

CIVIL DEFENCE



GARDA VETTING POLICY

July 2016

POLICY AND PROCEDURES

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INTRODUCTION

Garda Vetting of all Civil Defence volunteers was introduced in 2010. This Policy has been reviewed and updated following the enactment of the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016. Garda Vetting is in line with best practice and puts in place safeguards for the protection of the Civil Defence organisation and its members.

Garda Vetting is an important tool in protecting the integrity of Civil Defence. All members must be Garda vetted.

Civil Defence recognises that the matter of Garda Vetting is a sensitive and complex area. The following guidelines have been developed to ensure consistency and to safeguard the rights of all Civil Defence members.

BENEFITS OF GARDA VETTING PROCEDURES

- Protection of children and vulnerable adults
- Protection of the Civil Defence organisation
- Protection of all personnel within the Civil Defence organisation
- Management of risk in respect of former offenders
- Garda vetting is a strong component of a professional Human Resource Management practice within an organisation such as Civil Defence
- Widely viewed as one of the key elements in the delivery of a comprehensive and robust child protection system in this State.

VETTING OF CIVIL DEFENCE MEMBERS

New Civil Defence applicants will be vetted on completion of the Civil Defence Enrolment Form. They will not be enrolled in the organisation until they have satisfactorily completed the Garda vetting process. The vetting procedure also applies to all Civil Defence Officers and Instructor Staff from the Civil Defence College. The Civil Defence Branch of the Department of Defence reserves the right to vet volunteer members or instructor staff of the Branch at any time during the course of their involvement with Civil Defence. It is Civil Defence policy that re-vetting is carried out every 5 years.

ROLE OF THE LIAISON PERSON

The Liaison Person is an official in Civil Defence Branch who is authorised by the National Vetting Bureau to submit Garda Vetting Application Forms to the Bureau on behalf of Civil Defence Branch and to receive the resultant disclosures. It is the responsibility of the Liaison Person to manage all Garda Vetting Applications and Disclosures on behalf of the organisation within a Legislative, Human Rights and Natural Justice Framework.

It is the policy of Civil Defence Branch that all disclosures by parties as part of the Garda Vetting process will be held in the strictest of confidence. Disclosures as a result of the vetting process, will issue from the National Vetting Bureau directly to the Liaison Person at Civil Defence Headquarters.

GARDA VETTING PROCESS

To ensure consistency in the implementation of this policy, Garda Vetting is administered at Civil Defence Headquarters in Roscrea. The central component of the process is the Garda Vetting Form which has been designed by the National Vetting Bureau. The forms are individually completed by the Civil Defence members/ applicants at local level and forwarded to Civil Defence Headquarters through the Civil Defence Officer. The forms are then forwarded to the National Vetting Bureau by the Liaison Person for processing.

All information received will be held in the strictest of confidence. The Garda Vetting process is outlined below.

All Garda Vetting applications will be processed centrally through Civil Defence Headquarters. The Branch's Liaison Person must sign each individual Vetting Form. At local authority level, vetting application forms will be distributed to the volunteer members/applicants by their Civil Defence Officer.

The volunteer/applicant will complete the Garda Vetting Application Form and return it to the Civil Defence Officer, who will then check it for clarity. The Civil Defence Officer will prepare batches of up to 15 applications and forward them to the Liaison Person at Civil Defence Branch Headquarters.

A Batch Header Form must be completed and signed by the Civil Defence Officer. A batch number will be allocated to each batch at Civil Defence Headquarters. The Liaison Person will forward the completed Garda Vetting Application form to the National Vetting Bureau seeking a statement that there are no convictions recorded against the individual in the Republic of Ireland or elsewhere, or a statement of all convictions or

prosecutions, pending or completed, in the State or elsewhere as the case may be.

IMPORTANT NOTE:

Application Forms in respect of Civil Defence members/ applicants received at the National Vetting Bureau via any other route will not be processed.

DISCLOSURES AS A RESULT OF GARDA VETTING

It is important to note that a disclosure of a conviction/ prosecution or specified information, as a result of Garda Vetting, will not necessarily prevent an individual from becoming a member of Civil Defence. Each disclosure will be assessed on a case-by-case basis.

Civil Defence Branch recognises that a criminal record is not necessarily an indicator of the current or future behaviour of an individual and that there is a point at which an individual is entitled to put their past behind them. However, there are also convictions to which this type of approach is not appropriate.

Garda Vetting Disclosures will indicate details of all convictions and/or prosecutions, successful or not, pending or completed, recorded in this State or elsewhere as the case may be; or alternatively will confirm that there are no such details recorded in respect of the Vetting Subject.

The Vetting Subject may, on written request, be provided with a copy of their disclosure by the Liaison Person.

The National Vetting Bureau does not carry out a vetting process on addresses outside of the State. At present, there are a significant number of foreign convictions recorded on the

Garda Vetting System. In instances where a Civil Defence member/ applicant discloses foreign addresses, the member/ applicant will be required to sign a self-declaration of convictions, if any, while residing abroad.

DECISION MAKING IN RESPECT OF GARDA VETTING DISCLOSURES

In the event of a disclosure of a conviction, prosecution or specified information arising from the Garda Vetting procedure, the application of the individual concerned will be considered by a Decision Making Committee consisting of 3 persons. It is the responsibility of this Decision Making Committee, which will be appointed by Civil Defence Branch, to make a decision regarding the suitability, or otherwise of that person to become a member of Civil Defence.

