

# Information Pack on Garda Vetting for the Youth Work Sector



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- **Garda Central Vetting Unit (GCVU)**

The Garda Central Vetting Unit (GCVU) provides the only official vetting service in the Republic of Ireland. Local Garda stations **DO NOT** provide vetting at a local level.

The Unit can be contacted at:-

Garda Central Vetting Unit/Garda Criminal Records Office  
Racecourse Road, Thurles, Co. Tipperary.

Tel: Lo-Call 1890 488 488/+353 504 27300

Office Hours: Monday to Friday, 9am-5pm

- **Youth Work Garda Vetting Consortium**

A Garda Vetting Consortium operates on behalf of other organisations which do not have access to an Authorised Signatory within their own organisation or through another Consortium Group.

The Youth Work Garda Vetting Consortium operates a vetting service on behalf of youth organisations and is based in the Child Protection Programme at the National Youth Council of Ireland.

- **Authorised Signatory (AS)**

The person handling the applications must be an Authorised Signatory, this is someone who has had their background checked and has received formal training through the GCVU, which includes making a commitment to maintaining confidentiality and professionalism with regard to this process. The Authorised Signatory is the individual who is registered with the GCVU and who processes and signs the Garda vetting forms.

- **Nominated Contact Person in the Youth Work Garda Vetting Consortium**

Nominated Contact Person is the individual who processes the Garda vetting forms on behalf of their organisation and who liaises with the AS in NYCI.



# Background

## 1 What is Garda vetting?

Garda vetting is a procedure through which An Garda Síochána is asked, with a person's permission, to disclose any information held about them on police file.

Within current disclosure policy, details of all convictions and/or prosecutions, successful or not, pending or completed, in the State or elsewhere as the case may be, are disclosed to the authorised liaison person (the Authorised Signatory) in the registered organisation.

Garda vetting is an important part of staff and volunteer recruitment but should be seen as one part of a much wider process in making sure that a person is suitable to work with children or vulnerable adults and should be undertaken alongside the following:

- A child protection policy
- An application form
- Face to face interviews
- References thoroughly checked and recorded
- Ongoing support, supervision and evaluation

## 2 Is it a legal requirement to Garda vet all staff and volunteers who work with children and young people?

Other than prospective State employees, those performing and contracted to perform State services, there is currently **no general legal requirement** that employees/volunteers working in areas such as youth work, must have vetting completed. However, in the absence of legislation that may require an organisation to carry out the vetting of applicants who work with children or vulnerable adults, it is still seen as a form of good practice and as a core and key element of good recruitment and selection procedures to have all such applicants vetted prior to them commencing work within your organisation.

Since September 2009 the voluntary, community and youth sectors have chosen to embrace vetting and continue to carry out background checks on individuals in addition to other forms of recruitment and selection criteria, such as references, conducting interviews and pre-training of personnel.

However, the National Vetting Bureau Bill that has been proposed is to 'provide a statutory basis for the vetting of applicants for employment and employees, including vetting to identify particular information relating to the endangerment, sexual exploitation or sexual abuse, or risk thereof, to children and vulnerable adults. It is proposed that the Bill will also provide for the establishment of a National Vetting Bureau for the collection and exchange of both 'hard' and 'soft' information for vetting purpose.

### **3 Who should be Garda vetted?**

Garda vetting is 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, through which they have unsupervised access to children and/or vulnerable adults.

### **4 What about junior leaders under 18 years of age?**

It is possible to access Garda vetting for young people aged 16-18 years of age, however the application must be accompanied with a signed parental consent form, which is available from the GCVU.

However, it is best practice to ensure that junior leaders under 18 years of age are supported by an adult(s) and do not have overall supervision responsibility for a group of young people.

## 5 | How is a vetting application processed?

The procedure is as follows:

- Personnel who are subject to Garda vetting will receive an application form from the registered organisation where they are seeking a position.
- The applicant completes the application form and returns it to the recruiting organisation. He or she must sign the form, thereby providing authorisation for the Garda vetting process.
- The authorised liaison person in the registered organisation sends the form on to the GCVU.
- Garda vetting checks on the applicant are carried out following receipt of the application form at the GCVU.
- As a result of these checks a Garda vetting disclosure is issued directly to the authorised liaison person in the registered organisation.
- The recruiting organisation will decide, based on the returned information and other information obtained whether or not to recruit the applicant.
- An individual vetting subject may obtain a copy of their Garda vetting disclosure from the authorised liaison person in the registered organisation to whom it was issued.

