



Garda Vetting Policy

Dublin Circus Project

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Policy Statement

The Garda Vetting Policy operates in conjunction with our [Child Protection and Welfare Policy](#) which serves to ensure the safety of all children when in the care of Dublin Circus Project.

The tutors, management and Board of Dublin Circus Project endeavour to keep potential unsupervised access to children to a minimum. This is as much for the safety of the children as for adults who may find themselves on their own with a child or children.

The Board and staff fully recognise the limitations of Garda Vetting and realise that it does not provide clearance for any individual.

As it is now compulsory for all persons who are in contact with children in a teaching capacity to be garda vetted – DES Circular 63/2010 - it is the policy of Dublin Circus Project to Garda Vet any individual who may find themselves in a position on their own with a child or children. This includes members of the Board of Management and non-teaching staff.

Aims of the Policy

Following the introduction of Garda Vetting in the Youth Work Sector in September 2006, Dublin Circus Project has introduced a Garda Vetting Policy and Procedures document outlining the specifics of the Garda Vetting process.

Our Youth Director is tasked with responsibility for administering Dublin Circus Project's screening process, including Garda Vetting, and acting as Authorised Signatory on behalf of Dublin Circus Project.

Garda Vetting uses a centralised system using a pre-designed form from the Garda Central Vetting Unit. The Garda Central Vetting Unit will deal only with the authorised signatory in each organisation. The Garda Central Vetting Unit will not make decisions about applicants' suitability; it is the responsibility of each organisation to carry out their own decision making following disclosures received. Disclosures of any kind will be dealt with on a case by case basis. The Garda Vetting Procedure will disclose all convictions or prosecutions successful or not, pending or completed in the State or elsewhere as the case maybe. Garda vetting is required for all volunteers and contracted staff members of Dublin Circus Project.

Garda Vetting is currently conducted in respect of personnel working in a full-time, part-time and voluntary or student placement capacity in a position in a registered organisation. The National Child Protection & Garda Vetting Committee makes recommendations relating to suitability of prospective volunteers within the Society.

In dealing with disclosures, Dublin Circus Project (DCP) recognises that this is a most sensitive and complex area and disclosure of any kind will be dealt with on an individual basis. DCP's staff and board will operate within a clear set of guidelines in order to provide consistency and to safeguard all individuals' rights. All disclosures are held within the strictest of confidence and in compliance with data protection requirements.

As a complement to our internal policy and procedures to ensure protection for young and vulnerable persons, we will also ensure that in circumstances where we contract for support with outside bodies (example: aspect of event management/supervision) we will seek confirmation in advance that any such personnel have been appropriately vetted.

What is Garda Vetting?

The process of Garda Vetting is carried out for Dublin Circus Project by the South Dublin County Volunteer Centre (SDCVC). The function of the SDCVC is to provide details of '*all prosecutions, successful or not, pending or completed, and/ or convictions*' in respect of an applicant to a registered organisation.

Benefits of Garda Vetting Procedures

- Protection of children and vulnerable persons.
- Protection of organisations providing services to children and vulnerable persons.
- Protection of personnel within an organisation providing services to children and vulnerable persons
- Management of risk in respect of former offenders.
- Strong component part of a professional Human Resource Management practice within an organisation providing services to children and vulnerable persons.
- Partnership relationship between the Garda Central Vetting Unit and Customer Organisation for Garda Vetting.
- Widely viewed as one of the key elements in the delivery of a comprehensive and robust child protection system in this state.

Areas for Committee Consideration

Information concerning convictions or prosecutions relating to the following legislation and whether from the Republic of Ireland jurisdiction and/or other jurisdictions will require assessment by the Committee (DCP's staff):

- The Child Care Act (1991)
- Domestic Violence Act (1996)

- Non-Fatal Offences against the Person Act (1997)
- Protection for Persons Reporting Child Abuse Act (1998)
- Criminal Justice Act (2006)
- The Education and Welfare Act (2000)
- Children's Act (2001)
- Sex Offenders Act (2001)
- Criminal Justice (withholding of information on offences against children and vulnerable persons) Act 2012.
- National Vetting Bureau (children and vulnerable persons) Act 2012. (When commenced). Offences against the state
- Offences related to drugs
- Number and frequency of convictions particularly in the last ten years
- Serious road traffic offences such as drunk driving, dangerous driving, hit and run, no insurance and car theft.
- Non child protection related offences that may still give cause for concern for example a prosecution and successful conviction under the Domestic Violence Act (1996).

This list is included as an example and is not exhaustive. For the avoidance of doubt, any disclosures relating to any amendments to the aforementioned legislation and/or to any other relevant legislation enacted after the date of issue of this policy may also require assessment by the committee (DCP's staff).

