

What is the current vetting legislation?

The National Vetting Bureau (Children and Vulnerable Persons) Act 2012. This legislation is part of a suite of complementary legislative proposal to strengthen child protection.

<http://www.irishstatutebook.ie/eli/2012/act/47/enacted/en/html>

When did it commence?

The legislation was enacted in December 2012 and commenced on April 29th 2016.

Why has this legislation been introduced?

The purpose of this Act is to provide a legislative basis for the vetting of persons who wish to undertake certain work or activities relating to children or vulnerable persons or to provide certain services to children or vulnerable persons.

How does my organisation decide who should be vetted?

This is a matter for each organisation to assess.

Useful Guidance: Is the person 'providing physical or leisure activities and services to children'? If not, they do not require vetting. Ordinary members participating in club events do not require vetting.

All youth leaders, coaches, trainers who work with groups of children, whether alone or accompanied by another adult need to be vetted.

If substitute persons are required from time to time for this work then they should be appointed from a panel of persons who have been vetted.

What if we need to appoint a volunteer at short notice for a one-off event?

That person does not need to be vetted. They would be covered by the 'occasional assistance' exemption. Occasional means 'now and then' or for a once off event such as a sports day. The Act will apply where such involvement includes coaching, mentoring, counselling, teaching or training of the children or vulnerable persons.

Is it an offence to fail to vet a sports leader who is working directly with children?

Yes. A person may not be engaged to do relevant work or activities relating to children or vulnerable persons unless that person has been subject to the vetting procedures under the Act. Failure to comply with this duty is an offence under the Act.

Where does the liability rest for non-vetting?

If a person working with children or vulnerable persons is not vetted, any offence that is committed is committed by the organisation that the person works for. Each local club management committee will have to ensure that the relevant persons working with children or vulnerable persons

are vetted. Equally, national organisations will be required to vet persons working for them who are working with children or vulnerable adults.

Do I need to register my club for anything?

No. Hockey Ireland is already registered with the National Vetting Bureau (NVB) and provides access to vetting services to all affiliated clubs and organisations.

What is the procedure for vetting applications?

Following the receipt of an application for vetting disclosure by a liaison person, the NVB will request from the NVB an examination of Garda Síochána records to establish whether any criminal records or any specified information relates to the applicant.

The NVB will release a vetting disclosure upon completion of all necessary enquiries and procedures as required. It may state that there is no criminal record or specified information relating to the applicant.

Where an organisation received a vetting disclosure containing details of criminal records or specified information it must provide a copy of the disclosure to the vetting subject. It may consider and take into account the information disclosed in assessing the suitability of the person to do relevant work or activities. This is done in accordance with the Hockey Ireland vetting policy.

What is Soft/Specified information?

The Act provides for the exchange of specified or 'soft' information in the context of protecting children and vulnerable adults. This is information held by the Garda Síochána or an organisation specified in Schedule 2 of the Act where such information reasonably gives rise to a bona fide concern that a person may harm a child or vulnerable person. The disclosure of specified information is tightly controlled and the Act seeks to balance the rights of vetting subjects to the protection of their good name and the rights of children and vulnerable adults to be protected from persons who are likely to cause them harm.

What is the process for disclosing specified information?

Where a member of the NVB staff considers that there is 'specified information' in regard to the vetting subject it will be referred to the Chief Bureau Officer for assessment as to whether the information should be disclosed. The Chief Bureau Officer will notify the vetting subject of the referral, provide a summary of the information, and inform him or her of their right to make a written submission in relation to the information.

The Act provides statutory constraints. Firstly, a decision to disclose the specified information can be made only if the Chief Bureau Officer, on assessment, believes the information in question is of such a nature as to give rise to a bona fide concern that the vetting subject may harm, attempt to harm or put at risk of harm a child or vulnerable person.

Secondly, the Chief Bureau Officer must be satisfied that the disclosure is necessary, proportionate and reasonable in the circumstances in order to protect children or vulnerable persons. The vetting subject must be informed of the intention to disclose the information and informed that he or she may appeal the decision.

Who assesses the vetting subject's suitability?

As with the current system, it is a matter for Hockey Ireland and not the Bureau, nor the Garda Síochána to consider and take into account the information disclosed in a vetting disclosure in assessing the suitability of the person for the position for which he or she has applied. Hockey Ireland may not disclose the information otherwise than in accordance with the Act. Non-compliance with this duty is an offence.

What information will my club get back from Hockey Ireland?

Following on from the implementation of the Garda Vetting process, clubs that have submitted Garda Vetting Application Forms as part of a Hockey Ireland Batch Header will receive notification from Hockey Ireland which will list all individuals who are 'deemed acceptable to fill the position solely from a Garda Vetting perspective'. It is then the club's decision whether to actually employ or engage the individual. This should be done taking a thorough Recruitment and Selection process into account including, for example, the checking of references.

