

Garda Vetting Policy

Policy Statement

This policy will be implemented to ensure that any person undertake ‘*relevant work or Activities*’ on behalf of Ballyspillane FRC to ensure the safeguarding & protection of Children and vulnerable adults in our care in line with the centres Child Safeguarding Statement Policies & Procedures.

As part of Ballyspillane FRC Recruitment Procedures all potential employees and volunteers will be vetted under the E-vetting structures in compliance with the National Vetting Bureau (Children and Vulnerable Persons) Act 2014. All persons will be vetted through the FRCNF National Family Resource Centre Vetting Authorised Signatory Structures and in **compliance with the** Garda National Vetting Bureau (NVB) Vetting Service.

National Vetting Bureau Act 2012 – 2016

- Provides: ‘legislative basis for **mandatory** vetting’ of persons who wish to **undertake certain work or activities** or provide certain services relating to children or vulnerable persons (employed or otherwise)
- Introduces offences for contravention
- Establishes: National Vetting Bureau of An Garda Síochána

We will ensure that

- Ensure all persons engaged in relevant work/activity, are vetted pre- commencement and sign “General Declaration Form”
- Ensure proof of applicant’s ID and current address is received and copy retained in FRC prior to submission of vetting application
- Ensure any pre-existing person engaged in relevant work/activity are retrospectively vetted before 31.12.2017
- Ensure detailed role description is entered on application form/s
- Ensure “Applicant Consent Form” is signed by persons subject to inspection by relevant bodies e.g. EY Inspectorate
- Ensure Garda Vetting sub group is established in line with NF legal advice
- Manage risk assessment process locally and return all original vetting documentation to FRC Liaison Person
- Ensure confidentiality of vetting process
- Packs to Issue to FRC’s – Vetting Invitation Form, FRC Request Form, ID Validation Checklist

Policy

This policy applies to all staff and volunteers of **Ballyspillane F.R.C.** It will be given to applicants at the outset of the selection process and is readily available at the offices of **Ballyspillane F.R.C.** Management and staff of **Ballyspillane F.R.C** share equal responsibility for the implementation of this Garda Vetting Policy.

Vetting Application Process

Potential applicants will be requested to complete the NVB 1 Vetting form and submit a Garda Vetting Application Form, **when they are seeking appointment as either a member of staff or volunteer.**

Applicants must provide evidence of identity Photo ID, proof of Address that provide a minimum of 100 points for validation purposes. In addition to the formal vetting procedures, all candidates for appointment to roles within the **Organisation** must provide a minimum of two referees so that satisfactory references can be obtained. Referees must be unbiased and cannot be family members, relatives or friends.

International Vetting

All staff, students and volunteers who have lived outside of Ireland for a period of 6 months or more, from age 16 onwards and who will have access to a child or vulnerable adult attending an FRC service will be required to provide a police certificate from the county of origin. All staff, students and volunteers, existing and new, who have lived outside of Ireland for a period of **6 months** or more, from **age 16** onwards, and who will have access to a child or vulnerable adult attending an FRC service, must submit a Police Certificate from each Country.

1. Certificates must be issued **after** the applicant left the relevant country
2. The applicant is responsible for any **cost** incurred in obtaining the Police Certificate
3. The **original certificate** should be produced to the FRC

Where the Certificate is not in the English language, the applicant must provide a certified translation of same. A **Certified Translation** must include either a statement/certifying clause or a separate certification page which confirms that the translation is a true, accurate and correct rendering of either the original document or of a certified copy of the original document. A certified Translation should state the language from which the translation has been carried out and must be signed by the translator, stating his/her name, address and contact details and the date, together with a certification stamp affixed at the end of the translation.

Where a Police Certificate contains information on offences the matter will be subject to the same FRC Risk Assessment process as used for Garda Vetting Disclosures.

Procedures for the vetting of applicant student placements **between 16 and 18 years of will apply.** **Parents** Consent Form issued by the Garda Central Vetting Unit will be used for vetting applicants who are **under 18** years of age.

Risk assessment Suitability of applicants

Given the nature of the work undertaken by the **Ballyspillane FRC** any potential applicants for employment and volunteer positions must disclose any conviction, caution or inappropriate behavior that could bring their personal and professional suitability for the appointment into question.

Where a conviction or caution has been disclosed in an individual's application for a post at **Ballyspillane FRC** a discussion will take place between the applicant and a member of the Garda vetting Sub-Committee regarding the offence and its relevance to the position. Failure to reveal

information relating to any conviction and caution could lead to withdrawal of an offer of employment or volunteer appointment.

