

# An Garda Síochána

Oifig Saorála Fáisnéise,  
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](http://www.garda.ie)

Ríomh-phoist:/Email: [foi@garda.ie](mailto:foi@garda.ie)

## Re: Freedom of Information Request FOI-000422-2019 Request Refused

**Dear**

I refer to your request, dated 1<sup>st</sup> November, 2019 and received on 4<sup>th</sup> November, 2019 and clarified on 25<sup>th</sup> November 2019 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:

*Under the Freedom of Information Act, I am requesting the release of information regarding the number of internal complaints made to the HR Department of AGS over bullying and sexual harassment since 2015, with details of any further action taken and a year by year breakdown of the figure.*

Clarified Request:

*I am seeking complaints in relation to civilian staff and garda members: would it be possible to get a breakdown of figures relating to each please?*

I wish to inform you that I have decided to refuse your request on 27<sup>th</sup> November 2019.

The purpose of this letter is to explain that decision.

### 1. Findings, particulars and reasons for decision

Upon receipt, your request was forwarded to the Human Resource Management (HRM) Section of An Garda Síochána. HRM have advised this office that the records sought by you do not exist in the format requested by you ie a breakdown of the complaints in relation to

Civilian Staff and Garda Members. Therefore I am refusing your request in accordance with Section 15(1)(a) of the FOI Act which states:

***Refusal on administrative grounds to grant FOI requests:***

15(1) *A head to whom an FOI request is made may refuse to grant the request where 0*  
 (a) *The record concerned does not exist or cannot be found after all reasonable steps to ascertain its whereabouts have been taken*

However, the tables below provide the details of the records for the bullying and sexual harassment complaints for all staffing groups of An Garda Síochána.

Bullying Complaints			
Year	No. of bullying complaints received*	Outcome	Status
2015	4	<ul style="list-style-type: none"> <li>• 1 not Deemed Bullying</li> <li>• 3 Forwarded for Investigation</li> </ul>	<ul style="list-style-type: none"> <li>• 3 not upheld</li> </ul>
2016	7	<ul style="list-style-type: none"> <li>• 2 not deemed Bullying</li> <li>• 5 Forwarded for Investigation</li> </ul>	<ul style="list-style-type: none"> <li>• 1 Ongoing Appeal</li> <li>• 4 not upheld</li> </ul>
2017	17	<ul style="list-style-type: none"> <li>• 5 not Deemed Bullying</li> <li>• 10 Forwarded for Investigation</li> <li>• 1 complaint resolved through mediation</li> <li>• 1 Complaint Withdrawn</li> </ul>	<ul style="list-style-type: none"> <li>• 3 Ongoing Appeal</li> <li>• 5 Complaint Upheld</li> <li>• 2 not Upheld</li> </ul>
2018	17	<ul style="list-style-type: none"> <li>• 1 not Deemed Bullying</li> <li>• 15 Forwarded for Investigation</li> <li>• 1 complaint resolved through mediation</li> </ul>	<ul style="list-style-type: none"> <li>• 12 Ongoing Appeal</li> <li>• 1 not Upheld</li> <li>• 2 Upheld</li> </ul>
2019	11	<ul style="list-style-type: none"> <li>• 3 not Deemed Bullying</li> <li>• 8 Forwarded for Investigation</li> </ul>	<ul style="list-style-type: none"> <li>• 7 Ongoing Appeal</li> <li>• 1 Upheld</li> </ul>

\*2019 up to 20.11.19



In relation to Sexual Harassment complaints this office has been advised that for the years 2015 to date in 2019 there were two complaints in 2015 and two complaints in 2018.

Sexual Harassment Complaints			
Year	No. of Sexual Harassment complaints received*	Outcome	Status
2015	2	<ul style="list-style-type: none"><li>• 2 Forwarded for Investigation</li></ul>	<ul style="list-style-type: none"><li>• 1 not Upheld</li><li>• 1 Upheld</li></ul>
2018	2	<ul style="list-style-type: none"><li>• 2 Forwarded for Investigation</li></ul>	<ul style="list-style-type: none"><li>• 1 Ongoing Investigation</li><li>• 1 Upheld</li></ul>

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

With regard to Garda members I can advise that the policy — '*Working Together to Create A Positive Working Environment*' applies. This booklet outlines the Policy and Procedures of the Garda Síochána for dealing with bullying, harassment and sexual harassment in the workplace.

In relation to Civilian members The *Dignity at Work — and anti-bullying, harassment and sexual harassment policy for the Irish Civil Service*, issued by the Department Public Expenditure and Reform, is a Civil Service wide policy which is applied to civilian staff working within An Garda Síochána.

Both policies are available on the Garda website [www.garda.ie](http://www.garda.ie)

## 2. 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-000422-2019**.

***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:** IE86BOFI90001710026896

**BIC:** BOFIE2D

**You must ensure that your FOI reference number (FOI-000422-2019) 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](http://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 the FOI Office by telephone at (046) 9036350.

Yours sincerely,

Maria Brodigan ACTING ASSISTANT PRINCIPAL  
MARIA BRODIGAN  
FREEDOM OF INFORMATION OFFICER

27<sup>th</sup> NOVEMBER, 2019.