



An Roinn Dlí agus Cirt  
Department of Justice

**Report on Protected Disclosures made directly to the Minister for Justice by  
workers, or former workers, of An Garda Síochána**

**2020**

## **Introduction**

The Department of Justice policy in relation to dealing with Protected Disclosures is set out in its policy document "Protected Disclosures in the Workplace". This policy, introduced by the Department under the requirements of the Protected Disclosures Act 2014, is designed to facilitate and encourage all workers to raise genuine concerns about possible wrongdoing taking place in the workplace so that these concerns can be investigated and addressed in a manner appropriate to the circumstances of the case.

The Department also has a sectoral policy which sets out how Protected Disclosures in the wider Justice Sector are dealt with.

## **Protected Disclosures and An Garda Síochána**

The Protected Disclosures Act came into effect on 15 July 2014. In relation to members of An Garda Síochána it replaced the previous system of making disclosures to a Confidential Recipient. The Act is part of a comprehensive approach to enhancing the protections available to whistle-blowers, including members of An Garda Síochána.

Under the Act, members of An Garda Síochána may communicate their concerns to the Garda Commissioner, as their employer, or they may make a disclosure to GSOC, as a statutorily independent body. Where a disclosure is made to GSOC, the Act provides that GSOC may, if it appears to it desirable in the public interest to do so, investigate the disclosure. The legislation also enables an individual employed by a public body to make a Protected Disclosure to the Minister with responsibility for that body. Therefore a member/employee or a former member/employee of An Garda Síochána may make a protected disclosure to the Minister for Justice.

## **Annual Reports on Disclosures**

Section 22 of the Protected Disclosures Act 2014 requires public bodies to prepare and publish each year a report in relation to the previous year, in an anonymised form.

The Department publishes annual reports in respect of Protected Disclosures received in the Department of Justice and separately on Protected Disclosures made directly to the Minister for Justice by members/employees, or former members/employees, of An Garda Síochána.

## **Handling of Garda Protected Disclosures**

Correspondence received from former or serving members or employees of AGS is assessed to determine whether it constitutes a Protected Disclosure under the Act, whether or not it claims the protections under the 2014 Act. Consideration is then given to what action is required in the circumstances. Where the identity of the individual is provided, they are then informed of what action

the Minister proposes to take. All reasonable efforts are taken to keep the identity of the individual concerned confidential.

Where it is unclear whether the correspondence received amounts to a Protected Disclosure, the correspondence is referred to a panel of counsel established by the Minister in December 2018. This is to ensure the decision taken on whether or not the correspondence is treated as a protected disclosure is taken on the basis of independent legal advice.

#### **Number of Protected Disclosures received in 2020**

There were five Protected Disclosures received during 2020 from either former or serving members or staff of An Garda Síochána, four of which were received in the second half of the year. All cases remained under active consideration as of 31/12/2020.