

### HORSE SPORT IRELAND GARDA VETTING POLICY & PROCEDURE

The following document sets out Horse Sport Ireland (HSI) Garda Vetting policy and procedures as we promote best practice in the recruitment and selection of persons to work with children and vulnerable adults in (i) HSI activities and (ii) membership/suitability to work within our Affiliates.

#### Introduction

Following agreement at a meeting of the Horse Sport Ireland Main Board on **27<sup>th</sup> May 2014**, both HSI and HSI Affiliates are bound by the HSI vetting procedures outlined below (with the exception of any affiliate who has a sanctioned Liaison Person (LP) and are submitting vetting forms directly to the NVB).

**From 16<sup>th</sup> September 2016 all Garda Vetting through HSI must be completed through the eVetting process. Please refer to the eVetting step by step process within for further information.**

#### Legislation and Information relating to ROI Vetting

The National Vetting Bureau (Children and Vulnerable Persons) Act 2012 to 2016, together with the Criminal Justice (Spent Conviction and Certain Disclosures) Act 2016 part 3 provide the legislative basis for persons working in relevant work or activity to undergo a vetting check prior to working with children or vulnerable persons.

#### Exemptions under the legislation ROI

Within the National Vetting Bureau Act 2012 to 2016 certain exemptions from vetting are outlined in Sect. 3 (1) (c):

**Sect 3 (1) (c)** states, persons giving of assistance on an **occasional basis** (i.e. at training sessions, competitions, national squad etc) and for no commercial consideration at an event would not be required to be vetted.

#### Horse Sport Ireland – Definition of Occasional Work

*An individual not previously vetted can carry out an occasional role on the following basis:*

- *The individual must be known to the club/affiliate/HP Manager*
- *The occasional role involving our young members/vulnerable adults can only be **carried out one or less times per month** at any level. I.e. once at club level and once at affiliate level in any one calendar month exceeds the definitions of Occasional Work.*
- *The person carrying out the Occasional Work must at all times be supervised by a vetted person*
- *The person must sign a Code of Conduct relevant to the level of the organisation*

### General Information

HSI is a Registered Organisation with the National Vetting Bureau (NVB) and as per HSI Rules all our individuals who work with our young members (U18) and vulnerable adults must comply with completing the vetting process, in line with the legislation set down in the National Vetting Bureau (Children and Vulnerable Persons) Act 2012 to 2016.

Horse Sport Ireland have two Liaison Person's registered with the National Vetting Bureau to conduct eVetting on behalf of HSI and its Affiliates:

1. **HSI National Safeguarding Officer – Ciara Gorman**
2. **HSI Equestrian Sport Co-Ordinator – Triona Connors**

In accordance with the rules laid down in the Data Protection Acts 1988/2003 the LP on behalf of Horse Sport Ireland will:

- Obtain and process information fairly
- Keep this information only for one or more specified, explicit and lawful purposes
- Use and disclose information only in ways compatible with these purposes
- Keep information safe and secure
- Keep information accurate, complete and up to date
- Ensure that any information is adequate, relevant and not excessive
- Retain information for no longer than is necessary for the purpose or purposes
- Give a copy of his/her personal information to an individual, on request

### Who is responsible for determining who needs vetting?

While Horse Sport Ireland is appointed by the National Vetting Bureau as the 'relevant organisation' it is the responsibility of each Affiliate Body to determine what personnel in their organisation need to be vetted to comply with the Act.

### Who is subject to vetting?

The relevant clause in relation to those requiring vetting is shown below:

Those involved in '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 in' –

- Childcare Services
- Schools
- Hospitals and health services
- Residential services or accommodation for children or vulnerable persons
- Treatment, therapy or counselling services for children or vulnerable persons
- *Provision of educational, recreational, leisure, social or physical activities to children or vulnerable persons*
- Promotion of religious beliefs

Affiliates should refer to schedule I Part I (pages 29 - page 32) of legislation for detail.

### Vetting of Minors

If a person under the age of 18 is identified as one requiring vetting, the applicant will also need to complete a Parental Consent Form (NVB 3) which must be submitted along with the HSI GV Invitation and Identifier Form to allow the vetting to proceed. Applicants who are under 18 must be over 16 to be suitable for vetting even with parental consent.

