



Interim Garda Vetting Policy for the Diocese of Waterford and Lismore 2020

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1. Recruitment and selection – Garda Vetting

Garda Vetting is only one component of the recruitment and selection, good practice framework, which includes practices such as verification of identity, gathering of personal details, interviews and references.

2. Who should be vetted?

Garda Vetting is conducted in respect of any person who is conducting relevant work/activities as defined at Schedule 1 of the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016. Organisations engaged in relevant work need to assess the roles within their organisation against Schedule 1 of the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016 to establish which roles are relevant work and which roles are not.

For example:

*1. Any work or activity as a minister or priest or any other person engaged in the advancement of any religious beliefs to children **unless such work or activity is merely incidental to the advancement of religious beliefs to persons who are not children.***

*2. Any work or activity as a minister or priest or any other person engaged in the advancement of any religious beliefs to vulnerable persons **unless such work or activity is merely incidental to the advancement of religious beliefs to persons who are not vulnerable persons.***

Please take notice of the caveat on each of the examples above, that the advancement of religious beliefs to children or vulnerable adults **must not be incidental** to the provision of the same to adults or those whom are not vulnerable.

People under the age of 16 years are exempt from being Garda Vetted. Those between the age of 16 years and 18 years can be vetted with the permission of their parent or legal guardian.

3. Frequently Asked Questions

Q. I am a little confused by the term “Relevant Person” as outlined in the act. We have some people who volunteer for the Church, for example, collecting money, singing in the choir, do they require vetting?

A. No, these volunteers should not be vetted. These roles are not ones which are considered relevant work or activities under the Acts. You must be able to clearly and unequivocally align the duties of the roles being engaged in with one or more sections of the Acts and to be collecting money is not to be engaged in advancing religious beliefs to children or vulnerable persons. Similarly, to sing in a choir would not come under this remit either.

Q. We also have volunteers who read at Mass and may be in the sacristy with children before Holy Mass starts and afterwards, do they require vetting?

A. No, these volunteers should not be vetted. When considering the role of the volunteers who read at Holy Mass, an examination of their duties against the Acts must be undertaken. It is mentioned in your question that they may be in the sacristy alongside the children before and after Holy Mass. Due to the location where the work is taking place the mere contact with or proximity to children is not a basis for vetting and so the work of the individual must be examined. Are they conducting any relevant work or activity *exclusively or predominantly* with children or vulnerable persons, or is the work being done with the congregation at large? If the latter is the case, that would mean that the presence of children or vulnerable persons would be incidental to the presence of adults, or those whom are not vulnerable.

Q. So, who should be vetted?

A. The affiliate organisation (Parish, School etc.) must identify clearly defined roles which are engaged in *Relevant Work* as defined in *the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016*.

An example of this role in a parish setting would be somebody leading a children’s choir/ liturgy or somebody who is responsible for altar servers. If there is a choir where both adults and children are present, only those adults who are responsible for the children should be vetted.

Most people working in a school setting will fall under the act as they are working predominantly with children.

Anybody working in a nursing-home would also need to be vetted as they are working predominantly or exclusively with vulnerable persons.

Q. Who is a child?

A. Any person under the age of eighteen years.

Q. Who is a vulnerable person?

A. “vulnerable person” means a person, other than a child, who:

- (a) is suffering from a disorder of the mind, whether as a result of mental illness or dementia,
- (b) has an intellectual disability,
- (c) is suffering from a physical impairment, whether as a result of injury, illness or age, or
- (d) has a physical disability,

which is of such a nature or degree—

- (i) as to restrict the capacity of the person to guard himself or herself against harm by another person, or
- (ii) that results in the person requiring assistance with the activities of daily living including dressing, eating, walking, washing and bathing.

This Act shall not apply to any of the following, namely:

- (a) any relevant work or activities undertaken in the course of a family relationship;
- (b) any relevant work or activities undertaken—
 - (i) in the course of a personal relationship, and
 - (ii) for no commercial consideration;
- (c) the giving of assistance by an individual—
 - (i) on an occasional basis, and
 - (ii) 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 persons.

In this section—

“family relationship” includes a relationship between 2 persons who live in the same household and treat each other as though they were members of the same family;

“personal relationship” means a relationship between or among friends and a friend of a member of an individual’s family shall be regarded as being a friend of the individual also.

4. Garda Vetting -best practice in recruitment and selection

In accordance with legislation, Garda vetting should be sought in respect of each applicant prior to the offer of employment/engagement and every 3 years thereafter, or at any time or times within the said 3 year period as deemed necessary. Applicants should be informed early of the requirement for Garda vetting - ideally at the time of advertising. No person should commence work or be engaged in a voluntary capacity, until Garda vetting procedures have been completed.

