

Racquetball Ireland Vetting Policy

Introduction

Garda vetting is provided to the Racquetball Association of Ireland by the National Vetting Bureau, Racecourse Road, Thurles, Co. Tipperary. Garda vetting is now required by law for all persons seeking to regularly work or have access to/contact with children or vulnerable adults. The legislation together with this Racquetball Ireland Vetting Policy means that vetting is mandatory for all members of Racquetball Ireland, clubs and any person seeking to engage in any racquetball related activities, that includes regular contact with children or vulnerable adults.

Legislation and Information relating to Republic of Ireland

The National Vetting Bureau (Children and Vulnerable Persons) Act 2012 to 2016 together with the Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016 Part 3 provides the legal framework for persons working in relevant work or activity to undergo a vetting check prior to working with young people.

Relevant legislation

Civil Service Commissioners Act 1956

Child Care Act 1991 – Sections 5; 61; 65

Data Protection Act 1988/2003

Children's Act 2001 – Section 258

Private Security Services Act 2004 & 2011

National Vetting Bureau (Children and Vulnerable Persons) Act 2012 to 2016

Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016 Part 3

General Information

Why undertake vetting?

Vetting is required to be completed by law and Racquetball Ireland for personnel with access to or working with children or vulnerable adults within Racquetball Ireland at local, provincial and national level. The vetting process does not provide clearance for people, but provides information that may be relevant for an organisation in deciding the suitability of an individual to carry out a certain role working with or having access to young people or vulnerable adults. Vetting is one measure used to identify and protect clubs, Racquetball Ireland and other organisations providing racquetball activities; from an individual who is unsuitable to work with children.

Who is responsible?

Racquetball Ireland is responsible for processing applications through the National Vetting Bureau (NVB), and for making the decision regarding an applicant's suitability to be in the

role. Club committees are responsible for ensuring recruited and appointed individuals are vetted in accordance with this policy. Racquetball Ireland is responsible for ensuring individuals operating at national level are vetted in accordance with this policy.

Who is required to be vetted?

All persons applying for a role that provides an opportunity for access to children/vulnerable adults at least once a week, 4 times a month or over-night must undergo the vetting process. These positions are referred to as undertaking relevant work or activity defined in the National Vetting Bureau (Children and Vulnerable Adults) Act 2012 to 2016. Individuals who must be vetted are those applying for positions including but not limited to the following:

- Club/National Children's Officer
- Club Junior Coach
- National Junior Team Coach
- National Junior Development Officer
- Parental supervision where the same individual parent supervises children one or more times a week, 4 times a month or over-night.
- Committee member(s)/ Team Manager /Chaperone with access to children/vulnerable adults one or more times a week, 4 times a month or over-night.
- Club/National Junior tournaments/event's organiser
- Other personnel as may be considered

Within the structure of Racquetball Ireland these positions will have unsupervised access to children/vulnerable adults and/or information that may be deemed sensitive or personal regarding young people/vulnerable adults.

When is an individual required to be vetted?

All the above required positions must be successfully vetted before an individual is legally allowed to take up their chosen position(s). Once an individual intends to apply for any vetted position a vetting application must be submitted for processing. An appointment to a vetted position is subject to a successful vetting outcome. Depending on employers' requirements for the position, an applicant's successful vetting outcome may not be the sole requirement to achieve the outlined position.

Vetting young people under the age of eighteen

Any individual under eighteen years of age in Ireland and applying for any of the required positions must undergo vetting prior to taking up the position(s). Any person under eighteen years of age completing a vetting application must obtain the permission of their parent/guardian and complete a parent/guardian consent form.

Re-vetting individuals

All individuals vetted from 1st January 2015 will undergo re-vetting after three years or as determined by Racquetball Ireland as required by future circumstances. All individuals vetted previous to this date will be issued with a re-vetting requirement and required to be re-vetted by the 31st December 2017. Any existing Racquetball Ireland member may be re-vetted if information concerning an individual's suitability to work with children/vulnerable adults comes to the attention of a club or Racquetball Ireland. **Where such an issue arises a risk assessment will be carried out in accordance with Racquetball Ireland Risk Assessment Policy.** Vetting or re-vetting an individual, with their permission, may be considered as part of an investigation.

Processing time

The time taken to complete the vetting process is dependent on the prompt submission of accurately completed forms. Applicants should contact the Liaison person for estimates on processing time.

Liaison Person's Role

The Liaison person is responsible for ensuring the application forms are up to date and available, enable applications to be processed and dealing with information/disclosures as returned from NVB. The Liaison Person is also responsible for maintaining the confidentiality of disclosed information and for using such in the best interests of children/vulnerable people and in accordance with this vetting policy. All applications to the National Vetting Bureau are processed by the Liaison person through the National Vetting Bureau on receipt of consent and identification verification from an individual seeking to be vetted through a Vetting ID Verification Form. The requirements of the process are mandatory by legislation.

