



FAI Garda Vetting

I am writing to you on behalf of the Watergrasshill United FC Club Committee, parents and children, to thank you for your application to volunteer or work with the children of Watergrasshill United FC - either coaching, managing, assisting a manager/coach; or in another valuable capacity.

As you may be aware, under the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016, it is now a statutory requirement for all organisations that have children interacting with adults, to ensure all the adult volunteers have been Garda Vetted (i.e. have undergone appropriate criminal background checks).

Vetting is just one part of a safe recruitment process that seeks to encourage a child-focused environment (e.g. 2 x character references, volunteer self-declaration form, attendance at a mandatory Children's Welfare Awareness training workshop (the club will provide details of courses), on-going support and mentoring, interviews, validating a person's identity).

It is a non-negotiable requirement of the FAI and the Committee of Watergrasshill United that we adhere to best practice and statutory requirements in this area.

What if I've already got Garda Vetting clearance?

Unfortunately, a Garda Vetting certificate is not, at this time, 'portable' between organisations. Therefore, even if you are Garda Vetted for e.g. GAA, teaching, HSE work, you still have to be separately Garda Vetted for the FAI. (While this is frustrating for many, it is nonetheless the legal position, without exception. It's do with a Garda Vetting outcome being valid only at the exact point in time when it was issued).

Who needs to get Garda Vetted?

- a) All those engaging with persons under the age of 18 shall be Vetted.
- b) All Designated Child Welfare Officers, Designated Child Welfare Liaison Officers, Chairpersons and Secretaries of each Club involved with teams that are competing in any age group up to and including Under 18's shall be Garda Vetted.
- c) All coaches or those involved with the management of any team that are competing in any age group up to and including Under 18.
- d) Any other person working or volunteering with children in any capacity on behalf of a Club shall be Garda Vetted. It is the responsibility of the football body concerned to determine the relevant persons within their organisation who this applies to subject to the relevant legislation and guidelines. This will include but is not limited to the following:
 - Coaches/Trainers who work with children alone or with another adult (supervision does not provide exemption).
 - Substitute coaches/trainers.
 - Any other person involved with a club/league who work with children on more than an occasional

basis. In practice, this means that if you attend a coaching session and help out in any way each week, Vetting will apply.

- Adults accompanying children on Club Trips overseas or overnight trips away from home.

What if I'm not prepared to go through Vetting – I disagree with its need/relevance/importance?

By law you will be unable to volunteer with children and will be prohibited from helping out with children's sport. As a club we do not infer anything into an applicant declining to participate in the process, as there are many legitimate reasons of principle why someone might choose not to be Vetted; however, our hands are tied and regrettably we will be unable to process any further your application to volunteer in the club.

What information will the Garda Vetting check disclose to the FAI?

- That according to Garda records there are no previous criminal convictions
- That there are previous criminal convictions, as set out in by the National Vetting Bureau to the FAI.
 - That there are prosecutions pending (i.e. going through the courts).
- Please note that a person shall not be obliged to provide details of any convictions to which Section 14A of the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016 shall apply.

Can I appeal any decision by the FAI?

Yes.

FAI Garda Vetting Application Form Checklist (see below as well)

WHAT YOU NEED TO DO NOW

Print this letter as a guide to what you need to do now.

STEP 1 –

- From the 5th September 2016 all Garda vetting applications for the Football Association of Ireland (the 'FAI') will be processed online. From this date, a new 'Vetting Invitation Form' will replace the current Garda vetting form.

STEP 2 – Very carefully complete the Vetting Form

Next, very carefully complete the vetting forms, following the guidelines provided with the forms.

Place your completed Vetting Forms into an envelope.

Write your name in BLOCK CAPITALS on the front of this envelope.

Note: Under section 26(b) of the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016, it is a criminal offence to make a false statement for the purposes of obtaining a vetting disclosure. You are advised to complete this form with the utmost care and attention.

STEP 3 - Proving your Identity

- Next, read the document you printed out called "Garda Vetting ID Validation Form".
- Turn to page 2 of the "Garda Vetting ID Validation Form". Page 2 is called "List of Acceptable Documents (100 points minimum required)".

(Under the new legislation, you need to prove your identity by production of documents listed on this “List of Acceptable Documents” that, when combined, add up to a total of a minimum of 100 points. Different categories of documents are given different ‘weighting’ or ‘value’ (reflecting the fact that some documents are viewed as more ‘trusted’ than other types of documents). So, for example an Irish Driving Licence is valued at 80 points. In that case you are still 20 points short of hitting the minimum 100 points required. You would need to validate your identity with an additional document worth at least 20 points. The important thing is that the total number of points is at least 100, when your documents are combined). Note that it is perfectly acceptable to provide documents in excess of 100 points.

