

CYCLING IRELAND

VETTING POLICY



Introduction

There are two types of vetting checks available to Cycling Ireland - Garda Vetting and Access NI; Garda vetting is the vetting process carried out by the National Vetting Bureau (NVB) in the Republic of Ireland. AccessNI (ANI) is the vetting check carried out by the Department of Justice in Northern Ireland. Both checks are applicable to Cycling Ireland members, depending on where in Ireland the individual intends to engage with young people or other vulnerable populations. Sometimes it may be necessary for the individual to complete both NVB and ANI vetting checks.

Cycling Ireland is registered with the National Vetting Bureau, Co. Tipperary and has two appointed Liaison Persons, Rachel Ormrod and Brigid O'Dea, who will process applications on your behalf.

Cycling Ulster, is registered with AccessNI. AccessNI applications are processed in both Cycling Ulster and Cycling Ireland Headquarters and has two registered persons– Marian Lamb and Brigid O'Dea.

The decision to engage in vetting, both for existing Cycling Ireland members and as part of the recruitment and selection process, is in line with best safeguarding practice. Vetting is one of many important steps that Cycling Ireland undertakes to ensure that the welfare of all children and vulnerable adults is protected within the organization.

Legislation

Legislation and Information relating to Garda Vetting checks:

- 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 Authority Act 2004
- National Vetting Bureau (Children and Vulnerable Persons) Act 2012 to 2016
- Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016 – part 3

Legislation and Information relating to Access NI checks:

- Access NI Code of Practice
- Part V of the Police Act 1997
- Rehabilitation of Offenders (Exceptions) Order (NI) 1979
- Safeguarding Vulnerable Groups (NI) Order 2007
- Disclosure and Barring Scheme
- Protection of Freedoms Act 2012

Why undertake Vetting?

Vetting is now incorporated into our recruitment and selection procedure for persons with access to children and vulnerable adults within Cycling Ireland at local, regional and national level.

In the Republic of Ireland new legislation for Garda Vetting commenced in 2016. This act, The National Vetting Bureau (Children and Vulnerable Persons) Act 2012 to 2016, makes it mandatory for all individuals intending to engage in a regulated activity to complete the Garda Vetting process before up-taking their role within the organisation. Under the Act it is an offence to allow an individual to engage with children or vulnerable adults on a regular, on-going basis without clearance from Cycling Ireland.

In Northern Ireland, there is a legal requirement to not recruit/allow a barred individual (as defined by the Disclosure and Barring Scheme) to take up a regulated activity position. In order to satisfy this requirement, it is essential that the subject completes an AccessNI enhanced check prior to up-taking their role within the organisation.

In essence, any person who engages with children or vulnerable adults on a regular, on-going basis must have received confirmation from Cycling Ireland that they are 'deemed acceptable' to fill the position before they commence their role with the Cycling Ireland.

In addition to legal requirements, vetting as part of the safe recruitment process is the minimum requirement expected by club members, parents and wider society to demonstrate that the club takes safeguarding of its members seriously. As part of our safe recruitment guidance, vetting will help ensure that our organisation and clubs are better protected against the risk of having someone within, or joining our organization, who is unsuitable to work with children or vulnerable adults.

However, please remember that the vetting process does not solely provide clearance for people to work with children and/or vulnerable adults; it must be perceived as merely a check to ensure that there is no known information that would mean the person was a risk to children/ vulnerable adults and should be seen as one element of the safe recruitment process.

Who is required to be vetted?

All members with direct responsibility for the supervision and safety of children and/or vulnerable adults on a regular and on-going basis must complete the vetting process. In addition, those in a management role of these volunteers/workers are required to partake in the vetting process. These positions are referred to as regulated activity positions.

A Vetting or Disclosure check will be required where an individual undertakes relevant work or activities relating to children or vulnerable adults, where such involvement includes:

- Coaching, mentoring
- Teaching, training or instruction
- Care or supervision, including health care and relevant personal care
- Advice or guidance provided wholly or mainly for children/vulnerable adults relating to their physical, emotional or educational well-being
- Moderating a public electronic interactive communication service likely to be used wholly or mainly by children/vulnerable adults
- Driving a vehicle being used only for conveying children/vulnerable adults and carers or supervisors

Regulated activity positions include but are not limited to:

- Coaches
- Safeguarding Officers
- Designated Persons
- Volunteers involved in youth activities
- Club PRO / Photographer*
- Leaders of youth groups
- Helpers on away or residential trips
- Parents who assist in one or more sessions per week (on a regular and ongoing basis)
- Club Committees*
- Drivers*
- Associate Members *
- Board Members *
- Employees*
- Mechanics*
- Message Therapists
- Officials*
- Physiotherapists
- Regional Boards*
- Standing and Board Appointed Committees*
- Team Managers
- Team Mechanics
- Other personnel*

*Unless the positions highlighted involve relevant work as detailed above, individuals holding these positions may not need to be vetted. Please contact our NSO for clarification in case of any uncertainty.

