



Garda
Ombudsman
INQUIRY INDEPENDENCE IMPARTIALITY

Business Case Proposal

Additional Staff in the Garda Síochána Ombudsman Commission

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1. Executive Summary

1.1 Background

Since the establishment of the Garda Síochána Ombudsman Commission (GSOC) in 2007, the Commissioners have laid great emphasis on the need for timeliness in dealing with our complaint/referral caseload. We have striven for greater efficiency, effectiveness and customer service, and staff have embraced considerable change and greater workloads to achieve these goals.

Nevertheless, the reduction in our staffing level over the period 2009 – 2016 coupled with an expanding set of legal obligations and an increasingly complex investigations environment has had an adverse effect on GSOC’s ability to provide the service and meet the objectives set for the organisation at its foundation.

The Commission has for some time been concerned about the organisation’s resilience and capacity to deal with its workload.

In March 2017—ten years after GSOC became operational – the Commission initiated an internal strategic review of the organisation’s processes, people and structures. The intention was to identify how best to structure and equip the organisation to meet existing demands and to anticipate and assess risks in the years ahead.

A Business Improvement Team (BIT) comprising staff from all grades and business areas in the organisation was established to conduct this review which was overseen by a steering group, chaired by then-Commissioner Mark Toland. The work programme included numerous meetings and workshops at which contributions were made by a significant number of GSOC’s staff.

The review examined how GSOC operates under existing legislation and what our current staffing requirements are. It also assessed what our requirements will be should significant legislative changes sought by GSOC (and detailed in a separate submission¹ to the Department of Justice and Equality) be made.

Developments which have had, or are likely to have, an impact on GSOC’s operations were considered. Changes to the organisation’s legal obligations towards children and victims of crime, for example, have already added to the workload but there has not been a corresponding increase in staff numbers.

Onerous new obligations arising from the General Data Protection Regulations (GDPR) pose a further challenge to GSOC (and other organisations), and the impact will intensify from May 2018 when the associated legislation comes into force.

This business case stems from the now-completed strategic review and is submitted by GSOC to the Department of Justice and Equality (DJE), and if necessary for consultation with the Department of Public Expenditure and Reform (DPER), in support of our proposals for increased staff resourcing.

¹ See Garda Síochána Ombudsman Commission Proposal for Legislative Change, submitted to the Department of Justice and Equality, December 2017

The proposal outlines the urgent need for additional staff to allow the organisation fulfil its current remit, and also provides detail of further resources in the event that some or all of the legislative changes recommended by GSOC come to pass.

This document is concerned chiefly with GSOC's immediate requirement for an additional 37 staff, 24 of whom are needed for the organisation's core function of complaint handling and investigation, and 13 for administrative and support roles which have arisen in recent years. The payroll cost of employing these 37 additional staff in a full year is estimated at €1,707,855.

In summary, the additional 37 staff for which approval is now being sought is made up as follows.

1.2 Investigations/Operations (24 Additional Staff)

- 1 post of Deputy Director of Investigations (Principal Officer Standard Scale) – to function as a second Deputy Director of Investigations;
- 2 posts at Assistant Principal Officer level (AP Standard Scale) – one to act as an additional Senior Case Officer in Casework Unit and the other to lead a new Quality Assurance and Review Unit which is being established within GSOC;
- 4 posts of Investigations Officer (HEO Standard Scale Equivalent);
- 4 posts of Assistant Investigations Officer (EO Standard Scale Equivalent);
- 2 posts at Higher Executive Officer level (HEO Standard Scale) – to function as case managers in the new Quality Assurance and Review Unit;
- 5 posts at Executive Officer level (EO Standard Scale) – 4 to function as case officers for section 94 (1) unsupervised investigations and 1 as a case officer in the new Quality Assurance and Review Unit;
- 6 posts at Clerical Officer level (CO Standard Scale) – to function as case officers providing administrative support to the Investigation Teams.

1.3 Administration (13 additional staff)

- 1 post of Principal Officer (Principal Officer Standard Scale) – to function as Data Protection Officer and provide strategic support;
- 1 post at Higher Executive Officer (HEO Standard Scale) – to meet additional demands expected on GSOC's Corporate Services and Finance Units;
- 6 posts at Executive Officer Standard Scale – to meet additional demands expected on GSOC's HR/Training/ICT/Data Protection/FOI/Legal Units;
- 5 posts at Clerical Officer Standard Scale – to meet additional administrative demands on GSOC's Corporate/HR/Training/DP/FOI Units).

1.4 Cost & Budget

More detailed business cases for these posts can be found in the remainder of this document.

The initial costs of the additional 37 staff being sought immediately can be met by GSOC from within its budget for 2018—the time taken to recruit and get security clearance for staff means we would not incur a full year's cost in terms of salaries for these people. The Commission will, however, require an adjustment to its budget for 2019 and future years to meet the cost of the additional resources.

The additional resources now being sought by GSOC should, the Commissioners respectfully suggest, be seen in the context of the greater cost to the Exchequer of an inadequate garda oversight regime.

