



## **Lions Clubs International**

**DISTRICT 105I AND DISTRICT 133 IRELAND**

### **PRACTICAL BOOKLET ON VETTING IN THE REPUBLIC OF IRELAND**

**THIS IS A GENERAL GUIDE TO ASSIST LIONS CLUBS IN  
DECIDING WHO NEEDS TO BE VETTED AND THE CLUB  
ACTIVITIES THAT MAY REQUIRE VETTING. IT IS NOT A LEGAL  
INTERPRETATION OF THE RELEVANT ACTS, REGULATIONS  
AND STATUTORY INSTRUMENTS.**



# Lions Clubs International

## District 105I

February 2017

Dear Lion President,

When Garda vetting in relation to working with children and vulnerable persons was first introduced, the decision was made at Cabinet and confirmed at Convention that all Lions members should be vetted. While it was recognised that Lions Clubs varied significantly in relation to the level of service with children and vulnerable adults, it was seen as being best practice that all Lions were cleared to work with children and vulnerable persons. All Vetting clearances under this system have now expired.

With the implementation of the new legislation the approach to vetting is more demanding and rigorous. The National Vetting Bureau will only undertake vetting when a person is carrying out 'relevant work' with children or vulnerable persons. Thus, a general requirement that all Lions members be vetted cannot apply as many Lion members do not undertake services that can be termed 'relevant work' as defined in the Act.

The National Vetting Bureau was established on 29<sup>th</sup> April 2016 and has made rapid progress in implementing the new vetting regime. Excepting the occasional glitches, vetting is generally now taking just over a week. 2017 will see the rolling out of e-vetting with an increasing number of organisations participating in eVetting including Lions Clubs in the Republic of Ireland.

The purpose of this Practical Booklet On Vetting is to provide a guide to Lions Clubs in the Republic of Ireland on the implications of the new legislation for vetting Lions members, both in terms of when vetting is required and the implications of new vetting arrangements. A separate Practical Booklet will be prepared for Clubs in Northern Ireland.

This Practical Booklet seeks to inform clubs on the new procedures in relation to vetting and also provides guidance on when vetting is required. The Booklet also sets out more detailed information in the two appendices.

- Appendix 1 describes the steps in the eVetting process
- Appendix 2 extracts from the legislation on 'relevant activities' requiring vetting

The Lions Designated Officer for the purpose of vetting is:

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Yours in Lionism

Paul  
DG 105I

## PRACTICAL BOOKLET ON VETTING IN THE REPUBLIC OF IRELAND

*The need for vetting may be defined on the basis as to whether the role of the worker/volunteer is such as to provide an opportunity to forge a relationship with the child or vulnerable person.*

### Key points in the new legislation for Lions Clubs in ROI

- There is no general requirement for Lions Club members to be vetted and general vetting of all Lions Members is not possible under the new legislation.
- The requirement for vetting depends on the range of services undertaken by an individual club and the extent to which particular services involve children or vulnerable persons
- The determining factor in whether an individual Lion or group of Lions should seek vetting clearance is whether a necessary and regular part of the Lions Service involves having access to, or contact with, children or vulnerable persons.
- When an application is being submitted for vetting it is necessary to provide a full description of the role being applied for on the Invitation Form. It is not sufficient to state 'Lions Club Member'. The role must be specified and clearly identify how this role involves contact with children or vulnerable adults
- To date the National Vetting Bureau [NVB] has focused on areas such as Education, and the Health services. It is also working with other organisations where a major part of the work of volunteers involves contact with children or vulnerable persons.
- The NVB has also implemented eVetting which is designed to ensure the speedy processing of vetting applications.
- Lions Clubs in ROI are registered for eVetting with the National Vetting Bureau and eVetting will be rolled out in late January 2017. As this is a new procedure it is to be expected that the approach to vetting will evolve and requirements may change.
- It is now 5 years since the first Lions in ROI were submitted for vetting and priority will be given to submitting these Lions and new members for eVetting.
- Each Club President is responsible for informing all Lions club members of their obligations in respect of child and vulnerable persons protection
- The Club President must inform all Lions Club members and potential new member that they may be required to apply for vetting.
- With the introduction of eVetting, the National Vetting Bureau are moving to the situation where a single clearance will be possible, subject to renewal in a maximum of 5 years. Clearance will be updated every 3-5 years, with the interval being decided by the individual organisation.