Garda vetting will only be conducted and relevant disclosure will only be issued to an authorised liaison person within a registered organisation, predicated on the written authorisation of an individual vetting subject to do so in a Garda vetting application form.

## 6 How can I access Garda vetting for my staff and volunteers?

If you are an organisation seeking Garda vetting for your personnel, the Chief Executive Officer or Managing Director of the organisation should write to the GCVU providing the following details:

- A description of the service provided by the organisation.
- The approximate number of personnel requiring vetting per annum.
- The level of substantial unsupervised access personnel will have to children and/or vulnerable adults.
- Any additional relevant information e.g. organisational literature or certificates of registration in respect of charitable status.

On receipt of this information, the Garda Central Vetting Unit will respond directly to the applicant organisation. This could result in directing the applicant organisation to the Youth Work Garda Vetting Consortium, who will issue them with an application form and information pack.

If you are an individual who has been requested by an organisation to provide Garda vetting you should advise the organisation of the above procedure.

## 7 How long does it take to get my staff and volunteers Garda vetted?

Generally, it takes approximately 4-6 weeks for the GCVU to process vetting forms. However, this may vary due to the following; volume of applicants, incorrect form completion or delay in sending forms from organisation to the GCVU etc...

## 8 Does it cost anything to carry out Garda vetting?

There is currently no fee charged by the Vetting unit.

# Vetting Process

## 9 How do applicants complete the form?

Please use BLOCK CAPITALS when completing the form. It is imperative that you complete the Garda vetting form fully and correctly. The forms will not be processed if handwriting is in any way illegible or if information is incomplete.

<b>Surname</b>	Insert your current surname.
<b>Previous Name</b>	Insert your previous name here (i.e. maiden name if applicable).
<b>Forename</b>	Insert your forename/first name.
<b>Alias</b>	If you are known by any name other than that/those on your birth certificate please insert here e.g. Anthony but known as Tony.
<b>Date of Birth</b>	Insert your date of birth (dd/mm/yyyy).
<b>Place / City of Origin</b>	Insert the name of the city/town that you were born in.
<b>Have you ever changed your name?</b>	If yes, tick 'yes' box, if no, tick 'no' box.
<b>If yes please state former name</b>	Insert any previous surnames if applicable (e.g. in the event that you were married on more than one occasion or that you have changed your name by deed poll etc).
<b>Please state all addresses from year of birth to present date</b>	It is very important that your current address and all previous addresses, including all addresses abroad, are provided. You must also insert the years that you resided at these addresses, year from and year to. These will be checked and if there is any time unaccounted for, the form will be returned to you.
<b>Have you ever been convicted of an offence in the Republic of Ireland or elsewhere?</b>	If no, tick 'no' box. If yes, tick 'yes' box and then please provide details of conviction(s) i.e. Date, Court, Offence, Court Outcome.
<b>Declaration</b>	Please make certain that you fill in the position you are applying for in the section marked: 'I the undersigned have applied to work as a "_____". You must read this declaration carefully, sign and date it and also print your name in BLOCK CAPITALS underneath the signature.



## 10 What if I have staff and/or volunteers who have lived abroad?

The current Garda vetting application form requires applicants to supply all address that they have been resident at from birth. Where these include addresses outside of the island of Ireland, most organisations generally require addresses that the applicant has been resident at for six months or longer. However, the GCVU may not have direct access to police forces information in all countries, but they can access Interpol and Europol information which could identify a known offender.

Although there is no standard system between countries on police clearance certificates, certificates are generally available through an embassy or other sources, covering the period of residence of an applicant in that country. However, some countries do not have systems in place for providing a police clearance certificate. Police certificates often do not cover the entire country, unlike Ireland, but covers state or region of the supplied address. There can be a cost incurred for the applicant in the procurement which can vary from country to country. The time frame can also vary, e.g. UK is approximately a 40 day turn-around time.

