

## **Garda Vetting in the Parishes and Offices of the Archdiocese of Dublin:**

### **Policy and Procedure**

**August 2020**

#### **Introduction**

This document describes the policy and procedure of the Archdiocese of Dublin on Garda vetting as it applies to parishes and diocesan offices. It has been written to comply with the requirements of the National Vetting Bureau (Children and Vulnerable Persons) Act 2012, as amended by the Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016.

#### **The purpose of vetting**

Vetting is one of a range of safeguards in place in the Archdiocese of Dublin to ensure the safety and protection from harm of children and vulnerable persons. It is a necessary and essential part of safeguarding practice but it is not to be understood as sufficient in itself. It forms part of a safe recruitment process for clerics, employees and volunteers that also involves meeting with them for interview and taking up references.

#### **Terminology used in this document**

The **2012 Act** referred to in this document is the National Vetting Bureau (Children and Vulnerable Persons) Act 2012, as amended by the Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016.

**Affiliate organisation** means an organisation that relies on another relevant organisation to process its vetting applications. For the purpose of this document, parishes are affiliate organisations for which the Archdiocese, an organisation registered with the NVB, processes vetting applications.

The **applicant** is the organisation, such as a parish, that is seeking a vetting disclosure in respect of a person it wishes to place in a position within the organisation.

**CSPS** is the Archdiocese's Child Safeguarding and Protection Service.

**Disclosure** is the term used by the NVB to describe the outcome of a vetting application, which applies even if there is no information disclosed.

**NVB** means the National Vetting Bureau.

**Relevant organisation** means an organisation that employs, contracts, permits or places any person to undertake work or activity on its behalf for which vetting is required.

**Vetting subject** means the person who submits their personal details to the NVB as part of the vetting process, that is, the person for whom the applicant is seeking a vetting disclosure.

## **PART ONE: POLICY**

### **Background**

Before 2016, it was the policy of the Archdiocese of Dublin to vet all who worked for and on behalf of the parishes and offices of the Diocese. Following the enactment of the 2012 Act, only those occupying roles that require to be vetted under the legislation can now be vetted. Vetting gathers sensitive personal information on vetting subjects. Such information can only be gathered and retained by organisations for lawful purposes in accordance with data protection legislation.

### **The 2012 Act**

The 2012 Act makes it an offence for a “relevant organisation” to employ, contract, permit, place or make arrangements for placing any person to undertake “relevant work or activities” on its behalf unless that person has been vetted.

A “relevant organisation” is any person (including a body corporate or an unincorporated body) that employs, contracts, permits, places or makes arrangements for placing any person to undertake “relevant work or activities” on its behalf. The Archdiocese and parishes of the Archdiocese are relevant organisations for the purpose of the 2012 Act.

“Relevant work or activities” is defined in Schedule 1 of the 2012 Act. Vetting for parishes and diocesan offices is generally carried out by reference to paragraph 7 of Schedule 1, Parts 1 and 2 of the Act. These paragraphs state that ‘relevant work or activities’ includes “any work or activity as a minister or priest or any other person engaged in the advancement of any religious beliefs to children/ vulnerable persons unless such work or activity is merely incidental to the advancement of religious beliefs to persons who are not children/ vulnerable persons.”

Priests, deacons, religious and lay people who minister in parishes are involved in the advancement of religious beliefs. They minister to the entire parish community, which includes children and vulnerable persons. Therefore, they require to be vetted.

Vetting for parishes and diocesan offices may also be carried out by reference to other sections of the Act. For example, paragraph 4 of Schedule 1, Part 1, refers to supervision of children and paragraph 5 refers to the provision of educational, training, recreational, leisure, social or physical activities to children. There are similar provisions in Schedule 1, Part 2, relating to care of vulnerable persons (paragraph 3); the provision of educational, training, recreational, leisure, social or physical activities to vulnerable persons (paragraph 4) and the provision of advice, guidance and development services to vulnerable persons (paragraph 5).

### **Public Ministry**

The Archdiocese of Dublin requires all who exercise public ministry to undergo vetting through the NVB. This includes priests, deacons, religious, catechists, parish pastoral workers, youth ministers and those ministries listed in the *General Instruction of the Roman Missal (2011)* which are generally found in the parishes of the Archdiocese of Dublin. These are:

1. Lay ministers who serve at the altar and assist the priest and the deacon by carrying the cross, the candles, the thurible, the bread, the wine and the water, or who distribute Holy Communion as extraordinary ministers;
2. Ministers of the Word (Readers);
3. Musical directors, cantors, choir members and musicians;
4. Sacristans;

5. Commentators;
6. Those who welcome the faithful and/or marshal them in processions;
7. Masters of ceremonies.

The requirement to have those who occupy these roles vetted arises from the fact that Mass and other liturgies are attended by children and vulnerable adults. In the (unlikely) event that children and vulnerable adults were not participants in these liturgies there is no requirement for those who minister at them to be vetted. Roles that do not bring the person into contact with children and vulnerable adults or where such contact is incidental (see below) do not require to be vetted.

