

# BODYWHYS

The Eating Disorders Association of Ireland

Title	Vetting Policy
Reference/version number	1.0
Status	Approved
Approval date	08/02/2024
Next review date	February 2026

## Glossary of Terms and Definitions

National Vetting Bureau (NVB): Is the national bureau of the Garda Síochána which conducts vetting of applicants engaged in relevant work to ascertain whether these applicants have a criminal record as defined below.

Garda Vetting: Garda Vetting is the process by which the National Vetting Bureau gives a statement on whether a person has had any convictions - pending or completed - recorded against their name (subject to the Spent Convictions Act of 2016 which allows for certain convictions to become “spent”). In certain circumstances specified information may be disclosed.

Criminal record: in relation to a person means.

- a) A record of the persons convictions, whether within or outside the State, for any criminal offences together with any ancillary or consequential orders made pursuant to the convictions concerned
- b) A record of prosecutions pending against the person whether within or outside the State for any criminal offence
- c) Or both.

## Specified Information

Specified information in relation to a person who is subject of an application for vetting

disclosure means information concerning a finding or allegation of harm to another person received by the Bureau from A Garda Síochána or a scheduled organisation pursuant to section 19 of the Act.

It is information that is considered to give rise to a bona fide concern that the vetting subject may harm, attempt harm, or put at risk a child or vulnerable person or both. If such information is going to be disclosed to a relevant organisation relating to one of their applicants, the Chief Bureau Officer must, in advance, notify the vetting subject of the intention to disclose the information.

Spent Convictions Act 2016: The Spent Conviction Act allows for certain convictions to become “spent” after a period of time has elapsed.

The following convictions will always be disclosed:

- Offences against the person (except minor public order offences)
- Sexual offences
- Convictions on indictment that go to circuit court or higher court.

A Vetting Disclosure will include Particulars of the criminal record (if any) relating to the person and a statement of specified information (if any) relating to the person which the Chief Bureau Officer has determined in accordance with Section 15 of the Act should be disclosed.

or

State that there is no criminal record or specified (soft) information in relation to the person.

**Liaison Person:** Is the person who is nominated to apply for and receive vetting disclosures on behalf of applicant organisations. The Liaison Person may be nominated to act for a consortium of organisations or from a representative body for a group of organisations.

**Child:** A person under the age of 18 years.

**Vulnerable Adult:** A person, other than a child who is suffering from a disorder of the mind, whether as a result of mental illness or dementia, has an intellectual disability, is suffering from a physical impairment, whether as a result of injury, illness, or age,

or

Has a physical disability, which is of such a nature or degree as to restrict the capacity of the person to guard himself or herself against harm by another person, or that results in the person requiring assistance with the activities of daily living including dressing, eating, walking, washing, and bathing.

**Registered organisation:** A volunteer centre that has a vetting relationship with National Vetting Bureau of the Garda Síochána in the Act is referred to as a registered organisation.

Affiliates: Are relevant organisations who are affiliated to a local volunteer centre for vetting purposes. All VCs keep an up-to-date list of affiliates officially with the NVB.

**Liaison person:** The person who processes Garda Vetting information on behalf of its affiliates.

**Garda Vetting Officer:** The person in your organisation who the Liaison Officer can work with in relation to vetting.

**Natural Justice:** There are essentially two sections to the Rules of Natural Justice, the first being derived from the Latin maxim "audi alteram partem" (let the other side be heard). This is the duty to allow persons affected by a decision to have a reasonable opportunity of presenting their case. The second part of the Rules of Natural Justice is derived from the Latin maxim "nema iudex in causa sua" (no one can be the judge in his own cause). This gives rise to a duty to act fairly, to listen to arguments, and to reach a decision in a manner that is untainted by bias.

## **Principles**

Garda Vetting is just one of several elements that the Organisation implements to ensure the protection and safety of the children and / or vulnerable persons. Appropriate recruitment screening (including interviews, reference checking), child protection and health and safety procedures, etc. will be implemented along with Garda Vetting.

An individual will not work / volunteer with children or vulnerable persons in the Organisation until their Garda Vetting has been completed and the results conveyed to the organisation's Garda Vetting Officer by the Liaison Person. It will be an offence to start a person in relevant work before Garda Vetting is completed.

Having a criminal record will not automatically exclude an individual from employment / volunteering. Decisions on whether to involve an individual with prior criminal convictions will consider:

- the individual's abilities, skills, experiences, and qualifications.
- the nature of the conviction and its relevance to the job.
- the length of time since the offence took place.
- the potential risk to the service users, volunteers, employees, and organisation.
- training which may have occurred since the time individual's offence.

The Organisation will employ a Natural Justice framework in dealing with any disclosures of convictions.

## **Vetting Applications Process**

All vetting applications for employment / volunteer roles with the Organisation shall initially be processed by their GVO before referral to the Liaison Person who is trained by the Garda Vetting Unit in the management of Vetting applications and disclosures.

