



TRAINING AND SUPPORT MATERIALS FOR SAFEGUARDING CHILDREN
IN THE CATHOLIC CHURCH IN IRELAND

Briefing on Vetting

13th September 2017



THE NATIONAL BOARD FOR
SAFEGUARDING CHILDREN
IN THE CATHOLIC CHURCH IN IRELAND



TRAINING AND SUPPORT MATERIALS FOR SAFEGUARDING CHILDREN
IN THE CATHOLIC CHURCH IN IRELAND

Welcome, Introductions and Prayer

**Colette Stevenson
Teresa Devlin**



THE NATIONAL BOARD FOR
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IN THE CATHOLIC CHURCH IN IRELAND



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Vetting in the Catholic Church's Child Safeguarding Policy

Niall Moore



THE NATIONAL BOARD FOR
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Standard 1 Indicator 1.1

The Church body follows effective practice guidelines and legislative requirements in the recruitment of all Church personnel and in assessing their suitability to work with children.

Standard 1 Indicator 1.1

The 2012 National Vetting Bureau Act (as amended in the Criminal Justice [Spent Convictions and Certain Disclosures] Act 2016) sets out circumstances that require vetting, defined 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).

Standard 1 Indicator 1.1

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Standard 1 Indicator 1.1

Under Schedule 1, Part 1, Paragraph 7, of the National Vetting Bureau Act (as amended by paragraph 27 of the Criminal Justice [Spent Convictions and Certain Disclosures Act] 2016) 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).

Standard 1 Indicator 1.1

Anyone who is 18 or over and has any contact with children (and vulnerable adults) which is more than incidental as part of their ministry must be vetted.

Those who are aged 16 and under 18 may be vetted, but this can only be carried out with the written consent of their parent/guardian and the young person themselves.

For Church bodies who are active in both Northern Ireland and the Republic of Ireland, they must ensure that Church personnel who meet the legislative requirements in each jurisdiction and are active in both jurisdictions are vetted both in the Republic of Ireland and Northern Ireland.

For other Church personnel who may come into contact but who do not work directly with children (or vulnerable adults) in the Church, vetting is not required.



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Group Work

What issues does the guidance raise?

Are there areas that the guidance doesn't cover, which you think needs to be included?



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Gardai Vetting Presentation



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Questions from the floor



THE NATIONAL BOARD FOR
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National Vetting Bureau Presentation to Safeguarding Children

September 13th 2017



National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016

- National Vetting Bureau(Children and Vulnerable Persons) Acts 2012 to 2016 commenced on the 29th of April 2016.
- The Act provides a legislative basis for the **mandatory 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.
- Garda Central Vetting Unit shall, after commencement of Act, be known as National Vetting Bureau.

National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016



Differences between the Act and the pre Act process:

- A relevant organisation shall not permit any person to undertake relevant work or activities on behalf of the organisation unless the organisation receives a vetting disclosure from the National Vetting Bureau in respect of that person.
- Additional information required on Application Form:
 - Gender
 - Mothers Maiden Name
 - Passport Number, if applicable
- The identity of the Applicant to be validated by the Relevant Organisation.

National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016



Differences between the Act and the pre Act process:

Vetting Disclosure

- ▶ A vetting disclosure shall be issued in respect of each person who is the subject of a vetting application.
- ▶ The Vetting Disclosure will include:
 - particulars of the criminal record (if any) relating to the person, and a statement of the 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 information, in relation to the person.



Criminal Record

“criminal record”, in relation to a person, means—

- (a) a record of the person’s convictions, whether within or outside the State, for any criminal offences, together with any ancillary or consequential orders made pursuant to the convictions concerned,
or
- (b) a record of any prosecutions pending against the person, whether within or outside the State, for any criminal offence,
or both;

Where a person who is the subject of an application for vetting disclosure has a conviction to which Section 14A of the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016 applies, the conviction shall be excluded from the vetting disclosure made by the Bureau in respect of the person.

National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016



Specified Information

- Specified information in relation to a person who is the subject of an application for vetting disclosure means information concerning a **finding or allegation of harm to another person received by the Bureau from An 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 to 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.

National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016



Assessment of Specified Information

- The decision to disclose specified information requires the Chief Bureau Officer to believe that 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.
- The vetting subject shall be informed in writing by the Chief Bureau Officer of his or her intention to disclose specified information and shall furnish him or her with a summary of the specified information.
- The vetting subject shall also be informed that he or she may make a written submission in relation to the specified information concerned, within 14 days.
- On receipt of a submission, or where the 14 days have elapsed, the Chief Bureau Officer will make a determination in accordance with the requirements set out at 15(3) and (4).

