

consequences of his possible absence constitute a vulnerability for the GSOC organisation as a whole.

In order to address the lack of resilience in our CMS analysis resource, this business case seeks approval for the addition of one staff member at the EO level whose primary role would be to enable interrogation of GSOC CMS data content with a view to generating required regular and ad-hoc reports by the CMS.

The additional post is required to ameliorate GSOC's business dependence on the current CMS Analyst.

4.2.10 Additional Staffing Resources – Corporate Services, Finance, HR and Training and Legal (7 Posts in Total – 1 at HEO, 2 at EO, 3 at CO and 1 Legal Executive at EO Level)

The proposed additional staffing requirements for GSOC outlined overall in this business case will inevitably add to the work in the general administrative business areas, that is, in Finance, Corporate Services, HR and Training Units, whose staff provide essential support for the core business of GSOC. An increase in staffing in these areas will be required to meet these additional needs.

This Business Case seeks approval for 7 additional posts - 1 HEO, 2 EOs, 3 COs and 1 Legal Executive (EO grade).

A full and more detailed business case for the additional positions in these support services is outlined in Appendix B attached.

Table 2: Full Cost of Additional Posts Proposed in 2018

Post	Additional Posts	Cost Per Person	Total	Notes
Principal Officer (PO)	2	€95,441	€190,882	1 Dep Director of Administration (DDA) 1 Dep Director of Investigations (DD1)
Assistant Principal Officer (AP)	2	€72,957	€145,914	1 Senior Case Officer (SCO) in Casework Unit 1 AP to lead new QA & Review Unit
Investigations Officer (HEO equivalent)	4	€64,132	€256,528	4 IOs with flexibility/on-call allowance
Higher Executive Officer (HEO)	3	€53,107	€159,321	2 HEOs for new QA & Review Unit 1 HEO for Corporate/Finance
Assistant Investigations Officer (EO equivalent)	4	€48,662	€194,648	4 AIOs with flexibility/on-call allowance
Executive Officer (EO)	11	€38,974	€428,714	4 EOs for Casework 2 EOs for DP/FOI 2 EOs for HR/Training 1 EO for QA & Review Unit 1 EO for ICT 1 EO (Legal Executive)
Clerical Officer	11	€30,168	€331,848	6 COs for operations (investigative support) 3 COs for Corporate and HR/Training 2 COs for DP/FOI

**The above costs are based on the mid-point of the salary scales in each grade as per the*

5. Conclusion

This business case has focused on GSOC's urgent need for an additional 37 staff members to meet the immediate demands on the organisation within its current operational environment. The Strategic Review, however, looked beyond our current requirements to assess how the organisation will need to be structured and resourced if GSOC's Proposal for Legislative Change is adopted in whole or in part. It was also cognisant of the ongoing work of the Commission on the Future of Policing in Ireland and the likelihood of significant change in the police oversight environment in which GSOC operates.

A key feature of our Proposal for Legislative Change is that GSOC would undertake the management, resolution and investigation of all complaints made to this office, including complaints of a disciplinary nature currently conducted by the Garda Síochána. The BIT calculates that GSOC will need to recruit a minimum of 30 Assistant Investigations Officers (EO equivalent), over and above our current requirements—as set out in this document—to manage the increased caseload. The cost in a full year is estimated at €1,459,860 based on current payscales.⁵

The Commission believes that there will be sufficient cover at Senior Investigation Officer and Investigation Officer levels in GSOC to manage the additional staff proposed in this area of work. The timeline for this proposal is dependent on legislative change and is therefore uncertain.

GSOC, which currently operates under the aegis of the Department of Justice and Equality, has also sought to be designated as a fully independent body with its own voted financial resources and an autonomous Accounting Officer answerable to the Public Accounts Committee in its own right. It is considered that it would be appropriate for the Director of Administration to take on this role—a development which emphasises the necessity for the recruitment of a Deputy Director (at PO level) to take over some of the Director's current responsibilities.

What is required now is sanction for GSOC to increase our staffing level from 94 to 131 in the immediate term to address a worrying lack of capacity and resilience in the organisation.

A committed and skilled workforce has been placed under unacceptable pressure—this is not sustainable. At present, GSOC has no capacity or resilience to deal with increases in demands and particularly with more serious cases including those that are clearly in the public interest.

A decision not to increase GSOC's staffing resources at this crucial time will undoubtedly result in the organisation's failure to meet its obligations to the public and to its staff.

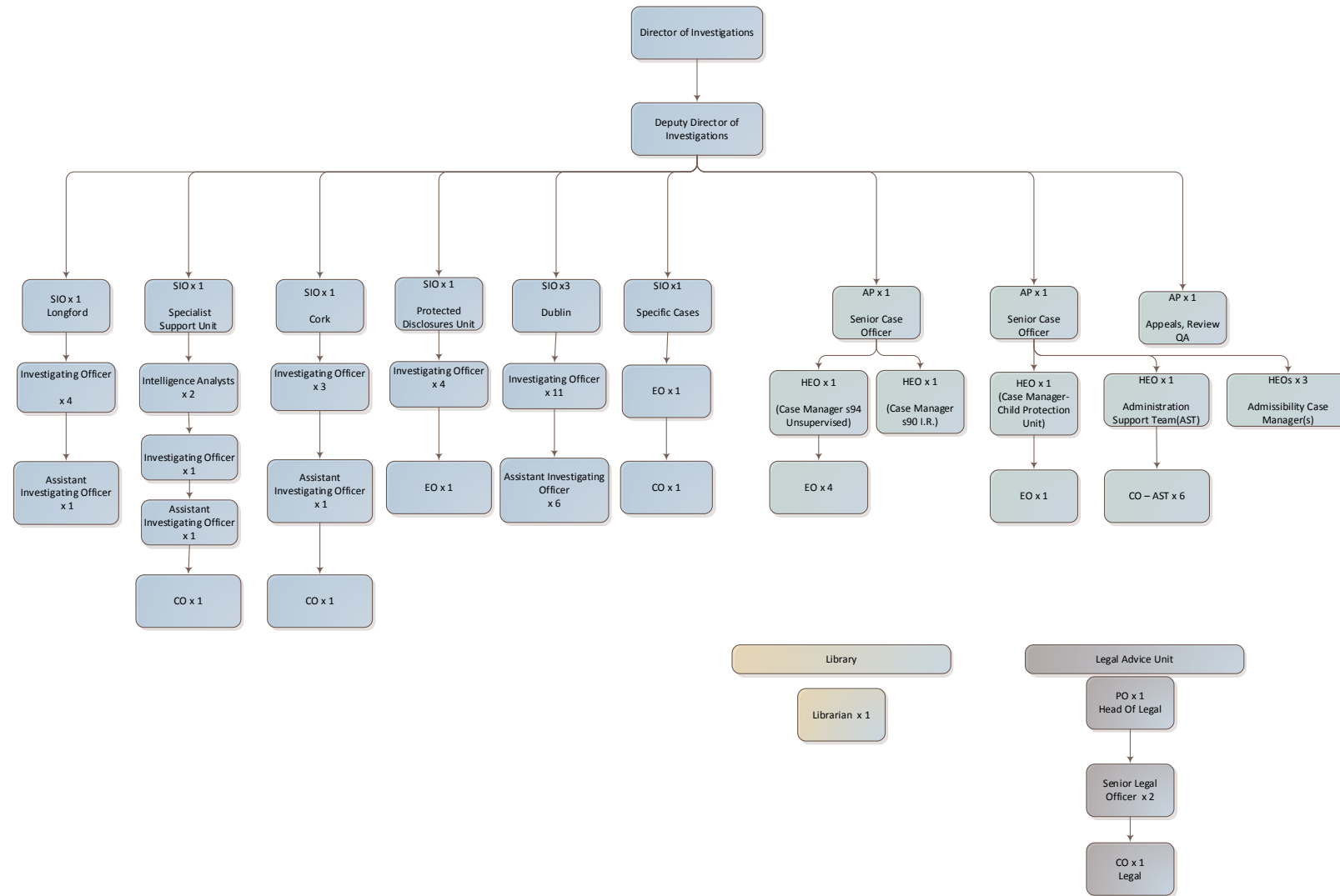
Without the necessary staff, GSOC will not be able to make any meaningful improvements in its effectiveness and efficiency.