### Vetting Charges

Following the commencement of the National Vetting Bureau (Children and Vulnerable Persons) Act 2012 to 2016 by the Department of Equality and Justice on 29<sup>th</sup> April 2016 Horse Sport Ireland introduced an administrative charger of €10 per vetting application. Payment can be made via the Horse Sport Ireland website.

### Verification of Identify

On the commencement of the Act the National Vetting Bureau introduced the requirement of an ID Check for each person seeking vetting through the Bureau. HSI will utilise the services of our Affiliate Children's Officers to enable this happen. Identification verification of a person applying for vetting will be required at local level before the applicant can access the vetting form and submit it to Horse Sport Ireland for processing with the National Vetting Bureau.

### Miscellaneous

- All applications received by Horse Sport Ireland will be entered on a HSI Database All data is kept in accordance with the Data Protection Acts 1988/2003 by the LP on behalf of HSI. All information is kept in a secure cabinet in Horse Sport Ireland Head Office, Beech House, Millennium Park, Naas, Co. Kildare. The Authorised Signatory is the only key holder for the secure cabinet.
- When a person is issued with a Garda Vetting Acceptance Letter from Horse Sport Ireland it is their duty to present this letter to the required Affiliate National Children's Officer or Club Children's Officer as proof of their vetting.
- Horse Sport Ireland Garda Vetting is valid for a five year term. All individuals will undergo re-vetting after this five year period (or as determined by HSI as may be required by future circumstances) from the date of the previous vet. Otherwise HSI retain the right to request an individual to complete a Garda Vetting form at any stage

The NVB does not provide clearance for people to work with children and vulnerable adults but provides information to the HSI via the LPs to enable HSI make a recruitment decision on any person.

***Failure by any individual who is required to complete a vetting form and forward to the LP may compromise the future role of the applicant as per legislation in the National Vetting Bureau (Children and Vulnerable Persons) Act 2012 to 2016.***

### GARDA VETTING COMMITTEES

Horse Sport Ireland will have two committees to administer the Garda Vetting process (and the AccessNI vetting process). The said committees are the Vetting Referrals Committee (VRC) and the Vetting Referrals Appeal Committee (VRAC).

Each committee will be appointed on a yearly basis by the Horse Sport Ireland Main Board at their AGM. The Board delegates full authority to the VRC and the VRAC to make decisions on vetting disclosure issues advised by the NVB (and AccessNI) regarding a person's membership &/or suitability for the role.

No one member can sit on both committees at the same time.

### HORSE SPORT IRELAND VETTING REFERRALS COMMITTEE (VRC)

The Vetting Referrals Committee will consist of three members:

- CEO of Horse Sport Ireland
- Independent Members x 2

*\*The VRC may on request ask the Horse Sport Ireland Liaison Person (LP) to attend meetings. The LP will have no say on VRC decisions and will only offer guidance to the committee.*

Under HSI Garda Vetting procedures the HSI Vetting Referrals Committee would sit and consider an individual's membership or suitability for an HSI/Affiliate role where we get a statement with convictions/prosecutions, pending or completed in ROI/elsewhere as the case may be, subject to the administrative filter implemented by the Minister for Justice and Equality on 31<sup>st</sup> March, 2014 or other general issues where membership/role appointment/presently in situ may need to be considered.

- Prior to the meeting of the VRC, the HSI LP will confirm the identity of applicants with disclosures.
- Where the information disclosed by the National Vetting Bureau (NVB) and/or self-disclosed by the applicant deems the individual to be unsuitable they should be informed of such. The applicant should be allowed to withdraw their application.
- At no point will any member of the VRC be provided with the name or address of the applicant. Each disclosure will be referred to by the committee with an individual reference number.
- The assessment of suitability will depend on the nature of the position applied for/presently held, the self- disclosure of any prosecutions or convictions and the seriousness, timing and any possible pattern that emerges of any information disclosed. The integrity of the applicant with regard to self-disclosure or lack of disclosure on the initial application form will be considered by the HSI VRC.

- If the applicant has self-disclosed the information and this agrees with the disclosure from the NVB the decision must be made depending on the type and nature of the offences disclosed versus the role they hold or could hold.
- If the applicant has not self-disclosed and information is received from the NVB this requires to be checked with the applicant by the LP.
- Disclosure of certain types of convictions/prosecutions will automatically preclude the applicant from a position working with children. Examples of offences that will automatically prohibit an applicant are:
  - Any offence of a sexual nature
  - Any offence of child abuse
  - An offence that causes gross bodily harm
  - An offence of kidnapping
  - A series of continuous offending that might cause concern for the well-being of children

All decisions on the suitability of an applicant from HSI or Affiliates are a matter for HSI.

