



Dublin Buddhist Centre Garda Vetting Policy 2019

Address: Unit 5, Liberty Corner, James Joyce Street, Dublin 1

Phone: 01 8179833

Email: gvo@dublinbuddhistcentre.org

Web address: www.dublinbuddhistcentre.org

Registered charity no.: 20030698

CHY no.: CHY11311

Introduction

Policy Statement

The Dublin Buddhist Centre (DBC) is committed to the protection and welfare of our members. As part of this commitment the DBC will comply with relevant legislation and recommended best practice in recruitment and selection procedures for both employees and volunteers, and will conduct Garda Vetting, where appropriate, as part of this process.

Purpose

The purpose of this document is to provide information and guidance on Garda Vetting procedures within the DBC.

Scope

This policy applies to DBC employees and volunteers who will carry out **relevant work under Schedule 1** with children and /or vulnerable persons as defined in the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 – 2016. Responsibility for ensuring this policy is effectively implemented rests with the DBC Garda Vetting Officer.

All other staff members and volunteers in the DBC are expected to facilitate and support the implementation of this policy.

Glossary of Terms and Definitions

National Vetting Bureau (NVB): is the national bureau of the Garda Síochána which conducts vetting of applicants engaged in relevant work to ascertain whether these applicants have a criminal record as defined below. Garda Vetting: Garda Vetting is the process by which the National Vetting Bureau gives a statement on whether a person has had any convictions - pending or completed - recorded against their name (subject to the Spent Convictions Act of 2016 which allows for certain convictions to become "spent"). In certain circumstances specified information may be disclosed.

Criminal record: in relation to a person means

- a) A record of the person's convictions, whether within or outside the State, for any criminal offences together with any ancillary or consequential orders made pursuant to the convictions concerned
- b) A record of prosecutions pending against the person whether within or outside the state for any criminal offence
- c) Or both

Specified Information: Specified information in relation to a person who is subject of an application for vetting disclosure means information concerning a finding or allegation of harm to another person received by the Bureau from An Garda Síochána or a scheduled organisation pursuant to section 19 of the Act. (See Appendix 1)

It is information that is considered to give rise to a bona fide concern that the vetting subject may harm, attempt harm or put at risk a child or vulnerable person or both. If such information is going to be disclosed to a relevant organisation relating to one of their applicants, the Chief Bureau Officer must, in advance, notify the vetting subject of the intention to disclose the information

Spent Convictions Act 2016: The Spent Conviction Act allows for certain convictions to become "spent" after a period of time has elapsed (7 years being the standard).

The following convictions will always be disclosed:

- Offences against the person (except minor public order offences)
- Sexual offences
- Convictions on indictment that go to circuit court or higher court.

See Appendix II for Spent Convictions Act 2016

The Vetting Disclosure will include:

Particulars of the criminal record (if any) relating to the person and a statement of specified information (if any) relating to the person which the Chief Bureau Officer has determined in accordance with Section 15 of the Act should be disclosed.

or

State that there is no criminal record or specified (soft) information in relation to the person

Liaison Person is the person who is nominated to apply for and receive vetting disclosures on behalf of applicant organisations. The Liaison Person may be nominated to act for a consortium of organisations (e.g. Volunteer Centres) or from a representative body for a group of organisations (e.g. NYCI).

Child: a person under the age of 18 years.

Vulnerable person: a 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
- Has a physical disability
 - Which is of such a nature or degree as to (a) restrict the capacity of the person to guard himself/herself against harm by another person, or, (b) that results in the person requiring assistance with the activities of daily living, including dressing, eating, walking, washing and bathing.

(Note – the vulnerability may be “temporary” e.g. person in need of emergency first aid.

Registered organisation: A volunteer centre that has a vetting relationship with National Vetting Bureau of the Garda Síochána in the Act is referred to as a registered organisation. ¹

Relevant Organisation: See below

Affiliates: Are relevant organisations who are affiliated to a local volunteer centre for vetting purposes. All VCs keep an up to date list of affiliates officially with the NVB.

