

Loreto Sisters

Garda Vetting Policy – IBVM Irish Province

Policy Statement

The Garda Vetting Policy is concerned with the role of the Loreto Sisters (Ireland) as a provider of services in relation to the eligibility and recruitment of staff and volunteers working with children or vulnerable adults. The purpose of the policy is to:

- ensure best practices in recruitment and selection procedures whereby eligibility to work/volunteer is contingent upon the successful completion of National Vetting Bureau (NVB) vetting checks to identify conditions whereby individuals may be deemed inappropriate for employment /volunteering with the Loreto Sisters (Irish Province).

Principles

- Responsibility for organising Garda Vetting lies with the Garda Vetting Contact Person (GVCP)/Province Leader.
- An individual cannot work/volunteer with children or vulnerable adults unless he/she has been Garda vetted.
- Having a criminal record should not automatically exclude someone from employment/volunteering unless this relates to the offences outlined in the Act. An objective risk assessment should be undertaken to determine suitability.

Scope

This policy is addressed to all personnel involved with the Loreto Sisters' ministries who will have unsupervised access to children/vulnerable adults.

The vetting will last for 4 years.

The National Vetting Bureau Act 2012 sets out the circumstances that require vetting as:

- Any work or activity which is carried out by a person, a **necessary and regular** part of which consists mainly of the person having access to, or contact with, children and/or vulnerable adults.

The Act also requires:

- Vetting in respect of any work or activity as a minister or priest or any other person engaged in the advancement of religious beliefs, to children and vulnerable adults, unless such work or activity is merely incidental to the advancement of religious beliefs to persons who are not children or vulnerable adults.
- A person is also required to be vetted if their ministry, work, or activity, is deemed relevant to children or vulnerable adults. Relevant work includes the provision of: Training; Education; Treatment; Supervision; Therapy; Counselling; Transporting or Conveying; Advice; Guidance or Cultural, Recreational, Leisure, Social or Physical Activities

Interpreting the Act for the Church Context

From the above extracted clauses, persons requiring vetting fall into three main categories:

Category 1:

- A person must be vetted who is a Sister or Other who engages in the advancement of religious beliefs to children and vulnerable adults.

Category 2:

- A person must be vetted if he/she has necessary and regular contact with children or vulnerable adults through his/her ministry, work or activity in the ministries associated with the Loreto Sisters (Ireland).

Category 3:

- Vetting is also required for those whose ministry, work or activity includes the coaching, mentoring, counselling, teaching or training of children or vulnerable adults. This applies regardless of whether this ministry, work, activity is occasional or regular and necessary.

Category 4:

- Vetting is not required if his/her ministry, work, activity, with children is merely incidental to his/her ministry, work, activity with others who are not children or vulnerable adults. In other words Church personnel who may come into contact but do not minister, work directly with children or vulnerable adults, excluding those who fall into Category 3 above.

Examples of Roles that typically **WILL** require vetting:

- Careworkers
- Youth Group Leaders such as those responsible for Summer Camps etc.
- Supervisors of Youth Ministry
- Parish Pastoral Prayer Group
- All other roles that bring a person into direct contact with children or vulnerable adults through his/her ministry, work or activity.

Examples of Roles that typically **WILL NOT** require vetting:

- Secretaries
- Domestic Staff (unless they have regular contact with vulnerable persons as part of their work)
- Other roles whose contact with children or vulnerable adults is merely incidental while they are carrying out their ministry, work, activities with those who are not children or vulnerable adults.

Implications for the Loreto Sisters (Ireland)

- The Province shall not permit any person to undertake relevant ministry, work or activities on its behalf unless it receives a vetting disclosure from the National Vetting Bureau in respect of that person.
- The Province will access the vetting process via AMRI which is deemed to be a Relevant Organisation with regards to the Act. (Data Deeds and Service Level Agreements are in place)
- Equally those, who under the Act do not require vetting, should not be requested to apply for vetting as to do so would be an undermining of their civil rights.

Process

- Please see attached Vetting Invitation (NVB 1) form. You should give this to the applicant and ask him or her to complete Section 1 and 2. Please ensure the form is completed fully and clearly. Section 3 is to be completed by you on behalf of the organisation requesting the vetting. At this point in the process you must validate the identity of the applicant (see below).
- You should post the original Invitation Form to the Garda Vetting Contact Person and keep a copy for your files. The applicant will then receive an email from the NVB with their online application form (NVB 2). If they do not complete this within 28 days the form becomes invalid and they will have to reapply. At present the e-vetting process is taking 7-10 working days to complete.