When you’re happy you have original documents that get you to the 100-point minimum requirement, carefully photocopy these documents. One of these should ideally be photo ID.

STEP 4– Collecting your Documents & Bring them to the meeting

Bring

- (1) the envelope with your completed vetting forms
- (2) the original documents which you are producing to validate your identity
- (3) a photocopy of all of the documents you are producing to validate your identity

The senior club member (known as an Authorised Person) who’s authorised to view these documents will view your originals, and the copy documents. This is to enable the club to validate your identity in person against the documents you are furnishing as evidence of your identity. The club will submit to the FAI the envelope which will contain:

- your completed Vetting Invitation Form
- your photocopied documents as evidence of your identity
- the Garda Vetting ID Validation Form, duly completed

The FAI will then check your application and assuming it’s in order, will email you an invitation to complete the Garda vetting process online.

Please note that the vetting paperwork says to return it directly to the FAI; however, it is necessary for volunteers to pass the completed forms first to the club, as it is the club’s legal responsibility to ensure that all its adult volunteers submit to vetting, and so that the club can track which adults have returned the forms, and which have not, prior to the club sending them in a batch to the FAI.

If you have any questions on how to complete the form, please refer to the instructions in this letter and attachments. If you fail to complete the form accurately and correctly, then the National Vetting Bureau will reject the application (e.g. dates out of order, completed in pencil, illegible handwriting, not completed in BLOCK CAPITALS etc). You will have to complete the process again. On no account should the Form be sent directly to the National Vetting Bureau or any Garda Station.

Disclaimer: Watergrasshill United, the FAI and the National Vetting Bureau can take no liability for lost documentation.

Yours sincerely,
Watergrasshill United

Garda Vetting Policy Watergrasshill United FC

Notes

In order to administer the process of vetting effectively, organisations are required to have an 'liaison person' who is trained by the National Vetting Bureau in the management of vetting applications and disclosures. The FAI's liaison person is Vincent O'Flaherty, Child Welfare, Education and Regulations Officer, Football Association of Ireland, National Sports Campus, Abbotstown, Dublin 15.

Under Section 26 of the Sex Offenders Act 2001, it is an offence for a sex offender to "apply for work or to perform a service (including State work or service) which involves having unsupervised access to, or contact with children or mentally impaired people without telling the prospective employer or contractor that you are a sex offender".

However, concerning other types of offences, it is up to the employer to conduct their own risk assessment and determine what constitutes a risk. This should be formally managed on a case by case basis with specific reference to the Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016 and the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016).

Organisations should be conscious of not initiating policies that prohibit needlessly against rehabilitated individuals. Risk assessments should also be specific to the particular roles, for example risk concerning fraud is more likely to pose a risk for someone with financial responsibility. This should be reflected in the policy.

1. Policy Statement

1.1. The vetting policy is concerned with Watergrasshill United FC's role as a provider of services in relation to the eligibility and recruitment of staff and volunteers working with children or / and vulnerable adults. This Policy Statement should be read in conjunction with the FAI Child Welfare Policy (as amended and updated from time to time and then in force and available from the FAI on request). Any conflicts between this Policy Statement and the FAI Child Welfare Policy will be construed in favour of the FAI Child Welfare Policy.

2. Purpose

2.1. To ensure best practices in recruitment and selection procedures whereby eligibility to work/volunteer is contingent upon the successful completion of appropriate vetting checks through National Vetting Bureau.

2.2. To identify conditions whereby individuals may be deemed inappropriate for employment/volunteering at Watergrasshill United FC.

3. Scope

3.1. This policy applies to Watergrasshill United FC Limited employees and volunteers who will have unsupervised access to children or vulnerable adults.

4. Glossary of Terms and Definitions

4.1. National Vetting Bureau (N.V.B.) - provides a volunteer vetting service for most large community and voluntary organisations.

4.2. Liaison Person - the liaison person between the requesting organisation and the N.V.B.

5. Principles

5.1. Responsibility for organising vetting lies with Watergrasshill United FC.

5.2. An individual cannot work/volunteer with children unless they have been vetted. Individuals can in certain circumstances work/volunteer with vulnerable adults whilst the Garda vetting process is ongoing. However, such individuals must be supervised.

