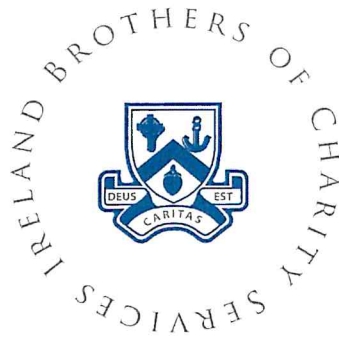




BROTHERS OF CHARITY SERVICES IRELAND

NATIONAL VETTING POLICY & PROCEDURE

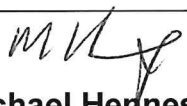
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Ethos

'We are committed to working with people with an intellectual disability to claim their rightful place as valued citizens. Inclusion is a fundamental principle that underlies all aspects of our work. We believe in the intrinsic value of every person and we aim to further the dignity of all associated with our services.'

'We continue the Brothers of Charity Services' tradition of being open to the best contemporary influences. We want to be inspired by the most creative ideas ...and to ask how we give them concrete expression.'

The Brothers of Charity Services Ethos (2001), Going Forward Together.

1.0 Introduction

The Brothers of Charity Services Ireland endeavour to offer services/supports in local communities. This enables each person who is supported by our services to positively engage in the social and economic life of their local towns and villages and in doing so, develop a range of relationships that enhance their quality of life.

Our responses are based on the recognition of each person (who is supported by our service) as an individual, an equal citizen with equal rights and an absolute respect of that status. We, therefore, support each person to live their lives based on their own personal visions and choices, to identify and select their personal goals in life and to develop their personal plan to achieve those goals.

2.0 Policy Statement:

2.1 This policy outlines how the Brothers of Charity Services Ireland will manage the vetting of people who engage in activity, under the auspices of the Services, with vulnerable persons and children by the National Vetting Bureau and operationalises recent legislative changes such as;

2.1.1 The Brothers of Charity Services Ireland legally **shall not permit, except for limited exceptions outlined in this policy, any person to undertake relevant work or activities on behalf of the organisation unless the organisation receives a vetting disclosure from the National Vetting Bureau in respect of that person. A person who contravenes this requirement shall be guilty of an offence in law.**

2.1.2 The Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016 also results in a change in what convictions will be released to organisations because of vetting and as a result, people are not required to disclose offences that fall within its remit.

3.0 Purpose:

The purpose of the Vetting Policy is to provide a standardised approach to the management of vetting within the Brothers of Charity Services Ireland. Vetting is the process by which the National Vetting Bureau discloses details regarding prosecutions and/or convictions in respect to a Vetting Applicant.

4.1 **Scope:**

4.1. This policy applies to all people who engage in activities with vulnerable persons and children under the auspices of the Brothers of Charity Services Ireland. It includes:

4.1.1 Paid staff of Brothers of Charity Services Ireland both current and new entrants,

4.1.2 Volunteers, both current and new entrants, who engage in activities with vulnerable persons and children under the auspices of the Brothers of Charity Services Ireland,

4.1.3 Contractors, both existing and new, who engage in activities with vulnerable persons and children under the auspices of the Brothers of Charity Services Ireland,

4.1.4 Students who engage in work experience involving activities with vulnerable persons and children under the auspices of the Brothers of Charity Services Ireland.

4.1.5 Others engaged with the Services such as Home Share Families, etc.

4.2 These vetting requirements shall not apply to persons who assist on an occasional basis and for no commercial consideration. This would include persons who assist on an occasional basis at a school, sports or community event or activity other than where such assistance includes the coaching, mentoring, counselling, teaching or training of children or vulnerable persons. **In all such cases, prior approval must be sought from Regional HR before such individuals commence activity.**

5.0 **Legislation/other related policies:**

5.1. National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016.

5.2. Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016.

5.3. National Vetting Bureau Frequently Asked Questions available at <https://vetting.garda.ie/Help/FAQ>

5.4. GDPR - In order to fulfil its obligations as a Service Provider the Brothers of Charity Services Ireland is required to create and process records which hold both personal and sensitive data. These records are kept 'in confidence' and processed in strict accordance with the privacy and data protection rights of the individual. The BOCSI shares records only for the purpose of compliance with service delivery, health, and regulatory requirements. Data will be disclosed where required or authorised by law and in line with the General Data Protection Regulations.

