

Horse Sport Ireland

Briefing Note on the commencement of the National Vetting Bureau (Children and Vulnerable Persons)

Act 2012 to 2016

29 April 2016

We previously advised that the National Vetting Bureau (Children and Vulnerable Persons) Acts shall commence on 29 April 2016 thus introducing the legal requirement that all personnel who work with children and vulnerable adults shall be required to be vetted.

This measure will bring us in line with current practices in the Northern Ireland and with other European Countries.

Commencement of the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012

The National Vetting Bureau (Children and Vulnerable Persons) Act 2012 makes vetting mandatory for anyone volunteering or seeking employment relating to children or vulnerable persons. Anybody who is 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' must be vetted.

While the Act gives certain leeway to enable retrospectively vetting for those who currently work with children and have not been vetted to date, no such leeway exists for new entrants i.e. people who seek to get involved for the first time after 29th April 2016.

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.

Persons Previously Vetted

Any person vetted by Horse Sport Ireland inside the last 5 years is covered under the Act until such a time as their vetting requires renewal. Their current vetting acceptance in essence transfers over under the new Act.

What if we need to appoint a volunteer at short notice for a one off event?

That person does not have to be vetted. They would be covered by the 'occasional basis' exemption. Occasional means 'now and then' or for a once off event such as a sports day. The Act will apply where such involvement includes coaching, mentoring, counselling, teaching or training of the children or vulnerable persons. Section 3.1.C of the Act:

This Act shall not apply to any of the following namely:

3.1.C: The giving of assistance by an individual-

(i) On an occasional basis

(ii) For no commercial consideration

At a school, sports or community event or activity, other than when such assistance includes the coaching, mentoring, counselling, teaching or training of children or vulnerable adults.

Horse Sport Ireland defines Occasional Basis as the following:

Horse Sport Ireland – 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*

Where does the liability rest for non-vetting?

If a person working with children or vulnerable persons is not vetted, any offence that is committed is deemed to be committed by the organisation that the person works for. Each Affiliate will have to ensure that the relevant persons working with children or vulnerable persons are vetted. Equally, national organisations will be required to vet persons working for them who are working with children or vulnerable adults.

Introduction of ID Checks

On the commencement of the Act the National Vetting Bureau will introduce the requirement of an ID Check for each person seeking vetting through the Bureau. As we move towards this we will utilise the services of our Affiliate Children's Officers to enable this happen. For example, identification verification of a person applying for vetting may 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.

What is Retrospective Vetting?

A Ministerial directive has been issued in relation to how we implement what is termed 'Retrospective Vetting'. This term is used to refer to any person who is currently working in a role of responsibility with children e.g. a coach, trainer, instructor. and who has not been previously vetted in accordance with the requirements of the Act. Any such person will be an immediate priority for vetting. Any such person identifying to the above within an Affiliate should be vetted immediately under our new vetting procedures.

Re-vetting of current personnel who have been previously vetted

To facilitate each Affiliate in identifying who has been issued with a Horse Sport Ireland vetting acceptance letter to date we can issue, via the Affiliate National Children's Officer, a list of all personnel vetted on an Affiliate basis (as registered by them in their vetting application form) upon request from the respective National Children's Officer. This will assist Affiliates to identify who amongst their membership may still require to be vetted due to their roles with underage squads or personnel.

If you have any further queries, please contact the Horse Sport Ireland National Safeguarding Officer

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Ends.