



GUIDANCE ON GARDA VETTING PROCEDURES

INTRODUCTION

The Church of Ireland (COI) has been undertaking Garda Vetting of its bishops, clergy, staff and volunteers since 2006. The processing of vetting applications is conducted through the Church of Ireland Safeguarding Board.

The National Vetting Bureau Act (Children and Vulnerable Persons) 2012-2016 provides the legislative basis for the mandatory vetting of persons who wish to undertake certain work or activities relating to children or vulnerable persons. It places vetting on a statutory basis, making it a criminal offence for organisations not to "receive a vetting disclosure from the Bureau in respect of that person" for individuals who undertake "relevant work or activities" with children or vulnerable persons.

Following the commencement of the National Vetting Bureau Act 2012-2016, the processing of vetting applications for COI bishops, clergy, staff and volunteers is conducted via the online Garda vetting application system.

WHAT IS RELEVANT WORK OR ACTIVITIES?

The National Vetting Bureau Act (Children and Vulnerable Persons) 2012-2016 defines relevant work or activities relating to children as including, amongst other things:

- 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 in an establishment which provides pre-school services.
- Any work or activity which consists of care or supervision of children.
- Any work or activity which consists of the provision of educational, training, cultural, recreational, leisure, social or physical activity to children.
- Any work or activity as a minister or priest or any other person engaged in the advancement of any religious beliefs.
- Any work or activity which consists of the provision of advice, guidance, or developmental services (including by means of electronic interactive communications) to children.

The Act shall not apply where a person gives assistance on an occasional basis and for no commercial consideration at a school, sports or community event or activity, other than where such assistance includes the coaching, mentoring, counselling, teaching, or training of children or vulnerable person. Each relevant organisation will have to assess the positions involved in accordance with the Act.



WHO NEEDS TO BE VETTED?

Anyone who applies to undertake any of the following positions must undertake Garda Vetting:

- Clergy
- Bishops
- Paid youth workers and paid children's workers
- Diocesan youth officers
- Staff of the Church of Ireland Youth Department
- Staff whose role includes child protection responsibilities
- Youth group/club leaders
- Play scheme, holiday club and summer camp leaders
- Sunday School/Club teachers and leaders
- Church crèche leaders and supervisors
- Persons in charge of parent and toddler groups
- Organists and assistant organists
- Worship band members
- Choir masters/mistresses where there are children in the choir or there is a junior choir
- Supervisors of junior choirs or choirs with child members
- Girls' Friendly Society staff, leaders and helpers
- Junior table tennis club coaches/leaders/supervisors
- Junior tennis club coaches/leaders/supervisors
- Junior badminton club coaches/leaders/supervisors
- Bellringing teacher/supervisor where there are under 18s participating
- Messy Church teachers/leaders
- Parish drama/theatre group directors/leaders/supervisors where there are child members of cast
- Those employed in Education Departments in Cathedrals
- Those employed in pre-schools, Montessori, playschool, crèches operated by parishes
- Tour guides in churches and Cathedrals
- Anyone who visits parishioners within parishes
- Junior Helper (16-17 years old) assisting with any church's ministry with children
- Panel members
- Caretaking staff who would be on premises at the same time as children's activities
- Cleaning staff who would be on premises at the same time as children's activities



This list is not exhaustive and there may be other roles that need vetting. If you are unsure if a role needs to be vetted or not, please contact the Vetting Liaison Officers in Church House.

The parish/dioceses must be in receipt of the vetting disclosure before the individuals are permitted to undertake the any positions involving interaction with children or adults at risk.

HOW PARISHES/DIOCESE AVAIL OF VETTING THROUGH THE CHURCH OF IRELAND SAFEGUARDING BOARD

Each parish must first complete and return a service level agreement, signed by the incumbent or a person designated by him/her before a vetting service can be provided by the Church of Ireland Safeguarding Board.

The incumbent or designated person is the 'vetting contact person'.

Each parish is an 'affiliate'.

The 'authorised signatory' is now the 'liaison person'.

The legislation requires a new vetting application to be submitted to the National Vetting Bureau in respect of each employment. Parishes and dioceses will be viewed as separate entities requiring a new vetting application for all bishops, clergy, staff, and volunteers in each setting, except where there is a shared agreement for joint events.

E-VETTING PROCESS

STEP 1

The vetting applicant receives a Vetting Invitation Form (**NVB 1**) from the incumbent which is completed, signed, and **returned to the incumbent** accompanied by the documents necessary for identification verification. (In order for the identity to be validated, documents totalling 100 points must be provided to the incumbent - see appendix for list of documents accepted and points value).

