

Garda Vetting for NAPCP Members

1. Introduction

The National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016 provide a statutory basis for the vetting of persons carrying out relevant work with children or vulnerable persons.

The Act stipulates that a relevant organisation shall not permit any person to undertake relevant work or activities on behalf of the organisation, unless the organisation receives a vetting disclosure from the National Vetting Bureau in respect of that person.

Garda vetting is conducted on behalf of registered organisations only, and is not conducted for individual persons on a personal basis.

2. Relevance for NAPCP Members

The National Vetting Bureau (NVB), having considered the nature of the work of our members, advised that all our members should be vetted. In order to achieve this goal, NAPCP has linked up with the Association of Professional Counsellors and Psychotherapists (APCP) to process our applications.

The Board of Directors of NAPCP has decided that it will initially offer this vetting procedure **free of charge** to its members. However if a member's application is not successfully processed on the first occasion, there will be a charge of €20 for re-submitting the application.

3. Vetting Procedure for NAPCP Members

a) Complete the *Vetting Invitation Form* and the *Agreement to Process* form and return them, with *copies* of proof of identity and address (See list of approved documents enclosed), to the Vetting Liaison Person in NAPCP who will file your identity details securely in NAPCP office and forward your completed Forms to the Vetting Liaison Person in APCP. Please mark "Private & Confidential" on your envelope to Áine Daly.

b) You will then receive an email from the National Vetting Bureau inviting you to complete your application on-line. You have 30 days to complete your on-line application. Please ensure that you leave no gaps between years of various residences.

NVB no longer offer paper application process to us. If you do not have access to the internet, you may be able to get assistance from a friend/colleague to help you with the on-line process.

c) The outcome of the Vetting process (called a "Disclosure"), will be emailed by the National Vetting Bureau to the Vetting Liaison Person in APCP who will forward it to the Vetting Liaison Person in NAPCP who will then forward to your email address a copy of your Vetting Disclosure. A copy of your Vetting Disclosure will be stored securely in your personal file in NAPCP.

4. Appealing a Disclosure

Where an applicant 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. The following procedure applies:

- a) The applicant should outline the exact basis of their dispute and submit it in writing to the Liaison Person in NAPCP.
- b) The Liaison Person in NAPCP will submit the report received from the applicant to the National Vetting Bureau for further checks to be conducted.
- c) If the applicant indicates there were errors or omissions made by him / her while completing the original Application Form, he / she will be requested to complete a new Application Form; and both the original and the new Application Forms will then be submitted together with the request for further checks to be conducted.
- d) If, following the result of further checks, the applicant still disputes any detail in the Garda Vetting Disclosure, he / she is advised to pursue the issue with the NVB for further validation procedures to be undertaken in order to resolve the matters at issue in the dispute.
- e) At the conclusion of the dispute resolution procedure, a decision regarding the applicant's membership of NAPCP will be determined by the Board of Directors of NAPCP.

5. Specified Information

Specified information (sometimes referred to as "soft information") means information concerning a finding or allegation of harm to another person received by the National Vetting Bureau from An Garda Síochána or a Scheduled Organisation pursuant to section 19 of the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016.

It is information that is considered to reasonably give rise to a bona fide concern that the applicant for vetting may:

- a) Harm a child or vulnerable person
- b) Cause a child or vulnerable person to be harmed
- c) Put a child or vulnerable person at risk of harm
- d) Attempt to harm any child or vulnerable person or
- e) Incite another person to harm any child or vulnerable person.

Under Section 15 of the Act, if *specified information* is to be disclosed to a relevant organisation (NAPCP for example) the Chief Bureau Officer must, in advance, notify the applicant of the intention to disclose the information.

The applicant will be notified directly by the Chief Bureau Officer that he/she is considering disclosure of the information and the Chief Bureau Officer will provide a summary in writing of the specified information and inform the applicant that he or she may make a written submission in relation to the specified information.

On receiving this notification the applicant may make a submission in writing to the Chief Bureau Officer concerning the information within 14 days.

When the Chief Bureau Officer is making a determination as to whether the specified information should be disclosed, he or she must reasonably believe that the information is of such a nature as to give rise to a bona fide concern that the applicant may harm, attempt to harm or put at risk of harm, a child or vulnerable person and must be satisfied that the disclosure of this information is necessary, proportionate and reasonable in the circumstances for the protection of children or vulnerable persons.

In making a determination, the Chief Bureau Officer must take a number of matters into account, including the *relevance of the type of work concerned*, and the rights of the applicant. Section 15 (4) (a)-(g) of the Act outlines the areas the Chief Bureau Officer shall have regard to in making a determination.

The Chief Bureau Officer can make any further enquiries necessary from An Garda Síochána or a Scheduled Organisation, to assist in making a determination. When the Chief Bureau Officer has made a determination that specified information should be disclosed, he or she shall:

- a) Notify the applicant in writing of the determination and the reasons for it
- b) Provide a copy of the specified information proposed to be disclosed
- c) Notify the applicant of the intention to disclose the specified information to the Liaison Person of NAPCP after 14 days.

6. Appeal Disclosure of Specified Information

THE Chief Bureau Officer will inform the applicant that he or she may appeal the decision of the Vetting Bureau to an Appeals Officer not later than 14 days.

The National Vetting Bureau will not make any disclosure in relation to the applicant until the 14 days has elapsed, or if an appeal is lodged until the determination or withdrawal of that appeal.

For further information please consult the National Vetting Bureau website.

7. Decision of NAPCP

If an applicant's vetting Disclosure is such that he / she is identified as posing a risk to children or vulnerable adults, the Board of Directors of NAPCP will withhold membership of the Association to new candidates and withdraw membership from existing members.

8. Appeal Decision of NAPCP

If an applicant for vetting is not satisfied with the decision of the Board of Directors of NAPCP he or she may lodge an appeal within 21 days. This appeal will be heard by a Vetting Appeals Committee consisting of three persons appointed by the Board of Directors of NAPCP, one of whom will be a member of the Board of Directors of NAPCP. The Appeals Committee will furnish a written report to the Board of Directors of NAPCP. The Board of Directors, having considered this report, will make a decision regarding the applicant's membership of NAPCP. This is the final stage of the appeals process.