

GUIDANCE ON GARDA VETTING

for the Youth Work Sector

NYCI CHILD PROTECTION PROGRAMME



National Youth Council of Ireland

The National Youth Council of Ireland (NYCI) is the representative body for voluntary youth organisations in Ireland. It uses its collective experience to act on issues that impact on young people.

www.youth.ie

NYCI Child Protection Programme

The NYCI Child Protection Programme supports and resources the youth work sector to meet its child safeguarding and child protection responsibilities. The programme is funded by the Department of Children and Youth Affairs.

www.childprotection.ie

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INTRODUCTION

The Child Protection Programme in the National Youth Council of Ireland (NYCI) is funded by the Department of Children and Youth Affairs (DCYA). The Programme supports youth work organisations to meet their child protection and safeguarding responsibilities. One of these responsibilities includes supporting the youth sector to carry out Garda vetting on those involved in working with children and young people.

Who is this guidance document for?

This information has been compiled by the NYCI Child Protection Programme for youth work organisations, clubs and projects, and specifically those tasked with ensuring that all staff and volunteers are recruited safely.

What is the guidance document about?

This document explains how the Garda vetting process works and it outlines the responsibilities of organisations.

GLOSSARY OF TERMS

- **Vetting applicant**
The person who is being vetted.
- **Relevant organisation**
A relevant organisation means a person (including a body corporate or an unincorporated body of persons) who employs, enters into a contract for services or permits any person to undertake relevant work or activities, a necessary and regular part of which consists mainly of the person having access to, or contact with, children or vulnerable adults. The relevant organisation must be registered with the National Vetting Bureau to process vetting applications.
- **Liaison Person**
The relevant organisation nominates in writing a person to be registered in the register of relevant organisations as the Liaison Person of the organisation (previously known as the Authorised Signatory).
- **National Vetting Bureau (NVB)**
This is the national bureau of An Garda Síochána which conducts vetting of applicants engaged in relevant work to ascertain whether these applicants have a criminal record (formerly known as the Garda Central Vetting Unit).
- **Youth Work Garda Vetting Consortium**
The National Youth Council of Ireland provides a vetting service in order to ensure access to the NVB for its members. The NYCI Youth Work Garda Vetting Consortium acts as the liaison person for the members of the consortium.

WHY DO WE DO GARDA VETTING?

Safety

The youth work sector is made up of thousands of staff and volunteers who work with over 380,000 young people. As part of our responsibilities to provide these young people with a safe environment, we must try to ensure that these staff and volunteers are suitable to work with children and young people.

A safe recruitment process of all staff and volunteers is essential. Safe recruitment involves many steps including an application process, identity checks, thorough interviews, reference checks, a probationary period, supervision as well as Garda vetting.

Legal requirement

The National Vetting Bureau (Children and Vulnerable Persons) Act 2012 was commenced in April 2016.

<http://www.irishstatutebook.ie/eli/2012/act/47/enacted/en/html>

The Act provides a legislative basis for the mandatory vetting of persons who wish to undertake certain work or activities relating to children or vulnerable persons or to provide certain services to children or vulnerable persons.

In order to carry out Garda vetting, relevant organisations must be registered with the National Vetting Bureau (NVB). A relevant organisation means a person (including a body corporate or an unincorporated body of persons) who employs, enters into a contract for services or permits any person to undertake relevant work or activities, a necessary and regular part of which consists mainly of the person having access to, or contact with, children or vulnerable adults. Each relevant organisation must nominate a Liaison Person (previously known as the Authorised Signatory) from within their own organisation and notify the NVB in writing.

A relevant organisation shall not permit any person to undertake relevant work or activities on behalf of the organisation unless the organisation receives a vetting disclosure from the National Vetting Bureau in respect of that person. A person who contravenes this section of the Act shall be guilty of an offence.

GARDA VETTING
IS ONLY ONE
PART OF A SAFE
RECRUITMENT
PROCESS AND IS
NOT A SUBSTITUTE
FOR **THOROUGH
REFERENCE
CHECKS,**
INTERVIEWS ETC.



WHO IN YOUR ORGANISATION SHOULD BE GARDA VETTED?

Description of those to be vetted

Each organisation is required to determine who should be Garda vetted according to the legislation. The Vetting Act defines these people as “any person who is carrying out work or activity, a necessary and regular part of which consists mainly of the person having access to, or contact with, children or vulnerable adults”.

Occasional volunteers

Many youth work organisations avail of volunteers, parents or helpers for particular events. The Act shall not apply to persons who assist on an occasional basis and for no commercial consideration. This would include persons who assist on an occasional basis at a school, sports or community event or activity **other** than where such assistance includes the coaching, mentoring, counselling, teaching or training of children or vulnerable persons.

Junior youth leaders (aged 16-18 years)

Youth organisations that have junior leaders aged less than eighteen years should ensure that there is appropriate adult supervision and that junior leaders are properly supported in their role. Section 13(6) of the Act provides for vetting of persons under 18 years of age. The Act states that if the vetting applicant is under 18 years of age, a declaration of consent (Parent/Guardian Consent Form) is completed on his or her behalf by a parent or guardian of the person.

ORGANISATIONS
SHOULD CARRY
OUT A **RISK
ASSESSMENT**
TO HELP IN
DETERMINING WHO
SHOULD BE GARDA
VETTED



WHO IN YOUR ORGANISATION SHOULD BE GARDA VETTED?

Students on placement and work experience from college

The Act states that “in a case where the relevant organisation is a provider of any course of education, training or scheme” the organisation shall not “make arrangements for the placement of a person as part of such education, training or scheme, if a necessary and regular part of such placement requires the participation of the person in relevant work or activities, unless the organisation receives a vetting disclosure from the Bureau in respect of that person”.

