

# Garda Vetting Policy

## Introduction:

Kilmore Diocese is committed to the highest standards of professional practice in its recruitment processes. It is committed to ensuring that all people who are employed or are volunteers within the diocese act according to the highest standards in all aspects of their roles and responsibilities.

## Garda Vetting:

Garda vetting is one component of a good practice recruitment framework which includes such practices as verification of identity, gathering of personal details, interview and references. Garda vetting is provided to the diocese by the Garda Central Vetting Unit (GCVU). Vetting is essential in respect of clerical and religious in a diocesan setting, full-time or part-time staff members and/or volunteers who have access to children or vulnerable adults.

## Garda Vetting in Kilmore Diocese:

The National Board for Safeguarding Children in the Catholic Church in Ireland has set out safeguarding children policies and procedures and states that once a person has been selected and before he / she takes up the appointment Garda vetting should be adhered to. This reflects national and International best practice in this area. For the purpose of this document all references to “applicant” include clergy, staff members and volunteers. Where “relevant information” is mentioned it refers to convictions disclosed by the Gardaí. In the Kilmore Diocese Garda vetting is essential for anyone with access to children.

## Vetting Process within Kilmore Diocese:

Section 26 of the Sex Offenders Act 2001 means that it is a criminal offence for some people who fail to notify their employer that they are guilty of certain criminal offences before taking a job or performing a service. It is a requirement under this legislation for a prospective employee or volunteer to inform the employer of offences committed by him/her in Ireland and abroad. Section 26 of the Sex Offenders Act 2001 makes it an offence for a sex offender to "apply for work or to perform a service (including state work or service) which involves unsupervised access to or contact with children or mentally impaired people without telling the prospective employer or contractor that he/she is a sex offender".

The diocese is required to register with the GCVU and appoint an authorised signatory who will be trained by the GCVU. The authorised signatory for the Kilmore Diocese is Fr Donal Kilduff who ensures that Garda vetting application forms are completed accurately and in full. The staff/volunteer application form which is completed by the applicant gives permission for Garda vetting to be obtained and shared with the relevant personnel within the diocese in line with data protection legislation. The request to obtain Garda vetting must seek the permission of the applicant to share the information with named relevant people i.e. the employer and the authorised signatory. Personnel accessing Garda vetting must also observe confidentiality and must be made aware of the consequences of a breach of confidentiality. If the Garda vetting contains information which might mean an applicant is unsuitable for the post, the parish priest (employer) must discuss the Garda vetting with the applicant to establish firstly that the identity details are correct and secondly whether the information shared means that the application must not proceed by way of a process review meeting. If the applicant wishes to appeal the decision the diocese must set up a meeting of the vetting appeals panel.

The employer signs the form. The employer sends the form to the authorised signatory who will examine it for any omissions, mistakes or lack of clarity. Any incomplete form is dated and returned to the employer with a covering letter requesting the form's correction and resubmission. Changes cannot be made other than by the applicant on the authorised form. When the authorised signatory is satisfied with the form, the details of the applicant are entered into the diocesan database for Garda vetting. The authorised signatory forwards the form to the GCVU in batches. Checks are made against records of criminal convictions and pending prosecution cases only. Forms are returned to the authorised signatory (usually between 8 - 12 weeks). The employer is informed of the outcome.

## Recommended procedures following the receipt of information from the Garda Central Vetting Unit

### **1. Consideration of holding a Process Review Meeting:**

The Gardaí provide details of all prosecutions, successful or not, pending or completed, and/or convictions. Consideration for a process review meeting will occur when an application is returned from the GCVU with relevant information attached. The employer should clarify any information received from the GCVU with the applicant. If information is received which gives rise to concern, a process review meeting is strongly recommended.

### **2. The Process Review Meeting:**

In the event that a process review meeting is to be held please note the following-

It is the employer who will arrange the meeting. In the case of a pilgrimage group, it is the leader of this group who calls the meeting. The applicant is invited by the employer/leader of pilgrimage group to attend the review meeting and to bring someone along as a support if he/she so wishes. The applicant at this stage is told why he/she is being invited to the meeting. The employer will be accompanied by another member of their parish recruitment committee who will record notes of the meeting.

The meeting has two purposes, firstly to clarify the applicant's identity and secondly to give the applicant an opportunity to discuss his/her application in the light of the information received from the GCVU. The applicant must provide proof of his/her identity at the meeting. At the meeting a discussion takes place for clarification purposes so that all information required to make a recruitment decision is accurate. A written record will be kept of the meeting. The applicant is entitled to a copy of the notes taken at the meeting if he/she so wishes. After the meeting the employer/leader and accompanying person are required to make a decision in the light of what the applicant has said at the process review meeting. The applicant is informed in writing of the decision and his/her right of appeal.

Applicants who assert that their Garda vetting disclosure may be inaccurate must provide satisfactory evidence to support their assertion and must contact the GCVU themselves. The Church has no role in reviewing the content of the disclosure by the Gardaí.

### **3. Risk Assessment Guidelines:**

A conviction, prosecution or case pending will not necessarily bar an applicant from being considered for employment. The decision making process is fundamentally to assess the suitability of an applicant. Any information which arises from the Garda vetting process may influence the decision of the employer to offer employment. The following criteria will be considered (this list is not exhaustive):

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

## **The Vetting Appeals Panel**

### **1. Process:**

An appeal against the church's decision not to employ in a paid or unpaid capacity, on the grounds of information shared in the Garda vetting, can be made by the applicant within 28 days of receiving the notification that the application cannot proceed. The applicant will be informed in writing of the process of an appeal. The applicant will be advised to set out in writing his/her grounds for appeal. Once a request has been received by the employer to appeal the church's decision, an appeals panel will be established by the employer to hear the appeal. The applicant will be told that the appeal process will require the information disclosed by the Gardaí to be shared with the panel members, and that any representations made by him/her may be shared with the statutory authorities. Any detail provided, for example to explain the background to a conviction, will be shared with the GCVU to ensure it is a realistic representation of the facts. The role of the appeals panel is to decide if the original decision was unreasonable or irrational. The panel will communicate its view to the employer in the first instance. The employer should take cognizance of the views of the appeals panel. The applicant will then be informed in writing of the final decision following a review by the employer, based on the decision of the appeals panel.

### **2. Constitution of Panel:**

The Kilmore Diocesan Appeals Panel has been appointed by Bishop Leo O'Reilly and the membership is as follows -

- Mr Christy Dooley - Chair of the Safeguarding Committee.
- Ms Rita Martin – Solicitor.
- Fr Donal Kilduff – Authorised Signatory.

### **3. Role of Panel:**

- To receive and hear requests for a review of the decision not to appoint on the basis of information received through the Garda vetting process.
  - To review the written information provided by the appellant and to receive oral evidence if appropriate.
  - To review information provided by the employer.
- To make a judgment regarding whether the decision not to employ was reasonable.
  - Was the decision to refuse based on potential risk to children?
  - Was the relevance of the specific role taken into consideration?
- To report its decision to the employer for consideration.

### **4. Timeframe:**

An appeal must be lodged with the employer within 28 days of being informed of the decision not to appoint. The appellant will be asked to provide written representation within 14 days of receipt of correspondence requesting this. Failure to provide this information within the timeframe suggested or failure to seek an extension will result in the matter being closed and the original decision standing. The vetting appeals panel will aim to review all information within 14 days of receipt of the same and communicate in writing its decision to the employer.