National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016



- The Chief Bureau Officer shall then notify the applicant of that proposed determination and the reason for it, provide a copy of that information, notify the person of her intention to disclose the information within 14 days and inform the person of his/her right to lodge and appeal within 14 days from the date of the notification.
- The appeals process is independent.
- A person may appeal to the High Court from a determination of an appeal by an appeals officer on a point of law and the determination of the High Court on such appeal shall be final and conclusive.

National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016



Organisations required to notify Specified Information to Bureau

- The Health Service Executive
- TUSLA(Child & Family Agency)
- The Teaching Council.
- The Medical Council.
- The Nursing and Midwifery Board of Ireland.
- The Dental Council.
- The Health and Social Care Professionals Council.
- The Mental Health Commission.
- The Pharmaceutical Society of Ireland.
- The Pre-Hospital Emergency Care Council.
- The Health Information and Quality Authority.
- The National Transport Authority.
- The Garda Síochána Ombudsman Commission

National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016



Re-Vetting

- ▶ A relevant organisation that, following receipt of a vetting disclosure in respect of a person shall, after the expiration of such period as may be prescribed by the Minister make a further application for vetting disclosure in respect of that person.

**Not yet commenced.*

Retrospective Vetting

- ▶ The relevant organisation shall, where the person concerned has not previously been the subject of an application for vetting disclosure not later than **31st December 2017**, make an application for vetting disclosure in respect of that person.

National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016



Relevant work or activities

- ▶ 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 or vulnerable adults.
- ▶ Part 1 and 2 call out the relevant work and activities relating to children and vulnerable persons respectively.
- ▶ The Act shall not apply where a person gives assistance on an occasional basis at a school, sports or community event or activity. other than where such assistance includes the coaching, mentoring, counselling, teaching or training of children or vulnerable persons.
- ▶ Each relevant organisation will have to assess the positions involved in accordance with the Act.

Schedules 1



- ▶ Schedule 1 Part 1: Relevant work or activities relating to children
- ▶ Schools vetting persons who are not employees of the schools only arises where the person's activity/work has a "necessary and regular part of which consists mainly of the person having access to or contact with children." (Schedule 1 Part 1 section 1)
- ▶ There would therefore be no obligation on a school to Garda vet a guest speaker, musician, etc. who is giving a talk at a school on a once-off or very irregular basis.
- ▶ The school does not have a legal power to request vetting details in regard to any person unless they have "necessary and regular" access to or contact with children.
- ▶ By the same token, a school would have no basis for vetting a contractor who undertakes maintenance work in classrooms while the children are not there. It is only if a contract involves "necessary and regular" contact with children that a vetting process would be required.



Flexibility within the Act

Not every employee/volunteer is required to be vetted.

Incidental contact.

A person gives assistance on an occasional basis at a school, sports or community event or activity.

Private arrangement.

Section 12(3A) – Joint Agreement.

Section 12(4)– Non Continuous work.

Section 12 Joint Agreement



- ▶ Section 12(3)(A) of the Act provides that two or more relevant organisations can enter into a joint written agreement in relation to the employment, contracting, permitting or placement of an person to undertake relevant work or activities thereby providing that only one of the organisations is required to conduct vetting in respect of that person.

Section 12 Non Continuous work



- ▶ Section 12(4) of the Act provides that

In the case of the employment of, entering into a contract for services with, permitting or placement of any person to undertake relevant work on a casual or part-time recurring but non-continuous basis with the same relevant organisation, the obligations placed on a relevant organisation pursuant to subsection (1) shall, subject to section 20, be regarded as being satisfied where the relevant organisation concerned received a vetting disclosure in respect of the person in respect of that initial employment, contract, permission or placement, as the case may be.”

Dispute Resolution Procedure



Where an applicant disputes the accuracy of any detail contained in their Garda Vetting disclosure, the following procedure should be followed:

- 1) The vetting subject should outline in writing to the Liaison Person the exact basis of their dispute.
- 2) The Liaison Person should re-submit the vetting subject's report along with the original application form to NVB.
- 3) Further checks will be carried out by NVB who will correspond with the Liaison Person in course.



To Use the eVetting Service You Must....



