



Legal Assistance

The Legal Assistance subcommittee comprises of Frank Thornton (Limerick) chairman, Keith Plunkett (DMR West) secretary, David Conroy (Roscommon/Longford) Derek O'Donoghue (Louth) Sheila Ganly (Garda Headquarters) and Robbie Peelo member of the Garda Representative Association secretariat.

The Subcommittee convenes monthly at the GRA Office in Phibsboro in advance of the Central Executive Committee meeting to consider applications from members seeking assistance as provided for under the terms of our reviewed Legal Assistance Scheme. The Subcommittee examines individual applications and ensuring they are in compliance with the Association's Scheme prior to making a recommendation to the CEC.

The CEC is the final arbiter in granting or refusing applications. Applications have increased significantly in recent years, presenting new challenges for the Association financially and in supporting members at times of greatest need in their careers. This increased demand is attributable to a new era of accountability in An Garda Síochána. The increased activity of the GSOC in investigating members and the liberal invocation of the Garda Síochána (Discipline) Regulations by certain supervisors/managers underpins the importance of members having the support of their Association – in particular the recourse to legal advice when required.

The Association notes with regret, the increased use of the Garda Síochána (Discipline) Regulations to the exclusion of the traditional informal approach which served the organisation well in the past. Minor indiscretions or human error were dealt with by advice, mentoring and encouragement of the moral imperative and were not and should not be, subject to disciplinary action. The informal approach supported morale and fostered better working relationships. Now, members regularly bring to our attention anomalies and unfairness in the present regulations. The Association is currently party to a working group reviewing the disciplinary regulations. Excerpts from the Association's submission are highlighted below.

Members will be aware that legal advice/proceedings invariably lead to considerable costs for the Association. Hence the requirement to operate a limited scheme which is mainly used in proceedings involving GSOC; and investigations under the disciplinary regulations. Assistance may also be provided for a criminal defence arising from the bona fide discharge of duties and in respect of disputed claims, discrimination and unfair treatment. The scheme aims to ensure members receive due process and fair procedures.

Considering the increased financial demands arising from legal assistance, the Association continuously reviews the scheme. Our most recent review was endorsed by the Central Executive Committee, in March 2017. The subcommittee along with the GRA Officer Board meet with the extended panel in January 2019 where the scheme was discussed. A review of the Legal Assistance scheme will by agreement be reviewed along with the panel of solicitors in March 2020, to ensure the highest attainable services are retained for members.

Panel of Solicitors

Members regularly ask why they cannot retain a solicitor of their choice. The reason is that, in the context of our limited scheme, it is necessary for the Association to negotiate lower fees than that which would be incurred if we operated an open panel. This protects the Association's funds and gives to more members. The panel system also ensures members receive advice from legal advocates who have experience dealing with Garda management, GSOC and the Garda Síochána (Discipline) Regulations.

Resulting from the review, the panel of solicitors has been opened and nominations can be forwarded through members' District and Divisional Committees for approval by Regional Committees.