Procedure

The applicant completes the Garda Vetting form, which is then sent to an Authorised Signatory in Dublin Circus Project. The Garda Vetting form is then forwarded to the SDCVC. All rules of Data Protection will be observed in respect of any data received following a Garda Vetting;

- Information will be obtained and processed fairly
- Information will be kept for a specified, explicit and lawful purpose
- Use of and disclosure of information obtained occurs only in ways compatible with these purposes
- Information will be kept safe and secure
- It will be retained only while necessary for the purpose obtained
- Information received from the Vetting Unit will be shared with the individual at their request.

Failure to complete the Garda Vetting form will automatically disqualify the candidate. The provision of inaccurate information on the Garda Vetting form, such as inaccurate date of birth or address, may also disqualify.

Decisions on whether to accept an applicant will involve consideration of a number of criteria as well as the Garda Vetting findings. In the case of convictions, cognisance will be taken of the nature and dates of the conviction, restorative justice and rehabilitation of offenders.

Candidates will be able to challenge the information provided by the SDCVC especially to avoid errors or cases of mistaken identity. In such cases re-vetting will take place.

In all decisions, it is recognised that Dublin Circus Project will take as its first priority its responsibility to the protection of children attending its activities.

Completing a Garda Vetting Form

Please use BLOCK CAPITALS when completing the form. It is imperative that you complete the Garda Vetting Form fully and correctly. Do not leave any part of the form blank. If there is not an applicable answer please write N/A or cross out.

Surname: Insert your current surname.

Previous surname: Insert your previous name here (*i.e. maiden name if applicable*).

Forename: Insert your forename / first name.

Alias: If you are known by any name other than that/those on your birth certificate please insert here.

PPS No (formerly R.S.I Number): Please enter your P.P.S No. here (*if you do not have a P.P.S. No, please contact the office of your local Revenue Commissioners to obtain same*).

Date of birth: Insert your date of birth (dd/mm/yy).

Place of birth: Insert the name of the city or town that you were born in (*e.g. Dublin City*).

Have you ever changed your name? If yes, tick 'yes' box, if no tick 'no' box.

If yes please state former name: Insert any previous surnames if applicable (e.g. in the event that you were married on more than one occasion or that you have changed your name by deed poll etc).

Please state all addresses from year of birth to present date: It is very important that your current address and all previous addresses, including all addresses abroad, are provided. You must also insert the years that you resided at these addresses, year from and year to. These will be checked and if there is any time unaccounted for, the form will be returned to you.

Have you ever been convicted of an offence in the Republic of Ireland or elsewhere? If no, tick 'no', box. If yes, tick 'yes' box and then please provide details of conviction(s), i.e. Date, Court, Offence, Court Outcome.

Declaration: Please make certain you fill in the position you are applying for in the section marked: "I, the undersigned have applied to work as a ..." You must read this declaration carefully, sign and date it, and also print your name in block capitals underneath the signature. (BLOCK CAPITALS).

If the form is not completed correctly it will be returned to you for further completion/ verification. Please note that this could significantly slow your appointment/ Garda Vetting process.

Life Cycle of Garda Vetting

In accordance with best practice, Garda Vetting should be sought in respect of each volunteer or staff approximately every 5 years, or at any time or times within the said 5 year period as deemed necessary by Dublin Circus Project. If a member takes a leave of absence from Dublin Circus Project, i.e. leaves the country for more than 6 months, upon their return they are re-vetted.

There is an obligation on a volunteer or staff member to inform Dublin Circus Project of any actual or pending conviction or prosecution since they were vetted and therefore they will be re-vetted. Failure to do so may result in the Board of Directors placing the person on administrative leave from all Dublin Circus Project activities pending a satisfactory outcome.

Dublin Circus Project can also do a random selection of both volunteers and staff member at any point during the said period.

Dealing with a Garda Vetting Disclosure

If any disclosure raises doubts or concerns about the volunteer's or staff member's suitability, it will be considered by the committee (DCP's staff). The decision on accepting or rejecting an applicant following a negative disclosure will be made by the Board of Directors taking into account the nature of the disclosure, the circumstances surrounding it (to the extent that they may be known) and an assessment of the risk factors.

The committee (DCP's staff) will recommend to the Board of Directors if the applicant should be accepted with or without restriction. The committee should be provided with all available details about the relevant applicant and the disclosure. If an applicant is accepted, subject to a restriction due to a disclosure in the course of the Garda Vetting, the committee will notify the Secretary General of the details of the restriction and the Secretary General will notify the Manager, Supervisor and/or other relevant person to whom the applicant will be reporting of the details of the restriction.

A Register of restricted persons will be kept on file and disclosure of the details of the restriction will be kept to a minimum to ensure that the restriction is monitored and complied with.