If a Liaison Person is required to communicate with the applicant for any reason the following protocol applies:

- Communication may be by phone, e-mail, letter marked 'Private and Confidential' or in person if convenient
- The Liaison Person verifies the identity of the applicant, no messages are left and confidentiality is assured
- No discussion takes place with any other person, spouse or partner

If the liaison person is required to verify disclosed details the applicant is asked relevant questions, for example:

- Is there anything they remember concerning the time of the offence?
- Have they ever been to court?
- Is there any relevant information concerning the disclosed information?
- Does the applicant have an understanding of the relevance of the disclosure to the position/role applied for?

All responses are noted. If any of the information is disputed the disputes procedure in this policy outlined below must be followed.

Vetting Process

- Applicant is asked when applying for a position by a relevant body (Club, Province or Association) to complete the Vetting ID verification form and Garda Vetting application form.
- The documents are then posted to the stated Liaison person(s) identified on the Vetting ID verification form.
- Incomplete or illegible forms are returned to the applicant with a cover letter requesting the forms correction and resubmission.
- When the Liaison Person is satisfied with the form, the applicant's details are entered onto the Vetting Database and the form is forwarded to the National Vetting Bureau.
- Forms are returned and disclosure is sent from NVB (National Vetting Bureau).
- If disclosure contains a criminal record or specified information that causes concern regarding the individual's suitability for the position, the individual will be informed of concerns and invited to give an explanation to the review committee. The committee then decides to accept/reject the application.
- The Applicant is notified of outcome and the database is updated.

Data Security

The data submitted by the applicant and any responses from the vetting organisations is subject to data security. Racquetball 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 Liaison Person on behalf of Racquetball Ireland will:

- Obtain and process information fairly with permission
- 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

Record keeping and storage of the Vetting ID Verification Forms, copies of ID documents, disclosures and associated documents are kept for the validity of the vetting undertaken,

i.e. currently three years. Once a decision is made regarding the suitability of an applicant, the outcome is recorded on the database record as accepted, rejected or withdrawn. The status 'rejected' relates to an applicant who has been deemed ineligible for Racquetball Ireland and the status 'withdrawn' is where an applicant has withdrawn their request for vetting. No information regarding the content of any disclosure is recorded on the database. The disclosure document, decision process and outcome are securely kept with access only by a Liaison Person.

Disclosed Information

Any assessment of suitability depends on the relevance of any conviction/disclosed information to the position applied for, the self-disclosure of such information, the seriousness of the offence/disclosed information, the timing of the offence and any possible pattern of offences. The integrity of the applicant with regard to self-disclosure or lack of disclosure on the initial application form is considered important. The information disclosed is used for only the specific purpose for which it was obtained within Racquetball Ireland. On receiving information that may potentially result in exclusion from taking up the regulated position any original documentation is checked to ensure it is correct and that the disclosed information refers to the applicant. If there are concerns regarding a disclosure that must be discussed with relevant persons outside of the Liaison person(s), it is done so by the Review Committee. In this case, the applicant will be advised in advance, and will be invited to discuss the information received from the Gardaí. The process is extremely confidential. This Review Committee is made up of 2 or more members of the current national committee, generally including the Liaison Person(s) and/or the Children's Officer.

Disclosure of certain types of convictions/prosecutions or specified information will automatically disqualify the applicant from a position working with children/vulnerable adults. Examples of offences that will automatically disqualify an applicant are:

- Any offence of a sexual nature
- Any offence against a child or of child abuse or pornography
- Any 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 charge brought by the Director of Public Prosecutions (for Ireland) concerning abuse of a child

All decisions on the suitability of an applicant are a matter for Racquetball Ireland. The NVB are not involved in such decisions.

Disputes

Racquetball Ireland cannot dispute the information disclosed by the NVB. Any individual disputing the disclosed information will need to follow the procedure for the relevant vetting body. The applicant will not be permitted to take up a position while any disclosure is under dispute. If there was an error in the completion of the form this should be rectified by the applicant by completing a new application.

Disputing the Decision of Racquetball Ireland

All decisions on the suitability of an applicant are based on the information released by the relevant vetting body, and subject to the direction of this policy with due attention to the fair and lawful treatment of applicants whilst also accounting for the paramountcy principle in the protection of children and vulnerable adults within sport. The Liaison Person(s) 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 any offence. Any dispute concerning the decision of a Liaison Person should be submitted in writing to Racquetball Ireland. Advice from independent advisors will be sought, as guided by this vetting policy and will be communicated to the individual. The outcome of this decision will be final.