Swim Ireland Vetting Policy (Jan 2009)

Introduction

There are two types of vetting checks available to Swim Ireland ï Garda Vetting and Access NI; both processes are applicable to members of Swim Ireland.

Garda Vetting (vetting) is now available to the organisation through the appointment of two Authorised Signatories and the registration of Swim Ireland with the Garda Vetting Unit, Racecourse Road, Thurles, Co Tipperary.

Access NI checks (vetting) are available to the organisation through the appointed authorised personnel in Swim Ulster as a registered body with Access NI.

The decision to engage in vetting for existing members and as part of the recruitment and selection process has been a voluntary one. However this practice is in line with the best safeguards available to protect the welfare of children within our organisation.

In the future it will be mandatory in Northern Ireland for any person working with vulnerable groups ï both adults and children ï to be registered with the Independent Safeguarding Authority. This can only be achieved by having no reason to bar an individual from working with vulnerable groups.

Swim Ireland requires all members with access to children, either in a supervisory role or in a management role to partake of the vetting process. At present there is no cost to the volunteers undergoing the process. Swim Ireland have also decided that there will be a requirement to be re-vetted on any change of position or after 5 years ï this requirement will change if any alteration to the legislation occurs. . The vetting process will take approximately 6 weeks dependant upon the prompt return of application forms. This must be taken into account when recruiting staff.

The process does not provide *clearance* for people to work with children and vulnerable adults.

Legislation impacting on Garda Vetting

- Civil Service Commissioners Act 1956
- Child Care Act 1991 ï Sections 5; 61; 65
- Data Protection Act 1988/2003
- Childrenôs Act 2001 ï Section 258
- Private Security Authority Act 2004
- Future legislation ï to be updated

Legislation impacting on Access NI checks

- Civil Service Commissioners Act 1956
- Child Care Act 1991 ï Sections 5; 61; 65
- Data Protection Act 1988/2003
- Childrenôs Act 2001 ï Section 258
- Private Security Authority Act 2004
- Future legislation ï to be updated

Why undertake vetting?

Vetting is an extra measure now incorporated into our recruitment and selection procedure for recruitment of personnel with access to children and vulnerable adults within Swim Ireland at local, regional and national level.

It will make our organisation and clubs better protected against possible perpetrators of child abuse by being a barrier for an individual who is unsuitable to work with children.

Who will be required to be vetted?
All persons within Swim Ireland with access to children and those making decisions regarding the welfare of children at local, regional and national level will be vetted. These positions are regarded as regulated positions.

Target groups containing Regulated positions

- Employees
- Board members
- Coaches and Team Managers at national level
- Childrenôs Officers, Designated Persons, Club Team Managers
- Standing and Board Appointed Committees
- Regional Boards
- Team Managers used at regional level
- Associate members
- Officers of Club Committees
- Other personnel

Any Swim Ireland member not considered as in a target group may be subject to vetting if information concerning the individualôs suitability to be a member of Swim Ireland comes to the attention of a Club, Region or Swim Ireland.

Any procedure enclosed in this document relating to existing personnel will only be relevant until such a time that all existing personnel have undergone the Vetting process. It is a recommendation that this policy is reviewed at that stage – expected time frame is 2010

Garda Vetting Procedure – for Ireland

The organisation has two Authorised signatories (AS) ï Kate Hills (NCO) ï Sarah Keane (CEO)

- Appointed and registered with Garda Vetting Unit (Unit)
- Act as liaison between Garda Vetting Unit and Swim Ireland
- Responsible for distribution of all vetting application forms, submissions to and information received from the unit.
- Responsible for maintaining the confidentiality of information received from both the individual and the Unit

Personnel

No person under 18 years of age may undergo the Garda Vetting process without the permission of their parent/guardian. Currently Swim Ireland will not be vetting individuals under 18 years of age.

New Personnel ï recruitment and selection

During the recruitment stage an individual will be given a Garda Vetting application form. This policy detailing the process and what prosecutions/convictions may affect the employment position must be communicated to prospective employees at the time of application.

As part of the application process the individual will complete the vetting form and place it in a sealed envelope with their name, address and the position applied for. This is returned to the AS within the organisation.

If the applicant is successful through the interview stage the completed form will be processed by Swim Ireland and submitted to the Unit. If the applicant is not successful the completed application form will be returned to the individual unopened.

In 2009 any new applications to the Associate membership list will be required to undergo the vetting process. The FAQ information together with the vetting and identification forms will be sent with the Associate membership application.

Existing Personnel

The Swim Ireland Garda Vetting Policy is available on the website for persons required to undergo the vetting procedure.

