



POBAL

GARDA VETTING CONSORTIUM

Overview and Guidelines

Updated March 2021

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Pobal Garda Vetting Consortium

The purpose of this document is to specifically outline the role and responsibilities of the Pobal Garda Vetting Consortium. The Pobal Garda Vetting Consortium operates a vetting service on behalf of Pobal funded organisations. The 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.

What is Garda Vetting?

Vetting is a process through which An Garda Síochána is asked, with a person's permission, to disclose any information in relation to the existence of criminal convictions that are held on file. The details of all convictions and/or prosecutions (successful or not, pending or completed) in the State or elsewhere are disclosed to an authorised person (the Authorised Signatory) in the registered organisation.

Vetting is an important part of staff/volunteer recruitment but should be seen as one part of a much wider recruitment process in making sure that an applicant is suitable to work with children and/or vulnerable persons. Vetting should be undertaken alongside the following processes:

- ensuring your organisation has an up to date child protection policy
- all staff/volunteers are asked to complete an application form
- face to face interviews take place
- references are thoroughly checked, validated and recorded
- ongoing support, supervision, training and evaluation take place.

All organisations availing of vetting should note they are required to have a written Vetting Policy in place.

Background to Garda Vetting

A dedicated Central Vetting Unit was originally established in 2002 to deal exclusively with vetting. In 2006, it was significantly strengthened to meet the demands of vetting paid staff and volunteers across a wide range of sectors. In 2016, the Garda National Vetting Bureau (hereinafter referred to as the NVB) came into existence to carry out the vetting of persons carrying out "relevant work" with children or vulnerable persons as defined under the *National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016*. **The Act stipulates that a relevant organisation shall not permit any person to undertake relevant work or activities on behalf of the organisation, unless the organisation receives a vetting disclosure from the NVB in respect of that person. The Act also creates offences and penalties for persons who fail to comply with its provisions.**

The vetting process is a very straightforward process which is now managed electronically. The staff/volunteer completes an application form giving their permission to obtain a statement from the NVB as to whether they have/do not have any convictions against them, nor any prosecutions outstanding.

The person handling the applications must be an Authorised Signatory. The Authorised Signatory is an individual who has also been vetted and has received formal training through the NVB which

includes making a commitment to maintaining confidentiality and professionalism with regard to this process. Vetting can only be conducted on behalf of registered organisations and is not conducted for individual persons on a personal basis. All persons seeking employment or intending to volunteer with an organisation which conducts relevant work are required to make an application to be vetted.

Some Facts about Vetting

The NVB provides the only official vetting service in the Republic of Ireland.

Local Garda Stations DO NOT provide vetting at a local level.

Vetting is a centralised system and the NVB will only deal with the authorised signatory.

Vetting should be one component of an overall recruitment and selection strategy.

Individuals cannot request any Vetting information from the NVB. All applications must go through a registered organisation.

Vetting is not freely available – applications must be processed through an organisation that is already registered with the NVB or another organisation which can act as an intermediary for a particular sector or group (usually called a Vetting Consortium).

Information disclosed through the Vetting process cannot be passed on to any other organisation or third party.

It takes approximately 1 – 2 weeks for the NVB to process vetting forms electronically. This timeline may vary due to the following: volume of applicants; incorrect form completion; delay in sending forms from organisation to the NVB etc.

Who should be vetted?

It is a legal requirement that vetting is conducted in respect of any persons carrying out *relevant work* whether in a full-time, part-time, voluntary or student placement capacity where they have unsupervised access to children and/or vulnerable persons.

The *National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016* provides a statutory basis for the vetting of persons carrying out relevant work with children or vulnerable persons. The Act also creates offences and penalties for persons who fail to comply with its provisions. The Act stipulates that a relevant organisation shall not permit any person to undertake relevant work or activities on behalf of the organisation, unless the organisation receives a vetting disclosure from the NVB in respect of that person. The Act also creates offences and penalties for persons who fail to comply with its provisions.

It is also a legal requirement that all staff/volunteers are re-vetted every five years. A registered organisation may also wish to carry out random re-vetting of staff volunteers as it deems appropriate.

The Role of the Authorised Signatory

There are two Authorised Signatories for the Pobal Garda Vetting Consortium registered with the NVB. These are Celine Smyth and Enda Doherty (refer to Appendix 6 for contact details). Following training by the NVB the Authorised Signatory is assigned a number and the signature of the Authorised Signatory is kept on a digital file at the NVB. The Authorised Signatory provides the NVB with a security password, which is confidential to the Authorised Signatory and is never disclosed to any other person.

