

# **Irish Academy of Arms Garda Vetting Policy**

## **Introduction**

Garda Vetting ("vetting") is now available to the Irish Academy of Arms through the appointment of an Authorised Signatory and the registration of the Irish Academy of Arms with the Garda Vetting Unit ("the Unit"), Racecourse Road, Thurles, Co Tipperary.

The decision to engage in Garda Vetting for existing and future members and as part of the assessment process has been a voluntary one. However this practice is in line with the best safeguards available to protect the welfare of children and vulnerable adults.

All members with access to children or vulnerable adults will be required to take part in the vetting process. The Irish Academy of Arms has also decided that there will be a requirement to be re-vetted after 5 years. The vetting process will take approximately 6 weeks dependant upon the prompt return of application forms.

The Garda Vetting Unit does not provide clearance for people to work with children and vulnerable adults.

### *Legislation impacting on Garda Vetting*

- Civil Service Commissioners Act 1956
- Child Care Act 1991 – Sections 5; 61; 65
- Data Protection Act 1988/2003
- Children's Act 2001 – Section 258
- Private Security Authority Act 2004
- Future legislation – to be updated

## **Why undertake Garda Vetting?**

Garda Vetting is an extra measure now incorporated into our assessment procedure for coaches with access to children and vulnerable adults at local, regional and national level. It will make our organisation better protected against possible perpetrators of child abuse by being a barrier for an individual who is unsuitable to work with children.

## **Who will be required to be Garda Vetted?**

All persons who are members of the Irish Academy of Arms with access to children or vulnerable adults and those making decisions regarding the welfare of children at local, regional and national level will be vetted.

### *Target groups – with immediate roll out*

- All certified coaches from and including Level 1 including part-time coaches
- Board members
- Coaches and Team Managers at all levels
- Children's Officers, Designated Persons

## **Northern Ireland**

Members of the Irish Academy of Arms who have already passed Child Protection Clearance in N.I. will be treated as equivalent to Garda vetted.

# Garda Vetting Procedure

The Irish Academy of Arms has an Authorised Signatory (AS) – **David Couper** who

- has been appointed and is registered with the Unit
- will act as liaison between the Unit and the Irish Academy of Arms
- will be responsible for distribution of all vetting application forms, submissions to and information received from the unit.
- will be responsible for maintaining the confidentiality of information received from both the individual and the Unit

## **Personnel**

No person under 18 years of age may undergo the Garda Vetting process.

### New Coaches - assessment

During the assessment stage an individual will be given a Garda Vetting application form. This policy detailing the process and what prosecutions/convictions may affect the assessment outcome must be communicated at the time of application.

As part of the assessment process the individual will complete the vetting form and place it in a sealed envelope with their name and address. This is returned to the AS.

If the applicant is successful through the initial assessment stage the completed form will be processed by the Irish Academy of Arms and submitted to the Unit. If the applicant is not successful the completed application form will be returned to the individual unopened.

### Existing Coaches

The Irish Academy of Arms Garda Vetting Policy will be available on the website together with the expected time frame for persons required to undergo the vetting procedure. Target groups will be notified in advance of the expected roll-out via the website and email.

Existing personnel in the target groups will receive an explanatory letter together with a copy of the Garda Vetting Policy for the Irish Academy of Arms in accordance with the proposed time frame. Any existing member in a target group will be required to undergo Garda vetting on attaining the age of 18.

All individuals will undergo re-vetting after 5 (five) years.

## **Completing the vetting forms**

The Garda vetting application form is required to be fully completed; where a section does not apply the applicant should write "Not Applicable" and initial it. No time gaps can be left in the dates of residency at the declared addresses. The form must be signed and dated by the applicant.

The identification verification form must also be completed. Confirmation of an individual's identity must be verified by the Irish Academy of Arms Designated Person who will also sign the form. Identity can be confirmed by a driving licence (with photograph), a passport or a utility bill showing the correct name and address. Any forms not wholly completed will be returned unprocessed - this will hold up the overall process.

## **Residency Abroad**

Any individual resident for less than one year (taken from the date of the initial vetting application) in either Ireland or Northern Ireland will be checked again after 6 months and again one year later (i.e. 3 checks completed in 18 months). If a police check has been obtained from the individual's originating country (possibly accepted on submission of original information to the Authorised Signatory) Garda vetting will only be required after 6 months and again one year later (i.e. 2 checks plus originating country police check in 18 months).

## **Completed Application forms**

On receipt completed application forms will be checked by the Authorised Signatory for errors or omissions and photocopied. For new coaches the information will be verified against that given in an application form; for existing personnel the Identification Form will verify the information on the Garda vetting form.

Applicants for Garda vetting will be entered on a separate database by the Authorised Signatory with the following information:

- Name
- Previous name
- PPS/RSI number
- Last address
- Identity verification conformation
- Batch number and date of submission to the Unit

All data is kept in accordance with the Data Protection Acts 1988/2003 by the Authorised Signatory(ies) on behalf of the Irish Academy of Arms. All information is kept in a secure cabinet in the Irish Academy of Arms. The Authorised Signatory is the only key holder for the secure cabinet.

## **Return of information**

The original application form will be returned with any disclosed information to the AS.

On return the photocopied application form will be shredded.

Each application will be examined by the AS to determine the suitability of the applicant for coaching fencing.

## **Processing the disclosed information**

The assessment of suitability will depend on the nature of the coaching applied for/presently held, the self disclosure of any prosecutions or convictions and the seriousness, timing and any possible pattern that emerges. The integrity of the applicant with regard to self disclosure or lack of disclosure on the initial application form will be considered.

