



Garda Vetting Policy and Procedures

Effective from: September 2008

Designated person responsible: Safeguarding Officer

Overall responsibility: IGG Board (Executive Committee)

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INTRODUCTION

Garda Vetting for the Youth Work Sector was formally introduced for new staff and volunteers in September 2006. It is part of the Youth Work sector's commitment to best practice and is a clear example of the sector's efforts to protect young people. The Irish Girl Guides (IGG) spent time putting the appropriate systems and procedures in place in order to deal with this and Garda Vetting was introduced as part of IGG's screening process on the 1st September 2007.

With the introduction of the new National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016 a number of changes were made to IGG's screening process in order to comply with this legislation. 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.

Persons who have on-going contact with children, in the provision of leisure or physical activities (paid or voluntary), other than those who assist '*occasionally*' or in the course of a family or personal relationship, must be vetted. This applies whether the person works alone or accompanied by another adult. Previously, persons applying for such positions were vetted on a non-statutory basis. This Act now makes vetting mandatory. Failure to comply with this duty is an offence under the Act.

The National Vetting Bureau (previously known as the Garda Central Vetting Unit) was set up to carry out the vetting process. Garda vetting is a centralised system. The purpose of Garda vetting is to find out if there is any information with reference to prosecutions, successful or not, pending or completed and / or convictions in respect of an individual. The National Vetting Bureau has asked each youth organisation to appoint a Liaison Person (see page 4 for more information). This person is the contact person for the organisation on all matters relating to vetting. The National Vetting Bureau will only deal with the Liaison Person in each organisation. IGG's Safeguarding Officer is responsible for administering the IGG screening process, including Garda Vetting, and acting as Liaison Person on behalf of IGG.

This Policy and Procedures document has been produced to outline the specifics of the Garda Vetting process and to explain the steps that will be taken following receipt of a negative disclosure as a result of the screening process. Please note that Garda Vetting is only one element of IGG's recruitment and selection procedures, and new volunteers must successfully complete all elements of the screening process before becoming registered members of IGG. The information disclosed through IGG's screening process will 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.

The National Vetting Bureau will not make decisions about an applicant's suitability. It is the responsibility of each organisation to carry out its own decision making following disclosures received. IGG has set up a Safeguarding Ad-hoc Group to support the Safeguarding Officer in her role of decision making, particularly with regard to disclosures made as a result of the Garda Vetting process. In dealing with disclosures, IGG recognises that it is a most sensitive and complex area. The Safeguarding Ad-hoc Group will operate within a clear set of guidelines to provide consistency and to safeguard an individual's rights. Disclosures of any kind will be dealt with on a case by case basis. Please be assured that all disclosures are held within the strictest of confidence.

IGG's screening process which includes Garda Vetting has been put in place, not because of lack of trust with individuals, but rather to protect the children in our care (see definition of a child on page 4). Vetting can help us to build on the relationships of trust we already have with the young people we provide services for, their parents and our fellow workers, either volunteers or paid. It can assist us in delivering higher standards in our recruitment and selection procedures.

Definition of a child

In Ireland, the Child Care Act 1991 defines a child as any person under the age of 18 years, excluding a person who is or who has been married.

The Domestic Violence Act 2018 bans child marriage (i.e. the court ordered exemption will no longer be available).

For the purpose of these guidance notes, and in line with the UN Convention on the Rights of the Child, a ‘child’ refers to anyone who is under 18 years of age. In these Guidance notes it refers to children and young people who are members of the Irish Girl Guides.

***Note:** The terms ‘she’ and ‘her’ have been used throughout these Notes, but the guidance and procedures that follow can also apply to male appointment holders.*

THE GARDA VETTING PROCESS

All Adult volunteers and Unit Helpers (*attending residential events*) must undergo Garda Vetting through IGG .