### **Those not vetted**

Most people involved with the Diocese, its parishes and offices are vetted but not everyone is included. For example, a member of a parish finance committee, who has no role in the parish other than meeting with other members of the finance committee, is not engaged in public ministry. Those who arrange flowers, decorate the altar or clean the church at times when the congregation is not present cannot be held to be in public ministry either. Though such work could bring the people involved into contact with children or vulnerable persons such contact is considered “merely incidental” under the 2012 Act and the requirement to be vetted does not, therefore, apply.

Those who work in parishes often occupy multiple roles. Where vetting is not required for one role, consideration should be given to what other roles the person performs on behalf of the parish. Parish secretaries do not require to be vetted but may have other roles within the parish for which vetting is required.

### **Vetting information**

No person found to have sexually abused a child or a vulnerable adult is permitted to work for or on behalf of the Diocese or its offices or parishes. In the event that there is a vetting disclosure of such an offence the parish or diocesan office will be advised by CSPA that the person is unsuitable to work in the parish or on behalf of the diocesan office.

In relation to other offences it is up to each relevant organisation to decide what weight to give to any information that is disclosed through the vetting process. Where convictions or specified information (see below) are disclosed, the advice of the diocesan Human Resources (HR) office and, if appropriate, the CSPA, should be sought.

### **Role**

People are vetted for a particular role. The NVB insists that the role being applied for is stated on the Vetting Invitation Form (NVB1). It is not sufficient to list ‘volunteer’ as the role. The vetting form used for parish applications has roles listed so that the person submitting the form on behalf of the parish just has to tick the appropriate box. The listed roles relate to public ministry, as defined above.

The context in which the role is performed is important. Thus, for example, a person who arranges flowers for the altar is not generally required to be vetted, as stated earlier. However, if the flower arranger was asked to instruct a group of school children on flower arranging, that would necessitate the person being vetted.

The information disclosed through vetting depends on the role in question. Where there has been a criminal conviction, this will always be disclosed, though some older, minor offences are exempted

from disclosure under section 14A of the 2012 Act. However, what is described in the 2012 Act as “specified information” may be disclosed if the Chief Bureau Officer reasonably believes that the information is of such a nature as to give rise to a *bona fide* concern that the person may harm a child/vulnerable person and that the disclosure is necessary, proportionate and reasonable in the circumstances, to protect children/vulnerable persons. For example, where a person has been the subject of a fitness to practise hearing by their professional registration body, or is the subject of an allegation of child abuse, that information could, subject to certain conditions, be disclosed. In making the decision whether to disclose the information, the Chief Bureau Officer must consider whether the information is relevant to the role for which the person has applied.

### **Relevant and affiliate organisations in the Diocese**

The Archdiocese of Dublin is a “relevant organisation” under the 2012 Act. It applies for vetting disclosures on its own behalf. It also applies for vetting disclosures on behalf of parishes, which are affiliate organisations and also relevant organisations under the 2012 Act in their own right. Applications for vetting for diocesan priests, for example, come through the Office for Clergy but they are submitted on behalf of the Diocese. If a priest moves from one parish to another there is no need for him to be vetted again because he has been vetted for the Diocese, not for a particular parish.

Parishes are also relevant organisations in their own right. A Minister of the Eucharist, for example, is appointed by the parish priest for a particular parish and her/his vetting does not hold good in another parish of the Archdiocese.

Being vetted many times is, understandably, a source of considerable frustration to people. Unfortunately, given the legislation, it is unavoidable. Those who complete the online vetting form (NVB2) are strongly advised to avail of the option of printing off the completed form and retaining it for future use (this information is not retained by the NVB). Making a vetting application should only take a few minutes provided the vetting subject has all their information to hand.

### **Exemptions**

There are three main exemptions to the requirement for vetting that apply to the Archdiocese and parishes and these are set out in Section 3 of the 2012 Act. These apply to:

- any relevant work or activity undertaken in the course of a family relationship; or
- any relevant work or activity undertaken in the course of a personal relationship, for no commercial consideration; or
- the giving of assistance by an individual, on an occasional basis, and for no commercial consideration, at a school, sports or community event or activity other than where such assistance includes the coaching, mentoring, counselling, teaching or training of children or vulnerable persons.