All members with direct responsibility for the supervision and safety of children and/or vulnerable adults on a regular and on-going basis must complete the vetting process.

Cost

At present, there is no cost to the individual being vetted in the ROI. It is free for volunteers to complete an AccessNI check. For staff completing an AccessNI check for employment purposes there may a charge.

Processing Times

The time taken to complete the vetting process is dependent on the prompt return of accurately completed forms. This must be allowed for when recruiting staff and volunteers. Please encourage volunteers to take the time to correctly complete all forms and documentation required. Contact the respective liaison and registered persons for estimates on processing time.

Vetting under 18 year old members

Any person under 18 years of age wishing to complete the Garda Vetting or Access NI process (not required under legislation) must accompany their application with a signed parental consent form. Applications will not be processed in absence of a parental consent form. Children under 16 years old will not be vetted under any circumstance.

Clubs are advised to consider the need of a vetting check for persons under 18, and the appropriateness of having a person under 18 years of age in a position of responsibility that requires a vetting check.

New members taking up regulated positions

The requirement for vetting must be included in any job/role description for a regulated activity position. This policy detailing the vetting process and what prosecutions/convictions may affect the employment position must also be available to prospective employees at the time of application.

Once an applicant is successful through the interview* stage of a recruitment process the applicant must complete the vetting process prior to up-taking their role within the organisation. Any appointment is subject to a decision being made following a vetting or disclosure check.

Existing members taking up regulated activity positions should be aware of this Vetting Policy. It is available on the website and forms part of the Cycling Ireland Safeguarding Policy.

Any existing member in or appointed to a regulated position will be required to undergo vetting on obtaining the age of 18.

Retrospective vetting for all Cycling Ireland members engaging in regulated activity positions in the ROI must be completed by March 2018.

*For volunteers this does not mean a formal interview but that at least two club officials have the opportunity to talk to the individual before they take on the role to ensure they are clear about their responsibilities and that their attitudes to working with children are consistent with that expected from cycling.

Re-vetting

All individuals will undergo re-vetting after 3 years or as determined by Cycling Ireland.

Cycling Ireland reserves the right to re-vet members on a random basis or as deemed appropriate by the National Safeguarding Officer. Any individual may be re-vetted if information that would affect a decision concerning an individual's suitability to work with children comes to the attention of a Club, Region or Cycling Ireland.

Vetting of Persons who live Abroad

Applicants whose main residence is outside the island of Ireland are also required to complete a vetting check prior to up-taking relevant work with Cycling Ireland.

Applicants who are resident in Ireland less than 6 months are required to provide a vetting check from their previous country of residence (longer than 6 months). If it is not possible to provide a vetting check from this country, applicants must declare their criminal history by witness of a commissioner of oaths.

In addition, applicants must complete one vetting check (Garda Vetting/ Access NI) prior to commencing their position with Cycling Ireland and a further check six months later.

The following is a link to advice on the Home office web site on overseas's check
<https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>

Cycling Ireland Vetting Policy

Guidelines for Cycling Ireland personnel processing returned vetting disclosures.

Crimes/Convictions that require special consideration by the Vetting Review Panel

- Murder, manslaughter
- Rape, attempted rape
- Any crime/conviction against a child while an adult
- Any crime/conviction against a child while a child
- Possession of abusive images of children
- Illegal possession of fire arms or offensive weapon
- Domestic violence
- Any crime involving aggression/assault
- Dealing illegal or controlled drugs
- Possession of illegal or controlled drugs
- Fraud or dishonesty
- Crimes of deception
- Drink Driving
- Dangerous driving
- Public order offence
- Shop lifting, credit card theft

In reviewing a person's record, the Vetting Review Panel will use the information available only to form an opinion as to whether the person would present a risk to children or vulnerable adults.

What information is disclosed on a disclosure certificate?

Garda Vetting Disclosure Certificate

A Garda Vetting disclosure certificate will reveal information of any criminal record, or 'specified information' in relation to the vetting subject.

