



Guidance on Vetting

The Catholic Church's Standards and Expectations

1.0 Standard 3

“Children should have access to good role models they can trust, who will respect and nurture their spiritual, physical and emotional development. They also have a right to an environment free from abuse and neglect”

1.1 It is very important that those people who work in any capacity (ministry, paid, or as volunteers) with children¹ and young people are, as far as possible, assessed to ensure that they do not present a risk to children. Standard 3, and Resource 3 provides the expected standard of practice in relation to recruitment and selection, and gives a checklist for engaging proper processes when taking on staff and volunteers who will be working with children.

1.2 One part of the recruitment process is to “screen” applicants against police criminal conviction and caution records. In Northern Ireland, this screening process includes a check against relevant police-held conviction and non-conviction information and against UK lists of individuals who have been barred from working with children and/or vulnerable adults and against Garda Síochána records. In the Republic of Ireland, checks are made against records of criminal convictions and pending prosecution cases only.

1.3 This document seeks to set out the applicable legislation and provide guidance on who should be vetted and the processes in both the Republic of Ireland and in Northern Ireland.

¹ A child is defined as a person who has not attained the age of 18

2.0 Process in Republic of Ireland

2.1 In ROI, vetting is carried out through the Garda Central Vetting Unit in Thurles.

2.2 Currently there is no legislation which underpins vetting in ROI. However section 26 of the Sex Offenders Act 2001 means that it is a criminal offence for some people who fail to notify their employers 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 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 service²) which involves having unsupervised access to, or contact with children or mentally impaired people³ without telling the prospective employer or contractor that they are a sex offender".

2.3 The Report by the Working Group on Garda Vetting, 2004⁴, provides some guidance on who should be vetted. In addition, consultation between the National Office for Safeguarding Children and the Garda superintendent responsible for vetting, in March 2011 has identified from that report that "**those who have substantial, unsupervised access to children**" should be vetted, prior to taking up post in a paid or voluntary capacity.

2.4 Substantial and Unsupervised is defined as follows:

"When seeking to decide if someone should be asked to undergo Garda vetting, you should be guided in this decision as to whether the person will have **substantial, unsupervised access** to children in their role or not. If the normal duties of the person involve contact with children, this may be viewed as substantial access. However, if that contact is always supervised, the criteria for vetting is not met. The contact must be of a

² The terms State work or State service includes work done by [civil servants](#), Gardaí, Defence Forces, local authority and [Health Service Executive \(HSE\)](#) staff.

³ The term mentally impaired is used in the 2001 Act and is defined in [Section 5 of the Criminal Law \(Sexual Offences\) Act 1993](#). This refers to anyone suffering from a disorder of the mind, whether through mental disability or mental illness, which is of such a nature or degree as to render them incapable of living an independent life or of guarding against serious exploitation.

⁴ See 3.2 Report of Working Group on Garda Vetting, 2004

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nature to permit the opportunity to exploit access to children to harm them. It must be unsupervised. Therefore for vetting purposes, the role must possess the potential for substantial unsupervised access if someone is to be required to undergo Garda vetting”.

2.5 Good childcare practice means that as far as possible, management and supervision arrangements are such that substantial, unsupervised access to children is limited.

2.6 Within the Catholic Church in Ireland, it is Church Policy for those who have specific roles, where the contact with children is substantial (part of their normal duties) and where this may be unsupervised (in ministry; paid or voluntary) to be vetted. The Diocese/Congregation is required to register with the Garda Vetting unit and appoint an authorised signatory who will be trained by the Garda Vetting Unit. It is the responsibility of the authorised signatory to ensure that Garda vetting application forms are completed accurately and in full.

2.7 The form which is completed by the applicant gives permission for a Garda check to be obtained and shared with the relevant personnel within the congregation/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 checks must also observe confidentiality and must be made aware of the consequences of a breach of confidentiality.

2.8 Garda vetting is one method of ensuring that those people against whom there are concerns of a relevant nature are not engaged to work with children. The vetting return must be assessed by the employing person (parish priest, chair of board of management etc) to ensure that risk is minimised.

2.9 If the vetting check contains information which might mean an applicant is unsuitable for the post, the employer must discuss the vetting check 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.

