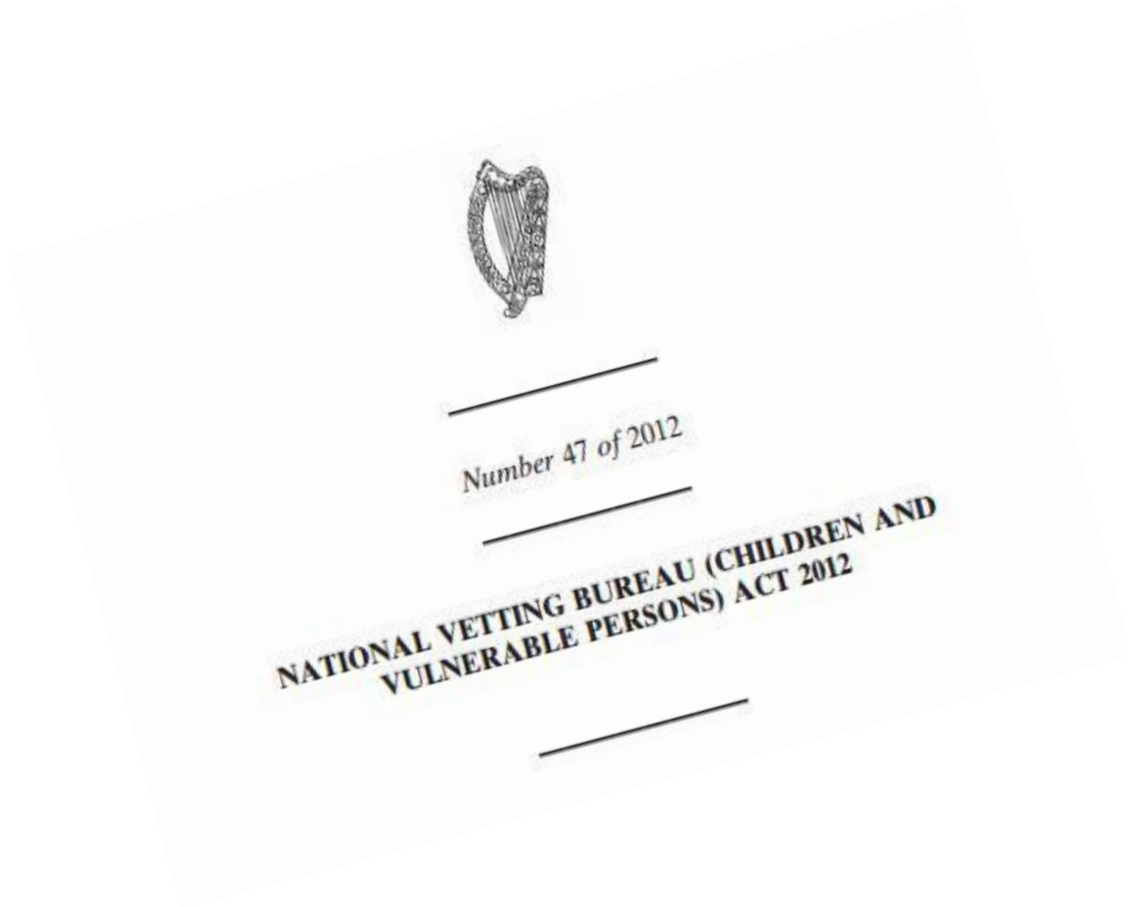


**GAA Information and Guidance leaflet on the  
National Vetting Bureau (Children & Vulnerable Persons) Act 2012**



**January 2014**



# National Vetting Bureau (Children & Vulnerable Persons) Act

The National Vetting Bureau (Children and Vulnerable Persons) Act 2012 is the new vetting legislation passed by the Houses of the Oireachtas in December 2012. This legislation is part of a suite of complementary legislative proposals to strengthen child protection policies and practices.

Once the 'Vetting Bureau Act' commences this will mean that the law on vetting becomes formal and obligatory and all organisations that work with children and vulnerable adults or provide them with a service will be legally obliged to have their personnel who work with such children and vulnerable adults vetted. Such personnel must be vetted **prior** to the commencement of their work with their Association or Sports body. It is reported that the Act will commence in the first quarter of 2014.

