

# Tennis Ireland Vetting Policy

## Policy Statement

Tennis Ireland is committed to the protection and welfare of all our members. As part of this commitment Tennis Ireland will comply 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 document is to provide information and guidance on Garda Vetting procedures within Tennis Ireland.

This policy applies to all employees and volunteers who will carry out “relevant work” with children and/or vulnerable adults as defined in the National Vetting Bureau (Children and Vulnerable Persons) Bill 2012.

Responsibility for ensuring this policy is effectively implemented rests with the Tennis Ireland Board of Directors. All other staff members and volunteers in Tennis Ireland and its affiliated clubs/bodies are expected to facilitate and support the implementation of this policy.

All vetting applications for employment/volunteer roles with Tennis Ireland shall be processed by the Authorised Liaison Persons who are trained by the Garda Vetting Unit in the management of Vetting applications and disclosures. Tennis Ireland has appointed Ciaran Flynn and Roger Geraghty to act as the Authorised Liaison Persons and Dara Dunne as the support Clerical Officer on its behalf.

Tennis Ireland has also appointed a Child Welfare Committee chaired by one of its board members and the management of vetting and disclosures is part of the committee's terms of reference.

## Who needs to be vetted?

All members in both a voluntary and a professional capacity, who are in direct contact with children or vulnerable persons on a **continuous** basis need to be vetted. This work is referred to as relevant work – see list below for examples.

It is illegal for an individual to commence working with children or vulnerable adults before successfully completing the Garda Vetting process.

The clubs and associated bodies should also assess ancillary services such as the caretaker. For example, in one club the caretaker may only be responsible for outdoor facilities and may not have any role working with children. In another club the caretaker may be responsible for supervision of changing and shower areas. The Act only requires vetting of persons working with children. If the caretaker does not have such a role, a club is not committing any offence by not having them vetted.

Each club's risk assessment committee will have to make their own decision based on the assessment of the situation.

## Relevant work includes but not limited to:

- Employees
- Board members
- Coaches
- Team Managers
- Children's Officers,
- Designated Persons
- Board Appointed Committees
- Provincial Branches
- Branch Appointed Committees
- Associate members
- Club Committees
- Officials
- Other personnel

### **Who may be exempted?**

Persons who assist '**occasionally**' and on a voluntary basis in certain activities, as the Act recognises the occasional but necessary involvement or assistance of parents or other persons in certain activities for a particular event or 'now and again'. Such persons are covered by the "occasional assistance" exemption.

Where a person is providing a once off service at tennis events, the organisers will need to assess the individual positions involved and only conduct vetting where the position specifically involves working with children on an ongoing basis. Each club's risk assessment committee will have to make their own decision based on the assessment of the situation. If in doubt, however, we would recommend that you vet the person.

### **Responsibility to ensure vetting is carried out**

Tennis Ireland is registered as the "relevant organisation" with the National Vetting Bureau and have to register all clubs/bodies that they will be conducting vetting for within the organisation. Vetting is carried out by the Tennis Ireland Liaison Persons. Tennis Ireland, however, only complete the vetting process according to the requests they receive from their affiliated clubs/bodies. Whoever employs/engages the coach or the volunteer is responsible for vetting so the club and associated bodies are responsible for ensuring that all those working with children and vulnerable adults are vetted.

### **Criteria which should be considered when deciding on the suitability of applications for positions to work with children or vulnerable adults**

Once again, please take note that Garda Vetting is only one aspect of a safe recruitment procedure and should not replace good practice such as face to face interviews, verbal and written reference checks, identity verification and a robust code of good practice, child protection policy and a support and supervision process.

In the case of a positive disclosure or specified information, however, forthcoming from the vetting procedure, the club/associated body needs to make a Risk Assessment regarding the applicant before assigning the individual to children's or vulnerable adult's activities in the club/associated body.

The big question is, does the information you have received on the individual and confirmed by the applicant pose a risk that is too great to have the individual conducting work with children and vulnerable adults. The final decision is with the Risk Assessment Committee.

