

An Garda Síochána

Oifig Saoráil Faisnéise
An Garda Síochána
Teach áth Luimnigh
Lárionad Gnó Udáras Forbartha Tionscail
Baile Sheáin
An Uaimh
Contae na Mí
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Re: Freedom of Information Request FOI-000051-2016 Internal review

Dear

I refer to the appeal which you made under the Freedom of Information Act 2014 (FOI Act) dated 28th April 2016 and received on the 29th April 2016. This letter only refers to your request for the following audit:

- ***Audit of Compensation Claims***

An Executive Director, who is a more senior member of staff of this Organisation, has conducted an Internal Review of your Freedom of Information request. His decision on review is an entirely new and separate decision on your request and is explained as such below.

Your request is shown below:

Under the FOI Act I wish to receive copies of the following records:

1) The following 2014 audit reports:

- *Audit of NBCI*
- *Expenditure review 2013 Vehicle Maintenance Contract*
- *Expenditure review 2014 GoSafe Camera Contract*
- *Audit Mayo Division*
- *Review Audit Mayo*

2) The following 2013 audit reports

- *Audit of procurement*
- *Audit of the Serious Crime Review Team following Allegations of Financial Irregularities.*
- *Audit of the Offices of the Regional Assistant Commissioners*

3) *The following 2012 audit reports*

- *Audit of Compensation Claims*
- *Audit of Controls in the Fixed Charge Penalty Office*
- *Audit of Tranman System*
- *Review of CCTV systems*

1. Findings, particulars and reasons for decisions to deny access

In arriving at his decision, the Internal Reviewer had regard to the original request, the records which were located as part of that request and the appeal which you submitted in this regard.

Part 1(n) 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, the only Garda records falling within the scope of the provisions of the FOI Act are administrative records relating to human resources, finance or procurement.

Having considered the nature and the scope of the contents of *"Audit of Compensation Claims"*, the Internal Reviewer does not consider all of the document to be akin to an administrative record or related to the administrative functions as set out in the FOI Act for An Garda Síochána as a partially included public body (Part 1(n) of Schedule 1). Therefore specific records as per page 34 are not provided. As a result, the relevant audit report will be provided in a redacted format and your request for this record after an Internal Review has been partially granted. A schedule of records is also attached outlining the above redactions.

The Internal Reviewer has also applied Section 37 (1) to pages 9, 12 and 32 of this audit.

Section 2 – Interpretation

2. (1) In this Act—

"personal information" means information about an identifiable individual that, either—

- (a) would, in the ordinary course of events, be known only to the individual or members of the family, or friends, of the individual, or*
- (b) is held by an FOI body on the understanding that it would be treated by that body as confidential,*

Section 37 – Personal Information

The Internal Reviewer is refusing the provision of information held on these pages as it comes within the ambit of the definition of *Personal Information* as per section 2 of the FOI Act as set out above. The provision of these records to you would be releasing personal information which is otherwise prohibited by the FOI Act.

This decision is made in accordance with section 37(1) of the FOI Act.

Section 37 of the FOI Act states;

“(1) Subject to this section, a head shall refuse to grant an FOI request if, in the opinion of the head, access to the record concerned would involve the disclosure of personal information (including personal information relating to a deceased individual).”

In applying section 37(1) of the Freedom of Information Act, a public interest test must be applied to ensure the actions taken are done so in the best interest of the public.

In applying the public interest test, the following factors have been taken into account in favour of release:

- Ensuring openness and transparency of Organisational functions to the greatest possible extent,
- The public interest in members of the public exercising their rights under the FOI Act,
- That there is more than just a transitory interest by the public in this information,
- The right to privacy is outweighed by the needs of the public.

In considering the public interest factors which favour withholding the records the following factors have taken account of:

- Allowing a public body to hold personal information without undue access,
- The public interest is not best served by releasing these records,
- That the Organisation can conduct its business in a confidential manner,
- That there is a reasonable and implied expectation by employees that sensitive personal information will remain confidential.

Having balanced the factors both for and against the release, it has been decided that the public interest in preserving the personal information outweighs the public interest which would be served were the records released to you.

2. Right of Appeal

You may appeal this decision by writing to the Information Commissioner at 18 Lower Leeson Street, Dublin 2. There is a fee of €50 (€15 for medical card holder) for such appeals, other than appeals against a decision to impose a fee.

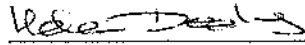
If you wish to appeal, you must usually do so not later than 6 months from the date of this notification. Should you write to the Information Commissioner making an appeal, please refer to this letter.

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

26th May 2016

Page No	Description of document	Deletions	Relevant Section of FOI Acts	Reason for decision	Decision Maker's decision
1-8	Compensation Claims				Grant
9	Compensation Claims	1	Sn. 37(1)	Personal Information	Part Grant
10-11	Compensation Claims				Grant
12	Compensation Claims	1	Sn. 37(1)	Personal Information	Part Grant
13-31	Compensation Claims				Grant
32	Compensation Claims	28	Sn. 37(1)	Personal Information	Part Grant
33	Compensation Claims				Grant
34	Compensation Claims	Pg. 34	Part(1)(n)Schedule (1)	Outside the Scope of the Act insofar as it pertains to An Garda Síochána	Refuse
		Total number of pages			34
		Total number of pages for full release			30
		Total number of pages for partial release			3
		Total number of pages being withheld			1

Audit Report

Compensation Claims (Subhead I.2)



July 2013

Executive Summary

This report represents an audit of the efficiency and effectiveness of the compensation process applied by An Garda Síochána in relation to expenditure for claims under the Compensation - Other (Subhead I.2) of the Garda Vote in the period 1st July 2011 to 30th June 2012.

Policies and procedures exist and overall good practices and controls are generally being implemented. Some practices could be streamlined and tasks reallocated. We believe that greater clarity is required regarding follow up action and that lessons learned from claims/settlements should be circulated to managers with a view to reducing litigation opportunities.

GIAS research for this audit leads us to believe that one of the keys to reducing the possibility of litigation is not only to identify risks but to take appropriate action to mitigate. We recognise that An Garda Síochána will never eliminate litigation, but case outcomes are essential study tools which can enable us to continually evaluate work done and identify improvements still required. There is scope for further improvement to prevent incidents and to encourage best practice.

Background

Subhead I.2 covers expenditure from the Garda Vote in relation to Civil Actions which may be taken against An Garda Síochána arising from -

- Non-malicious injuries to Garda members
- Injuries to civilians on Garda Premises
- Legal actions taken by Garda members
- Legal actions arising from acts or omissions by An Garda Síochána
- Claims in relation to personal injuries & material damage from accidents

Civil Actions relating to accidents involving Garda vehicles are presently administered by Transport Section. Other civil actions are fully managed by Legal Actions Section.

HQ Directive 126/11 sets out the management of certain personal injury and property claims against the State under the provisions of the National Treasury Management Agency Act, 2000. This function is performed by the State Claims Agency (SCA). Under the Act, State authorities are obliged to report adverse incidents promptly to the SCA and to facilitate investigations.

HQ 126/11 lists the following incidents which must be reported to SCA:-

- Incidents which result in the injured party requiring medical attention either from a G.P or at a Hospital
- When the incident is reportable to the Health and Safety Authority in order to comply with statutory obligations
- When An Garda Síochána has received a solicitors letter in connection with the incident.