The Morris Tribunal which inquired into the activities of gardaí in the Donegal Division cost €68.7m; the Barr Tribunal which examined the facts and circumstances surrounding the fatal shooting by gardaí of John Carthy in Abbeylara, Co Longford cost €20.7m, and the Smithwick Tribunal which investigated allegations of collusion by members of the Garda Síochána and other agents of the State in the murders of two senior RUC officers in 1989 cost €19.4m. The cost of the Disclosures Tribunal is not known as that Tribunal is on-going.

2. Background to GSOC's Staffing Requirements

GSOC has expressed concerns about the staffing levels in the organisation almost from its inception.

In 2007, the first Commission sought a staffing complement of 102 which it believed was the minimum staffing level required at that time to enable GSOC fulfil its legislative mandate. A staffing level of 98 was subsequently sanctioned and agreed by the Department of Justice and Equality and the Department of Finance respectively. That number was never achieved due to the extraordinary economic situation which developed at that time and GSOC's staffing complement peaked at 94 (excluding the three Commissioners) in mid-2009 but fell to as low as 74 at the end of 2014.

In 2010, GSOC's staffing level was capped at 87 through the introduction of the Employment Control Framework (ECF). Since 2010, GSOC has consistently operated at below approved staffing. The public sector-wide moratorium on recruitment and promotion during the period 2010 to 2016 meant that at no stage was the ECF figure of 87 reached. During the five years up to December 2016 the average staffing level was just 77, 24 per cent below the minimum sought by the Commissioners at the founding of the organisation, an overall shortfall of 21.5 per cent on the 2007 agreed staffing level, and an 11.5 per cent shortfall on the ECF set in 2010.

Since early 2016, an improvement in the economic environment and in sanctions for GSOC's approved staffing level has meant that GSOC currently has a total strength of 85 staff.²

In June 2017, GSOC received sanction to recruit an additional five staff (four Investigations Officers and one administrative support person) for the specific purpose of creating a new Protected Disclosures Unit (PDU) required to investigate protected disclosures made to the Commission by employees in the Garda Síochána under the Protected Disclosures (PD) Act 2014.³

While the agreement to allow recruitment to the PDU and the retention of the two investigators replacing the two on secondment to the Disclosures Tribunal increased GSOC's sanctioned staffing level to 94, it should be noted that GSOC has agreed to provide for these additional posts within our existing pay budget. As of February 2018, none of the successful candidates for the PDU has commenced work (because security clearance is still awaited)

² Included in this number are two GSOC Investigation Officers seconded to the Disclosures Tribunal under the Chairmanship of Mr Justice Peter Charleton in March 2017: they will not return to GSOC until the completion of the Tribunal's work. At the time of agreeing these secondments, GSOC was authorised to back-fill those two posts in the short-term and at the end of the Tribunal to retain those two additional investigators. This agreement effectively increased GSOC's sanctioned staffing level to 89, however the operational level remains at 87 pending the return of the two officers at the conclusion of the Tribunal.

³ A recruitment competition run on GSOC's behalf by the Public Appointments Service (PAS) to recruit candidates for the four investigating positions in the Protected Disclosures Unit (PDU) was completed in November 2017. However a delay in receiving the necessary security vetting clearance has meant that the first two of these candidates will only take up employment in GSOC on 5 March 2018. The remaining two candidates are expected to join shortly after that date.

and a number of GSOC's current personnel have been dealing with the protected disclosures which have arisen in the meantime.

Notwithstanding these recent developments, the shortfall in staffing numbers, particularly in the period 2009 to 2016, has had a cumulative adverse effect on GSOC's activities and has placed considerable pressure on staff across the organisation.

The organisation has had to resort to the use of overtime in every year of the past decade to clear backlogs in tasks, chiefly in the initial complaint processing area, which we do not have the capacity to complete in normal working time.

- GSOC has been unable to undertake work which it considers crucial to its roles—since 2016, for example, we have been able to undertake just two examinations of Garda practices, policies or procedures (as provided for under s106 of the Garda Síochána Act 2005)
- There is insufficient capacity in GSOC to take on public interest inquiries without creating unacceptable delays in completing other investigations already in train.
- GSOC investigators are currently managing caseloads of, on average, 28 cases per person with some individuals managing an even higher number of cases due to the need to cover for current vacancies and absences because of illness in the investigation teams. Following consultation with GSOC's counterpart organisations, the Police Ombudsman for Northern Ireland (PONI) and the Police Investigations & Review Commissioner (PIRC) in Scotland, the Strategic Review recommended 12 to 15 cases at any one time as being the optimum number for any one person to manage effectively, allowing for a mixture of complex cases and relatively straightforward investigations.
- A shortage of clerical support has reduced the quality of file management and has forced investigating officers to carry out administrative functions (in addition to their investigative roles), a situation GSOC views as poor use of the investigations officer resources.

Additional legislative obligations relating to child protection, victims of crime and protected disclosures, and the undertaking of high-profile and resource-intensive investigations (such as the investigation into allegations relating to accounts in Templemore) have led to increased and unsustainable workloads on GSOC's operations staff. GSOC has had to bring in outside investigators from the Garda Síochána in order to be able to investigate the Templemore accounts.

Little consideration appears to have been given to progressive/incremental changes to staffing levels to meet these demands.

