

# Basketball Ireland



## Basketball Ireland Vetting Policy

### **Introduction:**

There are two types of vetting checks available to **Basketball Ireland** - **Garda Vetting** and **Access NI**; both processes are applicable to **Basketball Ireland** members and personnel engaged in **Basketball Ireland** activities.

**Basketball Ireland** is registered with the Garda Vetting Central Unit, Co. Tipperary and has two appointed Authorised Signatories, Rory Wall and Triona Leahy, who can submit applications on your behalf. The Garda Vetting Central Unit will change to the National Vetting Bureau, with updated [legislation enacted in December 2012, updated in 2016](#).

**Basketball Ireland** is registered with Access NI and has 2 designated signatories.

The decision to engage in vetting for existing members and as part of the recruitment and selection process is in line with the best safeguarding advice available to protect the welfare of children and vulnerable adults within our organisation.

In Northern Ireland it is compulsory to check individuals working with children and/or vulnerable adults. The Independent Safeguarding Authority (ISA) determines whether individuals should be barred from working with children and/or vulnerable adults. It is an offence in Northern Ireland to knowingly offer employment to or allow someone to continue working who is barred by the ISA.

In the Republic of Ireland new legislation for Garda Vetting commenced in 2013 through the implementation of the New National Vetting Bureau (Children and Vulnerable Persons) Act 2012. The National Vetting Bureau Act provides a legislative basis for the mandatory vetting of individuals who wish to undertake certain work or activities, either in a paid or voluntary capacity, relating to children or vulnerable persons. In essence any person who engages with children or vulnerable adults on a **regular, ongoing basis** must have received confirmation from **Basketball Ireland** that they are 'deemed acceptable' to fill the position from a National Vetting perspective. Under the National Vetting Bureau Act it will be an offence to engage with children or vulnerable adults on a regular, ongoing basis in the absence of vetting from **Basketball Ireland**.

In 2017, **Basketball Ireland** commenced the e-vetting process. For more details and the procedure, see our garda vetting page - [https://www.basketballireland.ie/content\\_page/369661/](https://www.basketballireland.ie/content_page/369661/)

### **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

Legislation and Information relating to Access NI checks:

- Access NI Code of Practice
- Part V of the Police Act 1997
- The Rehabilitation of Offenders (NI) 1978
- Safeguarding Vulnerable Groups (NI) Order 2007
- Independent Safeguarding Authority
- Protection of Freedoms Act 2012

### **Who provides Garda Vetting?**

Vetting is carried out by the National Vetting Bureau of An Garda Síochána. Vetting can only be accessed through Basketball Ireland, the NVB does not deal with individual applicants. Vetting cannot be accessed through local Garda Stations. The National Vetting Bureau of the Garda Síochána conducts vetting of applicants engaged in relevant work to ascertain whether these applicants have a criminal record or prosecutions pending. Garda Vetting is the process by which the National Vetting Bureau gives a statement on whether a person has had any convictions - pending or completed - recorded against their name (subject to the Spent Convictions Act of 2016 which allows for certain convictions to become “spent”). In certain circumstances specified information may be disclosed.

Basketball Ireland is committed to the protection and welfare of children and vulnerable persons. As part of this commitment Basketball Ireland complies with relevant legislation and recommended best practice in recruitment and selection procedures for both employees and volunteers, and will conduct Garda Vetting, where appropriate, as part of this process. The purpose of this page is to provide information and guidance on Garda Vetting procedures within Basketball Ireland. This policy applies to Basketball Ireland employees and volunteers who carry out “relevant work” with children and /or vulnerable persons on a regular basis as defined in the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 – 2016. Responsibility for ensuring this policy is effectively implemented rests with the Designated Liaison Person within Basketball Ireland.

### **What is the purpose of Vetting?**

The purpose of Garda Vetting is to provide details regarding all prosecutions, successful or not, pending or completed and/or convictions in respect of an individual applicant to an organisation which is registered for Garda Vetting.

### **Why undertake Vetting?**

Vetting is an extra measure now incorporated into our recruitment and selection procedure for recruitment of personnel with access to children and vulnerable adults within **Basketball Ireland** at local, regional and national level.

