

Supporting Lesbian, Gay, Bisexual &
Trans Young People in Ireland



Vetting Policy

BeLonG To Youth Services

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Revision History

Revision	Date of Release	Purpose
Initial Draft	April 2018	Initial Release

Introduction

BeLonG To is committed to take all necessary steps to ensure all individuals who access our service are safe and protected from harm as far as reasonably possible. Our vetting policy is one of many policies that help us to achieve a high record in child welfare and safeguarding within the organisation. As such, this policy should not be considered in isolation.

Other relevant policies and procedures include:

- Health and Safety statement;
- Volunteer Policy;
- Recruitment Policy;
- Child Protection and Safeguarding Policy; and
- Child Safeguarding Statement

This vetting policy has been developed with these in mind, as well as best practice within the youth work sector, our legal obligations, and the values that underpin our work.

Since the introduction of the National Vetting Bureau (Children and Vulnerable Persons) Act 2012-2016, there is now a statutory requirement that people who carry out relevant work¹ (i.e. work that involves regular and necessary access to and/or contact with children² and/or vulnerable adults³) must be vetted prior to commencing employment or carrying out relevant volunteer work.

At the outset, it is important to note that having a criminal record will not automatically exclude an individual from employment or volunteering with BeLonG To Youth Services. Factors that will be considered in such circumstances, including:

- The individual's abilities, skills, experiences, and qualifications;

¹ For a full definition, please see the relevant section of the legislation here: <http://www.irishstatutebook.ie/eli/2012/act/47/schedule/1/enacted/en/html#sched1-part1>

² The Child Care Act 1991 defines a child as any person under the age of 18 years, excluding a person who is or who has been married.

³ vulnerable person" means a person (including, a child aged 17 years old) who—
(i) is suffering from a disorder of the mind, whether as a result of mental illness or dementia, or
(ii) has an intellectual disability, which is of such a nature or degree as to severely restrict the capacity of the person to guard himself or herself against serious exploitation or abuse, whether physical or sexual, by another person, or
(b) who is suffering from an enduring physical impairment or injury which is of such a nature or degree as to severely restrict the capacity of the person to guard himself or herself against serious exploitation or abuse, whether physical or sexual, by another person or to report such exploitation or abuse to the Garda Síochána or both.

- The nature of the conviction(s) and sentence(s) imposed;
- Disclosure of the offence(s) by the person;
- The length of time since the offence(s) took place;
- The age of the person when the offence(s) was/were committed;
- The potential risk to service users, volunteers, employees and the reputation of the organisation; and
- Conduct of the person before and after the offence

What is Vetting?

Vetting is a criminal background check undertaken by an organisation on prospective new employees, volunteers, students, and others carrying out relevant work. It is carried out with the permission of an applicant to establish what, if any, criminal record⁴, pending or completed, relating to them is held by the Gardaí which may deem them unsuitable to work with children or vulnerable adults.

Vetting will also include a check for any relevant “specified information⁵” - which is information other than criminal convictions held by the Gardaí that leads to a genuine belief that a person poses a threat to children or vulnerable persons.

If specified information is going to be disclosed to BeLonG To Youth Services, the National Vetting Bureau (NVB) must, in advance, notify the person of their intention to disclose this.

What is included in a vetting disclosure?

A vetting disclosure will include the following information:

The criminal record (if any) relating to the person and a statement of specified information (if any) relating to the person which the Chief Bureau Officer has determined in accordance with Section 15 of the Act should be disclosed.

⁴ A criminal record in relation to a person means:

- a) A record of the persons convictions, whether within or outside the State, for any criminal offences together with any ancillary or consequential orders made pursuant to the convictions concerned
- b) A record of prosecutions pending against the person whether within or outside the state for any criminal offence
- c) Or both

⁵ Specified information relates to a finding or allegation of harm to another person received by the National Vetting Bureau from An Garda Síochána

or

State that there is no criminal record or specified (soft) information in relation to the person.

Information of a conviction that falls under the Spent Convictions Act (2016)⁶ will not be included in a disclosure. The following convictions will always be disclosed:

- Offences against the person (except minor public order offences)
- Sexual offences
- Convictions on indictment that go to circuit court or higher court

As the Garda Vetting procedure only applies to those who have had addresses in the Republic of Ireland and Northern Ireland, BeLonG To reserves the right to seek further assurances for those that have lived abroad. An applicant who has lived overseas for a cumulative period of 3 years or more after the age of 18 must provide a certified copy of police clearance for each country in which they have resided. These clearance certificates must cover the entire period of residence in each country.

Only certified copies of police clearance documentation should be submitted. Applicants should note that uncertified documents and photocopies will **not** be accepted.