Existing personnel in the target groups will receive an explanatory letter together with FAQ- Garda Vetting Policy for Swim Ireland in accordance with the proposed time frame. Any existing member in a target group will be required to undergo Garda vetting on obtaining the age of 18.

Any individual will be required to be re-vetted on changing their position within the organisation. Exclusions to this are:

- an individual changing position but remaining on the same committee, e.g. moving from Chairperson to Treasurer within the same committee
- an individual progressing their qualification but remaining in the same position within either club or private sector e.g. gaining Full Teacher qualification from an Assistant Teacher qualification but teaching in the same position
- an individual in an existing target group taking on a second target group position at Club or Regional level e.g. Secretary becoming a Team Manager; Chairperson being nominated to the Designated Person position. Any position within the target groups taken on at National level will require the individual to undergo vetting on selection to that position.

Re-vetting

All individuals will undergo re-vetting after 5 (five) years or as determined by Swim Ireland as being required by future circumstances, including but not restricted to the introduction of a Coach/Teacher licensing programme.

Any individual in a regulated position in a target group may be re-vetted if information concerning suitability to work with children comes to the attention of a Club, Region or Swim Ireland.

Completing the vetting forms

The Garda vetting application form is required to be fully completed; where a section does not apply the applicant should indicate as such. No time gaps can be left in the dates of residency at the declared addresses. The form must be signed and dated by the applicant

The identification verification form must be completed. Confirmation of an individualôs identity must be verified by either Swim Ireland/Club Designated Person or if the individual is not a member of a Club by a Responsible Person (Guard/Principal/Manager/Doctor/Solicitor) who will also sign the form. Identity can be confirmed by a driving licence (with photograph), a passport or a utility bill showing the correct name and address
Any forms not wholly completed will be returned unprocessed - this will hold up the overall process

Residency Abroad

Any individual resident for less than one year (taken from the date of the initial vetting application) in either Ireland or Northern Ireland will be checked again after 6 months and again one year later (i.e. 3 checks completed in 18 months).
If a police check has been obtained from the individualôs originating country (possibly accepted on submission of original information to the Authorised Signatory) Garda vetting will only be required after 6 months and again one year later (i.e.2 checks plus originating country police check in 18 months).

Completed Application forms

On receipt completed application forms will be checked by the Authorised Signatory for errors or omissions and photocopied. For new personnel the information will be verified against that given in an application form or a CV; for existing personnel the Identification Form will verify the information on the Garda vetting form.
Applicants for Garda vetting will be entered on a separate database by the Authorised Signatory with the following information:

- Name
- Previous name
- PPS/RSI/NHS number
- Last address
- Identity verification conformation
- Batch number and date of submission to the Unit

All data is kept in accordance with the Data Protection Acts 1988/2003 by the Authorised Signatory(ies) on behalf of Swim Ireland. All information is kept in a secure cabinet in Swim Ireland Head Office, 13 Joyce Way, Park West, Dublin 12. The Authorised Signatories are the only key holders for the secure cabinet.

Return of information

The original application form will be returned with any disclosed information to the AS.
On return the photocopied application form with be shredded.
Each application will be examined by the AS to determine the suitability of the applicant for the position applied for/presently in situ.

Access NI Procedure – for Northern Ireland

The organisation has presently two registered signatories (RS) ï Gerry Cappa (Swim Ulster) and Frank Stevens (SU President)

- Appointed and registered with Access NI
- Act as liaison between Access NI and Swim Ireland
- Responsible for distribution of all vetting application forms, submissions to and information received from Access NI
- Responsible for maintaining the confidentiality of information received from both the individual and Access NI

Personnel

No person under 18 years of age may undergo the vetting process without the permission of their parent/guardian. Currently Swim Ireland will not be vetting individuals under 18 years of age.

New Personnel ï recruitment and selection

During the recruitment stage an individual will be given an Access NI application form. This policy detailing the process and what prosecutions/convictions may affect the employment position must be communicated to prospective employees at the time of application.

As part of the application process the individual will complete the form and place it in a sealed envelope with their name, address and the position applied for. This is returned to one of the appointed persons within the organisation. If the applicant is successful through the interview stage the completed form will be processed by Swim Ulster and submitted to Access NI. If the applicant is not successful the completed application form will be returned to the individual unopened.

In 2009 any new applications to the Associate membership list will be required to undergo the vetting process. The FAQ information together with the vetting and identification forms will be sent with the Associate membership application.

Existing Personnel

The Swim Ireland vetting policy is available on the website for persons required to undergo the vetting procedure. Existing personnel in the target groups will receive an explanatory letter together with FAQ- Vetting Policy for Swim Ireland in accordance with the proposed time frame. Any existing member in a target group will be required to undergo vetting on obtaining the age of 18.

