently at Appeal stage.

In most cases, *Specified Information* is based upon grave allegations of sexual or physical harm to children. These are allegations where the outcome of the Garda investigation does not result in a conviction. *Specified Information*, by its nature is an interference with a Vetting Applicant's rights. This being the case, the process is extensive and time consuming.

In the determination process, the information must pass the tests of reliability, relevancy, reasonableness, necessity and proportionality, having regard to matters such as natural justice, fair procedure and due process. Upon appeal, the information upon which the determination under section 15 was based must be disclosed to an independent Appeals Officer, and from there to the Vetting Applicant. This requires the documentation to be restructured in a format that does not prejudice the functions of the Bureau or does not have a harmful effect on witnesses in the Garda investigation.

I require my 2 Sergeants to professionally process and progress their *Specified Information* Files in a timely manner. There was no other work pattern considered for that date. The new R.D.M.S system is due to be implemented here at the G.N.V.B in Q3 2019 and this will assist in future planning and resourcing.

The Garda National Vetting Bureau continue to deliver excellent value for money for An Garda Síochána and Communities across Ireland and we drive our key mission to keep Children and Vulnerable People safe across Ireland.

Next Tuesday, on May 7<sup>th</sup> The G.N.V.B are hosting our first ever "Garda National Vetting Conference" in Croke Park which will be opened by Deputy Garda Commissioner John Twomey. The Conference will be attended by over 400 delegates, all with a key stake in protecting the most vulnerable in our society and *keeping people safe*.

Should you wish to discuss further, please feel free to call me, I will be back in my office on Friday 10<sup>th</sup> May

Regards

*Niall*

**Superintendent Niall Featherstone**  
**Chief Bureau Officer**  
National Vetting Bureau,

Hello Gerard

In relation to your query of 3rd May, please be advised staff were rostered to work on the dates referred to.

Best  
Colette

**Chief Superintendent Colette Quinn**  
**Garda Youth Diversion Bureau**

Sent from my Samsung Galaxy smartphone.

**IAADM-146254/19**

Mr Niall Kelly  
Garda Internal Audit Service  
89-94 Capel Street  
Dublin 1, DO1 E3C6

**Re: Audit of Public Holiday Allowance Payments Internal Affairs**

With reference to the above and yours of 3<sup>rd</sup> May 2019.

██████ members of the Gearain Office, Internal Affairs, were rostered for duty on both December 26<sup>th</sup> 2018 and January 1<sup>st</sup> 2019.

At the time of the establishment of the Gearain Office in May 2013, it was a requirement of the members selected for the positions that they would make themselves available to perform duty on all public holidays. This was as a result of the primary function of the office to supply information requested to GSOC within prescribed and agreed timeframes of 30 days. In the context of the timeframes, it is not restricted to working days but is inclusive of weekends, Sundays and public holidays. Given that there is no staffing of the office on any Saturday and members are rostered to perform duty on every second Sunday, members were required to perform duty on public holidays. This practice has remained in place for the three staff members attached to Gearain who are not in receipt of an ex gratia allowance.

Early in 2019 this practice was reviewed. Following consultation with the office of Conciliation and Arbitration, Human Resource Management, to establish best practice in this regard. This office was advised that members should restrict performance of public holidays to half of those per calendar year. In keeping with those advices, commencing from Q2, 2018, Staff have been directed accordingly. Members now indicate in advance the public holidays they are working and this is approved to ensure that there are resources available to cover each public holiday and ensure the duties of the office and the considerable volume of deadlines are met.



Staffing at Internal Affairs has remained very under resourced with no replacement of Garda Member [REDACTED] In order to fulfil critical responsibilities assigned to the Gearáin office and other sections within Internal Affairs to maintain the required level of service, members are required to work on public holidays. The directions of the office of conciliation and arbitration have been complied with.

Forwarded for your information.



Helen Deely  
Superintendent

/

LD July, 2019