All potential members of staff who have access with children and/or vulnerable adults as part of their role must also undergo Garda Vetting e.g. Regional Development Officer, Communications Officer, Distribution Centre staff, Support Officer. All staff members attending residential events at which under 18s are in attendance will be asked to complete the Garda vetting process and must successfully complete this before being allowed to attend.

The Garda vetting process is outlined below:

- A potential staff member, Adult Volunteer or Unit Helper (attending residential event) will complete a *Vetting Invitation form* and *ID Validation form*.
- ID Validation is required as part of the vetting process and the applicant must arrange to meet with their IGG Representative as listed on forms to verify identity.
- All completed forms along with copies of supporting identification documents must be forwarded to the Vetting Liaison Person in IGG National Office.
- On receipt of the completed *Vetting Invitation Form* and *ID Validation Form* including supporting identification documents an invitation to the e-vetting website will be sent to applicant’s email address by the National Vetting Bureau. Using the link supplied, the applicant can access the e-vetting website to complete an online *Vetting Application Form*.
- Once the applicant completes the online *Vetting Application form* this is automatically passed to the Liaison Person in IGG to review for completeness before being submitted to the National Vetting Bureau for processing.
- The National Vetting Bureau will process the application accordingly and provide the Liaison Person with information of all prosecutions, successful or not, pending or completed and / or convictions, in respect of an applicant.

The National Vetting Bureau does not provide clearance. It is up to each youth organisation to make the decision regarding the suitability, or otherwise, of that person to become a volunteer or a staff member. The Safeguarding Ad-hoc Group has been put in place to help assess the information provided by the disclosure process, and to make a decision on the applicant’s suitability to work with IGG .

RE-VETTING

All relevant staff and Adult Volunteers will be re-vetted every 3 years in line with good practice.

OVERNIGHT EVENTS IRELAND

All Adult volunteers and Unit Helpers attending overnight events in Ireland must have up to date Garda Vetting to be allowed attend. This applies to all residential events regardless of whether it is a youth and adult or adult only event.

INTERNATIONAL TRIPS

All Adult Volunteers and Unit Helpers travelling internationally must have up to date Garda Vetting. This applies to all international trips regardless of whether it is a youth and adult or adult only event.

THE ROLE OF THE LIAISON PERSON

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

Registration with the National Vetting Bureau is predicated on the clear understanding that the LP will give 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 National Vetting Bureau. Registration is further predicated upon the understanding that all data received from the National Vetting Bureau in respect of any individual is for the sole use of IGG and that the LP gives an undertaking to manage and protect it within the statutory provisions of the Data Protection Act and any other legislation that may be enacted in respect of data protection or Garda Vetting.

The National Vetting Bureau 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 employer and the LP. The LP must adhere to the IGG Child Protection Policy and the *IGG 's Safeguarding and Child Protection Booklet* at all times.

DATA PROTECTION

When the National Vetting Bureau discloses data to an organisation following a vetting application, the organisation is then responsible for the data and must comply with the following Data Protection Principles in respect of the data, i.e.

1. Lawfulness, fairness and transparency – Personal data must be processed lawfully, fairly and in a transparent manner.
2. Purpose Limitation - Personal data must be collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes.
3. Data minimisation – Personal Data must be adequate, relevant and limited to what is necessary in relation to purposes for which they are processed.
4. Accuracy – Personal data must be accurate and, where necessary, kept up to date. Inaccurate personal data should be corrected or deleted.
5. Retention – Personal data should be kept in an identifiable format for no longer than is necessary.
6. Integrity and confidentiality – Personal data should be kept secure.
7. Accountability – An important change for Data Controllers. Under the GDPR, organisations must not only comply with the above six general principles but must be able to demonstrate that they comply by documenting and keeping records of all decisions.

SAFEGUARDING AD-HOC GROUP TERMS OF REFERENCE

Background

Garda Vetting was introduced as part of IGG 's screening process on the 1st September 2007. IGG appointed a Safeguarding Officer who is responsible for administering the IGG screening process, including Garda Vetting, and acting as Liaison Person on behalf of IGG . The Board (Executive Committee) set up the Safeguarding Ad-hoc Group to support the Safeguarding Officer in her role of decision making, particularly with regard to disclosures made as a result of the Garda Vetting process.