Liaison person: The person in your local Volunteer Center who processes Garda Vetting information on behalf of its affiliates

Garda Vetting Officer: The person in your organisation who the Liaison Officer can work with in relation to vetting

Natural Justice There are essentially two sections to the Rules of Natural Justice, the first being derived from the Latin maximum "audi alteram partem" (let the other side be heard). This is the duty to allow persons affected by a decision to have a reasonable opportunity of presenting their case. The second part of the Rules of Natural Justice is derived from the Latin maxim "nemo iudex in causa sua" (no one can be the judge in his own cause). This gives rise to a duty to act fairly, to listen to arguments, and to reach a decision in a manner that is untainted by bias. (NUI, Galway)

Principles

Garda Vetting is just one of a number of elements that the DBC implements to ensure the protection and safety of the children and / or vulnerable persons in it's care where necessary.

Under Schedule 1 of the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 – 2016, Garda Vetting will only be requested for someone who is carrying out relevant work under Schedule 1 of the Act.

(As of March 2019 this limits Garda Vetting to those individuals who are:

- Directly involved in teaching children at the DBC during school visits
- Directly involved in teaching children in schools or universities, under the auspices of the DBC

In future we may have new activities, for children or vulnerable adults not mentioned above, that may require individuals to be Garda Vetted.)

In this instance the individual will not work / volunteer with children or vulnerable adults in the DBC until their Garda Vetting has been completed and the results conveyed to the DBC's Garda Vetting Officer by the Liaison Person. It will be an offence to start a person in relevant work before Garda Vetting is completed.

Having a criminal record will not automatically exclude an individual from employment / volunteering. Decisions on whether to involve an individual with prior criminal convictions will take into account:

- the individuals abilities, skills, experiences and qualifications;
- the nature of the conviction and its relevance to the job;
- the length of time since the offence took place;

¹ There are other types of Registered Organisations, such as umbrella bodies

- the risk to the service users, volunteers, employees and organisation;
- training which may have occurred since the time individual's offence

The DBC will employ a Natural Justice framework (see page 6 *Vetting Disclosures Process*) in dealing with any disclosures of convictions.

Vetting Applications Process

All vetting applications for employment / volunteer roles with the DBC shall initially be processed by their GVO before referral to the Liaison Person who is trained by the Garda Vetting Unit in the management of Vetting applications and disclosures. The DBC has appointed the Dublin City Volunteer Centre to act Liaison Person on its behalf.

The DBC will nominate one staff member / Board Member / Steering Committee member to act as the 'Garda Vetting Officer' (GVO). The responsibilities of the GVO include:

- Assessing when Garda vetting is necessary for each employment position / volunteer role i.e. the role involves "relevant work" with children or vulnerable persons as specified in **Schedule 1** of the National Vetting Bureau (Children and Vulnerable Persons Acts) 2012 to 2016.
- Ensuring that candidates for employment positions / volunteer roles are provided with the correct Garda vetting forms and that the forms are completed accurately and in full, prior to submitting them to the Liaison Officer.
- Verifying the identity of the person submitting the vetting application by checking relevant ID
- Ensuring all personal information in relation to vetting is kept confidentially and in compliance with Data Protection legislation and best practice.
- That DBC staff / volunteers are aware of the DBC Garda Vetting Policy.

The Garda Vetting Officer along with the Chairman will make up the Garda Vetting Committee which has responsibility for -

- Ensuring organisational compliance with the Garda Vetting policy
- Assisting the Garda Vetting Officer to make decisions on the suitability of candidates following the disclosure of convictions and or specified information via the Garda vetting process.
- If the individual being vetted is over the age of 16 and under the age of 18, they are required to have a completed parent / guardian consent form which must be submitted along with their vetting application form.

The DBC will not accept historical vetting information from employment / volunteer candidates or from their previous employers / volunteer managers. Each new employer / volunteer must be vetted via the DBC vetting process, even if engaging an individual already vetted elsewhere. The DBC will require all of its existing staff/volunteers to be re-vetted at regular intervals **of five years**.

Vetting Disclosures Process

On return from the National Vetting Bureau the forms will be processed by the nominated Liaison Person who will inform the DBC Garda Vetting Officer by letter of the results.

The Liaison Person will pass on a copy of the person's disclosure to the Garda Vetting Officer for their consideration, and this document will be held confidentially within the organisation.

An offer of a position of employment / voluntary role will be issued to the candidate in line with the DBC's other screening / recruitment procedures if deemed suitable by the organisations Garda Vetting Committee

Where serious convictions are disclosed, the disclosure is received by the organisation and a letter to the person asking them to attend a meeting with the Garda Vetting Committee should be sent. The purpose of this meeting is to allow the applicant (employee / volunteer) to discuss the information returned by the Garda Vetting Bureau and to give them an opportunity to explain the circumstances surrounding the conviction.