Why we undertake vetting

Vetting is undertaken primarily to ensure that the people who access our services are safe and protected within the organisation. Vetting is one of many steps that we take during the recruitment and selection process to help ensure that only those suitable to work with the young people and vulnerable adults that access our service are given the opportunity to do so. All youth organisations have an obligation under law to undertake vetting.

⁶ The Spent Conviction Act allows for certain convictions to become "spent" after a period of time has elapsed (7 years being the standard).

The following convictions will always be disclosed:

- a) Offences against the person (except minor public order offences)
- b) Sexual offences
- c) Convictions on indictment that go to circuit court or higher court.

Who is responsible for vetting

It is the responsibility of the Board of Directors to ensure that the correct policies are in place to facilitate vetting within the organisation.

Day to day operational management of vetting and the design of specific vetting processes has been delegated to the Designated Child Protection Liaison Person who is the Executive Director of the organisation.

Who should be vetted?

The Vetting Act defines people who should be vetted as:

"any person who is carrying out work or activity, a necessary and regular part of which consists mainly of the person having access to, or contact with, children or vulnerable adults".

Paid Staff

By virtue of BeLonG To Youth Services being a youth organisation, all staff are required to be vetted without exception.

Volunteers

All volunteers who have regular contact with children or vulnerable adults will be asked to be vetted in advance of them taking up their position.

BeLonG To occasionally avails of volunteers, parents, or helpers for one-off events. The Act does not apply to persons who assist on an occasional basis and for no commercial consideration. This would include persons who assist on an occasional basis at fundraising events and community events such as Pride.

Should the responsibility of the volunteer include the coaching, mentoring, counselling, teaching, training or overnight supervision of children or vulnerable persons then they must be vetted.

Board Members

While Board Members do not have frequent access to children and vulnerable adults, in the course of their duties, it does happen at regular intervals. As a matter of best practice, all Board Members shall be vetted in advance of assuming their role as a Director of the company. It shall be the responsibility of the Company Secretary to ensure this has taken place.

Students on Placement/Interns

The Vetting Act outlines that it is the responsibility of the sending organisation of placement students/trainees to undertake their vetting. BeLonG To will satisfactorily establish, in writing, that this has taken place

and that where a disclosure has been made, BeLonG To will revert to its vetting decision-making process in respect of the placement.

An agreement in writing or by email outlining the responsibility of the Educational Institution to obtain a vetting disclosure will be made prior to a student/intern being given a placement with us.

Where a student is coming from an organisation outside the State, a valid police check must be conducted by the sending organisation and BeLonG To shall satisfactorily establish that this has taken place.

Peer Educators

BeLonG To has a long tradition of peer leadership within the organisation. We recognise that it plays a vital role in the non-formal education of young people in our service. Peer leadership is fundamental to our values and for achieving our goals.

As peer educators play an important role in ensuring the delivery of our model of youth work practice, they can be seen to have a position of authority within the organisation. As such, Peer Educators (16 years of age and over), shall be Garda vetted.

The National Vetting Bureau permits the vetting of those over the age of 16 years old. Where an application is being made for a 16/17-year-old, consent of the parent/guardian must also be obtained. All applications for people under 18 years old must be accompanied by a Parent/Guardian Consent form (*see appendix*).

Re-vetting and retrospective vetting

It is the practice of BeLonG To to re-vet every three years.

For relevant staff or board members and volunteers who have heretofore not been required to be vetted, until the commencement of this policy, BeLonG To will seek to complete the vetting process for them as soon as practicable.

How does vetting happen?

E-Vetting Process:

BeLonG To transitioned to E-Vetting in 2017. This process will be explained to vetting subjects prior to them beginning the process by their (prospective) line manager.

Step 1 – Identification Check

Identification of the vetting subject will be verified by either their (prospective) line manager. The identification provided must be accepted under the *NVB 100*-point check list below.

Copies of the identification documents provided shall be taken and held on file. The **100 point check** is a personal identification system. We require vetting subjects to present identification totalling 100 points to ensure the NVB are checking the correct person. At least one form of photographic evidence must be supplied, along with proof of current address.

100 Point Check for over 18's

Identification Types	Score
Irish driving licence or learner permit (new credit card format)	80
Irish Public Services Card	80
Passport (from country of citizenship or an Irish Passport Card)	70
P60, P45 or Payslip (with home address)	35
Utility Bill e.g. gas, electricity, television, broadband (must be no more than 6 months old, online prints acceptable, mobile bills unacceptable)	35
Social Services Card or Medical Card (with Photo)	40
Bank, Building Society or Credit Union Statement	35
National Age Card (issued by An Garda Síochána)	25

100 Point Check for under 18's

Identification Types	Score
Birth Certificate	100
Passport	100
Written Statement by a Principal confirming attendance at educational institution on a letter head of that institution.	100

Step 2 – Complete a Vetting Invitation Form

Next the vetting subject shall be required to complete a vetting invitation form (*see the appendix for a sample and guidelines on completing this form*), giving permission for the vetting check on them. This form should be completed in full and the particulars entered must match those provided at step 1. This form should be returned to the DLP or deputy DLP who is leading the process.

