

## **Garda Vetting Procedures**

### **Administrative Filter**

In anticipation of the amendment and commencement of the National Vetting Bureau Act 2012, an administrative filter in respect of Garda Vetting Unit Disclosures will operate in accordance with the following procedural guidelines.

#### **A. Criminal Convictions to be disclosed in all cases:**

- 1) Offences Against the Person.
- 2) Sexual Offences
- 3) Convictions on indictment.

#### **B. District Court Convictions which will not be disclosed:**

- 1) Motoring Offences :

**District Court** convictions for motoring offences will not be disclosed after 7 years even where more recent offences have been committed. This is because it is considered that old minor motoring offences would not be relevant due to the passage of time.

- 2) Minor Public Order Offences :

The following convictions under the Criminal Justice (Public Order) Act 1994 will not be disclosed if the offence is over 7 years old even where more recent offences have been committed:

- Section 4 (Intoxication),
- Section 5 (Disorderly conduct),
- Section 6 (Threatening, abusive or insulting behaviour),
- Section 7 (Distribution or display of material which is offensive),
- Section 8 (Failure to comply with direction of Garda),
- Section 9 (Wilful obstruction).

- 3) Other minor offences – 1 Only:

District Court convictions for any other minor offence will not be disclosed after 7 years where the person has **one such offence only (excluding motoring or public order offences over 7 years old)**. This provision does not apply to offences against the person or to sexual offences.

### **C. Probation Act Provisions**

Where persons have been dealt with by a district court in accordance with the provisions of section 1(1) (i) or 1 (1) (ii) of the Probation Act 1907, the offences will not be disclosed **except** in cases where the circumstances of the offence gives rise to a bona fide concern that the person concerned may harm a child or vulnerable person.

Where persons have been dealt with by a court in accordance with section 1 (2) of the Probation Act, these will be disclosed in all cases. (Section 1 (2) relates solely to persons “convicted on indictment”.)

### **D. Offences in respect of which a person is charged but subsequently not prosecuted or acquitted.**

Non convictions will be considered for disclosure where the circumstances of an offence gives rise to a bona fide concern that the person concerned may harm a child or vulnerable person. This information will only be disclosed if the information is of such a nature that its disclosure is necessary, proportionate and reasonable in the circumstances for the protection of children or vulnerable persons, or both, as the case may be.

The Garda Central Vetting Unit will make such decision in the context of:

- The information concerned
- The relevance of the information to the type of work/activity
- The source and reliability of the information
- The rights of the vetting applicant and any submissions made by them.

Where the GCVU makes a determination to disclose information under this section the GCVU will:

- Notify the person who is the subject of the application for the vetting disclosure concerned, in writing, of its determination and of the reasons for it,
- Provide to the person a copy of the information to be disclosed,
- Notify the person of the intention to disclose the information to an Authorised Signatory for the registered organisation concerned after the expiry of 14 days from the date of notification, and
- Allow the applicant the opportunity to make a written submission.
- There will also be an appeals process in respect of a decision to disclose the information.

The GCVU will not issue a vetting disclosure in respect of a person until this process has been completed.