

## CARI's National Garda Vetting Responsibilities

The national Vetting Bureau (Children and Vulnerable Persons) Bill 2012 makes it an offence to engage a person to undertake relevant work with children and vulnerable people until the vetting process has been completed.

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**Children**                      Persons under the age of 18 years, other than a person who is or has been married (*The Childcare Act 1991, The Children's Act 2001*).

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**Vulnerable Adult**            *“Vulnerable adult” means a person of 18 years and older who is suffering from a physical, intellectual or mental impairment, whether through disability, injury, illness or age, which is of such a nature or degree as to render a person –*

- *a ward of court*
- *to be in residential accommodation*
- *to be in sheltered accommodation*
- *to require assistance in the conduct of his/her own affairs by a person other than a family member or another who lives with him/her in the same household*
- *unable to guard against neglect, abuse or exploitation”*

*Garda Vetting Bureau Bill 2011*

In the main the term ‘vulnerable adult’ refers to:

Elderly people; and people with disabilities who meet the above definition of a vulnerable adult.

The Garda vetting office will provide the format to complete all applications and will only accept forms in the new correct format. e – Vetting went online on the 30<sup>th</sup> June 2016. New Garda vetting forms came into effect in August 2019

Under another element of the legislation that has not been enacted yet, there will be a legislation requirement to repeat vetting periodically

Retrospective vetting will be expected for current employees that were not vetted on entry to the organisation and repeat vetting after a period of 3 years will be applicable

### **What Roles Must Be Vetted?**

CARI undertakes to Garda vet all applicants who encounter children and vulnerable adults who use its service Any individual who is engaged in relevant work must be vetted. The legislation states relevant work is 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/vulnerable adults.

It is the responsibility of the registered line manager submitting the request for vetting to satisfy themselves that the role is engaged in relevant work. In addition to the above, all employees who were not vetted on entry to the service prior to the legislation must be retrospectively vetted.

### **Who Can Submit Requests for Garda Vetting?**

Requests for Garda Vetting can only be submitted by the registered line manager within your organisation. This manager is pre-registered with the GVLO for the purposes of submitting requests for Garda Vetting. The person registered with GVLO from CARI is Marie Byrne, Training & Outreach Manager, [marie@cari.ie](mailto:marie@cari.ie)

### **ID Validation**

The legislation allows for the inclusion of additional personal data to enable the verification of identity. Any applicant who applies to CARI is obligated to undertake an identification verification process which includes confirming both their identity and current address.

The requesting line manager must carry out the identification verification process. CARI's garda vetting officer will take the responsibility of securely retaining and storing these documents.

### **Garda Vetting Invitation Form NVB 1**

The form must be completed in full using BLOCK CAPITALS and writing must be clear and legible. The form should be completed in ball point pen.

- Photocopies will not be accepted.
- If the applicant is under 18 years of age, a completed NVB 3 - Parent\Guardian Consent Form will be required. Please note that where the applicant is under 18 years of age the electronic correspondence will issue to the Parent\Guardian. This being the case, the applicant must provide their Parent \Guardian email address and contact number on the NVB1 Form.

### **Personal Details**

Personal Details must be completed fully. This means no field should be left blank.

- Insert details for each field, allowing one block letter per box.
- If a field is not applicable include N/A – DO NOT LEAVE BLANK.

- For Date of Birth field, allow one digit per box.
- Email Address - Please fill in your email address, allowing one character/symbol per box. This is required as the invitation to the E-Vetting website will be sent to this address. If this is incorrect, the application will be cancelled, and the registered line manager will be required to submit a new application in respect of the applicant.
- Contact Number - Please allow one digit per box for your contact number.

### **Address Details**

- The Current Address means the address you are now living at.
- The address fields should be completed in full, including Eircode / Postcode. No abbreviations.

### **Declaration of Application**

The applicant must confirm their understanding and acceptance of the two statements by signing the application form at Section 2 and ticking the box provided.

### **Role Being Vetted For**

The role being vetted for must be clearly stated on the NVB1 Form. Generic terms such as “Volunteer” or “Clerical Officer with access” will not be accepted. The ‘Role Being Vetted For’ must clearly demonstrate that the applicant is engaged in relevant work. Abbreviations should not be used. Where the role is unclear the NVB1 Form and Garda Vetting Request Form will be returned to the registered line manager seeking clarification. This will cause a delay in acquiring a Garda Vetting disclosure for that applicant. Here are examples of CARI roles and the correct terms to be used,

- Helpline Advisor with direct contact with vulnerable children/adults
- Therapist with direct contact with vulnerable children/adults
- Forensic Accompaniment Officer working directly with children/adults, providing support and care to them whilst attending court.
- Domestic cleaner with direct contact with vulnerable children/ adults whilst cleaning therapy rooms.

### **E Vetting Process**

Once the application has been processed by the registered line manager the application will be forwarded to the GVLO.

They in turn will send an e – mail to the applicant, this must be completed immediately and returned to be processed.

The GVLO can not give a time frame on how long it takes to process the applications, upon completion they will send a disclosure or non-disclosure form back to the registered line manager.

### **Role of the Manager / Affiliate Organisation (On Receipt of A Garda Vetting Disclosure)**

On receipt of the result of vetting i.e. a vetting disclosure, the registered line manager from the affiliate organisation will;

- a) Ensure that the appropriate data protection provisions are in place in relation to the management and storage of Vetting Disclosures.
- b) Provide a copy of the disclosure to the vetting applicant if requested by the applicant.
- c) In the case of positive disclosures confirm with the applicant that the details disclosed relate to them.
- d) Ensure that the local policies and procedures are followed in relation to the disclosure information provided e.g. risk assessments, data protection etc.

CARI will then make their own decisions in relation to the suitability or otherwise of prospective employees, students or volunteers.

### **Offence Information Disclosed:**

Where disclosure information regarding an applicant's offence history is returned by the GCVU, the clinical supervisor, alongside the line manager will evaluate the seriousness and relevance of the offence to decide whether a Disclosure Meeting with the applicant is required. The applicant will be provided with all the relevant information required to investigate the disclosures made. If at that time the offences are deemed to be true and not appropriate for the role CARI can at that time decide not to go ahead with the offer of employment.

### **Retention Period.**

CARI undertake to keep all relevant documents on file for the duration of the applicant's role. Upon cessation of the role CARI will retain all documents in relation to that applicant for 1 year. In cases where offence information has been provided to CARI, we will retain that information for a period of 3 years. All documents will be retained and stored under the data protection guidelines and under our obligations as data controllers we will then shred our destroy all documents as required.

## **Recommended Changes**

Change to be made to the interview process, which should outline CARI's garda vetting process. This will allow us to put more emphasis on our policies and procedures e.g. outcomes of references and garda vetting is conducive of the position been offered.

How to implement that line managers are present upon filling in ID forms.

Line Managers to take responsibility of ID validation forms and non-disclosure form.

Suggestion that all line managers should have employee/Volunteer files that consist of:

- CV
- Cover letters
- References
- Contracts
- ID Validation Forms and ID information
- Non-Disclosure forms

All line management notes to be kept in a different format for confidentiality reasons.

CARI's garda vetting policy to be added and updated on all policy documents, it should also be added to our website.

Any other Suggestions: