

An Garda Síochána

Oifig Saorála Faisnéise
An Garda Síochána, Teach áth Luimnigh
Lárionad Gnó Udáras Forbartha Tionscail
Baile Sheáin, An Uaimh
Contae na Mí
C15 DR90



Freedom of Information Office
An Garda Síochána, Athlumney House
IDA Business Park
Johnstown, Navan
Co Meath
C15 DR90

Teileafón/Tel: (046) 9036350

Bí linn/Join us  

Láithreán Gréasain/Website: www.garda.ie

Riomh-phoist:/Email: foi@garda.ie

Mr Adam Higgins

Re: Freedom of Information Request FOI-000136-2017 Partial-Grant

Dear Mr. Higgins,

I refer to your request dated and received on the 29th March 2017 which you have made under the Freedom of Information Act 2014 (FOI Act) for records held by An Garda Síochána.

Part 1(n) of Schedule 1 of the FOI Act states that An Garda Síochána is listed as a partially included agency “*insofar as it relates to administrative records relating to human resources, or finance, or procurement matters*”. Therefore, only administrative records that relate to human resources, finance or procurement shall be considered.

Your request sought:

- 1. How many formal complaints of bullying or harassment were made within An Garda Síochána in 2016?*
- 2. How many formal complaints of bullying or harassment were made within An Garda Síochána in 2015?*
- 3. How many formal complaints of bullying or harassment were made within An Garda Síochána so far in 2017?*
- 4. What was the nature of the complaints? Were they physical or verbal?*
- 5. How many complaints of inappropriate sexual behaviour were made within An Garda Síochána in 2016?*
- 6. How many complaints of inappropriate sexual behaviour were made within An Garda Síochána so far in 2017?*

Seirbhísí gairmiúla póilíneachta agus slándála a sholáthar le hiontaoibh, muinín agus tacaíocht na ndaoine ar a bhfreastalaimid

To deliver professional policing and security services with the trust, confidence and support of the people we serve

7. What disciplinary action was taken against the harassment and sexual harassment complaints in 2016?

8. How many Gardai were ejected from the Force for harassment in 2015/2016 and so far in 2017?

9. How many Welfare Officers currently exist in An Garda Síochána to deal with complaints and harassment?

10. What was the rank of those who complained of bullying in 2015/2016/and so far in 2017?

I wish to inform you that I have now made a decision to partially grant your request.

The purpose of this letter is to explain my decision.

1. Findings, particulars and reasons for decision

The records you sought in relation to the number of complaints of bullying, harassment and sexual assault have been subject to a number of previous Freedom of Information requests and details up to December 2016 have been provided and the responses are available in our 2015, 2016 and 2017 Human Resources Decision Log, which is available at:

<http://garda.ie/Controller.aspx?Page=15037>

The following decisions are relevant to your request:

2015 Requests	2016 Requests	2017 Requests
FOI-000028-2015	FOI-000116-2016	FOI-000109-2017
FOI-000090-2015	FOI-000211-2016	
FOI-000154-2015	FOI-000337-2016	
	FOI-000451-2016	

However, in order to provide an updated reply to you in respect of parts 1, 3, 4, 5, 6 and 10 of your request, this request was forwarded to the Human Resources and People Development Section who have provided the following records. Please see Table A below which outlines the updated number of complaints of bullying, harassment and sexual assault in each of the years since 2016 and the status of these complaints.

Table A: - Garda Members

YEAR	Number of bullying & harassment complaints made	Nature of complaints – Physical/Verbal	Number of inappropriate sexual behaviour	Disciplinary Action taken	Number of Gardai ejected	Number of Members complained of
2016	3	Verbal	Nil	Nil	Nil	7
2017	4	Verbal	Nil	Nil	Nil	6

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Section 37 – Personnel Information

In view of the small numbers concerned, I am of the opinion that providing the number of complaints, broken down by rank, would result in the identification of the individuals concerned within the Garda Organisation or within the public domain itself. The reporting of bullying and harassment within An Garda Síochána is a confidential matter between the individuals and the relevant managers and serious consideration must be given to the impact it will have on the particular individuals involved (both the complainant and the person complained of) if the information released were to result in their identification.