STEP 2

The incumbent verifies the ID and signs and dates it in the presence of the vetting applicant. The verified copy of the ID documents must be kept on file with the original signed NVB1 form for the lifetime of the vetting.

The NVB1 form must be completed, signed, and dated by the vetting applicant and the declaration box must be ticked.

STEP 3

Incumbent emails a copy of the form to vetting.admin@rcbcoi.org, or posts **a copy of** the Vetting Invitation Form to the Vetting Liaison Person, Church of Ireland Safeguarding Board, Church of Ireland House, Church Avenue, Rathmines, Dublin 6, D06 CF67, **retaining the original** signed invitation form and photocopy of ID documents.

STEP 4



The liaison person reviews the form and if completed correctly, the applicant is emailed a unique reference number and link inviting them to complete and submit a vetting application form online.

STEP 5

The applicant completes the online application form, and it is submitted to the liaison person on the online system for review. If the application is in order, the liaison person submits the application to the National Vetting Bureau (NBV).

STEP 6

The NBV processes the application and emails a vetting disclosure (final vetting document) to the Church of Ireland Safeguarding Board.

STEP 7

The Church of Ireland Safeguarding Board liaison person forwards the vetting disclosure to the vetting contact person in the affiliate. A copy of the vetting disclosure must be provided by the affiliate to the applicant on request.

The parish will be obliged to retain a copy of the identity documents and the vetting disclosure in line with GDPR and *Safeguarding Trust* guidelines, **for the lifetime of the vetting**, (when the applicant concerned leaves the position or is re-vetted).

VETTING OF 16- AND 17-YEAR OLDS

The 16/17-year-old must complete the Vetting Invitation Form (**NVB1**). Please note that the email address and the contact number **must be that of the parent or guardian**.

The form must be completed, signed, and dated by the vetting applicant and the declaration box must be ticked.

The parent or guardian must complete a Parent/Guardian Consent Form (**NVB3**) to accompany the (**NVB1**) Form.

The Incumbent emails a copy of the form to vetting.admin@rcbcoi.org, or posts **a copy of** the Vetting Invitation Form to the Vetting Liaison Person, Church of Ireland Safeguarding Board, Church of Ireland House, Church Avenue, Rathmines, Dublin 6, D06 CF67, **retaining the original** signed invitation forms and photocopy of ID documents.

WHAT WILL BE INCLUDED IN THE VETTING DISCLOSURE?

The vetting disclosure will include:

Particulars of a criminal record (if any) and/or pending prosecution relating to the person and a statement of the specified information (if any) relating to the person which the Chief Bureau Officer has determined in accordance with Section 15 of the Act should be disclosed, or state that there is no criminal record or specified information in relation to the person. A Vetting Disclosure which discloses no criminal record, pending prosecution or specified information is described as a Nil Disclosure.



Certain convictions, to which section 14A of the National Vetting Bureau Act apply, shall be excluded from the vetting disclosure made by the Bureau in respect of the person. This section applies to District Court convictions only.

Specified information is information that is considered to give rise to a bona fide concern that the vetting subject may harm, attempt to harm, or put at risk a child or vulnerable person or both. If such information is going to be disclosed to a relevant organisation relating to one of their applicants, the Chief Bureau Officer must, in advance notify the vetting subject of the intention to disclose the information. An appeals process is in place in relation to the disclosure of specified information.

ASSESSMENT OF DISCLOSURE RECEIVED

A vetting disclosure is received after completion of every vetting application. In the event of a disclosure of a conviction, pending prosecution or specified information arising from the Garda Vetting procedure, the application of the individual concerned will be considered by the Panel to decide regarding the suitability, or otherwise of that person to be appointed to the role.

It is important to note that a disclosure of a conviction/prosecution or specified information, as a result of Garda Vetting, will not necessarily prevent a vetting applicant from being appointed to a certain role. Each disclosure will be assessed on a case-by-case basis. The COI recognises that a criminal record is not necessarily an indicator of the current or future behaviour of an individual and that there is a point at which an individual is entitled to put their past behind them. However, there are also convictions to which this type of approach is not appropriate for these purposes.

The Panel will initially contact the vetting applicant for confirmation that the information contained in the vetting disclosure is accurate. The vetting applicant may be invited to attend a meeting to discuss the disclosure and the circumstances surrounding it.

If the vetting applicant disputes the details in the vetting disclosure, the applicant should outline in writing to the Liaison Person in the Church of Ireland Safeguarding Board the exact basis of their dispute. The Liaison Person should submit the Applicant's report to the NVB. Further checks will be carried out by the NVB who will correspond with the Liaison Person.

