

Garda Vetting

National Vetting Bureau (Children and Vulnerable Persons) Act 2014

Tricia Nolan - Manager
South Dublin County Volunteer Centre

tricia@volunteersouthdublin.ie



volunteer centre

Ionaid d'Oibrí Deonacha na Contae áth Cliath Theas

SOUTH DUBLIN COUNTY



Background to Garda Vetting service of volunteer centres

- Volunteer Centres approached Garda Vetting Unit in 2006 to address the issue of vetting being a barrier.
- Now a core service of Volunteer Centres nationally.
- Volunteer Centres charge a small administrative charge.



volunteer centre

Ionaid d'Oibrí Deonacha na Contae áth Cliath Theas

SOUTH DUBLIN COUNTY

What is vetting?

- At present Garda Vetting is the process by which An Garda Síochána Vetting Office gives a statement on whether a person has had any convictions and/or prosecutions, successful or not, pending or completed, recorded against their name.



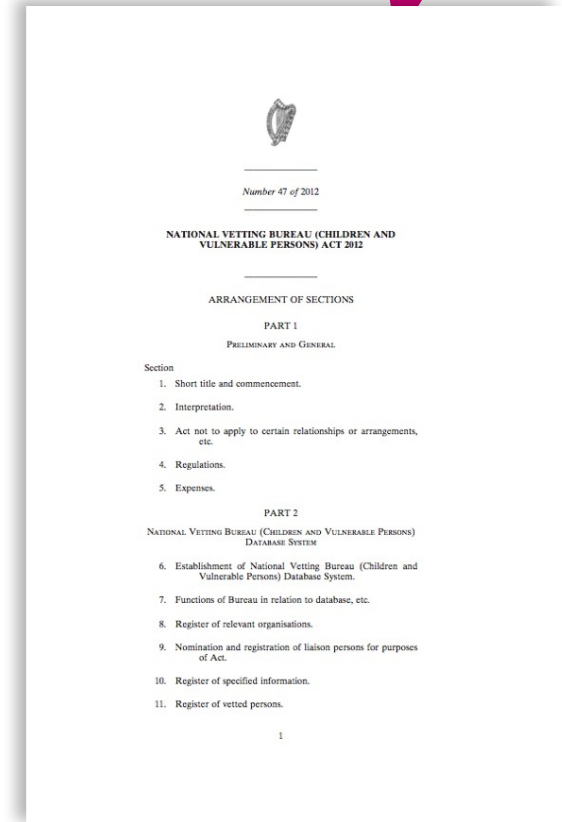
volunteer centre

Ionaid d'Oibrí Deonacha na Contae áth Cliath Theas

SOUTH DUBLIN COUNTY

The main change -Garda Vetting is a legal requirement!

- The National Vetting Bureau (Children & Vulnerable Adults) Bill 2012, makes it a legal requirement to vet those involved in 'any work or activity which is carried out by a person, where a necessary and regular part of that work requires the participation of the person in relevant work or activities' (part 3 of Garda vetting bill).
- This will become law later this year. CGVU are planning for November 14 but this is dependent on DOJ.
- A person (organisation) who contravenes this legal requirement shall be guilty of an offence.



What is a vulnerable adult?

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.



What is relevant work?

Anyone in the following organisations who “could build a relationship of trust with a young person or vulnerable adult” is doing relevant work and must be vetted. These services include (but are not limited to)

- Childcare Services
- Schools
- Hospitals and health services
- Residential services or accommodation for children or vulnerable persons
- Treatment, therapy or counselling services for children or vulnerable persons
- Provision of leisure or physical activities to children or vulnerable persons (unless this is incidental to the provision of services to a mixed group including adults)
- Promotion of religious beliefs



What is relevant work?

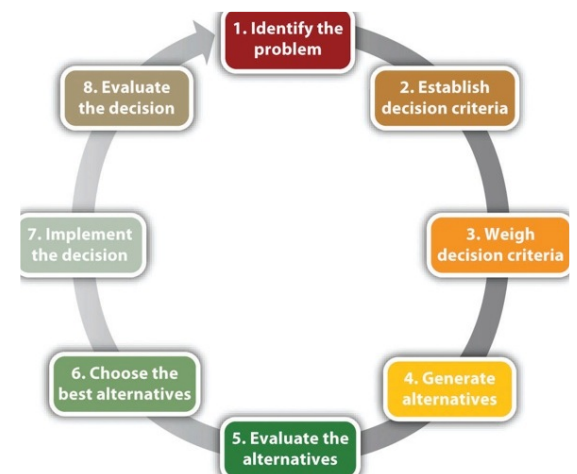
- Vetting is not limited to these organisations
- Full list of relevant work is described in appendix 1 and 2 of the bill



How do we decide who gets vetted?