⁵ It should be noted that the cost of these investigations is currently borne by the Garda Síochána. No recent, definitive study into the cost appears to have been conducted by the Garda Síochána but the then Garda Commissioner reported the estimated cost of work in 2012 as in excess of €1.3m.

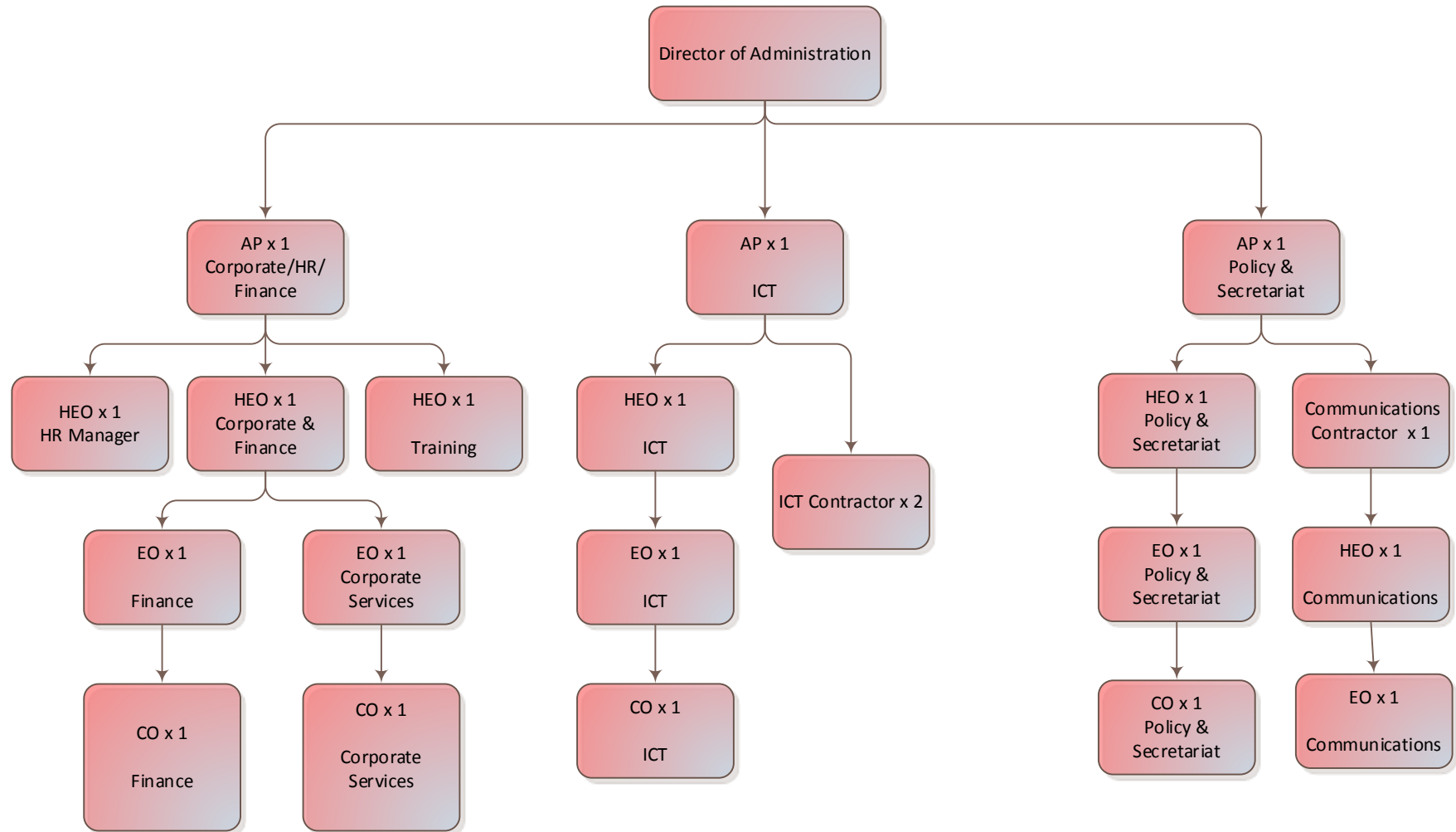
The Commission believes that the additional staffing resources for which approval is now being sought are a vital component in GSOC's ability to meet its stated Vision, Mission and Objectives set out in the GSOC Statement of Strategy 2017-2020.