Areas for Consideration

The disclosure needs to be assessed in relation to the volunteer's or staff member's intended role within Dublin Circus Project. The following points will be considered:

- The seriousness or nature of any offence and its relevance to being a volunteer or employee.
- The length of time since the offence occurred.
- The number and frequency of any convictions.
- Any relevant information offered by the applicant about the circumstances, for example the influence of domestic or financial difficulties.
- The self-disclosure of the conviction/prosecution or pending conviction or prosecution by the applicant.
- Whether the offence was a one-off or part of a history of offending.
- Whether the applicant's circumstances have changed since the offence took place.
- The country in which the offence took place.
- Whether any conviction is spent.
- Whether the offence has since been decriminalised by government/parliament.
- Serious road traffic offences such as drunk driving, dangerous driving, hit and run, no insurance and car theft.
- The degree of remorse, and motivation for change, expressed by the individual, if this information is provided
- The references received.
- Any other relevant information.

Points specific to the relevant guiding include:

- Does the role involve one-to-one contact with children in an unsupervised position?
- Does the role involve any direct responsibility for finance, unit funds?
- Will the nature of the role provide the volunteer or staff member with any opportunity to re-offend?

The answers to these questions, and information gleaned from the references, will allow the Committee to recommend whether the disclosed information permits the appointment, and if so should the appointment be made with or without restrictions.

Assessing Disclosures

The committee will assess the information provided by the disclosure process, and will make a recommendation on whether or not the prospective volunteer or employee should be appointed.

If disclosures have been received, the Authorised Signatory will request in writing that the prospective volunteer or employee furnish further information on these disclosures or attend a meeting to discuss these disclosures and the circumstances surrounding them. If attending a meeting the prospective volunteer is entitled to bring a colleague or friend to the meeting; however, their role is for support and they are not being involved in the discussion.

The Authorised Signatory will request another member of staff or senior volunteer to attend the meeting as an observer.

The function of this meeting is to gain more information from the applicant for the committee in order to assess the disclosures. If the prospective volunteer or employee does not want to meet with the Authorised Signatory he/she can provide a written statement. Any such statement will be sent in a sealed envelope marked 'private and confidential' to Dublin Circus Project for the attention of the Authorised Signatory. Where such meeting or written statement is not provided, the committee will assess the application on the information available to it.

The committee will have three options open to it:

1. Appointment Approved

If after reviewing all the available information the committee is confident that the prospective volunteer or employee is able to work within Dublin Circus Project's policy to safeguard its members, then the remainder of the process for the registration of any volunteer or employee should be followed in the usual way and the appointment confirmed. The prospective volunteer or employee can be allowed to work under normal policies and procedures with regard to young people and vulnerable persons. Acceptance of the application for volunteer or employee should be confirmed in writing to the volunteer or employee.

2. Restricted Appointment

After reviewing all the available information, the committee may feel that the prospective volunteer or employee is suitable to work with Dublin Circus Project, but should avoid any areas where there may be an opportunity to re-offend. For example, a person with a recent minor conviction involving money could be issued with a restricted appointment excluding them from dealing with cash or other finances. If an application for a volunteer or employee position is accepted subject to any restrictions, the acceptance and terms of the restrictions should be confirmed in writing to the volunteer or employee

3. Appointment Denied

If after reviewing all the available information from the committee, the Board of Directors may feel that the application should be denied, the applicant will be informed of this in writing.

Throughout the procedure, it is important that the prospective volunteer or employee is kept informed and that the information provided is kept confidential to those directly involved in the process. The applicant will then be notified in writing on the final decision made by the Board of Directors. All notes (dated and signed) made during the meeting(s) and any documentation or other information used in reaching the decision is kept securely filed by the Authorised Signatory at Dublin Circus Project.

Data Protection

When the Garda Central Vetting Unit disclose data to an organisation following a vetting application, the organisation is then responsible for that data. The Authorised Signatory should ensure that the rules of Data Protection are observed in respect of the data:

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

Section 258 (4) (a) of the Children's Act 2001 states that "A person to whom this section applies should be treated for all purposes in-law as a person who has not committed or being charged with or prosecuted for or found guilty of or dealt with for the offences which

were the subject of the finding of guilt". Therefore the Garda disclosure sheet will contain "no offence". The offence will be kept on the Garda record, but it will not be disclosed to Dublin Circus Project

Confidentiality

The information disclosed by a person wishing to undertake a role in Dublin Circus Project must at all-time remain confidential and be treated with the utmost respect. All personal information received verbally or in writing will be treated as confidential. It is important that the prospective volunteer or employee feels confident that the details appertaining to their convictions or prosecutions will not be disclosed to the other volunteers with whom they will be working on a regular basis.

Approved by the Dublin Circus Project Board on November 12th, 2019

This policy will be reviewed annually.