It is the duty of the person leading the process to ensure that the form is signed off by the Executive Director, who is the DLP, who emails details of the vetting invitation to the Youth Work Garda Vetting Consortium⁷ (Consortium) for processing using NYCI's vetting request form (see attached below in Appendix). The original Vetting Invitation Form will be stored in the secure HR filing cabinet.

A functioning email address is required for the e-vetting procedure and should be entered onto this form.

The Consortium shall input this data into the e-vetting system which will generate an e-mail to the vetting subject inviting them to complete their vetting form online.

Step 3 – Online Data Entry

The online vetting form will be prepopulated with information given in previous steps. The vetting subject must complete the form, including details such as place of birth, passport number and where applicable, any previous criminal record. This information is submitted directly to the NVB by the Consortium where it will be processed.

The information provided by the vetting subject will be reviewed against Garda records. Once completed, the NVB will issue a vetting disclosure to the Consortium who will forward it on to BeLonG To where the Executive Director (DLP) will review.

Step 4 – Vetting Disclosure

A vetting disclosure will either be:

- a statement from the NVB that there is no criminal record or specified information in relation to the person (subject to the Spent Convictions Act 2016), or
- A statement from the NVB detailing a criminal record(s) and/or specified information related to the applicant.

If specified information is to be disclosed to BeLonG To, the NVB's Chief Bureau Officer will have, in advance, notified the vetting subject of the

⁷ This is operated by the National Youth Council of Ireland. It provides a vetting service in order to ensure access to the NVB for members, including BeLonG To.

intention to disclose such information. The vetting subject will have had an opportunity to make an appeal against that decision.

Should a disclosure of a criminal record be made, BeLonG To shall as soon as practicable give the vetting subject an opportunity to verify the information. They may be asked to provide additional details to the incident(s) relating to any offence committed. Any discussion should be noted, particularly where a conviction was not disclosed by the vetting subject in advance.

The vetting subject should be given details of the disclosure made against them and told of their right to dispute the disclosure with the NVB. They should also be informed of the vetting decision-making process.

Disputing a vetting disclosure

Where a vetting subject disputes the details contained in a vetting disclosure from the National Vetting Bureau, they may dispute the disclosure in one of two ways.

1. In relation to disputes around a **criminal record** they may refer the issue to the National Vetting Bureau dispute process.

This process is activated by the vetting subject and the following procedure should be implemented:

- a. The vetting subject should outline the exact basis of their dispute and submit it in writing to BeLonG To's Executive Director within 5 working days of them becoming aware of the disclosure.
- b. The Executive Director will submit the report received from the vetting subject, along with the vetting subject's original Garda Vetting Application Form to the Liaison Person in the Consortium who will submit them to National Vetting Bureau for further checks to be conducted.
- c. If the vetting subject indicates there were errors or omissions made by them while completing the original application form, they should be requested to complete a new application form; and both the original and the new application forms should then be submitted together with the request for further checks to be conducted via the Consortium.
- d. If, following the result of further checks, the vetting subject still disputes any detail in the Garda Vetting Disclosure issued in respect of them, arrangements will be made for further validation procedures to be undertaken in order to resolve the matters at issue in the dispute.

- e. At the conclusion of the dispute resolution procedure, decisions in respect of the suitability of the vetting subject for a position are solely the responsibility of BeLonG To.
2. In relation to disputes around **specified information** a vetting subject should follow the process as outlined in section 18 of the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 and 2016. Further details on this can be found at the following website: <https://vetting.garda.ie/Disputes/Appeal>

Vetting decision-making

The vetting process is one of the factors to take into account when an individual is being considered for a role in BeLonG To. Where there are no disclosures of a criminal record or specified information, BeLonG To will proceed with the recruitment process as prescribed by our relevant policies.

In all matters relating to a vetting disclosure being received from the National Vetting Bureau, or self-disclosure by an individual, the decision to issue an offer of employment/volunteer position or the continuation of their position, is a matter for BeLonG To.

Minor charge(s)/prosecution(s) and/or conviction(s)

In the cases of a previously unknown to BeLonG To minor charge/prosecution and/or conviction, which within the absolute discretion of BeLonG To are not considered to pose any risk to children, vulnerable adults or the wider community, they will be discussed with the vetting subject by one or more of the BeLonG To Safeguarding Sub Committee (Committee).

Following discussions, if the vetting has been cleared, a written assurance to the recruiting officer/line manager that the vetting subject has been subject to vetting and has been deemed appropriate to take up/retain their position.