## **Risk Assessment Committee**

Tennis Ireland has in place a Child Welfare Committee and part of its terms of reference is to deal with positive disclosures. Clubs/Associated Bodies also need to establish a decision making committee to assist with the recruitment of new potential volunteers and professionals and assess any risks that may be involved with the recruitment process. Part of the recruitment process is to request that all applicants provide the results of their Garda Vetting application they received from Tennis Ireland.

Risk Assessment Committees should apply the recruitment process from the Tennis Ireland Code of Ethics and Good Practice for Children in Tennis and employ a Natural Justice framework in dealing with any disclosures of convictions.

So, Tennis Ireland look after the Garda Vetting part of the recruitment process while the Clubs/Associated Bodies deal with the identity proof, the reference seeking and the interview process of the applicants.

## **Verifying the identity of an applicant**

One of the club or associated bodies Children's Officers are responsible for making this check and each applicant needs to provide one original photo ID and 2 proofs of their current address in the form of two original utility bills. The club/associated body need to keep the records and confirm in writing to the Tennis Ireland Liaison Person that the applicant has completed the task and the club/associated body has filed the proof.

## **Criminal Record**

Having a criminal record will not automatically exclude an individual from employment/volunteering unless they relate to the offences outlined in the headings below entitled "Circumstances for the Withdrawal of the offer to Work/Volunteer."

## **Decisions on whether to involve an individual with prior criminal convictions will take into account:**

- The individuals abilities, skills , experiences and qualifications
- The nature of the conviction and its relevance to the job
- The length of time since the offence took place

- The risk to the service users, employees and organisation
- Training which may have occurred since the time of the individual's offence

### **Circumstances for the Withdrawal of the offer to Work/Volunteer.**

Tennis Ireland considers the following as reasonable grounds to withdraw an offer or opportunity of employment/volunteer role to an individual:

- The individual has been charged with, or convicted of a sexual offence;
- The individual has been charged with, or has a conviction for, an offence that relates to the ill treatment of a child, or a vulnerable adult;
- The individual has been charged with, or has a conviction for, the ownership, production or distribution of child pornography.

### **Tennis Ireland considers the following list of offences to be relevant, and each case should be considered in a case by case basis:**

- Offences against a person, e.g. assault, harassment, coercion
- Breaches in trust, e.g. fraud, theft, larceny
- Offences against property e.g. arson, armed robbery
- Domestic Violence
- Offences against the state

Tennis Ireland is conscious of not initiating policies that prohibit needlessly against rehabilitated individuals. Such cases should be objectively determined on a case by case basis.

### **Natural Justice**

There are essentially two parts to the Rules of Natural Justice.

The first being our obligation to allow persons affected by a decision to have a reasonable opportunity of presenting their case. The second part being a duty to act fairly, to listen to arguments, and to reach a decision in a manner that is untainted by bias.

### **Vetting Disclosures Process**

On return from the National Vetting Bureau the forms will be processed by one of the nominated Liaison Person who in the case of a positive disclosure, will inform The Tennis Ireland Child Welfare Committee by letter/email of the results.

The Liaison Person will pass on a copy of any possible or probable convictions to the Welfare Committee for their consideration, and this document will be held confidentially and returned to the Liaison Person within three weeks.

Where there are no convictions, the applicant will receive a letter from the Tennis Ireland Liaison Person confirming this.

Where serious convictions are disclosed, (for eg. those itemised above under the heading "Circumstances for the Withdrawal of the offer to Work/Volunteer.") a letter will be sent to the person asking them to attend a meeting with the Welfare Committee.

This letter **will not** disclose the information on the returned Garda Vetting form.

The purpose of this meeting is to allow the applicant access to the information returned by the Vetting Bureau and to give them an opportunity to explain the circumstances surrounding the conviction.