The decisions of any vetting issues considered by the Committee will be communicated directly to the individual (plus in the case of an affiliate member, the contact person in the affiliate will be informed that the individual will not be fulfilling a particular role but will not be privy to the reason why).

***\*Additional functions to the above may be added to the remit of this Committee.***

### **HORSE SPORT IRELAND VETTING REFERRALS APPEALS COMMITTEE (VRAC)**

The Vetting Referrals Appeals Committee will consist of 3 members:

- Member 1
- Member 2
- Member 3

*\*The VRAC may on request ask the Horse Sport Ireland Liaison Person (LP) to attend meetings. The AS will have no say on VRAC decisions and will only offer guidance to the committee.*

If membership or suitability for the role is rejected by the Vetting Referrals Committee (VRC) and the individual disputes any detail contained in the Garda Vetting Disclosure (or AccessNI) issued to the LP or disputes the decision on their membership/suitability rejection and wishes to formally appeal then the individual should outline the exact nature of their dispute and submit it in writing to the LP:

- The appeal may be against their membership/suitability rejection – Appeals committee then meets to discuss. (The LP will note the comments by the applicant preferable by getting them in writing for the VRAC to consider).
- The appeal may be against the Conviction, if so the LP will submit the report received from the individual to the NVB for further checks. This will be reviewed upon return from the NVB

by the VRC or the VRAC depending on whether the information remains the same or is altered by the NVB.

**N.B:** Please refer to the HSI AccessNI policy for appeals procedure under AccessNI.

- Until all disputes have been settled the individual will not be able to take any position within HSI/Affiliate. If the dispute involves existing personnel it is recommended that supervision is put in place until the dispute resolved.

At the conclusion of the appeal procedure a decision will be made by the Vetting Referrals Appeals Committee in respect of the suitability of the individual to work within HSI or suitability/membership of an affiliate. **The decision made by the Horse Sport Ireland VRAC is final.** The LP WILL inform the relevant persons if a decision to declined a vetting subject is reached.

*\*Additional functions to the above may be added to the remit of this Committee.*

### ADDITIONAL INFORMATION

#### RESIDENCY ABROAD

Individuals who carry out certain roles and who have been resident in ROI for less than one year may be asked to undergo a re-check after 12 months. If an original police check has been sighted from the individual's original country by the HSI Equestrian Sport Co-Ordinator, this may be taken into consideration.

#### COMMUNICATION WITH APPLICANT

When the LP is required to communicate with the applicant for any reason the following protocol **will** be adhered to:

- Communication should be by phone or in person if convenient
- The LP will verify the person is the applicant
- No messages will be left
- No discussion will take place with any other person, spouse or partner
- The LP will give an assurance of confidentiality

If the LP is required to verify disclosed details the applicant will be asked

- If there is anything they remember concerning the time of the offence
- If they have ever been to court
- For any relevant information concerning the disclosed information
- To consider the significance of the disclosure in relation to the position applied for

## **HORSE SPORT IRELAND eVETTING PROCEDURE**

### **Step 1**

- The vetting subject makes payment via the Horse Sport Ireland Website. They then download and manually complete the HSI Invitation Form and GV Identifier
- Vetting subject presents their forms, original identification documents with photocopies to their Club Children's Officer (or nominated person by the club) for validation (you must comply with the 100 point ID check).
- The vetting subject or Club Children's Officer then posts their eVetting Invitation and Identifier form along with photocopies of the ID used to; Ciara Gorman NSO, Horse Sport Ireland, 1<sup>st</sup> Floor Beech House, Millennium Park, Naas, Co. Kildare

### **Step 2**

- Horse Sport Ireland validates proof of identity and sends the vetting subject an e-mail with a link attached inviting him/her to complete a Vetting Application Form.

### **Step 3**

- The vetting subject completes a Vetting Application Form online and submits it to the Horse Sport Ireland.

### **Step 4**

- Horse Sport Ireland reviews the Vetting Application Form and submits it to the National Vetting Bureau.

### **Step 5**

- The National Vetting Bureau processes the application and forwards a vetting disclosure to Horse Sport Ireland.

### **Step 6**

- Horse Sport Ireland reviews the vetting disclosure and as soon as is practicable provides correspondence of same to the vetting subject