



**An Roinn Dlí agus Cirt
agus Comhionannais**
Department of Justice
and Equality

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

Síochána

2018

Introduction

The Department of Justice and Equality's 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 terms 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 following the principles of natural justice 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 & Equality 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 was part of the then Government's comprehensive approach to enhancing the protections available to whistle-blowers, including members of the Garda Síochána.

Under the Act, members of the Garda Síochána may communicate their concerns to the Garda Commissioner, as their employer, or they may make a disclosure to GSOC, which is a statutorily independent body. Where a protected 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 and Equality.

Annual Reports on Disclosures

Section 22 of the Protected Disclosure 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 Equality (Vote 24) and separately on Protected Disclosures made directly to the Minister for Justice and Equality by members/employees, or former members/employees of, An Garda Síochána. The report relating to 2017 can be accessed using the following link.

[Report on Protected Disclosures made directly to the Minister for Justice and Equality by workers, or former workers of, An Garda Síochána 2017](#)

Handling of Garda Protected Disclosures

Up to the end of 2018, the Policing Division of the Department dealt with Garda Protected Disclosures to the Minister. The correspondence was assessed to determine whether it constituted a Protected Disclosure under the Act. Consideration was then given to what action was required in the circumstances. Where the identity of the individual was provided, they were then informed of what action the Minister proposed to take. All reasonable efforts are taken to keep the identity of the individual concerned confidential.

In December 2018, the Minister, in consultation with the Department of Public Expenditure and Reform and the Attorney General, established a panel of counsel to assess protected disclosures made to the Minister by members or former members of An Garda Síochána. The panel's role is to provide advice on what options are available to the Minister in relation to the disclosures made. This was done in order to ensure consistency and independence in the assessment of the content of protected disclosures.

The Panel commenced its work in December 2018 with the intention that initially 17 active cases will be assessed, provided the consent of the discloser has been received, with advice supplied to the Minister following Counsel's conclusion of their review.

Disclosures in 2018

In 2018 three disclosures were received by the Minister – two from employees of the Garda Síochána, and one from an anonymous source. Anonymous disclosures are treated as disclosures from current or former members/employees of An Garda Síochána, notwithstanding the absence of verification.

The status of the cases received in 2018 is as follows:

- Two of the disclosures have been assessed by Counsel with recommendations made to refer the matters to GSOC using the Minister's powers under the Garda Síochána Act 2005.
- One disclosure was referred to the Garda Commissioner, prior to the establishment of the panel, for appropriate investigation. A report received from An Garda Síochána advised that there was no substance to the allegations made.

Department of Justice and Equality

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