5.3. Having a criminal record should not automatically exclude someone from employment/volunteering unless they related to the offences outline in 8.1. Employment decisions should take into account the individual's potential for change and reflect balanced judgement. An objective assessment should be held which considers and recognises (with specific reference to the Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016 and the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016):

5.3.1. The individual's abilities, skills, experiences and qualifications;

5.3.2. The nature of the conviction and its relevance to the job;

5.3.3 The length of time since the offence took place;

5.3.4 The risk to the service users, employees and organisation;

5.3.5 Training which may have occurred while the individual was in prison[1]

6. Process

6.1. All applications shall be processed by an 'Liaison Person' who is trained by the National Vetting Bureau in the management of vetting applications and disclosures. Watergrasshill United FC has access to an 'Liaison Person' in the FAI. When the results come back from the National Vetting Bureau, s/he provides confirmation to the employer.

6.2. There must be one named person within the organisation to whom the consortium will pass on relevant material. This person will be named as the 'Authorised Person'. This individual must comply with the FAI relevant to information and support.

6.3. It is the responsibility of the Authorised Person to make sure staff/volunteers completes the relevant vetting forms, and that forms are sent to the Liaison Person. Vettings forms should:

6.3.1. Be completed in full otherwise the process will be delayed;

6.3.2. Be accompanied by a 'batch header' which should accompany forms sent.

6.4. The standard vetting form only covers addresses in the Republic of Ireland and Northern Ireland. Individuals who resided overseas for a period of 6 months or more may be required to

provide proof of non-convictions from their country of prior residence. In the event that the individual is unable to provide a certificate from the country in which they were resident, it must be shown that all efforts have been made to receive this. Such situations may include individuals who have travelled on J1 working holiday visas, or individuals who are from countries where police clearance certificates may be difficult to obtain.

6.5. 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.

6.6. The certification process and vetting results are not portable for the individual. Each new employer must apply separately, even if engaging an individual already vetted elsewhere.

6.7. Vetting is also time sensitive; it is only valid at the time it is done. Watergrasshill United FC reserves the right to initiate vetting rechecking depending on the circumstances.

7. Confidentiality

7.1. All information in the vetting process will be held in a manner consistent with the organisations confidentiality policy.

7.2. The FAI Liaison Person is responsible for the security and safeguarding of any records that are kept, under the strict provisions of Data Protection laws. Records are generally kept for no longer than 3 months once the employer is satisfied with the veracity of the results, however this is a matter for the FAI.

8. Circumstances for the Withdrawal of the offer to Work/Volunteer

8.1. Watergrasshill United FC considers the following as reasonable grounds to refuse an individual access to employment within the organisation:

8.1.1. The individual has been charged with, or convicted of a sexual offence;

8.1.2. 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;

8.1.3. The individual has been charged with, or has a conviction for, the ownership, production or distribution of child pornography.

8.2. Watergrasshill United FC considers the following list of offences to be relevant, and each case will be considered in a case by case basis:

8.2.1. Offences against the person, e.g. assault, harassment, coercion;

8.2.2. Breaches in trust, e.g. fraud, theft, larceny;

8.2.3. Offences against property e.g. arson, armed robbery;

8.2.4. Domestic Violence;

8.2.5. Offences against the state.

8.3. Watergrasshill United FC is conscious of not initiating policies that prohibit needlessly against rehabilitated individuals. Such cases will be objectively determined on a case by case basis in accordance with the criteria outlined in 5.3.

8.4. Risk assessments should also be specific to the particular roles, for example risk concerning fraud is more likely to pose a risk for someone with financial responsibility. The level of risk relative to the position should be determined by management.

8.5 A person shall not be obliged to provide details of any convictions to which Section 14A of the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016 applies. For details, please contact the FAI's Liaison Person.

9 .Vetting Application Process

9. 1 When available applications may be made online at www.fai.ie by registering as an FAI Member and following the steps to complete a vetting application. Applications may also be made by manually completing the FAI approved Vetting Application form by hand. Incomplete forms will be returned and may delay applications.

Step 1

Once a Vetting form has been fully completed either manually or on-line all forms should be sent by the club, league, provincial association or national body by post to the Child Welfare Officer, Football Association of Ireland, National Sports Campus, Abbotstown, Dublin 15. All forms must be sent to the FAI for processing and not to An Garda Síochána.

