



Policy & Procedures for Garda Vetting



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INTRODUCTION

Following the introduction of Garda Vetting in the Youth Work Sector in September 2006 and the enactment of the National Vetting Bureau Act 2012-2016, the Irish Red Cross has introduced a Garda Vetting Policy and Procedures document outlining the specifics of the Garda Vetting process.

The National Safeguarding Officer is tasked with responsibility for administering the Irish Red Cross screening process, including Garda Vetting, and acting as Liaison Person on behalf of Irish Red Cross.

Garda Vetting uses a centralised system using a pre-designed form from the National Vetting Bureau. (NVB) will deal only with the liaison Person in each organisation. The NVB will not make decisions about applicants' suitability; it is the responsibility of each organisation to carry out their own decision making following disclosures received. Disclosures of any kind will be dealt with on a case by case basis. The Garda Vetting Procedure will disclose all convictions or prosecutions successful or not, pending or completed in the State or elsewhere as the case maybe and also specified information, hereafter referred to as a Garda Vetting Disclosure.

Garda vetting is required for all volunteers and staff members of the Irish Red Cross. Garda Vetting is currently conducted in respect of personnel working in a full-time, part-time and voluntary or student placement capacity in a position in a registered organisation.

The National Safeguarding Committee makes recommendations relating to suitability of prospective volunteers within the Society. In dealing with disclosures, the Irish Red Cross recognises that this is a most sensitive and complex area and disclosure of any kind will be dealt with on an individual basis. The committee will operate within a clear set of guidelines in order to provide consistency and to safeguard all individuals' rights. All disclosures are held within the strictest of confidence and in compliance with data protection requirements.

As a commitment to our internal policy and procedures to ensure protection for young and vulnerable persons, we will also ensure that in circumstances where we contract for support with outside bodies (example: aspect of event management/supervision) we may seek confirmation in advance that any such personnel have been appropriately vetted.



IMPORTANT DEFINITIONS

A “child” means a person under the age of 18 years.

A “vulnerable person” means a person, other than a child, who -

(a) Is suffering from a disorder of the mind, whether as a result of mental illness or dementia,

(b) Has an intellectual disability,

(c) Is suffering from a physical impairment, whether as a result of injury, illness or age, or

(d) has a physical disability,

Which is of such a nature or degree -

(i) As to restrict the capacity of the person to guard himself or herself against harm by another person, or

(ii) That results in the person requiring assistance with the activities of daily living including dressing, eating, walking, washing and bathing

BENEFITS OF GARDA VETTING PROCEDURES

1. Protection of children and vulnerable persons.
2. Protection of organisation providing services to children and vulnerable persons.
3. Protection of personnel within an organisation providing services to children and vulnerable persons
4. Management of risk in respect of former offenders.
5. Strong component part of a professional Human Resource Management practice within an organisation providing services to children and vulnerable persons.
6. Partnership relationship between the NVB and Customer Organisation for Garda Vetting.
7. Widely viewed as one of the key elements in the delivery of a comprehensive and robust safeguarding system in this state.



POSITION OF LIAISON PERSON

The Liaison Person (LP) is registered with the NVB for the purposes of Garda Vetting on behalf of the Irish Red Cross. Following training by the NVB, the Liaison Person is assigned a registered number and their signature is kept on a digital file at the NVB. The LP provides the NVB with a security password which is confidential to the LP and must not be disclosed to any other person.

Registration with the NVB is predicated on the understanding that the LP gives an undertaking to comply with the Code of Practice on Garda Vetting in respect of all applications received by the LP and all data received from the NVB. Registration is further predicated upon the understanding that all data received from the NVB in respect of any individual is for the sole use of Irish Red Cross and that the LP gives an undertaking to manage and protect within the statutory provisions of the Data Protection Acts and any other legislation that may be enacted in respect of data protection or Garda Vetting.

The NVB has the right to revoke registration of the LP in the event of a failure and / or neglect to observe professional standards in respect of Garda Vetting procedures and data protection. The reasons for revocation will be outlined to the organisation through the LP. The LP must adhere to the Irish Red Cross Child Safeguarding Policy at all times.