A criminal record includes;

- (a) A record of the person's convictions, whether within or outside the State, for any criminal offences, together with any ancillary or consequential orders made pursuant to the convictions concerned;
Or
- (b) A record of any prosecutions pending against the person, whether within or outside the State, for any criminal offence,
Or both.

This means that criminal history including convictions and pending prosecutions, both in Ireland and outside the country may be included on the Garda Vetting Disclosure certificate.

Specified information includes information that relates to the vetting subject concerning a finding or allegation of

harm to another person received by the Bureau from An Garda Síochána or certain other scheduled organisations (as defined in the Act). This relates only to information that is considered to give rise to a **bona fide** concern that the vetting subject may harm, attempt to harm or put at risk a child or vulnerable adult. Before such information is disclosed, the vetting subject must be notified by the Chief Bureau Officer.

Updated legislation allows for certain convictions to become 'spent'. Spent records will not be included on a disclosure certificate. This applies to District Court convictions only. District Court convictions for certain minor offences will not be disclosed after 7 years where the vetting subject has one such offence only (excluding motoring or public order offences over 7 years old). In addition, certain offences committed before the age of 18 where a period of no less than three years has occurred since the finding of guilt, with no further convictions during this period, will be excluded from the disclosure certificate.

AccessNI Disclosure Certificate

An AccessNI enhanced check disclosure certificate will reveal information in relation to unspent convictions, spent convictions, cautions, barred lists and relevant police information. Relevant police information may include non-conviction information or 'soft intelligence' if the police reasonably believe it to be relevant to the role for which you are applying. This could be an incident which did not go to court or information about an ongoing police investigation. Information regarding the 'barred lists' refers to the 'Disclosure and Barring Service' which includes two lists;

- (a) People who are unsuitable for working with children
- (b) People who are unsuitable for working with vulnerable adults

People on these lists are barred from participating in a regulated activity with children and vulnerable adults. It is a criminal offence for someone on these lists to work or apply to work in regulated activity.

Certain details on the vetting subject's criminal record may be 'filtered' from an enhanced check disclosure certificate. This includes certain minor or old offences or cautions which will not be included on the certificate. This does not include 'specified offences' which are serious offences that will always be included on the disclosure certificate. Information disclosed may include offences occurred in the UK or abroad..

Appendix 1: Garda Vetting Procedure

How is Garda Vetting Carried Out

Download an eVetting Invitation and ID Validation Form from the Cycling Ireland Safeguarding Webpage.

Complete form, and have ID validated by a specified Responsible Person (adhering to the 100 point rule).

Return completed form with attached photocopies of ID to:
Authorised Liaison, Cycling Ireland, Kelly Roche House, 619 North Circular Road, Dublin 1

You will be issued with an email eVetting Invite. Follow the link on this email and complete eVetting application within 30 days.

The National Vetting Bureau send Cycling Ireland results of vet. You will receive an email from the NVB to inform you that the results of your disclosure have been received by Cycling Ireland.

Cycling Ireland makes decision on suitability or otherwise of candidate.

Cycling Ireland sends results of the vet to both the candidate and the CSO (Club Safeguarding Officer).

Who qualifies as a Responsible Person?

The following Responsible Persons may verify the applicant's identification and sign the Garda Vetting Invitations and ID Validation Form;

- Cycling Ireland Staff Member
- Cycling Ireland Tutor or Club Designated Person (Safeguarding Officer)
- If not a member of Cycling Ireland, the designated Responsible Person may be one of the following:
 - Garda
 - Member of Clergy
 - Medical Doctor
 - Solicitor
 - Lawyer
 - Elected Public Representative
 - School Principal

Remember ID must include proof of"