The Chairperson of the Child Welfare Committee will maintain a written record of this meeting and the time, date and duration of the meeting recorded.

The Tennis Ireland Liaison Persons are not involved in this meeting.

### **At this meeting, the Tennis Ireland Child Welfare Committee will ensure that:**

- Everyone, no matter what their history, is given fair and equal treatment and the right to state their case.
- Cognisance is of Repeat Offending, Restorative Justice and Rehabilitation of Offenders.
- A disclosure of conviction will not automatically preclude the applicant from obtaining the position in question.
- Cognisance is taken of the applicant's self-disclosure or non-disclosure of a conviction at the time of the application and of their experience (work record etc) and rehabilitation subsequent to any conviction disclosed.
- Where multiple convictions are evident but may be as the result of a particular lifestyle, e.g., drug addiction, then the change in lifestyle must be taken into consideration.
- Applicants who deny any convictions returned by the National Vetting Bureau will be provided with details on how to write a letter of appeal to amend their records at the National Vetting Bureau.
- Applicants are informed that in the case of uncertainties their form will be returned to the National Vetting Bureau seeking clarification.
- The applicants name and date of birth are clarified at the start of the meeting as mistakes may be made by the Vetting Bureau where names and addresses are similar.
- Tennis Ireland will consider each Garda Vetting form returned with convictions individually and will always treat the applicant with respect, dignity and complete confidentiality.

### **Tennis Ireland recognises that there are three potential outcomes of the review meeting:**

1. In line with this policy and taking all things into consideration including interview, current history and references, the applicant may be offered the position.
2. The applicants Garda Vetting form is returned to the National Vetting Bureau for further clarification. In which case a second review meeting may be held.

3. The applicant is deemed unsuitable for the position on offer by nature of their history of offences.

In each case a written explanation of the outcome will be sent to the applicant by letter. A record of this letter, including date sent will be kept. A record of any replies received and any follow-up will also be kept.

Unsuccessful applicants will be afforded an opportunity for a negative decision made against them to be reviewed by the Tennis Ireland Welfare Committee.

## **Appeal Process**

While the focus is on protecting children and vulnerable adults, there are also safeguards and due processes for those being vetted, including the right to appeal.

Appeals should be made in writing to the Chairperson of the Child Welfare Committee within 14 days of issue of the decision.

## **Unsuitable Applicant**

If an applicant is currently engaged working with children, and if a vetting application is not accepted, they may also be issued with an immediate Stand Down Order in accordance with the Policy. Tennis Ireland shall advise all relevant bodies who are known to be associated with the applicant of the outcome of any negative vetting application.

In the case of rejection of an applicant the Tennis Ireland Child Welfare Committee may also issue an automatic ban from membership of Tennis Ireland where vetting disclosures deem it necessary for the protection of children.

## **Applicants who have lived abroad**

If an applicant has resided in countries outside of the Republic of Ireland and Northern Ireland for a period of 6 months or more, it will be mandatory for him or her to furnish Tennis Ireland with a Police Clearance Certificate from those countries stating that he/she has no convictions recorded against him/her while residing there. The applicant will need to provide a separate Police Clearance Certificate for each country he/she has resided in. Clearance must be dated after the date he/she left the country/countries. Seeking security clearances from other countries (e.g. UK, USA etc) are the responsibility of the applicant. It is a process which can take quite an amount of time as in some cases translation is required. Therefore, if the applicant is interested in pursuing work in tennis we would strongly advise that he/she commence seeking international security clearances as soon as possible. If the applicant requires overseas security clearance and is unable to produce it at the time of the job or volunteer offer then the club/associated body will have to withdraw the offer.

There are quite a few countries in Europe that do not have a vetting system. For example, Romania. Africa do not have a vetting system either and therefore a robust recruitment process is crucial for people coming from these countries.