- The Vetting Subject must be between the ages of 16 and 110.
- If aged 16–18 years, have submitted signed “Parent / Guardian” consent form.
- Have or have access to a valid email address.
- Have access to the Internet.
- Have completed the “Proof of Identity” process.

eVetting Steps



- Step 1** Vetting Subject manually completes and forwards to Relevant Organisation a Vetting Invitation Form and provides proof of identity.
- Step 2** Relevant Organisation validates proof of identity and sends Vetting Subject an e-mail with link attached inviting him/her to complete a Vetting Application Form.
- Step 3** Vetting Subject completes Vetting Application Form online and submits it to Relevant Organisation.
- Step 4** Relevant Organisation reviews Vetting Application Form and submits it to National Vetting Bureau.
- Step 5** National Vetting Bureau processes the application and forwards a Vetting Disclosure to Relevant Organisation.
- Step 6** Relevant Organisation views the Vetting Disclosure.

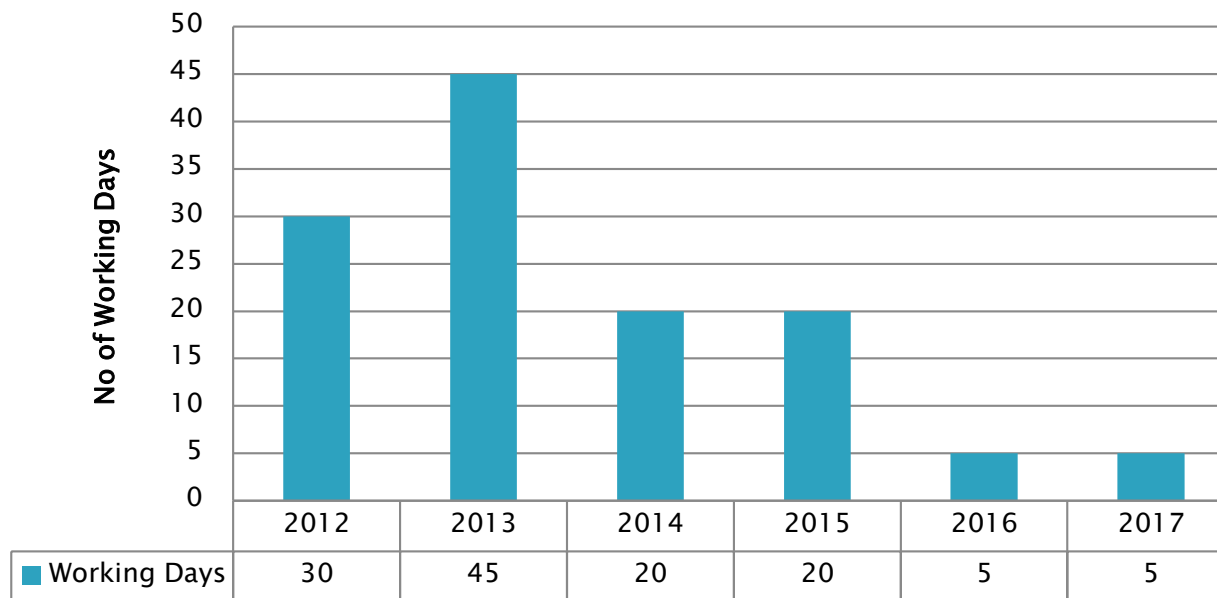


eVetting Rollout

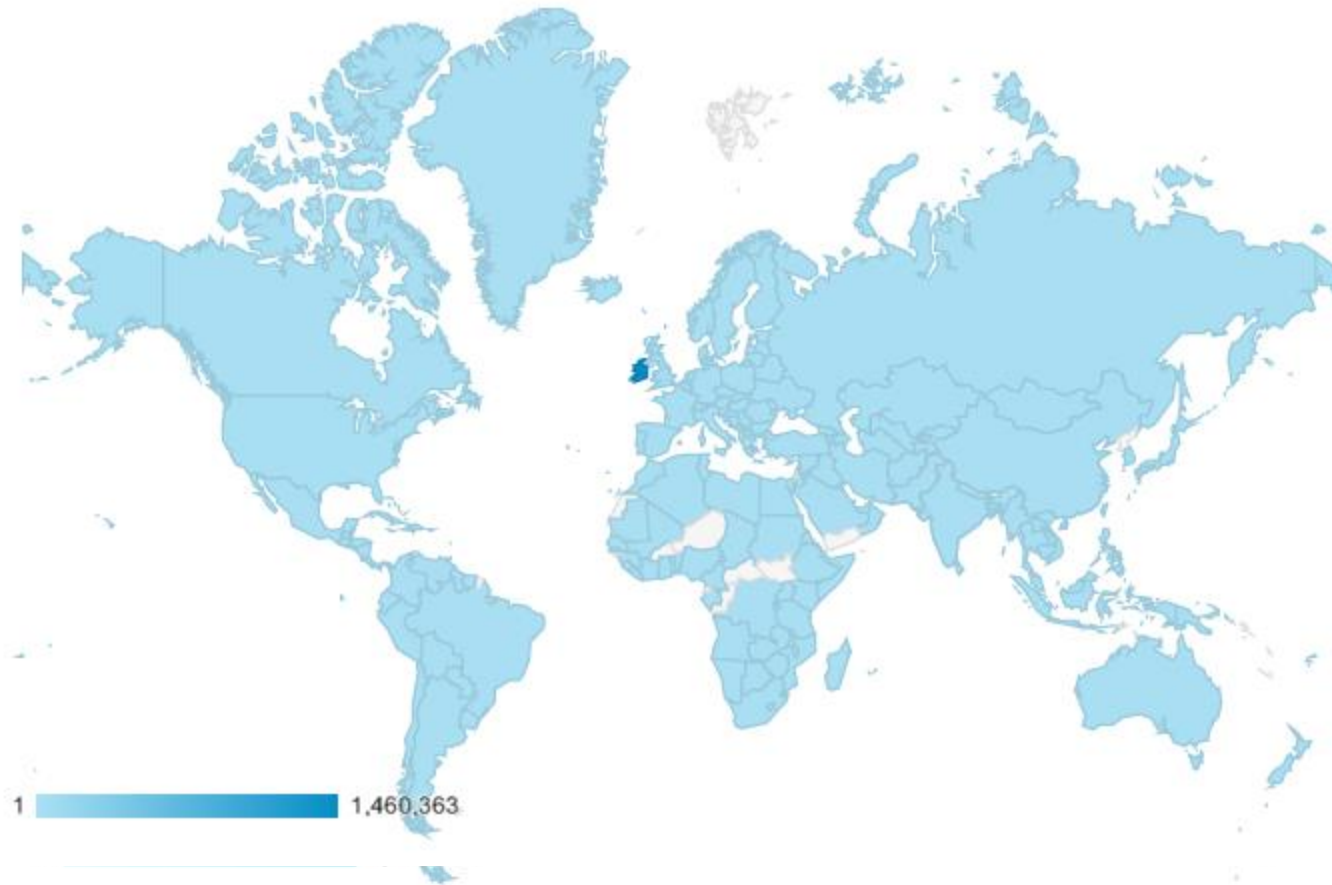
- 97% of vetting applications submitted in 2017 were received and processed on the 'e' platform.
- 89% of all Registered organisations transitioned to 'e' platform.
- 85% of all applications processed through eVetting will be processed within 5 working days.
- In August 2017 over 95% of applications were processed within 5 working days and 99% were received on the 'e' platform.



Average Application Processing Time



eVetting has been accessed in
196 countries.



What The Registered Organisations Say