I am conscious of my obligation to retain personal information in a confidential and secure manner and prevent personal information from being released into the public domain unnecessarily. Personal information is defined at section 2 of the FOI Act and includes the following.

Section 2 – Interpretation

2. (1) *In this Act—*

“personal information” means information about an identifiable individual that, either—

(a) would, in the ordinary course of events, be known only to the individual or members of the family, or friends, of the individual, or

(b) is held by an FOI body on the understanding that it would be treated by that body as confidential,

and, without prejudice to the generality of the foregoing, includes—

(iii) information relating to the employment or employment history of the individual,

(v) information relating to the individual in a record falling within section 11(6)(a),

As referenced at section 2 above, section 11(6)(a) refers to access to records but does not include certain personal records. Section 11(4) sets out the right of access to records and the types of records that can be accessed. However, in section 11 there are a number of records that are considered personal and are not automatically subject to release by an FOI body. Section 11(6)(a) sets out the records that are not included for release at section 11(4).

(6) Subsection (4) shall not be construed as applying, in relation to an individual who is a member of the staff of an FOI body; the right of access to a record held by an FOI body that—

(a) is a personnel record, that is to say, a record relating wholly or mainly to one or more of the following, that is to say, the competence or ability of the individual in his or her capacity as a member of the staff of an FOI body or his or her employment or employment history or an evaluation of the performance of his or her functions generally or a particular such function as such member,

I am refusing to provide details of the number of complaints, broken down by rank, as I believe that the individuals involved will become easily identifiable beyond their family and

friends and it would be considered a breach of the confidentiality upon which the information is being held by the Garda Organisation. The release of information about such a small number of incidents, which is specific to particular individuals, will allow for a person to become more identifiable and possibly named in the public domain. I am therefore applying Section 37(1) Personal Information which states:

Section 37 - Personal Information

37 (1) Subject to this section, a head shall refuse to grant an FOI request if, in the opinion of the head, access to the record concerned would involve the disclosure of personal information (including personal information relating to a deceased individual).

There is a Public Interest Test applicable to section 37 of the FOI Act.

Public Interest Test

As per section 37 of the FOI Act I have considered the public interest issues which arise in this case and have taken account of the following factors in favour of release:

- Ensuring openness and transparency of organisational functions to the greatest possible extent,
- The public interest in members of the public exercising their rights under the FOI Act,
- That there is more than just a transitory interest by the public in this information,
- The right to privacy is outweighed by the needs of the public.

In considering the public interest factors which favour withholding the records I have taken account of the following:

- Allowing a public body to hold personal information without undue access by members of the public,
- The public interest is not best served by releasing these records,
- That the Organisation can conduct its business in a confidential manner,
- That there is a reasonable and implied expectation by employees that sensitive personal information will remain confidential,
- That there is no overriding public interest that outweighs the individual's right to privacy.

A public interest test was carried out when considering the release of the personal information but having balanced the factors both for and against the release, I decided that the public interest in preserving the personal information and the reasonable expectation that information can be maintained in a confidential manner by An Garda Síochána in the context of its bullying and harassment policies outweighs the public interest which would be served were the records released to you.

Parts 7 & 8 of your request also sought:-

7. *What disciplinary action was taken against the harassment and sexual harassment complaints in 2016?*

8. *How many Gardaí were ejected from the Force for harassment in 2015/2016 and so far in 2017*

You will note from the above table that there was no disciplinary action taken against members on foot of the bullying and harassment and sexual harassment complaints in 2016 and 2017 and no members of the force were dismissed for harassment for these periods.

An Garda Síochána expect its members to behave with the highest standards of integrity and professionalism at all times, and any conduct, which brings or is likely to bring discredit to the organisation will be investigated. The number of complaints received should be placed in context with the overall strength of An Garda Síochána which is approximately 13,000 members.