Appendix A - GSOC Organisation

A.1 Operations



A.2 Administration



Appendix B - Business Case for Additional Staffing Resources – Corporate Services, Finance, HR and Training and Legal (7 Posts in Total – 1 at HEO, 2 at EO, 3 at CO and 1 Legal Executive at EO level)

B.1 Background

The proposed additional staffing requirements for GSOC outlined in this business case will inevitably place added work stresses on the staff in the Finance, Corporate Services, HR and Training Units who provide vital support services to their colleagues throughout the organisation. There will need therefore to be a pro-rata increase in staffing resources in these Units in order to ensure that the services they provide are maintained and delivered to a high standard to the wider, enlarged GSOC staffing cadre.

B.2 Corporate Services and Finance

At present, the Corporate Services Unit has responsibility for Finance, Procurement and Facilities Management functions in GSOC. The Unit currently has six staff and is managed by one HEO, There are two EOs and two COs working in the Unit. It is proposed to add one HEO position and one CO position in this area to deal with increased demands arising from the recruitment by GSOC of additional staff.

The new HEO post will be responsible for managing GSOC's financial obligations including budget allocation, increased expenditure and ensuring that financial transactions are undertaken in a timely manner. Having two HEOs will also ensure the required segregation of duties between procurement and payment for goods and services in accordance with proper practice and audit standards.

The additional staffing levels will also result in an increase in accommodation demands and facilities management in GSOC's Head Office in Dublin and the two regional offices in Cork and Longford. As a result, the Corporate Services team will likely see an increase in their procurement and tendering duties. The additional CO post will be required to provide support in dealing with the increased volume of transactions in the Unit arising from facilities management, travel requests, and access and security operations.

B.3 Human Resources

GSOC's HR matters are currently being managed by a single HEO without any direct administrative support. It is proposed that one additional Executive Officer and one Clerical Officer will be required to assist the HEO HR with the expected increase in workload arising from additional staff joining the organisation. The workload will increase with additional recruitment, setting up PeoplePoint and payroll accounts, promotions and transfers, and dealing with an increased volume of queries relating to the workplace entitlements and welfare of staff.

B.4 Training

Earlier in 2017, GSOC appointed a HEO to manage and deliver the training programme for all staff in the organisation. This is the first time that GSOC has taken the decision to assign a person to this post on a full-time basis and is an indication of the importance which the Commission and Senior Management attach to the training and development of GSOC's staff.

It is intended to continue with this resource commitment and GSOC considers that the HEO manager will require support from one additional Executive Officer and one additional Clerical Officer in order to deliver a new Training and Development Strategy for GSOC over the next two to three years in line with the general Civil and Public Service requirements in this area.

One of the key components of GSOC's new strategy will be the design, procurement and delivery of a comprehensive accredited oversight training programme not just for GSOC's investigators but also at an appropriate level for all staff working in the organisation.

The overall additional staff proposed in this business case will also lead to an increase in demand for induction programmes, specific investigator training and more general training for new and newly promoted staff in the organisation.

B.5 Legal

GSOC's Legal Unit is currently staffed by a Head of Legal at PO level, two Senior Legal Officers and one Clerical Officer who provides administrative support. It has long been identified however that many of the associated duties arising administratively require the post holder to have legal executive qualifications and to function as a Legal Executive. GSOC has been fortunate up until now that the EOs and COs who have worked in the Unit had either a legal executive qualification or some legal experience which allowed them to function accordingly.

Based however on the business needs of the Legal Unit which are likely to arise with an overall increase in GSOC's staffing levels, we are of the view that a fully qualified Legal Executive (Executive Officer equivalent) should be recruited to provide the necessary professional skills and experience which will be required going forward.

B.6 Approval Sought

This Business Case seeks approval for seven additional posts - one HEO, two EOs, three COs and one Legal Executive (EO grade) – to meet the additional demands which will be placed on GSOC's Administrative Units in the event of the recruitment of additional staff as proposed in this Business Case.

B.7 Cost

The annual salary cost of these posts is €260,533.



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OFFICE OF THE MINISTER FOR JUSTICE AND EQUALITY

Ms. Justice Mary Ellen Ring
Chair
Garda Síochána Ombudsman Commission
150 Abbey St
Dublin 1
D01 FT73

Minister Reference: 0221164147

21 February, 2018

Dear Ms. Justice Ring,

I wish to acknowledge receipt of your letter dated 20 February, 2018 enclosing copies of the GSOC Business Case Proposal.

Yours sincerely,

Conor Cleary
Private Secretary to the Minister
for Justice and Equality

RECEIVED GSOC Secretariat

DATE 23/02/2018

ALS RB TIME 11.30



AN ROINN DLÍ AGUS CIRT AGUS COMHIONANNAIS
DEPARTMENT OF JUSTICE AND EQUALITY

The Honourable Ms Justice Mary Ellen Ring
Chairperson
Garda Síochána ombudsman Commission
150 Upper Abbey Street
Dublin 1

27 February 2018

Dear Chairperson,

I wish to acknowledge receipt of the business case proposal dated 20 February 2018 regarding GSOC's request for additional resources.

The submitted proposal is currently under active consideration. We will contact you if any clarification is required.

Yours sincerely,

John O'Callaghan
Assistant Secretary
Policing Division

Received in GSOC Series

DATE 07/03/2018

ALS RG TIME 07/03/2018
11:00



AN ROINN DLÍ AGUS CIRT AGUS COMHIONANNAIS
DEPARTMENT OF JUSTICE AND EQUALITY

20 April 2018

The Honourable Ms Justice Mary Ellen Ring
Chairperson
Garda Síochána Ombudsman Commission
150 Upper Abbey Street
Dublin 1

Received in GSOC Secretariat

DATE 24/04/2018

ALS RG TIME 11:25

Dear Chairperson,

I am directed by the Minister for Justice and Equality to refer further to the business case proposal dated 20 February 2018 regarding GSOC's request for additional resources.

You will recall that the proposal was the subject of discussion at our Governance meeting on 29 March 2018. As indicated at the meeting, the Minister is generally supportive of the case for additional resources and a copy of your proposal has already been forwarded to D/PER. As was also indicated, the Minister will be proposing to D/PER that, now that the FCN investigation has been discontinued, the resources that had been allocated for that purpose should remain at the disposal of GSOC.

Clearly, the business case submitted represents a very significant increase in GSOC's budget (approximately 17%). I think it is important to understand that the notion of staffing levels is largely redundant at this stage. Following the grant of delegated sanction for Vote 24, GSOC is not bound by the moratorium on recruitment and promotion in respect of posts up to and including Principal Officer (PO) (Standard), provided it remains within budget. Accordingly, in reality there is no agreed sanctioned staffing strength as GSOC's staffing strength is entirely dependent on its budget.