5. Best Practice in the vetting process

Best Practice will be observed in the vetting process, the recording and storage of information and confidentiality in accordance with diocesan policy and with Data Protection legislation in the Republic of Ireland.

6. Responsibility for employment and duty of care

Legal responsibility for employment and duty of care remains with the parish/school or other affiliate organisation that enters into a contract of employment or engages an applicant in a voluntary capacity.

7. The Garda National Vetting Bureau

Vetting is provided to the diocese by the Garda National Vetting Bureau (GNVB). Vetting forms must not be sent to the GNVB directly but must be processed at diocesan level by the *Diocesan Garda Vetting Administrator* – who has been formally enrolled in this task by the GNVB. Garda vetting is not conducted for individual persons on a personal basis or for the self-employed.

Within current disclosure policy, the GNVB issues details of all convictions and/or prosecutions, successful or not, pending or completed, in the state or elsewhere as the case may be, including any specified information on the applicant to the designated liaison person in the registered organization i.e. the *Diocesan Garda Vetting Administrator*

8. The Diocesan Garda Vetting Administrator

The *Diocesan Garda Vetting Administrator*, Bishops House, John's Hill, Waterford will deal with processing Garda vetting applications that come from all affiliate organisations.

The Garda Vetting Bureau will only communicate directly with the *Diocesan Garda Vetting Administrator*.

9. Affiliate Organisation (School/Parish or other religious group)

Parishes, Schools and other bodies that serve the Diocese may apply to become affiliate organisations within the Diocese. The *Affiliate Organisation* must appoint one or two **Nominated Persons** (Parish Priest/Principal etc.) who will be the point of contact between the *Affiliate Organisation* and the *Diocesan Garda Vetting Administrator*.

The *Nominated Person* must meet the applicant in person and confirm the applicant's identification and proof of address. Original copies of ID and proof of address must be viewed by the *Nominated Person*.

The *Nominated Person* can then forward the completed NVB1 form to the *Diocesan Garda Vetting Administrator* together with copies of ID and proof of address.

The Diocesan Garda Vetting Administrator will only communicate with the Nominated Person in relation to Garda Vetting applications.

Nominated persons should receive basic training and a job description and should sign a confidentiality agreement.

The affiliate organisation should create a dedicated email address for Garda Vetting purposes. Only Nominated Persons should have access to this email account.

10. The Garda Vetting Forms

Garda Vetting Forms are available from <https://www.waterfordlismore.ie/safeguarding-children/> or from the affiliate schools/parishes or other church organisations. The relevant forms, which are completed by the applicant, give permission for a Garda check to be obtained and shared with the relevant personnel within the affiliate organisation in line with data protection legislation.

Applicants must present themselves to the *Affiliate Organisation* with proof of address and identification. Please see section 23 of this document for more information.

Personnel accessing Garda vetting checks must also observe confidentiality and must be made aware of the consequences of a breach of confidentiality.

Any member of staff of the diocese who breaches confidentiality in the management of vetting information may face disciplinary action up to and including dismissal. Other serious sanctions may apply in respect of non-staff members.

11. The Applicant

The applicants are responsible for completing the form truthfully and fully and returning it to the affiliate organisation, i.e. the parish, school, religious order or church body - that has required that Garda Vetting be sought and to which the applicant is directly accountable). Applicants are required to make a full and complete declaration. Failure to do this may jeopardise the offer of employment/engagement. (Applicants should note that a false

declaration will be viewed very seriously and may affect the offer of employment/engagement).

Responsibility for ensuring that the completed forms are returned to the *Diocesan Garda Vetting Administrator* rests with the *Nominated Person* on behalf of the parish or Principal on behalf of the Board of Management of the School or designated contact of an affiliate organisation. In instances where the diocese itself is the organisation who is requesting that vetting to be carried out, it is the responsibility of the diocesan office that forms are returned to the *Diocesan Garda Vetting Administrator*.

The form is forwarded by the Nominated Person (as appropriate) to the *Diocesan Garda Vetting Administrator* who will examine it for any omissions, mistakes or lack of clarity.

An incomplete form is dated and returned to the Parish Priest or Principal (as appropriate) along with a cover letter requesting the form's correction and resubmission. Only the applicant can make changes on the vetting form.

Affiliate Organisation refers to the parish, religious order or church body – including the diocese itself - which has requested Garda Vetting be sought and to which the applicant is directly accountable.

Applicant refers to those individuals applying for Garda Vetting – i.e. clergy, students, staff members and church volunteers.

When the *Diocesan Garda Vetting Administrator* is satisfied with the form, she/he enters the applicant's details into the E-Vetting Portal Website of the GNVB.

