

Garda Vetting Component (only) for
Recruitment, selection, and Garda Vetting of Staff

Guidance for Disability Services



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1.0 INTRODUCTION

This Guidance document is intended to support services to ensure that the Garda Vetting Process within HSE Designated Residential Services for People with Disabilities is in line with national legislation and regulations. The Guidance is aligned with the procedure as set out in the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012-2016.

- **Guidance for Disability Services – Garda Vetting**

This Guidance document reflects the key elements that should be incorporated in your local Schedule V policy and procedure related to no. 10. Recruitment, Selection, and Garda vetting of staff. The specific component area for this Guidance is Garda Vetting. The references used to identify these principles are available and linked throughout this document.

In **disability services**, this document will take the place of the Standards Operating Procedure – the management of Garda Disclosures required within HSE Designated Residential Services for Older Persons and People with disabilities (2018) which was due for revision in 2019. The Guidance identifies changes to legislation and requirements since 2018.

- **BACKGROUND**

An Garda Síochána website states, “Garda Vetting is conducted in respect of any person who is carrying out work or activity, a necessary and regular part of which consists of the person having access to, or contact with, children or vulnerable persons. We will make such enquiries with An Garda Síochána or a Scheduled Organisation, as we deem necessary, to establish whether there is any criminal record or specified information relating to the applicant. We do not make decisions in respect of the suitability of an applicant for a position; this is the sole responsibility of the registered organisation.”

The commencement of the National Vetting Bureau (Children and Vulnerable Persons) Act 2012 introduced a legislative basis for the vetting of persons who wish to undertake certain work or activities relating to children or vulnerable adults.

- **AUDIT TOOL (Appendix I) –**

This document is intended to act as an audit tool when a service is revising their local policy and procedure. The purpose is to ensure that each question in the audit tool is addressed in the local policy and procedure.

Guidance for Disability Services on Garda Vetting – component of Policy Recruitment, selection, and Garda Vetting of Staff - Schedule V no. 10 Health Act 2007 and Support of Residents in Designate Centres for persons (children and adults with disabilities) Regulations 2013 Developed in consultation with HIQA and the Garda Vetting Liaison Office. Published December 13, 2023.

2.0 THE VETTING PROCESS

The Garda vetting procedure is set down in the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016 ('the Acts') and is operated by The National Vetting Bureau ('NVB') of An Garda Síochána. Garda Vetting is the first step in the protection of residents in Older People Services & Disability Services.

Under these acts anyone who works with or undertakes an activity which encompasses having access to or contact with children or vulnerable adults is required to be vetted.

- The NVB will only conduct vetting for relevant organisations that are registered with them for vetting purposes.
 - Once registered, relevant organisations must appoint a liaison person.
 - The liaison person makes vetting applications to the NVB and receives the vetting disclosures.
 - For vetting to occur, individuals must complete a formal Garda Vetting Application Form and give written authorisation to An Garda Síochána to disclose to the registered organisation details of all prosecutions, successful or not, pending or completed and/or details of all convictions, recorded in the State or elsewhere.
- **E-Vetting**
 - The individual requiring vetting completes and forwards to the Relevant Organisation a vetting Invitation Form (obtained from the Relevant Organisation).
 - The Relevant Organisation validates proof of identity and sends the vetting subject an e-mail with a link attached inviting him/her to complete a Vetting Application Form.
 - The vetting subject completes a Vetting Application Form online and submits it to the Relevant Organisation.
 - The Relevant Organisation reviews the Vetting Application Form and submits it to the National Vetting Bureau.
 - The National Vetting Bureau processes the application and forwards a vetting disclosure to the Relevant Organisation.
 - The Relevant Organisation reviews the vetting disclosure and as soon as is practicable provides a copy of the disclosure to the vetting subject.
 - **Dispute Resolution**
 - Where a vetting subject disputes the detail contained in a vetting disclosure from the National Vetting Bureau, he or she may refer the issue to the National Vetting Bureau dispute process.
 - Relevant organisations must have a procedure in place to activate dispute process, should the vetting subject initiate this procedure.