The Garda Vetting LP is the contact person for the organisation with the NVB on all matters relating to Garda Vetting.

NATIONAL SAFEGUARDING COMMITTEE

The General Assembly of the Irish Red Cross hereby designates the National Safeguarding Committee (NSC) to assess volunteers and staff Garda Vetting Disclosures where previous convictions or prosecutions whether successful, unsuccessful, pending or completed, have been flagged by the NVB. This committee will have responsibility to assess the information provided by the GV disclosure process, and to make a recommendation on the applicant's suitability to work or volunteer with the Irish Red Cross. In the implementation of this policy, the committee will also convene for the purposes of assessing existing members and staff where certain previous convictions or prosecutions are flagged by the NVB. The Liaison Person will be in attendance at all meetings of the group, except where the disclosure relates to the Liaison Person.

Having a criminal record will not necessarily bar someone from volunteering or being employed with the Irish Red Cross - it will depend on the assessment of the risks involved. This involves the committee assessing when and where the offence took place, and the circumstances surrounding the conviction or prosecution. **The disclosure will be assessed in relation to the applicant's intended role in the Irish Red Cross.** Disclosures of any kind will be dealt with on a case by case basis.



ROLE OF BOARD OF DIRECTORS

If any disclosure raises doubts or concerns about the volunteer's or staff member's suitability, it will be considered by the committee. The decision on accepting or rejecting an applicant following a disclosure will be made by the Board of Directors, taking account of the nature of the disclosure, the circumstances surrounding it (to the extent that they may be known) and an assessment of the risk factors. The committee will recommend to the Board of Directors if the applicant should be accepted with or without restriction. The committee should be provided with all available details about the relevant applicant and the disclosure.

If an applicant is accepted, subject to a restriction due to a disclosure in the course of the Garda Vetting, the Board of Directors will notify the Secretary General of the details of the restriction and the Secretary General will notify the Manager, Supervisor and/or other relevant person to whom the applicant will be reporting of the details of the restriction. A Register of restricted persons will be kept on file and disclosure of details of the restriction will be kept to a minimum to ensure that the restriction is monitored and complied with.

AREAS FOR NATIONAL SAFEGUARDING COMMITTEE CONSIDERATION

Information concerning convictions or prosecutions relating to the following legislation and whether from the Republic of Ireland jurisdiction and/or other jurisdictions requiring assessment by the NSC will include:

- The Child Care Act (1991)
- Domestic Violence Act (1996)
- Non-Fatal Offences against the person Act (1997)
- Protection for Persons Reporting Child Abuse Act (1998)
- Criminal Justice Act (2006)
- The Education and Welfare Act (2000)
- Children's Act (2001)
- Sex Offenders Act (2001)
- Criminal Justice (withholding of information on offences against children and vulnerable persons) Act 2012.
- National Vetting Bureau (children and vulnerable persons) Act 2012 to 2016 Offences against the state
- Sexual Offences
- Offences related to drugs
- Serious road traffic offences such as drunk driving, dangerous driving, hit and run, no insurance and car theft.
- Offences not specifically related to children or other vulnerable persons may still give cause for concern, for example, a prosecution and successful conviction for assaulting an adult.



This list is included as an example and is not exhaustive. For the avoidance of doubt, any disclosures relating to any amendments to the aforementioned legislation and/or to any other relevant legislation enacted after the date of issue of this policy may also require assessment by the committee.

In conducting its assessment, the NSC will also take into consideration other relevant information, including:

- The seriousness of each offence for which there is a conviction or pending prosecution
- Number and frequency of convictions particularly in the last ten years
- Other available Information
- Relevant – previous volunteering
- Character reference
- Recent Legislation
- Soft Information available
- Self-Disclosures

THE GARDA VETTING PROCEDURE FOR MEMBERSHIP OF THE ORGANISATION

All applicants to become a staff member or volunteer with the Irish Red Cross must undergo Garda Vetting. In accordance with section 12 of the National Vetting Bureau (Children and Vulnerable Persons) Act 2012, no person can become a staff member or volunteer with the Irish Red Cross until Garda Vetting process is complete. All other conditions of the membership process must also be completed. Garda Vetting has been an Irish Red Cross mandatory requirement for all those working (in a paid or voluntary capacity) for a number of years. Therefore the introduction of new legislation has simply placed those IRC practices on a statutory footing. All information received is held in the strictest of confidence. The Garda Vetting process is outlined below:

Stage 1 A potential staff member or volunteer is required to fill out a Garda Vetting Application form and return it to the Liaison Person at the Irish Red Cross. If, on the date of the Garda Vetting Application Form being signed, the person is 16 or 17 years of age, written consent from a parent or guardian will be required.

