



Garda Vetting Disclosure Policy

Context

The National Vetting Bureau (Children and Vulnerable Persons) Acts 2012-2016 sets a statutory basis for the vetting of persons carrying out relevant work with children or vulnerable persons. The Carmelite Order is committed to adhering to this legislation and the Garda Vetting policy outlines the Order's procedures and principles that will be followed in order to comply with their legal obligations. This policy should be read in conjunction with Carmelite Order Garda Vetting Policy.

The nominated Liaison Person within the Safeguarding Office, Gort Muire, Ballinteer, Dublin, 16 is registered with the National Vetting Bureau. It is their role to manage all Garda Vetting forms submitted to them and to receive information from the National Vetting Bureau.

Garda vetting is part of a wider recruitment and selection process to ensure that only appropriate people will have access to and contact with children and vulnerable persons. In order to ensure the suitability of a person, the vetting disclosure must be considered in conjunction with additional information gained from the interview process, references, declaration form, evidence of experience and qualifications etc.

The Order are committed to fairness and creating equal opportunities for people and therefore a disclosure of a conviction, pending prosecution and/or specified information will not automatically exclude someone from a position.

There will be occasions that forms returned from the National Vetting Bureau (NVB) will contain information in relation to a conviction or pending prosecution or specified information concerning the vetting subject.

Aim of the Policy

The aim of this policy is to ensure transparency, fairness and an unbiased response to vetting disclosures containing additional information. The procedures contained within will also provide those implementing the policy with a framework to guide their practice.

Details Disclosed

A vetting disclosure will include details of all convictions and pending prosecutions and a statement of specified information (if any) or a statement that there is no criminal record or specified information relating to the person being vetted.

A criminal record in relation to a person means a record of the person's convictions or any prosecutions pending against the person whether within or outside the state for any criminal offences.

Specified information in relation to a person, means information concerning a finding or allegation of harm to another person received by the National Vetting Bureau from An Garda Síochána or a Scheduled Organisation and this information leads to a bona-fide belief that a person poses a threat to children or vulnerable people. Examples of Scheduled Organisations include Tusla, the Teaching Council and the Medical Council.

Garda Vetting Carmelite Order Disclosure Review Committee

Garda Vetting Disclosure Committee Membership:

- The Provincial (or appointed member of the Council)
- Member of Safeguarding Office
- Community Prior/Bursar
- Additional key individuals may be identified to inform the Committee or be consulted on a particular vetting decision.

A member of the Safeguarding Office will always be present at a Committee Meeting.

Purpose of Committee:

To consider the information disclosed by the NVB regarding a vetting subject and to make a decision as to the suitability of the person to be offered a position within the Carmelite Order from a Garda Vetting perspective.

Process:

1. If information in relation to a conviction, prosecution pending or specified information is received from the NVB in relation to a vetting subject, the Nominated Liaison Person (NLP) within the Carmelite Safeguarding Office will notify members of the Garda Vetting Disclosure Review Committee (thereafter known as The Committee) and schedule a meeting and/or conference call. All attempts will be made to maintain the confidentiality of the name and identifying details of the vetting subject from The Committee to ensure the highest level of impartiality. However, this may not be possible on all occasions.
2. Prior to convening the meeting, the NLP should contact the vetting subject by person/phone/email/post, whatever is deemed most appropriate in the situation. It is essential to confirm the vetting subject's identity at first point of contact, for e.g. date of birth and/or current address. No communication should take place with a third party and no phone messages are to be left with any identifying details. Confidentiality must be maintained at all times.
3. The NLP should advise the vetting subject of what has been disclosed and ask them if there is any information they wish to share in relation to the disclosure. It may be appropriate to explore when the incident happened, details in relation to it, the vetting subject's perception of the disclosure in relation to the role applied for etc. The NLP should also advise the vetting subject the procedure to be followed and provide them with a copy. This procedure is developed in accordance with the National Vetting Bureau (Children and Vulnerable Persons) Act 2012-2016.