6.0 **Glossary of Terms and Definitions:**

6.1. **Agency Worker.** A person employed by another organisation who conducts work on behalf of the Brothers of Charity Services Ireland.

6.2. **Children.** In the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016, a child is defined as a person under the age of 18 years.

- 6.3. **Contractor.** For the purposes of this policy a contractor is defined as a person engaged on a contract for services who engages in activity with vulnerable persons or children under the auspices of the Brothers of Charity Services Ireland.
- 6.4. **Criminal Records.** A criminal record in relation to a person 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.
- 6.5. **Joint Vetting Agreement.** An agreement between two relevant organisations to enable one of the relevant organisations to place workers, students etc. in the other relevant organisation.
- 6.6. **Liaison Person.** A relevant organisation that is registered in the Register of Relevant Organisations shall, for the purposes of applying for and receiving vetting disclosures in accordance with the Act, nominate in writing a person (in the Act referred to as a "Liaison Person") to be registered in the Register of Relevant Organisations as the Liaison Person of the organisation. A person who, immediately before the commencement of Section 9 of the Act, is registered with the Garda Central Vetting Unit as an Authorised Signatory for an organisation shall, on such commencement of the Act, be deemed to be registered as a Liaison Person for the organisation in the Register of Relevant Organisations. An application for a vetting disclosure in respect of an applicant shall be made by a Liaison Person for a relevant organisation.
- 6.7. **National Vetting Bureau.** The arm of state entrusted with responsibility for conducting vetting. It has taken over vetting responsibilities from the Garda Central Vetting Unit.
- 6.8. **Occasional Basis.** Assistance on an occasional basis and for no commercial consideration. This would include persons who assist on an occasional basis at a school, sports or community event or activity other than where such assistance includes the coaching, mentoring, counselling, teaching or training of children or vulnerable persons. **In all such cases, prior approval must be sought from Regional HR before such individuals commence activity.**
- 6.9. **Relevant Organisation.** A relevant organisation means a person (including a body corporate or an unincorporated body of persons) who employs, enters into a contract for services or permits any person to undertake relevant work or activities, a necessary and regular part of which consists mainly of the person having access to, or contact with, children or vulnerable adults. A relevant organisation shall not permit, except for limited exceptions outlined in this policy, any person to undertake relevant work or activities on behalf of the organisation unless the organisation receives a vetting disclosure from the National Vetting Bureau in respect of that person. A person who contravenes this section shall be guilty of an offence. The Brothers of Charity Services Ireland and each regional service are relevant organisations.
- 6.10. **Relevant Work or Activities.** Work or activity, a necessary and regular part of which consists mainly of the person having access to, or contact with, children or vulnerable persons. Details of relevant work or activities are

outlined in part 1 and 2 of Schedule 1 of the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016¹.

6.11. **Specified Information.** Information that must be passed by scheduled organisations² to the Vetting Bureau and then subsequently disclosed by the vetting Bureau to relevant organisations relating to;

- harm any child or vulnerable person,
- causing any child or vulnerable person to be harmed
- putting any child or vulnerable person at risk of harm
- attempting to harm any child or vulnerable person, or
- inciting another person to harm any child or vulnerable person

6.12. **Spent Convictions.** A spent conviction is regarded as a conviction by the District Court, in respect of one offence where an individual has complied with the sentence imposed. It will be deemed to have expired after the passing of seven years. As a result, spent convictions will not be disclosed by the Vetting Bureau in a vetting disclosure under the Vetting Act. However, it will still be the case that all offences against the person and all serious convictions will be disclosed where the individual is applying to work with children or vulnerable persons.

6.13. **Student.** For the purposes of this policy a student is a person who engages in activity with vulnerable persons or children under the auspices of the Brothers of Charity Services Ireland as part of an educational or training course.

6.14. **Vetting Disclosure.** Information released by the Vetting Bureau in relation to persons being vetted. Please note in the event of no information a vetting disclosure will still be made stating this.

6.15. **Vulnerable Person.** The National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016 define a vulnerable person as person, other than a child, who is suffering from a disorder of the mind, whether as a result of mental illness or dementia, has an intellectual disability, is suffering from a physical impairment, whether as a result of injury, illness or age, or has a physical disability, which is of such a nature or degree as to restrict the capacity of the person to guard himself or herself against harm by another person, or that results in the person requiring assistance with the activities of daily living including dressing, eating, walking, washing and bathing.