The Act very deliberately places no corresponding obligation to obtain a vetting disclosure on an organisation which is accepting the student placement. This is to avoid an unnecessary duplication of the vetting procedure. The organisation which agrees to accept the student placement can rely on the fact that the university has already vetted the person. However, it would be advisable for the University and the organisation accepting the placement to agree in writing or by email that the University will have sole responsibility for obtaining the vetting disclosure.

Re-vetting and retrospective vetting

The Act does not yet make provision for a timeframe to carry out vetting on those already vetted in your organisation, however good practice would indicate a re-vetting period of at least three years.

It has been indicated by the NVB that the retrospective vetting of those who are not yet vetted must be completed at the latest by the end of 2017.

GOOD PRACTICE

WOULD INDICATE A
RE-VETTING PERIOD
OF AT LEAST THREE
YEARS



HOW DOES THE GARDA VETTING PROCESS WORK?

Vetting process

When recruiting a new staff member or volunteer, the employing organisation requests the applicant's permission to carry out a Garda vetting check on them. This requires the applicant to provide their full name, date of birth, current address, contact phone number, job role, email address and written signature. This form must be signed and dated by the applicant. The organisation must also verify the applicant's identification and proof of current address using the 100 point check personal identification system. See NVB website for details

<https://vetting.garda.ie/Help/FAQ>

The employing organisation inputs these details into the e-vetting system (or sends them to the youth work vetting consortium), which generates an email to the applicant inviting them to complete their vetting form online. This form is pre-populated with the information inputted from the organisation and this cannot be amended. The applicant inputs details of all names, gender, place of birth, all addresses since birth, mother's maiden name, passport number where applicable and criminal record if any.

When this has been completed by the applicant, the employing organisation (or vetting consortium) sends it to the NVB where it is processed. The NVB carries out a check on the person and returns the vetting disclosure to the employing organisation (or to the youth work vetting consortium, who forwards it to the employing organisation).

Contents of a vetting disclosure

A vetting disclosure shall include particulars of the criminal record (if any) relating to the person, and a statement of the specified information (if any) relating to the person or a statement that there is no criminal record or specified information, in relation to the person. Disclosures are subject to the Spent Convictions Act 2016 which allows for certain convictions to be spent.

THE SYSTEM OPERATES ON THE BASIS OF THE APPLICANT **GIVING PERMISSION** TO THE EMPLOYING ORGANISATION TO RECEIVE VETTING INFORMATION ABOUT THEM FROM THE NVB



HOW DOES THE GARDA VETTING PROCESS WORK?

What is specified information?

This is information that is considered to give rise to a bona fide concern that the vetting subject may harm, attempt to harm or put at risk a child or vulnerable person or both. If such information is going to be disclosed to a relevant organisation relating to one of their applicants, the Chief Bureau Officer in the NVB must, in advance, notify the vetting subject of the intention to disclose the information.

Decision making on suitability

When the vetting disclosure is returned to the organisation, they must assess the information and decide whether the applicant is suitable. If there are convictions returned, the applicant must be given a copy of the vetting disclosure. It is good practice for organisations to have a decision making structure in place to assess suitability. It is important to consider factors such as the nature and seriousness of the offence, nature of the court result and severity of penalty, self-disclosure by the applicant, age of the individual at the time of offence, length of time elapsed since the offence and the recidivism rate. If the vetting applicant disputes the details in the vetting disclosures, the applicant should outline in writing to the Liaison Person in the relevant organisation the exact basis of their dispute. The Liaison Person should submit the Applicant's report to the NVB. Further checks will be carried out by the NVB who will correspond with the Liaison Person.

THE NVB AND
NYCI'S YOUTH WORK
GARDA VETTING
CONSORTIUM
**DO NOT MAKE
DECISIONS ON
SUITABILITY;**
THIS IS THE
RESPONSIBILITY
OF THE EMPLOYING
ORGANISATION.



WHAT PROCEDURES SHOULD BE IN PLACE TO SAFELY MANAGE GARDA VETTING INFORMATION?

Managing vetting information

Garda vetting information should be very carefully managed to ensure the individual's privacy and confidentiality, and also to ensure the integrity of the information.

Relevant organisations are required to have systems in place to ensure that individual's information is carefully managed at all stages of the vetting process. Personal information contained in vetting applications and disclosures should only be seen by those involved in the vetting process and used for the purpose it was given.

Transferring of information

An employing organisation should not rely on a vetting disclosure for an applicant from a previous employer. 'The Act states that a relevant organisation shall not permit any person to undertake relevant work or activities on behalf of the organisation unless the organisation receives a vetting disclosure from the National Vetting Bureau in respect of that person. The only exception to this is where relevant organisation's have in place a joint agreement in writing in accordance with Section 12 (3A) of the Act'.

Storage of vetting information

Proof of identity and address are required when carrying out the vetting process and proof that these were verified should be stored by the relevant organisation. The outcome of vetting disclosures should also be retained by the organisation for as long as deemed necessary.

ORGANISATIONS MUST **RESPECT PRIVACY AND ABIDE BY THE LAW** WHEN HANDLING SENSITIVE PERSONAL INFORMATION



WHERE CAN WE GET MORE INFORMATION ON GARDA VETTING?

- The National Garda Vetting Bureau have a very useful information website, which includes a section on frequently asked questions
<https://vetting.garda.ie/Help/FAQ>

Their contact details are:

National Garda Vetting Bureau,
Racecourse Road,
Thurles,
Co. Tipperary, E41 RD60
Tel: 0504 27300

- National Youth Council's Child Protection Programme operates the Youth Work Garda Vetting Consortium. For information for the youth work vetting consortium please see

<http://www.childprotection.ie/vetting>

Their contact details are:

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