

Guide to Garda Vetting

Nursing Homes Ireland in association with Irish Small and Medium Enterprises Association (ISME)

What is Garda Vetting?

Garda Vetting is the term given to the process where the Gardaí are requested to provide certain information relating to the Garda record of a particular individual. The person in question must have given their consent for such information to be provided. Garda Vetting is used by employers in certain sectors to ensure the individual in question has not been convicted of a crime or accused of a relevant offence, prior to employing them into a position of responsibility to work with Children or Vulnerable Persons. It is seen as a means of ensuring enhanced protection for these groups.

Who needs to be Garda vetted?

Legally, any person whose work involves access to Children or Vulnerable People must be vetted. Under the Health Act 2007, Care and Welfare Regulations 2009, and National Quality Standards for Residential Care Settings for Older People in Ireland, all Nursing Home Employees who have contact with Children or Vulnerable Persons must be Garda Vetted prior to commencing Employment.

In addition, the National Vetting Bureau (Children and Vulnerable Persons) Act 2012 has made it an offence to permit any person to undertake “relevant work or activities” on behalf of a “relevant organisation” unless the organisation has received a Vetting disclosure from the National Vetting Bureau in respect of that person.

“Relevant Work or Activities” refers to any type of work carried out by the person which consists of necessary and regular access to or contact with vulnerable persons or children.

Any organisation that employs or permits any person to undertake relevant work or activities involving access or contact with children or vulnerable people is considered a “relevant organisation” for the purposes of the Act. Therefore, permitting any Nursing Home employee to undertake such relevant work or activities without first receiving a Garda Vetting Disclosure is an offence under the Act.

What is the procedure for Garda Vetting?

All applicants may be required to undertake Garda Vetting as part of the Recruitment process. Offers of Employment (including voluntary positions) with any Nursing Home should be made subject to satisfactory Garda Vetting being achieved and maintained.

Each Nursing Home must validate the applicant's identity and address by requesting at least two forms of identification from the individual before the Vetting process. At least one item of identification must be photographic identification. Examples of acceptable identification include Passport, Driving Licence or National Identity Card. Verifying the address of the individual can be done by requesting a recent utility bill that has been sent to their current address. (See [100 point identity validation](#) for further information).

Once verification checks have been completed the application process will begin.

Applications for Garda Vetting are made via NHI on Paper Invitation form NVB 1.

NHI has a designated Liaison Person, who will be responsible for managing the Vetting Process from when an invitation (NVB 1) is received, to a disclosure being issued.

Once an NVB1 Invitation form is received by NHI it is put up onto the e-Vetting system. The E-Vetting system will send an email and link, with a request to complete the full application form online. The Liaison person will then check the online form and submit to the National Vetting Bureau for Vetting. A Garda Vetting Disclosure is issued to the NHI liaison person, who will in turn send the disclosure to the Nursing Home.

At present, the timeframe for Vetting stands at approximately 2-3 weeks. This timeframe is an estimate only and is subject to change.

During this waiting period, the employee cannot engage in "Relevant work" as previously defined. They can, however, engage in induction or training that does not involve access to or contact with children or vulnerable persons.

Should work commence or a contract be provided to the individual pending Garda Vetting, it should clearly state that the offer is made subject to satisfactory Garda Vetting being maintained, and that their role will be confirmed once a satisfactory Vetting Disclosure has been received.

Once a satisfactory Vetting Disclosure has been received their employment can be confirmed and they may engage in their normal duties.

What information may be provided in a Vetting Disclosure?

The Vetting Disclosure may include information on the individual's criminal record or "specified information" concerning a finding or allegation of harm to another person that did not result in a criminal conviction. Specified information is information that is considered to reasonably give rise to a bona fide concern that the Vetting subject may harm, attempt to harm, incite any person to harm, or otherwise put at risk any child or vulnerable person.

Should a criminal record or “specified information” be divulged within the Vetting Disclosure, a decision as regards their suitability for the role will be required by the Nursing Home.

Upon such a disclosure being received, senior managers such as the HR Manager and Director of Nursing/PIC should meet to assess the risk of the disclosed information.

In most circumstances, it is best practice to also meet the individual to discuss and to give them the opportunity to respond to the Disclosure. It is important to take into account all information made available, including the nature of the offence, the length of time since the offence, whether a prior disclosure was made, any rehabilitation attempts made and any other relevant information prior to making a final decision.

However, the duty of care owed to residents must always be the priority when contemplating what action to take.

Before any decision to withdraw the offer of employment is made on the back of a Vetting Disclosure we strongly recommend contacting your ISME or your HR representative to discuss best practice/process.