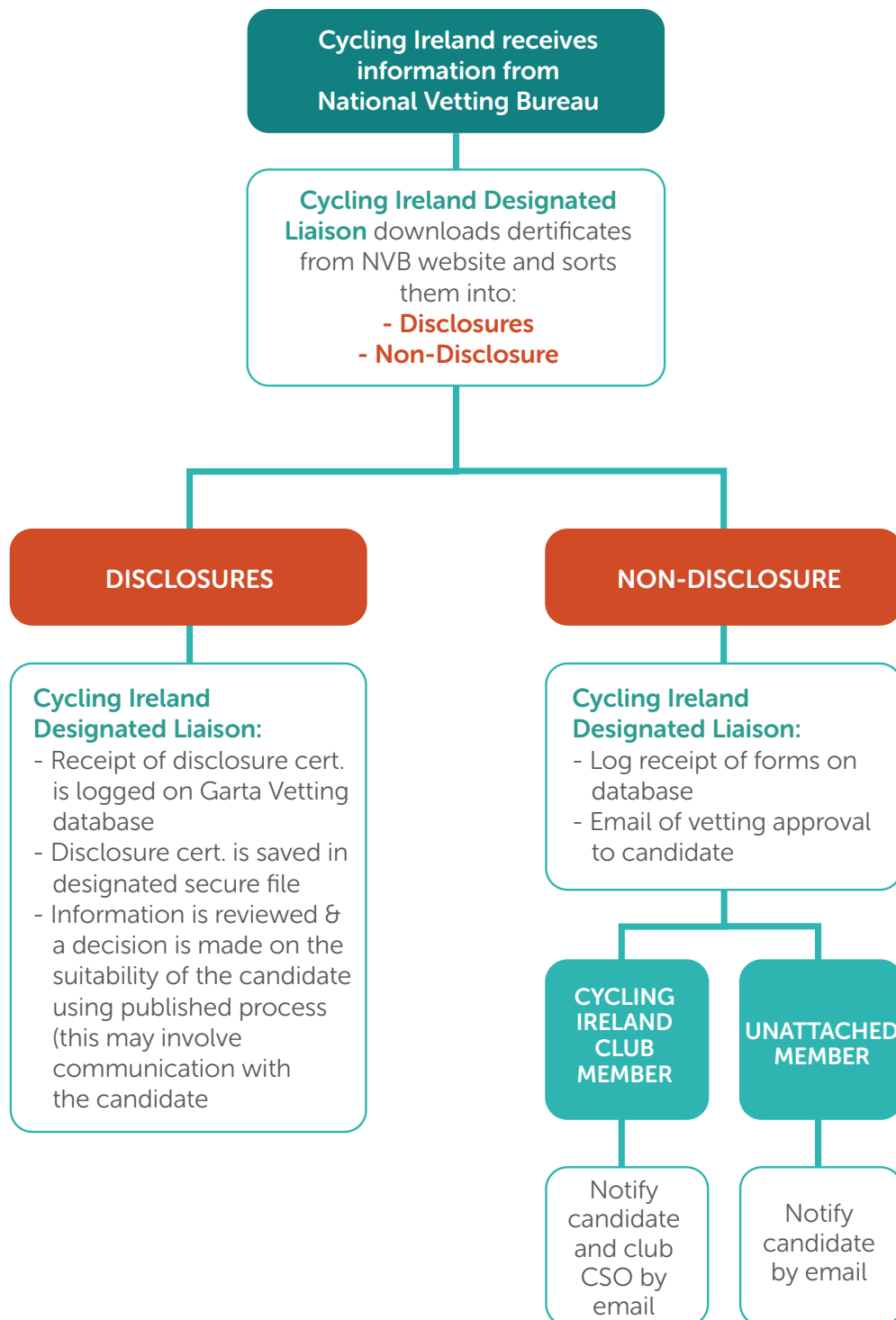
- Full Name
- Date of Birth
- Current Address (dated within the past 6 months)
- At least one form of photo ID.