In addition, the remit of the SCA was further extended by Ministerial Order in 2011¹, and the following claims now fall within the remit of SCA:

- Non-malicious personal injury claims
- Damage to property caused in the course of members of An Garda Síochána carrying out their functions
- Claims which are exclusively bullying and harassment claims, except those claims made under the Employment Equality Acts 1998-2008
- Claims in respect of personal injury, third party property damage and associated risks that occur while Garda personnel are on operational duties overseas.

The SCA was also given the complementary function of addressing future litigation risks; in particular the SCA has a duty to advise State Authorities on measures to be taken to prevent future litigation.

€7.04m was expended from Subhead I.2 in 2012.
€10.18m was expended from this Subhead in 2011.

AUDIT OPINION

1. GIAS can provide **Reasonable assurance** that robust internal management and control systems are in place to administer this Subhead.
2. GIAS can provide **Reasonable assurance** that financial and accounting systems are adequate to ensure that expenditure from this subhead is properly allocated and recorded.
3. GIAS can provide **Reasonable assurance** that there are adequate resources and procedures in place to manage claims in a cost effective manner.

¹ National Treasury Management Agency (Delegation of Claims Management Functions) Order, 2011

4. GIAS can provide **Reasonable assurance** that An Garda Síochána is generally efficient in the administration of claims.
5. GIAS can provide **Reasonable assurance** that An Garda Síochána is adequately engaged with and effectively assisting other stakeholders such as SCA in handling claims.
6. GIAS can provide **Limited assurance** that An Garda Síochána has active policies and procedures in place and are understood and implemented to address the issues that lead to compensation claims and payments.

MAIN FINDINGS

- **Case management:** - An Garda Síochána is improving claims handling but further improvement opportunities exist. Historically, claims involving official Garda vehicles are processed through Transport Section. There is no value added and the section is purely a secretarial conduit in these cases between the State Claims Agency and the Garda organisation. The Head of Legal Affairs, who has responsibility for other legal actions, would, we believe, be the more appropriate manager for all legal actions/claims.
- In relation to all actions/claims made for Compensation under this subhead, a question to be addressed is why some members delay or fail to respond to requests for information/investigations in a timely manner; and whether there are any consequences such as disciplinary action taken. Co-operation, including speedy notification of information and member statements to SCA can result in swift and conclusive action by them which keeps costs to a minimum.
- **Costs:** - While some case triggers are outside the control of Garda management, the cost of compensation represents a diversion of much needed resources away from front line policing. It can directly impact on local stations and has the potential to damage the Garda reputation. Every effort should be made to analyse contributory factors, estimate the full cost of claims/settlements and use the data to implement measures to reduce probability.
- **State Claims Agency:** - Good relationships have developed with the State Claims Agency in recent years. Regular meetings are now taking place in terms of case management and in follow up and

implementation of SCA advisory recommendations. Continued liaison and discussion will lead to greater efficiencies in the system.

- **Risk:** - Litigation risk is on the agenda of Senior Management meetings and local performance meetings. The 2009 Corporate Risk Register describes Court Actions and management of the implementation of lessons learned from awards/settlements as high risk overall. Separate to or in advance of SCA reviews, opportunities should continually be sought to be proactive in reducing litigation. For example to publicise and disseminate lessons learned from cases and from our own internal investigations to other Divisional/area managers will endorse caution and help to lessen the likelihood of litigation.
- **Risk Management:** - Divisional and District Officers should assess the full risk implications of possible compensation claims as an active ingredient of ongoing policing operations. Local Garda managers at Sergeant and Inspector rank must ensure that risk assessments are conducted prior to all operations in order to minimise risk and minimise and eliminate possible future litigations.

MAIN RECOMMENDATIONS

1. Consolidate the management of all legal cases within the remit of the Head of Legal Affairs. Internal Audit could see no value added from having other Section (e.g. Transport Section) also involved with the management and administration of cases. LA should take on the role as principal point of contact with SCA for all cases including those currently handled through Transport Section with the Head of Legal Affairs acting as case manager for all civil actions, including Road Traffic Accidents.
2. A database of all cases and case outcomes should be maintained by Legal Affairs Section for analysis and policy development in relation to lessons learned from case outcomes. This would include analysis of where accidents are likely to have occurred in the past, the types of accidents and any preventative actions that could be put in place.
3. A HQ Directive should be issued with clearly defined responsibilities and timescales for response. Senior Management should remind all staff of the importance of providing all information in a timely manner to the Head of Legal Affairs as delays in receiving information has resulted in significant costs in the past. Rules and guidelines should be strictly enforced and sanctions including disciplinary action should

be considered where members of An Garda Síochána (AGS) do not comply with requests for information or other reports on cases.

4. Management should take opportunities to strengthen the contact and exchange of information between the various internal stakeholders in identification of risks, incidents, claims and follow up actions. This would include;

- Sharing corrective and preventative actions could be facilitated on the Portal including lessons from good practices/successful defences and common areas for improvement which resulted in compensation payments.
- All Chiefs and Superintendents should be kept fully up to date on emerging issues and collectively involved in any outcomes so as to promote consistency across the Organisation. One way that this can be done is by having a Portal link/discussion space where developments and issues arising can be articulated and solutions thrashed out.
- LA office should be part of related management discussion/working group/s. In addition to reporting on issues causing litigation, arrangements could allow the LA to provide feedback to management on the costs of litigation and observations on issues emerging.
- In relation to Road Traffic Accidents, management might consider for example, the benefit of having an experienced member of the College driving school on the risk review/implementation team.
- Garda management should also consider some 'quick wins' that would include reducing/eliminating minor incidents of driver error, damages to vehicles within station grounds, car parks, etc. and at the same time improve driver attitude towards their vehicle, taking responsibility for behaviour.
- GIAS also recommends making SCA advisory reports available for consultation purposes to Chief and Superintendent rank through the Portal Services facility.
- Advice and Training should be provided to Garda members from lessons learned framework through Continuous Professional Development (CPD) at Divisional level.

5. Legal Affairs Section should verify settlement amounts before issue of the final payment.

Audit Report

Introduction

This audit report considers the efficiency and effectiveness of the compensation claims process arising from the administration of payments made from Sub-head I.2. In considering the expenditure, the report examines the level of control that exists and offers an overall opinion on the effectiveness of the control systems, so as to provide the necessary assurance to management.

The opinions of management on the findings of the report have been incorporated into the report.

Audit Methodology and Scope

Audit Scope

The audit examined expenditure in excess of €8.6 million and comprising more than 1,000 payments from Subhead I.2 during the period 1st July 2011 to 30th June 2012.

Methodology

The audit involved on-site tests on the operation of the control environment, including the examination of a random sample of settlements reached and payments made from Subhead I.2 in the period 1st July 2011 to 30th June 2012. This period was chosen to give a full year of claim payments. Random samples were taken from Oracle from the 4 classifications under this subhead:

- Compensation under Road Traffic Accidents
- Expenses arising from Garda Actions
- Injuries on Garda Premises
- Damage to property by Gardai

A sample of 28 cases was chosen from these areas. This represented in excess of 12% of the total amount paid out in the reference period.