In instances where the offer of employment is to be withdrawn, senior managers should again meet with the individual to outline their decision, which should then be confirmed in writing. The individual should be offered the opportunity to appeal the decision to a more senior member of management.

Retrospective Vetting and Re-Vetting:

Given that HIQA standards have long required Nursing Home employees to be vetted retrospective Vetting should not be an issue at present. However, if, for any reason, any employee has not been Vetted it is essential to ensure that they submit themselves for Vetting immediately in order for their employment to continue.

It is expected that further guidance will be given, through regulatory instruments, regarding re-Vetting timeframes in the future. Re-Vetting timeframes are currently a matter for each individual nursing home to establish.

Data Protection:

The Personnel Manager/HR Department within each individual Nursing Home has access to highly confidential and sensitive information in relation to the individual being Vetted. It is therefore essential to ensure that Data Protection legislation is being adhered to at all times.

As with all aspects of Data Protection, consent is key. The individual must give their consent for the process to take place and for the release of the information held by the Gardaí to the particular organisation requesting the information.

Information received must be stored in a secure manner and access should be restricted to as small a number as possible.

Garda Vetting disclosures should be used for the purpose stated only (i.e. in this case, to determine the suitability of a potential candidate for a role) and should not be passed to third parties.

Each individual has a right to access any personal information held on file about them including access to Garda Vetting Disclosures. It is good practice to provide the individual with a copy of the Garda Vetting Disclosure as soon as is reasonably practicable.

Frequently Asked Questions:

Can Garda Vetting Disclosures be passed from one Nursing Home to another?

It is not recommended for a number of reasons. Firstly, data protection concerns arise when passing sensitive information such as this from one organisation to another, even with the individual's consent. More concerning however, is that the disclosure provided is considered out of date once it leaves the National Vetting Bureau. Given the duty of care owed to residents, it is advised to ensure that a new Vetting Disclosure is obtained each time a new employee joins your organisation.

What happens if someone refuses to be vetted?

In order to be considered for a job that entails necessary and regular access to children or vulnerable persons within a Nursing Home it is a legal requirement for that individual to submit themselves for Garda Vetting. All offers of employment should be made "subject to maintaining satisfactory Garda Vetting". Anybody who refuses can have their job offer withdrawn.

Can a person be employed pending Vetting?

A job offer and contract of employment can be issued pending Vetting, provided they are aware that the offer is made subject to Vetting. They should not engage with or have any contact with children or vulnerable persons pending Vetting, however, training or induction can take place in this time. Any contract provided to the individual should clearly state that full employment will not be confirmed until a satisfactory Vetting disclosure has been received, and they will be unable to partake in their normal duties until such a time.

Are temporary workers subject to vetting?

Yes- any person who will carry out work or activities that require regular contact with children or vulnerable persons must be vetted.

What happens if the individual disputes the information provided within the vetting disclosure?

Following Disclosure of a Criminal Record/s to the organisation, if the individual raises any concerns in relation to the accuracy of the disclosure of Criminal Record/s, you should ask them to outline their specific concerns in writing, and submit it to the NHI Liaison person. The concerns should then be submitted via the liaison person to the National Vetting

Bureau for further checks. This dispute process relates to any information Disclosed that is not considered “specified information”.

In respect of “specified information” being on the applicants record the individual will be given the opportunity to appeal against the Disclosure of any “specified information” prior to the information being forwarded to the organisation. The individual themselves will be notified by the Chief Bureau Officer, and a summary of the specified information that they are considering disclosing will be provided. The individual will have the opportunity to make a written submission in relation to the release of this information within 14 days from the date of notification. The Chief Bureau Officer will take a number of matters into account before making a final decision as to the release of this information, including the relevance of the information to the type of work involved, and the rights of the individual.

Does the National Vetting Bureau offer determinations in respect of the suitability for the individual for the role?

No, the National Vetting Bureau provides objective information only and will not make any recommendation in terms of the person’s suitability for the role. It is up to each individual Nursing Home to determine suitability based on all the information provided.

Can further information be sought in respect of the disclosure from the National Vetting Bureau?

Yes-if you feel you require more information it can be requested. However, you must obtain the individual’s consent prior to doing so. The request can then be forwarded in writing to the National Vetting Bureau.

For Further Information:

Should you require further information in relation to Garda Vetting Obligations please refer to your NHI or ISME representative who will happy to answer any questions you may have.

Disclaimer:

While every effort has been made to ensure the accuracy of the information provided ISME assumes no responsibility for any errors or omissions contained in this document.