A written record of this meeting will be kept and the time, date and duration of the meeting recorded. At this meeting, the DBC will ensure that:

- Everyone, no matter what their history, is given fair and equal treatment and the right to state their case. Cognizance is of Repeat Offending, Restorative Justice and Rehabilitation of Offenders.
- A disclosure of conviction will not automatically preclude the applicant from obtaining the position in question. Cognizance is taken of the applicant's self-disclosure or non-disclosure of a conviction at the time of the application and of their experience (work record etc.) and rehabilitation subsequent to any conviction disclosed.

Where multiple convictions are evident but may be as the result of a particular lifestyle, e.g., drug addiction, then the change in lifestyle must be taken into consideration.

Applicants who deny any convictions returned by the Vetting Bureau will be provided with details on how to write a letter of appeal to amend their records at the Vetting Bureau.

Applicants are informed that in the case of uncertainties their form will be returned to the Vetting Bureau seeking clarification.

The applicants name and date of birth are re-checked at the start of the meeting as mistakes may be made by the Vetting Bureau where names and addresses are similar.

The DBC will consider each Garda Vetting form returned with convictions individually and the the DBC will always treat the applicant with respect, dignity and complete confidentiality.

The DBC recognises that there are three potential outcomes of the review meeting:

- In line with this policy and taking all things into consideration including interview, current history and references, the applicant may be offered the position.
- The applicants Garda Vetting form is returned to the Garda Vetting Bureau for further clarification. In which case a second review meeting may be held.

- The applicant is deemed unsuitable for the position on offer by nature of their history of offences.
- In each case a written explanation of the outcome will be sent to the applicant by letter. A record of this letter, including date sent must be kept. A record of any replies received and any follow-up must also be kept.

Data Protection

The DBC complies fully with good practice regarding the secure storage, handling and use of the Vetting Bureau disclosures and personal vetting information as per Data Protection Policy and legal obligations under Data Protection Legislation.

Circumstances for the Withdrawal of the offer to Work / Volunteer

The DBC considers the following as reasonable grounds to withdraw an offer or opportunity of employment / volunteer role to an individual:

- The individual has been charged with, or convicted of a sexual offence;
- The individual has been charged with, or has a conviction for, an offence that relates to the ill treatment of a child, or a vulnerable adult;
- The individual has been charged with, or has a conviction for, the ownership, production or distribution of child pornography.

The DBC considers the following list of offences to be relevant, and each case will be considered in a case-by-case basis:

- Offences against the person, e.g. assault, harassment, coercion;
- Breaches in trust, e.g. fraud, theft, larceny;
- Offences against property e.g. arson, armed robbery;
- Domestic Violence;
- Offences against the state.

The DBC is conscious of not initiating policies that prohibit needlessly against rehabilitated individuals.

Reviewing our policies annually

Our Garda Vetting Policy and implementation of our policies will be reviewed by the Board and Garda Vetting Officer **every year** and the review recorded in the minutes of their meetings.

Last date reviewed:

March 2019

Dublin Buddhist Centre

Chair's name and email address

Ben Brewer (Jnanadhara)
jnanadhara@dublinbuddhistcentre.org

Chair's signature

Garda Vetting Officer's name and email address

Elena Gamble (Prajnagita)
prajnagita@dublinbuddhistcentre.org

Garda Vetting Officer signature

Date

Appendix 1 to Garda Vetting Policy

Excerpt from Schedule 1 - Part 1 and Part 2 from the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016

Part 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—

...

7. Any work or activity as a minister or priest or any other person engaged in the advancement of F19 [any religious beliefs to children unless such work or activity is merely incidental to the advancement of religious beliefs to persons who are not children].

...

Amendments: F19

Substituted (29.04.2016) by *Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016* (4/2016), s. 27(a), S.I. No. 215 of 2016.

PART 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—

...

7. Any work or activity as a minister or priest or any other person engaged in the advancement of F20 [any religious beliefs to vulnerable persons unless such work or activity is merely incidental to the advancement of religious beliefs to persons who are not vulnerable persons].

...

Amendments: F20

Substituted (29.04.2016) by *Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016 (4/2016)*, s. 27(b), S.I. No. 215 of 2016.