

Garda Vetting Policy & Procedure

Part 1 – Garda Vetting Policy General Provisions

Following agreement at a meeting of the Horse Sport Ireland (HSI) Main Board on **27th 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*).

The following document sets out the 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.

Legislation 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. In addition, the following legislation is also considered:

- Civil Service Commissioners Act 1956
- Child Care Act 1991 – Sections 5; 61; 65
- Data Protection Act 1988/2003
- Children’s Act 2001 – Section 258
- Private Security Authority Act 2004

Exemptions under the legislation - ROI

Within the National Vetting Bureau Act 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

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. Horse Sport Ireland is responsible for ensuring members and individuals operating at national level are vetted in accordance with this policy

Who is required to be vetted?

All persons applying for a role that provides an opportunity for unsupervised access to children must undergo the vetting process. These positions are referred to as undertaking **relevant work or activity** (NVB) defined in the National Vetting Bureau (Children and Vulnerable Adults) Act 2012 to 2016.

Individuals who must be vetted are those applying for positions including but not limited to the following:

- Children's Officer/ Designated Liaison Person
- Coach
- Instructor
- Tutor
- Team Manager /Chaperone / Chef D'Equipe
- Official (e.g. Judge, Safety Officer, Course Designer)
- Other personnel as may be considered

When is an individual required to be vetted?

All the above required positions, or any other position identified by an Affiliate as a vetted position must be successfully vetted before an individual is legally allowed to take up their chosen position(s).

The requirement for vetting must be included in any job description for a vetted position. This policy must be available to prospective employees/members at the time of application.

Once an individual intends to apply for any vetted position a vetting application must be submitted for processing. An appointment to a vetted position is subject to a successful vetting outcome.

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 *eVetting Invitation and ID Verification Form* to allow the vetting to proceed. Applicants who are under 18 must be over 16 to be suitable for vetting. Vetting is not permitted for those aged under 16.

Vetting Charges

On 29th April 2016, Horse Sport Ireland introduced an administrative charge of €10 per vetting application. Payment can be made via the Horse Sport Ireland website.

Verification of Identify

On the commencement of the National Vetting Bureau Act, the NVB introduced the requirement of an ID Check for each person seeking vetting through them. 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.

Re-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.

Any existing Horse Sport Ireland applicant may be re-vetted if information concerning an individual's suitability to work with children comes to the attention of an Affiliate Club, Region or Horse Sport Ireland.

Break of Service

Any person, previously vetted by Horse Sport Ireland, but who for whatever reason may have ceased their relevant activity or work with children and or vulnerable persons in Equestrian Activities for a period of more than one year, shall be required to be re-vetted prior to commencing or re-commencing any relevant activity or work with children and or vulnerable persons in our Associations.

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. In addition, any person who may have resided outside of Ireland for more than one year or who

may be a resident in Ireland for less than one year may be obliged to obtain a police background check from the country of their last residence and/or country of origin at the discretion of a Horse Sport Ireland Liaison Person.

Liaison Persons (LPs)

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 (LP) registered with the National Vetting Bureau (NVB) to conduct Vetting on behalf of HSI and its Affiliates:

1. **HSI Sport Governance Executive – Paul Hayes**
2. **HSI Equestrian Sport Manager – Triona Connors**

The LP is responsible for processing online applications and dealing with information/disclosures as returned from NVB. The LP is also responsible for maintaining the confidentiality of disclosed information and for using such in the best interests of young people and in accordance with this vetting policy.

All applications to the NVB are processed by the LP through the NVB online application system on receipt of consent and identification verification from an individual seeking to be vetted through the HSI *eVetting Invitation & ID Verification Form*. The requirements of the process are mandatory by legislation. The six step application process is outlined as an appendix to this policy.

Communication with the 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

Record Keeping and Data Storage

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 the 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

All *eVetting Invitation and ID Verification Forms* and ID documentation received by Horse Sport Ireland from a vetting applicant is kept in accordance with the Data Protection Acts 1988/2003 by the LP on behalf of HSI. The information is kept for a five year term, i.e., the life of a vetting application through HSI, and then destroyed. All information is kept in a secure

safe in the Horse Sport Ireland Head Office, Beech House, Millennium Park, Naas, Co. Kildare. The LPs are the only key holders for the secure safe.

Information on the applicants vetting application shall be retained on the Vetting Database also, access to this database is restricted to LPs only.

Part 2 - Horse Sport Ireland Vetting Committee

Horse Sport Ireland will have two committees to administer the Vetting process. The two committees are: the Vetting Referrals Committee (VRC) and the Vetting Referrals Appeal Committee (VRAC). The Board of Horse Sport appoint and delegate decision making to these Committees by way of approved Terms of Reference.

