



# An Garda Síochána

## Policy Document

### Garda Compensation Scheme

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<b>Effective Date</b>	<i>10 April 2023</i>
<b>Version No.</b>	1.0
<b>Approved by</b>	Garda Executive
<b>Introduced by</b>	<i>HQ Directive 022/ 2023</i>
<b>Policy Owner</b>	<i>Assistant Commissioner, Governance &amp; Accountability</i>

## Purpose

The purpose of this policy is to provide a clear structure and processes on the implementation of the Garda Síochána (Compensation) Act 2022 (hereafter referred to as the 'Act'). This legislation establishes the legal framework for the Garda Compensation Scheme (hereafter referred to as the 'Scheme') and repeals the previous legislation. The Act places certain requirements on An Garda Síochána including the initial decision to admit applicants to the Scheme and engagement with external agencies such as the Personal Injuries Assessment Board and State Claims Agency. This policy and the associated procedures are necessary to provide the relevant information to persons who may be eligible for compensation under the Scheme and provide organisational guidance.

The Scheme provides for compensation for personal injuries (including injuries causing death) that were inflicted on a current or former member of An Garda Síochána as a result of a malicious incident.

Where an eligible Garda member has suffered personal injuries (including injuries causing death) because of a malicious incident they may be eligible for compensation under the Scheme. The Garda member or their dependants can submit an application within a period of six months from the date the injury was inflicted or reasonable knowledge of the injury. In cases where applications under the Scheme are made outside of the six month deadline the Commissioner will consider the application and decide if it is to be included or not. The Scheme does not include members of Garda staff or members of other Police Forces seconded to An Garda Síochána.<sup>1</sup>

## Scope

This policy and all associated documentation apply to all members of An Garda Síochána and Garda staff. The Scheme applies to both serving and retired members of An Garda Síochána and in certain cases their dependents. The Scheme also includes current Trainee Gardaí.

## Policy Statement

The policy and procedure documents explain how the Act will be implemented within An Garda Síochána. Additional information may be sought from applicants as necessary to fulfil the organisational obligations to process eligible claims in a timely manner. An Garda Síochána remit under the Act will be carried out objectively, fairly and in accordance with the legislation. Decisions and actions taken relating to a person's application will be in line with the Garda Decision Making Model and the Code of Ethics. This policy and accompanying procedure endeavour to provide clear information on the processes used in determining the eligibility of applicants for entry to the Scheme. The Garda Compensation Section will administer the Scheme on behalf of the Commissioner and An Garda Síochána.

This policy focuses on the compensation processes associated with Garda members who have suffered an injury resulting from a malicious incident. This policy does not operate in isolation as there are further organisational support for Garda members who have sustained an injury in the course of their duty. Members should make themselves aware of the employee assistance services and health and safety policies which are integral in providing a holistic approach in supporting those who are injured in the course of their duties.

Health and safety legislation in conjunction with organisational policies require all Garda Personnel to report occupational accidents / injuries and dangerous occurrences to their supervisor. The report should be made immediately or as soon as practicable to enable local Garda management to conduct the necessary investigation into the occurrence. Neither the fact that a member is on sick leave arising from injuries received nor the non-availability of medical reports should delay the investigation or reduce local management's responsibilities to investigate these incidents from a health and safety perspective.

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<sup>1</sup> See S.18 Criminal Assets Bureau Act 1996 as amended for Criminal Asset Bureau Staff.

## Human Rights Considerations

This policy also aligns with An Garda Síochána responsibilities under Section 42 of the Irish Human Rights and Equality Act 2014 which has established a positive duty on public sector bodies to eliminate discrimination and promote equality of opportunity and treatment.

The vindication of Human Rights is a key policing objective, and is the very basis of policing. Garda Personnel play a vital role in ensuring that citizens may enjoy their rights to live free from violence, abuse and crime. Garda Personnel also help preserve an environment in which people can live free from fear and enjoy other rights and freedoms. Members carrying out their functions shall at all times respect a person's personal rights and his/her dignity as a human being and shall not subject any person to ill-treatment of any kind.

The proportionate use of powers, is dependent upon decisions being made following consideration of the Garda Decision Making Model (GDMM) and ensures that Constitutional and Human Rights considerations are at the core of every decision made. This practice, in addition to the effective oversight of usage, which is guided by the nine standards of conduct and practice within the Code of Ethics, will aim to uphold the Human Rights of all those affected by such use.

Consideration of all Human Rights in compliance with the organisations Human Rights Framework is crucial while carrying out responsibilities and duties relating to the Garda Compensation Scheme.

## Compliance

Compliance with this policy and accompanying procedure are mandatory for all members of An Garda Síochána and Garda staff.

## Related Documents

### Policy, Procedures & Legislation

- Garda Decision Making Model.
- Code of Ethics for An Garda Síochána.
- Garda Síochána Occupational Accident/Injuries Management Policy and Procedures.
- GDPR An Garda Síochána Data Protection Code of Practice.
- HQ Directive 19/19 Human Rights Framework.
- Garda Síochána (Compensation) Act 2022.
- Safety, Health and Welfare at Work (Reporting of Accidents and Dangerous Occurrences) Regulations 2016.
- Garda Síochána Act 2005.
- Data Protection Act 2018.
- Personal Injuries Assessment Board Act 2003.
- National Treasury Management Agency (Amendment) Act, 2000.
- HQ Directive 139/10 Management of Sickness Absence.

### Forms

- Form 1A – Injury Causing Death.
- Form 2A – Personal Injury.
- Investigation Report Template.
- PIAB Medical Assessment Form.

### Links

- Garda Portal Page.
  - Garda Compensation Section.
  - Garda National Health and Safety Policy Unit.
  - Employee Assistance Service.



- Garda Website.
- Personal Injuries Assessment Board.
- State Claims Agency.

### **Cancelations and Replacement of Existing Policy and associated document(s)**

- Garda Code 11.43, 11.44 & 11.45.

### **Legal & Human Rights Screening**

This Policy has been legal and Human Rights screened in terms of the respective obligations placed on An Garda Síochána for the subject area concerned.

### **Ethical Standards & Commitments**

Every person working in An Garda Síochána must observe and adhere to the standards and commitments set out in the Code of Ethics for An Garda Síochána and uphold and promote this Code throughout the organisation.

### **Policy & Procedure Review**

This policy and associated documents will be reviewed 12 months from its date of effect and every three years thereafter.

### **Disclaimer**

This document is not intended to, nor does it represent legal advice to be relied upon in respect of the subject matter contained herein. This document should not be used as a substitute for professional legal advice.

### **General Data Protection Regulations / Directive 2016/680/EU - Police and Criminal Justice Authorities Directive**

Personal data shall only be processed for the purposes specified in this Policy, and within a clearly defined lawful basis under the (EU) General Data Protection Regulation (GDPR) ((EU) 2016/679) and the Data Protection Acts 1988/2018. All necessary measures will be put in place to ensure personal data is kept safe and secure. Only authorised personnel shall have access to personal data. Only relevant personal data will be processed, and will not be retained for longer than is necessary.

### **Policy & Procedure Document Feedback**

The Policy and Governance Coordination Unit maintains a Policy Issues Log. Where there are potential issues regarding the implementation of the Procedures set out in this document, please forward an outline of same through the relevant Divisional Office to the Section mailbox [policy.governance@garda.ie](mailto:policy.governance@garda.ie). Divisional submissions will be recorded in the Policy Issues Log and forwarded to the Policy Owner for whatever action deemed necessary.