



POLICY ON ENGAGING PEOPLE WITH A CRIMINAL RECORD

Context

Compassion is a child-focussed ministry that neither tolerates nor condones the abuse or maltreatment of children. Compassion's '**Child Protection Management Policy**' outlines that children experience an elevated vulnerability to the risk of abuse, exploitation and violence throughout childhood. There is a risk that children participating in programmatic activities may experience some form of abuse or maltreatment, resulting in harm to the child, perpetrated by:

- another beneficiary
- a leader, a volunteer or employee of a church partner,
- a Compassion employee, board member, contractor, sponsor, donor, or visitor

Compassion has rigorous measures that form part of our obligation to take steps to ensure that every child is protected from persons who pose a risk of harm to a child through physical, sexual, emotional, harmful cultural practices, exploitation or neglect.

Purpose

The aim of this policy is to state Compassion Ireland's (CIRL) approach toward engaging people who have criminal convictions and outline Garda Vetting procedures where appropriate.

Scope

This policy applies to the engagement of CIRL employees, volunteers, directors, ambassadors, contractors and visitors to Compassion Projects

Principles

CIRL actively promotes equality of opportunity for all and welcomes applications for employment, volunteering or visits to our overseas programmes from a wide range of candidates. CIRL aims to ensure that no individual receives less favourable treatment because of their offending and conviction background, gender, civil status, family status, sexual orientation, age, disability, race, religious belief and membership of the traveller community. CIRL has a separate '**Equal Opportunities and Diversity Policy**', which deals with these issues.

CIRL combines an inclusive and fair policy of engaging people with a criminal record but with a blanket ban on offences listed in Schedule 1 and 2 of the [Criminal Justice \(Withholding of Information on Offences against](#)

[Children and Vulnerable Persons\) Act 2012](#) and [Criminal Law \(Sexual Offences\) Act 2017](#). For all other offences, certain factors will be taken into consideration during the assessment of the criminal record to reach a fair and balanced decision.

Definitions

Garda Central Vetting Unit (GCVU) / National Vetting Bureau (NVB)	The national unit of the Garda Síochána which conducts vetting of applicants to ascertain whether applicants have prior convictions and / or prosecutions. The GCVU is now known as the “National Vetting Bureau” following the commencement of the National Vetting Bureau (Children and Vulnerable Persons) Act 2012 to 2016.
Garda Vetting	This is the process by which the NVB discloses details regarding “prosecutions, successful or not, pending or completed, and/or convictions” in respect of an individual and with that individual’s consent to their prospective employer and/or the organisations with which they wish to volunteer. (Please note, unsuccessful convictions may not be disclosed.)
Liaison Person	The person who is nominated to apply for and receive vetting disclosures on behalf of organisations. The Liaison Person may be nominated to act for a consortium of organisations (e.g. Volunteer Centre) or from a representative body for a group of organisations (e.g. NYCI). The Authorised Signatory is now known as the “Liaison Person” following the commencement of the National Vetting Bureau (Children and Vulnerable Persons) Act 2012 to 2016.
Natural Justice	There are essentially two sections to the Rules of Natural Justice. The duty to <ul style="list-style-type: none">• allow persons affected by a decision to have a reasonable opportunity of presenting their case.• to act fairly, to listen to arguments, and to reach a decision in a manner that is untainted by bias.
Child or young person	A person below the age of 18 as defined by The United Nations Convention on the Rights of the Child
Vulnerable Adult	A person, other than a child who – is suffering from a disorder of the mind, whether as a result of mental illness or dementia; has an intellectual disability; is suffering from a physical impairment, whether as a result of injury, illness or age, or has a physical disability, which is of such a nature or degree as to restrict the capacity of the person to guard himself or herself against harm by another person, or, that results in the person requiring assistance with the activities of daily living including dressing, eating, walking, washing and bathing.