On receiving information that may preclude the applicant, the original application form will be checked for each detail to ensure it is correct and that the disclosed information refers to the applicant.

If the applicant has self disclosed the information and this agrees with the disclosure from the unit the decision must be made depending on the type and nature of the offences disclosed.

If the applicant has not self disclosed and information is received from the unit this requires to be checked with the applicant.

Disclosure of certain types of convictions/prosecutions will automatically preclude the applicant from a position working with children. Examples of offences that will automatically prohibit an applicant are:

- Any offence of a sexual nature
- Any offence against a child or of child abuse or child pornography
- An offence that causes gross bodily harm
- An offence of kidnapping
- A pattern of continuous offending that might cause concern for the well-being of children

All decisions on the suitability of an applicant are a matter for the Irish Academy of Arms and An Garda Siochana will not be involved in such decisions.

### Examples:

(i) An individual applies for certification as an Irish Academy of Arms registered coach; it is noted that the individual does not possess a driving licence. On the vetting return the individual declares a conviction for driving under the influence of alcohol, this information is duly disclosed by the Unit showing a ban for one year. The details would be confirmed with the individual by the AS, and if there is no responsibility for the transport of children involved in the position it is probable this individual would be deemed suitable to work with children.

(ii) An individual is prosecuted at the age of 19 for taking part in a rally where the individual, along with others, is charged with disorderly conduct and prosecuted. The individual, now in their thirties, has no further disclosures on record and fully disclosed all information concerning the prosecution. It is likely that this individual would not be prevented from working with children.

(iii) An individual has two parking offences disclosed on the return from the Unit. These were not shown on the original application form. The AS made contact to check if the offences related to the individual. It is clear during the conversation that the individual was not aware that these offences would be deemed prosecutions or convictions and therefore did not think about disclosing them. It is probable that this individual would be deemed suitable for a position working with children.

(iv) An individual applies and the return of the information from the Unit shows a conviction of fraud, resulting in a suspended sentence. This information was not disclosed and denied by the individual. The Garda recheck the information and identify the information and the individual as being correct – this individual would not be suitable for a target group position.

### **Communication**

When the AS is required to communicate with the applicant for any reason the following protocol will be adhered to:

- Communication should be by phone or in person if convenient
- The AS will verify the person is the applicant
- No messages will be left
- No discussion will take place with any other person, spouse or partner
- The AS will give an assurance of confidentiality

If the AS is required to verify disclosed details the applicant will be asked:

- Is there anything they remember concerning the time of the offence
- Have they have ever been to court
- For any relevant information concerning the disclosed information
- To consider the significance of the disclosure in relation to the position applied for

All responses should be noted. If any of the information is disputed the Disputes procedure in this policy (see below) must be followed.

#### *New Personnel*

Where the applicant is suitable for certification as a fencing coach, this should be communicated to the individual – this will be done by letter as well, simply stating the applicant is suitable to work with children.

Where the information disclosed by the Unit and/or self disclosed by the applicant deems the individual to be unsuitable they should be informed of such.

### *Existing Personnel*

An assessment must be made of the suitability of the individual to hold or maintain their present certification. This decision will be made on an individual basis, based on the nature of the disclosed information and the initial self disclosure by the individual. No decision shall be made unless any disclosed information is verified in accordance with the procedure in communicating with the applicant. If the individual is deemed not suitable to work with children they will be afforded the opportunity to withdraw from their current position. Where the individual is deemed suitable, this will be communicated to the individual in accordance with the communication procedure and this will be recorded on the vetting database.

### **Data Security**

The data submitted by the applicant and any responses from the Unit is subject to data security. The Irish Academy of Arms will only release information concerning the suitability of an individual to a person who needs to know. In the event that an applicant withdraws either their application for a position or from their position, information concerning their suitability for working with children will not be released.

In accordance with the rules laid down in the Data Protection Acts 1988/2003 the Authorised Signatories on behalf of the Irish Academy of Arms will:

- Obtain and process information fairly
- Keep this information only for one or more specified, explicit and lawful purposes
- Use and disclose information only in ways compatible with these purposes
- Keep information safe and secure
- Keep information accurate, complete and up to date
- Ensure that any information is adequate, relevant and not excessive
- Retain information for no longer than is necessary for the purpose or purposes
- Give a copy of his/her personal information to an individual, on request

### **Disputes**

#### Disputing Disclosed Information

The Unit has a dispute mechanism in place in event of an individual contesting the disclosed information. In the case of any disclosure being disputed by the applicant the following procedure will be applied:

- The exact basis of the dispute will be noted by the AS on communication with the individual
- The original application form will be resubmitted to the unit for a recheck - containing a covering report outlining the basis of the dispute as indicated by the applicant

If on examination of the original form there was an error in the completion of the form this should be rectified by the applicant by completing a new application. The original and the new application forms will be submitted together with a request for a recheck.

If following a recheck the applicant still disputes the information, arrangements with the Unit will be made for further identification procedures to be conducted in order to resolve the dispute.

Until all disputes have been settled the individual will not be able to take any position within the target group. If the dispute involves existing personnel it is recommended that supervision is put in place until the dispute is resolved. All decisions on the suitability of an applicant following a recheck are a matter for the Irish Academy of Arms and An Garda Siochana will not be involved in such decisions.

#### Disputing the Decision of the Authorised Signatories

The Authorised Signatories have a responsibility to observe professional standards and will be cautious to recognise their own values and personal ethics in evaluating the seriousness and the relevance of an offence. Any dispute concerning the decision of an Authorised Signatory should be submitted in writing. Advice from a 'Children First' Advice and Information Officer from the HSE as an independent advisor will be taken and this will be communicated to the individual in accordance with the protocol. The outcome of this decision will be final.