Any individual will be required to be re-vetted on changing their position within the organisation. Exclusions to this are:

- an individual changing position but remaining on the same committee, e.g. moving from Chairperson to Treasurer within the same committee
- an individual progressing their qualification but remaining in the same position within either club or private sector e.g. gaining Full Teacher qualification from an Assistant Teacher qualification but teaching in the same position
- an individual in an existing target group taking on a second target group position at Club or Regional level e.g. Secretary becoming a Team Manager; Chairperson being nominated to the Designated Person position. Any position within the target groups taken on at National level will require the individual to undergo vetting on selection to that position.

Re-vetting

All individuals will undergo re-vetting after 5 (five) years or as determined by Swim Ireland or any change in legislation as being required by future circumstances, including but not restricted to the introduction of a Coach/Teacher licensing programme.

Any individual in a regulated position in a target group may be re-vetted if information concerning suitability to work with children comes to the attention of a Club, Region or Swim Ireland.

Completing the vetting forms

The Access NI application form is required to be fully completed; **Parts B and C** must be completed in CAPITAL letters and black ink. Section C must be completed and signed. Where a section does not apply the applicant should

indicate as such. It is imperative that the addresses given are accurate. The form must be signed and dated by the applicant

The identification verification form must be completed. Confirmation of an individualôs identity must be verified by either Swim Ireland/Club Designated Person or if the individual is not a member of a Club by a Responsible Person (Guard/Principal/Manager/Doctor/Solicitor) who will also sign the form. Identity must be confirmed by two forms of identity i.e. driving licence (with photograph), a passport or a utility bill showing the correct name and address

Any forms not wholly completed will be returned unprocessed - this will hold up the overall process

Residency Abroad

Any individual resident for less than one year (taken from the date of the initial vetting application) in either Ireland or Northern Ireland will be checked again after 6 months and again one year later (i.e. 3 checks completed in 18 months).

If a police check has been obtained from the individualôs originating country (possibly accepted on submission of original information to the Authorised Signatory) vetting will only be required after 6 months and again one year later (i.e.2 checks plus originating country police check in 18 months).

Completed Application forms

On receipt completed application forms will be checked by the authorised persons for errors or omissions and photocopied. For new personnel the information will be verified against that given in an application form or a CV; for existing personnel the Identification Form will verify the information on the Access NI form.

Applicants for Access NI will be recorded on a separate database by the registered person with the following information:

- Name
- Previous name
- PPS/RSI/NHS number
- Last address
- Identity verification conformation
- Date of submission to Access NI

All data is kept in accordance with the Data Protection Acts 1988/2003 by the Authorised Signatory(ies) on behalf of Swim Ireland. All information is kept in a secure cabinet in either Swim Ulster office or in Swim Ireland Head Office, 13 Joyce Way, Park West, Dublin 12.

Return of information

Any applications forms and information will be shredded on the return of the information from Access NI.

The information declared on the returned certificate will be examined by the Registered Person to determine the suitability of the applicant for the position applied for/presently in situ.

Processing the disclosed information – applicable to both Garda and Access NI vetting

The assessment of suitability will depend on the nature of the position applied for/presently held, the self disclosure of any prosecutions or convictions and the seriousness, timing and any possible pattern that emerges of any information disclosed. The integrity of the applicant with regard to self disclosure or lack of disclosure on the initial application form will be considered.

On receiving information that may preclude the applicant, the original application form will be checked for each detail to ensure it is correct and that the disclosed information refers to the applicant.
If the applicant has self disclosed the information and this agrees with the disclosure from the vetting body the decision must be made depending on the type and nature of the offences disclosed.
If the applicant has not self disclosed and information is received from the vetting body this requires to be checked with the applicant.

Disclosure of certain types of convictions/prosecutions will automatically preclude the applicant from a position working with children. Examples of offences that will automatically prohibit an applicant are:

- Any offence of a sexual nature
- Any offence against a child or of child abuse or pornography
- An offence that causes gross bodily harm
- Any offence of murder or manslaughter
- An offence of kidnapping
- A series of continuous offending that might cause concern for the well-being of children
- Any charges concerning abuse of a child that are sent for trial by the Director of Public Prosecutions.

All decisions on the suitability of an applicant are a matter for Swim Ireland and the vetting bodies will not be involved in such decisions.