What does 'deemed acceptable to fill the position solely from a Garda Vetting perspective' mean?

It means that Hockey Ireland has decided that an individual can take up their position taking into account information from the Garda Central Vetting Unit. This does not mean that the individual does not have a conviction or pending prosecution. It simply means that the club is cleared from a Garda Vetting perspective to make the decision whether to engage the individual or not.

Does my club have the final say on who can be appointed?

Yes, it is the ultimate decision of the club to decide. However, Hockey Ireland has the final say over who cannot represent hockey or may impose restrictions on the position of the individual as a result of the vetting process.

Should a club appoint a person solely based on vetting?

No, each club has the ultimate responsibility to decide whether a person is suitable in line with a Recruitment & Selection policy.

Does a conviction mean that someone cannot take up a post?

No, it does not. In most instances it is convictions and/or prosecutions of a most serious nature and particularly against children/minors that MAY deem a person unsuitable to work with children in hockey. Note that a stated conviction or unsuccessful prosecution MAY have NO bearing whatsoever on the acceptance of an individual and that all cases will be treated individually and confidentially and that they be assessed as per the requirements of the position and the work that it entails.

What is the process if an individual has a conviction?

If the Garda Vetting form includes a disclosure from the applicant or is returned with a disclosure, conviction or specified information (in line with the upcoming legislation) from the GCVU, Hockey Ireland's Garda Vetting Review Committee will be formed. The applicant will also be informed that a disclosure, conviction or specified information has been received and that the committee has been formed. The club or other third parties may also be contacted if additional information is sought in order for the Review Committee to make its decision. If the committee deems the applicant as 'deemed acceptable to fill the position solely from a Garda Vetting perspective', the applicant and the club will be informed.

Alternatively, the committee may, amongst others, impose restrictions on the role of the applicant, deem the applicant as not acceptable to fill the role or bar the applicant as a member of the club/branch/organisation. The applicant may choose to appeal the decision of the Garda Vetting Review Committee upon which the Garda Vetting Appeals Committee will be formed. The decision of the Garda Vetting Review Committee and/or Garda Vetting Appeals Committee will be communicated to the applicant. It will also be communicated to the club however the details of disclosure, conviction or specified information will not. The Garda Vetting Review Committee and/or Garda Vetting Appeals Committee will instruct the club, where required, as to its course of action.

Does my club have a role to play if someone has a conviction?

The club has a very limited role to play. For example, the club may be consulted with about the position or role that an individual fills. However, at no point will the club be informed as to why this consultation is taking place i.e. no information on the conviction will be passed on.

The only time the club has a major role to play is when Hockey Ireland instructs the club that the individual has restrictions imposed on their position or that the individual is not acceptable and cannot take up the position. It is the responsibility of the club to see that this is carried out. Alternatively the club may be instructed to bar the person as a club member. Again the club will be required to carry this out in line with its own policies and procedures.

What does a club need to do around barring?

When a club implements vetting, it needs to accept that it may be required to carry out instructions around the acceptability of an individual to carry out a position. For example, the club may be instructed to bar a member from the club. This may be highly unlikely but the club needs to ensure that they are prepared should it happen. As a result, the club's policies should be examined. So for example, if your club was instructed to bar a member, how would this be carried out? Often times the club constitution will provide direction as this could happen outside of vetting. All clubs are advised to review their club constitution to ensure that they can carry out the consequences of vetting.

What is re-vetting and the policy on it?

Re-vetting applies to those individuals who have been vetted in the past by the same organisation. Under Hockey Ireland policy, individuals must be re-vetted every 5 years. During that time and in line with the Hockey Ireland Code of Ethics, individuals must sign a Self-Declaration Form each season or upon renewal of their contract/agreement with the club.

What is retrospective vetting and the policy on it?

The National Vetting Bureau Act applies to new positions only, retrospective vetting refers to individuals who are already operating as part of a club, branch, Hockey Ireland, etc.

It is in the best interest of the child that all individuals providing hockey to children and vulnerable adults are vetted. As a result and under Hockey Ireland policy, all individuals providing leisure or physical activities to children or vulnerable persons regardless of when they took up their post must be vetted within 12 months of the National Vetting Bureau Act being enacted.

If an individual says they have been vetted previously, do they need to be vetted again?

- Yes, if going between a club and school (schools are not covered under Hockey Ireland policy).
- Yes, if moving from sport to sport i.e. rugby to hockey.
- No, if the individual has been vetted by hockey previously within the last 5 years (for example, the individual has been vetted by another hockey club, a branch or by Hockey Ireland). In this case, the individual fills in a Previously Hockey Ireland Garda Vetted Form. If an individual has been previously vetted by hockey, make sure that the individual has also filled in a Self-Declaration Form for the club.