These pressures have affected the timeliness and quality of service at key stages of the complaints process, and GSOC's capacity to conduct investigations and undertake our statutory functions generally.

In GSOC's Administrative Directorate, which is the area responsible for policy, finance, human resources, corporate affairs, communications/research and ICT, the impact has been felt on the Commission's ability to maintain the high standards of governance which have been developed since GSOC was established.

GSOC believes that even when the currently sanctioned staff complement of 94 is achieved, the organisation will not have to capacity to properly fulfil its expanded remit which includes promoting public confidence in the garda oversight sector.

A Governance Framework Agreement entered into by GSOC with the Department of Justice and Equality in July 2016 delegated sanction to GSOC to fill posts up to and including Principal Officer (PO level) provided it remained within budget.

This new delegated sanction has allowed GSOC some leeway and facilitated an improvement in recruitment since mid-2016. Nevertheless, such recruitment is still constrained by pay costs, which have to be estimated within the annual budgetary provision for GSOC from the Department's Vote.

For the present, the sanctioned staffing level of 89, plus the additionally sanctioned 5 staff for the PDU, continues to provide the baseline for GSOC's staff resource requirement and our estimated pay costs which are factored into GSOC's annual budgetary calculations.

3. Workload

3.1 Introduction

GSOC operates in a dynamic environment with limited control over the number of complaints or investigations it must take on. This section describes the main areas that generate complaint and investigative activity.

3.1.1 Complaints Concerning Garda Conduct

GSOC receives an average⁴ of just over 2,000 complaints a year, containing an average of 5,000 allegations (any one complaint may contain allegations against a number of gardaí or several allegations about one garda). Of those complaints, between 60 per cent and 70 per cent are deemed admissible and move into various investigative processes.

Investigations may also be commenced following referrals to GSOC from the Garda Síochána under s.102(1) of the Garda Síochána Act 2005 which requires the Garda Commissioner to refer matters where it appears that the conduct of a garda member may have resulted in the death of, or serious harm to a person. An average of 55 such referrals a year were made from 2012 to 2016.

3.1.2 Public Interest Investigations

In addition, GSOC undertakes public interest investigations, sometimes at the request of the Minister (12 such investigations were opened in 2016, for example) and sometimes by GSOC's own decision (7 were opened in 2016).

3.1.3 Examinations of Practices, Policies or Procedures of the Garda Síochána

GSOC considers such examinations an important part of its remit, but because of limited resources it has been able to launch only two such examinations since the beginning of 2016.

3.1.4 Protected Disclosure Investigations

We are currently dealing with approximately 20 disclosures, work that is resource intensive and complex.

3.2 2017 Workload

It is worth noting that GSOC has many cases that date back several years and this also needs to be taken into consideration when examining GSOC workloads.

Table 1 is a snapshot of the investigations on hand at 31 December 2017.

⁴ Average figures as reported in GSOC's Five Year Report 2012-2016

Table 1: Work on hand Dec 2017

Case Type	Number on Hand
s.94(1) – Garda investigations of complaints of a disciplinary nature which come to GSOC and which are unsupervised by GSOC	484
s.94(10) – Reviews by GSOC of Garda investigations described above	34
s.94(5) – Garda investigations, supervised by GSOC, of complaints of a disciplinary nature	179
s.95 – Investigations conducted by GSOC into complaints of a disciplinary nature	76
s.97 – Reports by GSOC for the Garda Commissioner arising out of GSOC investigations described above	28
s.98 – Criminal Investigations conducted by GSOC	234
s.101 – Files prepared for the DPP arising from criminal investigations conducted by GSOC	54
s.90 – Informal Resolutions of complaints conducted by GSOC	32
Complaints awaiting admissibility decision	56
Total	1,177

Source: GSOC data (Approximations until 2017 Annual Report Data Finalised)

As this data shows, there are currently 1,177 cases on hand of which there are 234 criminal investigations which are being directly investigated by GSOC. While the overall number of cases provides a basis for analysis, it cannot reflect the complexity of some of the cases that GSOC investigates. For example, GSOC is currently dealing with a number of major investigations that are proving to be very resource intensive. In addition, as highlighted earlier, protected disclosures (which are not included in these figures) by their very nature are likely to be complex cases with protracted investigations.

GSOC has asked for legislative change which would facilitate an increase in the use of informal resolution in dealing with complaints. Positive intervention to deal with service level complaints and greater use of informal resolution are areas that could significantly reduce the numbers of disciplinary investigations (section 94) that are required. GSOC believes that 20 per cent of less serious complaints could be resolved at a much earlier stage, with more satisfactory outcomes for members of the public and gardaí complained of.

3.3 Other Workload

Not all complaints received by GSOC result in the investigations or processes described above – yet all need to be assessed and managed. In 2017, for example, caseworkers (who are the first point of contact for members of the public), opened almost 3,000 case files, each of which reflects engagement with complainants. Caseworkers dealt with 2,517 telephone calls last year and met 282 people who attended the GSOC public office; further contacts were made by post, email or through the GSOC website.