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

Registration is further predicated upon the understanding that all data received from the NVB in respect of any individual is for the sole use of the organisation the individual will be working for and the Authorised Signatory also gives an undertaking to manage and protect within the statutory provisions of the Data Protection Acts, General Data Protection Regulations (and any other legislation that may be enacted) in respect of data protection or Garda Vetting.

The NVB has the right to revoke registration of the Authorised Signatory in the event of a failure and/or neglect to observe professional standards in respect of vetting procedures and data protection.

Process to become a member of the Pobal Garda Vetting Consortium

If an organisation in receipt of Pobal funding is interested in becoming part of the Garda Vetting Consortium, please contact Anne O'Neill (Pobal Garda Vetting Administrator) or Celine Smyth (Pobal Garda Vetting Authorised Signatory) in Pobal. Contact details are in Appendix 6 on page 15 of this document.

Organisations must ensure that an individual within the organisation, who will be the nominated person within the organisation, is identified. This person will be known as the Garda Vetting Nominated Contact Person.

The Registered Organisation is obliged to inform the Pobal Garda Vetting Consortium when they appoint a new Garda Vetting Nominated Contact Person. This person must submit a Contact Person Nomination form and completed Garda Vetting application form to Pobal. The Consortium must also be informed of any changes to contact details.

The Responsibilities of the Garda Vetting Nominated Contact Person

The Garda Vetting Nominated Contact Person in an Organisation will be sent out the vetting guidelines and membership application form (Appendix 1). They will also be asked to complete and return their own vetting form before staff/volunteers can be vetted. The Garda Vetting Nominated Contact Person will be issued with a Pobal 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 Garda Vetting Nominated Contact Person. They are then sent in batches, where appropriate, by the Nominated Contact Person to the Authorised Signatory within Pobal with a cover note identifying the sending organisation. The Authorised Signatory/Garda Vetting Administrator will check it again for any omissions, mistakes or lack of clarity. In the event of an incomplete form, the form is returned to the Garda Vetting Nominated Contact Person with a cover letter for resubmission. (Appendix 2)

When vetting is completed, the returned forms are sent back by the Pobal Garda Vetting Consortium to the Nominated Contact Person together with any disclosures. The Nominated Contact Person must take due care in the handling of this personal information in line with Data Protection/GDPR Guidelines.

The Pobal Garda Vetting Consortium has the right to revoke registration of the Nominated Contact Person in the event of a failure and/or neglect to observe professional standards in respect of Garda vetting procedures and data protection.

Returned Applications from the NVB

Once the NVB return the forms to Pobal, the Authorised Signatory/ Garda Vetting Administrator will return the vetted form to the Garda Vetting Nominated Contact Person together with any disclosures.

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“.

It will also be stated whether the named person is an exact match or possible match. An exact match is where the details provided on the vetting form match exactly the details of the individual with the conviction/prosecution on their record. A possible match is when most of the details match but there is some discrepancy e.g. the date of birth on the form doesn't match the date of birth of the person convicted.

The NVB may seek further identification material relating to the Vetting subject in order to verify the identity of the individual to enable the vetting process to proceed. In this case, the Pobal Authorised Signatory/ Garda Vetting Administrator will request submission of same from the Garda Vetting Nominated Contact Person and forward onto the NVB.

The Vetting Subject may, on request, receive a copy of their processed Garda Vetting application form from the Nominated Contact Person. Copies should be marked as such.

Disputes

Where an applicant disputes the accuracy of any detail contained in their Garda vetting disclosure, the following procedure should be followed:

- the Vetting Subject should outline in writing to the Nominated Contact Person the exact basis on their dispute. The Nominated Contact Person should submit this along with the original application form to the Authorised Signatory in Pobal;
- in any case where there has been an error in completing the original application form, the Vetting Subject should complete a new form and both the new and original forms should be submitted to the Authorised Signatory/ Garda Vetting Administrator.
- the Authorised Signatory/ Garda Vetting Administrator will submit the Vetting Subjects report along with the original application form to the NVB for further checks;
- if following further checks, the Vetting Subject still disputes the accuracy of any detail contained in their disclosure, arrangements will be made for further enquiries to be conducted as appropriate.

If a conviction/prosecution is confirmed, the decision-making procedure should be initiated.

Decision making

Regardless of the outcome of the Vetting process, the decision to accept a staff/volunteer into a programme is entirely within the employing organisation. Neither the Pobal Garda Vetting Consortium, the Authorised Signatory nor the NVB will play any role in making such decisions. Pobal will not be held accountable or responsible for any decisions made, but will however be available to discuss any queries which may arise as a result of Vetting Disclosures.