Relevant Legislation

CIRL will comply with the relevant legislation and recommended best practice in the recruitment and engagement procedures for employees, volunteers, directors, ambassadors, contractors and visitors to Compassion Projects

National Vetting Bureau (Children and Vulnerable Persons) Act 2012 (as amended by the Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016 (“Vetting Act”))

CIRL is a ‘relevant organisation’ under the Vetting Act which employs/contracts/permits persons to undertake work or activities relating to children and vulnerable persons (‘relevant activities’) as defined in Part 2 of Schedule 1 of the Vetting Act. CIRL is legally obliged to receive vetting disclosures from the National Vetting Bureau (‘Bureau’) in respect of persons undertaking relevant activities.

Section 55 of the Charities Act 2009

An individual shall cease to be qualified to act as a charity trustee if the person is convicted on indictment of an offence.

Safer Recruitment

Safer recruitment is a continuous rigorous process of robust practices to ensure anyone who CIRL employs or engages is suitable and safe.

All roles will include person specification essential criteria to have an awareness of and commitment to the importance of safeguarding to ensure the protection of children, sponsors, employees and volunteers. Publicity will also include notification that character references are required on a conditional offer of employment or engagement

All application forms, adverts and recruitment briefs will contain a statement that in the event of the individual being offered the position of employment, volunteering or visits to the field, vetting will be required before the individual can take up the role or activity.

Specific screening interview questions will be asked to seek evidence of the applicant’s ability to work in a way that promotes child protection, prevents abuse and intervenes if there are any concerns.

Where a contract of employment is made, failure to disclose information that has been requested could result in disciplinary proceedings or dismissal.

Residency Abroad

In the case of an individual who may have resided outside the Republic of Ireland for more than one year, or who may be a resident of Ireland for less than one year, they will be required to obtain a police background

check from the country of their last residence and/or country of origin together with a written declaration and satisfactory character references.

Vetting Procedures and Decision-Making Process

Eligible Roles for Garda Vetting

As a religious organisation in the Republic of Ireland, CIRL has adopted the position that any work or activity that engages in the advancement of Christian faith to any group that includes children or vulnerable persons, for example the congregation at a religious service is 'relevant work or activities' as defined in Part 1 and 2 of Schedule 1 of the Vetting Act.

The following roles require vetting disclosures because they involve organisation and management of church partnership events, speaking at churches (including the delivery of sermons), leading a prayer service or may require the individual to speak with junior church groups. These activities are a necessary and regular part of the performance of duties.

- Partnerships Managers
- Assistant Partnerships Managers
- Compassion Church Representative (Volunteers)
- Compassion Presenters (Volunteers)
- Other equivalent roles based on assessment against the Vetting Act

All roles are risk assessment and vetting includes taking up two suitable and satisfactory character references as a condition of employment or engagement. Additionally, for some roles, applicants are required to provide a statement declaring that they are not known to the Gardaí or Child Protection Services in Ireland or any other jurisdiction for behaviours that would deem them unsuitable to be involved in relevant activities.

All disclosed details of criminal convictions, offences and cautions are treated in the strictest confidence and in accordance with all applicable data protection laws. This includes secure storage and handling of all information obtained in the vetting process.

Garda Vetting

An individual will not perform 'relevant activities' under the Vetting Act until their Garda vetting has been completed and the results conveyed to the organisation's Garda Vetting Officer by the Liaison Person. CIRL has appointed Wicklow Volunteer Centre to act as Liaison Person on its behalf to process and manage the vetting applications and disclosures. The Liaison Person is trained by the National Vetting Bureau in the management of Vetting applications and disclosures.

CIRL will not accept historical vetting information for eligible roles. Each candidate in an eligible role must be vetted via the CIRL vetting process, even if engaging an individual already vetted elsewhere.

CIRL will nominate:

- i. a representative (staff member or board member) to act as the Garda Vetting Officer. The responsibilities of the GVO include:
 - Assessing when Garda vetting is necessary for each employment position/volunteer role i.e. the role involves “relevant work” with children or vulnerable adults as specified in the Vetting Act.
 - Ensuring that candidates for employment positions/volunteer roles are provided with the correct Garda vetting forms and that the forms are completed accurately and in full, prior to submitting them to the Liaison Person.
 - Verifying the identity of the person submitting the vetting application by checking relevant ID (e.g. passport, driving licence).
 - Ensuring all personal information in relation to vetting is kept confidentially and in compliance with Data Protection legislation and best practice.
- ii. nominate 3 representatives (staff and/or board members) to make up the “Garda Vetting Committee”. The responsibilities of the Committee includes assisting the Garda Vetting Officer to make decisions on the suitability of the candidates following disclosure of convictions via the Garda vetting process.