The compensation case files in relation to these payments were examined and the procedures and documentation reviewed and recorded.

The audit included a number of visits to the Finance Directorate, Legal Affairs and Transport Section between October 2012 and January 2013 and our

research concluded with a meeting with Health and Safety Section in March 2013.

The SCA was also consulted in relation to the role of the agency in the claims process and whether improvements could be achieved in terms of efficiencies and cost savings.

Financial information was extracted from oracle downloads.

The audit methodology is in accordance with the Standards for the Professional Practice of Internal Audit as set out by the Chartered Institute of Internal Auditors.

Main Findings & Recommendations

1. Claims Management

1.1 Civil Action Claims managed by Legal Actions Section

Garda Internal Audit has established that the role of the Legal Affairs Section has changed over recent years with a major emphasis now on functions including, but not limited to:-

- Providing legal advice and opinion to the Commissioner and the Garda Organisation on civil law matters
- Meeting with the members concerned prior to the hearing of the case and briefing the Commissioner on the case.
- Processing and preparing defence or settlement of claims.
- Meeting Counsel, attending Court, etc.

When Legal Affairs Section is informed of a possible claim under the aforementioned headings they notify the State Claims Agency (SCA) immediately. If necessary the SCA will ask An Garda Síochána for an investigation file to be prepared to assist in the defence or settlement of a claim. This investigation file is usually compiled by an Inspector based in the relevant District/Division and includes a detailed report. All relevant documentation pertaining to the claim must also be included, along with copies of search warrants, etc.

Cases in our sample ranged from alleged defamatory remarks and damage to private property, to actions resulting in death. From the sample of civil cases examined there were delays in providing investigation files. We observed that sometimes requests and reminders for investigation files issued by Legal Affairs (LA) were not answered for a considerable length of time. These requests are prompted by the SCA need for case information and delays could affect the preparation of a robust legal defence. These delays also lead

to inefficiencies with repeated reminders being issued which are not answered.

Where there are issues surrounding discipline, criminality, etc the SCA hands over the investigation file to the Chief State Solicitors Office (CSSO). Where the Director of Public Prosecutions (DPP) advises that there will be no criminal prosecution/case the SCA takes on the management of the claim.

When a case is listed for court there is extensive communication between CSSO, LA, D/Commissioner Strategy Change Management and the Commissioners Office. LA then presents the advice to the Commissioner for his observations and direction. The Commissioners authorisation must be sought for the settlement of cases listed for court. GIAS were informed that it is planned to hold meetings between Legal Section, Transport and SCA on a quarterly basis to discuss case management.

While there was extensive evidence on file documenting correspondence between the relevant stakeholders, some files did not have details regarding the final outcome/settlement of the case. We noted that when cases are handed over to SCA, the LA usually requests to be kept informed of further developments. This does not always happen.

GIAS examined one case involving a settlement of €150 [REDACTED]. The claim was addressed to local garda management and was forwarded to SCA via LA. Despite numerous enquiries made by the claimant and agreement by local management that compensation was in order it took more than a year to settle this claim. The process involved was costly and time consuming for An Garda Síochána in comparison to the amount of the settlement.

In summary, weaknesses arise in the delays in completion of the investigation file and in not having received formal notification of the conclusion of the case.

Recommendations

Information should be supplied to the SCA in a timely manner to facilitate preparation of a robust defence. These delays can add to the overall cost of claims/settlements. LA should pursue information robustly to achieve compliance.

Members of An Garda Síochána must comply with instructions from management and the Head of Legal Affairs in ensuring swift compliance with provision of case information. Rules and guidelines should be strictly enforced and sanctions including disciplinary action should be considered where members of An Garda Síochána (AGS) do not comply with requests for information or other reports on cases.

AGS need to tighten up on prompt completion of investigation files. Greater efficiency could be achieved with clear formal investigation procedures to ensure consistency throughout the organisation in quality of investigation. Similar to court file preparation we believe it is prudent to set a clearly defined timescale. Where it is not possible to complete the file in this time then an interim report should be prepared for LA by the investigating officer.

Detailed procedures and tasks should be documented and available on the Portal. This will support and implement some recommendations around investigations, documents, etc. made by SCA in their 2009 review².

GIAS recommends that LA make arrangements with SCA to receive direct notification of the conclusion of all cases, including the settlement details to allow for the closing of Garda files.

Procedures should also be agreed with SCA with a view to the speedy processing of relatively minor claims such as the sample above. Small claims can relate to relatively minor matters which are less tedious and in which there is an opportunity to settle expeditiously, without recourse to lengthy correspondence and additional costs.

Consideration should also be given to the maximum use of electronic communications internally and between the two organisations, including automatic electronic reporting of claims once brought to attention.

GIAS believes that greater efficiency could be achieved if LA takes on the role as principal point of contact with SCA for all cases including those currently handled through Transport Section with the Head of Legal Affairs acting as case manager for all civil actions, including Road Traffic Accidents.

Management Response

Legal Affairs Section

This office prepared HQ Directives 126/11 and 41/12 to provide clear instructions on the timely completion of investigation files for the defence of civil actions. These Directives, which are relatively recent, have updated and amended previous Garda Code directions. This office is of the view that the Directives are robust and clearly set out the standards required. It is accepted that delays in submitting investigation files can cause problems. However, in general the response rate is reasonably good. It should be noted that on occasion delays in the completion of investigation files can be outside the control of the investigator or applicable Divisional Office. It is the view of this office that a complete failure to comply with the guidelines would indeed constitute a breach of discipline i.e. Neglect of Duty. However, it is the

² State Claims Agency - Health and Safety Risk Management - 2009

Ag obair le Pobail chun iad a chosaint agus chun freastal orthu
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experience of this office that difficulties can be resolved prior to matters escalating to disciplinary level. At the present time, this office does not feel that there is a requirement for any further HQ Directives. However, this office will monitor this area and any identified shortcomings will be addressed.

The following recommendation is noted:-

“Legal Affairs (LA) should become the principal point of contact with the State Claims Agency (SCA) for all cases including those currently handled through the Transport Section”.

In theory, this would appear to be a sensible and practical suggestion. However, this office is currently operating at resource capacity. Extra workload would have an obvious impact on resources, staffing and budget levels. At the present time, this office does not have the work space, resources or staffing levels required to undertake this task.

Transport Section

Transport Sections core function is to establish the extent of and repair any damage to an official vehicle, whether this was as a result of an accident, ramming, malicious damage or more minor dents and scratches and return the vehicle to active service with the minimum of delay.

As Transport Section does not manage the claims, it is accepted that it would be more effective and efficient for Legal Affairs to take on the role of principal point of contact in relation to Road Traffic Accidents involving official vehicles.

1.2 Civil Action Claims handled by Transport Section

Claims related to Road Traffic Accidents, including personal injuries and material damage claims arising from accidents involving Garda vehicles, are initiated in a similar way to the civil claims discussed above. All claims in respect of accidents involving Garda vehicles are handled by the State Claims Agency. The role of An Garda Síochána is to prepare the investigation file for submission to the State Claims Agency.

The Accidents Unit of Transport Section receives initial notification, keeps a copy of the case file and processes the correspondence. Apart from the purely secretarial role in paper processing no advisory or case management role is evident. We do note however that the technical personnel at Transport Section do have a practical, technical function in examining and assessing damaged vehicles. Transport Section has responsibility for the Tranman Fleet Management system.