There are two policies in place to deal with allegations of harassment, sexual harassment and bullying in the workplace within An Garda Síochána. These include:

- “*Working Together To Create A Positive Working Environment*” is a booklet which “*outlines the Policy and Procedures of the Garda Síochána for dealing with Harassment, Sexual Harassment and Bullying in the Workplace*”. The policy is available on the Garda website at the following link:
<http://garda.ie/Documents/User/Harassment%20Sexual%20Harrassment%20and%20Bullying%20in%20the%20Workplace.pdf>
- “Dignity at Work” is a booklet which outlines “*An Anti-Bullying, Harassment and Sexual Harassment Policy for the Irish Civil Service*”. This document is also available on the Garda website by following the attached link:
<http://garda.ie/Documents/User/Dignity%20at%20Work%20Policy.pdf>

Part 9 of your request is seeking ‘*how many Welfare Officers currently exist in An Garda Síochána to deal with complaints and harassment*’?

The Garda Employee Assistance Service is a proactive response by An Garda Síochána to support and assist members in managing and resolving work and personal difficulties at an early stage, and in an effort to maintain their health and wellbeing.

The purpose is to provide a confidential professional support and referral service to both serving and former members of An Garda Síochána, their immediate families, Garda trainee and Reserve members.

The Garda Employee Assistance currently consists of 9 staff members who are all members of An Garda Síochána. The team is broken down as follows: one (1) Superintendent, one (1) Sergeant, and seven (7) Gardaí.

In addition to the 9 Welfare Officer’s who support members of An Garda Síochána, there is also 1 Civilian Employee Assistance officer who provides a similar service to all Civil Servants attached to An Garda Síochána.

In addition to the Employee Assistance Service, a 24/7 counselling service is also available for Garda members, civilian staff and reserves. It provides staff with immediate support from accredited counsellors over the phone and then, if needed, up to eight face to face counselling sessions. These face to face sessions take place in a location within one hour of the employees' home or place of work.

This confidential service provides counselling on a wide range of work and personal related issues including critical incidents, trauma, financial, relationships, bereavement, stress, conflict and health. It is available 24/7 for 365 days a year.

The Independent Counselling Service is delivered by EAP Consultants/Care call who have specialist knowledge of working with policing and security personnel having worked with the Police Service Northern Ireland, Defence Forces, the Prison Service and the Probation Board.

2. Rights of appeal

In the event that you are not happy with this decision you may seek an Internal Review of the matter by writing to the address below and quoting reference number **FOI-000136-2017**.

*Freedom of Information Office,
An Garda Síochána,
Athlumney House,
IDA Business Park,
Johnstown,
Navan,
Co. Meath.
C15 DR90.*

Please note that a fee applies. This fee has been set at €30 (€10 for a Medical Card holder). Payment should be made by way of bank draft, money order, postal order or personal cheque, and made payable to Accountant, Garda Finance Directorate, Garda Headquarters, Phoenix Park, Dublin 8.

Payment can be made by electronic means, using the following details:

Account Name: Garda Síochána Finance Section Public Bank Account

Account Number: 10026896

Sort Code: 900017

IBAN: IE86B0F190001710026896

BIC: BOFIE2D

You must ensure that your FOI reference number (FOI-0000136-2017) is included in the payment details.

You should submit your request for an Internal Review within 4 weeks from the date of this notification. The review will involve a complete reconsideration of the matter by a more senior member of An Garda Síochána and the decision will be communicated to you within 3 weeks. The making of a late appeal may be permitted in appropriate circumstances.

Please be advised that An Garda Síochána replies under Freedom of Information may be released in to the public domain via our website at www.garda.ie.

Personal details in respect of your request will be removed to protect confidentiality where applicable.

Should you have any questions or concerns regarding the above, please contact me by telephone at (046) 9036350.

Yours sincerely,

 **SUPERINTENDENT**
HELEN DEELY
FREEDOM OF INFORMATION OFFICER.

27th APRIL, 2017.