It is important to note that prior to the Act commencing that GAA policy stated that all persons who on our behalf worked in any capacity with children and vulnerable adults had to be vetted. This has been applies to those who work with underage players. (The term 'underage' applies to any player who is under 18 yrs of age, regardless of what team with which they play). The introduction of compulsory vetting, on an All-Ireland scale through legislation, merely formalises the previous policy and practice.

## **When will the Act commence or come into operation?**

The Act is effectively agreed in law but has to be 'commenced' by the Minister for Justice and Equality who decides with his Departmental colleagues when best to commence all or parts of the legislation at any given time. It is reported that the Act will commence in the first quarter of 2014.

## **What sectors or services are subject to vetting?**

- Childcare Services
- Schools
- Hospitals and health services
- Residential services or accommodation for children or vulnerable persons
- Treatment, therapy or counselling services for children or vulnerable persons
- Provision of leisure or physical activities to children or vulnerable persons
- Promotion of religious beliefs

## **Who within the GAA needs to be Garda Vetted in accordance with the Act?**

- **Coaches:** In the context of the GAA those members, i.e. coaches, trainers, mentors, parents and others who provide services to children and vulnerable adults, on behalf of the Association, and who are in direct contact with children or vulnerable persons in the GAA shall be vetted. It should be noted that it will be illegal for an individual to put themselves forward to work with children or vulnerable adults before successfully completing the Garda Vetting Bureau process.

- **Committee members:** As a policy of best practice, it is strongly recommended that Officers of Committees that oversee underage and juvenile activities at Club and County level should also be vetted.
- **Referees:** Referees of underage games must also be vetted.

**What action should the Club take now prior to the commencement of the Act?**

- In advance of the commencement of the Vetting Bureau Act, all Clubs, through their Children's Officer, should check through an 'assessment of compliance procedure'\* that every person working with underage players on our behalf has been vetted. This includes coaches, trainers, relevant Club personnel and any other person who regularly provides a service to underage teams.

**\*Assessment of compliance procedures:**

This is a process whereby the Club Children's Officer obtains a list of all persons in their Club who currently on behalf of the Association work with underage players or vulnerable adults. The Club Children's Officer then checks this list against the names of people in their Club who to date have been satisfactorily vetted by the GAA and identifies if there are any gaps in the list of people vetted when compared with the list of those working with underage players or vulnerable adults in the Club. If there are any gaps, then these people should be required to immediately submit a vetting application form as per normal channels.

**Are there any exemptions from vetting?**

- Where a person is providing a once off service at training or at matches the Club will need to assess the individual's position and only conduct vetting where the position specifically involves working with children and/or vulnerable adults on an on-going basis. Each club will have to make its own assessment in accordance with the Act and with agreed GAA Vetting procedures.

**If previously vetted by the GAA does a person have to be re-vetted once the Act commences?**

- We are advised that in if an individual has been previously vetted by the GAA as part of their role in the Association prior to the commencement of the Act, that it is not necessary to re-vet that individual except in accordance with the regulated re-vetting period, i.e. when all persons must be re-vetted after an agreed number of years. We do however reserve the right to re-vet any member at any time. An amendment to the Act also clarifies this position.

**Whose responsibility is it to ensure Vetting is carried out?**

- In theory each unit of the Association, as the 'employee' of a volunteer or paid person, is responsible for vetting. The Association however, as the governing body, has overall responsibility and must ensure that all aspects of the law on vetting have been implemented.

- The implementation of vetting at both Club and County level is normally overseen by the Children's Officer (see Role of County and Club Children's Officer leaflet). It is the Children's Officer in first instance who will identify if a person with a relevant role, in accordance with the Act, requires to be vetted.
- The GAA through their 'Liaison Persons' (previously known as Authorised Signatories) will process vetting applications, on behalf of our membership, with the National Vetting Bureau. However the GAA can only complete the vetting process as per the requests they receive from their affiliated Clubs.