GIAS found significant improvements in keeping of Road Traffic Accident files since the last compensation audit. A member of staff has persistently followed up on Divisions/Districts who did not submit investigation files in a prompt manner. The State Claims Agency also referred to improved contacts as well as rationalisation and improvements in Transport Section for dealing with files/paperwork.

Despite the improvement, (and similar to LA) not all files sampled by GIAS had the conclusion to the case or the settlement details on file. One sample case file viewed involved an alleged accident, which according to the file, the relevant members claimed did not happen (). However, verification on Oracle and the SCA invoices revealed payments amounting to €44,321. GIAS found no indication on the Garda file as to the case outcome or settlement details. In the same case the SCA had advised of difficulties making contact with a member of An Garda Síochána who was due to be a witness in the case. Correspondence was sent to the members' District via Transport Section requesting a meeting with SCA. Four months elapsed before contact was made. This is unsatisfactory and can bring the reputation of An Garda Síochána into disrepute and suggests a lax approach by the member concerned as well as their supervisor. It could be speculated that the settlement in this instance reflects these delays.

GIAS is not assured, following our local discussions that the handling of the case files on these claims is related to core business and/or is appropriate to Transport Section where it is effectively disconnected from the remit/oversight of the Head of Legal affairs. Our sampled case files confirmed this as we found no evidence of legal advice or other input from Transport Section. Historically, this section appears to have acted as a registry/secretarial conduit in the claims process, receiving and passing on correspondence, prior to the expansion of Legal Affairs Section.

Similar weaknesses arise in the delays in completion of the investigation file and in some delays in members (including witnesses) failing to respond promptly to requests for information or to contact the SCA.

Recommendations

The question of all legal case work being directed through a single management area must be addressed. GIAS recommend that consideration be given to relieving Transport Section of the tasks associated with receiving and transmitting correspondence and paper files regarding claims as this is not connected with the core work of the Section. As recommended above, all compensation claims, including RTA related, should be the responsibility of LA. That section is already structured to do so and has the legal expertise which extends to legal file preparation and case management.

In the interim while putting procedures in place for the hand over of business, LA should be notified of any claims currently on hand in Transport Section.

Transport Section should consider putting procedures in place for the Accident Unit to actively monitor the Tranman system to regularly review data and statistical information on levels of accidents, cause, direct costs. Provided a member of staff was trained up to inquire and interrogate information, this could be a valuable resource, gathering and analysing information for senior management and informing cost effective actions for risk reduction.

Rules and guidelines should be strictly enforced and sanctions including disciplinary action should be considered where members of An Garda Síochána do not comply with requests for information or other reports on cases as well as instances where less than best practice has resulted in damage or accident and/or where inappropriate behaviour of driver/s has been identified.

Management Response

Legal Affairs Section

As discussed under the previous paragraph, this office is currently operating at resource capacity. Moving responsibility from Transport to LA involves extra workload which would have an obvious impact on office space, resources, staffing levels and budgetary allocation. At the present time, this office does not have the resource and staffing levels required to undertake this work. However, this office would actively engage in any management discussions on this issue.

This office does not see any benefit in receiving notification of claims currently on hand in the Transport Section. In fact, such a requirement would only increase the administrative burdens on both sections.

Transport Section

Transport Sections core function is to establish the extent of and repair any damage to an official vehicle, whether this was as a result of an accident, ramming, malicious damage or more minor dents and scratches and return the vehicle to active service with the minimum of delay.

Damage is initially notified via a Form MT15 – initial accident damage report

The paper based process was replaced (HQ Directive 94/12 dated 5 December 2012) by on line recording to the Tranman data base via the portal. This information is transmitted to the State Claims Agency electronically in a format suitable for upload to the State Claims Agency's data base.

The practice developed that Transport Section would forward this Form to the State Claims Agency which alerted them to a potential claim. Transport Section became the first point of contact and acted as a registry/secretarial conduit in the claims process, receiving and passing on correspondence, prior to the expansion of Legal Affairs Section.

As Transport Section does not manage the claims, it is accepted that it would be more effective and efficient for Legal Affairs to take on the role of principal point of contact in relation to Road Traffic Accidents involving official vehicles.

Transport Section can facilitate the production of statistical information, on the number type and cost of repair, on request or periodically.

However, Tranman is currently populated by the initial accident damage report, details of which are provided normally by the member involved in the incident.

The cause and circumstance surrounding the incident is more accurately reflected in the investigation file and subsequent assessment by the State Claims Agency.

Therefore, the State Claims agency records will provide more accurate reports on cause of and circumstance of accidents and of the subsequent settlement figures.

1.3 Road Traffic Accidents involving Garda Vehicles

The Code, supplemented by HQ Directives, provides strict guidelines in respect of driving vehicles, accountability and responsibility for actions when in control of vehicles.

An MT15 form (accident report) must be completed locally as soon as possible following an accident involving a garda vehicle. This form is uploaded onto the Tranman Web Portal system. Information on the MT15 form is batched and sent to the SCA on a weekly basis.

The Garda vehicle fleet consists of a number of vehicle classifications. Accidents involving Garda vehicles generally give rise to additional claims from third parties and it is estimated by SCA that each accident/incident generates 2.5 claims from one or more third parties in respect of personal or property damage.

The table below illustrates the overall number of accidents recorded in the years 2009 to 2011.

No of Accidents involving Garda Vehicles			
Year	2009	2010	2011
Recorded Accidents	633	578	667

A more detailed breakdown of the accidents by County and Type is at Appendix 2.

Looking at the recording system, we found that many of the records on Tranman are not fully completed by the reporting member. Not all accidents occurred on motorways or main roads. Accidents occurred at petrol forecourts, in Garda Station grounds and in private property such as shopping centres and car parks. Perusal of the accidents/incidents recorded on Tranman for 2010/2011 also revealed that there were some cases where a driver or a vehicle was involved in more than one accident/incident in that period. For example –

- 19 members were involved in more than one accident/incident
- 7 incidents recorded driver 'unknown'
- 12 recorded incidents contained little or no information other than the vehicle registration and garda station.
- 96 vehicles were involved in more than one accident in 2011
- 7 accidents did not list the vehicle registration

This indicates a need for (a) accurate recording by members; (b) analysis of accidents/incidents with a view to determining, for example, whether carelessness or poor driving skills contribute and cost the Exchequer. Equally, accident prone roads/areas need to be considered and driver behaviour and/or training adjusted as appropriate.

GIAS notes that in its role as advisor on litigation risk, the SCA previously advised regarding measures to be adopted to improve matters and reduce risk of litigation in respect of Garda Road Traffic Accidents. Their 2005 Report³ recommended a greater focus on improving driver skills and experience with disciplinary measures used more discerningly.

Following enquiries with Garda Headquarters we have established that a number of initiatives have resulted from those recommendations, for example:-

- A policy document Competency Based Driver training (CBD) – has been developed setting out policy with a view to improved driver training, vehicle handling skills and sets out specific levels of training. Policy states the effective date is 23/1/2010. (version 1.10 – although we note the document has no formal Policy No. yet)
- In general the vehicle standard on issue to AGS has improved with purchases over a number of recent years – although the age of the current fleet raises additional issues for management
- Managers are including risks and related issues both at Senior Management and Divisional/District management meetings.