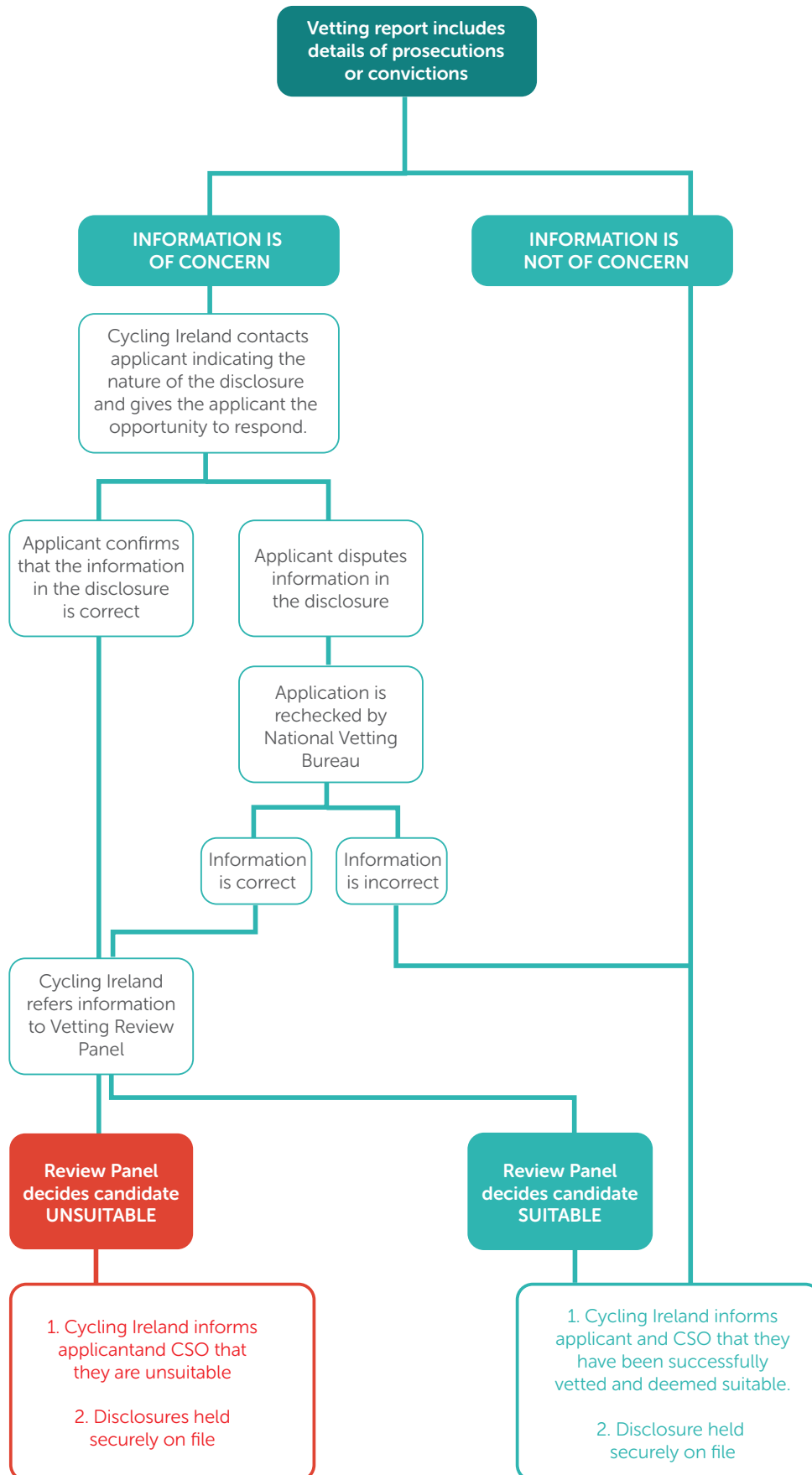
What is done with the information received from the NVB?

The National Vetting Bureau (NVB) informs Cycling Ireland via email that the results of the vet are available on the NVB portal. Each vetting disclosure is downloaded and stored securely within Cycling Ireland. Only authorised members of Cycling Ireland staff have access to this information. After 5 years these records are destroyed.

Cycling Ireland will not send the results of a vetting disclosure to anyone except the candidate, the club CSO and the Cycling Ireland Vetting Review Panel, unless deemed necessary by the National Safeguarding Officer.

Each application is logged on the Cycling Ireland database. However, no information relating to the application or disclosure is recorded other than the date the application was entered into the NVB portal and the date that a disclosure certificate was returned to Cycling Ireland by the NVB.





Appendix 2: Access NI Procedure

How is Access NI Carried Out?

Candidate applies for an enhanced disclosure with barred list check using Cycling Ireland Pin number online at AccessNI . Do not apply for a standard check as your application will be returned to you.

Register your account by creating a User ID and password and follow online instructions to log in (keep these details safe as you will need them to track the process of your application).

Once you have successfully logged in, you will complete your online application. This requires a 6 digit pin (given to you by the designated signatory). The pin is also found on the ID Validation Form.

You will be given a 10 digit AccessNI reference number when you complete the online application (this will also be emailed to you). It is essential to note this 10 digit reference number. You will need to enter this number on the ID Validation Form before sending it to the signatory.

Present relevant ID, as listed on the final page of the ID Validation Form, to Club Safeguarding Officer or to club Chairperson and return the ID validation form to the designated signatory within 28 days.