6.16. **Worker.** For the purposes of this policy a worker is defined as anyone who engages in activity with vulnerable persons or children in a paid or unpaid capacity under the auspices of the Brothers of Charity Services Ireland e.g. staff or volunteers except on an occasional basis as defined above.

7.0 Roles and Responsibilities:

7.1. National Head of Human Resources.

7.1.1 Develop and disseminate vetting policy to Regional Heads of Human Resources.

7.1.2 Ensure policies in relation to vetting are kept up to date.

¹ See Appendices 1 & 2 for details of relevant work or activities.

² See Appendix 3 for list of scheduled organisations

7.1.3 Liaise with the National Vetting Bureau, through Liaison Persons, in relation to vetting issues on behalf of the Brothers of Charity Services Ireland.

7.1.4 Ensure that staff working in the National Office and board members of the Brothers of Charity Services Ireland are vetted as required.

7.2 Regional Heads of Human Resources.

7.2.1 Make themselves familiar with the vetting policy and the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016.

7.2.2 Disseminate policy within their respective regions.

7.2.3 Ensure the policy is followed at regional level.

7.2.4 Ensure that sufficient Liaison Persons are maintained and supported at regional level.

7.2.5 Support the National Head of Human Resources in the vetting of National Office staff as required.

7.2.6 Elevate issues in relation to vetting to the National Head of Human Resources.

7.2.7 Establish Joint Vetting Agreements with relevant organisations as required.

7.2.8 Ensure no workers, agency workers or students commence activity until vetted unless subject to a joint vetting agreement or engaged on an occasional basis as defined in the act.

7.2.9 Support staff in their respective regions in complying with policy.

7.2.10 Ensure all existing workers are re-vetted every 3-5 years or earlier as required e.g. to meet HIQA requirements that PICs and PPIMs are re-vetted every 2 years.

7.2.11 Review vetting results and determine whether workers may be safely employed.

7.2.12 Ensure confidentiality is maintained throughout the vetting process and that persons being vetted are made aware of the outcome of the process.

7.2.13 Ensure that offers of employment made subject to vetting also include an appropriate time based cut off period.

7.3 Services Management.

7.3.1 Make themselves and their staff familiar with the vetting policy.

7.3.2 Ensure no workers, agency workers or students commence any activity before they are vetted in line with the policy.

7.3.3 Ensure contractors are vetted in line with the policy.

7.3.4 Co-operate with their respective regional Heads of Human resources to ensure the vetting policy is followed.

7.3.5 Elevate issues in relation to vetting to their respective Regional Head of Human Resources.

7.4 All Brothers of Charity Services Ireland Staff.

7.4.1 Make themselves familiar with the vetting policy.

7.4.2 Co-operate with the implementation of the vetting policy.

8.0 Procedure:

8.1. Workers and Contractors.

The following applies in relation to new entrants and re-vetting existing worker and contractors every 3-5 years³ or earlier as required e.g. to meet HIQA requirements.

- 8.1.1 The organisation review originals of person's identification documents⁴ (this is not necessary in the case of re-vetting where this documents are complete in line with this policy).
- 8.1.2 The organisation copies identifications documents and records on copies that originals where viewed by whom and on what date and then signed. Copies of identification documents to be kept on the person's file.
- 8.1.3 The organisation ensures that the person completes a vetting invitation form⁵.
- 8.1.4 Liaison Person ensures that the vetting invitation form is correctly completed by the person
- 8.1.5 The Liaison Person sends the applicant an Email with a link attached inviting him/her to complete the vetting application online.⁶ Note: A person shall not be obliged to provide details of any convictions to which Section 14A of the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016 applies.⁷
- 8.1.6 Once the person has completed the application form online the Liaison person will review the application and submit it to the National Vetting Bureau.
- 8.1.7 If a person has lived, as an adult, in another jurisdiction for 6 months or more the Organisation will ensure that the person furnishes the Brothers of Charity Services Ireland with a police clearance from any such countries⁸. In the case of persons who lived overseas there may be exceptional circumstances that prevent the persons from providing evidence of police clearance through no fault of their own. In the event that there is no verification available in the countries visited there will be a requirement to provide a verified sworn affidavit. The cost of the affidavit will be borne by the applicant. HR will ensure that offers of employment made subject to vetting also include an appropriate time based cut off e.g. *"This offer of employment is made subject to suitable vetting and/or police clearances being received within 2 months from the date of this letter."*
- 8.1.8 In the event of criminal records or specified information being returned by the Vetting Bureau or other police authority, the Regional Head of HR is to determine whether person is to be employed. This decision may be discussed with relevant Services management.