It will make our organisation and clubs better protected against possible perpetrators of child abuse by being a barrier for an individual who is unsuitable to work with children.

### **Who is subject to Vetting?**

All members with access to children, either in a supervisory role or in a management role will be required to partake of the vetting process. These positions are referred to as **regulated positions** – see list below for examples. At present there is no cost to the individual being vetted. For anyone who is being vetted through Access NI for employment purposes there is a charge depending on the level of disclosure required.

- Protection of children and vulnerable adults
- Protection of the Association and Club
- Protection of coaches and volunteers
- Management of risk
- Garda Vetting is one of the key elements of the safe recruitment process

**Basketball Ireland** has a policy that members to be re-vetted after 5 years – this may change where legislation requirements are amended.

The time taken to complete the vetting process is dependent on the prompt return of accurately completed forms and this must be allowed for when recruiting staff. Contact the respective signatories for estimates on processing time.

The vetting process does not provide clearance for people to work with children and/or vulnerable adults. Prior to working with children and/or vulnerable adults a person ***must*** have received confirmation from **Basketball Ireland** that they have no records that indicate they are unsuitable to work with children or vulnerable adults.

#### Regulated positions include but not limited to:

- Employees
- Board members
- Coaches
- Leaders
- Team Managers
- Children's Officers
- Designated Persons
- Standing and Board Appointed Committees
- Regional Boards
- Area Boards
- Associate members
- Club Committees
- Officials
- Mechanics
- Massage Therapists
- Physiotherapists
- Other personnel

#### **Vetting Under 18 year old members:**

No person under 18 years of age may undergo the Garda Vetting or Access NI process without the permission of their parent or guardian.

### **New members taking up regulated positions:**

The requirement for vetting must be included in any job description for a regulated 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 completed vetting form should be submitted to **Basketball Ireland** for processing. Any appointment is subject to a successful vetting outcome.

Existing members taking up regulated positions should be aware of this Vetting Policy. It is available on the website and forms part of the Code of Ethics and Good Practice for Children in Sport.

Any existing member in, or appointed to a regulated position, will be required to undergo vetting on obtaining the age of 16.

### **Re-vetting:**

All individuals will undergo re-vetting after 5 years or as determined by **Basketball Ireland**.

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 **Basketball Ireland**.

### **Residency Abroad:**

Any individual who has been resident in Ireland (and/or UK if valid check was supplied and accepted at recruitment) for less than one year (taken from the date of the initial vetting application) may be asked to undergo a recheck after 12 months.

If a police check has been obtained from the individual's originating country (on submission of original information to the Authorised or Counter Signatory) vetting this may be taken into consideration.

Guidelines for **Basketball Ireland** personnel processing returned vetting applications.

**The following convictions or unresolved prosecutions will debar offender from holding position where they will be in contact with children or vulnerable adults.**

- Murder, manslaughter
- Rape, attempted rape
- Any crime/conviction against a child while an adult
- Possession of child pornography

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

- Illegal possession of fire arms or offensive weapon
- Domestic violence
- Any crime involving aggression/assault
- Dealing illegal or controlled drugs
- Fraud or dishonesty
- Any crime/conviction against a child while a child

- Possession of illegal or controlled drugs
- Drink Driving
- Dangerous driving
- Public order offence
- Shop lifting, credit card theft
- Crimes of deception

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.

### **Disputes**

In instances where a vetting subject disputes any detail contained on a Garda Vetting Disclosure, issued to the Liaison Person in respect of him/her, the following procedure will apply:

- The Vetting Subject should outline the exact basis of his/her dispute and submit it in writing to the Liaison Person.
- The Liaison Person will submit the applicant's submission in writing, with the original vetting form to the Garda Vetting Unit for review.
- If, following further checks, the applicant still disputes details of the disclosure, arrangements will be made for further validation procedures.
- At the conclusion of the dispute resolution process, decisions on the suitability of the applicant will be the responsibility of the Review Committee.