The first two of these have particular relevance to visiting priests, the third to lay people. A priest who comes from overseas (or simply from another diocese) to officiate at a wedding at the request of the bride or groom’s family is doing so in the context of a personal or family relationship and there is no vetting required. The same principle applies to baptisms and funerals. The key consideration here is not whether these are ‘once off’ events but rather the context in which they arise (a personal or family relationship). Where a visiting priest who has officiated at a family

wedding wishes to say Mass in the parish during his stay there, he is required to be vetted in order to do so.

The third exemption is intended to cover situations that can arise unexpectedly. So, for example, the children's choir is rehearsing and one of the leaders has been taken ill and cannot attend. In such a situation it is acceptable for another leader to ask a parent to stay during the rehearsal to ensure an appropriate level of adult supervision. The diocesan policy is that such occasional helping out can be done by people who are not vetted at a school, sports or community event or activity. However, such assistance must not include coaching, mentoring, counselling, teaching or training and, where the provision of assistance becomes a regular occurrence, the person involved must be vetted.

### **Use of agreements under Section 12(3A) of the 2012 Act**

Section 12(3A) of the 2012 Act provides that:

*“Where 2 or more relevant organisations jointly agree in writing to the employment, contracting, permitting or placement of a person to undertake relevant work or activities, it shall be a defence in any proceedings brought against a person for an offence under subsection (2) to show that another relevant organisation who was party to the agreement received a vetting disclosure in respect of the employment, contract, permission or placement of the person concerned.”*

Such agreements are not used by the Archdiocese, diocesan offices or parishes for a number of reasons, including the fact that a relevant organisation that seeks to rely on a vetting disclosure received by another relevant organisation is not entitled to a copy of that disclosure. The Archdiocese has taken the view that this would not be a satisfactory position.

A relevant organisation should not rely on the knowledge or belief that a person has been vetted by one relevant organisation in deciding whether or not he or she is suitable for a role in its organisation. Information that is not relevant in one situation may be highly relevant in another. Having convictions for drunk driving may be no bar to becoming a Minister of the Eucharist but is likely to preclude a person from a position that involves transporting children and vulnerable persons.

## PART TWO: PROCEDURE

(This describes the procedure for parish applications. Diocesan offices should use the standard NVB1 and the form should be signed by the head of the office).

### The vetting process

1. The vetting invitation form ([NVB1 for Parishes](#)) is completed by the vetting subject and the parish.
  - a. Section 1 is completed by the vetting subject. It asks for the person's name, address, date of birth, the role for which vetting is being sought, contact number and email address.

Vetting applies to all those aged 16 and over. Where the vetting subject is a minor (16 or 17), parental consent is required and form [NVB3](#) must also be completed. The accompanying NVB1 form must be filled in using the parent's contact number and email address (not the minor's contact number and email address).
  - b. Section 2 requires the vetting subject to consent to the disclosure of the information obtained by the vetting process by ticking the box, signing and dating the form.
  - c. Section 3 is completed by the parish and must be signed by the parish priest.
2. The parish is required to verify the identity of the vetting subject. A '100 point' system for verification of identity is recommended by NVB ([Proof of Identity Checklist](#)). This involves two forms of identification, one of which must have the person's photograph on it. Public Service Cards, however, cannot be accepted as they contain a PPS number. Vetting subjects must be able to prove that they are who they claim to be by producing verification of their name, date of birth and current address. Where the vetting subject is a minor, one of the following forms of identification is required: birth certificate, passport or written statement by a principal confirming attendance at an educational institution on a letter head of that institution. The parish priest can designate someone else in the parish to verify the identity of the vetting subject on his behalf.
3. The form, along with copies of the documents used to verify the vetting subject's identity, is sent to the diocesan vetting office.
4. A diocesan vetting administrator enters the information contained on the NVB1 form on to the NVB portal.
5. Once the form is submitted, it is acknowledged by NVB and a tracking number is allocated and sent to the diocesan vetting administrator. At this point an invitation is sent by NVB to the vetting subject. It goes to the email address the vetting subject has given on the NVB1 form. It contains a longer form (NVB2) that requires the vetting subject to give details of the addresses at which they have lived throughout their lives. The invitation to complete this form is valid for 30 days. If no response is received beforehand, NVB send a reminder after 21 days. If there is still no response the invitation expires after the 30 days.
6. Once the vetting subject completes the NVB2 online, it is submitted to the diocesan vetting office. The completed NVB2 is reviewed by the diocesan vetting administrator who checks that the application is in order and then submits it to the NVB.