³ Appendix 4 Provides a step by step guide for e-vetting

⁴ Appendix 5 Provides details of documents required.

⁵ Appendix 6 Provides a sample vetting invitation form

⁶ a detailed user guide for person completing the online application form is available at <https://vetting.garda.ie/Content/UserGuides/en/UserGuide.pdf>

⁷ Appendix 7 provides more details on spent convictions.

⁸ Details of how such clearances can be arranged are normally available from the respective countries' embassies.

8.1.9 In the event of criminal records or specified information being returned by the Vetting Bureau or other police authority, relating to the existing staff the Risk Assessment Process outlined in Appendix 10 will be followed.

8.1.10 The Organisation maintains records of vetting on the person's file.

8.2. Individuals covered by joint vetting agreements.

8.2.1 Agree joint vetting agreement with relevant organisation⁹.

8.2.2 In the event of criminal records or specified information being disclosed the Regional Head of HR is to determine whether person is to be let commence activity. This decision may be discussed with relevant Services management and the relevant organisation covered by the joint vetting agreement.

8.2.3 In the absence of a joint vetting agreement, follow steps as outlined in section 8.1 above for Workers and Contractors.

8.3. Vetting of Children.

Section 13(6) of the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016 provides for vetting of persons under 18 years of age. The Act states that if a person in respect of whom an application for a vetting disclosure is made is under 18 years of age, a declaration of consent¹⁰ is completed on his or her behalf by a parent or guardian of the person.

9.0 Revision:

This policy will be reviewed on a three yearly basis guided by the National Head of Human Resources (Chairperson of the Vetting Policy Review Group) in consultation with the Human Resources National Standing Committee.

More frequent reviews may take place if deemed necessary in light of changing legislation and/or guidance from appropriate bodies

10.0 References/bibliography:

10.1. National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016.

10.2. Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016

10.3. National Vetting Bureau Frequently Asked Questions available at <https://vetting.garda.ie/Help/FAQ>

⁹ Appendix 8 provides a joint vetting agreement.

¹⁰ Appendix 9 Provides a Parent/Guardian Consent form

Appendix 1 - Relevant Work or Activities Relating to Children

1. 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:
 - (a) an establishment which provides pre-school services within the meaning of Part VII of the Child Care Act 1991;
 - (b) a school or centre of education, both within the meaning of the Education Act 1998;
 - (c) Any hospital or health care centre which receives, treats or otherwise provides services to children;
 - (d) a designated centre within the meaning of Section 2 of the Health Act 2007, in so far as it relates to an institution at which residential services are provided in accordance with the Child Care Act 1991;
 - (e) a special care unit provided and maintained in accordance with Section 23K of the Child Care Act 1991;
 - (f) a children detention school within the meaning of Section 3 of the Children Act 2001;
 - (g) a reception or accommodation centre which provides residential accommodation services to applicants for asylum under contract to the Department of Justice and Equality.
2. Any work or activity which consists of the provision of home tuition by a person pursuant to the Scheme administered and funded by the Department of Education and known as the Home Tuition Scheme.
3. Any work or activity which consists of treatment, therapy or counselling provided to a child by a person in the course of that work or activity.
4. Any work or activity which consists of care or supervision of children unless the care or supervision is merely incidental to the care or supervision of persons who are not children.
5. Any work or activity which consists of the provision of educational, training, cultural, recreational, leisure, social or physical activities (whether or not for commercial or any other consideration) to children unless the provision of educational, training, cultural, recreational, leisure, social or physical activities is merely incidental to the provision of educational, training, cultural, recreational, leisure, social or physical activities to persons who are not children.
6. Any work or activity which consists of the provision of advice, guidance or developmental services (including by means of electronic interactive communications) to children unless the provision of the advice, guidance or developmental service is merely incidental to the provision of those services to persons who are not children.
7. Any work or activity as a minister or priest or any other person engaged in the advancement of any religious beliefs.

