

2017

National Vetting Bureau of An Garda Síochána



Code of Practice - Garda Vetting

1. CONTENT

1. Content	2
2. Outline:.....	2
3. Introduction.....	2
4. Operational Overview	4
5. Liaison Person	5
6. Transmission of National Vetting Bureau Application Forms to National Vetting Bureau	5
7. National Vetting Bureau Disclosures	5
8. Decision Making in respect of National Vetting Bureau disclosures	6
9. Disputes	6
10. Data Security and Confidentiality	7
11. Conclusion	7

OUTLINE:

The National Vetting Bureau of An Garda Síochána has registered you as a Liaison Person and your name has been entered of the register of relevant organisations in accordance with the National Vetting Bureau (Children & Vulnerable Persons) Acts 2012 to 2016. This being the case, you have given an undertaking to comply with the Code of Practice on Garda Vetting in respect of all applications made to the National Vetting Bureau and all data received from the National Vetting Bureau in respect of vetting applications.

This document is the Code of Practice on Garda Vetting.

2. INTRODUCTION

The National Vetting Bureau is the single point of contact within An Garda Síochána to conduct Garda Vetting of individuals.

The National Vetting Bureau conducts Garda Vetting in respect of individuals who are applicants for positions wherein they are conducting relevant work as defined in Schedule 1, Part 1 and 2 of the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016.

Garda Vetting is also conducted in respect of applicants for designated positions in Government Departments, Statutory Agencies and Local Authorities; applicants for licensing or registration with prescribed Licensing or Registration Authorities; and applicants for positions in any other category of organisation that may be prescribed by Legislation or Regulation.

Organisations wishing to conduct Garda Vetting in respect of applicants for positions within them, or applicants for licensing/registration must register with the National Vetting Bureau. When the bona-fides of the organisation are established, arrangements are made to proceed with the registration of the organisation with the National Vetting Bureau.

Following registration with the National Vetting Bureau, the organisation must nominate a liaison person or persons to liaise with the National Vetting Bureau on its behalf. These liaison personnel are known as Liaison Persons.

Liaison Persons are responsible for the management of all Garda Vetting Applications submitted by their organisation to the National Vetting Bureau and of all resultant National Vetting Bureau disclosures issued to their organisation by the National Vetting Bureau.

Garda Vetting is one component part of normal recruitment and selection practices such as: verification of identity and personal details; assessment of educational qualifications, job skills, previous employment history and references; and conducting personal interviews with applicants.

The decision to engage in Garda Vetting of personnel as part of normal recruitment and selection practices is underpinned by the requirements of Sections 12, 20 and 21 of the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016.

The following is a brief overview of the established operating procedures for Garda Vetting:

- a) The National Vetting Bureau Application Form is supplied to an individual Vetting Subject by the Relevant Organisation.
- b) The National Vetting Bureau Application Form must be fully completed by the Vetting Subject in respect of their biographical and address details.
- c) Garda Vetting will be conducted in respect of individuals over the age of 18 years, predicated on the written consent of the said individual in accordance with the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016. Garda Vetting will be conducted in respect of individuals between the ages of 16 years and 18 years, predicated on the written authorisation of the said individual and of a parent or guardian of the said individual. Garda Vetting will not be conducted in respect of individuals under the age of 16 years.
- d) When the Vetting Subject completes a National Vetting Bureau Application Form, he/she should submit it to the Relevant Organisation for onward transmission to the National Vetting Bureau.
- e) It is the responsibility of the Liaison Person in the Relevant Organisation to ensure that the details provided in the application form in respect of the Vetting Subject are validated before the form is transmitted from the Relevant Organisation to the National Vetting Bureau for processing.
- f) It is also the responsibility of the Liaison Person in the Relevant Organisation to certify to the National Vetting Bureau that the Relevant Organisation concerned has validated the identity of the applicant vetting subject.
- g) The Liaison Person in the Relevant Organisation transmits the National Vetting Bureau Application Form to the National Vetting Bureau for processing. Application forms received at the National Vetting Bureau via any other route or from any other person will not be processed.
- h) When a Garda Vetting Application is processed at the National Vetting Bureau, the resultant National Vetting Bureau Disclosure is returned from the National Vetting Bureau directly to the Liaison Person who submitted it and to no other person.
- i) On receipt of a National Vetting Bureau disclosures from the National Vetting Bureau, it is the responsibility of the Liaison Person to ensure that the data contained therein is

managed within the decision making process established in the Relevant Organisation concerned.