2.10 If the applicant wishes to appeal the decision the Diocese/Religious Order must set up a review panel meeting. (See section on Appeals below)

3.0 Northern Ireland Requirements

3.1 The Police Act 1997 (Criminal Records) (Disclosure) is the legislation which allows for an enhanced criminal record check for those engaged in regulated activities⁵ with children and vulnerable adults.

3.2 A child is defined by the Safeguarding Vulnerable Groups Order (hereafter "SVGO") as anyone who has not attained the age of 18.

3.3 A vulnerable adult is defined by the SVGO as a person who is aged 18 years or over and who:

- is living in residential accommodation, such as a care home or a residential special school
- is living in sheltered housing
- is receiving domiciliary care in their own home
- is receiving any form of healthcare
- is detained in a prison, remand centre, young offender institution, secure training centre or attendance centre, or under the powers of the Immigration and Asylum Act 1999
- is under the supervision of the probation services
- is receiving a specified welfare service, namely the provision of support, assistance or advice by any person, the purpose of which is to develop an individual's capacity to live independently in accommodation or support their capacity to do so
- is receiving a service or participating in an activity for people who have particular needs because of their age or who have any form of disability
- is an expectant or nursing mother living in residential care
- is receiving direct payments from a local authority or health and social care trust in lieu of social care services, and/or
- requires assistance in the conduct of their own affairs.

4.0 Vetting

4.1 Vetting is carried out in Northern Ireland through Access NI

4.2 In relation to the Church, those who work (paid or unpaid) in a regulated activity will require to be vetted. In addition there are some roles who oversee those in regulated activities who must also be vetted including Bishops and Provincials/Religious Leaders.

⁵ For regulated activity see definition at point 6 below

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4.3 The Northern Bishops have established a central vetting office whereby all vetting applications to Access NI are processed. The Vetting officer acts as the authorised signatory and makes decisions about fitness for role based on the returned disclosure.⁶ An application is completed by the local safeguarding representative and forwarded to the Northern Vetting Office for processing.

4.4 For Religious Orders, consultation should take place with the Northern Vetting Office around requirement to vet and processing of applications.

5.0 Barring

5.1 In addition within Northern Ireland a Vetting and Barring Scheme (VBS)⁷ has been established under the Safeguarding Vulnerable Groups (Northern Ireland) Order (SVGO) 2007⁸. Under the VBS, work with children and vulnerable adults is defined in terms of 'regulated activity' [see below for definitions of child, vulnerable adult, regulated activity]. Regulated activity extends to both paid and unpaid work and includes volunteering opportunities. A new Independent Safeguarding Authority⁹ (ISA) has been established to manage the vetting and barring scheme. The ISA make decisions about who is included in barred lists, which will prevent the barred individual from obtaining work with children and vulnerable adults. The ISA holds two barred lists; a children's' barred list and an adults' barred list.

5.2 From 12 October 2009, a barred individual, who seeks or obtains work in regulated activity, will be committing a criminal offence. Likewise an employer or volunteer manager who offers work in regulated activity to an individual they know to be barred will be committing a criminal offence. Also from 12 October 2009, if an individual is removed or dismissed from regulated activity; or if the person would have been dismissed but leaves as an alternative to dismissal, for causing harm or posing a risk of harm to children or vulnerable adults, **the employer is legally obliged to refer this information to the ISA**. Failure to do so is an offence and will carry a significant penalty. ISA will review the information and consider the appropriateness of barring the individual from working with children and/or vulnerable adults.

⁶ For appeals see section xx below

⁷ Following a change of Government in the UK, this scheme is being remodelled. Consequently this guidance will be updated in the future

⁸ The Safeguarding Vulnerable Groups (NI) Order 2007 can be found at:
http://www.opsi.gov.uk/si/si2007/pdf/uksi_20071351_en.pdf

⁹ ISA for details log onto www.isa.gov.org

5.3 A referral must be made to the ISA when the Dioceses/religious Order, withdraws permission for an individual to engage in regulated activity, or would have done so had that individual not resigned, retired, been made redundant or been transferred to a position which is not regulated. Within the Church setting, this may be as part of the processes involved in asking for or imposing Leave from Sacred Ministry because the Bishop/Provincial thinks that the individual has:

Engaged in relevant conduct;

Satisfied the harm test; or received a caution or conviction for a relevant offence.