8. Work as a driver of a public service vehicle which is being used only for the purpose of conveying children.
9. The provision by a person, whether or not for commercial or other consideration, of accommodation for a child in his or her own home.
10. Any research work or activities (howsoever described) carried out in a university, institute of technology or other establishment at which third level education is provided where a necessary and regular part of the research work or activity involves contact with or access to children.
11. Any application by a person to carry on or manage a designated centre within the meaning of Section 2 of the Health Act 2007.
12. Any application by a person for a declaration of eligibility and suitability within the meaning of Section 3 of the Adoption Act 2010.
13. Any assessment of a person's suitability to act as a foster carer by or under Section 39 of the Child Care Act 1991.
14. Any assessment by or under Section 41 of the Child Care Act 1991 of a person's suitability to act as a carer of a child in respect of whom he or she is a relative.
15. Any work or activity which is carried on by a person, a necessary and regular part of which requires the person to have access to, or contact with, children pursuant to the following enactments:
 - (a) Medical Practitioners Act 2007;
 - (b) Nurses Act 1985;
 - (c) Nurses and Midwives Act 2011;
 - (d) Dentists Act 1985;
 - (e) Health and Social Care Professionals Act 2005;
 - (f) Pharmacy Act 2007;
 - (g) Pre-Hospital Emergency Care Council Order 2000 (S.I. No. 109 of 2000);
 - (h) Pre-Hospital Emergency Care Council (Establishment) Order 2000 (Amendment) Order 2004 (S.I. No. 575 of 2004).

Appendix 2 - Relevant Work or Activities Relating to Vulnerable Persons

1. 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, vulnerable persons in:
 - (a) a school or centre of education, both within the meaning of the Education Act 1998 , unless, in the case of a centre of education, the work or activity is merely incidental to work or activities undertaken in relation to persons who are not vulnerable persons,
 - (b) any hospital or care centre which receives, treats or otherwise which provides services to vulnerable persons,
 - (c) a designated centre within the meaning of Section 2 of the Health Act 2007, in so far as it relates to an institution at which residential services are provided to vulnerable persons,
 - (d) an approved centre within the meaning of Part 5 of the Mental Health Act 2001.
2. Any work or activity which consists of treatment, therapy or counselling provided to a vulnerable person by a person in the course of that work or activity.
3. Any work or activity which consists of the care (including the provision of health and personal social services and essential domestic services) of vulnerable persons unless the care is merely incidental to the care of persons who are not vulnerable persons.
4. Any work or activity which consists of the provision of educational, training, cultural, recreational, leisure, social or physical activities (whether or not for commercial or any other consideration) to vulnerable persons unless the provision of educational, training, cultural, recreational, leisure, social or physical activities is merely incidental to the provision of educational, training, cultural, recreational, leisure, social or physical activities to persons who are not vulnerable persons.
5. Any work or activity which consists of the provision of advice, guidance or developmental services (including by means of electronic interactive communications) to vulnerable persons unless the provision of the advice, guidance or developmental service is merely incidental to the provision of those services to persons who are not vulnerable persons.
6. Work as a driver of a public service vehicle which is being used only for the purpose of conveying vulnerable persons.
7. Any work or activity as a minister or priest or any other person engaged in the advancement of any religious beliefs.
8. The provision by a person, whether or not for commercial or other consideration, of accommodation for a vulnerable person in his or her own home.

9. Any research work or activities (howsoever described) carried out in a university, institute of technology or other establishment at which third level education is provided where a necessary and regular part of the research work or activity involves contact with or access to vulnerable persons.
10. Any assessment of a person's suitability to act as a care representative under Section 21 of the Nursing Homes Support Scheme Act 2009.
11. Any application by a person to carry on or manage a designated centre both within the meaning of section 2 of the Health Act 2007 .
12. Any work or activity which is carried on by a person, a necessary and regular part of which requires the person to have access to, or contact with, vulnerable persons pursuant to the following enactments:
 - (a) Medical Practitioners Act 2007;
 - (b) Nurses Act 1985;
 - (c) Nurses and Midwives Act 2011;
 - (d) Dentists Act 1985;
 - (e) Health and Social Care Professionals Act 2005;
 - (f) Pharmacy Act 2007;
 - (g) Pre-Hospital Emergency Care Council (Establishment) Order 2000 (S.I. No. 109 of 2000);
 - (h) Pre-Hospital Emergency Care Council (Establishment) Order 2000 (Amendment) Order 2004 (S.I. No. 575 of 2004).