My club is worried about confidentiality, what is the best way to implement Garda Vetting taking this into account?

Garda Vetting, similar to Self-Declaration forms, include highly confidential information and need to be handled accordingly. As a result, there are a number of considerations for each club:

- Your club must appoint a nominated person to oversee Garda Vetting on the club's behalf. We recommend the Club Designated Person as a result of the sensitive nature of Garda Vetting.
- The nominated person must be agreed by the Club Committee and written into the meeting's minutes
- The Hockey Ireland Garda Vetting Batch Header includes a Confidentiality Statement which the nominated person needs to read carefully, making sure that they understand their responsibility fully
- The nominated person should never keep a copy of Garda Vetting Application Forms
- The nominated person should however keep a copy of the Hockey Ireland Garda Vetting Batch Header so that the club has a record of people that have submitted forms

- The nominated person should also keep copies of the Identification Verification Documents supplied by the applicants.
- The system in place for record keeping currently should be re-examined to ensure that the club and the nominated person is satisfied with it. For example, what is the current process for the recording of signed Self-Declaration Forms or Confidential Reference Forms as part of the club's Recruitment and Selection Policy? Can this process be extended to include vetting or does the process need to be amended? Make sure this process is written down and understood by all involved.
- Each form should be checked for accuracy before it is submitted to Hockey Ireland; however this should be done verbally and not physically. The Guide & Checklist for completing the Garda Vetting Application Form should be used for this purpose.

Should my club keep a copy of Garda Vetting Forms?

No, a copy of the Garda Vetting forms should never be kept by the clubs as this is personal sensitive information. However, clubs **MUST** keep a copy of the Identification Validation documents as provided by the applicant for the period of the vetting.

What form of identification should I be seeking?

The Act states that the relevant organisation should satisfy themselves as the identity of those applying for vetting. This is done with the 100+ points system. Hockey Ireland have produced a list of acceptable documents and their points value.

What process should my club put in place for foreign national coaches?

The process is no different, the club is required to carry out Garda Vetting in respect of that individual in line with the legislation. However, it is important to note that the Gardaí will only check addresses for the Republic and Northern Ireland. This means that the club's overall Recruitment and Selection procedure needs to be very strong. In particular, this includes the signing of a self-declaration and the checking of references.

Should supervised Sports Leaders under the age of 18 be vetted?

Yes, Sports Leaders between with the age of 16 and 18 can be vetted with the consent of their parent(s). A Parental Consent Form must be provided along with the vetting application form.

Does the coach of a senior team with U18 players need to be vetted?

Yes.

Does the club committee need to be vetted?

Under the legislation the club committee does not need to be vetted. However under Hockey Ireland policy, committees involved in the running of hockey for U18s or vulnerable adults must be vetted. An example of this would be a Youth Committee.

Do umpires need to be vetted?

Umpiring Associations are required to vet their members. Umpiring Associations are also required to vet any individuals that will be providing services such as workshops, training seminars or mentoring to young people or vulnerable adults. Clubs are required to vet club umpires.

What is the difference between the Garda Vetting Form and the Previously Hockey Ireland Garda Vetted Form?

The Hockey Ireland Garda Vetting Form should be used for individuals who are being vetted by hockey for the first time. The Previously Garda Vetted Form should be used for individuals who have been vetted by hockey previously. The process for submitting Garda Vetting Forms and Previously Garda Vetted Form is the exact same i.e. the nominated person in the club oversees this process and submits all forms with a Hockey Ireland Batch Header.

What is the situation with hockey camps & what is the club's responsibility?

This depends on the nature of the camp and who is responsible for it. All individuals involved in the overseeing, organisation and delivery of Summer Camps or Hockey Camps **must** be vetted as this includes the provision of leisure or physical activities to children or vulnerable persons.

If the club has responsibility for the running of the camp (it is for club members and is run by club personnel), the usual Recruitment & Selection Policy needs to apply which includes vetting. This policy should already be in place if the camp is engaging existing club personnel. However, if the camp will involve new club personnel (for example, a new coach or Camp Director), the full Recruitment and Selection Policy including vetting must be applied.

If the club is running a camp which will involve non-club personnel, again the full Recruitment and Selection Policy applies including vetting.

Camps that are run separately from Hockey Ireland, branches or clubs (typically commercially operated camps) must vet via the Federation of Irish Sport. Camp operators external to Hockey Ireland will not be vetted via Hockey Ireland.

Is registered post required?

No, it is not. Regular or standard postage is sufficient, or scanned forms by email. However, it is at the discretion of the club to decide.

Does a coach from NI who has been cleared through AccessNI need to be vetted when he/she applies for a position involving working with children or vulnerable persons in ROI?

If a coach is filling a position in the Republic of Ireland, the answer is yes. The coach must be Garda vetted via Hockey Ireland.