GSOC received almost 400 requests for information, requiring various levels of work, last year. The requests include Parliamentary Questions (52 in 2017 compared to 20 in 2016), requests under the Freedom of Information Act (44 in 2017 compared to 31 the previous year), data access requests (which are likely to increase with the introduction of the GDPR legislation), and applications for disclosure of documents. These types of enquiries need to be completed within certain timeframes and can be resource intensive. GSOC also manages media requests for information and updates on cases. Following a serious or high-profile case, this can result in a significant number of enquiries that need to be managed.

GSOC's work in relation to child protection is also increasing. Assessments must be carried out if children are involved or potentially at risk (for example, in reports of violence in the home) in cases which are brought to GSOC's attention, and where appropriate, notifications must be made to Tusla or other agencies. The mandatory reporting requirements introduced in 2017 have placed an increased obligation on GSOC which dealt with 286 cases involving child protection issues in 2016 and 339 in 2017.

4. Current and Proposed Staff Complement

4.1 Current GSOC Staff Complement

At full strength, GSOC since 2017 has sanction for a total of 94 staff (excluding the 3 Commissioners). Currently, GSOC has a strength of 84 staff working in the organisation with 5 vacancies. The additional 5 staff for the newly established Protected Disclosures Unit (PDU) are now expected to take up their employment with GSOC from March 2018.

4.1.1 Investigations/Operations and Administration

Based on the current sanction for posts, GSOC has a total of 75 staff in the operations hub dealing with the core activities of complaint handling and investigations. In addition, GSOC has 19 staff who work in a number of administrative business units such as Policy and Secretariat, Corporate and Finance, HR and Training, ICT and Communications.

The work of investigations staff has been referred to in some detail in Chapter 3. The term 'casework staff' or 'caseworker' refers to the staff who are the first point of contact for members of the public with GSOC. Caseworkers are responsible for processing each complaint or inquiry received to ensure the appropriate admissibility decisions are made in accordance with the legislation. Staff in this area operate the informal resolution mechanism, liaising between complainants and garda members to resolve the issues which are the subject of complaints. In addition, they manage those complaints which are admissible and which have been sent for unsupervised investigations by a Garda Síochána Investigating Officer.

The staffing structures of the organisation are outlined below (and illustrated by charts in Appendix A):

- 1 Director of Investigations (Asst. Sec equivalent)
- 1 Deputy Director of Investigations (PO equivalent)
- 8 Senior Investigations Officers (AP equivalent)
- 19 Investigations Officers (HEO equivalent)
- 4 PDU Investigations Officers (HEO equivalent)
- 3 Casework (APs)
- 7 Casework (HEOs)
- 6 Casework (EOs)
- 1 PDU (EO)
- 9 Casework (COs)
- 2 Analysts (HEO equivalent)
- 9 Assistant Investigations Officers (EO equivalent) level

Legal and Librarian staff which provides support to Operations:

- 1 Head of Legal Unit (PO equivalent)
- 2 Solicitors (AP equivalent)
- 1 Legal Assistant (CO grade)
- 1 Librarian (Engineer Grade III)

The administrative staff are as follows:

- 1 Director of Administration (Asst. Sec level)
- 3 Assistant Principal Officers (1 Corporate/HR/Finance, 1 ICT, 1 Policy & Secretariat)
- 6 Higher Executive Officers (1 HR Manager, 1 Corporate/Finance, 1 Training, 1 ICT, 1 Policy & Secretariat, 1 Communications)
- 5 Executive Officers (1 Finance, 1 Corporate Services, 1 ICT, 1 Communications)
- 4 Clerical Officers (1 Finance, 1 Corporate Services, 1 ICT, 1 Policy & Secretariat).

GSOC currently has three vacancies in the investigative directorate (one at SIO level, one at IO level and one at AIO level) and two vacancies in the administration directorate. In addition and as previously mentioned two of GSOC's Investigating officers (IO) have been seconded to the Disclosures Tribunal. Those two posts and the two which GSOC was authorised to back-fill are included in the numbers above.

GSOC is currently working with the Public Appointments Service (PAS) to run fresh open competitions which will enable GSOC to fill the current vacancies arising in our Investigations Directorate. These posts were advertised on 2 February 2018 and it is expected that panels from which appointments can be made will be finalised by the end of April 2018.

4.2 Additional Staff Resources Required

The business case for each of the 37 additional staff, identified in the Strategic Review as the minimum required to deal with current and expected workload, is set out in the sections below.

Table 2 shows the cost per person, with the total cost in a full year estimated at €1,707,855,

4.2.1 Additional Principal Officer – Deputy Director Investigations (1 additional PO post)

There is currently one Principal Officer assigned as the Deputy Director (DDI) in this Directorate – GSOC believes there is now a need for two such positions.

The DDI has a staff team of approximately 60 people with direct line management responsibility for eight Senior Investigators and three Senior Case Officers, all of whom are at Assistant Principal Officer grade. The DDI provides leadership, management and direction to these officers to ensure that their teams are processing complaints and completing investigations, in a professional and timely manner.

The increased complexity of investigations, additional legislative commitments as previously outlined, the introduction of a new specialist unit (Protected Disclosures Unit) and a number of significant high-profile, resource intensive investigations will necessitate more monitoring and supervision for the Deputy Director role. The number of case reviews (currently conducted after 90 days in the timeline of all investigations) required will increase as will the number of reviews of case files conducted prior to submission to the Commission.

