



Document Control

Policy Title	Garda Vetting Policy
Policy Number	051
Owner	Human Resources Manager
Contributors	Human Resources Manager
Version	1.0
Date of Production	01September 2014
Review date	01September 2016
Post holder responsible for review	Human Resources Manager
Primary Circulation List	Shared Drive
Web address	N/A
Restrictions	N/A

Version Control

Version Number	Owner	Description	Circulation
1.0	Human Resources Manager	Review	SMT



1.0 POLICY:

Sunbeam House Services (SHS) is committed to the highest standards of professional practice in its recruitment processes. It is committed to ensuring that all people who are working within the Organisation act according to the highest standards in all aspects of their roles and responsibilities. The Garda Vetting Policy is concerned with SHS's role as a provider of services in relation to the eligibility and recruitment of staff and volunteers working with vulnerable adults.

2.0 PURPOSE:

To ensure best practice in recruitment and selection procedures whereby eligibility to work/volunteer is contingent upon the successful completion of appropriate Garda Vetting checks through the Garda Central Vetting Unit.

3.0 SCOPE:

This procedure applies to all new and existing Sunbeam House Services employees and volunteers.

4.0 DEFINITIONS

Garda Vetting: is the process by which a Garda Vetting form is submitted to a Garda Vetting Office asking them to check if a person has any convictions and/or prosecutions successful or not, pending or completed recorded against their name.

Authorised Signatory: is a person who has completed the training supplied by the Garda Vetting Unit and is authorised to act as the liaison between the Organisation requesting vetting and the Garda Central Vetting Unit.

5.0 PROCEDURE:

Note: The procedure outlined below is adapted by all HSE funded agencies.

Employees will be required to complete a Garda Vetting Form. The form will be returned to SHS HR Department. The SHS Authorised Signatory (AS) will check and sign the Form and forward it on to the Garda Central Vetting Unit (GCVU) for processing.

6.0 DATA PROTECTION

The principles of the Data Protection Act, 1998 & 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.

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- The information will be kept safe, secure, accurate and up to date.
- Sunbeam House Services will retain the information for no longer than is necessary for the specified purpose for which it is required.
- The employee/volunteer will be entitled to request a copy of the completed Garda vetting form.

GCVU information on disclosures will only be used for the specific purpose for which it is requested and for which the employee's consent has been obtained.

The HR Department will ensure that any GCVU information or disclosure will be kept securely at all times and when appropriate will be disposed of securely.

Vetting documentation and information on the vetting documentation will be treated with the strictest confidence and in compliance with the organisation's obligations under the Data Protection Acts.

The information regarding disclosures or offences shall not be disclosed to anyone other than those involved in the assessment of the information.

7.0 RETURN OF PROCESSED GARDA VETTING FORM & ACTION BY THE HUMAN RESOURCES DEPARTMENT

Once vetting is completed, the original Garda Vetting application form is returned to the SHS HR Department. The Garda Vetting Form processed information will be transferred onto the HR/Time Management System Database.

8.0 NO DISCLOSURE RECORDED BY GARDA VETTING FORM

Where the Garda Vetted form confirms that there are no disclosures recorded against the employee, no further action is required.

9.0 DISCLOSURES RECORDED ON THE GARDA VETTING FORM

Where the Garda Vetted Form confirms disclosures, the HR Department will formally assess the processed Garda Vetting Form as follows:

9. (a) **Disclosures recorded** - deemed **not relevant** in the context of the employee's current role and in accordance with the SHS Garda Vetting Policy. The employee will be sent a copy of the Garda Vetting Form and invited to meet with the Authorised Signatory to confirm or dispute the disclosure. Once the information has been verified and confirmed it is then reviewed by the HR Manager. Where these offences are deemed not relevant, the HR Department will issue a file note as confirmation for the employee's personnel file. The confirmation will not contain details of the disclosures.

9. (b) **Disclosures recorded** - Where the Garda Vetting Report records disclosures which are initially considered to be **relevant** in the context of an employee's current role, the HR Department will write to the employee:

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- Advising him/her of the existence of the disclosure
- Requesting confirmation in writing 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(s) and any detail 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 in Central Vetting Unit

9. (b)(i) If the employee disputes the content of the disclosure (e.g. claiming that the information does not apply to him/her or is inaccurate) the HR Department will advise the Garda Central Vetting Unit in Thurles and request that the matter be reviewed under the Garda Dispute Resolution Procedure.

9. (b)(ii) If the employee confirms that the disclosure relates to him/her, the information provided by the employee will be attached to the processed Garda Vetting Form and forwarded to the HR Manager for further action and decision.

10. RISK ASSESSMENT PROCESS

The HR Manager together with the Senior Services Manager will complete a Risk Assessment and make a recommendation. This process may involve a further meeting with the employee.

When conducting a risk assessment, management will ensure, as a matter of course, that confidentiality is maintained and the employee is protected throughout the process. The employee's input should be considered at all stages in the process. In the event that a decision is made that adversely affects the employee, s/he must be advised of their rights to appeal the decision.

At an appropriate stage in the process, management may take whatever protective measures are necessary to ensure that no client, 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 be taken in these circumstances. However the final decision 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

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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 established/verified and documented:

- The nature of the offence vis a vis the role of the employee
- Was the offence committed since commencing employment with the organisation?
- 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 other vulnerable groups of clients, service users?
- 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?
- Is the post such that the continued employment of the person with this conviction would seriously undermine service user confidence?
- Given the information available to you, your experience of the employee to date and the nature of the post, do you think that the employee continuing in their current role constitutes a risk to the organisation? If so, please elaborate.
- Can control measures or any safeguard be implemented to remove/reduce the risk? If yes, what are they?

Recommendations Following Risk Assessment:

All factors considered in the risk assessment must be documented on a Risk Assessment Form.

Depending on the outcome, one of the following actions will be taken by the Organisation,

1. If the risk assessment recommends that the employee should remain in the post– no further action is required – copy placed in personnel file and recording on HR data base.
2. If the risk assessment recommends that the employee should remain in the post subject to certain conditions, refer the matter to the HR Manager and the Senior Services Manager for decision.
3. If the risk assessment raises issues about the suitability of the employee for continued employment, refer the matter to the HR Manager and the Senior Services Manager

Following receipt of all relevant documentation, the HR Manager 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

Following the hearing, the HR Manager and the Senior Services Manager will make a decision which may include an action short of termination of employment (e.g. transfer to

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other duties or another location) or, in extremely serious instances, termination of employment. The employee will be informed of his/her right to appeal the decision and the appropriate appeals process.

11. RIGHT TO APPEAL

Where the decision is an action short of termination of employment, the employee may appeal this decision in the first instance to the Managing Director and failing that to the Chairman of the Board of Directors. The grounds for appeal should be set out in writing.