#### **How do individuals complete their vetting application form under the new Act?**

- There is no fundamental difference proposed regarding the completion by GAA personnel of the new vetting form when compared with current vetting practices. County and Club Children's Officers will ensure that all persons who are required to be vetted receive a vetting form and complete it in accordance with Association procedures.
- The new vetting application form will be distributed by the Association to each County Children's Officer who shall in turn liaise with their Club Children's Officer on the distribution of the forms at Club level. Clubs Children's Officer will ensure that any person deemed eligible to be vetted will complete the application form. Completed forms shall be collated at Club level by their Children's Officer and returned to the County Children's Officer in a confidential manner. The County Children's Officer (or the Ulster Children's Officer in Ulster) shall liaise with the GAA National Children's Office in Croke Park on the processing of the application forms with the National Vetting Bureau.
- In exceptional circumstances individuals may be permitted to forward their vetting application forms to the GAA National Children's Office for processing.
- All applicants deemed to have satisfactorily completed the vetting process, following the processing of their application by the National Vetting Bureau, will receive a GAA Garda Vetting acceptance letter.

#### **What is a Garda Vetting acceptance letter?**

- A Garda Vetting acceptance letter is the letter that each applicant receives when, following the processing of their application, the GAA deems their vetting application to be acceptable in accordance with the role they have specified in their application. This is but one part of a recruitment process and the individual's Club may place additional recruitment requirements on the individual, including training etc, before they are permitted to take up their role at Club level.

- All vetting acceptance letters should be given to the Club Children's Officer as proof of satisfactory vetting as no individual may be permitted to work with children or vulnerable adults in the GAA without having received such a letter.

### **Vetting in Ulster**

- In accordance with previous practices Ulster GAA co-ordinates the vetting practices of all persons deemed eligible to be vetted in the nine Counties of Ulster. This includes the vetting of personnel in Cavan, Monaghan and Donegal via the 'Garda Vetting' procedures. Similarly, Ulster GAA also coordinates the vetting of GAA Personnel through the AccessNI criminal records disclosure services. It is anticipated that Ulster GAA will continue to have a central role in the delivery of the GAA/National Vetting Bureau services for Cavan, Monaghan and Donegal.

### **Is it an offence to fail to vet a GAA coach or mentor working with children?**

- Yes, it is an offence if we fail to vet a GAA coach who subsequently works with children on our behalf. Section 12 of the Act prohibits the engagement of persons to do relevant work or activities relating to children or other vulnerable persons, unless that person has been subject to the vetting procedures under the Act.
- It should be noted that it is illegal for an individual, e.g. a coach, to put themselves forward to work with children or vulnerable adults before successfully completing the Vetting process. Therefore a person may only work in such a capacity after they have been successfully vetted via the Association and are in receipt of their 'GAA vetting acceptance letter'.

### **What will the GAA do on receipt of vetting disclosures?**

- Where a vetting disclosure contains details of criminal records or specified information, the GAA must make available a copy of the disclosure to the vetting applicant. The organisation should then consider the information in a confidential and sensitive manner.
- The GAA will consider the information contained in a 'disclosure' when assessing 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 GAA National Children's Office that makes the decision as to whether a vetting application, in accordance with our recruitment requirements, is deemed acceptable.

### **What is specified information in the Act?**

- 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 GAA relating to one of our applicants the Chief Bureau Officer must, in advance, notify the vetting subject of the intention to disclose the information.

### **What is the process for disclosing specified information?**

- A decision to disclose the specified information can be made only if the Chief Bureau Officer, in the Garda Vetting Bureau, believes following an assessment that the information in question is of such a nature as to give rise to a bona fide concern that the vetting subject may harm, attempt to harm or put at risk of harm a child or vulnerable person.
- The Chief Bureau Officer must be satisfied that the disclosure is necessary, proportionate and reasonable in the circumstances in order to protect children or vulnerable persons. The vetting subject must be informed of the intention to disclose the information and informed that he or she may appeal the decision.