Stage 2 Once the Liaison Person is satisfied that all sections of the form are duly completed the form will be forwarded to the National Vetting Bureau.

Stage 3 The National Vetting Bureau responds to the vetting request by confirming whether any previous convictions appear against the applicant or if any prosecutions are pending. All decisions in respect of the suitability of applicants are the sole responsibility of the Irish Red Cross. The National Vetting Bureau has no input into any decision made in the Irish Red Cross in respect of suitability of an applicant for a position within the Irish Red Cross.



Stage 4 Once the information has been verified and confirmed it is then reviewed by the National Safeguarding Officer and classified as follows:

- No convictions recorded /Low Risk
- Medium Risk
- High Risk

The Irish Red Cross will deal with the information as outlined below:

(a) No Convictions recorded/Low Risk

Where no convictions/disclosures have been recorded, the applicant will be informed and given details of the induction process.

(b) Medium Risk

With regard to Medium Risk, i.e. offences which, within the absolute discretion of the Irish Red Cross, are not considered to pose any risk to children and vulnerable persons, the Irish Red Cross response is different depending on whether or not the applicant openly disclosed the offence:

1. If the offence has not been disclosed the National Safeguarding Committee will discuss and assess the potential risk of the offence and decide whether or not to proceed with their membership if deemed appropriate, the decision-makers may wish to meet with the applicant to seek an explanation for the non-disclosure
 - If a satisfactory explanation is received the membership process will proceed
 - If the explanation is found to be unsatisfactory, the offence will be deemed to be a high risk and be dealt with as outlined in section c below.

(c) High Risk

With regard to serious offences, i.e. offences the nature of which could potentially indicate a risk to children or vulnerable persons, the Irish Red Cross response will be different depending on whether or not the volunteer openly disclosed the offence.

If the offence has not been disclosed the National Safeguarding Committee will meet to discuss and assess the potential risk of the offence. If deemed appropriate, the decision-makers may also meet with the applicant. Other than in very exceptional circumstances, the applicant will be advised that their offence is being treated as a high risk offence.

If the offence has been disclosed the National Safeguarding Committee will meet to discuss and assess the potential risk of the offence. If necessary, the decision-makers will meet with the applicant.



- If there has been evidence of significant rehabilitation and /or evidence of appropriate behaviour modification by the applicant since the event took place, then the applicant will be advised that membership will be processed.
- If there has been no evidence of significant rehabilitation and /or evidence of appropriate behaviour modification by the applicant he/she will be advised that their offence is being treated as a high risk offence and the procedure outlined above will be followed.

Stage 5 Completion of Garda Vetting Procedure - Applicants who have satisfactorily completed Garda Vetting (and all other conditions of the membership process) will be deemed to be members of the Irish Red Cross.

A member/volunteer may be re-vetted if information concerning suitability to work with children and/or vulnerable persons comes to the attention of the Irish Red Cross.

If the applicant has resided outside Ireland for a period of 6 months or more he/she must also furnish a foreign police certificate from the country or countries of residence. This certificate should state that the applicant has received no convictions while residing outside Ireland.

LIFE CYCLE OF GARDA VETTING

In accordance with best practice, Garda Vetting should be sought in respect of each volunteer or staff member approximately every 3 years, or at any time or times within the said 3 year period as deemed necessary by the Organisation. If a member takes a leave of absence from the Organisation, i.e. leaves the country for more than 6 months, upon their return they will be re-vetted. There is an obligation on each volunteer or staff member to inform the Society of any actual or pending conviction or prosecution since they were vetted and therefore they will be re-vetted. Failure to do so may result in the Board of Directors placing the person on administrative leave from all Irish Red Cross activities pending a satisfactory outcome. The Society may also conduct a random re-vetting of any volunteer or staff member at any point during the said period.