Risk Assessment Procedures

- The VBODs has delegated responsibility to the Sub-Committee to make all decisions pertaining to any Garda Vetting information disclosed to it.
- Due to the need for absolute confidentiality sub-committee minutes will not be subject to review by the VBODs.
- Members of the Vetting subcommittee will co-ordinate all aspects of vetting process.
- Matters for consideration will include the offence /Role/Person during Risk Assessment Process.
- Legislative, Human Rights and Natural Justice Rights of applicant must be observed at all times in decision making process (Fair procedure, Confidential, Unbiased)

Procedures for dealing with Disclosure of Information

Any information revealed in a disclosure that is likely to lead to the withdrawal of a job offer or volunteer position will be discussed with the applicant in person, where possible, before the offer is withdrawn.

Ballyspillane FRC Garda Vetting Sub-committee will deal with the risk assessment of disclosures, Confidentiality in relation to this matter is paramount

Ballyspillane FRC will not discriminate unfairly against applicants with a criminal record. Having a criminal record will not necessarily bar an applicant from working for or, volunteering with ***Ballyspillane FRC***. The nature of a disclosed conviction, its relevance to the post in question and the length of time since the offence occurred, will be considered.

Ballyspillane FRC, in conjunction with the NF Garda Vetting has a Code of Practice on the use of criminal record checks, the storage and use of information which has been disclosed by the Garda National Vetting Bureau Vetting Unit (GNVB) and the recruitment of staff and volunteers with criminal records.

Any conviction of a sexual offence, however, is likely to be incompatible with working for ***Ballyspillane FRC*** or for volunteering with ***Ballyspillane FRC***

Re Vetting of Volunteers

Ballyspillane FRC reserves the right to vet employees and volunteers on an ongoing basis after appointment. Failure to complete and submit a Garda Vetting Application Form will result in dismissal. All employees & Volunteers will be eligible for vetting a minimum of every three years

Storage and Access

Garda Vetting Application Forms will be stored separately in lockable storage with access limited to those who are entitled to see it as part of their duties. A record will be maintained of all those to whom disclosed information has been revealed as it is prohibited to pass disclosed information to anyone who is not entitled to receive it.

Where you have provided us with your personal data you have a right to be given a copy of your personal data in accordance with section 4 of the Data Protection Acts subject to certain exceptions. The conditions on and procedures for making a request are outlined in the Organisation's Data Protection Policy which is available upon request from a member of the senior management team (senior staff).

Usage

GCVU disclosed information will only be used for the specific purpose for which it was requested and for which the applicants has been informed.

Retention

Once a recruitment (or other relevant) decision has been made, GCVU disclosure information will not be stored for longer than is necessary. This is generally for a period of up to 1 year following leaving the post to allow for consideration and resolution of any disputes or complaints. If, in exceptional circumstances, it is considered necessary to keep such information for longer than 1 year, consideration will be given to the Data Protection rights of the individual.

Disposal

Once the retention period has elapsed, **Ballyspillane FRC** will ensure that any GCVU disclosed information is destroyed and while awaiting destruction, the information will be kept securely. A record of the date of issue of a disclosure, the name of the subject, the type of disclosure, the unique reference number of the disclosure and the names to whom disclosure information has been revealed will however be securely stored for monitoring purposes.

Policy Feedback and Review

Constructive feedback on this Policy is always welcome. It must be given to the **Ballyspillane FRC Project Manager** who will ensure that the Management Committee considers it.

Ballyspillane FRC. Vetting Policy will be reviewed by the Management Committee.

Ballyspillane FRC Vetting Policy was adopted at the Ballyspillane FRC CLG.

Management Committee Meeting dated: 27/11/2018



Signed by Chairperson on behalf of Directors: _____

Review

- This policy will be reviewed in 3 years or sooner should circumstances change

APPENDIX

- 1. Categories of incidents**
- 2. Risk Management Assessment**
- 3. Risk Assessment Form**
- 4. Invitation Form**
- 5. Vetting Form**
- 6. Validation Documents**

APPENDIX 1

Categories of incidents on an applicant's record which will automatically disbar him/her for eligibility to being offered a position at Ballyspillane FRC:

- Child abuse/child abduction
- Sexual Offence/abuse by an adult against another adult or child
- Abuse of a vulnerable adult

Examples of categories of incidents on an applicant's record which will most likely disbar him/her for eligibility to being offered a position at Ballyspillane FRC. Each incident is considered on a case by case basis by the Garda Vetting Committee of Ballyspillane FRC:

- Murder, manslaughter, infanticide;
- Dangerous driving causing death or serious injury
- Attacks on the elderly
- Assault causing serious harm
- Kidnapping/false imprisonment
- Syringe attack
- Stalking/harassment
- Aggravated burglary
- Current barring or restraining order.