Turning now to the business case itself, I am to request some further supporting material in order for the business case to be fully considered. In particular, and bearing in mind the points made by D/PER at the time of the sanction request for staff for the Protected Disclosures Unit, the following information is requested:

- Data on the average time taken to complete cases by type of case, average number of cases per investigator, age of backlog of cases, etc.) It may well be that these figures are contained in GSOC's latest Annual Report.
- While the current proposal does provide some data on average case-loads compared with other jurisdictions, clarification is required as to whether these comparisons are like-for-like.

- A workforce plan or if that is not available, some form of workforce planning analysis. Perhaps the internal strategic review referred to in your proposal could be provided.
- Projections of future caseloads bearing in mind the fall in the number of complaints in recent years, notwithstanding the rise in 2017 (2017 level is still 13% lower than 2014);
- Details on the level of overtime and sick leave referred to in the proposal and the evolution of same over last three years;
- The extent to which alternatives to the recruitment of permanent staff have been considered, particularly where unexpected labour intensive work has to be done. You will recall that when GSOC met with the Minister last September there was mention of establishing a panel of investigators which could be called upon at short notice for defined periods or for a particular investigation. Is this idea still in play and if so, has it any implications for the resourcing requirements set out in your proposal?;
- You indicated at the Governance meeting that the staffing requirements set out in your proposal are additional to the 12 originally sought for the Protected Disclosures Unit. It would be better to deal with that issue at this time and it would be appreciated if you could review what you consider to be the requirements for the PD Unit again and let us know, based on your experience in the meantime, if the requirement for 12 still stands.
- A timeframe for the recruitment process for any additional staff would assist in assessing the budgetary implications of the proposal.

Once we have the material identified above, I would propose that a meeting be convened involving GSOC and the two Departments where any further clarifications can be provided.

On a separate matter, as discussed at Governance meeting, I wonder if you could let me have an updated version of the flowchart that sets out the current complaints process, taking account of the changes in the legislation that you have proposed.

I look forward to hearing from you.

Yours sincerely,



John O'Callaghan
Assistant Secretary
Policing Division



Mr. John O'Callaghan
Assistant Secretary
Policing Division
Department of Justice & Equality
51 St. Stephen's Green
Dublin 2.

24th April 2018

RE: GSOC BUSINESS CASE

Dear John

I confirm receipt of your letter dated the 20th of April inst. in relation to the above matter with thanks.

I have today tasked the various appropriate individuals to deal with the matters raised in your letter with a view to returning to you on or before the end of May next, bank holidays and referendum permitting!

I will therefore be in contact further.

Yours sincerely

A handwritten signature in black ink that reads 'Mary Ellen Ring'.

Ms. Justice Mary Ellen Ring
Chair, Garda Síochána Ombudsman Commission



Mr. John O'Callaghan
 Assistant Secretary General
 Office of the Minister for Justice and Equality
 51 St. Stephen's Green
 Dublin 2.

RE: BUSINESS CASE PROPOSAL

12th June 2018

Dear John

I refer to the above matter and your letter of the 20th of April last in relation to same.

In that letter a number of matters were raised that needed clarification and I propose dealing with them in the order they were set out in your letter.

1. **Data on the average time taken to complete cases by type of case, average number of cases per investigator, age of backlog of cases etc.**

Averages

A spreadsheet is attached showing investigation caseload data for the years 2015, 2016 and 2017. This data includes the number of complaints received, the type of investigations commenced, the number of investigations concluded, the average time taken for investigations and the total number of investigations on hand at the end of the year. The data also details the average number of cases on hand per GSOC investigator at the end of each year.

The data shows that number of complaints received in 2015 was 1,995. This figure fell to 1,757 in 2016 but subsequently rose to 1,949 complaints in 2017. The data also shows that the average number of investigations on hand per investigator at the end of each year has risen from 17 in 2015, to 20 in 2016 and 31 in 2017. Separately, the average number of disciplinary investigations being managed by GSOC case officers under section 94(1) of the Garda Síochána Act 2005 as amended ("the 2005 Act") has risen from 52 in 2015, to 69 in 2016 and 98 in 2017.

Factors for increases

There are a number of factors giving rise to the significant increase in case load numbers for investigators and case officers in 2017. The nature of the complaints is such that there has been a significant increase in the number of complaints which warranted investigation by the Operations Directorate. The increase in the type of investigations is across three areas.

1. Criminal allegations investigated by GSOC pursuant to section 98 of the 2005 Act.

2. Allegations which may amount to breaches of Discipline which warrant an investigation solely by GSOC investigators, an investigation pursuant to section 95 of the 2005 Act.
3. Allegations which may amount to breaches of Discipline for which GSOC has decided that an investigation by the Garda Síochána supervised by a GSOC investigator is appropriate, an investigation pursuant to section 94 (5) of the 2005 Act.

Section 98 Investigations

In the first category the number of investigations which involved criminal allegations steadily rose from 2015 to 2017. The number of section 98 investigations on hand at the end of 2015 was 159. However this number rose to 277 at the end of 2017.

Section 95 Investigations

In the second category the number of investigations with allegations which may amount to breaches of Discipline and warranted an investigation solely by GSOC investigators also increased from 2015 to 2017. The number of section 95 investigations on hand at the end of 2015 was 23 and this number increased to 73 investigations at the end of 2017.

Whilst the nature of complaints coming into GSOC is becoming more defined and complex in nature, resulting in numbers increasing for investigations, a significant factor in the increase of section 95 investigations was as a result of policy change by the Ombudsman Commission in December 2016.

Having reviewed matters which have come before the Garda Síochána Ombudsman Commission over the previous ten years, the Commission noted that some of the most difficult cases for all parties, and the victims in particular, have involved complaints surrounding the adequacy of investigations where there has been a death or serious injury on the roads and in cases of sexual assault. These cases are often difficult due to the nature of the allegations and the depth of hurt involved and have led to dissatisfaction with the garda investigations and the subsequent GSOC investigations.

These cases have often come back to the Commission for review. The Commission, having regard to the experiences of the last ten years and the relatively small number of cases involved, decided on 6th December 2016 that such complaints, where not of a criminal nature, should be investigated under S. 95 of the 2005 Act.