In making a decision, the Panel will consider that nature of the conviction/prosecution or specified information and the details surrounding it. The Panel may, in its discretion, also consider other items such as, but not limited to, the following:

- The length of time since the offence
- If the individual has disclosed the offence on their application form
- The individual's conduct since the offence
- Nature of the offence and any relevant information offered by the individual about the circumstances, for example influence of domestic or financial difficulties
- Scale of the offence
- Whether the offence was a one-off or part of a history of offending
- Restorative justice – allowing the individual an opportunity of rehabilitation
- Whether the individual's circumstances have changed since the offence took place



- Whether the offence has since been decriminalised by subsequent legislative changes
- The degree of remorse, and motivation for change, expressed by the individual
- The Panel may seek the opinion of the Child Protection Officer on the suitability of the individual. In obtaining this opinion the Panel will have to divulge the details of the convictions, prosecutions or specified information recorded against the individual to the Child Protection Officer
- The references received, if any.

In carrying out their work, the Panel will apply the following safeguards:

- Ensure that detailed written records of the decision are retained. All these records are subject to the provision of the General Data Protection Regulation (GDPR) 2018
- In the event where an interview is necessary – ensure that a witness is present.

CONVICTIONS / PROSECUTIONS / SPECIFIED INFORMATION

Disclosure of certain types of convictions/prosecutions will automatically preclude an applicant from working with children in the COI. Examples of offences that will automatically prohibit an individual from working with children in the COI are:

- Any offence of a sexual nature
- Any offence against a child or of a child abuse or pornography
- An offence that causes serious bodily harm
- Any offence of murder or manslaughter
- An offence of kidnapping
- A series of continuous offending that might cause concern for the well-being of children and/or vulnerable adults
- Any charges concerning child abuse or child pornography pending trial by the Director of Public Prosecution
- Any other offence or specified information that might give the Panel reason to believe that the applicant is unsuitable to work with children and/or vulnerable adults.

Following the decision-making process, the Panel will determine the application as follows:

- Appointment approved - Having reviewed all the available information the Panel is satisfied that the individual is suitable to work with children and/or vulnerable adults subject to adherence to the Code of Conduct
- Appointment subject to restrictions - Having reviewed all the available information the Panel is satisfied that the individual is suitable to work with children and/or vulnerable adults but should avoid any areas where there may be opportunity to re-offend. For example, a person with a recent minor conviction involving money could be issued with a restricted appointment excluding them from dealing with cash or other finances. If an appointment is approved subject to any restrictions, the acceptance and terms of the restriction should be confirmed in writing in the volunteer agreement or staff contract



- Appointment refused - Having reviewed the available information, the Panel recommend that the vetting subject is unsuitable to work with children or vulnerable adults. The Panel's decision will be made in writing to the vetting subject.

OVERSEAS POLICE CLEARANCE

The legislation provides that a vetting disclosure must be obtained in respect of all bishops, clergy, staff, and volunteers undertaking relevant work and this includes individuals from outside the State that have never resided in the State. However, as the National Vetting Bureau does not conduct vetting in relation to addresses outside of the Republic of Ireland and Northern Ireland, in instances where an applicant discloses foreign addresses, the applicant will be required to complete a Worker from Abroad form and self-declare convictions, if any, while residing abroad. This will be in addition to obtaining a vetting disclosure for that person.

SHARED VETTING

The National Vetting Bureau (Children and Vulnerable Persons) Act 2012-2016 does not permit an organisation to share a vetting disclosure with another organisation. However Section 12(3) (A) of the Act provides that where there is a joint agreement in writing between two relevant organisations (as defined in the Vetting Act), agreeing to the employment, contracting, permitting or placement of a person, it is a *defence* in any prosecution under the Vetting Act to show that the other organisation had received a vetting disclosure from the NVB, in respect of that person's employment, contracting or placement. This provision of the Act may be utilised in circumstances where parishes are working together on a children's activity, or a diocese is organising a children's event involving several parishes.

An agreement (see appendix) can be entered into between the two parishes organising a joint event whereby in advance of the event, one parish can confirm to the other that it has received a vetting disclosure for an individual that will be undertaking relevant work at the event. Best practice would be that the copy of the shared agreement document is shared and placed on the records of both parishes, in order that there is a copy available if required in future.

An agreement can be entered into between a parish and the diocese where a diocesan event is being held whereby in advance of the event the parish can confirm to the diocese that they have received a vetting disclosure from an individual that will be undertaking relevant work at the event. Advice on these shared vetting agreements can be sought from the Child Protection Officer.