Objectives

The Safeguarding Ad-hoc Group has been put in place to help assess the information provided by the disclosure process, and to make a decision on the applicant's suitability to work with the IGG .

Composition

The group shall be composed of at least three members (one of whom should be an active Leader). A Chair will be appointed by the Executive Committee. She will call meetings of the group and chair each group meeting called during her term of office. Other members of this group will be targeted as appropriate depending on the knowledge or expertise required for the conviction and / or prosecution or negative reference e.g. Garda, Social Worker, Reporting Officer.

The Chair, with assistance from the Safeguarding Officer, will compile a list of suitable members for the Executive Committee's approval. The names of the members of the Safeguarding Ad-hoc Group will be kept confidential and names will be appended to the Board (Executive Committee) minutes. This list will be reviewed by the Board (Executive Committee) every three years and the names on the list reconfirmed.

The Safeguarding Officer will act as secretary to the group in a non-voting capacity and provide support. The CEO will be involved with the group initially but not on an ongoing basis.

Working Methods

A meeting of the Group or a telephone conference will be called if an applicant is found to have negative disclosures as a result of Garda Vetting (convictions and / or prosecutions, pending or completed) or negative references (IGG screening reference checks). The Safeguarding Ad-hoc Group will be provided with all available details about the disclosure; however, the applicant's identity will not be disclosed.

Negative disclosures of any kind will be dealt with on a case by case basis. To start the process, the disclosure will be assessed in relation to the applicant's intended role in IGG . All group members will not be asked to attend each meeting or take part in each telephone conference. Suitable members will be called upon to attend a meeting of the group depending on the knowledge or expertise required for a particular case. A vote will take place at the meeting to decide on the applicant's suitability. Each group member present (with the exception of IGG staff) will have a vote. At all stages the Irish Girl Guides confidentiality policy will be adhered to.

Note: Having a criminal record will not necessarily prohibit someone from working or volunteering with the IGG - it will depend on the perception of the risks involved. This involves the Group assessing when and where the offence took place, and the circumstances surrounding it.

Term

The Chair will be appointed by the Board (Executive Committee). The Chair's term of office will run for three years, with the possibility of reappointment by the Board (Executive Committee). There will be no limit to the number of times a Chair can be reappointed. The Safeguarding Officer's term will be ongoing. A list of suitable members will be drawn up and those who agree to be on the list will not be asked to commit to a term of office.

Reporting

In the first five instances when one member of the Group votes against the applicant regarding her suitability to work or volunteer with IGG the case will be brought to the Board (Executive Committee) to discuss and make a decision on. The identity of the applicant concerned will not be disclosed.

The Board (Executive committee) will only be informed when a policy decision needs to be made or if a decision is being appealed.

Budget

A budget will be allocated for legal advice, travel expenses etc.

DECISION MAKING

Disclosures of any kind will be dealt with on a case by case basis. Having a criminal record will not necessarily prohibit someone from working with IGG, it will depend on the perception of the risks involved. This involves the Safeguarding Ad-hoc Group assessing all of the information available i.e. when and where the offence took place, the circumstances surrounding the conviction / prosecution, whether the appropriate declaration regarding criminal offences was made on the Garda Vetting Application form when submitted and the applicant's verbal / written disclosure (see section on "Risk assessment" below). All of this will be taken into account.

Risk assessment

At the start of the recruitment process, the applicant is asked to complete a Garda Vetting Application form which is forwarded to the National Vetting Bureau to carry out checks. If the Garda Vetting report contains disclosures the applicant will be contacted by asked to meet with the Safeguarding Officer to get a verbal confidential disclosure. Factual notes will be taken at the meeting, which should be signed and dated approved by both parties.