Areas outside of core work which require attention on a continuous basis include; development and implementation of Operations policy, ensuring consistency in procedures/processes/decision-making, Case Management System (CMS) governance, quality assurance and submission of files for strategic direction to the Commission. The ongoing inability to address these areas sufficiently or in a timely manner may result in GSOC being increasingly exposed to risks and being unable to fulfil its strategic objectives.

While this document is primarily concerned with the immediate needs of the organisation, GSOC believes it is prudent strategic workforce planning to anticipate and plan for the impact of amendments to the Garda Síochána Act 2005 (which GSOC has sought) on the structure and scope of the Investigations Directorate.

The need for a redistribution of the substantial existing workload between two permanent Deputy Directors is sufficient justification for the appointment of a second DDI; the need for the work of the Investigations Directorate to proceed seamlessly while structural change takes place brings an added urgency to the appointment of a second DDI. Going forward, such an appointment will ensure an on-going strategic capability in the planning, deployment and management of GSOC's operational resources.

4.2.2 Immediate Requirement for Additional Investigations Staff - 8 in Total (4 Investigations Officers at HEO Equivalent and 4 Assistant Investigations Officers at EO Equivalent)

The cost of these eight additional investigative staff in a full year is estimated at €451,176.

The requirement for additional investigators arises from the unacceptably heavy workload currently borne by staff, and referred to in Chapter 2 in terms of the average number of cases per investigator. The complexity of many investigations adds considerably to the workload—noteworthy is the referral to the investigations units of a number of extensive and complex investigations in the public interest.

This workload is not sustainable and is having a negative impact on the organisation's capacity to conduct investigations in a timely manner. The pressure has been exacerbated by a significant level of unanticipated and long term sick leave absences among investigators in 2016 and 2017. These absences, along with the delay in filling vacancies which occurred during that time, have resulted in GSOC's resilience being challenged and tested to a degree not previously experienced.

GSOC has reached the point where we no longer have the resilience within our current investigative resources to enable us to maintain, let alone improve, the standards of efficiency and effectiveness which are demanded in our sector.

The addition of eight investigative posts at this time will allow GSOC to provide the standard of service required and address the issue of staff wellbeing.

4.2.3 Senior Case Officer – Casework Unit (1 Additional Post at AP Level)

GSOC currently has two Assistant Principal Officers who are assigned as Senior Case Officers (SCO) to manage the Casework Unit and the resources within it. These positions are important as the delegated authority given to the SCOs and the decision-making element of their work is central to the efficient and effective running of GSOC's complaints process.

The increased complexity of complaints and additional legislative commitments (in particular GSOC's Child Protection obligations) take up a large amount of SCOs' time and attention, constraining their capacity to engage in tasks outside the core work of the Unit.

Areas outside of core work which SCOs must deal with on a continuous basis include; development and implementation of Casework policy, ensuring consistency in procedures/processes/decision-making, Case Management System (CMS) governance, quality assurance and updating letter templates. The ongoing inability to address these areas

sufficiently or in a timely manner may result in GSOC being increasingly exposed to risks and being unable to fulfil its strategic objectives.

GSOC believes that the distribution of this substantial workload between three permanent SCOs, as opposed to the current two, would greatly enhance the functioning of the Casework Unit and improve the quality and quantity of its output. The addition of a third Senior Case Officer would also leave the unit better prepared for an increased workload which would flow from anticipated legislative change.

4.2.4 Additional Executive Officer Posts – Casework Unit (4 New Posts)

Four Executive Officers are currently deployed in GSOC's Casework Unit managing complaints referred to the Garda Commissioner for unsupervised investigations in accordance with section 94(1) of the Garda Síochána Act, 2005 as amended.

Since 2007 this small cohort of staff have had a consistent caseload of 70-90 files per individual staff member. Their role is to engage with Garda Síochána Investigating Officers to ensure compliance with the legislation and the Protocols agreed between the Garda Síochána and GSOC, and to assist them in circumstances where difficulties arise.

The time taken by the Garda Síochána to conduct these investigations continues to be unacceptable but the resources available to GSOC to pursue tardy GSIOs is entirely inadequate.

Sixteen weeks is the timeframe agreed in protocols between GSOC and the Garda Síochána but the median time taken to complete unsupervised investigations over the last four years is between 28 and 36 weeks. The proportion of investigations completed within the agreed time frame ranged from just 28 per cent to 37 per cent in last four years.

This situation makes it almost impossible for GSOC to meet the objective, set out in s.67 of the Act, of improving confidence in the complaints process. GSOC believes additional four Executive Officers are needed in this role if there is to be any prospect of reducing the time taken for these investigations to an acceptable level.

4.2.5 Additional Clerical Officers to Provide Administrative Support – Investigations Unit (6 New Posts)

Over the past ten years the administrative support available for the Investigations Unit has been reduced significantly due to the increasing demands placed on diminished staff numbers. This has reduced the quality of file management and has necessitated investigating officers carrying out administrative functions, a practice GSOC believes is a poor use of investigative resources.

The assignment of six additional Clerical Officers is required to provide the clerical support necessary for the effective administration of the investigative teams within the Investigations Unit.