Recommendations

While not undertaking a risk or safety audit, GIAS is cognisant of the reality that any action (or lack of action) can lead to claims and costs to the Garda Vote. GPSU and Health and Safety Section and others have a specific role in addressing risk mitigation.

However, from perusing payments, it is clear that any initiatives to reduce official vehicle accidents will result in substantial savings. In particular, efforts should be made to address issues giving rise to more minor claims or damage costs arising, for example, from incidents within Garda station grounds, public car parks, etc.

Steps which GIAS recommend considering and which are achievable without significant cost and without the prerequisite of formal inter agency reports in advance include –

- Priority to completion of the delivery of CBD training to all Divisions and other areas where official drivers are required.
- Fully and formally adopting and circulating policy and reviewing same (policy provides for review annually but was last reviewed in May 2011).
- Driver training – ensuring that drivers receive refresher courses. The stated benefits of CBD require regular retraining and upgrading.

³ Risk Management Review of Road Traffic Accident (RTA's) involving an Garda Síochána.

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- Chiefs permission should be limited and only considered as an exception (this has previously been commented on in our Divisional audits)
- Local Managers should be encouraged to strictly enforce the Code and HQ Directives/guidelines.
- Review local management/policing needs in the context of drivers spending long periods driving or in vehicles as observers – particularly with the introduction of the new roster system
- Impacts on service such as the question of a lengthy drive to and from work, prior to and after duty ends.

The age and condition of vehicles is a separate matter which has arisen as a local concern requiring attention in all recent audits carried out.

Local Management should be reminded to address why some members delay or fail to respond to requests for information/investigations in a timely manner; and whether there are any consequences such as disciplinary action to be taken. Co-operation, including speedy notification of information and member statements to SCA can result in swift and conclusive action by them which keep costs to a minimum.

Local Management might also be encouraged to consider benefits in setting targets and objectives to reduce incidents at risk in their local area or for example locations where the number of actions/claims is noticeable, with small incentives included.

GIAS also recommends making SCA advisory reports available for consultation purposes to Chief and Superintendent through the Portal Reporting Services facility.

Senior Management should seek to establish formal systems for the provision of meaningful analysis that would allow for a rational approach in dealing with RTA's that may result in fewer accidents in the future and in turn reduce the level of compensation paid out. This might include better management of parking areas adjacent to Garda premises and control of the number of vehicles accommodated.

Management Response

Legal Affairs Section

Above recommendations are currently outside the remit of LA.

Transport Section

No response relevant to Transport Section

1.4 State Claims Agency

The State Claims Agency (SCA) provides the following functions to An Garda Síochána:

- Payment of legal costs/settlements. These payments are recouped from An Garda Síochána on a monthly basis.
- Manage civil claims.
- Offer Risk Management advice.

We met with representatives of SCA to complete our understanding of the claims process, as well as their working relationship with An Garda Síochána.

We were informed that in recent years SCA meet regularly with various stakeholders in An Garda Síochána to discuss case management and they value this development.

The issues raised are as listed above i.e. delays in investigations and reports and in response to requests for contact from relevant members; delays in implementation of lessons learned across the organisation.

One matter which came to our attention during discussions with the SCA was the fact that when the new Tranman system was being developed, AGS did not include SCA as 'stakeholders'. GIAS believes the SCA could have made a contribution to the development of a more fully interactive system including defined critical fields and links to SCA. This could have facilitated more efficient and expeditious transfer of information.

Recommendation

Collaboration should continue to be developed as an important element of the relationship between An Garda Síochána and SCA, particularly when it comes to matters of common concern.

There should be no barrier to consulting on mutual interest areas such as improving accident reporting on the Tranman system or streamlining other case management procedures. When developing systems that will involve or engage with SCA systems and processes, there should be sufficient cooperation to ensure the roll out of a comprehensive system that takes into account all the information needs of the relevant stakeholders.

This will support greater efficiency in both organisations and ensure that State liability, costs and other associated expenses are contained at the lowest achievable level.

Management Response

Legal Affairs Section

LA conducts routine meetings with our counterparts in the SCA. The working relationship between the LA and SCA is both cordial and professional. LA strives to continually develop and progress this relationship so as appropriate processes can be identified and any difficulties resolved. It is the view of this office that such contact is already achieving greater efficiency in both organisations and helps to ensure that State liability, costs and other associated expenses are contained at the lowest achievable level.

It is envisaged that such contacts will continue and develop over time.

Transport Section

Transport Section has developed good relationships with the State Claims Agency in recent years. Formal meetings, take place twice a year, in addition, to regular liaison on specific issues as they arise.

The current development of the Tranman system has incorporated a number of functions raised by the State Claims Agency to improve the flow of information. This included transmission of initial accident reports (previously submitted on forms MT15) to the State Claims Agency electronically in a format suitable for upload to the State Claims Agency's data base.

This has highlighted the benefit of inclusion of the State Claims Agency as a stake holder at an earlier stage in future developments of the Tranman system.

2. Compensation Payment Process

From our audit sample we noted that the average length of time until settlement /payment of the compensation are 2.76 years. In the case of expenses arising from garda actions it took 3.9 years to complete the case to settlement.

Payment of compensation awards is processed directly between SCA and the Office of the Director of Finance. The procedure is that when awards are made or settlements are reached An Garda Síochána is invoiced by SCA. Invoices are processed by our Finance Section and sent to Financial Shared Services, Killarney for payment. When judgments are made against An Garda Síochána payments are usually made to the claimant's solicitor. Payments over €100,000 have to be sanctioned by the Department of Justice and Department of Finance.

[Information regarding Subhead 1.2 expenditure can be found at Appendix 1.]

The SCA invoices for costs as they arise - e.g. witnesses, engineering reports etc. with the settlement/award being invoiced and paid at the end of the process.

No verification is undertaken by Finance Section of the SCA invoice. Reliance is placed on the SCA having the proper procedures in place to ensure that the case has been settled and/or the expenditure is justified.

Research of the records on Oracle revealed that there can be some inconsistencies in the way in which payments are recorded. This was noted principally with invoices other than SCA. These are mainly 'housekeeping' issues, for example – inserting a date instead of the Invoice ref number, poor information on the claim/case in the 'Header Description' and/or 'line description', etc. Some small payments were also identified from local Imprests in respect of minor issues. Some of these did not appear to fit strictly 'compensation' matters and appear to be recorded as Compensation because there is no suitable space on the Imprest template. These payments might be more appropriately recorded under a 'miscellaneous' heading. Historically some payments were processed and authorised directly by Transport Section.

Recommendations

Verification should be carried out before final payment is made.

Arrangements should be made for SCA to send a soft copy of the monthly invoice to the Head of Legal Affairs and as an interim measure (pending transfer of tasks) to Transport Section. Since the invoices have Garda case references, a copy of the invoice can be placed in the relevant case file and the file closed. This would also add an extra control to the payment process as Finance Section can be informed of any payments/settlements that may seem irregular. Otherwise, if the payment is invoiced directly through LA, it could be signed off there and/or any query or discrepancy challenged before it is approved and sent to the Finance Section.

