



An Garda Síochána

Guideline Document

(Interim) Relevant Arrangements for Addressing Complaints Suitable for Resolution by An Garda Síochána

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1. Introduction

The Policing, Security and Community Safety Act 2024 (hereafter referred to as the 'the Act') places statutory obligations on An Garda Síochána to establish and maintain arrangements for handling complaints made by members of the public, suitable for resolution by An Garda Síochána. This guideline document applies to complaints referred to An Garda Síochána from the Police Ombudsman. The Police Ombudsman is responsible for assessing complaints and determining whether they are suitable for resolution by An Garda Síochána. This process replaces the existing 'Resolution of complaint by mediation or other informal means' process (also known as 'local intervention'), managed by the Garda Síochána Ombudsman Commission (GSOC), as per section 90 of the Garda Síochána Act 2005.

The guideline for handling complaints suitable for resolution by An Garda Síochána is intended to establish a system for the efficient and effective handling of complaints referred by the Police Ombudsman that are specified in the approved list established by the Minister pursuant to section 200 of the Act, and are therefore deemed suitable for resolution by An Garda Síochána by the Police Ombudsman. This facilitates the resolution of appropriate complaints in a transparent, timely, fair, objective and proportionate manner. Complaints suitable for resolution by An Garda Síochána are complaints detailed in a list of complaint categories approved by the Minister (hereafter referred to as the 'approved list').

2. Scope

The relevant arrangements apply to Garda members and Police Officers from the Police Service of Northern Ireland (PSNI) seconded to An Garda Síochána, in accordance with section 94 of the Act.

3. Roles & Responsibilities

The Police Ombudsman:

- The Police Ombudsman is responsible for referring admissible complaints that fall within the parameters of the approved list to An Garda Síochána to be dealt with in accordance with this guideline document.

Resolution Officer:

- The member of Garda personnel appointed to address the complaint suitable for resolution by An Garda Síochána.
- The Resolution Officer is responsible for ensuring that the complainant and member concerned are informed about the progress of the complaint and its resolution.

Assisting Member:

- The member of Garda personnel appointed by the Resolution Officer to assist with enquiries in addressing the complaint suitable for resolution by An Garda Síochána.

Reviewing Officer:

- The member of Garda personnel appointed to conduct a review of the process by which the complaint suitable for resolution by An Garda Síochána was addressed. The member appointed will be of at least one rank or grade above that of the Resolution Officer.

4. Guideline for Complaints suitable for resolution by An Garda Síochána

Complaints suitable for resolution by An Garda Síochána are complaints that fall within the following list of complaint categories, approved by the Minister:

- Discourtesy.
- Failure to respond to requests for contact and to provide updates, including but not limited to, requests by written correspondence, emails, in person and phone calls.
- Failure to provide updates in relation to court proceedings.
- No members available at the public desk of a Garda station or waiting a long time in a Garda station to be seen by a Garda member.
- Difficulties in having property returned.
- Difficulties in having procedural matters progressed, including, but not limited to, gun licence applications, requests for reports on road traffic collisions, SPSV Driver licence applications.
- Perceived ongoing failure to address public order issues, including but not limited to, antisocial behaviour.
- Failure to identify as a Garda member in the exercise of their powers
- Wrongful or unfair exercise of garda powers and/or abuse of authority in exercising of garda powers or influence.
- Failure to properly investigate matters including, but not limited to, assaults, criminal damage, fraud and non-fatal road traffic collisions.
- Wrongful or unfair application of the Adult Caution scheme or Garda Youth Diversion Programme.
- Failure to respond to incidents, depending on the seriousness of the incident and any harmful effect.
- Inaccuracy of information on Garda systems/documentation.
- Failure to log incidents on Pulse.
- Failure to provide information required under the Victims of Crime Act 2017.
- Damage caused to property.
- Complaints that a Garda member was untidy in appearance while on duty or while not on duty but wearing a uniform in a public place.
- The parking of Garda vehicles in non-emergency situations.

If in the course of handling a complaint under this guideline document, it becomes apparent to the Garda Commissioner or delegated authority that resolution by An Garda Síochána is unsuitable due to the nature/severity of the complaint, the Garda Commissioner or delegated authority following consultation and approval by the Police Ombudsman, will return to the Police Ombudsman the complaint for investigation, along with any relevant information collected during the process.

4.1. The Police Ombudsman refers the complaint to An Garda Síochána

The Police Ombudsman will refer an admitted complaint to An Garda Síochána deemed suitable for resolution by An Garda Síochána and falling within the parameters of the approved list.

4.2. The complaint is transmitted to the relevant Division/Section

- The complaint is sent to the relevant Division/Section with all known information and documentation.
- A Resolution Officer is appointed within the relevant Division/Section to address the complaint in accordance with the relevant arrangements.



4.3. The complaint is addressed

- The Resolution Officer shall make contact with the complainant and the member(s) concerned to discuss the complaint and a suitable resolution.
- Following engagement with all relevant parties, the Resolution Officer shall establish an outcome and provide an explanation of the outcome and rationale.
- The possible outcomes are as follows:
 - Information provided to complainant.
 - Explanation provided to complainant.
 - Assurance provided to complainant.
 - Apology issued to complainant by member subject of complaint.
 - Apology issued to complainant on behalf of An Garda Síochána.
 - Member concerned provided guidance.
 - Member concerned provided training.
 - Not resolved.
 - Not upheld.
 - Resolved (other).
 - Closed (could not be finalised).
- The Police Ombudsman will be notified of the outcome of the complaint suitable for resolution by An Garda Síochána

4.4. A review can be requested by the complainant or member concerned

- Within 14 days of receiving the outcome of the complaint, the complainant or member concerned may request a review of the process followed in addressing the complaint suitable for resolution by An Garda Síochána, in writing.
- A Reviewing Officer shall be appointed to conduct the review of the process.
- In reviewing the process, the Reviewing Officer shall have consideration to:
 - The information provided by the member concerned or complainant.
 - The grounds for seeking the review as set out by the complainant or member concerned
- In reviewing the process, the Reviewing Officer may request clarification in writing from:
 - The Resolution Officer in respect of any aspect of the process.
 - The complainant or member concerned in respect of any of their grounds for seeking the review.
- The review shall be concluded within 14 days of receipt of the appointment of the Reviewing Officer.
- The complainant or member concerned, as appropriate, will be notified of the Reviewing Officer's findings.
- A Reviewing Officer cannot alter the outcome as determined by the Resolution Officer and the review shall be conducted in respect of compliance with the relevant arrangements and internal policy and procedure in respect of same.
- Any finding in respect of non-compliance with the relevant arrangements or internal policy and procedure will be appropriately considered by the Commissioner or delegated authority.

4.5. Timeframe for resolving complaints and the extensions guideline

Complaints suitable for resolution by An Garda Síochána shall be addressed within a timeframe of eight (8) weeks from when the Resolution Officer is appointed, unless, where appropriate, an extension is given when necessary and appropriate.

5. Review of Relevant Arrangements

This document and associated Policy will be reviewed 12 months from its date of effect and every three years thereafter or as appropriate.

6. 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.

7. 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 the relevant arrangements and in accordance with An Garda Síochána Data Protection 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.

In respect of the personal data processing activities associated with this guideline document, a Data Protection Impact Assessment (DPIA) has been completed in accordance with the requirements of the General Data Protection Regulation.