Upon the applicant's completion of the online application (when NVB1 Form is used) results from the GNVB will be sent confidentially to the *Diocesan Garda Vetting Administrator*, who will in turn email them to the dedicated email address of the nominated person in the affiliate organisation that requested the vetting. The *Applicant* has the right to request a copy of the vetting disclosure document and may do so by contacting the *Diocesan Garda Vetting Administrator* at Bishops House, John's Hill, Waterford

If there is disagreement about the contents of the disclosure, the applicant must appeal directly to the *Diocesan Garda Vetting Administrator* (see section 12). The parishes have no role in reviewing the contents of the disclosures.

The *Diocesan Garda Vetting Administrator* and a designated member of the diocesan safeguarding committee, having regard inter alia to any risk assessment guidelines outlined in the Diocesan Safeguarding Policy, will assess the information returned from an Garda Síochána and decide, if there is any reason not to employ the applicant from a criminal information perspective.

If the decision is negative, the Diocesan Garda Vetting Administrator will:

- (a) Inform the applicant that his/her application cannot proceed based on the information returned through the vetting process.
- (b) Inform the applicant that he/she has the right to appeal.
- (c) Inform the applicant in writing of the process of appeal.
- (d) Advise the applicant to set out in writing the grounds for appeal.

The *Diocesan Garda Vetting Administrator* will notify the Parish Priest or Local Safeguarding Representative (as appropriate) of the decision (whether or not the applicant will be engaged/employed) and the *Diocesan Garda Vetting Administrator* will record this information in the database. If the applicant wishes to appeal the decision, the diocese must set up a review panel meeting in accordance with the appeals procedure outlined below.

12. Appeals against the contents of the disclosure

If the returned disclosure lists any criminal offences, the applicant has the following options:

1. The applicant can confirm that the disclosure is accurate and permit the *Diocesan Garda Vetting Administrator* to share the disclosure with the relevant affiliate organisation.
2. If they believe the disclosure to be inaccurate, the applicant can appeal to the Garda Vetting Bureau via the Diocesan Garda Vetting Administrator. The *Diocesan Garda Vetting Administrator* will refrain from communicating the results of the disclosure with the affiliate organisation at this point.
3. The applicant has a right to withdraw their application and the information on the disclosure will not be shared with the affiliate organisation.

13. Appeals against the Church's decision not to employ

An appeal against the Church's decision not to employ in a paid or unpaid capacity, on the grounds of information shared in the vetting check, can be made by the Applicant within 28 days of receiving the notification that the application cannot proceed. The Parish/affiliate organisation have no role in reviewing the contents of the disclosure by the Gardaí.

14. Appeals Process

If the applicant wishes to appeal the Church decision, the applicant should be informed in writing regarding the process of an appeal.

The role of Diocesan Garda Vetting Adviser may be combined with or be part of another role to which/he has been appointed by the Bishop, subject to the provision that there would be no conflict of interest.

Once a request has been received by the Church Authority appealing the Church's decision, an appeals Panel will be established by the Church Authority to hear the appeal. The applicant will be told that the appeal process will require the information disclosed by An Garda Síochána being shared with the panel members, and that any representations made by him/her may be shared with the statutory authorities. Any detail provided, for example to explain the background to a conviction, will be shared with the Garda Vetting Unit to ensure it is a realistic representation of the facts.

Submissions from the applicant will be requested in writing, to offer the opportunity to explain any circumstances in relation to the information received, which might further inform the appeals panel. The panel may permit an oral hearing if that is seen as necessary for the fair and just disposition of the appeal.

15. The Vetting Appeals Panel

The role of the Appeals panel is to decide if the original decision was unreasonable or irrational. The panel will communicate its view to the Church Authority, in the first instance. The Church Authority should take cognisance of the views of the Appeals Panel. The applicant will then be informed in writing of the final decision following a review by the Church authority, based on the advice of the Appeals panel.

16. Constitution of the Appeals Panel

An appeals panel will be appointed by the Bishop/Diocesan administrator.

The following people should be considered as appropriate membership of the panel:

- a. Chair of the safeguarding committee.
- b. Priest or Religious.
- c. Lay person with child protection experience.

Advice can be sought from civil law/canon lawyers and employment lawyers.

17. Role of the panel

To receive and hear requests for review of decision not to appoint on the basis of information received through the vetting process.

- To review the written information provided by the applicant.
- To receive oral evidence if deemed appropriate.
- To review information provided by the Church authority.
- To make a judgement regarding whether the decision not to employ was reasonable:

- Was the decision to refuse based on potential risk to children or vulnerable persons or some other reason?
- Was the relevance of the specific role taken into consideration?
- To report its views to the Church authority for consideration.