If the vetting subject has not been cleared, the case will be escalated and considered in accordance with Serious charge(s)/prosecution(s) and/or conviction(s).

Serious charge(s)/prosecution(s) and/or conviction(s)

In the case of a previously unknown serious charge/prosecution and/or conviction, the nature of which could indicate a potential risk to children, vulnerable adults or the wider community, at least 2 members of the Safeguarding Sub Committee, will seek to meet with the vetting subject to discuss the circumstances of the charge/prosecution and/or conviction. In consideration of a disclosure, the members of the Committee will be guided by factors that include but not limited to:

- The nature of the conviction(s) and sentence(s) imposed;
- Disclosure of the offence(s) by the person;
- The individual's abilities, skills, experiences, and qualifications;
- The length of time since the offence(s) took place;
- The age of the person when the offence(s) was/were committed;
- The potential risk to service users, volunteers, employees and the reputation of the organisation;
- Conduct of the person before and after the offence; and
- The paramountcy principle of the protection of children and young people within our service.

It is important to note that whilst the factors above shall be considered, the list is not exhaustive and the assessment shall be made taking into account all relevant factors and circumstances pertaining to the particular vetting subject and their current/prospective position.

Following review by the Committee, it will be decided if the vetting subject has cleared the vetting process and if they can continue with their (current/prospective) position. If the Committee is of the view clearance has not been obtained, the case shall be escalated and the disclosure shall require further review in accordance with the section on Further review of serious charge(s)/prosecution(s) and/or conviction(s) as laid out below.

If the vetting subject has been cleared at this point, the Committee will provide written assurance to the recruiting officer/line manager that the vetting subject has been subject to vetting and has been deemed appropriate to take up/retain their position.

Further review of serious charge(s)/prosecution(s) and/or conviction(s)

If a further review is required, the assessment criteria outlined in the previous section, plus any other relevant factors or circumstances will be

considered by at least 3 members of the Safeguarding Sub Committee (plus the prospective/current line manager) and a further meeting with the vetting subject may be requested. It will be evaluated whether there are sufficient grounds on which the vetting subject can continue/take up their position.

If sufficient grounds do not exist, it will be decided that the vetting subject cannot retain/take up their position. Following the review the vetting subject will be advised of the decision in writing.

Appeals Mechanism

In the event that the vetting subject is dissatisfied with the decision of the Safeguarding Sub Committee, they may appeal the decision within 10 days to the Executive Director, to have their case reviewed by the HR and Remunerations Sub Committee.

Should the vetting subject be dissatisfied with the decision of the HR and Remunerations Sub Committee, they must appeal the decision within 10 days to the Executive Director, to have the case reviewed by the Board of Directors.

Confidentiality and Data Protection

All information in the vetting process will be held in a manner consistent with the BeLonG To's confidentiality policy. BeLonG To also complies fully with good practice regarding the secure storage, handling and use of the Vetting Bureau disclosures and personal vetting information as per Data Protection Policy and legal obligations under Data Protection Legislation.

BeLonG To will not rely on vetting disclosures conducted by a previous employer, nor shall it forward on disclosures of past staff or volunteers to their new or prospective employers.



Your Ref:

Form NVB 1

Vetting Invitation

Section 1 – Personal Information

Under Sec 26(b) of the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016, it is an offence to make a false statement for the purpose of obtaining a vetting disclosure.

Forename(s):

Middle Name:

Surname:

Date Of Birth: / /

Email Address:

Contact Number:

Role Being Vetted For: Y O U T H E N G A G E M E N T
 V O L U N T E E R

Current Address:

Line 1:

Line 2:

Line 3:

Line 4:

Line 5:

Eircode/Postcode:

Section 2 – Additional Information

Name Of Organisation: BeLonG To Youth Services Ltd.

I have provided documentation to validate my identity as required and I consent to the making of this application and to the disclosure of information by the National Vetting Bureau to the Liaison Person pursuant to Section 13(4)(e) National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016. Please tick box

Applicant's
Signature:

Date: / /

Note: Please return this form to the above named organisation. An invitation to the e-vetting website will then be sent to your Email address.



Guidelines for completing Vetting Invitation Form (NVB 1)

Please read the following guidelines before completing this form.

Miscellaneous

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.

All applicants will be required to provide documents to validate their identity.

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 the electronic correspondence will issue to the Parent/Guardian. This being the case, the applicant must provide their Parent/Guardian Email address on this form.

Personal Details

Insert details for each field, allowing one block letter per box.

For Date of Birth field, allow one digit per box.

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.

Please allow one digit per box for your contact number.

The Current Address means the address you are now living at.

The address fields should be completed in full, including Eircode/Postcode. No abbreviations.

Role Being Vetted For

The role being applied for must be clearly stated. Generic terms such as "Volunteer" will not suffice.

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.