The Vetting Referrals Committee will consist of the following members:

- Independent Chairperson
- 3 Independent Members
- 1 Board Member

The Vetting Referrals Appeals Committee will consist of the following members:

- Independent Chairperson
- 3 Independent Members
- 1 Board Member

The Horse Sport Ireland National Safeguarding Officer (with no voting rights) shall act in an advisory capacity and acting secretary to the VRC and VRAC.

Horse Sport Ireland Vetting Referrals Committee (VRC) Process

VRC – Dealing With Disclosures

On the occasion where the LP has received a vetting disclosure in respect of an applicant with an offence history, the LP will request the VRC to sit and consider an applicant's suitability for a role. At no point will any member of the VRC be provided with any personal information of the applicant. Each disclosure will be referred to by the committee with an individual reference number.

Step 1 - Contact with the Applicant

Applicants with an offence history will be dealt with on an individual basis and each candidate will be contacted by phone &/or letter by the LP in order to confirm identify and validate information received from the National Vetting Bureau. 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. (Refer to communication with an applicant). The applicant may wish to make a written statement at this stage (or possibly on the occasion of a rejection of membership decision is made by VRC).

Step 2 - Assessing of Garda Vetting Disclosures

When assessing the suitability of a Vetting Subject for a position within Horse Sport Ireland, Garda Vetting disclosures containing details of prosecutions, successful or not, pending or completed, and/or convictions as recorded in the State or elsewhere as the case may be, or specified information as per sections 14 & 15 of the Act in respect of a Vetting Subject in respect of any offences in the following schedule of offences shall be taken into account by the VRC;

Schedule of Offences

- Offences against the State, Treason and offences under the Defence Act.
- Firearms, Explosives, and Offensive Weapons offences.
- Terrorist & Organised Crime offences.
- Non-Fatal Offences Against the Person Act, 1997
- All offences of Cruelty against Animals and breaches of Animal Remedy Regulations.
- All offences under Misuse of Drugs & Drug Trafficking Acts.
- All offences under Theft & Fraud Offences Act.
- All offences under the Public Order Act and Criminal Damage Act and in respect of Anti-Social Behaviour.
- Liquor Licensing offences for selling or providing Intoxicating Liquor to children; and offences under the Licensing (Combating Drug Abuse) Act.
- Road Traffic Offences outside of the administrative filter implemented by the Minister for Justice and Equality.
- Offences under the Air Transport & Navigation Act, Immigration Act, Maritime Safety Act, Railways Act.
- Customs & Excise, Revenue, Social Welfare, Health & Safety, Environmental Protection and Waste Management offences.
- Any offence of a similar nature or gravity to the above which is already enacted or which may be enacted in the future.

This is not a conclusive list. It is a general guideline of the category or type of offence(s) which, if a vetting subject has been prosecuted or convicted for, may result in their being deemed unsuitable for a position within Horse Sport Ireland

Automatic Preclusion

Applicants should note that disclosure of certain types of convictions/prosecutions **shall automatically preclude** the applicant from a position working with children or vulnerable adults. The following schedule of offences will automatically disqualify an applicant:

- Any offence of a sexual nature.
- Any offence against a child or of child abuse or child abuse images.
- An offence that causes grievous bodily harm - Non-Fatal Offences Against the Person Act, 1997 (Causing serious harm).
- Any offence of murder or manslaughter.
- A series of continuous offending that might cause concern for the well-being of children.
- Any charge brought by the Director of Public Prosecutions (for Ireland and Northern Ireland) concerning abuse of a child or vulnerable person.
- Abduction, Kidnapping, Hostage Taking, Hi-jacking, False Imprisonment, Torture, Endangerment, Harassment, Coercion, Incitement to Hatred, Human Trafficking; and any other offences against the Person and Minors and/or Vulnerable Adults.
- Assault Causing Harm or Serious Harm against Minors and/or Vulnerable Adults.

Step 3 - VRC Risk Assessment/Decision Making Procedure

Risk will be assessed by the VRC with regard to rating a particular post regarding its risk and rating the individual applicant in terms of risk. This approach must consider the risk in terms of the individual, the offence and the role. In carrying out this assessment the VRC should consider the following elements in respect of any individual for a position within Horse Sport Ireland or their affiliates.