Information for applicants who have lived abroad can be found at the following link -

[http://www.hse.ie/eng/staff/Jobs/Recruitment\\_Process/Garda\\_Clearance.html](http://www.hse.ie/eng/staff/Jobs/Recruitment_Process/Garda_Clearance.html)

## **Retention of information for Tennis Ireland following the issuing of the Vetting Disclosure for an applicant**

### **Confidentiality and Data Protection**

All information in the vetting process will be held in a manner consistent with Tennis Ireland's confidentiality policy. Tennis Ireland also complies fully with good practice regarding the secure storage, handling and use of the Vetting Bureau disclosures and personal vetting information as per our Data Protection Policy and our legal obligations under Data Protection Legislation. Under the Data Protection Act 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". Most disclosures will state that there is no record of the person having a conviction and there is no reason to keep these "nil" disclosures once they have been recorded. Where a disclosure shows that a person has a relevant criminal conviction, which is considered to make them unsuitable, it is, however, necessary to retain this record for a longer period.

### **Revetting**

Tennis Ireland re-vet every three years. It is the responsibility of the individual and those they work or volunteer for to be aware when the current vetting status expires and when the re-vet date is due.

Tennis Ireland, however, reserve the right to ask individuals for a re-vet at any time.

Please be advised that applicants who mislead or provide false information on the vetting application can be prosecuted.

### **Applicants who have already been vetted by another sporting or voluntary organisation**

The Data Protection Act prevents the use of "sensitive personal information" for purposes other than the purpose for which the data was collated for. Therefore a person that has completed vetting within one sporting organisation cannot be considered to have been vetted for all sporting activities. Each organisation will have to complete vetting on its own staff, either paid or voluntary. The National Vetting Bureau will issue a Vetting ID number to participants. If the adult has already been vetted the current application will complete a check for the intervening time. For instance if there was a 6-month lapse since they filled out a form they will only be vetted for that 6-months. However if there are any disclosures as a result of a search of the criminal records from the previous vetting application they will be included in the results of the current application

### **E- Vetting from application stage to disclosure stage**

The Vetting Subject starts by downloading the vetting invitation form and the verification of ID form from the Tennis Ireland website. He or she manually completes both forms and

brings the ID Verification Form along with one original photo ID (Passport or Driving License) and 2 proofs of their current address in the form of two original utility bills to one of the Club/Affiliated Organisations Officers who are responsible for making this check.

The Club/Affiliated Organisations Officer needs to sign the original proof of ID form and on behalf of the club/affiliated organisation make copies and file the three proofs of ID and the signed ID verification form in the club/affiliated organisation. (That's 4 forms that need to be kept on file against the vetting subject)

The Vetting Subject provides the following information on the Vetting Invitation Form, forename(s), surname, date of birth, Email address, contact number, job role, current address and signs and dates it and sends it with the original signed ID Verification Form to Tennis Ireland.

The Clerical Officer in Tennis Ireland receives and checks both forms are filled in correctly and once everything is in order, he or she begins the e-vetting process on behalf of the Vetting Subject by entering in the system the information provided by the subject on the Invitation Form.

Once the Affiliated Organisations Clerical Officer has entered the information, he or she sends the subject an Email with a link attached inviting him/her to complete the vetting application online.

At this point, the Vetting Subject takes over the application and can only press submit when the sections are completed correctly

If no reply has been received from the Vetting Subject, the system sends a reminder Email after 21 days. The link, however, will expire after 30 days and in that case, the vetting subject will have to re-apply to Tennis Ireland to resend the link.

When the Vetting Subject has completed the application form online, the application goes to Tennis Ireland where the TI Designated Person will review the application and submit it to the National Vetting Bureau.

The subject at anytime after that may click on the link received in the original Email from Tennis Ireland and from there, they can go to the Track Application section to see the status of their application.

Once the application is complete in the Vetting Bureau, the vetting disclosure is issued to Tennis Ireland who in accordance with the National Vetting Bureau Act shall, as soon as practicable, make available a copy of the vetting disclosure to the applicant.

**Roger Geraghty Tennis Ireland December 2016**