The Organisation will nominate one staff member / Board Member / Steering Committee member to act as the 'Garda Vetting Officer' (GVO). The responsibilities of the GVO include:

- Assessing when Garda vetting is necessary for each employment position / volunteer role i.e. the role involves “relevant work” with children or vulnerable persons as specified in the National Vetting Bureau (Children and Vulnerable Persons Acts) 2012 to 2016.
- Ensuring that candidates for employment positions / volunteer roles are provided with the correct Garda vetting forms and that the forms are completed accurately and in full, prior to submitting them to the Liaison Officer.
- Verifying the identity of the person submitting the vetting application by checking relevant ID
- Ensuring all personal information in relation to vetting is kept confidentially and in compliance with Data Protection legislation and best practice.

The Organisation will not accept historical vetting information from employment / volunteer candidates or from their previous employers / volunteer managers. Each new employer / volunteer must be vetted via the Organisation vetting process, even if engaging an individual already vetted elsewhere. The Organisation will require all of its existing staff/volunteers to be re-vetted at regular intervals of five years.

### **Vetting Disclosures Process**

On return from the National Vetting Bureau the forms will be processed by the nominated Liaison Person who will inform the Organisation Garda Vetting Officer by letter of the results.

The Liaison Person will pass on a copy of the persons disclosure to the Garda Vetting Officer for their consideration, and this document will be held confidentially within the organisation.

An offer of a position of employment / voluntary role will be issued to the candidate in line with our screening / recruitment procedures if deemed suitable.

Where serious convictions are disclosed, the disclosure is received by the organisation and a letter may be issued to the person asking them to attend a meeting. The purpose of this meeting is to allow the applicant (employee / volunteer) to discuss the information returned by the Garda Vetting Bureau and to give them an opportunity to

explain the circumstances surrounding the conviction.

A written record of this meeting will be kept, and the time, date and duration of the meeting recorded. At this meeting, the Organisation will ensure that:

- Everyone, no matter what their history, is given fair and equal treatment and the right to state their case. Cognisance is of Repeat Offending, Restorative Justice, and Rehabilitation of Offenders.
- A disclosure of conviction will not automatically preclude the applicant from obtaining the position in question. Cognisance is taken of the applicant's self-disclosure or non-disclosure of a conviction at the time of the application and of their experience (work record etc.) and rehabilitation subsequent to any conviction disclosed.

Where multiple convictions are evident but may be as the result of a particular lifestyle, e.g., drug addiction, then the change in lifestyle must be taken into consideration.

Applicants who deny any convictions returned by the Vetting Bureau will be provided with details on how to write a letter of appeal to amend their records at the Vetting Bureau.

Applicants are informed that in the case of uncertainties their form will be returned to the Vetting Bureau seeking clarification.

The applicants name and date of birth are re-checked at the start of the meeting as mistakes may be made by the Vetting Bureau where names and addresses are similar.

The Organisation will consider each Garda Vetting form returned with convictions individually and will always treat the applicant with respect, dignity and complete confidentiality.

The Organisation recognises that there are three potential outcomes of the review meeting:

- In line with this policy and taking all things into consideration including interview, current history and references, the applicant may be offered the position.
- The applicants Garda Vetting form is returned to the Garda Vetting Bureau for further clarification. In which case a second review meeting may be held.
- The applicant is deemed unsuitable for the position on offer by nature of their history of offences.
- In each case a written explanation of the outcome will be sent to the applicant by letter. A record of this letter, including date sent will be kept. A record of any replies received, and any follow-up will also be kept.

### **Confidentiality and Data Protection**

All information in the vetting process will be held in a manner consistent with confidentiality requirements. The Organisation also complies fully with good practice regarding the secure storage, handling and use of the Vetting Bureau disclosures and personal vetting information as per Data Protection Policy and legal obligations under Data Protection Legislation.

### **Potential Circumstances for the Withdrawal of the offer to Work / Volunteer**

The Organisation considers the following as reasonable grounds to withdraw an offer or opportunity of employment / volunteer role to an individual:

- The individual has been charged with or convicted of a sexual offence
- The individual has been charged with, or has a conviction for, an offence that relates to the ill treatment of a child, or a vulnerable adult
- The individual has been charged with, or has a conviction for, the ownership, production, or distribution of child pornography
- Offences against the person, e.g. assault, harassment, coercion
- Breaches in trust, e.g. fraud, theft, larceny
- Offences against property e.g. arson, armed robbery

- Domestic Violence
- Offences against the state.

Please note that this list is illustrative and not exhaustive.

The “How To” for both applicants and Line Managers can be found on Microsoft Teams.

Vetting Policy

Material © 2024 Bodywhys

### **Company information**

Postal Address: P.O. Box 105, Blackrock, Co. Dublin

Office: 01-2834963

Helpline: 01-2107906

Office email: [info@bodywhys.ie](mailto:info@bodywhys.ie)

Email support: [alex@bodywhys.ie](mailto:alex@bodywhys.ie)

Website: [www.bodywhys.ie](http://www.bodywhys.ie)

Think Bodywhys CLG, trading as Bodywhys – Twhe Eating Disorders Association of Ireland, is a company limited by guarantee.

Registered Company Number 236310. Registered Office 18 Upper Mount Street, Dublin 2.

Registered Charity Number 20034054. CHY number 11961