In the event that an applicant prefers to disclose this information in writing, she can do so by forwarding it in a sealed envelope marked 'private and confidential' to IGG National Office for the attention of the Safeguarding Officer.

A meeting of the Safeguarding Ad-hoc Group will be called to assess the disclosure and make a decision on the applicant's suitability. There can be a telephone conference regarding risk assessment, and it may not be necessary to call a meeting. The Safeguarding Ad-hoc Group will be provided with all available details about the disclosure; however, the applicant's identity will not be disclosed

Consideration

To start the process, the Safeguarding Ad-hoc Group will assess the disclosure in relation to the applicant's intended role in Guiding taking into account:

- The seriousness of any offence and its relevance to the Guiding appointment in question.
- The length of time since the offence occurred.
- Any relevant information offered by the applicant about the circumstances, for example influence of domestic or financial difficulties.
- Whether the offence was a one-off or part of a history of offending.
- Whether the applicant's circumstances have changed since the offence took place.
- The country in which the offence took place.
- Whether any conviction is spent.
- Whether the offence has since been decriminalised by government.
- The degree of remorse, and motivation for change, expressed by the individual.

- The references received.
- Any other relevant information.

Points specific to the relevant Guiding position include:

- Does the role involve contact with children?
- If considering a restriction, what level of ongoing support is there in the Unit – for example, the number of Leaders and Unit Helpers?
- Does the role involve any direct responsibility for finance, Unit funds, camp equipment etc?
- Will the nature of the role provide the applicant with any opportunity to re-offend?

The answers to these questions, and information gleaned from the references, will allow the Safeguarding Ad-hoc Group to determine whether the disclosed information permits the appointment, and if so, should the appointment be made with or without restrictions.

Natural justice

The principles of natural justice must be applied in all cases and the dignity of the applicant will be maintained and respected. It goes without saying that all members of the Safeguarding Ad-hoc Group must in all cases behave without malice, and in every event must act fairly. They are entitled to reach a decision on the basis of the information before them but may ask the applicant for additional information.

Pre-appointment involvement

While her application is being considered, the applicant may be allowed to work with a Unit but must be supervised at all times by a Warranted IGG Leader.

An applicant must understand that if negative references or disclosures are received, her involvement will be suspended until the necessary investigation has taken place.

If any conviction / prosecution or disclosure is such that the Safeguarding Ad-hoc Group decides that the applicant is unsuitable, then the pre-appointment will be terminated immediately.

Confidentiality

The information disclosed by a person wishing to undertake a role in IGG will 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.

Details appertaining to the applicant's convictions and / or prosecutions will not be disclosed to the other volunteers / staff members with whom she will be working on a regular basis, although her Commissioner may have to be given relevant information where restrictions are imposed.

DISCLOSURES

Unacceptable Offences

The offences listed below are built into IGG 's recruitment and selection process and will not be accepted. The individual will not be allowed to work or volunteer with IGG and will be refused immediately.

- Sex offences
- Murder
- Rape
- Child pornography

What happens if a negative disclosure is received?

If any disclosure raises doubts about the applicant's suitability, it will be considered by the Safeguarding Ad-hoc Group. The decision on making or rejecting an appointment following a negative disclosure will be made by the Group taking into account the nature of the disclosure and the history surrounding it. The Group will decide if the appointment may be made with or without restriction.

The Safeguarding Ad-hoc Group will be provided with all available details about the relevant applicant and the disclosure; however, the applicant's identity will not be disclosed.

The applicant will be informed that the Group is to be convened. This does not mean automatic rejection – only that the Group is trying to achieve the best outcome for all concerned.

At all stage's confidentiality will be adhered to.

The Group Process

The Safeguarding Ad-hoc Group will assess the information provided by the disclosure process and will make a determination on whether or not the applicant should be appointed.