Alternatively, an arrangement whereby Finance Section emailed a confirmation of payment notice to LA would have the same effect.

Authorisation limits should be set on Oracle to ensure only ex-officio individuals can authorise payment. Persons completing payment information on Oracle should be reminded to take greater care in recording the required information. Drop down prompts as to the required input would ensure greater accuracy of completion.

It is likely that any initiatives to increase efficiency and speed up case processing would lead to savings.

Management Response

Legal Affairs Section

The actual payment of compensation/settlement agreements is a matter for the Executive Director of Finance and Services. This office would be reluctant to have a role in that process.

This office would not agree with the suggestion that payments should be directly invoiced through LA for approval and then sent to the Finance section. It is unclear what utility such an extra administrative step would achieve. It is the view of this office that such a step could decrease efficiency and slow down case processing.

Transport Section

No response relevant to Transport Section

3. Cost of Compensation

In addition to the direct cost of the compensation awards/settlements through the SCA, costs arise in respect of Counsel fees and some external solicitor costs. Other indirect costs are more difficult to identify.

To review direct costs, we downloaded information on this subhead from Oracle. We discovered that in the five year period 2008 – 2012, payments under subhead 1.2 accounted for in excess of €46 million.

Our audit sample (2011/12) of 28 case files accounted for €1,050,177. A breakdown of these costs is attached at Appendix 1.

While the tables provide information on the direct costs in terms of case processing and settlement, internal costs in cases where liability is accepted by An Garda Síochána are not always calculated. As far as we can ascertain, this is actually the majority of cases. These 'other' costs include direct internal Garda management and investigation costs but would also include indirect costs including (but are not limited to) –

- Loss of time through sickness absence or light duties
- Loss of the use of the garda vehicle and repairs
- Impact on the local office/station service resulting from either or both of the above

There may be a perception that risk is low for the organisation in terms of the cost of claims being made against An Garda Síochána. However, the indirect costs have been estimated by SCA to amount to a ratio of 1:5 (direct to indirect costs). Based on that principal, the full estimated costs for an Garda Síochána for the audit period (€8m - 1/07/2011 to 30/06/2012) would exceed €40 million. This consumes a significant amount of scarce resources.

We accept that steps have been taken and/or are under consideration to implement SCA recommendations in a number of areas, overseen through the Garda Health and Safety Section. The Corporate Risk Register lists Court actions and associated claims/compensation matters as high risk.

Inevitably, implementation of some SCA recommendations may not be possible due to current financial circumstances. Striking a balance between the longer term exposure of the organisation to litigation and short term financial issues will continue to be a serious matter for Senior Management to address.

Recommendations

The Garda organisation needs to do more to identify the total cost of incidents, including the indirect or hidden costs of claims.

Identifying these 'other' costs will provide the Commissioner with a complete and tangible picture of the situation. Full cost analysis should be carried out by a competently trained person. Gathering data and making this known to all management levels will focus minds on implementing recommendations from incident investigations and encourage measures to reduce risk of incident and minimise replicate claims by ensuring tighter controls and supervision. Perhaps the assistance and advice of the Analyst Service might be sought.

The organisation should consider developing agreed procedures with the SCA to 'fast track' claims in which estimated costs are below a set threshold. This will be more efficient and assist in reducing the length of time in all cases which in turn will achieve cost reductions.

Legal advice should be considered carefully to maintain a balance between the benefits that might accrue for the public purse in the event of prudent and early settlement and the necessity to robustly defend the right and duty of Gardai to carry out their functions.

Management Response

Legal Affairs Section

The above recommendations are largely outside the remit of this office. However, there are some useful suggestions which could be considered.

In relation to the fast tracking of SCA claims in which estimated costs are below a set threshold this is not always achievable. In many cases the conduct of the plaintiff can slow matters down. Very often plaintiffs/claimants will not actively pursue their claims and such matters can be dragged out over a considerable period of time. At times, once the claims remains within the time limits set out in the statute of limitations, there is very little that the SCA or An Garda Síochána can do to prevent certain types of delay.

Transport Section

No response relevant to Transport Section

4. Mitigation of Risk and Reduction of Compensation

4.1 An Garda Síochána:

4.1 (i) Examining Cases, Measuring and Analysing Information:

The cycle of compensation claims moves from risk, incident, claim, to outcome. This progression suggests a need for formal internal procedures to review an incident and its investigation and final outcome.

There is a lack of detailed analysis of incidents and accidents, their causes and the full extent of related costs, etc. As well as reviewing our handling of the incident, An Garda Síochána needs to continually reinforce best practice behaviour and to improve our incident prevention systems and at times suggest necessary additional measures so that in so far as is possible, the organisation is not exposed to further similar costs.

4.1 (ii) Implementation of Change:

LA does not appear to have an active role in formulating policies and procedures to deal with issues leading to claims and settlements. They are responsible for case management only. Consequently, full statistics and lessons learned may not be readily available to the organisation.

GIAS did not carry out an examination of the arrangements or the efficiency of procedures to prevent incidents that lead to claims. Garda Professional Standards carry out Health and Safety Reviews as part of their remit. We understand that actions are being coordinated under the auspices of A/Commissioner HRM and Health and Safety Section towards implementation of recommendations made in a number of SCA Review Reports.

We acknowledge the continuing roll out of the new driver training; however it is evident that financial restrictions are impacting on this. It is our view that having a high number of members' driving on Chief Superintendent's permission is not compatible with best practice.

Discussions with SCA revealed one notable success for this organisation, for example 'forced entry' claims, where our implementation of recommendations regarding issues arising in litigation have resulted in improved training and instructions and more appropriate procedures being put in place.

Most accidents involving garda vehicles occur on routine duty and the incident/accident is the responsibility of the garda. Some in our samples occurred due to carelessness resulting in damage to vehicles in the station yard, in reversing or parking. According to casework by the SCA, applying hand break incorrectly or non removal of ignition key can also result in cost to the Garda organisation.

The age and condition of the Garda fleet is a matter which arises regularly as a concern in our audit work. The type of car being purchased is also a consideration when suitability to road conditions and use are considered.

4.2 State Claims Agency:

4.2 (i) One of the principal objectives of the State Claims Agency under the NTMA Act and associated Statutory Instruments⁴ is -

- To manage claims so as to ensure that the States liability and associated legal and other expenses are contained at the lowest achievable level.⁵

When we met with representatives of SCA we sought to ascertain views on the contributory factors that result in claims against An Garda Síochána.

We were informed that in recent years SCA meet regularly with various stakeholders in An Garda Síochána to discuss implementation of recommendations arising from SCA reports and risk management. Through the office of Assistant Commissioner, HRM, meetings are arranged twice yearly to discuss emerging risks to which the organisation may be exposed.

Road Traffic Accidents account for the majority of claims received by SCA and present as the key risks in relation to claims against An Garda Síochána. Driver safety was highlighted as one of the highest risk factors. Principal concerns of SCA on behalf of An Garda Síochána are related (but not limited) to the following:

- A third of the money paid out by SCA for claims/settlements in the Garda area relates to Road Traffic Accidents.
- Each Garda vehicle accident results in an average of 2.5 claims
- Accidents usually occur in the normal course of driving i.e. not on 'blue light' or emergency occasions. This should be preventable.
- Carelessness is a contributory factor
- Risks and associated costs should be considered at the highest level in the organisation
- Need for AGS to conduct appropriate analysis of initiatives undertaken to identify impact and ascertain benefit.
- Asking what lessons can be learned etc and ensuring they are communicated and implemented across the organisation.
- Performance – Both of Drivers and vehicles. SCA are concerned that despite upgrading our driver training, the Garda organisation may still be open to claims.