4.2.6 Establishment of New Quality Assurance & Review Unit – Operations Directorate (4 Posts – 1 at AP, 2 at HEO and 1 at EO)

The Commission believes that a Quality Assurance and Review Unit is now an essential component of GSOC's statutory obligations under s.67 of the Garda Síochána Act, 2005, as

amended and in particular, s.67(1)(c) which is to promote public confidence in the process for resolving complaints.

The establishment of such a review and quality assurance process within the organisation will positively impact the public perception of GSOC particularly in relation to inadmissible determinations and decisions to discontinue investigations.

Our Statement of Strategy, 2017 – 2020, contains a public commitment to improve effectiveness, and the concept of assuring quality is an integral part of this goal.

The proposal contained in this business case follows consultation with other similar organisations. The establishment and resourcing of this unit cannot be achieved from within GSOC's existing staff resources.

This business case seeks approval for four additional Officers to support the resources currently deployed – one at AP level, two at HEO and one EO. The Commission believes this level of staff resource is necessary to enable the Unit to be effective.

4.2.7 Additional Principal Officer – GSOC Data Protection Officer (DPO) - Deputy Director of Administration (1 new post)

To date, GSOC's Director of Administration, at Assistant Secretary General grade, does not have the support of a Deputy Director and as a result has been required to combine line-management responsibilities with other senior management functions of a strategic nature.

In GSOC's Proposal for Legislative Change, submitted to the Department of Justice and Equality in December 2017, the Commission has 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. The Commission considers that should this independence take place, it would be appropriate for GSOC's Director of Administration to take on this role.

The Commission recognises that its proposal for independence has significant ramifications for the stewardship of GSOC in the performance of its functions in an effective way. The designation of the Director of Administration as Accounting Officer would require the role of the Director to be re-aligned to operate at a more strategic level in support of the Commission and in leading the delivery of increased levels of governance and compliance which will need to be introduced across all aspects of GSOC's administration.

Such a development would in turn necessitate the recruitment of a Deputy Director (at PO level) to take over some of the Director's current responsibilities and would introduce an appropriate level of line management into the Administration Directorate for the following business units--Finance & Corporate Services/ICT/Human Resources and Training/Policy and Secretariat/Communications and Research.

More immediately, the Strategic Review BIT recommended that GSOC create an additional Principal Officer post and that this person would be assigned the important post of Data Protection Officer (DPO) for GSOC.

As is the case for all public service organisations, GSOC is currently planning how we will meet our obligations under the General Data Protection Regulation (GDPR) which comes into force in Ireland on 25 May 2018. A significant requirement introduced by Article 37 of

the GDPR is that the designation of a Data Protection Officer (DPO) is mandatory for all public authorities or bodies who carry out data processing. GSOC must also be cognisant of a further requirement in Article 37 to mandatorily designate a DPO where an organisation's core activities consist of processing special categories of data or personal data relating to criminal convictions and offences.

The GDPR also provides that the DPO must report directly to the "highest management level of the controller or the processor". This means that a DPO in GSOC will need to have a direct reporting line to the most senior level in GSOC, which is the Commissioners. GSOC will need to be able to demonstrate that such reporting lines exist, are transparent and do not compromise the DPO's independence. In order to ensure the independence and integrity of the DPO, it will be important for GSOC to demarcate the role of its DPO within the organisation's structure which means that the employee's performance as DPO cannot be managed in the normal way.

Taking these requirements into account, and given the highly sensitive and sometimes complex nature of data which comes under GSOC's control and is processed through its work, the Commission is proposing the creation of a new Principal Officer position with the responsibility as GSOC's Data Protection Officer to ensure all the statutory obligations of GSOC will be met.

The Commission believes the appointment of a DPO at Principal Officer grade is the appropriate high level for this position in GSOC. This proposal is determined by the personal data processing operations carried out, the complexity and scale of data processing, the sensitivity of the data processed and the protection required for the data being processed by GSOC. Given that the DPO will be reporting directly to the Commissioners, the person appointed will also need to have sufficient authority to carry out their critical role and promote a best practice data protection culture within the organisation.

It is important to take into account that while a DPO would be permitted to fulfil other tasks and duties, GSOC is required to ensure that any such tasks and duties do not give rise to a conflict of interests. Given the need to protect the independence of the DPO, and the fact that the majority of data is processed within GSOC's operations area, the Commission believes that the assignment of a Principal Officer to this role within the Administration directorate but with a direct line of reporting to the Commission will ensure that the requirements of the GDPR are met in this regard.

It is also the Commissioners' intention that a DPO appointed at Principal Officer level will in effect have responsibility for record management in GSOC and will oversee the functions and performance of GSOC's Unit dealing with Freedom of Information requests in addition to those made for data access.

In seeking approval for this post, the Commission believes the addition of a Principal Officer to the Administration Directorate is necessary to ensure that GSOC's statutory obligations under the GDPR are fully met. The Commission also believes the appointment of a DPO at Principal Officer level demonstrates GSOC's commitment to maintaining its entire record and data management processes to the highest standard.