If a negative disclosure is received the Safeguarding Officer will ask the applicant to attend a meeting to discuss it and the circumstances surrounding it. The applicant is welcome to have someone with her at the meeting; however, they are only there for support and will not be involved in the discussion. This meeting will help gain more information from the applicant to assess the disclosure. If the applicant does not want to meet with the Safeguarding Officer, she can provide a written statement. Any such statement should be sent in a sealed envelope marked 'private and confidential' to IGG National Office for the attention of the Safeguarding Officer.

A meeting of the Safeguarding Ad-hoc Group will be called to assess the disclosures and make a decision on the applicant's suitability. There can be a telephone conference regarding risk assessment, and it may not be necessary to call a meeting.

Whether a disclosure is received, voluntarily on the Garda Vetting Application form, or through Garda Vetting Disclosure report, or from taking up references, an assessment of risk must take place. There is a need to identify what risks might be involved and what precautions (if any) need to be put in place in order to provide appropriate safeguards.

Throughout the whole procedure the applicant will be kept informed and the information provided will be kept confidential to those directly involved in the process. The applicant will be notified in writing of the decision made by the Group. The Safeguarding Ad-hoc Group must advise the applicant that she has a right to seek a review if she does not agree with the decision made.

OPTIONS AVAILABLE TO THE SAFEGUARDING AD-HOC GROUP

1. Appointment approved

If, after reviewing all the available information, the Safeguarding Ad-hoc Group is confident that the applicant is able to work within IGG 'S policy to safeguard its members, then the remainder of the process for the registration of any applicant should be followed in the usual way and the appointment confirmed. The applicant is informed of this in writing by the Safeguarding Officer.

2. Restricted appointment

After discussing all the available information, the Safeguarding Ad-hoc Group may feel that the applicant is suitable to work with girls and young women but should avoid any areas where she may be tempted to re-offend. For example, a person with a recent minor conviction involving money could be issued with a restricted appointment excluding her from dealing with cash or other finances. She would need to be placed on a Restricted Appointment and advised of this in writing by the Safeguarding Officer.

In this case, the Safeguarding Officer will flag the applicant's file on the OGM Database as having restrictions. That way if this person tries to apply for a particular position which she would be unsuitable for, the appropriate staff members in National Office, and the appropriate Regional Development Officer would know that there is a question mark over this applicant and therefore contact should be made with the Safeguarding Officer to discuss the applicant's suitability for the Guiding appointment in question.

The sensitive information is stored confidentially on the Safeguarding section of the OGM Database which can only be accessed by the Safeguarding Officer and where necessary IGG 's second Vetting Liaison Person.

3. Appointment denied

If, after discussing all the available information, the Safeguarding Ad-hoc Group feels that the appointment must be denied, the applicant is informed of this in writing by the Safeguarding Officer.

In this case, the Safeguarding Officer will flag the applicant's file on OGM as denied before making them inactive. That way if this person tries to apply again to work with IGG, the Safeguarding Officer will know that they have been denied already.

The right of Review

If an applicant wishes to challenge the decision made by the Safeguarding Ad-hoc Group, she must notify the Safeguarding Officer in writing of her decision to ask for a review, within one month of being informed of the decision. The Safeguarding Officer will inform the CEO of the request for review.

The Chief Commissioner will be invited by the CEO to chair the Review meeting. In consultation with the CEO, the Chief Commissioner will then invite appropriate people to form the panel. Members of the Review Panel will have had no prior involvement in the decision making process of her application. The Safeguarding Officer will provide administrative support.

The Executive Committee has approved a procedure for holding the review. (See Pages 11 & 12) The decision on review is final and binding on all parties. A copy of the review procedure must be given to the applicant.

The Safeguarding Officer will provide the Review Panel with all information received in the disclosure process, including a copy of the Garda Vetting Report, any informal disclosure, the references and all notes from meetings held by the Safeguarding Ad-hoc Group in relation to this case.

All notes (dated and signed) made during the meeting(s) and any documentation or other information used in reaching the decision will be kept securely filed by the Safeguarding Officer at IGG National Office.