DECISION MAKERS – GARDA VETTING

Where it is established that an applicant/existing member has a Garda Vetting Disclosure the following decision makers will make determinations on behalf of the Irish Red Cross.

-  National Safeguarding Committee
-  IRC Board of Directors



DISCLOSURE OF CRIMINAL CONVICTIONS

It is the Irish Red Cross Policy to ask all potential members and staff within the organisation, whether they previously have been convicted of a criminal offence(s), or are the subject of a pending criminal prosecution, which is of a high risk nature that would deem them unsuitable for membership of IRC

If during the course of the recruitment process it transpires that an applicant has a criminal conviction (either by way of Garda Vetting Disclosure or by applicant disclosure) full details of the conviction will be sought and the Garda Vetting process will commence.

RIGHT OF APPEAL

A decision not to confirm membership can be appealed by the applicant to the Irish Red Cross within 14 days of issue of the decision. The appeal should be made in writing to the National Secretary.

As per the Irish Red Cross Constitution, Article 26, a final appeal facility will be provided if the decision of the Board of Directors to remove, or to refuse membership, is not accepted. An External Appeal Tribunal shall hear the appeal. This will comprise of external individuals, with suitable expertise, from one to three in number, who shall be entirely independent of the Irish Red Cross. The decision of this tribunal is final and binding.

RETAINING OF RETURNED GARDA VETTING INFORMATION FORM

The Office of the Data Protection Commissioner advises that: “The content of such disclosures constitute sensitive personal data. Therefore they must be held in a secure manner with access restricted to a small number of authorised personnel”.

Vetting disclosures may only be used for the purpose for which they were provided to an organisation in accordance with the consent of the vetting subject. They cannot be further processed or disclosed to other parties. In relation to retention of vetting information, personal data must be destroyed when the purpose for which it was sought has expired. The Irish Red Cross recommends that vetting disclosures should be deleted every 5 years after they received except in exceptional circumstances and also in line with best practice set out in the Life Cycle of Garda Vetting.

The Office of Data Protection Commissioner states that “the consent given by an individual for vetting is specifically linked to the disclosure of their information to a specific registered organisation to allow the organisation to make an assessment decision about allowing that individual to take on a particular role within that organisation.



RELEVANT PROCEDURES

Data Protection

When the Garda Central Vetting Unit disclose data to an organisation following a vetting application, the organisation is then responsible for that data. The Liaison Person should ensure that the rules of Data Protection are observed in respect of the data including as follows:

- Obtain and process information fairly
- Keep it only for one or more specified, explicit and lawful purposes
- Use and disclose it only in ways compatible with these purposes
- Keep it safe and secure
- Keep it accurate, complete and up-to-date
- Ensure that it is adequate, relevant and not excessive
- Retain it no longer than is necessary for the purpose or purposes
- Give a copy of his /her personal data to that individual, on request
- Keep it for how long?

Section 258 (4) (a) of the Children's Act 2001 states that "A person to whom this section applies should be treated for all purposes in law as a person who has not committed or being charged with or prosecuted for or found guilty of or dealt with for the offences which were the subject of the finding of guilt". Therefore the Garda disclosure sheet will contain "no offence". The offence will be kept on the Garda record, but it will not be disclosed to the Irish Red Cross.

Commitment to Fairness

All members of the committee must in all cases behave without malice, and in every event must act fairly and impartially. They are entitled to reach a decision on the basis of the information before them, but may ask the prospective volunteer or employee for additional information.

Confidentiality

The information disclosed by a person wishing to undertake a role in Irish Red Cross must at all times remain confidential and be treated with the utmost respect.

All personal information received verbally or in writing will be treated as confidential.

It is important that the prospective volunteer or employee feels confident that the details appertaining to their convictions or prosecutions will not be disclosed to the other volunteers with whom they may be working on a regular basis.

Further Information

Contact Details

gardavetting @redcross.ie

Irish Red Cross Head Office Telephone 01 6424600