Examples of categories of incidents on applicant's record which could disbar him/her for eligibility to being offered a position at Ballyspillane FRC. Permission to being offered a position may be granted, or otherwise, on a case-by-case basis depending on the severity of the offence, time since the offence and criminal record in the intervening time:

- False or misleading information on any of the required forms;
- An unexplained omission on the Garda Vetting/declaration form;
- A criminal conviction on a property related crime i.e. robbery, handling stolen property etc.
- Drug offences
- Deceit/impersonation
- Public order offences
- Failure to comply with direction of Garda
- Road traffic accidents

Please note that above examples do not constitute a definitive list of categories of incidents on an applicant's record which could result in Ballyspillane FRC refusing an application or terminating a current position

Appendix 2

Risk Management Assessment

Ballyspillane FRC Garda Vetting Committee may recommend that a risk assessment be carried out in relation to a particular applicant. The Vetting Committee will be responsible for carrying out the Risk Assessment or may cede that responsibility to the Project Manager or the Authorised Signatory.

Contact with the Applicant

Applicants with an offence history will be dealt with on an individual basis and each applicant will be contacted by the Manager or Authorised Signatory by telephone or in writing in order to validate information received. The applicant will be informed in writing that Ballyspillane FRC Vetting Committee has been advised by the Authorised Signatory that a conviction/s has been recorded against them. They will be informed of the exact nature of the conviction, as stated on the Garda Vetting form and the exact information they declared on the form.

The applicant will be asked for a written comment on the recorded convictions. If the candidate is disputing the record they must do so in writing to the Manager and/or Authorised Signature within 10 days. The situation will be reviewed by the Garda Vetting team and if they deem it appropriate the person may be allowed to work under close supervision until the matter is resolved.

Applicants will be advised that failure to reply within 10 days of the telephone conversation or letter will result in their position being withdrawn.

The candidate will be informed that the Garda Vetting Committee has decided that a Risk Management Assessment is required in order to make a determination as the suitability of the candidate for a position applied for.

Risk Assessment

The risk will be assessed in terms of the individual, the offence and the work environment that an applicant may be assigned to. In carrying out this assessment the following factors, in addition to other relevant case specific concerns, should be considered and documented in support of the recommendation.

The assessment should consider the following, in addition to other relevant case specific concerns:

- The seriousness of the offence and its relevance to the safety of other employees, volunteers, students, centre users.
- The length of time since the offence occurred and the age of the applicant at the time of the offence;
- Whether the applicant's circumstances have changed since the offence was committed, making re-offending less likely;
- The degree of remorse, or otherwise, expressed by the applicant and their motivation to change;
- Work/other relevant history since the offence;
- Does the work placement involve one-to-one contact with children or vulnerable adults
- What level of supervision will the individual have during their work placement
- Does the work placement involve any direct responsibility for finance, driving, items of value or tasks that may relate to the conviction / offence?
- Will the nature of the work placement present any realistic opportunity for the applicant to re-offend
- Is the post such that employing the person with this conviction would seriously undermine public confidence in Ballyspillane FRC.

Recommendation Following Risk Assessment

Following this assessment, the Garda Vetting Committee will complete a Risk Assessment form (see appendix 3). They will consider the report and decide either that the applicant may proceed to work or otherwise.

APPENDIX 3

**Ballyspillane Family Resource Centre CLG .
RISK ASSESSMENT FORM**

Applicant's Name	
Position Applied For	

Information provided by the applicant and the Garda Centre Vetting Unit

Offence Date	Offence type	Court	Result

Additional Information provided by applicant in relation to the recorded convictions:



Ballyspillane Family Resource Centre CLG

RISK ASSESSMENT FORM Page 2

Factors taken into account by the Garda Vetting Committee in arriving at its recommendations:

Recommendations following risk assessment:

- Recommended for placement**
- Recommended for placement with conditions***
- Not suitable for placement**

***Conditions:**

Signed: _____

Signed: _____

Signed: _____

Date: _____