PROCEDURE FOR HEARING BY REVIEW PANEL

1. BACKGROUND

The Review Panel is constituted in accordance with the IGG screening procedures. The Panel will be formed at the request of the applicant for a review of the decision made to reject her application, or to make the appointment subject to conditions, in the light of information received in the course of those procedures.

The review will be dealt with informally. The procedure to be followed by the Review Panel will be decided by the Chair, whose decision is final, and will take the form set out in this paper unless the Chair decides otherwise.

The applicant may, if she wishes, be accompanied by a supporter at the hearing but the supporter will not be entitled to take part in the hearing unless invited to do so by the Chair. The applicant is not entitled to be accompanied by more than one supporter. No party to the hearing is entitled to have legal representation.

2. PROCEDURE FOR ARRANGING THE HEARING

The hearing will be arranged at the earliest convenient date.

The applicant will be notified by letter before the hearing of alternative proposed dates, and the place and time at which the Panel will meet. The applicant will be asked to respond within 14 days:

- confirming that she wishes to proceed with the application;
- selecting the proposed date of the Panel hearing convenient to her; and
providing the name of the individual who will attend as a supporter (if any).

She will also be asked to sign and return a copy of the Review Procedure, confirming that she will comply with the procedure and will abide by its outcome.

The applicant will then be notified of the confirmed date, time and place of the review hearing, and provided with the information set out at 4 overleaf.

3. PROCEDURE AT HEARING

The Chair will begin introducing the members of the Panel by name and position in Guiding. She will ask for the name of the applicant's supporter (if any). She will then outline the process the hearing will take (as set out below).

(1) The Chair will read out the response received from the Garda Vetting Report, a summary of the relevant disclosure (if any) made in the references received, and any other written information relevant to the decision under review.

(2) Comments by the applicant (if she wishes to do so) on the information read out by the Chair, and to state her own position.

(3) Questions by the Panel of the applicant.

(4) A summary of the position by the Chair.

(5) Comments (if any) by the other members of the Panel.

(6) Final representations by the applicant.

(7) Explanation by the Chair to the applicant that the Panel will consider its decision, which will be communicated by letter to her within fourteen days. The Letter will give reasons for the decision if the application is rejected.

4. DOCUMENTS AVAILABLE TO THE HEARING

The Panel and the applicant will both have seen the information supplied by the Garda Vetting Report, the applicant's application form, and any correspondence from the applicant.

The Panel, but not the applicant, will have seen the written references, or notes of the verbal references, taken up for the applicant from the referees named on the Application form, and given in confidence.

5. APPLICATIONS REJECTED AFTER REVIEW

The Irish Girl Guides has many years of experience of making appointments of adult leaders. Throughout that time, its priority has been to ensure the protection of the interests of the children involved in Guiding activities, and the reputation of the organisation itself. Necessarily the organisation adopts a careful approach to appointing adult leaders, and in cases of doubt, will generally adopt the more cautious approach of declining to make the appointment.

There is no further review following the decision of the Review Panel that an application should be rejected, or restrictions confirmed. The decision of the Panel whether to approve or reject an appeal is accordingly final and binding on all concerned.

6. CONFIDENTIALITY

The proceedings of the Review Panel are confidential. Its records are maintained in accordance with the applicable provisions of the General Data Protection Regulation (GDPR) 2018 and Data Protection Acts 1998 to 2018. The organisation maintains a restricted list which includes the names of applicants for appointments which cannot be approved, against which names of all applicants for appointment are automatically checked as part of the organisation's procedures.

In the event of an unsuccessful application to the Panel for review, the name of the applicant will be entered on the organisation's restricted list. No further application for appointment or variation of a restriction will be considered by IGG for a minimum of 5 years after a decision has been made by the Review Panel.

7. RESTRICTED APPOINTMENTS

The Review Panel has the right to consult with the appropriate Regional Commissioner before recommending that an appointment to be made should be subject to restrictions which are appropriate to the issues disclosed. This is to ensure that the proposed restrictions are workable in practice.