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- **Re-vetting**

- Re-vetting of employees is documented in Section 20 of National Vetting Bureau (Children and Vulnerable Persons) Act 2012.
- Currently, there is no legal requirement for someone who is vetted once, to be re-vetted, unless they move job. However, many relevant organisations must set out a reasonable timeframe in their local policies, for re vetting of individuals, and as per HIQA guidance.

3.0 MANAGEMENT AND RETENTION OF DATA

The relevant organisations must ensure the processing, management and retention of vetting records are maintained in accordance with data protection legislation, as set out in

- [General Data Protection Regulation \(GDPR\)](#)
- [Data Protection Act 2018](#)

4.0 RELEVANT LEGISLATION AND POLICY

- [National Vetting Bureau \(Children and Vulnerable Persons\) Acts 2012-2016](#)
- [Data Protection Act 2018](#)
- [General Data Protection Regulation \(GDPR\)](#)
- [Health Act 2007 \(as amended\)](#)
<https://revisedacts.lawreform.ie/eli/2007/act/23/revised/en/pdf?annotations=true>
- [Health Act 2007 \(Care and Welfare of Residents in Designated Centres for Older people\) Regulations 2013](#)
- [Healthcare Act 2007- \(Care and Support of residents in designated centres for persons \(children and adults\) with disabilities,\) Regulation 13](#)
- [HSE Garda Vetting Process 2018- <https://www.hse.ie/eng/staff/resources/hr-circulars/hr-circular-012-2018-re-garda-vetting-requirements.pdf>](#)
- [Regulation Handbook- A Guide for providers and staff of Designated Centres, HIQA, 2022](#)
- [Registration handbook Guidance on making applications, providing prescribed information, and submitting registration notifications Version 1.3: September 2023 1.3, HIQA, 2023](#)

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- **HIQA**

Local policy should be aligned with HIQA requirements with regards to Garda Vetting as laid out below.

Regulation Handbook V2.1 July 2022 (hiqa.ie)

- Vetting of staff working in designated centres
- Prescribed information which must be submitted with registration notifications.
- Submitting prescribed information
- Duty to disclose all convictions during vetting.

Registration handbook: Guidance on making applications, providing prescribed information, and submitting registration notifications (hiqa.ie)

- Prescribed information for the applicant or registered provider.
- Submitting prescribed information as part of a registration pack or a registration notification form.
- Garda Síochána (police) vetting or self-declarations for the applicant or registered provider.
- Prescribed information for persons in charge and other managers.

Assessment Judgment Framework DCD - Guidance (hiqa.ie)

- Regulation 30- Volunteers

Assessing fitness designated centres - Guidance (hiqa.ie)

- What is fitness?
- Features of what might demonstrate fitness for an intended or registered provider for new applicants or during renewal of registration.

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APPENDIX I – Audit Tool

Organisations/Local Policy Audit Tool: Garda Vetting

Guiding Principles to be included Garda Vetting	Yes/No	Action/Required
Does the policy set out the Garda Vetting Procedure as set down in the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012-2016?		
Is the relevant Organisation Registered with National Vetting Bureau (NVB)?		
Does the registered Organisation have a relevant Liaison Person making Vetting applications to NVB and receiving the vetting disclosures?		
Is the Vetting/E-vetting process clearly identified for the individual completing the Vetting Application?		
Does the organisation have a procedure in place regarding Dispute Resolution?		
Does the organisation have a clearly specified reasonable timeframe for Re-Vetting of individuals as per HIQA guidance?		
Does the organisation have processes in place to ensure processing, management and retention of records are maintained as per legislation?		

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Does the organisation reference and align their local policy around most relevant and up to date Legislation and policy documents?		
Does the policy address HIQA guidance around Vetting?		

We would like to acknowledge HIQA and the Garda Vetting Liaison Office for their support in developing this Guidance.

Sandra Ferncombe

 Lead – Sandra Ferncombe, Healthcare Project Management Lead 13/12/23
Date

Marie Kehoe-O'Sullivan

 Marie Kehoe-O'Sullivan, National Quality Improvement Lead, Disability Services 13/12/23
Date

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