Appendix 3 – List of Scheduled Organisations

As per Schedule 2 of the Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016

1. The Health Service Executive.
2. The Teaching Council.
3. The Medical Council.
4. The Nursing and Midwifery Board of Ireland.
5. The Dental Council.
6. The Health and Social Care Professionals Council.
7. The Mental Health Commission.
8. The Pharmaceutical Society of Ireland.
9. The Pre-Hospital Emergency Care Council.
10. The Health Information and Quality Authority.
11. The National Transport Authority.

Appendix 4 - e-Vetting Step by Step Guide

Up-to-date guidance on e-vetting is available on the National Vetting Bureau website at <https://vetting.garda.ie/>

Appendix 5 - Proof of Identity

The **100 point check** is a personal identification system, this information sheet has been developed to support organisations in verifying identity including date of birth and current address of Vetting Applicants (those applying to be vetted) as required.

When conducting Vetting, organisations should require Vetting Applicants to present identification totalling 100 points to ensure they are checking the correct person. At least one form of photographic evidence must be gathered.

Identification	Score	Tick (✓)
Irish Driving Licence or Learner Permit (new credit card format)	80	☐
Passport (from Country of Citizenship)	70	☐
Irish Certificate of Naturalisation	50	☐
Birth Certificate	50	☐
Garda National Immigration Bureau (GNIB) Card	50	☐
National Identify Card for EU/EEA/Swiss Citizens	50	☐
Irish Driving Licence or Learner Permit (old paper format)	40	☐
Employment ID		
ID Card issued by employer (with name and address)	35	☐
ID Card issued by employer (name only)	25	☐
Letter from Employer (within last two years)		
Confirming name and address	35	☐
P60, P45 or Payslip (with home address)	35	☐
Utility Bill (e.g. gas, electricity, television, broadband. Must not be less than 6 months old. Printed online bills are acceptable. Mobile phone bills are <u>not</u> acceptable).	35	☐
Public Services Card/Social Services Card/Medical Card	25	☐
With Photograph	40	☐
Bank/Building Society/Credit Union Statement	35	☐
Credit/Debit Card(s)/Passbook(s) (only one per institution)	25	☐
National Age Gard (issued by An Garda Síochána)	25	☐
Membership Card		
Club, Union or Trade, Professional Bodies	25	☐
Educational Institution	25	☐

Correspondence

From an Educational Institution/SUSI/CAO	20	☐
From an Insurance Company regarding an Active Policy	20	☐
From a Bank/Credit Union or Government Body or State Agency	20	☐

Children Under 16 years (any one of the following)

Birth Certificate	100	☐
Passport	100	☐
Written Statement by a Principal (confirming attendance at educational institution on a letter head of that institution)	100	☐

Recent Arrival in Ireland (less than 6 weeks)

Passport	100	☐
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Vetting Subject is Unable to Achieve 100 Points**

Affidavit witnessed by a Commissioner for Oaths	100	☐
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TOTAL

_____ ☐

****An affidavit is a written sworn statement of fact voluntarily made by a person. It is a document that sets out in paragraph form the evidence that the witness wishes to give. Affidavits are usually written and prepared by a solicitor or a barrister after having obtained all the necessary information from the witness. The wording used in the affidavit will depend on the circumstances of the case. Your solicitor can give more information on the wording that will be used.**

When the affidavit is ready, the witness must go before a Commissioner for Oaths. The Commissioner for Oaths will check that the person swearing the oath has read the affidavit and fully understands the contents. The person will be asked to raise the Bible and to repeat the words of the oath. If the witness does not wish to swear an oath on the Bible, he or she may make an affirmation. He or she will then sign the affidavit.

The Commissioner for Oaths will verify that the affidavit was properly sworn by completing a *jurat* on the affidavit.

Appendix 6 –Sample Vetting Invitation Form

Organisation

Logo

Guidelines for completing Vetting Invitation Form (NVB 1)

Please read the following guidelines before completing this form.

Miscellaneous

The Form must be completed in full using **BLOCK CAPITALS** and writing must be clear and legible.

The Form should be completed in ball point pen.

Photocopies will not be accepted.

All applicants will be required to provide documents to validate their identity.

If the applicant is under 18 years of age, a completed NVB 3 - Parent\Guardian Consent Form will be required. Please note that where the applicant is under 18 years of age the electronic correspondence will issue to the Parent\Guardian. This being the case, the applicant must provide their Parent\Guardian Email address on the NVB 1 form.