Further to that decision the Commission decided on the 10th February 2017 that complaints surrounding the adequacy of investigations of domestic or

partner violence should also be investigated under the provisions of S. 95 of the 2005 Act. The Commission made this decision as it believes it is appropriate that such matters should be fully investigated by GSOC investigators in order to ensure public confidence in the handling of such complaints by both the Garda Síochána and the Commission.

Section 94 (5) – Supervised Investigations

In the third category the number of investigations where GSOC decided that an investigation by the Garda Síochána supervised by a GSOC investigator was appropriate increased from 116 investigations on hand in 2015 to 196 investigations in 2017.

Public Interest Investigations

In addition to the investigations arising from complaints received by GSOC in 2015, there has been a significant increase in the number of public interest investigations commenced by GSOC over the three years up to the end of 2017. The number of investigations opened in the public interest for 2014 were 4. That figure rose to 8 investigations in 2015. Twenty one (21) investigations were opened in 2016 and 13 investigations were opened in 2017.

Average caseload for Investigators

The average caseload for an active investigator (as opposed to a Senior Investigating Officer) in GSOC in 2015 was 17 cases with 22 investigators assigned. In 2016 the average caseload was 20 cases with 22 investigators assigned. In 2017 the average caseload was 31 cases with 21 investigators. The Senior Investigating Officers have overall responsibility for the quality, efficiencies and timeliness in case management and investigations, along with investigating roles.

The Director and Deputy Director of Operations are responsible for supervising the operations of both the Casework and Investigations Units, as both Units come under the heading of Operations. Further to this the Senior Investigating Officer (8) and Senior Case Officers (2) are considered as senior grades with managerial and supervisory responsibilities for ensuring their assigned teams of investigators and caseworkers are effectively managing case files or conducting investigations respectively.

Section 94(1) – Unsupervised Disciplinary Investigations referred back to AGS

Separately, there were a number of factors at play resulting in an increase in the number of cases in s. 94(1) at the end of each of the three years from 2015 to 2017.

In 2015, 492 cases were referred to the Garda Síochána for unsupervised investigation. That number increased to 522 in 2016 and 600 in 2017.

In 2015, the Garda Síochána concluded 487 cases. This number was reduced in 2016 and 2017 to 383 and 382 respectively leaving an increased number on hand at the end of each of those years.

Since resources at HEO level were reduced in October 2017, we have not been in a position to resolve cases through Informal Resolution. Each of the cases which would previously have been referred for Informal Resolution are now being referred for unsupervised investigation in line with s. 94(1) of the 2005 Act. This also increased the number on hand at the end of 2017.

It should be noted that GSOC has recently undertaken a number of initiatives to streamline processes and improve efficiencies in its casework area. A pilot project for streamlining admissibility commenced in October 2017 and this process is proving to be a more efficient method of determining admissibility. The pilot project was conducted by three Senior Case Officers who took responsibility for determining admissibility between October and December 2017. This had a knock on effect of freeing up resources to manage the backlog of pre-admissible cases which were on hand. 60% of the cases in that backlog were determined to be admissible and referred for unsupervised investigation – again reflected in the number of s. 94(1) cases on hand at the end of 2017.

Other improvements have been made with regard to reducing the amount of correspondence required between GSOC and the Garda Síochána by utilising email systems and eliminating reminder correspondence, with GSOC managing an appropriate escalation process in accordance with the agreed protocols between the Garda Síochána and GSOC, particularly for investigations supervised by GSOC.

Further to the above, efficiencies have been attained by the Operations directorate with regard to average time taken for an investigation, which is reflected on the case load figures. For instance the average time taken for a section 98 investigation at the end of 2015 was 152 days. However by the end of 2017 the average time taken had been reduced to 130 days.

2. Comparisons with other jurisdictions.

Comparisons with other jurisdictions are difficult having regard to the type of investigations undertaken by our UK colleagues in the Independent Office for Police Conduct (England & Wales) and Police Investigations and Review Commissioner (Scotland). As part of our work for the Business Improvement Team process personnel from GSOC went to Belfast to meet their counterparts in the Office of the Police Ombudsman Northern Ireland. [REDACTED]

[REDACTED] GSOC would agree that is an appropriate standard, allowing for the complexity of the cases involved. [REDACTED]

[REDACTED] The complexity of those investigations is apparent. In other instances of more straightforward investigations an increased caseload, perhaps up to 18 might be manageable but the 2017 caseload of 32 is very much in excess of an appropriate norm.

For the year 2016, OPONI had a throughput of 974 cases - that is 974 new investigations were opened in 2016. This is made up of what OPONI refers to as CAT A, B and C cases, or in plain English from 'Loss of Life' to 'rudeness' - the entire cadre of investigation case types.

For comparison, in 2016 GSOC opened 1,334 investigations. This is also made up of cases ranging from 'Loss of life', (a s.102 involving a death in custody for example) to 'rudeness' (or IR cases).

Further to the above to provide context GSOC sourced PSNI officer numbers for 2016:

The House of Commons Library, briefing paper, number 00634, 23 March 2018, quotes the following statistics for Northern Ireland Police strength numbers: at the beginning of November 2017, there were 6,756 police officers in Northern Ireland. This was roughly the same number as in December 2016, when there were 6,827 police officers.

3. Workforce Planning

On Friday 1 June 2018, GSOC received notice from Mr David Cagney, Chief Human Resources Officer, DPER, attaching the new guidelines and templates for the 2019 Workforce Planning process. As is the case for all Government Departments and Offices, GSOC is required to submit our Workforce Plan Template to the Strategic Resourcing Unit of the Civil Service HR Division by Thursday 26 July 2018. GSOC will meet this deadline and will make a copy of our Template available to the Department of Justice and Equality at that time.

In terms of workforce planning to date, GSOC established an Internal Business Improvement Team (BIT) to conduct a Strategic Review of Processes, People and Structure between March and September 2017. A copy of the BIT Report is enclosed.

The Report of the Strategic Review meets many of the objectives required from a Workforce Plan in that it addresses GSOC's current organisational and

business unit structures, compares our current workforce supply to our workforce demand and sets out the staffing requirements necessary to fill the gaps identified. The strategic review also considered the likely challenges, both operational and policy, which will impact on the demand on GSOC into the future.

The strategic review has enabled GSOC to identify the critical decisions required to enhance our workforce over the short to medium term and it has provided the basis for GSOC's business case for the additional staff required to ensure that GSOC has the capability and capacity required to deliver on our objectives in the coming years.