The details of the disclosure should be verified with the Vetting Subject, who may be requested to provide further details relating to the incident(s) pertaining. They should be given an opportunity to respond to the disclosure in advance of any decision being made which may affect them. If further information is required the Nominated Garda Vetting Contact Person should request same from the Authorised signatory who will make enquiries with the NVB. The Vetting Subject must be informed.

The Head of the Registered Organisation should appoint a Decision Maker/Decision Making Committee (consisting of three persons) to assess the suitability of applicants for positions within the registered organisation regarding any Garda vetting disclosures that may be received in respect of them. See appendix 4, Criteria to be considered when deciding on the suitability of applicants for positions in registered organisations.

Decision making should be solely for the purpose of assessing the suitability of a Vetting Subject for a position within the organisation.

Areas of consideration regarding Garda Vetting Forms

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 persons. Each disclosure should be dealt with on its own merit.

Confidentiality

Confidentiality is paramount. Any personal information relating to an applicant must be treated with the utmost care. Applicants must be treated with dignity and respect at all times. The Pobal Garda Vetting Consortium is committed to protect the rights and privacy of individuals and is in compliance with the Data Protection Acts 1998 - 2018 and the General Data Protection Regulations (GDPR).

"The Data Protection Acts 1998 - 2018 (the "Data Protection Acts") lay down strict rules about the way in which personal data is collected, accessed, used and disclosed. The Data Protection Acts permit individuals to access their personal data on request, and gives individuals the right to have their personal data amended if found to be incorrect.

Any data received from the NVB via the Garda Vetting Consortium, in respect of any individual is for the sole use of the organisation submitting the Vetting Forms. All data disclosed must be managed and protected within the statutory provision of the Data Protection Act and any other legislation that may be enacted in respect of Data Protection.

Appendix 1



Pobal Garda Vetting Consortium Membership Form

I, the undersigned hereby make application to have _____
(organisation) included as member of the Pobal Garda Vetting Consortium which will
carry out the vetting requests on our behalf with the National Vetting Bureau.

Signed: _____

Name in BLOCK CAPITALS: _____

Position in organisation: _____

Organisation: _____

Address: _____

Pobal Unique Reference Number: _____

Pobal Garda Vetting Contact Person Nomination Form

I, the undersigned hereby give an undertaking to comply with the Code of Practice on Garda Vetting as issued by the National Vetting Bureau in respect of all applications made to the Pobal Garda Vetting Consortium and all data received via the Consortium from the National Vetting Bureau (NVB).

I understand that all data received from the National Vetting Bureau in respect of any individual is for the sole use of my employer organisation. I further understand that all data received should be managed and protected within the statutory provision of the Data Protection Acts 1998 - 2018 and any other legislation that may be enacted in respect of Data Protection or Garda Vetting and I hereby undertake to comply with all relevant statutory provisions in this regard.

I understand that in the event of my failure and/or neglect to observe professional standards in respect of Garda Vetting procedures and Data Protection, the Pobal Garda Vetting Consortium and/or the National Vetting Bureau have the right to revoke my registration as a Garda Vetting Nominated Contact Person.

I hereby declare that I have been authorised by my employer organisation to submit applications and receive data in respect of Garda Vetting and I give an undertaking to protect the confidentiality of my security password as entered below (the security password must be of at least five letters and may not contain numbers).

Signed: _____

Name in BLOCK CAPITALS: _____

Position in organisation: _____

Nominated by: _____

Password: _____

Phone number: _____

Email: _____

Appendix 2



INCOMPLETE GARDA VETTING FORM

Re: Unprocessed Garda Vetting Form(s) Attached Ref:

In order that Pobal may process your Garda Vetting request it is necessary that the following details are completed accurately on the attached form:

- Surname**
- Forename**
- Alias**
- Date of Birth**
- Writing on form is illegible**
- Place of origin**
- Please indicate if you have ever changed your name**
- All addresses from Birth to Date stating 'Years From and Years To'**
- Please indicate if you have ever been convicted of an offence in the Republic Ireland or elsewhere and give relevant details**
- Declaration must be signed by applicant**
- Post/position applied for**

- All forms must be received by Pobal from a nominated representative of your organisation/project etc. Forms may not be processed if forwarded to us by the individual applicant themselves.**

- Other**

Please return the Garda Vetting Application Form with necessary amendments or additions to the nominated Garda vetting contact person in your organisation/project.

Appendix 3

Guidelines for Applicants filling in Vetting Application forms

BLOCK CAPITALS must be used when completing the form. It is imperative that you complete the Vetting Application form fully and correctly.