Temporary removal from ministry may not require referral to ISA; however if both conditions have been met for those permanently excluded from ministry, then the information relating to and allegations against that individual must be referred to the ISA. Advice on referring to ISA can be obtained from the Northern Vetting Office.

6.0 Activity with Children, and Young People

6.1 The Independent Safeguarding Authority (ISA) defines regulated activity as covering:

“Anyone working closely with children or vulnerable adults, paid or unpaid, not part of a family or personal arrangement on a frequent¹⁰ or intensive or overnight basis. It can include, but is not limited to, any of the following:

- Teaching, training or instruction, care or supervision of children or provided wholly or mainly to vulnerable adults.
- Providing advice or guidance for children.
- Providing advice, guidance or assistance wholly or mainly to vulnerable adults.
- Any form of healthcare treatment or therapy provided to children or vulnerable adults.
- Driving a vehicle that is being used for the specific purpose of conveying children or vulnerable adults.
- Working in a specified place [for example in a school, children’s home, children’s hospital, a nursing home or residential care home]

¹⁰ Frequent means once a week or more (except in health or personal care services where frequent means once a month or more; intensive means on four or more days in a single month)

6.2 Controlled activity includes:

- frequent or intensive activity that is ancillary to healthcare in hospitals or
primary care
- frequent or intensive ancillary activity in adult social care settings and further education settings, and
- people working for specified organisations with access to health or social services records.

From a Church perspective most staff will fall under the category of regulated activity.

6.3 Further guidance on how to make a referral to the ISA, and on the assessment for barring, can be found on the ISA website. To facilitate the process, Dioceses and Congregations in Northern Ireland will be supported by the Northern Vetting Office, based in Belfast ISA referrals should be submitted through that Office.

7.0 ISA registration

As this process is currently under review by the UK government, there is currently no requirement to register. Further guidance will be issued once the review is completed.

8.0 Storage and Retention of Records

8.1 Application forms, references and the fact that the vetting checks has been carried out must be stored securely by the employer in a locked cabinet in the parish/diocesan/employer's office. In ROI, the full garda record must be retained for a period of 20¹¹ years after the end of the period of employment.

8.2 In Northern Ireland the information contained in the vetting check should be stored for a period of 3 months and then destroyed, by the authorised signatory. The only exclusion is if the applicant appeals the decision of the authorised signatory. (See section on appeals below) and in this instance the record should be retained for 3 months following completion of the appeal process.

¹¹ Classified under the data commissioners guidance on vetting as "exceptional circumstances"

8.3 In Northern Ireland a reference to the check having been carried out should be retained for a period of 20 years after the end of the period of employment. (This also applies to volunteers)

9.0 Appeals

9.1 It must be noted that any appeal can only be made in relation to the Church decision not to employ the candidate (paid or voluntary). The Church has no role in reviewing the contents of the Disclosure by the Gardai or Access NI. If there is a disagreement about the Disclosure, the Applicant must appeal directly to An Garda Síochána or Access NI.

9.2 The Authorized signatory and employer will, in keeping with 2.4, assess the information returned from Access NI or Garda Síochána, following which the employer will decide if there is any reason not to employ the applicant from a criminal information perspective. The applicant will be informed that their application cannot proceed based on the information returned through the vetting process.

9.3 If the applicant wishes to appeal the Church decision, the applicant should be informed in writing, the process of an appeal.

9.4 An appeals Panel will be established by the Church Authority to hear the appeal.

9.5 The applicant will be told that the appeal process will require the information disclosed by An Garda Síochána or Access NI being 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 Garda Vetting Unit or Access NI to ensure it is a realistic representation of the facts.

9.6 Representation from the applicant will be requested in writing, to offer the opportunity to explain any circumstances in relation to the information received, which might further inform the appeals panel. The panel may permit an oral hearing if that is seen as necessary for the fair and just disposition of the appeal.

9.7 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 Church Authority, in the first instance. The Church Authority 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 Church authority, based on the advice of the Appeals panel.

Please note separate guidance for Appeals Panels is now approved