

An Garda Síochána

Oifig Saoráil 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 DR 90

Teileafón/Tel: (046) 9036350

Láithreán Gréasain/Website: www.garda.ie

Bí linn/Join us  

Ríomh-phoist/Email: foi@garda.ie

Re: Freedom of Information Request FOI-000007-2016 Partially Granted

Dear

I refer to the Freedom of Information Act 2014 and your submission to this body dated 6th January 2016 and received on 7th January 2016.

Part 1 of Schedule 1 of the Freedom of Information Act 2014 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 is as follows:

- "1 Details of any planned Superintendent recruitment/promotion involving lateral transfers or promotions from PSNI*
- 2 Details of any Human Resources plan / strategy*
- 3 Details of the eligibility criteria applied on the last time such a recruitment/promotion"*

I have now made a final decision to partially grant your request on 3rd February 2016.

The purpose of this letter is to explain that decision.

Findings, particulars and reasons for decisions to deny access

With regard to the first part of your request seeking details of any planned Superintendent recruitment/promotion involving lateral transfers or promotions from P.S.N.I. , the Chief Constable of the P.S.N.I. is informed when such competitions are being advertised.

The P.S.N.I. was informed on 23rd December 2015 of a competition for promotion to the rank of Superintendent in An Garda Síochána which is open to eligible members of the P.S.N.I. . This competition will be conducted in accordance with An Garda Síochána Guidelines for Internal Appointments and Promotions, and the Code of Practice for Appointments to positions in the Civil Service and Public Service issued by the Commission for Public Service Appointments. This Code of Practice is available from their website <http://www.publicjobs.ie/>

I advise that I am refusing the second part of your request seeking details of any Human Resource plan or strategy under Section 30(1)(b) of the Freedom of Information Act, 2014 which states:

30. *(1) A head may refuse to grant an FOI request if access to the record concerned could, in the opinion of the head, reasonably be expected to—*
- (b) have a significant, adverse effect on the performance by an FOI body of any of its functions relating to management (including industrial relations and management of its staff), or*

Human Resource Management is in the process of developing a revised Human Resource strategy for An Garda Síochána. An integral part of this procedure involves a consultative process with various stakeholders, including representative groups. It is my opinion that releasing this document at this stage would adversely affect the outcome of these consultations

The eligibility requirements as sought in the final part of your request are detailed in Statutory Instrument 127 of 2012, Garda Síochána Act 2005 (Police Service of Northern Ireland Appointments) Regulations, which is attached for your convenience. I advise that the same eligibility requirements were applied to the previous competition run in 2014. Superintendent Michael Daly, formally of the P.S.N.I. was successful in that competition and was appointed to An Garda Síochána.

Right 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-000007-2016**.

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: BOFIIE2D

You must ensure that your FOI reference number 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 have, where applicable, been removed to protect confidentiality.

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.

3rd February 2016



STATUTORY INSTRUMENTS.

S.I. No. 127 of 2012

GARDA SÍOCHÁNA ACT 2005 (POLICE SERVICE OF NORTHERN
IRELAND APPOINTMENTS) REGULATIONS 2012

(Prn. A12/0662)

GARDA SÍOCHÁNA ACT 2005 (POLICE SERVICE OF NORTHERN
IRELAND APPOINTMENTS) REGULATIONS 2012

I, ALAN SHATTER, Minister for Justice and Equality, in exercise of the powers conferred on me by sections 122(1)(d) and 125 of the Garda Síochána Act 2005 (No. 20 of 2005) (as adapted by the Justice and Law Reform (Alteration of Name of Department and Title of Minister) Order 2011 (S.I. No.138 of 2011)), after consultation with the Commissioner of the Garda Síochána and with the approval of the Government, hereby make the following regulations:

Citation

1. These Regulations may be cited as the Garda Síochána Act 2005 (Police Service of Northern Ireland Appointments) Regulations 2012.

Commencement

2. These Regulations come into operation on 13th March 2012.

Definition

3. In these regulations—

“competition” means a competition held in accordance with the Garda Síochána (Promotion) Regulations 2006 (S.I. No. 485 of 2006),

“promotion board” has the same meaning as it has in the Garda Síochána (Promotion) Regulations 2006,

“PSNI” means the Police Service of Northern Ireland.

Specified ranks

4. (1) The ranks specified in column 1 of the table to this regulation are specified as ranks that members of the PSNI must hold to be eligible for appointment by the Government under section 52 of the Garda Síochána Act 2005 (No. 20 of 2005) to ranks in the Garda Síochána prescribed under the Garda Síochána Act 2005 (Section 52) Regulations 2012 (S.I. No. 128 of 2012) and specified in column 2 of that table at the same reference number.

(2) For a member of the PSNI, other than a member who holds the rank of chief inspector, to be eligible for appointment to a rank specified in column 2 of the table it is necessary for that member to have held the rank specified in column 1 of the table at the same reference number for not less than the previous 2 years.

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 27th April, 2012.*

Table

Reference Number	1	2
	Rank in PSNI	Rank in Garda Síochána
1	Inspector	Superintendent
2	Chief Inspector	Superintendent
3	Superintendent	Chief Superintendent
4	Chief Superintendent	Assistant Commissioner

Eligibility for competition

5. (1) A member of the PSNI who is eligible under Regulation 4 for appointment to a rank in the Garda Síochána is eligible to be a candidate in a competition for promotion to that rank.

(2) No appointment of a member of the PSNI to a rank in the Garda Síochána shall be made other than in accordance with the selection of the promotion board concerned in a competition referred to in paragraph (1).

Notification of Chief Constable of vacancy

6. (1) The Garda Commissioner shall notify the Chief Constable of the intention to hold a competition for promotion to a rank specified in column 2 of the Table to Regulation 4.

(2) The Garda Commissioner shall do so in sufficient time to enable the Chief Constable to afford members of the PSNI an opportunity to enter a competition for promotion for which they are eligible.

(3) The Garda Commissioner shall provide the Chief Constable with a description of the role and a statement of the competencies required for carrying out the duties of the rank referred to in paragraph (1).

Application of Regulation 18 of the Garda Síochána (Promotion) Regulations 2006

7. Regulation 18 of the Garda Síochána (Promotion) Regulations 2006 applies to a member of the PSNI who enters a competition for promotion to a rank specified in column 2 of the Table to Regulation 4 as though that member of the PSNI was a member of the Garda Síochána.

The Government hereby approve of the making of the foregoing Regulations.



GIVEN under the Official Seal of the Government,
13 March 2012.

ENDA KENNY,
Taoiseach.



GIVEN under my Official Seal,
13 March 2012.

ALAN SHATTER,
Minister for Justice and Equality.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ón
OIFIG DHÍOLTA FOILSEACHÁN RIALTAIS,
TEACH SUN ALLIANCE, SRÁID THEACH LAIGHEAN, BAILE ÁTHA CLIATH 2,
nó tríd an bpost ó
FOILSEACHÁIN RIALTAIS, AN RANNÓG POST-TRÁCHTA,
AONAD 20 PÁIRC MIONDÍOLA COIS LOCHA, CLÁR CHLAINNE MHUIRIS,
CONTAE MHAIGH EO,
(Teil: 01 - 6476834 nó 1890 213434; Fax: 094 - 9378964 nó 01 - 6476843)
nó trí aon díoltóir leabhar.

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