In addition to establishing the number of people required to deliver these key objectives, the strategic review also focused on skills, knowledge, expertise, learning and development, staff wellbeing and morale, and recommendations have been made to address all of these areas.

In terms of staffing numbers, the strategic review presented a number of models which considered fluctuations in demand and the ability of GSOC to deal with its normal caseload and respond to serious cases and cases that are in the public interest. The models are designed to reduce investigation time scales across all of the categories of complaints. The models also take into account the possibility that future legislative change could see a move to GSOC investigating all complaints which will inevitably require a significant increase in GSOC resources.

In submitting its business case for additional staff at this time however, GSOC senior management has concentrated on the urgent need for additional staff to allow the organisation fulfil its current remit and to address the Commission's concerns about the organisations resilience and capacity to deal with its current workload.

4. Projections of future caseloads

It is difficult to project the number and type of complaints which GSOC will have to deal with in the coming years. While the receipt of complaints is by nature unpredictable, GSOC expects that the numbers of complaints will at the very least remain consistent with current levels and the indications for 2018 are that we are on target to receive a very similar number of complaints to the number received in 2017. For example, GSOC has received a total of 785 complaints from 1 January 2018 up to 31 May 2018. This figure compares with a total of 799 for the same period in 2017.

This expected volume of complaints along with the increased complexity of investigations, additional legislative commitments (i.e. Child Protection, Victims of Crime etc.), continuing receipt of Protected Disclosures and the likelihood of further significant high profile, resource intensive investigations will place an additional and unsustainable workload on GSOC's investigation staff.

Another important factor to be taken into consideration when projecting future caseloads is the expected increase in Garda recruitment over the next few years. At the end of March 2018 the figures per the monthly report to the Policing Authority show the Garda strength at that time stood at 13,667. This compares with a Garda strength of 12,816 in 2015 as quoted in the AGS annual report for that year.

These figures represent an increase of just over 6% in the Garda numbers over the last two years with further increases promised by Government to bring Garda numbers up to 15,000 by 2021, an overall increase of 15% on the numbers in place in 2015. GSOC believes it reasonable to expect this level of increase in Garda numbers will likely lead to an increase in GSOC's workload which raises obvious concerns about GSOC's ability and capacity to operate efficiently in its functions particularly if there is no corresponding increase in GSOC staff numbers.

It should also be noted that the increase in Garda armed assets in the last 12 – 18 months may have an inevitable knock on effect for GSOC in having to deal with these serious, and often complex, investigations. Since August 2017, for instance, GSOC has had three referrals under s. 102 (1) of the 2005 Act [REDACTED]

5. Details on the level of overtime and sick leave referred to in the proposal and the evolution of same over the last three years.

The following are the overtime and sick leave costs incurred over the last 3 years

Overtime Costs:

2015	€33,506.51
2016	€33,635.75
2017	€32,835.93

The above table shows the overtime costs incurred in GSOC over the last three years. The organisation has had to resort to the use of overtime mainly

in two areas of GSOC's work. The first is in the Casework area where overtime has been required to deal with backlogs which have occurred from time to time in initial complaint processing and in administering cases referred back to the Garda Síochána for disciplinary investigation in accordance with section 94 (1) of the 2005 Act. Work arising from additional legislative commitments (i.e. Child Protection, Victims of Crime etc.), has also had to be dealt with on overtime as the existing casework staff resources have been unable to do so within normal working hours.

The second area in GSOC where we do not have the capacity to complete tasks in normal working time is in dealing with Data Protection and Freedom of Information requests. The requests to GSOC for data and information have risen sharply in recent years to the point where the existing staff resources assigned to the Unit have not been in a position to meet all of the demands placed upon it. It is anticipated that the implementation of the GDPR, with its related increased obligations, will result in an even greater number of requests being received, further reducing GSOC's ability to respond within the statutory timeframes in place.

The creation of an additional unit with the sole function of meeting GSOC's data protection obligations and complying with FOI legislation is one of the key recommendations from the GSOC BIT Strategic Review in 2017. The business case for additional staff reflects this recommendation.

It should be noted that GSOC's Investigation Officers do not receive overtime for extra attendance at work. Instead, they are in receipt of an annual on-call flexibility allowance which is awarded in full compensation for attendance out of hours, unsocial working hours, the inconvenience of being called from home to work, and in lieu of overtime payment for grades which would otherwise be eligible for payment of overtime for extra attendance.

Overtime has however been incurred in GSOC's operational area particularly in providing administrative support to the Investigation teams in dealing with an increase in the complexity of some investigations, the additional workload arising from the introduction of a new specialist Protected Disclosures Unit and a number of significant high profile, resource intensive investigations (e.g. the Garda CEPOL Account, Templemore).

Sick Leave Days

2015	
Sick Leave Days	683
Self-Certified	59.5
Certified	623.5
Cost	€113,250.05

2016	
Sick Leave Days	674
Self-Certified	39.5
Certified	634.5
Cost	€99,356.17
2017	
Sick Leave Days	1005.5
Self-Certified	55
Certified	950.5
Cost	€156,142.78

The above tables detail the level of sick leave recorded, and the cost involved, in GSOC over the last three years. As can be seen, there was a significant increase in the number of sick leave days recorded in 2017 as compared to the previous two years. This can be explained by the increase in incidences of sick leave where staff have cited workplace stresses as a significant factor in the cause of their illness.

The high level of sick leave absences has continued in 2018 and up to 31 May this year, GSOC has recorded a total of 379 sick leave days in the organisation (26 Self-Certified days and 353 Certified days) at a cost of €84,527.07. 294.5 of the total 379 days sick leave have been taken by staff working in the Operations Directorate.

Such levels of sick leave, which impact the numbers of staff available, not only test the capacity and resilience of GSOC as an organisation but also place an added burden on other staff to cover the gaps arising from the absences.

6. Alternatives to recruitment of permanent staff.

The Commission has explored with the Public Appointments Service (PAS) whether a panel of investigators could be compiled from which we could draw as needs required. You will be aware that GSOC does not have its own recruitment licence. It would be fair to say that PAS are very reluctant to run competitions for temporary or casual positions which have a duration of less than three years. They have also advised our HR section that from their experience there may not be a suitable market available to meet GSOC's requirements in that regard. This would be in line with our own experience when GSOC tendered for investigators for the penalty points investigation.