Please note that forms will not be processed if they are illegible or if any information is incomplete.

Field name	Instructions
Surname	Insert your current surname.
Previous name	Insert your previous surname i.e. if you are married and changed your name, insert your maiden name. If this is not applicable to you, insert N/A.
Forename	Insert you first name here. This must be the same as that/those on your birth certificate.
Alias	If you are known by any other name than that/those on your birth certificate insert here i.e. Anthony but known as Tony, insert Tony. If this is not applicable to you, insert N/A.
Date of Birth	Insert your date of birth here - dd/mm/yyyy.
Place/City of Origin	Insert the area in which you resided following you birth. This does not refer to the location of the hospital where you were born.
Have you ever changed your name?	If yes tick „yes“, if no tick „no“.
If yes please state former name	Insert any previous surnames if applicable i.e. in the event that you were married on more than one occasion or have changed your name by deed poll.
Please state all address from year of birth to present	You must provide your current address and all previous addresses, including all addresses abroad. Full addresses must be provided, do not use abbreviations. You must also insert the years that you resided at these addresses. These will be checked and if there is any time unaccounted for, the form will be returned. You must enter house numbers for all your addresses, if there is no house number, insert N/A in the space for house number.
Have you ever been convicted of an offence in the Republic of Ireland or elsewhere?	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.
Declaration	Please ensure 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 your signature.

Correcting errors

Errors must be corrected in pen, in such a way which ensures the detail remains legible. It is advisable that applicants put their initials beside any corrections to indicate their authenticity. Tippex or correctional fluid must not be used.

Appendix 4

Criteria to be considered when deciding on the suitability of applicants for positions in registered organisations

The Decision Maker/Decision Making Committee may, inter alia, consider and take into account the following criteria in respect of an applicant for a position in a 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 which may be recorded in respect of the individual;
7. The nature of any Court Result which may be recorded in respect of the individual;
8. Mitigating factors, if any, in favour of the individual;
9. The self-disclosure of any such offence by the individual;
10. The age of the individual at the time any such offence was committed by the individual;
11. The length of time elapsed since any such offence was committed by the individual;
12. The conduct of the individual in the time elapsed since any such offence was committed;
13. Rehabilitative efforts undertaken by the individual in the time elapsed since any such offence was committed;
14. Recidivism rate, if any, of the individual in the time elapsed since any such offence was committed;
15. Any other information recorded relating to the commission of or involvement in the commission of an offence, or which would give rise or would be likely to give rise to a bona-fide concern that the individual poses a risk to the safety of children and/or vulnerable persons.

This is not a conclusive set of criteria. It is a general guideline to the criteria the Decision Maker/Decision Making Committee may consider and take into account when assessing the suitability of an individual for a position within a registered organisation.

The decision to accept a staff/volunteer into a position is entirely within the employing organisation. The Pobal Garda Vetting Consortium, Authorised Signatory or Garda National Vetting Bureau will not play any role in making such decisions.

Appendix 5

Glossary of terms

Registered Organisation – the organisation who are (applying to be) members of the Pobal Garda Vetting Consortium.

Pobal Garda Vetting Consortium – the consortium is a group of organisations who process their vetting forms through Pobal.

Authorised Signatory – the individual who is registered with the NVB on behalf of the Pobal Garda Vetting Consortium to process and submit vetting forms.

The Garda Vetting Nominated Contact Person – the individual who processes the vetting forms on behalf of their organisation and who liaises with the Authorised Signatory/ Garda Vetting Administrator in Pobal.

NVB - National Vetting Bureau (formerly the Garda Central Vetting Unit).

Appendix 6

Pobal Garda Vetting Consortium Contact details for Pobal Garda Vetting Consortium Garda Vetting Authorised Signatories (i.e. Liaison Officers)

Celine Smyth

M: TEK II Building,
Armagh Road,
Monaghan, Co. Monaghan
H18 YH59
Direct line: 01-5117514
E-mail: csmyth@pobal.ie

Enda Doherty

2nd Floor
The Ormond Building
31-36 Upper Ormond Quay
Dublin 7
D07 N5YH
Direct line: (01) 511 7134
E-mail: edoherty@pobal.ie

Consortium Garda Vetting Administrator (i.e. Clerk)

Anne O'Neill
2nd Floor
The Ormond Building
31-36 Upper Ormond Quay
Dublin 7
D07 N5YH
Direct line: (01) 511 7744
E-mail: aoneill@pobal.ie

Further information on Garda Vetting can be found on the Garda website,
www.garda.ie.