4.2.8 Additional Resources – Data Protection & Freedom of Information Unit (4 Posts – 2 at EO and 2 at CO)

The GSOC Policy and Secretariat Unit performs a wide variety of business and governance functions for the organisation, one of which includes processing requests for information and access to personal data under the Data Protection Acts 1988 & 2003 and the Freedom of Information Act, 2014.

Requests for data and information have risen sharply in recent years to the point where the unit has not been in a position to meet all the demands placed upon it.

Our current staffing complement is restricting our ability to comply with statutory timeframes and allows for no corporate resilience. It is anticipated that the implementation of the GDPR, with the related increased obligations, will result in an even greater number of requests, further reducing our ability to respond. This presents a significant risk to GSOC as we are open to complaints to the Data Protection Commissioner which can lead to fines under the current legislation, compensation under the new legislation and the prospect of reputational damage.

The creation of an additional unit with the sole function of meeting GSOC's data protection obligations and complying with FOI legislation was one of the recommendations from the Strategic Review BIT.

GSOC views such a unit as a critical requirement to ensure all the statutory obligations of GSOC will be met, particularly in light of upcoming legislation arising from the GDPR. The Commission also believes that the establishment of a dedicated unit would meet the requirement under Article 38(2) of the GDPR which requires GSOC to support its DPO by providing resources necessary to carry out tasks and access to personal data and processing operations.

It is the Commission's intention that management of this new unit will come under the responsibility of the Data Protection Officer (DPO). This business case seeks approval for four additional posts in the new unit – two Executive Officers and two Clerical Officers – to meet the requirements of the GDPR and to ensure that GSOC's responses to data access and Freedom of Information requests are fully dealt with within the requisite statutory deadlines.

4.2.9 Additional Post for CMS Analyst – ICT Unit (1 EO Post)

The main GSOC ICT enterprise software application is the Case Management System (CMS) which is a bespoke system. It was first used in 2008, and has since undergone repeated and extensive modification to reflect the governing legislation (the Garda Síochána Act, 2005). It has diverged significantly in function from its original form.

A large body of cases (more than 30,000) has built up and now populates the CMS databases. For operational purposes, it is regularly necessary for complex queries to be made of these databases and resulting reports issued to GSOC senior management.

Currently, only one member of GSOC staff is proficient in this work and carries out this function along with other duties. The Commission is concerned not only that this individual is, from time to time, placed under undue pressure, but that dependence on him and the

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.

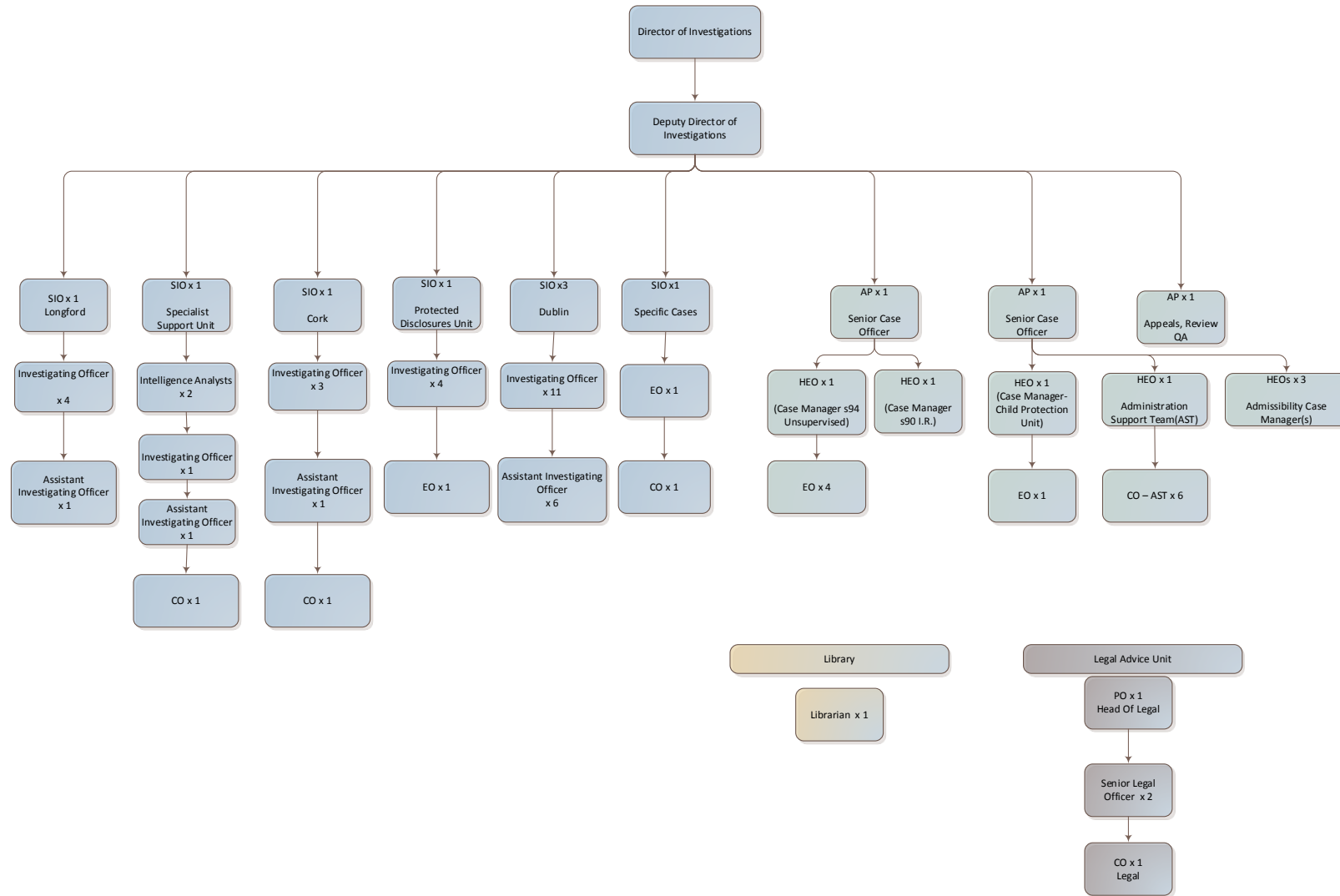
Without the necessary staff, GSOC will not be able to make any meaningful improvements in its effectiveness and efficiency.