### **Procedure for the retention of Vetting Disclosure information by the GAA**

- Under the Data Protection Acts a vetting disclosure would constitute "sensitive personal information". Section 2 of the 1988 Act requires that such data shall be kept for "no longer than is necessary". The GAA believes that such information should be retained by the Association as long as the person is in membership of the Association or continues to provide a service or services to any unit of the Association. In certain circumstances it may also be appropriate, subject to legal advice, to retain such information after the individual has left the Association.

### **What should a Club do if the applicant has previously been vetted by another organisation?**

- The Data Protection Acts prevents the use of "sensitive personal information" for purposes other than the purpose for which the data was collated. Therefore, a person who has completed a vetting procedure with another sports organisation or as part of their employment elsewhere cannot be considered to have been vetted for all sports activities or organisations. Each organisation will have to complete vetting of its own personnel, either paid or voluntary or may with the agreement of the applicant request that they seek their latest vetting disclosure from another organisation and share this with you – if you find this practice acceptable.

### **How long should Club retain vetting information i.e. the vetting acceptance letter?**

- Every applicant who is deemed to have satisfactorily completed the vetting procedure in the GAA will receive a vetting acceptance letter to that effect from the GAA National Children's Office. This letter must be shared with the Club as proof that they have been satisfactorily vetted. The Club must retain the letter, or a copy of the letter, for as long as the individual is working on their behalf with children or vulnerable adults in the Club or as part of the Club's services e.g. to schools etc. This information should be retained by the Club Children's Officer or Registrar or another nominated person in a safe and confidential place. This letter is only valid until such time as the individual has to undertake re-vetting in accordance with the re-vetting directives of the Act, which may be a five year period.

### **What about re-vetting and retrospective vetting?**

- The Act provides for the re-vetting of 'employees' which by definition includes volunteers. However, retrospective vetting of current employees who have not yet been vetted will be prioritised over re-vetting. It may be that an order to enable re-vetting will not be signed for a

number of years. When it is signed, it could state that re-vetting of applicants would take place within a specified time frame e.g. a five year period. The GAA is supportive of a re-vetting time frame and will always reserve the right to have any member of the Association vetted or re-vetted at any given time. Once the Act commences the GAA will announce our re-vetting period.

- Each Club/County Children's Officer will be informed as to when we will commence the re-vetting of personnel in the GAA and this will take place in an agreed and coordinated manner.
- The GAA deems that any person vetted by us prior to the commencement of the Vetting Bureau Act has been vetted in good standing and that this vetting remains in place until they have been re-vetted by us under the new Act. Once vetted under the new Act an individual will be subject to the terms of the new Act and will also have to be re-vetted in accordance with any regulations or re-vetting orders made by the Minister and/or by the GAA.

#### **What about vetting for coaches and mentors under 18 years old?**

- GAA vetting policy is that any person under 18 years of age who assists an adult coach in their duties must also be vetted. The consent of a parent/guardian is required for vetting persons under 18 years of age.

#### **Is there a fee charged for vetting applicants?**

- There is currently no intention to charge fees to the community and voluntary sector for accessing the Garda Vetting Bureau services.

#### **Will the current vetting form be changed?**

- Yes, a revised form, with many additional questions, will be issued and an on-line form is also being considered following the completion of a pilot on-line project. Forms will be distributed at local Club level and submitted to the GAA National Children's Office, as per previous procedures, for processing with the Garda Vetting Bureau on our behalf.

#### **Confidentiality**

- GAA personnel may be assured that all vetting applications received from our members will be processed in a confidential manner. Where an application from an individual results in a disclosure detailing criminal records or specified information relating to the applicant, the GAA may consider and take into account the information disclosed when assessing the suitability of the person to do relevant work or activities on our behalf.

#### **Further information:**

- **For information on vetting applications made by the GAA to the Garda Vetting Bureau contact:**  
GAA National Children's Office, Croke Park, Dublin 3 Tel: (01) 836 3222 [nationalchildrensoffice@gaa.ie](mailto:nationalchildrensoffice@gaa.ie)
- **For information on AccessNI criminal record disclosure services please contact:**  
Ulster GAA, 8-10 Market Street, Armagh BT61 7BX. Tel: 028 375 21900 [bernie.fox.ulster@gaa.ie](mailto:bernie.fox.ulster@gaa.ie)

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