

# 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)

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

## Re: Freedom of Information Request FOI-000509-2017 Request Partially Granted

*Dear*

I refer to your request, dated and received on 14<sup>th</sup> November, 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:

*'Details of all payments made by An Garda Síochána to current or former members and staff who have made claims against the Gardai through the courts, Workplace Relations Commission or Employment Appeals Tribunals in each of the years 2013, 2014, 2015, 2016 and to date in 2017.*

*Please provide a breakdown of the payments ordered by the individual authorities - ie the High Court, Circuit Court District Court, WRC, EATs etc.*

*Please provide a breakdown of the reason for the claims and resulting payments eg. assault, sexual harassment, bullying personal injury etc.*

*Details of the legal fees paid by An Garda Síochána in relation to claims made by former or current staff in the same years.*

*Please provide a breakdown that includes the name of the solicitor's/law firms used in An Garda Síochána's defence and the sums paid to them.'*

I wish to inform you that I have decided to partially-grant your request on the 15<sup>th</sup> December 2017.

The purpose of this letter is to explain that decision.

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

The records and information provided in answer to your request were sourced from both the Garda Síochána Finance Directorate and Legal Services. I will partially answer Part 1 and answer Part 4 of your request providing the details in Table A overleaf.

Part 1 of your request sought the following

*‘Details of all payments made by An Garda Síochána to current or former members and staff who have made claims against the Gardaí through the courts, Workplace Relations Commission or Employment Appeals Tribunals in each of the years 2013, 2014, 2015, 2016 and to date in 2017.’*

Part 4 of your request sought the following

*‘details of the legal fees paid by An Garda Síochána in relation to claims made by former or current staff in the same years’.*

Table A below show the compensation paid to Gardai and Civilian Staff of An Garda Síochána for years 2013 to 2017 (30<sup>th</sup> June 2017). The table shows the payments made under various Act/Schemes available to employees seeking compensation for an injury. Table A also shows the legal costs (which can include medical costs incurred as part of the legal process) associated with personal injury claims.

### **Garda Compensation Act 1941 - 1945**

Table A shows the personal injury awards made and the costs associated with relevant legal services paid out under the Garda Compensation Act 1941. These costs are associated with Garda members only and do not include civilian staff or members of the public. These payments are associated with injuries incurred in the course and performance of Garda duties. The long title of the Garda Compensation Act 1941 encompasses its full remit and purpose identifying the relevant person(s) who can seek compensation under the provisions of the Act. The long title states the following:

“AN ACT TO PROVIDE FOR THE GRANTING OUT OF PUBLIC MONEYS OF COMPENSATION TO DEPENDENTS AND PARTIAL DEPENDENTS OF MEMBERS OF THE GARDA SIOCHÁNA (WHETHER SERVING OR RETIRED) WHO HAVE DIED OR SHALL DIE AT ANY TIME ON OR AFTER THE 1ST DAY OF JANUARY , 1940, FROM INJURIES MALICIOUSLY INFLICTED ON THEM IN THE COURSE OF OR IN RELATION TO THE PERFORMANCE BY THEM OF THEIR DUTIES AS MEMBERS OF THE GARDA SÍOCHÁNA, AND FOR THE LIKE GRANTING OF COMPENSATION TO MEMBERS OF THE GARDA SIOCHANA (WHETHER SERVING OR RETIRED) ON WHO PERSONAL INJURIES NOT CAUSING DEATH HAVE BEEN OR SHALL BE SIMILARLY INFLICTED AT ANY TIME ON OR AFTER THE 1ST DAY OF JANUARY, 1940, AND TO MAKE PROVISIONS FOR MATTERS INCIDENTAL TO OR CONNECTED WITH THE MATTERS AFORESAID, INCLUDING THE EXTENSION OF THIS ACT TO OTHER POLICE FORCES”.

These types of cases are processed through the Courts unless otherwise settled.



## Occupational Injuries Scheme

The second category of compensation shown on Table A are the payments made to Gardai under the Occupational Injuries scheme. These payments relate to injuries incurred by Garda members who sought compensation via the Occupational Injuries Scheme. The nature of policing may require that certain risks are taken to secure appropriate benefits to the public and wider society by the Garda service. This can include saving a life, preventing serious crime and apprehending person responsible for serious crime. Gardai inevitably face significant and serious danger when performing their duties and as a result a number of Gardai will inevitably be injured. The majority of injuries recorded are assaults, slip, trips, falls and Road Traffic Collisions. Some cases may be taken via the Workplace Relations Commission or the Employment Appeals Tribunal

Previous FOI Request published on the Garda FOI Decision Log may be of interest to you with regard to this request: FOI 0015-2017 and 000490-2017.