Just seen the reports in Irish Times regarding vetting and NVB (yes I have been away!) – none of us need such incorrect information going out into the public domain. It is hard enough for organisations to put in place a robust vetting systems meeting the needs in reducing risk for young people whilst also balancing practicality and purpose without information being published which only confuses.

We are delighted with the current system – the speed and versatility of e-vetting; and I am promoting this amongst other sports organisations without question. There will always be teething problems and these are as much ours as yours in all of us working together to improve the service.

Regards,
Kate

Thanks Tricia,

I just vetted myself so I know the procedure and I can explain it to anyone looking to be vetted. The process is really easy, thanks for your help.
Derek

Good Morning

Thank you for your correspondence in respect of the recent media coverage of backlog of Garda Vetting. Garda Vetting in the form of e-vetting has enhanced the opportunity for communities and people around the country to use the services of the membership of the Irish Red Cross, this in turn encompasses our fundamental principles, vision and mission of the Irish Red Cross but also the International Movement. The turnaround has been fantastic for the organisation but also for the staff within the Garda Vetting section of Red Cross. I also have queries which when I contacted the bureau was dealt with promptly and with great professionalism.

Warm regards
Sandra

Dear Minister

I hate to say this but the online version of garda vetting is just horrible! The old method(paper) was just lovely. Could you bring it back. I just cant master this computer stuff at all. Or at least there should be option of the old method for some people.



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Proposed Next Steps

Teresa Devlin



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