Personal Details

Insert details for each field, allowing one block letter per box.

For Date of Birth field, allow one digit per box.

Please fill in your Email Address, allowing one character/symbol per box. This is required as the invitation to the e-vetting website will be sent to this address.

Please allow one digit per box for your contact number.

The Current Address means the address you are now living at.

The address fields should be completed in full, including Eircode/Postcode. No abbreviations.

Role Being Vetted For

The role being applied for must be clearly stated. Generic terms such as “Volunteer” will not suffice.

Declaration of Application

The applicant must confirm their understanding and acceptance of the two statements by signing the application form at Section 2 and ticking the box provided.

Organisation Logo

--

Vetting Invitation

Under Sec 26(b) of the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016, it is an offence to make a false statement for the purpose of obtaining a vetting disclosure.

[illegible][illegible][illegible][illegible][illegible][illegible][illegible]**Current Address:**[illegible][illegible][illegible][illegible][illegible][illegible]

Section 2 – Additional Information

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I have provided documentation to validate my identity as required *and*

I consent to the making of this application and to the disclosure of information by the National Vetting Bureau to the Liaison Person pursuant to Section 13(4)(e) National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016. Please tick box ☐

Applicant's

Signature:

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Date:

D	D
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/

M	M
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/

Y	Y	Y	Y
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Note: Please return this form to the above named organisation. An invitation to the e-vetting website will then be sent to your Email address.

Appendix 7 - Section 14A of the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016

A conviction by the District Court of a person in respect of an offence where the following conditions are met in respect of the conviction:

- the person is 18 years old at the time of the offence which lead to the conviction.
- the offence shall not be an excluded offence
'excluded offence' means:
 - an offence specified in Schedule 3, or
 - an offence specified in Part 1 or 2 of Schedule 1 of the Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016.
- the conviction must be more than 7 years old
- the person shall have served or otherwise undergone or complied with any sentence imposed, or order made by the court in dealing with the person in respect of the conviction concerned.
- With the exception of the offences outlined at subsection (4), this section shall apply in respect of one single conviction only and where a person has more than one conviction this section shall not apply to that person.
- Where in any proceedings before a court, a person is convicted of 2 or more offences which are committed simultaneously or arise from the same incident, and the court in passing sentence, imposes more than one sentence in respect of those offences, the convictions imposed shall be regarded as one single conviction.
- Subsection (2) shall not apply to a conviction imposed on a person in respect of an offence:
 - under the Road Traffic Acts 1961 to 2014, other than section 53 (2) of the Road Traffic Act 1961 , (Dangerous driving causing death or serious harm)
 - under section 37A of the Intoxicating Liquor Act 1988 , (intoxicating liquor in possession of person under age of 18 years)
 - under section 4 , 5 , 6 , 7 , 8 , 8A(4) or 9 of the Criminal Justice (Public Order) Act 1994:
 - Intoxication in public place.
 - Disorderly conduct in public place.
 - Threatening, abusive or insulting behaviour in public place
 - Distribution or display in public place of material which is threatening, abusive, insulting or obscene.
 - Failure to comply with direction of member of Garda Síochána
 - Wilful obstruction

- In this section:
'effective date of conviction' means, in relation to the imposition by the District Court of a sentence for an offence, the date on which the sentence becomes operative in accordance with the order of the court.
For the purposes of this section a criminal conviction of a person by the District Court—(a) which is appealed by the person to the Circuit Court, and (b) is affirmed or varied by the Circuit Court, shall, as so affirmed or varied by the Circuit Court be treated as if it were a conviction of the District Court.

The relevant organisation in accordance with the National Vetting Bureau Act shall, as soon as practicable, make available a copy of the vetting disclosure to the applicant.

Appendix 8 – Joint Vetting Agreement

It is agreed between the Brothers of Charity Services Ireland and the [Relevant Organisation]* that the [Relevant Organisation]* may employ, contract, permit or place of a person to undertake relevant work or activities under the auspices of the Brothers of Charity Services Ireland.

It is agreed that the [Relevant Organisation]* will share vetting details of individuals it hopes to place working/studying under the auspices of the Brothers of Charity Services Ireland. These details will consist of copies of the Vetting Disclosures received from the Vetting Bureau in relation to such individuals.