Each VIO to assess based on their own policies and risk assessments for the role, however it's helpful to ask the following questions;

- Is the person in a position to build a relationship of trust with a child or vulnerable adult (including via electronic means).
- Is the person 'providing physical or leisure activities and services to children or vulnerable adults'?
- All youth leaders, coaches, trainers, religious leaders who work with groups of children and or vulnerable adults, whether alone or accompanied by another adult, must be vetted.



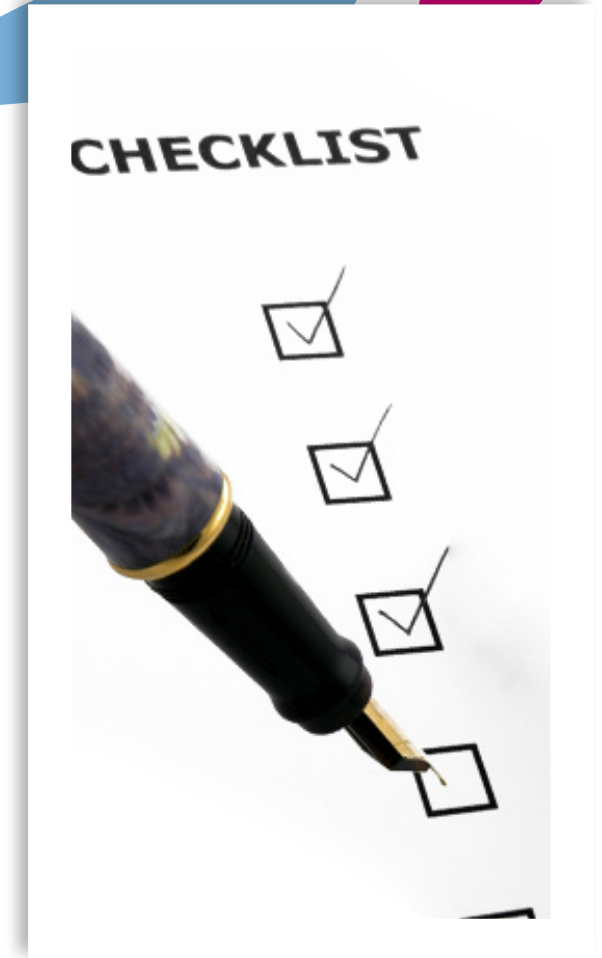
volunteer centre

Ionaid d'Oibrí Deonacha na Contae áth Cliath Theas

SOUTH DUBLIN COUNTY

Garda Vetting – the other changes...

- No signature required from vetting subject as vetting is now a legal requirement (therefore electronic vetting is possible).
- Proof of ID of the individual will be the responsibility of your organisation. You will need to plan how you can verify ID (passport, bill etc...)
- Where a vetting disclosure is made, a copy of the disclosure must be made available to the vetting subject.