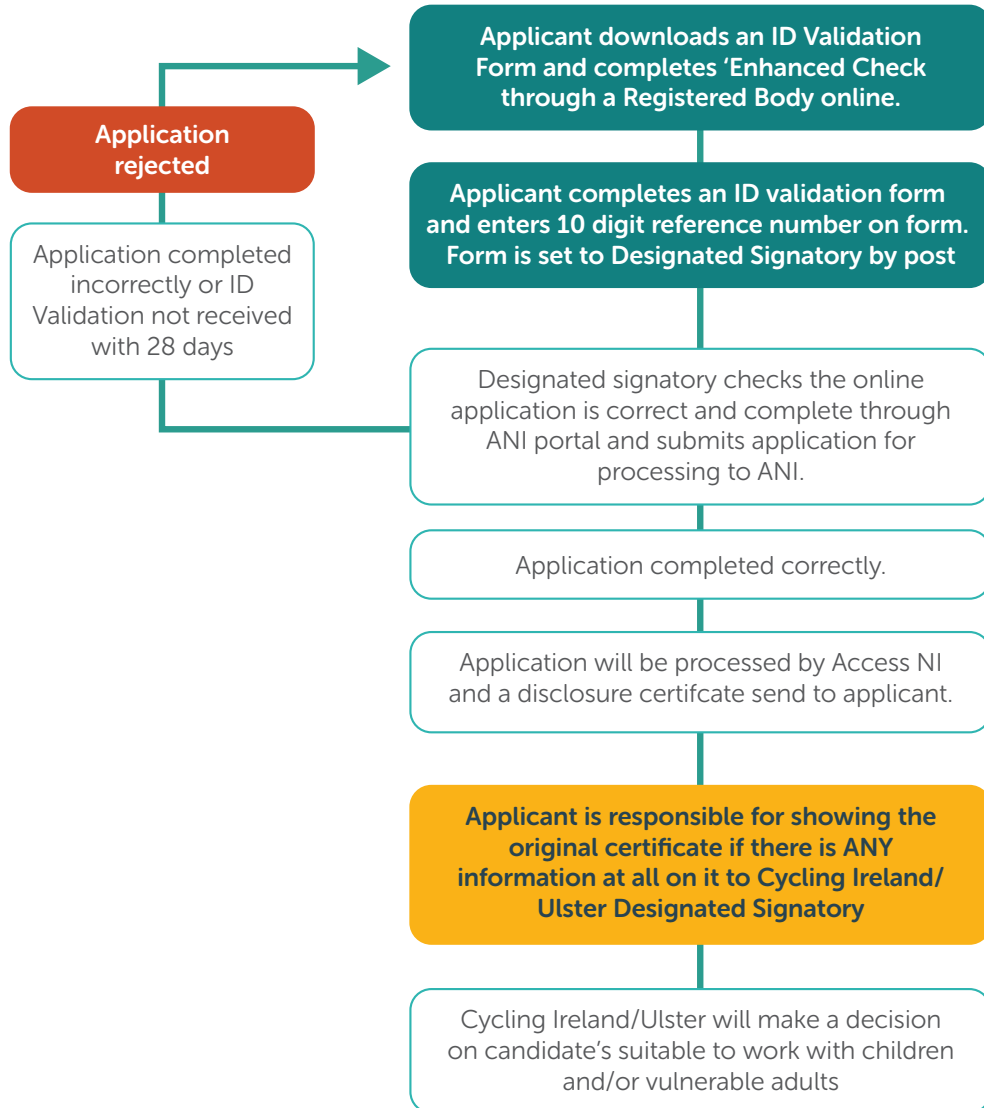
Only on receipt of this ID validation form can Cycling Ulster/Ireland process their section of the online process