The Decision Making Committee will initially contact the vetting subject in writing (by registered post) for confirmation that the information contained in the disclosure is accurate. The vetting subject may be invited to attend a meeting in order to discuss the disclosure and the circumstances surrounding it. Alternatively, the vetting subject can provide the Committee with a written statement. Such statements should be sent in a sealed envelope marked 'Private and Confidential' to Civil Defence Branch, Benamore, Roscrea, Co. Tipperary for the attention of the Liaison Person.

In making a decision, the Committee will consider the nature of the disclosure and the details surrounding it. The Committee will also take the following into account:

- The length of time since the offence

- If the applicant has disclosed the offence on the Garda Vetting form
- The subject's conduct since the offence
- Nature of the offence and any relevant information offered by the vetting applicant about the circumstances, for example influence of domestic or financial difficulties
- Scale of the offence
- Whether the offence was a one-off or part of a history of offending
- Restorative justice - allowing the subject an opportunity of rehabilitation
- Whether the applicant's circumstances have changed since the offence took place
- Whether the offence has since been decriminalised by subsequent legislative changes
- The degree of remorse, and motivation for change, expressed by the individual
- The Committee may seek the opinion of the Civil Defence Officer on the suitability of the individual as a member of the organisation. In obtaining this opinion the Branch will have to divulge the details of the convictions, prosecutions or specified information recorded against the applicant to the Civil Defence Officer
- The references received, if any

In carrying out their work, the Decision Making Committee will apply the following safeguards:

- Ensure that detailed written records on the decision are retained. All these records are subject to the provisions of the Freedom of Information Act 2014
- All correspondence must be delivered by way of registered post
- In the event where an interview is necessary - ensure that a witness is present

CONVICTIONS/PROSECUTIONS/SPECIFIED INFORMATION

Disclosure of certain types of convictions/prosecutions will automatically preclude an applicant from membership of Civil Defence. Examples of offences that will automatically prohibit an applicant from membership of the Civil Defence organisation are:

- Any offence of a sexual nature
- Any offence against a child or of child abuse or pornography
- An offence that causes gross bodily harm
- Any offence of murder or manslaughter
- An offence of kidnapping
- A series of continuous offending that might cause concern for the well-being of children, young persons and/or vulnerable adults
- Any charges concerning child abuse pending trial by the Director of Public Prosecutions
- Any other offence or specified information that might give the Decision Making Committee reason to believe that the applicant is unsuitable for membership of Civil Defence

Following the decision making process, the Committee will determine the application as follows:

- Membership approved - Having reviewed all the available information the Decision Making Committee is satisfied that the vetting subject is suitable for membership of Civil Defence subject to adherence to the Code of Conduct.
- Membership refused - Having reviewed the available information, the Decision Making Committee recommend that the vetting subject is unsuitable for membership of

Civil Defence. The Committee's decision will be made in writing to the vetting subject.

Vetting subjects will be notified in writing of any decision made by the Committee.

RIGHT OF APPEAL - APPEALS OFFICER

In the event that a vetting subject should wish to appeal a decision of the Decision Making Committee, they must notify, in writing, the Assistant Principal, Policy and Planning Section, Civil Defence Branch, who will act as Appeals Officer, asking for a review of the Committee's decision and outlining the grounds of appeal. Appeals must be received within one month of being informed of the decision. The Appeal will be considered by the Appeals Officer and in doing so he/she will apply the principles and procedures of this policy as appropriate. The decision of the Appeals Officer is final. Individuals who have been refused membership may not participate in Civil Defence activities pending the outcome of the appeal.

RE-VETTING OF EXISTING CIVIL DEFENCE MEMBERS

Garda Vetting in respect of Civil Defence Members was introduced in 2010. Best practice advises that re-vetting takes place after 5 years. Civil Defence Officers will notify volunteers when re-vetting is due. Existing members will be given the Garda Vetting form and asked to return it to the Civil Defence Officer within one month. Failure to fill in the form may result in disciplinary proceedings as laid down in the Civil Defence Code of Conduct.

CONFIDENTIALITY

All information relating to an individual's application for membership of Civil Defence, including information on Garda Vetting Forms, must at all times be treated with the utmost respect and confidentiality. All personal information received verbally or in writing will also be treated as confidential.

DATA PROTECTION

In cognisance of the provisions of the Data Protection Act 1988/2003, Civil Defence Headquarters and Civil Defence Officers at local level, will ensure that appropriate security systems are in place to protect the security, confidentiality and integrity of all personal data of Vetting subjects contained in Garda Vetting Applications and Disclosures.

When the National Vetting Bureau discloses data on foot of a vetting application, the Liaison Person must ensure that Data Protection obligations are observed as follows:

- Information is obtained and processed fairly
- Information is retained only for one or more specified, explicit and lawful purposes
- Information is use and disclosed only in ways compatible with the purposes for which it was obtained
- Information must be retained safely and securely
- Information is retained accurately, completely and up to date
- Information retained is adequate, relevant and not excessive
- Information will be retained no longer than is necessary
- A copy of personal data retained in respect of an individual will be made available to the individual on receipt of a written request

FURTHER INFORMATION

For further information regarding Civil Defence Branch policy in relation to Garda Vetting please contact:

**Policy and Planning Section,
Civil Defence Branch,
Benamore,
Roscrea,
Co. Tipperary.**

Telephone: 0505 25310