⁴ SI 69/2011 – National Treasury Management Agency (Delegation of Claims Management Function) Order .

⁵ Source: State Claims.ie

SCA stressed the importance of taking ownership at the top level of An Garda Síochána to deal with Road Traffic Accidents. They previously reported and made recommendations on driver training and also stressed the need to understand the relationship between driver, training, accident and cost of claims as well as associated costs in terms of absences, etc.

In this regard GIAS is aware that risk and litigation are matters discussed at Senior Management Conferences as well as at local management meetings.

4.2 (ii) The second principal objective of the SCA under the NTMA Act is -

- To provide risk advisory services to State authorities with the aim of reducing over time the frequency and severity of claims.

They maintain that some 61% of claims are by State employees and of this number 12% are by members of An Garda Síochána.

In order to prevent or reduce the incidences that give rise to claims, SCA identifies litigation risks, assesses adequacy of measures already in place, assesses whether legal requirements are fulfilled and provides advice and assistance in addressing risks highlighted. A number of such Reviews have been prepared for An Garda Síochána in recent years.

Recommendations

The objective is to take a proactive role with the aim of reducing and mitigating the risks and contributory factors giving rise to the events or incidents which can result in litigation and costs to the Garda Vote.

To achieve this AGS needs a review system that will inform behaviour and implement lessons learned. Some consideration should be given to the following: –

1. Policies and Procedures:

- Having policies and preventative systems in place is one key level of lessening lawsuits. To be successful and cost effective it is most important that these policies and systems are widely known, understood and proactively implemented by management and staff alike. There is no impediment to pursuing change in advance of SCA reviewing cases and recommending additional actions. Combined with internal risk assessments, the contributory factors and recommendations from Garda internal investigations, as well as being forwarded to SCA, should be pursued.
- The question of designing/developing practices and procedures to facilitate detailed analysis so that remedial action can be taken should

be addressed. Similar analysis of other regular causes of litigation will inform appropriate actions in other areas.

2. Identifying Risks

- As well as members' general behaviour in carrying out their duties, we need to identify other factors, Divisions, stations, areas, roads, duties etc. which are more incident prone.
- Risk assessments must be prepared in advance of all planned policing operations in order to reduce risk and minimise / eliminate litigation.

3. Analysis & Review

- Accurate recording of data in a format that facilitates easy analysis of data by senior management and local managers will be an important source of information in risk management and cost reduction. In the longer term a dedicated database of litigation and cost details could bring about long term benefits.
- The possibility of obtaining secure access to any such database compiled or maintained by the SCA might be considered as a feasible and less costly alternative.
- As recommended by the SCA⁶, in addition to receiving reports and reviews conducted by them, Garda management should put systems in place for internal post-case reviews and analysis to identify lessons learned.
- Management should regularly review procedures to ensure that incidents are fully investigated, that corrective and preventative actions are identified and that the requirements for reporting to the SCA are being fulfilled.

4. Identifying Preventative Measures, including 'quick wins'

- Use internal analysis of incident/litigation history, full costs, etc. in developing internal action plans to enhance systems of control in advance of SCA recommendations. Senior management could then arrive at informed conclusions with a view to making the necessary changes systematically and consistently to encourage best practice behaviour, address inadequacies across functions.
- Supplement internal actions by implementing recommendations in the SCA reviews/reports on matters requiring attention.
- Providing advice and training to all Garda personnel through Divisional CPD programmes

⁶ SCA April 2009 – A Review of H&S Risk Management within an Garda Síochána
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5. Information dissemination

- Management should take opportunities to strengthen the contact and exchange of information between the various internal stakeholders in identification of risks, incidents, claims and follow up actions.
- Sharing corrective and preventative actions could be facilitated on the Portal including lessons from good practices/successful defences and common areas for improvement which resulted in compensation payments.
- All Chiefs and Superintendents should be kept fully up to date on emerging issues and collectively involved in any outcomes so as to promote consistency across the organisation. One way that this can be done is by having a Portal link/discussion space where developments and issues arising can be articulated and solutions thrashed out.
- LA office should be part of related management discussion/working group/s. In addition to reporting on issues causing litigation, arrangements could allow the LA to provide feedback to management on the costs of litigation and observations on issues emerging.
- In relation to Road Traffic Accidents, management might consider for example, the benefit of having an experienced member of the College driving school on the risk review/implementation team.
- Garda management should also consider some 'quick wins' that would include reducing/eliminating minor incidents of driver error, damages to vehicles within station grounds, car parks, etc. and at the same time improve driver attitude towards their vehicle, taking responsibility for behaviour.
- GIAS also recommends making SCA advisory reports available for consultation purposes to Chief and Superintendent rank through the Portal Services facility.

6. Implementing Change

- GIAS recognises the role of GPSU and Health and Safety Section in overseeing and reviewing related matters.
- We concur and emphasise the need to strengthen internal contacts, circulate information and communicate action programmes together with appropriate controls and procedures to affirm prudent management of related costs.
- It is a matter for Health and Safety Section to rigorously pursue risk assessment when incidents/accidents occur and when litigation results, so that the exposure of AGS and associated compensation costs is continually reduced.
- GIAS recommends that effective procedures should be put in place to allow Garda Management at Regional and Divisional level to consider lessons learned from compensation claims and to take appropriate action so as to mitigate litigation risk strategically across the organisation. To this end, management might consider setting targets and objectives or small incentives to reduce incidents at risk in their

local area or for example locations where the number of actions/claims is noticeable.

Regional Officers are well placed to take a role in pulling information together and promoting awareness as well as to ensure consistency of implementation of initiatives to lessen litigation and related costs.

7. Monitoring and Follow up of Non Compliance
- Appropriate sanctions should be pursued for instances of non compliance with rules and regulations.
 - Advocate and reward good behaviour
 - In relation to all actions/claims made for Compensation under this subhead, a question to be addressed is why some members delay or fail to respond to requests for information/investigations in a timely manner; and whether there are any consequences such as disciplinary action taken. Co-operation, including speedy notification of information and member statements to SCA can result in swift and conclusive action by them which keep costs to a minimum.

Management Response

Legal Affairs Section

As highlighted above, LA does not have an active role in formulating policies and procedures to prevent incidents that lead to civil claims. It is noted that it is recommended that:-

“LA should be party of related management discussion/working groups. In addition to reporting issues causing litigation, arrangements could allow the LA to provide feedback to management on the costs of litigation and observations on emerging issues”.

It should be noted that the Head of Legal Affairs has spoken at the Garda Commissioner’s conference in Templemore in relation to civil claims. In addition, this office prepared an internal memo which has been distributed to each Garda Division. This memo outlined the necessity for greater care to be taken in the execution of search warrants which can give rise to needless damage to property claims. This memo was approved and distributed by Deputy Commissioner Strategy and Change Management.

This office will continue to monitor this area.