Step 2

When the Garda vetting forms are returned to the FAI, the Garda vetting form will contain a statement which will include either that;

(a) there are no convictions recorded against the individual in the Republic of Ireland or elsewhere, or (b) a statement of all convictions and/or prosecutions, successful or not, pending or completed, in the State or elsewhere as the case may be.

Step 3 – No disclosures

Should the Garda vetting form disclose no convictions recorded against an individual, correspondence shall be sent to the applicant advising them of this. This correspondence should be provided to the relevant football body as proof of vetting by the individual. Verbal assurances should never be accepted.

Step 4 - Disclosures

In some instances disclosure of convictions and/or other information will be provided to the Designated Child Welfare Officer of the FAI by the Gardaí. In many cases these disclosures may not prevent an individual from working with children.

Applicants will be given an opportunity to comment on any disclosures before any decision is made by the Child Welfare Committee to ensure fairness and transparency at all times. In some cases it may be necessary to meet and interview the applicant before a decision is made. Applicants will then be advised of the decision which has been made in respect of any vetting disclosures. If the decision is negative, a letter informing them of this decision will be sent to them. If an applicant is currently

engaged within football, and if a vetting application is not accepted, they may also be issued with an immediate Stand Down Order in accordance with the Policy. The FAI shall advise all relevant football bodies who are known to be associated with the applicant of the outcome of any negative vetting application. Unsuccessful applicants will be afforded an opportunity for a negative decision made against them to be reviewed by the FAI.

Step 5 – Review

Unsuccessful applicants will be afforded an opportunity for a negative decision made against them to be reviewed by the Legal and Corporate Affairs Committee. The applicant will be invited to make any written submissions to support their position. In some situations it may be necessary to meet and interview the applicant if the Legal and Corporate Affairs Committee deems this appropriate in any given case. This is a review process conducted at the sole discretion of the Legal and Corporate Affairs

Committee and they shall determine what further information they may require for any particular review. Decisions made by the Legal and Corporate Affairs Committee regarding vetting applications are final and not subject to appeal.

If the recommendation of rejection is confirmed, the relevant persons and football bodies involved will be duly informed.

In the case of rejection of an applicant the Legal and Corporate Affairs Committee may also issue an automatic ban from membership of the FAI where vetting disclosures deem it necessary for the protection of children.

Specified Information

Where a vetting disclosure contains details of criminal records or specified information, the FAI is obliged to provide a copy of the disclosure to the person applying for the vetting disclosure. The FAI will consider the information in a confidential and sensitive manner.

While reviewing any information contained in the 'disclosure' the FAI will assess the suitability of the applicant to do relevant work or activities on our behalf. This shall be done in a safe, confidential and impartial manner and a risk assessment will be carried out as to the suitability of the person with the disclosure to fulfil the role(s) for which they have applied. It is the FAI that makes the decision as to whether a vetting applicant, in accordance with our recruitment requirements, may be deemed acceptable.

What is specified information in the new vetting legislation?

This is information other than details of a criminal conviction. It is information that is considered to give rise to a bona fide concern that a person may harm a child or a vulnerable person. Only information arising from a statutory inquiry or Garda investigation can constitute 'specified information'. If such information is going to be disclosed to the FAI relating to one of our applicants the Chief Bureau Officer must, in advance, notify the vetting subject of the intention to disclose the information.

Vetting Enquiries

The FAI shall keep a secure central database of all vetting applications in accordance with data protection legislation. Vetting information shall be passed to Affiliated Members seeking information on applicants where the applicant has indicated their consent to such information being disclosed.

Affiliated Members shall not engage any person to work with children without such information being provided either by way of production of a letter confirming the vetting status of an individual or an enquiry being made to the FAI with the consent of the individual concerned.

Length of Vetting Status

An individual's criminal record may change at any time hence the importance of general practices being put into place around safe recruitment, references and safe practices in working with children. The current recommended vetting period is every 3-5 years. Notwithstanding this if any person has a concern that an individual should be re-vetted at an earlier interval this should be requested.

Convictions

Any member charged with or convicted of an offence in any jurisdiction for an offence which may raise concerns regarding their appropriateness to work with children may be issued with a Stand Down Order and/or Automatic Ban as referred to in the Policy

10. Appeal Process

10.1. While the focus is on protecting children and vulnerable adults, there are also safeguards and due processes for those being vetted, including the right to appeal.

10.2. Appeals should be made in writing to the Liaison Person within 14 days of issue of the decision. Full details of the appeals process are available upon written request to the FAI Liaison Person.

[1] Chartered Institute of Personnel and Development (2001) Employing People with Criminal Records, London, CIPD