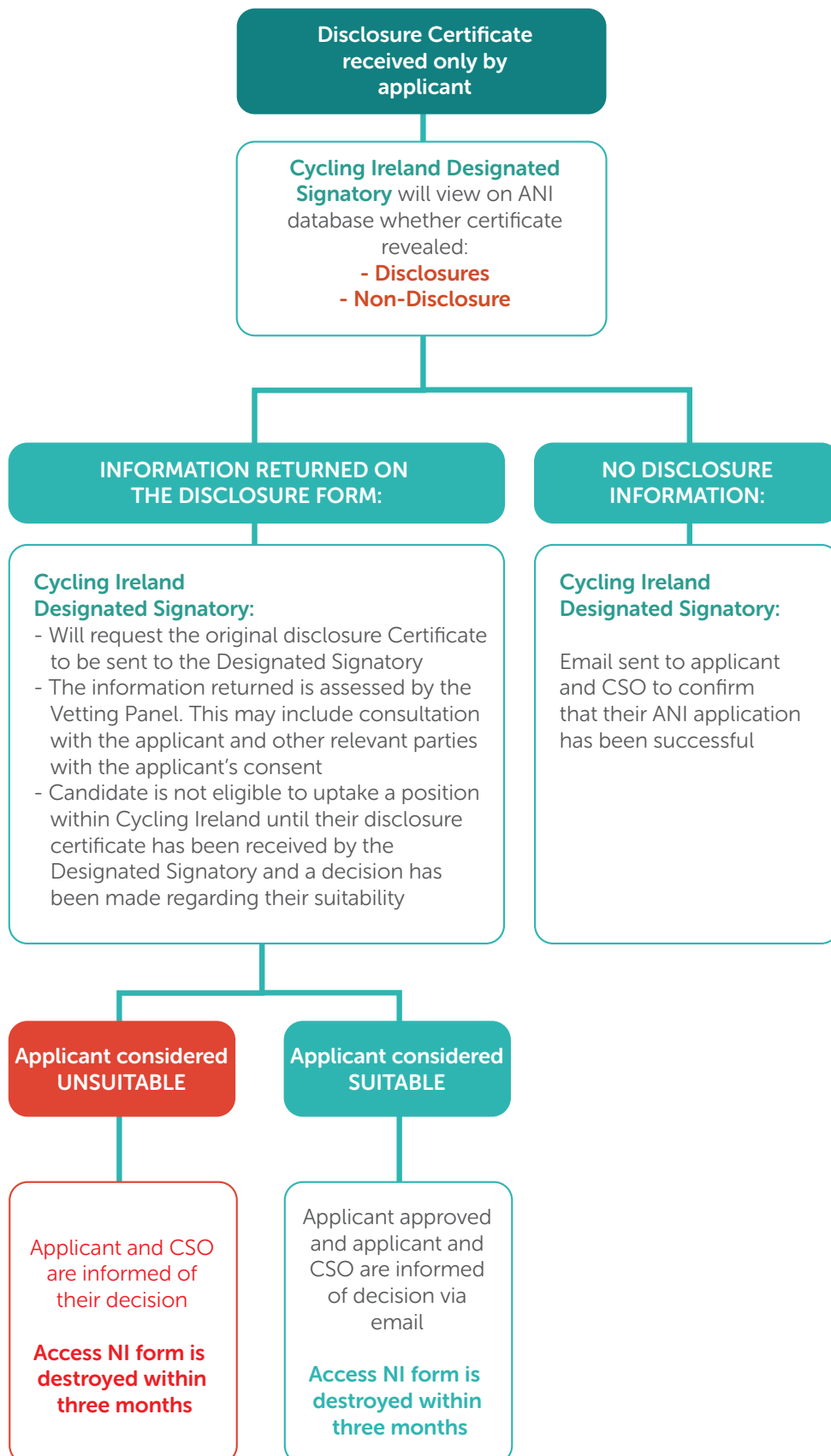
Your Access NI Disclosure Certificate will be posted out to you directly from AccessNI. You will receive an email to confirm that this part of the disclosure process has been completed

Cycling Ireland/Ulster will be notified if there is information returned on your certificate or not. CI/CU will not know any details on the record.

Cycling Ireland makes a decision on the suitability or otherwise of candidate.

In the case where an applicant is deemed to be unsuitable to work with young people then the CSO will be informed.





Appendix 3: Disputes and Cycling Ireland Vetting Review Panel

What happens if my disclosure certificate reveals a criminal record?

Cycling Ireland holds the welfare of children and vulnerable adults as paramount. However, some individuals may have had convictions that are relatively minor, from an earlier phase in their lives. Cycling Ireland respects due process and natural justice in this regard. This may include minor road traffic offences, or offences occurred in an individual's young adult life. If Cycling Ireland thinks an offence may be of concern, they will contact the individual by phone, email or letter to get more information regarding the offence.

This may include information relating to;

- the person's circumstances at the time of the offence
- any changes in the person's situation since the offence occurred
- the relevance of the offence in reference to the position within Cycling Ireland for which the person has applied.

Cycling Ireland will also consider the number and nature of offences, and the time lapse since the offence(s) has occurred.

Please note: if you receive communication from Cycling Ireland regarding a disclosure of an offence, please remember that the organisation is looking for more information in order to ascertain your suitability and that a criminal history will not automatically disqualify you from engaging with children/ vulnerable adults within our club. Though CI/CU may ask you to temporarily refrain from taking on the role with children/vulnerable adults until they have been able to risk assess any information returned.

Objective & Roles of Vetting Review Panel

The Vetting Review Panel will consider and make recommendations with respect to any disclosures referred to it by the Cycling Ireland Liaison Persons.

The Cycling Ireland Designated Liaison / Signatory will refer the following vetting applications and returns to the Panel;

- Any applications with declared convictions identified as of concern in Cycling Ireland Vetting Policy.
- Any vetting returns with undeclared prosecutions or convictions.

- Any vetting returns with prosecutions or convictions identified as of concern in Cycling Ireland Vetting Policy.