1. Previous employment history
2. Educational qualifications
3. Skills and competencies pertaining to the position sought
4. Performance at interview or job assessment

5. Satisfactory references from acceptable referees
6. The nature and seriousness of any offence recorded in respect of them
7. The nature of the Court Result and severity of penalty pertaining
8. Mitigating factors, if any, in favour of the individual
9. The self-disclosure of the offence by the individual
10. The age of the individual at the time the offence was committed
11. The length of time elapsed since the offence was committed
12. The conduct of the individual in the interim (including the period since GV commenced)
13. Rehabilitative efforts undertaken by the individual in the interim

The Decision Making procedure is established solely to assess the suitability of the individual for the position sought vis-à-vis any Garda Vetting disclosure that may be received in respect of them. The Legislative, Human Rights and Natural Justice rights of the individual will be observed at all times during the decision making process.

The VRC will also consider the following factors:

- Does the role involve one-to-one contact with children or other vulnerable groups of clients, service users or employees?
- What level of supervision will the post holder receive?
- Does the post involve any direct responsibility for finance or items of value?
- Will the nature of the post present any realistic opportunity for the applicant to re-offend?
- What could happen at the club level and how serious would that be?
- Is the role such that the person with this conviction would seriously undermine public confidence in the organisation?

Step 4 – Communication of VRC Assessment

Following this assessment the VRC will complete a written report on their risk assessment together with a decision to either proceed or not to proceed with offering membership. The decisions of any vetting issues considered by the VRC will be communicated directly to the individual by the LP (plus in the case of an affiliate member, the contact person in the affiliate will be informed that the applicant will not be fulfilling a particular role, the reasons for declining will remain confidential between Horse Sport Ireland and the applicant).

The letter will be issued by the LP to the applicant advising the exact nature of the conviction, as stated on the Disclosure Certificate and, where applicable, the exact information they self-declared on the original eVetting application. If membership is rejected by the VRC the individual has a right to appeal a membership rejection decision by way of a written statement on the recorded convictions. Candidates will be advised that failure to reply within 10 working days will result in the closure of the file.

Note: The NVB does not provide clearance for people to work with children and vulnerable. All decisions on the suitability of an applicant from HSI or Affiliates are a matter for HSI.

Horse Sport Ireland Vetting Referrals Appeals Committee (VRAC)

Vetting Referrals Appeal Committee (VRAC) is delegated by the Board of Horse Sport to decide upon appeals arising from decisions of the HSI Vetting Referrals Committee by way of approved Terms of Reference

The VRAC may meet to discuss two types of disputes. The dispute of an applicant on a VRC decision on their suitability or an applicant disputes the detail contained in a vetting disclosure from the National Vetting Bureau.

VRAC – Dealing With Appeals

1. If suitability for the role is rejected by the Vetting Referrals Committee (VRC) and the applicant disputes the decision on their suitability and wishes to formally appeal, then the applicant should outline the exact nature of their dispute and submit it in writing to the LP. The following procedure will then be followed:
 - The LP will notify the VRAC that an appeal has been lodged. The VRAC then meets to discuss. The VRAC will review the appeal letter and file of the applicant.
 - At the conclusion of the appeals procedure, a decision in respect of suitability of the applicant to work within HSI will be made by the VRAC. A letter will be issued by the LP on behalf of VRAC.

OR

2. Where an applicant disputes the detail contained in a vetting disclosure from the National Vetting Bureau, he or she may refer the issue to the National Vetting Bureau dispute process.
 - This process is activated by the applicant, who should outline the basis of his or her dispute, in writing, to the Liaison Person for Horse Sport Ireland. The LP then submits the complete application file to the National Vetting Bureau for further checks.
 - Further information is available on the National Vetting Bureau website - <https://vetting.garda.ie/Disputes/Disclosure>
 - 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.

The decisions of any vetting issues considered by the VRAC 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 applicant will not be fulfilling a particular role, the reasons for declining will remain confidential between Horse Sport Ireland and the applicant).

The decision made by the Horse Sport Ireland VRAC is final

****Additional functions to the above may be added to the remit of the VRC or VRAC.***

Review of Policy

The Horse Sport Ireland Vetting Policy shall be reviewed on a yearly basis or on any significant changes to relevant legislation.

Appendix - 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 *eVetting Invitation and ID Verification Form*
- Vetting subject presents their forms, original identification documents with photocopies to their relevant Children's Officer (or nominated person by) for validation (you must comply with the 100 point ID check).
- The vetting subject or Children's Officer then posts their *eVetting Invitation and ID Verification Form* along with photocopies of the ID used to; Ciara Gorman NSO, Horse Sport Ireland, 1st 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 via the online portal.

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