



Garda  
**Ombudsman**  
INQUIRY INDEPENDENCE IMPARTIALITY

# Informal resolution

under section 90 of the Garda Síochána Act 2005



A4-10-2016



Garda  
**Ombudsman**

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Sometimes it makes most sense for the Garda Ombudsman to try to work with parties to a complaint, to resolve a situation informally.

Informal Resolution is a voluntary process, requiring the consent of the complainant and the garda concerned. It is covered by section 90 of the Garda Síochána Act 2005.

### Advantages of Informal Resolution

- It can be much quicker than a formal investigation.
- It allows more flexibility to find a resolution to an issue. (Whereas the possible results of a disciplinary investigation are simply that a garda will be found in breach of discipline and sanctioned, or not.)

### How does it work?

The usual way it works is that we will write to you and to the garda concerned. Then a GSOC Case Officer will contact each of you by phone. They will discuss the issue and how it might be resolved in a manner acceptable to both of you. No face-to-face meetings take place.

All conversations after consent to take part in Informal Resolution are **confidential**.

#### An example of a complaint of discourtesy

A woman was collecting for charity, with a permit. She complained that she and her friend were shouted at by a garda. The garda believed they were collecting in an unsuitable location. They alleged that he would not, initially, talk reasonably with them or provide advice on where to collect. He eventually stated that they could collect on the footpath.

Several phone conversations took place between the GSOC Case Officer and each of the people. By the end of the process, each person better understood the other's point of view and circumstances at the time of the complaint. Both agreed that the complaint was resolved.

### What is a successful result?

A case is considered successfully resolved when both parties agree that no further action is necessary.

The Informal Resolution process does not aim to apply sanctions, but it brings incidents which resulted in upset or dissatisfaction to the attention of gardaí involved. Sometimes, people realise through the process that words or actions may have been perceived differently to how they were meant. Sometimes, clarification of a misunderstanding, by one or both people, can lead to resolution of the issue.

If both of you agree that no further action is necessary, we will ask each of you to sign a form to allow us to record the case as informally resolved.

### What happens if the complaint cannot be resolved?

Possible reasons why the complaint cannot be resolved:

- You and the garda concerned cannot agree to a solution acceptable to both of you.
- One of you withdraws consent or stops engaging with the process.
- Information comes to light which suggests that Informal Resolution may not be appropriate after all.

If a resolution cannot be reached, there are two possible scenarios:

- The case may be formally investigated, in line with the Garda Síochána (Discipline) Regulations 2007.
- If there is no independent witness to the incident, the case may be closed and your complaint may not be taken any further.