Garda Vetting Young People

If the individual being vetted is over the age of 16 and under the age of 18, they are required to have a completed parent/guardian consent form which must be submitted along with their vetting application form.

The Garda Vetting Process

On return from the National Vetting Bureau the forms will be processed by the nominated Liaison Person who will inform CIRL’s Garda Vetting Officer by letter / email of the results. The Liaison Person will pass on a copy of any possible or probable convictions to the Garda Vetting Officer for their consideration, and this document will be held confidentially.

Where there are no convictions, an offer of a position of employment/voluntary role will be issued to the candidate in line with CIRL’s other screening/recruitment procedures.

Where serious convictions are disclosed, a letter will be sent to the person asking them to attend a meeting with the Garda Vetting Officer. This letter must 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 National Vetting Bureau and to give them an opportunity to explain the circumstances surrounding the conviction.

The applicant’s name and date of birth must be clarified at the start of the meeting. A written record of this meeting will be kept and the time, date and duration of the meeting recorded. At this meeting, CIRL will ensure that everyone, no matter what their history, is given fair and equal treatment and the right to state their case. 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 will be informed that in the case of uncertainties their form will be returned to the National Vetting Bureau seeking clarification.

CIRL recognises that there are three potential outcomes of the review meeting:

- i. In line with this policy and taking all things into consideration including interview, current history and references, the applicant may be offered the position.
- ii. The applicant's Garda Vetting form is returned to the National Vetting Bureau for further clarification. In which case a second review meeting may be held.
- iii. 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 must be kept. A record of any replies received, and any follow-up must also be kept.

All applicants have the right to appeal and these should be made in writing to the Garda Vetting Officer within 14 days of issue of the decision.

Decision-Making

CIRL undertakes to employ a Natural Justice framework in dealing with any disclosures of convictions to reach a fair and balanced decision.

CIRL ensures that all those who are involved in the decision-making process have been suitably trained to identify and assess the relevance and circumstances of offences and make suitable decisions, such decisions are handled by the Garda Vetting Officer and Garda Vetting Committee. CIRL will at times consult with external agencies such as the Liaison Person at Wicklow Volunteer Centre.

CIRL will comply with any necessary reporting requirements to external authorities and will work with these authorities during any investigation. Such reports may include (but are not limited to) persons banned from working with children attempting to engage with CIRL or visit one of our field countries to interact with children.

Notification of Changes to Criminal Record

Those appointed in either paid or unpaid positions will be expected to notify CIRL of any changes in relation to subsequent criminal convictions and cautions. Any changes in relation to criminal offences will initiate a review process.

CIRL will require all of its existing staff/volunteers in eligible roles to be re-vetted at regular intervals of three years. All other roles must provide a written declaration every two years.

Associated Policies & Supporting Documentation:

Access documents using CASCADE's Company Document Feature	
Child Protection Management Policy	Keyword search 'CIRL Child Protection'
Employment Reference Policy	Keyword search 'CIRL Reference'
Equal Opportunities & Diversity Policy	Keyword search 'CIRL Equal'
Safeguarding Policy	Keyword search 'CIRL Safeguarding'
Safeguarding – Declaration Form	Keyword search 'CIRL Declaration'

This policy will be reviewed every THREE years. Review history:

Version	Approval date	Approved by	Details
One	4 December 2019	Board of Directors	New policy

Compassion Ireland reserves the right to review, revise, amend or replace the contents of existing policies and procedures and to introduce new policies and procedures from time to time to reflect the changing needs of the organisation. In cases where policies and procedures or guidelines conflict with related legislation, current related legislation always takes precedence.

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