
Garda Vetting Policy

Turas Training

Approval date: May 2019

Revision date: April 2020

Notes

Accessing the Garda Vetting System

In order to administer the process of garda vetting effectively, organisations are required to contact an agency that has a garda approved and trained 'authorised Signatory', whose role is the management of vetting applications and disclosures. While larger organisations (of more than 100 staff) may have their own authorised signatory, most organisations will need to be affiliated with an organisation that has a designated authorised signatory.

To complete this policy it is necessary to have an agency with an authorised signatory agree to process your organisations garda vetting. For those with HSE funding, there are a number of authorised signatories attached to the HSE. In some areas this will be extended to community and voluntary organisations, although it should be noted that not all HSE offices will undertake this role. Other organisations that may assist in processing vetting forms may include the National Youth Council Ireland (for any service with an under 18 focus). Not-for-profit organisations with no recognised signatories can access Garda vetting services through their local Volunteer Centres: (Dublin City North – 872 2622) or (Dublin City South – 473 7482) at <http://www.volunteerdublin.ie/>.

Hiring People with Past Offences

Under Section 26 of the Sex Offenders Act 2001, it is an offence for a sex offender to "apply for work or to perform a service (including State work or service) which involves having unsupervised access to, or contact with children or mentally impaired people without telling the prospective employer or contractor that you are a sex offender".

However concerning other types of offences, it is up to the employer to conduct their own risk assessment and determine what constitutes a risk. This should be formally managed on a case by case basis.

Organisations should be conscious of not initiating policies that prohibit needlessly against rehabilitated individuals. Risk assessments should also be specific to the particular roles, for example risk concerning fraud is more likely to pose a risk for someone with financial responsibility. This should be reflected in the policy.

1. Policy Statement

- 1.1. The garda vetting policy is concerned with TURAS's role as a provider of services in relation to the eligibility and recruitment of staff and volunteers working with children or / and vulnerable adults.

2. Purpose

- 2.1. To ensure best practices in recruitment and selection procedures whereby eligibility to work/volunteer is contingent upon the successful completion of appropriate garda vetting checks through the Garda Central Vetting Unit.
- 2.2. To identify conditions whereby individuals may be deemed inappropriate for employment/volunteering at TURAS.

3. Scope

- 3.1. This policy applies to all TURAS employees and volunteers who will have unsupervised access to children or vulnerable adults.
- 3.2. Students should be garda vetted through their relevant educational provider.

4. Glossary of Terms and Definitions

- 4.1. Garda Central Vetting Unit (GCVU) - provides a vetting service for services within Ireland.
- 4.2. Authorised signatory - the liaison person between the requesting organisation and the GCVU.

5. Principles

- 5.1. Responsibility for organising garda vetting lies with the organisation.
- 5.2. An individual cannot work/volunteer with children unless they have been garda vetted. Individuals can, in certain circumstances, work/volunteer with vulnerable adults whilst the garda vetting process is ongoing. However such individuals must be supervised.
- 5.3. Having a criminal record should not automatically exclude someone from employment/volunteering unless this relates to the offences outline in 8.1. Employment decisions should take into account the individuals potential for change and reflect balanced judgement. A objective assessment should be undertaken, which considers and recognises:
 - 5.3.1. the individuals abilities, skills, experiences and qualifications,
 - 5.3.2. the nature of the conviction and its relevance to the job,
 - 5.3.3. the length of time since the offence took place,
 - 5.3.4. the risk to the service users, employees and organisation,
 - 5.3.5. Training which may have occurred while the individual was in prison.

6. Process

- 6.1. All applications will be processed by an 'authorised signatory' who is trained by the Garda Vetting Unit in the management of vetting applications and disclosures. TURAS has access to an 'authorised signatory' through the following consortium: (HSE, Garda Vetting Network, DSP, when the results come back from the GCVU, the authorised signatory will provide confirmation to the employer.
- 6.2. There is one named person within the organisation to whom the consortium will pass on relevant material. This person will be named as the 'Garda Vetting Contact Officer' (GVCO). This individual is the Project Manager; it is their duty to comply with the policies of the vetting consortium relative to information and support.
- 6.3. It is the responsibility of the GVCO to make sure staff/volunteers accurately complete the relevant garda vetting forms, and that forms are sent to the authorised signatory. Garda vetting forms should:
 - 6.3.1. be completed in full otherwise the process will be delayed,
 - 6.3.2. Be accompanied by a 'batch header' (this is part of the garda forms), which should accompany any forms sent.
- 6.4. The standard garda vetting form only covers addresses in the Republic of Ireland and Northern Ireland. Individuals who have lived overseas for a period of 6 months or more may be required to

provide proof of non-convictions from their country of prior residence. In the event that the individual is unable to provide a certificate from the country in which they were resident, it must be shown that all efforts have been made to receive this. Such situations may include individuals who have travelled on J1 working holiday visas, or individuals who are from countries where police clearance certificates may be difficult to obtain.

- 6.5.
- 6.6. The certification process and vetting results are not portable for the individual. Each new employer must apply separately, even if engaging an individual already vetted elsewhere.
- 6.7. Vetting is also time sensitive; it is only valid at the time it is done. TURAS reserves the right to initiate garda rechecking at any time.

7. Confidentiality

- 7.1. All information in the vetting process will be held in a manner consistent with the organisations confidentiality policy.
- 7.2. The authorised signatory and the organisation they are in are responsible for the security and safeguarding of any records that are kept, under the strict provisions of Data Protection laws. Records are generally kept for no longer than 3 months once the employer is satisfied with the veracity of the results.

8. Circumstances for the Withdrawal of the offer to Work/Volunteer.

- 8.1. TURAS considers the following as reasonable grounds to refuse an individual access to employment within the organisation:
 - 8.1.1. the individual has been charged with, or convicted of a sexual offence;
 - 8.1.2. the individual has been charged with, or has a conviction for, an offence that relates to the ill treatment of a child, or a vulnerable adult;
 - 8.1.3. The individual has been charged with, or has a conviction for, the ownership, production or distribution of child pornography.
- 8.2. TURAS considers the following list of offences to be relevant, and each case will be considered in a case by case basis:
 - 8.2.1. offences against the person, e.g. assault, harassment, coercion;
 - 8.2.2. breaches in trust, e.g. fraud, theft, larceny;
 - 8.2.3. offences against property e.g. arson, armed robbery;
 - 8.2.4. domestic violence;
- 8.3. TURAS is conscious of not initiating policies that prohibit employment needlessly against rehabilitated individuals. Such cases will be objectively determined on a case by case basis in accordance with the criteria outlines in 5.3.
- 8.4. Risk assessments should also be specific to the particular roles, for example risk concerning fraud is more likely to pose a risk for someone with financial responsibility. The level of risk relative to the position should be determined by management.
- 8.5. All decisions for a withdrawal of an offer of work or voluntary placement will be proposed by the Project Manager and approved by the Management Committee.

9. Appeal Process

- 9.1. While the focus is on protecting children and vulnerable adults, there are also safeguards and due processes for those being vetted, including the right to appeal.
- 9.2. Appeals should be made in writing to the Project Manager within 14 days of issue of the decision.