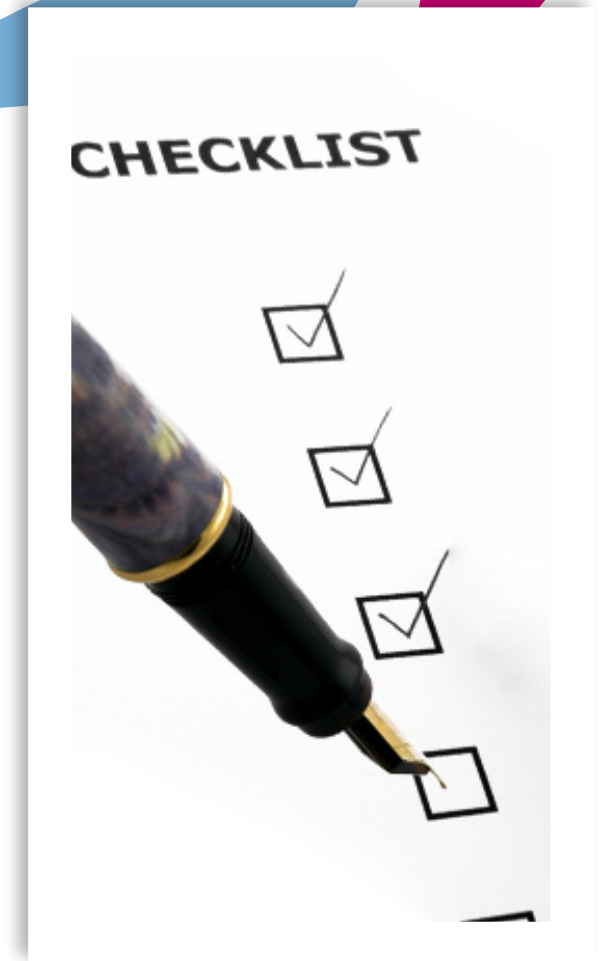
volunteer centre

Ionaid d'Oibrí Deonacha na Contae áth Cliath Theas

SOUTH DUBLIN COUNTY

Garda Vetting – the other changes...

- Information given to organisations about a vetting subject can not be used or disclosed other than in accordance with the act and contravening this is an offence.
- The Act requires you to have a vet before you engage an employee or volunteer. (can engage people in non-relevant work but not relevant work)



volunteer centre

Ionaid d'Oibrí Deonacha na Contae áth Cliath Theas

SOUTH DUBLIN COUNTY

Garda Vetting – the other changes...

- Non convictions will no longer come back
- This is balanced by soft information being disclosed if deemed necessary
- Breach of the act - Board of Directors prosecuted. If a vetting officer was found to “act in bad faith”, he/she will be prosecuted.



volunteer centre

Ionaid d'Oibrí Deonacha na Contae áth Cliath Theas

SOUTH DUBLIN COUNTY

Garda Vetting – the other changes...

- It will be an offence for individuals to give false information on their vetting form.
- Electronic vetting is being piloted now and will be introduced at the same time as the bill.
- e-vetting will speed up the process even further and streamline vetting.



volunteer centre

Ionaid d'Oibrí Deonacha na Contae áth Cliath Theas

SOUTH DUBLIN COUNTY

Garda Vetting – the other changes...

- Occasional volunteering will NOT require vetting.
- It is stated in the act that the act does not apply to “giving of assistance by an individual on an occasional basis and of no commercial consideration at a school, sports or community event other than where such assistance includes coaching, mentoring, counselling, teaching or training”



volunteer centre

Ionaid d'Oibrí Deonacha na Contae áth Cliath Theas

SOUTH DUBLIN COUNTY

Garda Vetting – the other changes...

- The Act provides for the exchange of specified or 'soft' information' in the context of protecting children and vulnerable adults. (section 19)
- Information can be held by the Garda Síochána or an organisation where such information reasonably gives rise to a bona fide concern that a person may harm a child or vulnerable person.
- The disclosure of specified information is tightly controlled and the Act seeks to balance the rights of vetting subjects to the protection of their good name and the rights of children and vulnerable adults to be protected from persons who are likely to cause them harm.



volunteer centre

Ionaid d'Oibrí Deonacha na Contae áth Cliath Theas

SOUTH DUBLIN COUNTY

Soft / Specified Information

- Where Bureau staff considers that there is 'specified information' in regard to the vetting subject it will be referred to the Chief Bureau Officer for assessment as to whether the information should be disclosed.
- The Chief Bureau Officer will notify the vetting subject of the referral, provide a summary of the information, and inform him or her of their right to make a written submission in relation to the information.



volunteer centre

Ionaid d'Oibrí Deonacha na Contae áth Cliath Theas

SOUTH DUBLIN COUNTY

Another Bill

- The Criminal Justice (Spent Convictions) Bill 2012, was approved by Government. It provides for certain convictions to become spent after an individual remains conviction-free for between three and seven years, depending on the sentence originally imposed by the courts.
- Custodial sentences of one year or less as well as a range of non-custodial sentences are covered by the Bill.
- Certain crimes will always be disclosed
- Spent convictions bill is now being gradually implemented since 31st March as directed by DOJ to CGVU.



Next Steps

- Not completely clear right now!
- National Campaign by CGVU to inform organisations about new legislation (Autumn 2014)
- Local Volunteer Centres will also continue to deliver workshops on implications of vetting bill
- Local VCs available to answer questions/queries from organisations. Can escalate to vetting unit if they don't have the answer.
- e-vetting pilot already well underway - live testing during summer months.



Thank you for your attention



volunteer centre

Ionaid d'Oibrí Deonacha na Contae áth Cliath Theas

SOUTH DUBLIN COUNTY