Best practice requires that the process involves the vetting authority and the employer so that there can be no interference from the individual applicant. The sourcing of police clearance certificates is not implemented by all organisations working with children and young people in Ireland. Police clearance certificates obtained from an individual can be easily manipulated or produced and are therefore not always reliable.

## 11 What details will be disclosed when the form is returned?

Within current disclosure policy, details of all convictions and/or prosecutions, successful or not, pending or completed, in the State or elsewhere as the case may be are disclosed to the authorised liaison person in the registered organisation.

Where there are no conviction(s), the form will indicate the following;  
“According to Garda records there are no previous convictions recorded against the above named applicant”

Where there are conviction(s) or pending prosecutions, the form will indicate  
“the attached convictions appear on Garda Records” OR “the attached prosecutions are pending”.

## 12 How do I make safe decisions regarding returned convictions?

Regardless of the outcome of the vetting process, the decision to accept a staff/volunteer into a programme is entirely within the organisation.

Neither the Garda Central Vetting Unit nor the Youth Work Garda Vetting Consortium will have input into any decision made in any registered organisation in respect of the suitability of an applicant.

The Head of the Registered Organisation should appoint a Decision Maker or Decision Making Committee to assess the suitability of applicants for positions within the registered organisation vis-à-vis any Garda vetting disclosures that may be received in respect of them.

The Decision Maker or Decision Making Committee may consider the following elements in respect of an applicant for a position within the Registered Organisation;

1. Previous employment history
2. Educational qualifications
3. Skills and competencies pertaining to the position sought

4. Performance at interview or job assessment
5. Satisfactory references from acceptable referees
6. The nature and seriousness of any offence recorded in respect of them
7. The nature of the court result and severity of penalty pertaining
8. Mitigating factors, if any, in favour of the individual
9. The self-disclosure of the offence by the individual
10. The age of the individual at the time the offence was committed
11. The length of time elapsed since the offence was committed
12. The conduct of the individual in the interim
13. Rehabilitative efforts undertaken by the individual in the interim
14. Recidivism rate, if any, of the individual in the interim
15. Work performance of the individual in the interim

**Consider:**

Red flag offences; e.g. offence against children; physical assaults/acts of violence; sexual offences; drug-related offences.

Context/role specific offences e.g. for drivers – speeding offences; drink-driving offences.

The legislative, human rights and natural justice rights of the individual should be observed at all times during the decision making process.

If the decision making process deems an individual unsuitable for the position sought, the Decision Maker or Decision Making Committee, as the case may be, will communicate the result of the decision, in writing, directly to the said individual and afford them the opportunity of making any submission they may wish in respect of the matter.

It is advisable to establish appeals committees to review the decision of the Decision Maker or Decision Making Committee if the vetting subject continues to appeal a decision deeming them unsuitable for a position in the organisation.

Every applicant must be treated with care, respect and ultimately confidentiality. An organisation may accept and/or employ applicants who return convictions that are not considered to be related to child protection or violence and abuse of adults. Each disclosure should be dealt with on its own merit.



# Access, Storage & Sharing of Garda Vetting Information

## 13 Who should have access to Garda vetting information?

All data received from the GCVU in respect of any individual is for the sole use of the organisation the individual will be working in and the AS gives an undertaking to manage and protect 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.

## 14 How long should I keep the returned form/information?

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. This can be problematic in relation to the continued holding of vetting disclosures as the Data Protection Commissioner is concerned that their long-term retention creates the potential for unauthorised access and use. Accordingly, the Office of the Data Protection Commissioner recommends that vetting disclosures should be routinely deleted one year after they are received except in exceptional circumstances. In case of future queries or issues in relation to a vetting disclosure, the reference number and date of disclosure may be retained on file and this can be checked with An Garda Síochána. This practice is sufficient for all organisations engaged in vetting, including organisations subject to external statutory inspection of staff vetting practices.

In regard to all unsuccessful employment applications, the vetting disclosure and all other personal data collected in the recruitment process should be deleted after a year in line with standard advice in this area. It is important that organisations are aware that an individual has the right to make a request for a copy of information held about them.”

**15 Can information received as part of the vetting process be shared by one organisation with another?**

The Office of the 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. The Office of the Data Protection Commissioner does not consider it appropriate that information disclosed to one named organisation for this sole purpose would be shared by that organisation subsequently with any other organisation, even with consent (except where the registered organisation is clearly undertaking the vetting on behalf of a related organisation). There are a number of data protection reasons for this.

Firstly, as the vetting process may involve the provision of sensitive personal information about a person, it is absolutely imperative that there is no drift in terms of the use to which such information may be put or in terms of the identity of the organisation using the information (other than within the restricted context outlined previously).

Secondly, An Garda Síochána ensures that confidentiality and data protection requirements are met by restricting vetting disclosures to persons trained as authorised signatories. The further disclosure of such information to other parties, even with the consent of the vetting subject, would not be appropriate and will increase the potential for breaches of data protection rights.

Aside from data protection concerns, An Garda Síochána wishes to ensure the integrity of the vetting process. To achieve this it is necessary that each organisation should separately vet each person rather than share potentially dated information that was supplied as part of a previous vetting request.”

Confidentiality is paramount. Any personal information relating to an applicant must be treated with the utmost care.

**16 Do I have to carry out Garda vetting if the applicant has already been vetted in another organisation?**

Data protection does not allow the sharing of returned Garda vetting information, therefore the vetting form is not transferable between agencies. Also, Garda vetting is current to the date it is processed. Therefore, each recruiting organisation is requested to carry out their own Garda vetting for each of their applicants to ensure the integrity of the process.

**17 When should I carry out re-vetting?**

It is recommended that individuals be vetted every three to five years or as per a time frame agreed by your organisation. It is also recommended that individuals are subject to re-vetting at the discretion of management, if, for example, new information comes to their attention.



# Roles & Responsibilities

## 18 What are my rights as a Garda vetting applicant?

Subject to the provisions of the Data Protection Act 1998/2003, every individual has a right to access personal data about him/her held by An Garda Síochána. Vetting subjects are entitled to a copy of their returned Garda vetting form. The applicant is entitled to be informed of returned disclosures and to correct misinformation. They are also entitled to be informed as to the rationale of the decision taken regarding their suitability and to make submissions or to appeal decisions made.

## 19 What are my responsibilities as an Authorised Signatory?

Following training by the GCVU the AS is assigned a number and the signature of the AS is kept on a digital file. The AS provides the GCVU with a security password, which is confidential and never disclosed to any other person.

Registration with the GCVU is predicated on the clear understanding that the AS will give an undertaking to comply with the Code of Practice on Garda Vetting in respect of all applications received by the AS and all data received from the GCVU.

Registration is further predicated upon the understanding that all data received in respect of any individual is for the sole use of the organisation the individual will be working in and that the AS gives an undertaking to manage and protect 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 GCVU has the right to revoke registration of the AS in the event of a failure and/or neglect to observe professional standards in respect of vetting procedures and data protection.

## 20 | What are my responsibilities as the contact person in the Youth Work Garda Vetting Consortium?

The nominated contact person will be sent out the Garda vetting guidelines and membership application form. They will also be asked to complete and return their own form and be accepted by the consortium before their staff/volunteers can be processed. The Garda vetting nominated contact person will be issued with a NYCI Garda vetting form, which can be photocopied and issued by them to staff/volunteers.

Once the staff/volunteers have completed their forms, they are checked for completeness and gathered by the nominated contact person. They are then sent in batches by the contact person to the Authorised Signatory in the consortium with a cover note identifying the sending organisation. The Authorised Signatory will check it again for any omissions, mistakes or lack of clarity. In the event of an incomplete form, it is returned to the Garda vetting nominated contact person with a cover letter for resubmission.

When vetted, the returned forms are sent back to the nominated contact person who must take due care in the handling of this personal information.

## Further Information

Please contact:

The Garda Central Vetting Unit/Garda Criminal Records Office,  
Racecourse Road, Thurles, Co.Tipperary

Lo-call: 1890 488 488

Tel: +353 504 27300

Child Protection Programme

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