Email

- The applicant must provide a valid email address. If the applicant does not have their own email address they can provide any email that they are happy for their form to be sent to. This can be the email of a friend or family member or one can be provided for them by the organisation requesting the vetting.

- The organisation requesting the vetting must also provide an email to be notified of the completion of the vetting. This should not be a public email, as sensitive information will be sent to it. It may be advisable to set up a vetting email address to be used for this purpose only.
- If the applicant does not have access to an electronic device one should be provided for them for the purpose of completing their application. Staff in Citizen Information Centres and public libraries have also been briefed on the e-vetting process and can provide assistance and access to computers for applicants.

Proof of Identity

- At least two forms of identification must be produced to validate the identity of the applicant when completing the application. One of these should be photographic where possible. There is a points system for the verification of identity where 100 points must be reached. Different forms of identification are weighted with a sliding scale of points. Where an individual cannot reach 100 points an affidavit witnessed by a Commissioner for Oaths will suffice. The identity is verified locally (that is, by the community house or diocesan agency) and copies of identity are sent to the Garda Vetting Contact Person.

Relevant Work

- It is now against the law to commence ‘relevant work’, that is, work that involves contact with children or vulnerable persons without first being vetted. Please provide a full description of the role being applied for on the Invitation Form. It is not sufficient to state ‘volunteer’. The role must be specified, such as, ‘Camp Coordinator or ‘Camp Leader’. If the applicant carries out multiple roles you should state the one that involves most contact with children or vulnerable adults.

Minors

- The legislation is directed at applicants aged 18 years or over at date of signing the form. However applications can be made for those aged 16 and 17 when a parental / guardian consent form is also completed (NVB 3). The decision to vet minors is a policy issue and must be made by the individual organisation. In this case proof of identity must also be obtained for the parent / guardian

Re-Vetting

- The legislation does not state how often a person should be re-vetted. The NVB recommends anywhere from 1-5 years depending on the nature of the work. Re-vetting for the Loreto sisters will be carried out every 3 years.

Confidentiality

- All information in the Garda vetting process will be held in a manner consistent with the confidentiality policy for the Loreto Sisters (Ireland).
- The Garda Vetting Contact Person and the Loreto Sisters (Ireland) is responsible for the security and safeguarding of any records that are kept, under the strict provisions of Data Protection laws.

Risk Assessment Guidelines

A conviction, prosecution or case pending will not necessarily bar an applicant from being considered for employment or engagement. The following criteria should be considered:

- the nature of any convictions
- number of convictions
- the frequency of any convictions
- the post for which the person is seeking employment/engagement
- the self- disclosure of the conviction/case pending by the applicant
- time lapsed since last conviction
- the steps the applicant has taken to prevent re-offending

Note: In making any decision, the Province Leader may refer the case to the Chairperson of Safeguarding committee for advice. The Loreto Sisters (Ireland) considers the following as reasonable grounds to refuse an individual access to employment within the organisation:

- 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.

The Loreto Sisters (Ireland) considers the following list of offences to be relevant, and each case will be considered in a case by case basis:

- 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.

The Loreto Sisters (Ireland) are conscious of not initiating policies that prohibit employment needlessly against rehabilitated individuals. Such cases will be objectively determined on a case by case basis. Risk assessments should also be specific to the particular roles, for example, risk concerning fraud is more likely to pose a risk for someone with financial responsibility. The level of risk relative to the position should be determined by management.

All decisions for a withdrawal of an offer of work or voluntary placement will be proposed by the Safeguarding Committee, and approved by the Provincial Leader.

Note: In making any decision, the Provincial Leader may refer the case to the Chairperson of the Safeguarding Committee for advice.

Appeals Process

While the focus is on protecting children and vulnerable adults, there are also safeguards and due processes for those being vetted, including the right to appeal. The NVB will provide details if the applicant has been subject to any prosecutions (successful or not, pending or completed) and convictions.

Signed: 

Ita Moynihan IBVM
Provincial

Date: 1st January 2019