18. Timeframe

An appeal must be lodged with the employer within 28 days of being informed of the decision not to appoint. The applicant will be asked to provide written representation within 14 days of receipt of correspondence requesting this. Failure to provide this information within the timeframe suggested – or failure to seek an extension will result in the matter being closed and the original decision standing.

The appeals panel will endeavour to review all written information within 14 days of receipt of the same and communicate in writing to the Church authority its views.

19. Recording, storage, retention and destruction of records

The Garda Vetting Bureau may audit the Diocesan vetting service and/or an affiliate of the Diocesan vetting service to ensure compliance with data protection legislation. The Garda Vetting Bureau may request copies of certain documentation as part of this audit process. Copies of the following documents must be retained in order to comply with the audit process:-

- i. NVB1 form;
- ii. NVB3 form (if applicable);
- iii. identification documents used by vetting subjects to prove their identity in connection with the vetting application;
- iv. vetting disclosure.

It is also necessary to retain the following documentation where there has been an adverse disclosure:

- (i) documentation informing the applicant that her/his application cannot proceed based on the information returned through the vetting process.
- (ii) documentation informing the applicant that he/she has the right to appeal, details of the appeal process; and
- (iii) documentation relating to the appeal process.

The documentation referred to in paragraph 19.2 should be retained for 18 months after the decision of the appeal panel has been communicated to the applicant. This is

not to be confused with the documents at paragraph 19.1 which need to be retained for a longer period.

20. Retention and destruction of records

As Garda vetting documentation contains personal data, it should be stored in compliance with data protection legislation. Data protection legislation requires that appropriate technical and organisational measures are in place to protect the confidentiality of personal data.

In addition, vetting documentation should be stored in accordance with the provisions of Appendix B of “Safeguarding Children Policy and Standards for the Catholic Church in Ireland”, published by the National Board for Safeguarding Children in the Catholic Church..

- (i) The following measures should be adopted:-All vetting documentation should be stored securely, either in locked filing cabinets or in password protected computers;
- (ii) Vetting documentation should only be accessed by authorised personnel on a “need to know” basis;
- (iii) Such other technical and organisational measures as are deemed appropriate by the applicable data controller e.g. bishop, parish priest, board of management, after reviewing applicable legal requirements and any applicable guidelines or directions issued by the Data Protection Commission.

21. Sharing information

As vetting documentation contains “personal data” for the purposes of data protection legislation, sharing of the information contained in the documents can only be done in limited circumstances and in accordance with appropriate legislation. Specific advice should be obtained before information is disclosed to third parties.

Any member of staff of the diocese who breaches confidentiality in the management of vetting information may face disciplinary action up to and including dismissal. Other serious sanctions may apply in respect of non-staff members. All organisations that avail of this service from the diocese are required to:-

- (i) be vigilant about confidentiality;
- (ii) ensure that vetting documentation is stored in accordance with data protection legislation and applicable guidelines and directions issued by the Data Protection Commission;
- (iii) ensure that their staff are under an obligation to keep confidential all vetting documentation and information contained in the vetting documentation;

(iv) treat breaches of confidentiality on the part of any member of their staff in similar fashion to how such breaches are handled by the Diocese.

A service level agreement may be put in place between the Diocese and an affiliate organisation.

22. Access to information by data subject.

People have a right to know what personal information is held about them, by whom it is held and for what purpose. People are also entitled to copies of documentation that contains their personal data. However, they are not entitled to personal data relating to others. Please seek advice if you receive such a request.

23. Verification of ID

The **100 point check** is a personal identification system, this information sheet has been developed to support organisations in verifying identity including date of birth and current address of vetting subjects (those applying to be Garda Vetted) as required.

Identification	Score	Tick
Irish driving licence or learner permit (new credit card format)	80	
Irish Public Services Card	80	
Passport (from country of citizenship)	70	
Irish certificate of naturalisation	50	
Birth certificate	50	
Garda National Immigration Bureau (GNIB) card	50	
National Identity Card for EU/EEA/Swiss citizens	50	
Irish driving licence or learner permit (old paper format)	40	
Employment ID		
<ul style="list-style-type: none"> ID card issued by employer (with name and address) 	35	
<ul style="list-style-type: none"> ID card issued by employer (name only) 	25	
Letter from employer (within last two years)		
<ul style="list-style-type: none"> Confirming name and address 	35	
P60, P45 or Payslip (with home address)	35	
Utility bill e.g. gas, electricity, television, broadband (must be less than 6 months old. Printed online bills are acceptable. Mobile phone bills are not acceptable)	35	
Public services card/social services card/medical card	25	
<ul style="list-style-type: none"> With photograph 	40	
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		
<ul style="list-style-type: none"> Club, union or trade, professional bodies 	25	
<ul style="list-style-type: none"> Educational institution 		
(Continued overleaf)	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 a 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	
TOTAL		