RE-VETTING REQUIREMENT

From the 1 January 2019 *Safeguarding Trust* requires that all current bishops, clergy, staff, and volunteers be subject to re-vetting **every 4 years**. Panels should notify staff and volunteers when re-vetting is due. Staff and volunteers will be given the Garda Vetting form and asked to return it to the incumbent with their documents for identification verification within one month. Failure to fill in the form may result in disciplinary action as laid down in the parish/diocesan complaints and disciplinary procedure. The diocesan office shall ensure that bishops and clergy are notified when re-vetting is due. Bishops and clergy will be given the Garda Vetting form and asked to return it to the diocesan office with their documents for identification verification within one month.



There is an obligation on a bishop, clergy, volunteer, or staff member to inform the parish/dioceses of any actual or pending conviction or prosecution since they were last vetted and therefore, they will be re-vetted.

100 POINT VERIFICATION TABLE

To establish identity for vetting purposes, an individual must provide documentary proof of each of the following:

Valid Photographic ID; to include name and date of birth

Evidence of current address. (Statements from store cards/catalogue companies or Mobile phone bills are not acceptable)

Documents to verify identity: (Applicant must attain 100 points to verify identity)	Points
Irish driving licence or learner permit (credit card format)	80
Passport (from country of citizenship)	70
Irish certificate of naturalisation	50
Birth Certificate	50
Garda National Immigration Bureau card	50
National Identity card for EU/EEA/Swiss citizens	50
Employment ID	
• ID Card Issued by employer (with name and address)	35
• ID Card Issued by employer (with name only)	25
Letter from employer (within last two years)	
• Confirming name and address	35
P60, P45 or pay slip with home address	35
Utility bill (must be less than six months old. Printed online bills are acceptable. Mobile phone bills are not acceptable).	35
Bank/Building Society/Credit Union Statement	35
• Credit/debit cards/passbooks (only one per institution)	25
National Age Card (issued by An Garda Síochána)	25
Membership card	
• Club, union or trade, professional bodies	25
• Educational institution	25
Correspondence	
• From an educational institution/ SUSI/CAO	20
• From an insurance company regarding an active policy	20
• From a bank/credit union or government body or state agency	20
Children under 18 years (any one of the following)	
Birth certificate	100



Passport	100
Written statement by the principal confirming attendance at educational institution on a letter head of that institution	100
Recent arrival in Ireland (less than 6 weeks)	
Passport	100
Vetting Subject is unable to achieve 100 points	
Affidavit witnessed by a Commissioner for Oaths	100

The ID documents must be signed and dated by the incumbent/designated vetting contact in the presence of the vetting applicant.

The verified copy of the ID documents must be kept on file with the original signed NVB1 form for the lifetime of the vetting.

Example Agreement to share vetting Information

Introduction

Sharing of vetting information for those purposing to carry out the same role in two different organisation is permitted under Section 12 (3) of National Vetting Bureau (Children and Vulnerable Persons) Act 2012-2016. In these circumstances, it is recommended that an agreement is developed between the organisations which sets out the sharing of the disclosure. It must be understood that sharing of such information can only be done with the permission of the subject of the disclosure alongside the agreement of the two organisations who wish to share vetting information.

Section 1- this should be completed by the two organisations who wish to share vetting information

This agreement sets out the arrangements for sharing of Garda vetting disclosures, as covered under Section 12.3 (A) of the National Vetting Bureau (Children and Vulnerable Persons) Act 2012-2016 between:

(A) INSERT NAME OF ORGANISATION WHO HAS CONDUCTED THE VETTING CHECK

And

(B) INSERT NAME OF ORGANISATION WHO WISHES TO ACCESS VETTING INFORMATION FROM

And

(C) INSERT PERSON WHO IS THE SUBJECT OF THE VETTING DISCLOSURE

1. The person who is the subject of the vetting check completes Section 2.
2. (A) confirms to (B) that a vetting disclosure has been received from the National Vetting Bureau in respect of the person named above.
3. (C) will not be allowed to commence relevant work or activities until such time as the Vetting Disclosure has been received and considered by (B).
4. Upon receipt of the disclosure (B) shall be responsible for assessing the suitability of the applicant for the stated relevant work and informing them of the outcome.

Signature of representative of Organisation A

.....

Date.....

Signature of representative of Organisation B

.....

Date.....

Section 2- To be completed by the person who is the subject of the disclosure

I [NAME OF APPLICANT] _____ give my consent for a Garda vetting check to be conducted to enable me to carry out relevant work relating to children and vulnerable adults as defined in the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016).

I understand that (A) is sharing Garda vetting with (B) and I give my consent for the disclosure to be shared with appropriate representatives of (B) when considering my application to carry out relevant work.

Signature of applicant

.....

Date.....

Signature of witness

.....

Date.....