That process showed that either the parties who tendered were outside the jurisdiction or the costs were prohibitive for the one investigation – between approximately €1.5 million to well in excess of €2 million.

There may also be a legislative barrier under the 2005 Act in recruiting part time or occasional staff. S. 74 of the 2005 Act which we used to bring in the garda members for the Templemore investigation refers only to gardaí, any police service outside the State or with any other *body* for the engagement of other persons. While PAS may be a *body* for the purposes of s. 74, in light of the reluctance referred to above the practical implementation of a process to meet the terms of s. 74 would be difficult if not impossible.

GSOC believes that the proposed recruitment of permanent staff as detailed in its Business Case provides the most workable and cost effective option to deal with GSOC's resource requirements.

7. Review of requirements for GSOC's Protected Disclosures Unit

GSOC's original proposal submitted to the Department of Justice and Equality and Department of Public Expenditure and Reform in November 2016 was for an additional 12 staff for the Protected Disclosures Unit ("the PD Unit"). This number of staff was based on GSOC's assessment at that time of the number of cases on hand and the likely increase in cases expected in the coming years.

The first annual report published by GSOC in June 2017 under section 22 of the Protected Disclosures Act 2014 ("the 2014 Act") for the period 1 July 2014 to 31 December 2016 showed that there were 11 disclosures made to GSOC under sections 7 and 8 of the 2014 Act in the period covered by the report. The report also confirmed that 9 of the disclosures were undergoing examination or investigation at year end and 2 had been closed.

In its second annual report published in February 2018 under section 22 of the PD Act, GSOC reported that there have been 22 disclosures made to GSOC under sections 7 and 8 of the 2014 Act, in the period from 1 January 2018 to 31 December 2018. When added to the 9 open cases carried over from 2016, this brought the total number of cases being dealt with in 2017 to 31.

Of these cases, 6 were closed, taking into consideration all of the circumstances and the information gathered in each disclosure. The Ombudsman Commission, regarding these six disclosures, considered that further examination was not necessary or reasonably practicable. The remaining 25 cases were undergoing examination or investigation at the end of 2017.

As can be seen from these annual reports, the rise in protected disclosures

anticipated by GSOC has occurred. As a result, GSOC finds itself in a position at this point in time with insufficient staff to adequately respond to these matters. Given the provisions of Section 16 of the 2014 Act, this office should be unable to provide at this time figures for 2018, [REDACTED]
[REDACTED]

In light of our experience in dealing with protected disclosures to date, GSOC has reviewed the figure of 12 staff quoted in our original submission made in November 2016 as well as the required grading structure for the staff requested in that submission.

GSOC received sanction in 2017 for a total of 5 additional staff (4 Investigators at HEO equivalent and 1 Office Manager at EO equivalent) for our dedicated PD Unit. This Unit has been established and with it the necessary processes and procedures to deal with the protected disclosure cases received. The PD Unit is headed by a Senior Investigations Officer (SIO – AP equivalent) who has been assigned from GSOC’s existing SIO cadre to specifically lead the Unit.

GSOC believes that the PD Unit, and its processes, will be effective in dealing with the level of protected disclosure cases being received if correctly resourced. In this regard, we believe that a minimum total of 10 staff is required to meet the current workload arising, as follows;

- 1 Senior Investigating Officer, SIO, (Assistant Principal Officer level)
- 7 Higher Executive Officer level, Investigating Officers (IO) (4 are provided for in the original sanction)
- 1 Analytical Support Officer, (Higher Executive Officer level)
- 1 Office Manager, (Executive Officer level) (this position is provided for in the original sanction).

There are two main differences between the above staffing proposal and GSOC’s original submission in November 2016. The first is that we are no longer proposing the PD Unit should be led at Principal Officer level and the second is that the role originally envisaged for an Administration Officer (EO) will be now covered by a bespoke case management system which GSOC expects to procure shortly.

8. A timeframe for the recruitment process for any additional staff would assist in assessing the budgetary implications of the proposal.

GSOC does not expect any serious difficulties in recruiting the additional staff being sought in our business case. The biggest single obstacle to achieving speedy recruitment remains with the security clearance process which must be undertaken before staff can take up their employment with GSOC. At present, there is up to a 16 week delay in receiving the necessary level of security clearance through the Garda Síochána’s crime and security services in Garda headquarters.

GSOC, in conjunction with the Public Appointments Service (PAS), has recently completed open competitions for each of GSOC's Investigations Officers grades. As a result of these competitions, panels for the positions of Senior Investigations Officer (AP level), Investigations Officer (HEO level) and Assistant Investigations Officer (EO) have now been established and will remain in place for the next 18 months until around the end of 2019. There is also an existing panel in place for the recruitment of Investigations Officers (HEO level) for GSOC's PD Unit.

GSOC has already begun calling from these panels to fill current vacancies. However we are confident that there are sufficient numbers on each panel to ensure that we can meet the additional investigations staff being sought in our Business case and within the timescale envisaged.

GSOC will seek to fill the additional posts being sought in the general Civil Service grades (i.e. PO, AP, HEO, EO and CO) through the normal recruitment processes provided for by PAS for these grades. In this regard, GSOC will seek to recruit staff in these grades from the appropriate open and/or interdepartmental panels or from our own internal promotion panels in accordance with the required sequencing as agreed in General Council reports.

GSOC is confident that we are ready to start the recruitment processes required for all of the additional posts being sought immediately upon receipt of sanction for these posts. Given the majority of these posts will be likely be filled by new entrants to GSOC, the delay in receiving security clearance will be a factor. Notwithstanding this delay, GSOC believes it is possible to have the majority of the additional staff employed in the fourth quarter of 2018.

GSOC estimates that the full annual payroll cost of the additional posts being sought, including 5 posts in the PD Unit not previously included in the Business case, will be €1,993,240. The projected costs for these posts in the last quarter of 2018 is €498,310. It should be noted that these costs have been calculated based on the mid-point of the relevant salary scales in each grade. The actual costs may well turn out to be somewhat lower as it is expected that many of the staff recruitment will commence employment on the first point of scale.

The above hopefully answer the issues raised in your letter but can of course be expanded on further if required.