Transport Section

No response relevant to Transport Section

Acknowledgement

Garda Internal Audit Service would like to express our gratitude to staff of Legal Affairs Section, Transport Section, Finance Section and Health & Safety for their courtesy, co-operation and assistance during the course of this audit.

Niall Kelly

Niall Kelly
Head of Internal Audit
Date: 23/7/13

Garda Internal Audit Section

Appendix 1 – Breakdown of Subhead I.2 Expenditure

Subhead I.2 Overall Expenditure 2008-2012					
Subhead	08	09	10	11	12
Compensation under RTA	2,619,269	3,042,382	2,753,857	2,656,579	1,998,238
Expenses arising from Garda Actions	8,090,437	6,580,440	6,059,114	6,960,108	4,539,051
Injuries on Garda premises	0	0	249,450	448,698	427,953
Damage to property by Gardai	8,738	1,990	72,723	114,084	75,539
Total	10,718,444	9,624,812	9,135,145	10,179,469	7,040,780

Figures obtained from Oracle

Breakdown of I.2 Case Expenditure						
Subhead	2011			2012		
	No. of Cases	€	Average	No. of Cases	€	Average
Compensation under R.T.A.	263	2,656,579	10,101	200	1,998,238	9,991
Expenses arising from Garda Actions	203	6,951,915	34,246	183	4,539,051	24,804
Injuries on Garda premises	36	448,698	12,464	36	427,953	11,888
Damage to property by Gardai	64	113,395	1,772	55	75,248	1,368
Expenditure that could not be identified with specific cases		8,882			290	
Total Expenditure		10,179,469			7,040,780	

Figures extrapolated from Oracle information and line descriptions

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Appendix 2 – Breakdown of Sampled Expenditure

Individual Cost of Sampled Cases		
Case Reference	Subhead Type	Total €
	RTA	347,293
	RTA	212,324
	RTA	71,260
	Garda Actions	58,539
	Injuries on Garda Premises	57,611
	Injuries on Garda Premises	56,713
	RTA	44,927
	RTA	44,321
	Injuries on Garda Premises	30,222
	Injuries on Garda Premises	26,815
	Injuries on Garda Premises	20,537
	Garda Actions	17,500
	Garda Actions	17,011
	RTA	13,691
	Damage to Property	13,400
	Garda Actions	7,898
	Damage to Property	2,850
	Garda Actions	1,915
	Damage to Property	1,300
	RTA	1,058
	Garda Actions	807
	RTA	656
	Damage to Property	599
	Garda Actions	350
	Garda Actions	230
	RTA	184
	RTA	111
	Injuries on Garda Premises	54
Sample Total		1,050,177

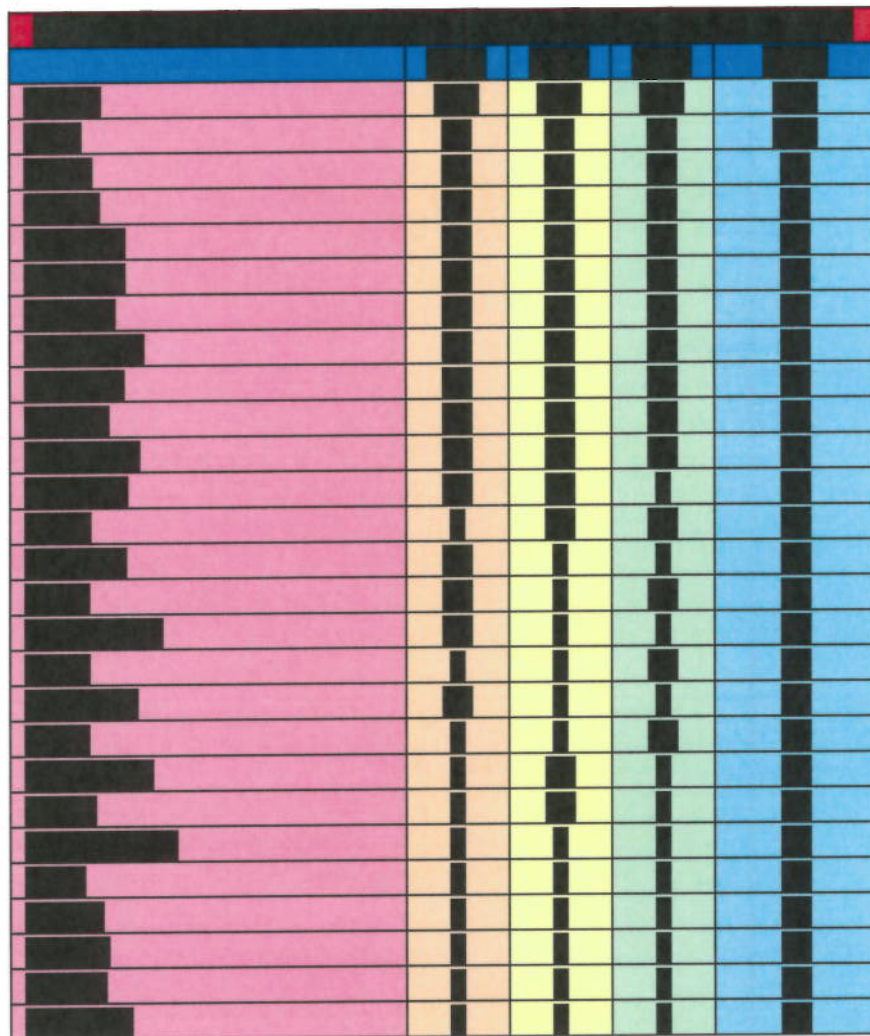
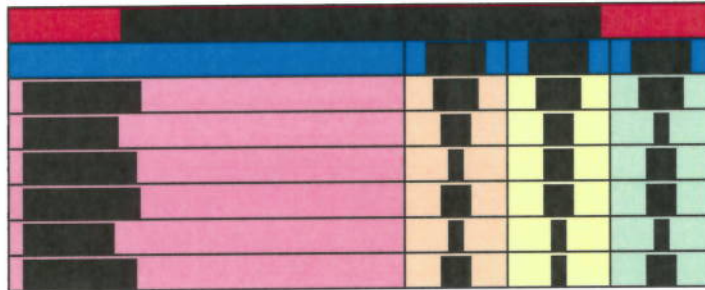
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Breakdown of Expenditure in GIAS Sampled Claims		
Subhead Type	% of Sample Total	Cost €
Settlement Payment	71.75%	753,478
Claimant - Legal Costs	11.65%	122,301
Agency - Counsel Fees	5.57%	58,495
Agency - Sols fees	2.09%	21,982
Agency - Other Fees	0.96%	10,057
Legal Cost Accountant	0.66%	6,920
Medical Fees	0.65%	6,860
Investigators Fees	0.53%	5,551
Actuary Fees	0.21%	2,226
Engineers Fees	0.20%	2,069
PIAB Assessment Fee	0.16%	1,700
Sample Total		1,050,177

Duration of Sampled Claims	
Subhead	Duration of Claim*
Compensation under R.T.A	2.9 years
Expenses arising from Garda Actions	3.9 years
Injuries on Garda premises	2.3 years
Damage to property	.8 years
Overall Average	2.76 years
* Based on our sample	

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Appendix 3 – Road Traffic Accident Analysis*



[Redacted text]