



Garda Vetting for Existing Employees of COPE Foundation

*(Adapted from: Procedure for Voluntary Garda Vetting
& Assessment of (all) Existing Employees in the HSE, 2012)*

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Authorised by:	Colette Kelleher, Chief Executive
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requested to complete:

Form and
on for Existing Employees Form.

- 1.1 Employees should return the completed forms to the Human Resource Division (HR).
 - 1.2 The *Garda Vetting Form* should be signed by the appropriate member of HR and sent to the *Garda Central Vetting Unit*.
 - 1.3 The *General Declaration for Existing Employees Form* should be placed on the Employee's HR File.
- 2.0** The principles of the *Data Protection Acts 1988/2003* will be adhered to during the Garda vetting process.
- The information will be obtained and processed fairly;
 - The information will be kept and used for the purposes of Garda vetting only;
 - The information may only be used or disclosed in a manner that is compatible with this specified purpose, and with the Employee's consent;
 - The information will be kept safe, secure, accurate and up to date;
 - The information will be retained for no longer than is necessary for the specified purpose for which it was required. The information may be retained for no longer than a period of one year, subject to any legal restrictions;
 - The Employee will be entitled to make an access request for a copy of the completed *Garda Vetting Form* under Data Protection/Freedom of Information legislation.
- 3.0** Where the *Garda Central Vetting Unit* confirms that there are no disclosures recorded against the Employee, they will return the processed form to HR. This will be retained and stored securely in the Employee's HR file in Bonnington, Montenotte, Cork. No further action is required.
- 4.0** If there are disclosures, HR will formally assess the processed *Garda Vetting Form*.
- 4.1 Where disclosures are deemed *not relevant* in the context of the Employee's current role, no further action is required, and the form will be placed on the Employee's HR file.

by the Human Resource Division (HR) that the
relevant, HR will write to the Employee:

the existence of the disclosure;

- Requesting confirmation or otherwise that the disclosure relates to him/her;
- Inviting the Employee to provide any information s/he deems relevant, including an explanation of the events that led to the incident and any details s/he considers relevant for consideration;
- Advising the Employee of his/her right to seek to have his/her Garda file re-examined in full by the *Garda Central Vetting Unit*.

4.3 If the Employee disputes the content of the disclosure, HR will advise the *Garda Central Vetting Unit* and request that the matter be reviewed under the *Garda Dispute Resolution Procedure*;

4.4 Once the Employee confirms that the disclosure relates to him/her, the information will be attached to the processed *Garda Vetting Form*, and HR will complete a *Risk Assessment* in consultation with the Line Manager. (This may involve a meeting with the Employee);

4.5 At an appropriate stage in the process, COPE Foundation Management will take whatever protection measures are necessary to ensure that no person we support/staff member or COPE Foundation is exposed to unacceptable risk e.g. reassigning duties/appropriate supervision, or in exceptional circumstances, off duty with pay pending outcome of a *Risk Assessment*.

4.6 Factors to be considered when carrying out the *Risk Assessment*:

- The nature of the offence vis a vis the role of the Employee;
- Was the offence committed since commencing employment with COPE Foundation?
- The length of time since the offence occurred and the age of the Employee at the time of the offence;
- Does the post involve one-to-one contact with children or adults we support?
- What level of supervision does the Employee receive?
- Does the post involve any direct responsibility for finance or items of value?
- Does the post involve casual exposure to finances or items of value?
- Does the post involve direct contact with the public?

4.7 The *Risk Assessment Team* will make one of the following three recommendations to the Head of HR:

- No further action is required;
- The Employee should remain in the post subject to certain conditions;
- Issues raised about the suitability of the Employee for continued employment.

Resource Division (HR), in consultation with the Head of the Employee, will review the recommendations of the *Risk Assessment Team*. If the Head of HR upholds the recommendation, the Employee should remain in the post subject to certain conditions. The Employee will be notified to the Line Manager.

- 4.9 Where the Head of HR does not accept the proposed conditions or has concerns about the Employee's suitability for continued employment in the post, s/he will convene a hearing with the Employee. The purpose of this hearing will be to afford the Employee an opportunity to respond to the findings of the *Risk Assessment* and to make representations. The Employee will be given a copy of the *Risk Assessment Report* and all relevant supporting documentation in advance of the hearing, and advised of his/her right to representation.
- 4.10 Following the hearing, the Head of HR will make a decision, which may include:
- (i) An action short of termination of employment e.g. transfer to other duties or location, or
 - (ii) Termination of employment.
- 4.11 Where the decision is (i) above, the Employee may appeal the decision to the Chief Executive, who will refer the matter to the *Corporate Risk Assessment Team (COPE Foundation Leadership Team)* and depending on its recommendation, (s)he will decide to accept or overturn the appeal;
- 4.12 Where the decision is (ii) above, and termination of employment is recommended, the normal appeals process for dismissal decisions will apply.

Additional Notes

- **At any stage of the *Risk Assessment* process, Employees have the right to avail of COPE Foundation's *Grievance Procedure*.**
- **Risk Assessment Team:** Membership to comprise Line Manager, (where applicable), Head of Division, member of Human Resource Division.
- **Corporate Risk Assessment Team:** (COPE Foundation Leadership Team).