4. Following the initial communication with the vetting subject, The Committee will formally write to the vetting subject including a copy of the NVB disclosure and ask them to formally respond to the Safeguarding Office within 21 days.
5. If the vetting subject indicated that there were errors or omissions made when completing the NVB2 form, then a new vetting invite will be generated, and the vetting subject will be asked to complete a new NVB2 form.
6. If the vetting subject disputes details within the NVB disclosure, they will be asked to outline the basis of their dispute in writing to the NLP. This report, in conjunction with the vetting disclosure should be submitted to the NVB for a response, with the vetting subject's permission.
7. If the vetting subject does not wish to provide any further information in relation to the disclosure, or provides information that requires further clarity, the Committee may ask for further information to assist in making a decision. They can ask the vetting subject to provide written authorisation to seek further information from the NVB. (See Appendix 1 for written authorisation form).
8. In relation to specified information, authorisation may be sought to contact the Scheduled Organisation who provided information to the NVB concerning a finding or allegation of harm to another person.
9. Relevant third parties i.e. the Prior, Centre Manager, may be contacted for further information in relation to the position the vetting subject is applying for and type and level of contact they are likely to have with children and vulnerable adults.
10. Once all relevant information has been collated, the Committee will convene in order to assess the available information and decide re the vetting subject's suitability to be offered a position within the Carmelite Order. (see guide below re factors to be considered in the decision-making process).
11. The vetting subject will be notified of the decision of the Committee in writing.
12. The vetting subject will have two weeks to submit an appeal in writing. On receipt of an appeal a 'Garda Vetting Disclosure Appeals Committee' will be convened. This Committee will review the information available and the decision of the Appeals Committee will be final. An independent representative will be on the Appeals Committee.
13. If a decision is reached based on the Garda Vetting Disclosure that the person is unsuitable to work within the Carmelite Order and no appeal is forthcoming then the responsible person i.e. *Prior, Manager, group leader* will be advised of the outcome. Information shared will be strictly on a need to know basis to ensure confidentiality.
14. All information in relation to the Garda Vetting process will be treated with the utmost confidentiality and stored securely in the Safeguarding Office. (see Garda Vetting Policy)

Factors to be considered in the decision-making process by the Committee

Disclosures received in relation to specified information or a prosecution or conviction for some offences will be grounds to automatically exclude someone from working with children and vulnerable adults within the Carmelite Order.

In relation to other disclosures the following factors will be taken into consideration:

- Did the person self-disclose the information on the initial application for Garda Vetting (NVB2 form)
- Did the person display openness and provide additional information that was accurate?

- Person's perception of the significance of the disclosed information regarding the position applied for.
- The nature and seriousness of the offence/incident
- The court result and/or outcome of a formal process conducted by a Scheduled Organisation.
- Mitigating factors, if any, in favour of the person.
- The age of the person at the time of the incident/offence
- Circumstances surrounding the incident/offence
- Length of time elapsed since the time of the incident/offence
- Conduct of the person in the intervening time
- Rehabilitative efforts taken by the person
- Position applied for and the level and type of contact they will have with children or vulnerable adults.

Garda Vetting is an essential part of the recruitment and selection process. Other components to be considered as follows:

- Job description and role
- Previous employment history
- Qualifications
- Skills and competencies related to the position
- Satisfactory independent references, that have been verbally checked
- Performance at interview and/or assessment
- Completion of a declaration form

(See Recruitment and Selection Policy and Procedure Document, Carmelite Order for further information).

In all cases of employment, it is important to have a thorough induction process, a probationary period, regular reviews, support and supervision.

In all situations particularly where disclosures have been considered by this Committee and with the intention of providing people with 'a second chance', these structures must be put in place by Line Managers/Supervisors.

Date: 31st May 2021

Review Date: May 2022