

Garda Vetting Policy

Approved by: Operations sub-committee

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Next review due: October 2022

One Family's Garda Vetting Policy

Statutory obligations on employers in relation to Garda vetting requirements for persons working with children and vulnerable adults are set out in the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012-2016. Under Section 12, it is compulsory for employers to obtain vetting disclosures in relation to anyone who is carrying out relevant work or activities with children or vulnerable adults. Relevant work is defined in the Act as *'any work or activity which is carried out by a person, a necessary and regular part of which consists mainly of the person having access to or contact with'* children or vulnerable persons.

At present, it is up to each organisation to review the roles of each staff member and decide if the roles involve the applicant undertaking "relevant work".

One Family is clear that we vet all staff whose roles involve working with children and vulnerable persons – so that means all staff who work directly with service users.

Why One Family needs a Garda Vetting Policy

The National Vetting Bureau (Children and Vulnerable Persons) Acts 2012-2016 make it mandatory that any person whose work or activity involves necessary and regular access to children or vulnerable persons must be vetted by the Gardai. Within One Family, this includes all members of the service teams. All other members of the One Family team including volunteers and board members must sign a self-**declaration** affirming their suitability to the role and no known reason they should not work with children or vulnerable persons. This will be periodically updated in line with vetting legislation.

In addition to its mandatory obligations, One Family identifies the policy of vetting by the National Vetting Bureau as an important component of our Child Safeguarding Statement. The organisation is committed to ensuring that all people who are employed, or are volunteers, within the organisation act according to the highest standards in all aspects of their roles and responsibilities to ensure that best practice and safe measures are in place for the young children and vulnerable adults who access our services.

What legislation is there?

The National Vetting Bureau (Children and Vulnerable Persons) Acts 2012-2016 underpins this process. Children First National Guidance for the Protection and Welfare of Children (Department of Children and Youth Affairs, 2017) outlines Garda vetting as a key component for protection of children.

Garda vetting is conducted on behalf of registered organisations only and is not conducted for individual persons on a personal basis. One Family processes our Garda vetting applications through The Irish Vetting Service.

What is the procedure for vetting?

At the Recruitment stage, all interviewees should be asked in their first-round interviews whether there is any reason they are not suitable to work with children or vulnerable persons and their response will be recorded by the interview panel. They will be informed that all service team members will be vetted and all other staff and volunteers are required by One Family to complete a self-declaration form in relation to their suitability to work with children or vulnerable persons and any previous or pending convictions.

In the event of the applicant disclosing convictions, One Family will carry out a risk assessment prior to the Garda vetting process. The details of the disclosure will be verified with the vetting subject, who may be requested to provide further details relating to the incident(s) pertaining. If further information is required the Nominated Garda Vetting Liaison Person (CEO) will make enquiries with the National Vetting Bureau. The Vetting Subject will be informed.

Vetting Procedure:

- All Applicants must fully complete form NVB1. Completed forms are submitted by One Family to The Irish Vetting Service which processes them to the National Vetting Bureau.
- All applicants must provide photo ID and proof of address documents. Accepted forms of identity are as follows:

1. A certified copy of your current passport or Driving Licence / New Learner Permit (new credit card format only), Irish Public Services Card (certified copy is a photocopy of the original document certified as being a true copy by a competent authority (that is, signed by a lawyer, Commissioner for Oaths, medical doctor, justice of the peace, university administrator, local law enforcement officer e.g. Garda Síochána, etc.). Photocopies of certified copies will not be accepted. There may be a cost for this service.
2. Original letter/document confirming proof of current address. The proof of address can be a Utility Bill (e.g. gas, electricity, television, broadband) and must be less than 6 months old. Printed online bills are acceptable. Mobile phone bills are not acceptable.
3. Line managers check and ensure that form is fully completed, and that the consent tick box, signature and date of signature are completed. The form and copies of ID documents are sent to the Office Manager.
4. The nominated Liaison Person completes 'Batch Header' and attaches to Form(s) NVB1 with their original Signature – together with copies of ID documents.
5. Posts to Irish Vetting Services, 39 Milltown Manor, Monaleen, Limerick V94 P6CC, ensuring that appropriate amount payable is included.
6. On receipt of the application forms the Irish Vetting Services input the data on the NVB Database which, if Form NVB1, a link is generated to the Applicants email address from evetting.donotreply@garda.ie
7. The Link remains active for 30-Days. Applicants should check their SPAM folders.
8. On completion of the process the NVB issues a document called a 'vetting disclosure' which Irish Vetting Services will forward to One Family.
9. One Family in accordance with the National Vetting Bureau Act shall, as soon as practicable, make available a copy of the vetting disclosure to the applicant.

10. Vetting disclosures should be retained by One Family safely in line with GDPR regulations as access to vetting disclosures expires 30-days after issue.
11. Procedures for applicants who have resided overseas (outside the island of Ireland) for a period of 6 months or more-are outlined in Appendix A.

What happens with disclosures?

Any information on convictions or cases pending which arises from the Garda vetting process may influence the decision of the organisation to offer employment/engagement. The CEO together with the relevant line manager (or the CEO and a Board Director if a managerial post) will assess the suitability of applicants for positions within One Family regarding any Garda vetting disclosures that may be received in respect of them. Reasonable measures will be taken to ensure the candidate's suitability, which may include contacting the relevant Gardai with the candidate's consent.