- j) In accordance with Section 16 of the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016, the relevant organisation shall, as soon as practicable, make available a copy of the vetting disclosure to the person concerned.
- k) There is a dispute mechanism in place for instances where a Vetting Subject disputes any detail in relation to the data contained in the National Vetting Bureau disclosures issued in respect of them.

5. LIAISON PERSON

- a) A Liaison Person is a person who is authorised within a Relevant Organisation for Garda Vetting to submit National Vetting Bureau Application Forms to the National Vetting Bureau on behalf of the Relevant Organisation and receive resultant disclosures.
- b) It is the responsibility of the Liaison Person to manage all Garda Vetting Applications and Disclosures on behalf of their organisation within a Legislative, Human Rights and Natural Justice Framework.

6. TRANSMISSION OF NATIONAL VETTING BUREAU APPLICATION FORMS TO NATIONAL VETTING BUREAU

- a) Application forms should be transmitted to the National Vetting Bureau via their Relevant Organisation (NRF) in accordance with established procedures as issued to Liaison Persons within their training programme; and in accordance with any modifications or updates that may be issued to them thereafter.
- b) Application forms received at the National Vetting Bureau from any person other than a Liaison Person in a Relevant Organisation for Garda Vetting will not be processed.

7. NATIONAL VETTING BUREAU DISCLOSURES

- a) National Vetting Bureau disclosures are issued directly to the Liaison Person who submitted the National Vetting Bureau Application Form in respect of the Vetting Subject.
- b) National Vetting Bureau disclosures will indicate details of criminal record in respect of the vetting applicant and any specified information as determined by the Chief Bureau Officer. Criminal records means a record of the person's convictions whether within or outside the state for any criminal offence together with any ancillary or consequential orders made pursuant to the convictions concerned or a record of any prosecutions pending against the person whether within or outside the state for any criminal offences or both.
- c) All National Vetting Bureau disclosures should be managed within a Legislative, Human Rights and Natural Justice Framework.

8. DECISION MAKING IN RESPECT OF NATIONAL VETTING BUREAU DISCLOSURES

- a) Details contained in a National Vetting Bureau disclosure should be verified with the Vetting Subject in advance of any decision being made which may affect them.
- b) A Decision Maker or Decision Making Committee should be appointed within a Relevant Organisation to assess National Vetting Bureau disclosures received in respect of Vetting Subjects.
- c) The decision making process in relation to National Vetting Bureau disclosures should be established solely as a mechanism to assist the Relevant Organisation in assessing the suitability of a Vetting Subject for a position within the organisation, vis-à-vis the details contained in their Disclosure.
- d) Decisions in respect of the suitability of a Vetting Subject for a position within a Relevant Organisation are the responsibility of the Decision Maker/Decision Making Committee within the organisation and the National Vetting Bureau will have no input into any such decisions.

9. DISPUTES

In instances where a Vetting Subject disputes any detail contained in a National Vetting Bureau disclosures issued to a Liaison Person in respect of them, the following procedure should be implemented:

- a) The Vetting Subject should outline the exact basis of their dispute and submit it in writing to the Liaison Person. The Liaison Person should submit the report received from the Vetting Subject, along with the original National Vetting Bureau Application Form in respect of them, to the National Vetting Bureau for further checks to be conducted.

- e) If the Vetting Subject indicates there were errors or omissions made by them while completing the original application form, they should be requested to complete a new application form; and both the original and the new application forms should then be submitted together with the request for further checks to be conducted.
- f) If, following the result of further checks, the Vetting Subject still disputes any detail in the National Vetting Bureau disclosures issued in respect of them, arrangements will be made for further validation procedures to be undertaken in order to resolve the matters at issue in the dispute.
- g) At the conclusion of the dispute resolution procedure, decisions in respect of the suitability of the Vetting Subject for a position within the Relevant Organisation are the responsibility of the Decision Maker/Decision Making committee within the Relevant Organisation concerned, and the National Vetting Bureau will have no input into any such decisions.

10. DATA SECURITY AND CONFIDENTIALITY

- a) Relevant Organisations should 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.
- b) In this regard cognisance should be taken of the provisions of The Data Protection Act 1988/2003.

11. CONCLUSION

This Code of Practice is issued for utilisation by Liaison Persons and Relevant Organisations for Garda Vetting. Operations with Liaison Persons and Relevant Organisations for Garda Vetting will be quality controlled and monitored on a continuous basis. The National Vetting Bureau reserves the right to withdraw registration from Liaison Persons and/or Relevant Organisations for Garda Vetting found to be in breach of any terms of this Code of Practice.

End