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.

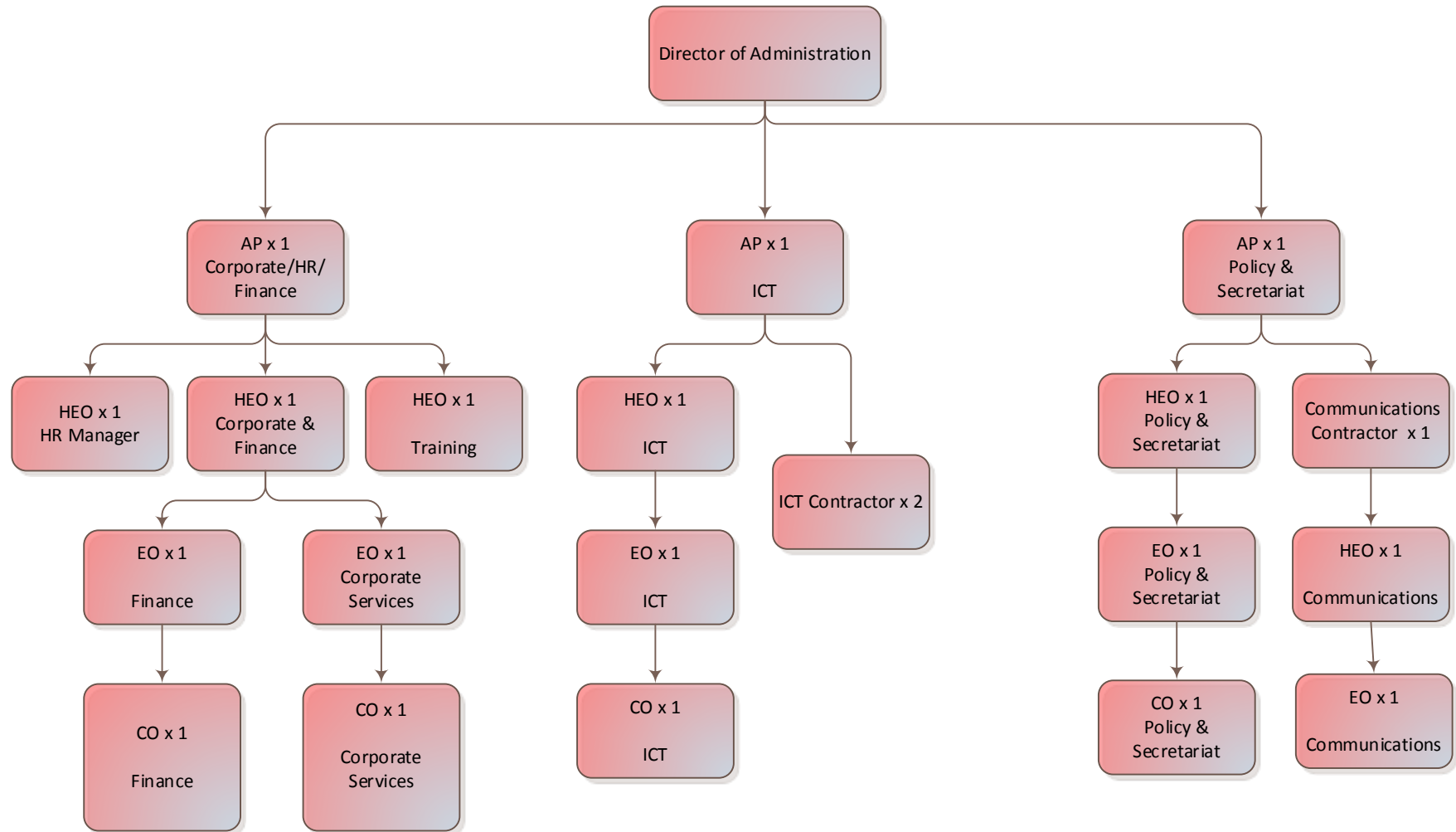
The Commission believes that the additional staffing resources for which approval is now being sought are a vital component in GSOC's ability to meet its stated Vision, Mission and Objectives set out in the GSOC Statement of Strategy 2017-2020.

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.