One Family considers the following non-exhaustive list to be reasonable grounds to refuse an individual access to positions involving the care of or contact with children or vulnerable adults:

- The individual has been charged with, or has a conviction for, a sexual offence
- The individual has been charged with, or has a conviction for, an offence that relates to the ill treatment or neglect of children or vulnerable adults
- The individual has been charged with, or has a conviction for, the ownership, production, possession or distribution of child pornography.
- Offences against the person, e.g., assault, harassment, coercion;
- Breaches in trust, e.g., fraud, theft, larceny;
- Offences against property e.g., arson, armed robbery;
- Domestic Violence;
- Offences against the state.

Risk Assessment

Any information on convictions or cases pending which arises from the Garda Vetting process may influence the decision of the organisation to offer employment/engagement. Decisions will be made on an individual basis using the following risk assessment:

- One Family's duties in law,
- disclosure at application or interview stage
- the nature of the crime/conviction,
- when it happened,
- the circumstances involved,
- the sentence imposed,
- the age of the candidate at the time of the conviction,
- pattern and number of convictions,
- efforts to avoid re-offending,
- relevance of the conviction(s) to the post,
- safeguards against offending at work,
- reputational risk.

Reasonable measures will be taken to ensure the candidate's suitability, which may include contacting the relevant Gardai with the candidate's consent, to obtain further relevant information.

One Family reserves the right to dismiss an employee if an unacceptable previous criminal conviction(s) record comes to light and/or was not disclosed at application stage.

Data Protection

All information received by One Family through the Garda Vetting process is confidential personal information, One Family will ensure the information is used in accordance with the principles of the Irish Data Protection Acts 1988 to 2018 and the General Data Protection Regulation (GDPR) (EU) 2016/679)

To ensure compliance One Family will:

- Obtain and process the information fairly

- Keep it for only for specified and explicit lawful purposes
- Use it and disclose it only in ways compatible with these purposes
- Keep it safe and secure
- Retain it for no longer than is necessary
- Give a copy of her/his personal data to the individual on request

Dispute Procedure:

Where the Applicant wishes to dispute the information contained on the Disclosure Letter from the Garda Central Vetting Unit, it will be the responsibility of the candidate to address these in writing to the Garda vetting unit.

When are staff members vetted?

Staff and volunteers who require vetting will need to be Garda vetted in advance of having direct contact with service users. Garda Vetting will be sought every three years thereafter in respect of all staff/volunteers or at any time within the said three years, as deemed necessary by One Family.

Appendix A

This procedure is based on that used by the HSE:

<https://www.hse.ie/eng/staff/jobs/recruitment-process/garda-clearance.html>

Applicants who have resided overseas for a period of 6 months or more:

If you lived in any country for 6 months or more from the date of your 16th birthday other than the Republic of Ireland or Northern Ireland it will be mandatory to provide security clearance for each jurisdiction in which you have resided stating that you have no convictions recorded against you while residing there. All appointments will require satisfactory security clearances. Please note if you require overseas security clearance and are unable to produce it at the time of job offer then the job offer may be withdrawn.

Your security clearance must be dated AFTER you left that country and cover the entire period of your residence. Seeking security clearances from other countries (e.g. UK, USA etc) are the responsibility of the candidate. It is a process which can take an amount of time. Therefore if you are interested in pursuing a career within One Family we would strongly advise that you commence seeking international security clearances now.

Note: Candidates who studied outside of the Republic of Ireland or Northern Ireland e.g. in the UK (excluding Northern Ireland), please pay particular attention to this. You will require UK clearance to cover the entire period you were in the UK. Clearance must be dated after you left the UK.

The following websites may be of assistance to you in this regard:

United Kingdom

https://www.acro.police.uk/police_certificates.aspx

<http://www.police.uk/forces/> website will provide you with a link to each police force site in the UK. Click on the relevant force covering the area where you resided. A search under Data Protection or Data Access Request or Subject Access Request will bring you to the relevant section of that Police Forces website.

<https://www.gov.uk/browse/working/finding-job> (this website will provide you with a list of registered agencies to contact in the UK who may process your request for UK clearance with the Criminal Records Bureau).

Australia

www.afp.gov.au website will provide you with information on obtaining a national police clearance certificate for Australia

New Zealand

www.police.govt.nz website will provide you with information on obtaining police clearance in New Zealand.

United States of America

Please note that valid Security/Overseas Clearance from the USA must be obtained from the **FBI only**.

<https://www.fbi.gov/about-us/cjis/identity-history-summary-checks>

FBI Clearance is valid for all of the United States and convictions / remarks occurring anywhere in the United States would be noted. Individual US State Clearance (e.g. New York State Clearance) is not acceptable as it is valid for that State alone and convictions / remarks occurring in other States may or may not be noted.

Other Countries

For other countries not listed above you may find it helpful to contact the relevant embassies who could provide you with information on seeking Police Clearance.

Please do not send us your overseas clearance or any other documentation unless we request it from you. Candidates who accept a job offer will have specified timeline within which to produce the required documentation; otherwise the job offer will be withdrawn.

When requested, a copy of your overseas Clearance will be retained on file and the original returned to you by post.

Note: Any costs incurred in this process will be borne by the candidate.

Appendix B

APPLICANT DECLARATION FORM

It is the policy of One Family to ask all applicants who apply to work in One Family to complete a self-declaration form.

First name: _____

Surname: _____

Address: _____

I declare there is no known reason or event that would render me unsuitable for the post or to work in a child welfare organisation or with vulnerable persons and I declare I have no past or pending criminal prosecutions against me.

SIGNED: _____

DATED: _____