It is agreed that the [Relevant Organisation]* will get written permission from these individuals prior to releasing Vetting Disclosures and maintain such agreements in the [Relevant Organisation]* own files.

It is agreed that the decision to place a person under the auspices of the Brothers of Charity Services Ireland will be the sole decision of the Brothers of Charity Services Ireland based on its own review of the individual's Vetting Disclosure.

Agreed between the Brothers of Charity Services Ireland and the [Relevant Organisation]* on the

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Signed on behalf of the [Relevant Organisation]*

Name:

Job Title:

Signature:

Date:

Signed on behalf of the Brothers of Charity Service Ireland

Name:

Job Title:

Signature:

Date:

* Substitute the name of the Relevant Organisation here.

Appendix 9 – Parent/Guardian Consent Form

AN GARDA SÍOCHÁNA



NATIONAL VETTING BUREAU

PARENT/GUARDIAN CONSENT FORM (NVB 3)

Applicant Details

[illegible]

Parent/Guardian Details

Under Sec 26(b) of the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016, it is an offence to make a false statement for the purpose of obtaining a vetting disclosure.

[illegible]

Address:

[illegible][illegible]

Parent/Guardian Consent

I, being the Parent/Guardian of the above named applicant, consent for the National Vetting Bureau to conduct vetting in respect of the above named applicant in accordance with the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016.

**Parent/Guardian
Signature:**

Date:

D	D	/	M	M	/	Y	Y	Y	Y
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Appendix 10 Risk Assessment Process for Existing Staff

Risk Assessment Process

The Risk assessment will be completed by a Risk Assessment Team comprising the Regional Head of HR and appropriate Services management. This process may involve a meeting with the employee. When conducting the risk assessment, management will ensure, as a matter of course, that confidentiality is maintained and the employee is protected throughout the process. The employee will be advised of his or her right to invoke the grievance procedure at any stage during the risk assessment process. At an appropriate stage in the process, management may take whatever protective measures are necessary to ensure that no individual supported by the Services, employee, or the Organisation is exposed to unacceptable risk. These protective measures are not disciplinary measures and may include:

- Reassigning the employee to other duties
- Providing an appropriate level of supervision
- Placing the staff member off duty with pay pending the outcome of the risk assessment. The views of the employee will be taken into consideration when determining the appropriate protective measures to take in the circumstances. The final decision, however, rests with management.

It should be noted that placing an employee off duty pending the outcome of the risk assessment will occur only in exceptional circumstances. The employee should be informed that the decision to put him/her off duty is a precautionary measure and not a disciplinary sanction. In carrying out the risk assessment the following information should be considered and documented:

- The nature of the offence / "specified information" vis a vis the role of the employee.
- Was the offence / "specified information" committed since commencing employment with the Services?
- The length of time since the offence / "specified information" occurred and the age of the employee at the time of the offence/ "specified information"
- Does the post involve one-to-one contact with children or vulnerable adults?
- What level of supervision does the post holder 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 job involve direct contact with members of the public?

All factors considered in the risk assessment must be documented.

Outcome of the Risk Assessment Process

The Risk Assessment Team will recommend one of the following actions to the Region's Director of Services;

1. No further action is required
2. The employee should remain in the post subject to certain conditions

3. Issues raised about the suitability of the employee for continued employment

The Region's Director of Services will review the recommendations received from the Risk Assessment Team. If s/he upholds the recommendation that the employee should remain in the post subject to certain conditions (2 above), the decision will be notified to the Line Manager. Where Region's Director of Services does not accept the proposed 'conditions' or has concerns about the employee's suitability (2 or 3 above) for continued employment in the post, s/he will refer the matter to the National Head of HR

Following receipt of all relevant documentation, the National Head of HR will consider the case and will convene a hearing with the employee in accordance with stage 4 of the Disciplinary Procedure. 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 the reasons for the hearing in his or her case. The employee will be advised of his/her right to be accompanied by a union representative or work colleague.

Where the decision of the National Head of HR is an action short of termination of employment, or termination of employment the employee may appeal this decision to the Chief Executive. The grounds for appeal should be set out in writing. The Chief Executive will arrange a hearing at which the employee will be afforded an opportunity to set out his or her case, the Chief Executive will decide to accept or overturn the original decision based on all the relevant information and the employee's representations. The outcome of the appeals process will be notified to the Region's Director of Services for action. The Chief Executives decision will be final.