I am also enclosing herein a flow-chart which sets out the following – (1) the work flow under the current 2005 Act; (2) the work flow as a result of the changes under the Proposals for Legislative Change December 2017 previously provided and (3) the optimum legislative change whereby a complaint/public interest investigation would be received and managed in an efficient fashion with the outcome dictating whether there is a file to the Director of Public Prosecutions, a file to the Garda Commissioner for discipline proceedings or a discontinuance of the investigation. This would be

on foot of similar legislation in the North which governs the Police Ombudsman Northern Ireland.

If you wish to receive any of the enclosed documentation by electronic form contact should be made with George O'Doherty in this organisation.

Yours sincerely



Ms. Justice Mary Ellen Ring
Chair, Garda Síochána Ombudsman Commission

Encl.

Louise O'Meara

From: George O'Doherty
Sent: 21 September 2018 16:49
To: Louise O'Meara
Subject: FW: Business Case Proposal - Additional Information
Attachments: GSOC Strategic Review Report 2017.docx; Copy of BusinessCase 3Years.data 11Jun2018.xlsx; Complaints Process Workflows.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Louise,

As discussed, please see the email correspondence beneath which relates to GSOC's additional staffing Business Case. This may be relevant to the FOI request if not already copied elsewhere in the house.

Best regards,

George

From: George O'Doherty
Sent: 20 June 2018 12:27
To: 'Martin M. Power' ; 'Steven P. Doyle'
Subject: RE: Business Case Proposal - Additional Information

Martin, Stephen,

Please find attached in electronic form the documentation which was enclosed with Ms Justice Mary Ellen Ring's letter to Mr John O'Callaghan, Asst. Secretary General, on 12 June 2018 in relation to GSOC's Business Case Proposal for additional staff.

These documents are as follows:

- A copy of the Strategic Review of Processes, People and Structure which was conducted internally by a GSOC Business Improvement team (BIT) in 2017;
- A spreadsheet showing the GSOC investigation caseload for the years 2015, 2016 and 2017; and
- A flow-chart showing the complaints process workflows under the current legislation as well as the workflows envisaged should the legislation change in line with the proposals made by GSOC in December 2017.

Please contact me if you have any queries in relation to these documents or their contents.

GSOC is happy to meet with you or any other officials in the Department to discuss GSOC's staffing proposals if that is considered necessary. Similarly, we are available to meet with officials of the Department of Public Expenditure (DPER) as part of the consultations which the Department of Justice and Equality may have with DPER in relation to these matters. You might keep me informed please of any developments in this regard.

Best regards,

George O'Doherty
 Head of Corporate Services and Human Resources
 Garda Síochána Ombudsman Commission

150 Upper Abbey Street
Dublin 1

Tel: 01 8716714
Mob: 087 2445570

From: Steven P. Doyle [mailto:spdoyle@justice.ie]
Sent: 19 June 2018 12:17
To: George O'Doherty <george.odoherty@gsoc.ie>
Subject: RE: Business Case Proposal

Hi George,

Hope you are keeping well.

I am just looking at the additional information received in relation to the business case for resources.

Could you possibly provide electronic copies of all the documents so that I may send them on to DPER.

Thanks a mil.

| Steven Doyle | Policing Division | Department of Justice & Equality, 51 St Stephen's Green, Dublin 2, D02HK52
☎ IP 608305
☎ t: +353-1-6028305 | ✉ spdoyle@justice.ie

Is le haghaidh an duine nó an eintitis ar a bhfuil sí dírithe, agus le haghaidh an duine nó an eintitis sin amháin, a bheartaítear an fhaisnéis a tarchuireadh agus féadfaidh sé go bhfuil ábhar faoi rún agus/nó faoi phribhléid inti. Toirmiscítear aon athbhreithniú, atarchur nó leathadh a dhéanamh ar an bhfaisnéis seo, aon úsáid eile a bhaint aisti nó aon ghníomh a dhéanamh ar a hiontaoibh, ag daoine nó ag eintitis seachas an faighteoir beartaithe. Má fuair tú é seo trí dhearmad, téigh i dteagmháil leis an seoltóir, le do thoil, agus scríos an t-ábhar as aon ríomhaire. Is é beartas na Roinne Dlí agus Cirt agus Comhionannais, na nOifigí agus na nGníomhaireachtaí a úsáideann seirbhísí TF na Roinne seoladh ábhair cholúil a dhícheadú. Más rud é go measann tú gur ábhar colúil atá san ábhar atá sa teachtaireacht seo is ceart duit dul i dteagmháil leis an seoltóir láithreach agus le [mailminder\[at\]justice.ie](mailto:mailminder[at]justice.ie) chomh maith.

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Year	Case Type	Received	Investigation Type	Concluded in Year	Avg. Time Taken (Days)	Cases on Hand at Year End	Avg. per Investigator on hand at year end	Inv Staff at 31/12/2015	Avg. per Case Officer (s.94 (1))	s.94 Team at 31/12/2015	Avg. per Case Officer (IR))	IR Team at 31/12/2015
2015	Complaint	1995	s.98	385	152	159	17	22	52	6	25	1
			s.95	17	583	23						
			s.94 (5)	81	315	116						
			s.94 (1) incl. IR to s.94 (1)	487	294	314						
			s.94 (1) to s.94 (10)	111	106	29						
			IR excl. IR to s.94 (1)	125	109	25						
			s.91	0	0	0						
			s.92	0	0	1						
			Complex Phase Movement	59	604	6						
				1265		673						
	Referrals s.102 (1)	52	s.98	23	389	18						
			s.95	2	494	5						
			s.94 (5)	0	0	0						
			s.91/s.93	32	102	0						
			s.91	0	0	11						
			s.92	0	0	0						
			Complex Phase Movement	1	2622	1						
				58		35						
	102 (2) (b)	0	s.98	0	0	0						
			s.95	0	0	0						
			s.94 (5)	0	0	0						
			s.91/s.93	0	0	0						
			s.91	0	0	0						
			s.92	0	0	0						
			Complex Phase Movement	0	0	0						
				0		0						
	102 (4) Public Interest	2	s.98	3	695	1						
			s.95	0	0	1						
			s.94 (5)	0	0	0						
			s.91/s.93	0	0	0						
			s.91	0	0	0						
			s.92	0	0	0						
			Complex Phase Movement	0	0	0						
				3		2						
	102 (5) & 102 (7) Minister	6	s.98	0	0	6						
			s.95	0	0	2						
			s.94 (5)	0	0	0						
			s.91/s.93	0	0	0						
			s.91	0	0	0						
			s.92	0	0	1						
			Complex Phase Movement	0	0	0						
				0		9						