



Feidhmeannacht na Seirbhíse Sláinte  
Health Service Executive

## **Procedure for Voluntary Garda Vetting and assessment of existing employees in the health service**

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**NOTE:**

**Certain provisions in this document reflect the garda vetting process arrangements and management structure within the HSE. These provisions should be adapted by the DATHs, Voluntary Hospitals and ID Agencies to reflect their internal administrative arrangements.**

### **1. Scope**

This procedure applies to all existing health service employees.

### **2. Process**

Employees will be requested to complete a Garda Vetting Form and a General Declaration for Existing Employees.

The employee will be provided with the Garda Vetting Form, the Procedures document for the Completion of the Garda Vetting Form, the completed sample Vetting Form and the General Declaration for Existing Employees by Area HR. These documents are available at the following links:

HSE Website

<http://www.hse.ie/portal/eng/staff/Resources/hrppg/PoliciesProcedures.html>

HSE Intranet Site

[http://hsenet.hse.ie/HSE\\_Central/Human\\_Resources/SServices/HR\\_Garda\\_Vetting\\_Liaison\\_Office/](http://hsenet.hse.ie/HSE_Central/Human_Resources/SServices/HR_Garda_Vetting_Liaison_Office/)

Employees should return the completed Garda Vetting Form and General Declaration Form to their Line Manager who should ensure that the form has been accurately completed. The completed forms should be signed by the appropriate Human Resources Officer and then sent to the Garda Vetting Liaison Office, Health Service Executive, Áras Sláinte Chluainín, Manorhamilton, Co. Leitrim.

The General Declaration for Existing Employees should be placed on the employee's local file.

### **3. 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.
- The information will be kept safe, secure, accurate and up to date.
- The HSE will retain the information for no longer than is necessary for the specified purpose for which it is required. It is suggested that a period of 1 year would be

sufficient subject to any legal restrictions. The employee will be entitled to request a copy of the completed Garda vetting form.

Garda Central Vetting Unit (Thurles) 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 Garda Vetting Liaison Office, Manorhamilton will ensure that any Garda Central Vetting Unit information or disclosure will be kept securely at all times and when appropriate will be disposed of securely.

Area HR and all those involved in the process will treat all the vetting documentation and information on the vetting documentation in strictest confidence in compliance with the HSE's obligations under the Data Protection Acts.

Area HR and all those involved in the process will be responsible for ensuring that no copies have been made of the completed Garda Vetting forms.

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

#### **4. Action by the Garda Vetting Liaison Office in Manorhamilton**

Following receipt of a Garda Vetting Form the Garda Vetting Liaison Office, Manorhamilton will record all Garda Vetting Form information on the Garda Vetting Database.

Satisfactorily completed forms will be forwarded in daily batches by the Garda Vetting Liaison Office to the Garda Central Vetting Unit, Thurles for processing.

#### **5. Return of the processed Garda Vetting Forms**

All processed Garda Vetting Forms will be stored securely in the Garda Vetting Liaison Office, Manorhamilton and will not be maintained on employee's files in local offices.

#### **6. No disclosures**

Where the report from the Garda Central Vetting Unit, Thurles confirms that there are no disclosures recorded against the employee the Garda Vetting Liaison Office will issue a Garda Vetting Report Confirmation to Area HR for retention on the employee's file. No further action is required.

#### **7. Disclosures recorded on the Garda Vetting Report Confirmation**

Where the report from the Garda Central Vetting Unit, Thurles confirms that there are disclosures recorded against the employee, the Garda Vetting Liaison Office will formally assess the processed Garda Vetting Form as follows:

7(a) Disclosures recorded - deemed **not relevant** in the context of an employee's current role

Reported disclosures relating to such offences, and confirmed by the employee where necessary, will be assessed by the Garda Vetting Liaison Office. Where these offences are deemed not relevant, the Garda Vetting Liaison Office will issue a Garda Vetting Report Confirmation to the Area HR. The confirmation will not contain details of the disclosures.

7(b) Disclosures recorded - deemed **relevant** in the context of an employee's current role

Where the Garda Vetting Report records disclosures which are initially considered to be relevant in the context of an employee's current role, the Garda Vetting Liaison Office will write to the employee:

- Advising him/her of 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(s) and any detail s/he considers relevant for consideration by the Risk Assessment Team1.
- Advising the employee of his/her right to seek to have his/her Garda file re-examined in full by the Garda in Thurles

7 (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 factually inaccurate) the Garda Vetting Liaison Office in Manorhamilton will advise the Garda Central Vetting Unit in Thurles and request that the matter be reviewed under the Garda Dispute Resolution Procedure.

7 (b)(ii) Once the employee has confirmed that the disclosure relates to him/her, the information provided by the employee will be attached to the processed Garda Vetting Form.

The Garda Vetting disclosure and the response from the employee will be forwarded to the Area Recruitment/Redeployment Manager for further action.

## **8. Risk assessment process**

The Area Recruitment/Redeployment Manager forwards the Garda Vetting documentation to the Area Risk Assessment Team who will complete a Risk Assessment in consultation with the Line Manager and make a recommendation. 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.

At an appropriate stage in the process, management take whatever protective measures are necessary to ensure that no patient/client, staff member, or the HSE 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, 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 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 HSE?
- 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?

ALL factors considered in the risk assessment must be documented on the Risk Assessment Form (Appendix 1).

The Area Risk Assessment Team will recommend one of the following actions to the Assistant National Director of HR;

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 AND of HR will review the recommendations received from the Area Risk Assessment Team<sup>1</sup>. 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 the AND of HR 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 Regional Director of Operations

Following receipt of all relevant documentation, the RDO 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 his/her right to representation.

Following the hearing, the RDO will make a decision which may include an action short of termination of employment (e.g. transfer to 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 of the RDO and the appropriate appeals process.

### **9. Right to Appeal**

Where the decision is an action short of termination of employment, the employee may appeal this decision to the National Director of ISD. The grounds for appeal should be set out in writing. The National Director of ISD will refer the matter to the Corporate Risk Assessment Team<sup>2</sup> for recommendation

Upon receipt of this recommendation, the National Director of ISD will decide to accept or overturn the appeal. The outcome of the appeals process will be notified to the RDO and AND of HR for action.

In cases where the decision is to terminate employment, the employee will be informed of his/her right to appeal the termination to the HSE Dismissals Appeals Committee and the process for submitting an appeal.

(In the case of non HSE employees, the normal appeals process for dismissal decisions which applies in the organisation will apply to such terminations).

### **10. Notifying the Garda Vetting Liaison Office of outcome**

The Garda Vetting Liaison Office will be notified in writing of the outcome of the risk assessment process and any decisions taken in respect of an employee on foot of the findings of the risk assessment and, if applicable, any subsequent hearing.

All Garda Vetting documentation must be returned to the Garda Vetting Liaison Office for secure central storage.

#### **Notes:**

#### **At any stage of the Risk Assessment Process employees have the right to avail of the Grievance Procedure of the HSE**

<sup>1</sup> **Risk Assessment Team** -Membership to comprise Line Manager, (where applicable) Area Recruitment/Redeployment Manager, Nominee from the Office of Asst. National Director of HR & Senior Manager (nominated by Asst. National Director HR) Employee Relations Manager (where necessary for consultation purposes)

<sup>2</sup> **Corporate Risk Assessment Team** -Membership to comprise an ISA Manager, Corporate HR Representative and Corporate Risk Office Nominee if appropriate.