### **Risk Assessment Guidelines**

A conviction, prosecution or case pending will not necessarily bar an applicant for consideration for engagement. The following criteria will be considered;

- The nature and number of any convictions
- The frequency of any convictions
- The post for which the person is seeking engagement
- The self disclosure of the conviction/case pending by the applicant
- The time lapse since the conviction

### **The Review Committee**

Athletics Ireland will employ a Natural Justice framework in dealing with any disclosures of convictions. In accordance with the guidelines issued by the National Vetting Bureau, the CEO of Athletics Ireland will establish a Decision Making Committee. This Committee is comprised of up to six members, one representative of each of the five regions and a Chairperson. A minimum of three must be present for any meeting. All applicants have a right to natural justice and can chose to waive their anonymity and meet the decision making committee to present their case should they chose to do so.

### **Consideration of holding a Review Meeting**

The National Vetting Bureau provide the organisation with details of all prosecutions, successful or not, pending or completed, and/or convictions. Consideration for holding a review meeting will occur when an application is returned from the NVB with information which gives cause for concern attached. The Liaison Person will verify any information received from the NVB with the applicant.

Any assessment of suitability of an applicant depends on the relevance of any conviction/disclosed information to the position or role 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 information disclosed is used for only the specific purpose for which it was obtained as part of a volunteering or recruitment process within Athletics 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 the applicant has self-disclosed the information and this agrees with the disclosure from the vetting body a decision will be made depending on the type and nature of the offences disclosed. If the applicant has not self-disclosed and information is received from the vetting body this will be checked with the applicant. The applicant will be asked to provide background information on all offences in writing as part of the risk assessment process.

Disclosure of certain types of convictions/prosecutions or specified information will automatically disqualify applicants from a position working with children and young people.

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 child abuse images
- An offence that causes grievous 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 and Northern Ireland) concerning abuse of a child or vulnerable person

This is a guide and not a complete list of barring offences. All decisions on the suitability of an applicant are a matter for the Decision Making Committee of Athletics Ireland or its affiliates. The NVB and ANI are not involved in such decisions.

All risk assessment decisions are made on an individual basis. Consideration is given to the nature of the disclosed information received from the respective vetting bodies and the initial self-disclosure, if any, by the individual. Decisions will only be made on disclosed information that is verified and confirmed, preferably in writing. If a decision is required that is not clearly dealt with in this vetting policy external advice is sought. In this case any identifying information on the disclosure will be removed. External advice may be sought from other regulatory bodies, e.g. Participation Unit from Sport Ireland or Child Protection in Sport Unit from NSPCC. Where the applicant is suitable for the position currently held or applied for, this is communicated to the individual by issuing a letter accepting suitability to volunteer/work within Athletics Ireland. Where the information disclosed by the vetting organisation and/or self-disclosed by the applicant deems the individual to be unsuitable for the regulated position they are informed of such preferably in person, however this is not always possible. In the case where an individual cannot be informed in person they will be requested to contact the LP/signatory as a matter of urgency. All applicants are allowed the opportunity to withdraw from seeking any role or position. The principles of natural justice concern procedural fairness and ensure a fair decision is reached by objective & unbiased decision makers at all times.

### **Information Storage & Data Protection**

All information in the vetting process will be held in a manner consistent with the Athletics Ireland confidentiality policy. Athletics Ireland complies fully with good practice regarding the secure storage,

handling and use of the Vetting Bureau disclosures and personal vetting information as per Data Protection Policy and legal obligations under Data Protection Legislation.

## **Basketball Ireland Garda Vetting Review Panel - Terms of Reference**

### **Objective & Roles**

The Vetting Review Panel will consider and make recommendations with respect to vetting applications and returns referred to it by the **Basketball Ireland** Authorised Signatories.

**Basketball Ireland** Authorised Signatories will refer the following vetting applications and returns to the Panel;

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

The Panel shall consist of no less than 3 members (National Children's Officer and CEO) including **Basketball Ireland** Authorised signatories.

The Panel is appointed annually by **Basketball Ireland** National Children's Officer.

The group shall meet as requested by the Authorised Signatory or National Children's 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 **Basketball Ireland** procedures.

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

Minutes of all decisions and/or recommendations made will be made by the Panel will be kept by the **Basketball Ireland** Vetting Review Panel.

### **Designated Authorised Signatories (AS):**

#### **Name of AS:**

1. Rory Wall
2. Triona Leahy

Contact details: [safeguarding@basketballireland.ie](mailto:safeguarding@basketballireland.ie)