Examples:
(i) An individual applies for a position in a Club; it is noted that the individual does not possess a driving licence. On the vetting return the individual declares a conviction for driving under the influence of alcohol, this information is duly disclosed showing a ban for one year. The details would be confirmed with the individual by the AS/RS, and if there is no responsibility for the transport of children involved in the position it is probable this individual would be deemed suitable to work with children.
(ii) An individual is prosecuted at the age of 19 for taking part in a rally where the individual, along with others, is charged with disorderly conduct and prosecuted. The individual, now in their thirties, has no further disclosures on record and fully disclosed all information concerning the prosecution. It is likely that this individual would not be prevented from working with children.
(iii) An individual has two parking offences disclosed on the return from the vetting organisation. These were not shown on the original application form. The AS/RS made contact to check if the offences related to the individual. It is clear during the conversation that the individual was not aware that these offences would be deemed prosecutions or convictions and therefore did not think about disclosing them. It is probable that this individual would be deemed suitable for a position working with children.
(iv) An individual applies to become a Club Childrenôs Officer. The return of the information from the vetting organisation shows a conviction of fraud, resulting in a suspended sentence. This information was not disclosed and denied by the individual. The recheck the information identify the information and the individual as being correct ï this individual would not be suitable for a target group position.

Communication

When the AS/RS is required to communicate with the applicant for any reason the following protocol will be adhered to:

- Communication should be by phone or in person if convenient
- The AS/RS will verify the person is the applicant
- No messages will be left
- No discussion will take place with any other person, spouse or partner
- The AS/RS will give an assurance of confidentiality

If the AS/RS is required to verify disclosed details the applicant will be asked:

- Is there anything they remember concerning the time of the offence
- Have they have ever been to court
- For any relevant information concerning the disclosed information
- To consider the significance of the disclosure in relation to the position applied for

All responses should be noted. If any of the information is disputed the Disputes procedure in this policy (see below) must be followed.

New Personnel

Where the applicant is suitable for the position applied for, this should be communicated to the individual and the person responsible for the recruitment ï this will be done by letter as well, simply stating the applicant is suitable to work with children.

Where the information disclosed by the vetting organisation and/or self disclosed by the applicant this deems the individual to be unsuitable they should be informed of such. The applicant should be allowed to withdraw their application.

Existing Personnel

An assessment must be made of the suitability of the individual to hold their present position. This decision will be made on an individual basis, based on the nature of the disclosed information and the initial self disclosure by the individual. No decision shall be made unless any disclosed information is verified in accordance with the procedure in communicating with the applicant. This verification shall be carried out preferably in the presence of both Authorised Signatories/Registered Signatories. If the individual is deemed not suitable to work with children they will be afforded the opportunity to withdraw from their current position.

Where the individual is deemed suitable for their position this will be communicated to the individual in accordance with the communication procedure and this will be recorded on the vetting database.

Data Security

The data submitted by the applicant and any responses from the vetting organisations is subject to data security. Swim Ireland will only release information concerning the suitability of an individual to a person who needs to know. In the event that an applicant withdraws either their application for a position or from their position, information concerning their suitability for working with children will not be released.

In accordance with the rules laid down in the Data Protection Acts 1988/2003 the Authorised Signatories on behalf of Swim Ireland will:

- Obtain and process information fairly
- Keep this information only for one or more specified, explicit and lawful purposes
- Use and disclose information only in ways compatible with these purposes
- Keep information safe and secure
- Keep information accurate, complete and up to date
- Ensure that any information is adequate, relevant and not excessive
- Retain information for no longer than is necessary for the purpose or purposes
- Give a copy of his/her personal information to an individual, on request

Disputes

Disputing Disclosed Information

The Garda Vetting Unit has a dispute mechanism in place in event of an individual contesting the disclosed information.

In the case of any disclosure being disputed by the applicant the following procedure will be applied:

- The exact basis of the dispute will be noted by the AS on communication with the individual
- The original application form will be resubmitted to the unit for a recheck - containing a covering report outlining the basis of the dispute as indicated by the applicant

If on examination of the original form there was an error in the completion of the form this should be rectified by the applicant by completing a new application. The original and the new application forms will be submitted together with a request for a recheck.

If following a recheck the applicant still disputes the information, arrangements with the Unit will be made for further identification procedures to be conducted in order to resolve the dispute.
Until all disputes have been settled the individual will not be able to take any position within the target group. If the dispute involves existing personnel it is recommended that supervision is put in place until the dispute resolved.
All decisions on the suitability of an applicant following a recheck are a matter for Swim Ireland and An Garda Siochana will not be involved in such decisions.

Disputing the Decision of the Authorised Signatories

The Authorised Signatories/Registered Signatories have a responsibility to observe professional standards and will be cautious to recognise their own values and personal ethics in evaluating the seriousness and the relevance of an offence.
Any dispute concerning the decision of an Authorised Signatory/Registered Signatory should be submitted in writing to Swim Ireland. Advice from óChildren Firstô Advice and Information Officers from the HSE as independent advisors will be taken and this will be communicated to the individual in accordance with the protocol.
The outcome of this decision will be final.