The Panel shall consist of no less than 3 members (including the Cycling Ireland National Safeguarding Officer, the Cycling Ireland CEO at least one Liaison Person/ Authorised Signatory).

The Panel is appointed annually by the Cycling Ireland Chief Executive Officer (CEO).

The group shall meet as requested by the Designated Liaison/Signatory or National Safeguarding Officer.

No documentation relating to the vetting process may be copied and / or retained by members of the panel except where identified as a requirement under Cycling Ireland procedures.

Where appropriate decisions may be made or ratified by telephone, email or letter.

Minutes of all decisions and/or recommendations made will be made by the Panel will be kept securely by Cycling Ireland.

Disputes

If evidence of a criminal record is revealed on a disclosure certificate this will be followed up with the Vetting Subject by The National Safeguarding Officer in order to ascertain that the information contained in the certificate is accurate before a decision is made regarding the subject's suitability to uptake the role for which they have applied.

Garda Vetting

In instances where a Vetting Subject disputes any information revealed in the Garda Vetting check, the following processes will be observed;

1. The Vetting Subject should outline the exact basis of their dispute and submit it in writing to the Liaison Person (not to the NVB).
2. The Liaison Person will submit the report received from the Vetting Subject to the NVB for further checks to be conducted.

3. If the Vetting Subject indicates there were errors or omissions made by them while completing the original application form, they will be requested to complete a new application form and request for further checks to be completed.
4. If, following the result of further checks, the Vetting Subject still disputes any details in the disclosure, arrangements will be made by the NVB for further validation procedures to be undertaken in order to resolve the matters of dispute.
5. At the conclusion of the dispute resolution process, the decision in respect of the Vetting Subject's suitability to engage in a certain role is the responsibility of The Cycling Ireland Vetting Review Panel. The NVB will have no further input into any decisions made.

AccessNI

In instances where a Vetting Subject disputes any information revealed on an AccessNI Enhanced Check they must deal directly with AccessNI through the following processes. CI/CU have no role in this dispute and can only act on information received via AccessNI

1. The Vetting Subject completes an AccessNI certificate dispute form online. This should include as much information about your dispute as possible, and any information relating to communication with the police about police information on the certificate. A dispute must be raised within 90 days of the certificate being issued by Access NI.
2. Once received, AccessNI will review your dispute and, if necessary, work with the police to come to a decision.
3. If you have disputed the certificate because you feel the information shouldn't be there or isn't relevant, AccessNI will ask the police to review their decision. If the police agree that the information should not be there, AccessNI will re-issue your certificate free of charge.
4. If the police believe that the information should still be there, but that their disclosure should be worded differently, they will contact you. If you agree with the revised wording, AccessNI will re-issue your certificate free of charge.

5. If you don't agree with the police decision, AccessNI will send your dispute to the Independent Monitor for review. You must raise a dispute with Access NI Before it can be referred to the Independent Monitor.
6. Once your case has been reviewed, the Independent Monitor will decide whether the police information should stay the same, be amended or be removed.
7. If the Independent Monitor decides that the information should be amended or removed AccessNI will re-issue your certificate free of charge.
8. If the Independent Monitor decides that the police information should not be amended or removed, AccessNI will tell you about this decision and your certificate will not be changed.
9. The Independent Monitor's decision on your case is final. You will not be able to appeal the decision.
10. You can however apply for a judicial review through the courts if you still feel that both the police and the Independent Monitor have made the wrong decision. You will probably need to speak to a solicitor or other legal adviser about this.

If your AccessNI dispute relates to 'spent convictions' this should be referred to the Independent Reviewer.

Disputes relating to any decisions made by Cycling Ireland in relation to vetting should be made in writing to the National Safeguarding Officer. Disputes will be dealt with on a case by case basis by The Cycling Ireland Vetting Review Panel.

Appendix 4: Contact Details

Garda Vetting Officer

Rachel Ormrod
Cycling Ireland
Kelly Roche House
619 North Circular Road Dublin 1
m: 086 7802937
e: rachel@cyclingsireland.ie

National Safeguarding Officer

Brigid O'Dea
Cycling Ireland
Kelly Roche House
619 North Circular Road Dublin 1
m: 086 0447735
e: safeguarding@cyclingsireland.ie

Cycling Ulster Lead Safeguarding Officer

Marian Lamb
Cycling Ulster
m: 07920132135
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Designated Access NI Signatory

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CYCLING IRELAND: PROMOTING A SAFE AND FUN CYCLING ENVIRONMENT