7. The disclosure is sent to the diocesan vetting administrator who is responsible for passing on the information to the parish. The information is highly confidential and only shared with the parish priest, as the person who signed the form on behalf of the parish.
8. When the disclosure becomes available, an email is sent to the vetting subject informing them of this and they can, if they wish, ask for a copy of it from the parish.
9. The parish is advised to keep a copy of the disclosure for as long as the person in question is involved with the parish and to dispose of it carefully and confidentially (e.g. by shredding it) either when the next vetting disclosure has been received (vetting should be done every three years) or one year after the person has ceased their involvement with the parish.
10. Most disclosures come back with nothing disclosed. Where a conviction or specified information is disclosed about a vetting subject, the parish priest is advised of this before the disclosure is sent to him (except in the case of some older, minor offences under section 14A of the 2012 Act). He must then decide what must be done in light of this information. In arriving at a decision on the person's suitability for the position in question, account should be taken of:
  - i. The nature and seriousness of the information disclosed;
  - ii. The number and frequency of any offences disclosed;
  - iii. The time elapsed since the last offence disclosed;
  - iv. The steps taken by the vetting subject to address the issues in his or her life giving rise to the matters disclosed;
  - v. Whether the vetting subject alerted the parish to these matters before the information was disclosed through the vetting process.
11. No person who has sexually offended against a child or vulnerable person is permitted to minister in the Archdiocese of Dublin or any of its parishes or offices. Where these or other serious offences or specified information comes to light in relation to parishes or diocesan offices, the matter is referred to the diocesan HR office as well as to the CSPS.
12. In the event of a disclosure of information other than sexual offences against a child or vulnerable person but which gives rise to a concern about the person's suitability for a role in a parish or a diocesan office, the advice of the diocesan HR office and, if appropriate, CSPS should be sought. CSPS will advise on how the diocesan safeguarding policy is to be understood and applied when offences are disclosed. The HR office will advise on how best to implement whatever decision is made.

## **PART THREE: ROLES AND RESPONSIBILITIES**

### **The diocesan vetting office**

The diocesan vetting office is part of the CSPA. The diocesan vetting administrator, Vivienne Knight, has been trained and registered with the NVB. Vivienne is authorised to enter information onto the NVB portal and to download information from it. Vivienne also provides advice and assistance to vetting subjects and to affiliate organisations on the vetting process.

CSPA also provides advice and assistance to parishes and diocesan offices in the event of a disclosure of criminal convictions or specified information.

### **The diocesan Human Resources (HR) office**

HR provides advice and assistance to parishes and diocesan offices in the event of a disclosure of criminal convictions or specified information.

### **The National Vetting Bureau (NVB)**

The NVB is the single point of contact within An Garda Síochána for the conduct of the national, statutory vetting service.

### **Parishes and diocesan offices**

The parishes and diocesan offices submit vetting applications to the diocesan vetting office. They should ensure that the forms are completed fully and accurately and they must verify the identity of the vetting subject. They are required to conduct vetting activities in accordance with this policy with particular respect to confidentiality and data protection.

### **Vetting Subjects**

Vetting subjects are asked to acquaint themselves with the vetting procedure. A significant number of applications fail and this relates to two factors in particular. If the NVB1 form is not completed accurately and legibly, the process cannot progress to the next stage. A common problem is failure to write the email address accurately and legibly. This means that the NVB cannot communicate with the vetting subject. A second major problem is failure to complete the NVB2 form within the allocated 30 days. Once this happens the application lapses and the process has to begin again.



## **PART FOUR: CONFIDENTIALITY AND DATA PROTECTION**

Vetting involves vetting subjects disclosing personal information and potentially having sensitive information disclosed about them.

The NVB1 form that is completed by the vetting subject and the applicant should be treated as a confidential document. It should be seen only by the person in the applicant organisation (parish, diocesan office) who has signed the NVB1 on behalf of the organisation (in a parish, the parish priest) and the diocesan vetting administrators. The vetting disclosure is returned to that person (in a parish, the parish priest) and is to be treated as confidential also.

Copies of the documents used to verify the vetting subject's identity, the NVB1 form and the disclosure should be sent to the diocesan vetting office where they are stored. They should be retained for as long as the person is still involved with the organisation and for one year afterwards. Where re-vetting is done the old disclosure is replaced by the new one.

## **PART FIVE: CONTACT DETAILS**

Vivienne Knight: [vivienne.knight@dublindiocese.ie](mailto:vivienne.knight@dublindiocese.ie)  
Enquiries can be sent to: [garda.vetting@dublindiocese.ie](mailto:garda.vetting@dublindiocese.ie)  
Phone: 01 8360314

Address: Child Safeguarding and Protection Service, Holy Cross Diocesan Centre, Clonliffe Road, Dublin DO3 P2E7

## **FURTHER INFORMATION**

Answers to many questions people ask about vetting are available on:  
<https://vetting.garda.ie/Help/FAQ>