## Civil Compensation

The third category of compensation shown on Table A is Civil compensation. Civil compensation can be sought by Garda staff, inclusive of Garda members and civilian staff, and members of the public to seek redress for an injury incurred while engaging with An Garda Síochána. A total is provided which refers specifically to the incidents involving Garda Vehicles where an injury was sustained by Garda staff or a member of the public and a payment of compensation resulted. It is not possible to disaggregate the cases involving Garda staff exclusively due to the volume of case files involved and the fact that the records are not held electronically in a manner that segregates Garda staff from members of the public.

## Other Compensation

A separate total is provided titled 'Other Compensation' on Table A which refers to payments made for injuries arising from Garda related actions such as an injury on a Garda premises or damage to property as the result of Gardai performing their duties. This category includes all other legal actions, excluding the Garda Compensation Act and Occupational Injury, taken by members of Garda staff and members of the public.

<b>Compensation Expenditure Garda &amp; Civil 2012 – 2017*</b>						
Year	Garda Compensation Act		Garda	Civil Compensation		Total
	Personal Injury Awards	Personal Injury Costs	Occupational Injuries Scheme	Accidents involving Garda Vehicles	* Other Compensation	
2012	€7,162,159	€ 2,261,768	€ 121,823	€1,998,238	€5,042,543	€16,586,530.77
2013	€6,006,184	€ 2,387,921	€ 103,448	€3,292,568	€5,756,011	€17,546,131.58
2014	€ 4,088,479	€ 2,230,395	€ 108,503	€2,208,228	€ 4,978,539	€13,614,144.42
2015	€ 3,708,518	€ 1,330,979	€ 143,628	€2,162,825	€ 6,963,704	€14,309,654.77
2016	€ 4,741,995	€ 1,610,802	€ 112,969	€2,813,719	€ 8,047,597	€17,327,082.33
2017 (Jun)	€ 2,948,880	€ 641,154	€ 78,656	€1,342,608	€ 2,261,192	€ 7,272,490.23
<b>Total</b>	<b>€28,656,215.31</b>	<b>€10,463,019.49</b>	<b>€ 669,027.14</b>	<b>€ 13,818,186.37</b>	<b>€33,049,585.79</b>	<b>€86,656,034.10</b>

*\*figures for 2017 are up to and including 30<sup>th</sup> June 2017.*



The legal costs associated with the groups titled *Accidents involving Garda Vehicles* and *Other Compensation* are included in the totals for those groups provided at Table A. The Garda Financial Management System does not differentiate between legal costs and awarded costs in those groups therefore specific costs associated with each cost type cannot be provided. It would require a significant amount of time and resources to extract the relevant data and identify the costs recorded for each case. Section 15(1)(c) has been applied to this part of the request as set out below.

I am aware that a member of staff from my office spoke with you with regard to parts 2 and 3 of your request.

Part 2 of your request sought the following

*'a breakdown of the payments ordered by the individual authorities - i.e. the High Court, Circuit Court District Court, WRC, EATs etc.'*

Part 3 of your request sought the following

*'a breakdown of the reason for the claims and resulting payments e.g. assault, sexual harassment, bullying personal injury etc.'*

I am also aware that you have been advised by a member of my staff that these records are not held centrally and therefore are not readily identifiable. This information is only retrievable by manual inspection of all case files held by Legal Services who have advised that there are approximately 250-300 case files created per year. It would cause a substantial and unreasonable disruption in Legal Services to inspect all paper based case files for years 2013 to 2017 to retrieve the records you are seeking.

In this regard, I am to advise you that I am refusing Parts 2 and 3 of your request in accordance with Section 15(1)(c) of the Freedom of Information 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-***

- (c) in the opinion of the head, granting the request would, by reasons of the number or nature of the records concerned or the nature of the information concerned, require the retrieval and examination of such number of records or an examination of such kind of the records concerned as to cause a substantial and unreasonable interference with or disruption of work (including disruption of work in a particular functional area) of the FOI body concerned,***

Section 15(1)(c) of the FOI Act is also relevant with regard to the figures provided on Civil Compensation in Table A as you sought details of compensation paid to Garda staff only in Part 1 of your request. The Civil Compensation figures includes claims paid to Garda Staff and members of the public. It would require a disproportionate expenditure of Garda time and resources to extract the data from the relevant case files at Legal Services to show the compensation paid to Garda staff only and would cause an unreasonable disruption to the work conducted by that office. Therefore, I am applying section 15(1)(c) to this section of Part 1 of your request.

Part 5 of your request sought the following

*'a breakdown that includes the name of the solicitor's/law firms used in An Garda Síochána's defence and the sums paid to them.'*

The interests of the Garda Commissioner are represented by the Chief State Solicitors Office or the State Claims Agency in defending such matters and therefore no costs were incurred by An Garda Síochána in this regard.

## **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-000509-2017**.

**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-000509-2017) 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](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 me by telephone at (046) 9036350.

Yours sincerely,

 **SUPERINTENDENT**  
**SHARON KENNEDY**  
**FREEDOM OF INFORMATION OFFICER**

18 **DECEMBER 2017**