# **National Vetting Bureau (Children and Vulnerable Persons) Act 2012**

## **National Vetting Bureau**

Vetting will be undertaken by the newly established National Vetting Bureau, with effect from the end of April 2016. This Bureau is provided for under the National Vetting Bureau (Children and Vulnerable Persons) Act 2012. The former Garda Vetting Unit became the National Vetting Bureau, but remains within the office of An Garda Síochána. The new Act came into effect on 29<sup>th</sup> April 2016 and it is now an offence to permit anyone to engage in relevant work until they have been vetted. Individuals already engaged, who have not been vetted, have until the end of 2017 to complete the vetting process

## **Why Vetting?**

The National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 provide a statutory basis for the vetting of persons carrying out relevant work with children or vulnerable persons. The Act also creates offences and penalties for persons who fail to comply with its provisions.

The Act stipulates that a relevant organisation shall not permit any person to undertake relevant work or activities on behalf of the organisation, unless the organisation receives a vetting disclosure from the National Vetting Bureau in respect of that person.

## **Exceptions under section 3.**

The act shall not apply to the following:

- (a) Any relevant work or activities undertaken in the course of a family relationship.
- (b) Any relevant work or activities (1) in the course of a personal relationship and (2) for no commercial consideration.
- (c) The giving of assistance by an individual (1) on an occasional basis and (2) 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.

## **Definitions**

A child is a person under 18 years of age. A vulnerable person is a person with an intellectual disability or physical impairment or physical disability, which is of such a nature or degree as to restrict the capacity of that person to guard themselves against harm by another person, or that result in the person requiring assistance with daily living.

## **What is Vetting?**

Vetting is conducted in respect of any person who is carrying out work or activity, a necessary and regular part of which consists mainly of the person having access to, or contact with, children or vulnerable persons. The National Vetting Bureau will make such enquiries with An Garda Síochána or a Scheduled Organisation, as deemed necessary, to establish whether there is any criminal record or specified information relating to the applicant.

### **What is disclosed?**

A vetting disclosure shall include particulars of the criminal record (if any) relating to the person, and a statement of the specified information (if any) relating to the person or a statement that there is no criminal record or specified information, in relation to the person.

Specified information is information that is considered to reasonably give rise to a bona fide concern that the vetting subject may harm, attempt to harm or put at risk of harm, a child or vulnerable person. Up to now criminal convictions and cases pending have been disclosed through the vetting process. The Act provides that certain minor offences such as motoring or some public order offence, will no longer be disclosed.

The new legislation does provide for the disclosure of certain types of information not previously disclosed through the vetting process. An example of such information could be where a person has been subject to a fitness to practice enquiry by their professional body.

### **Notification of a determination**

If specified information is to be disclosed to a relevant organisation the Chief Bureau Officer must, in advance, notify the vetting subject of the intention to disclose the information and provide a summary in writing of the specified information. On receiving this notification, the vetting subject may make a submission in writing to the Chief Bureau Officer concerning the information, not later than 14 days, from the date of notification. The National Vetting Bureau will not make any disclosure in relation to the vetting subject until the 14 days allowed for the making of an appeal has elapsed, or where an appeal is lodged, until the determination or withdrawal of the appeal.

### **eVetting**

The Introduction of eVetting is designed to ensure the speedy processing of vetting applications. The eVetting Service claimed a 5 day- turnaround for 80% of Applications by the end of 2016. In addition, the new system has streamlined the entire vetting process, given more visibility to both organisations and applicants and contributed to a sustained reduction in processing time for applicants. In late 2016 some 85% of vetting applications were conducted online with 71% of organisations using the eVetting system

**These procedures rules and regulations are evolving and may change from time to time.**

**This Booklet is not exhaustive.**

## Appendix 1 Applying for eVetting clearance

The new Legislation also changes the way that vetting applications will be made. There are three steps in the process:

**Step 1.** The Club Secretary will download a Vetting Invitation Form [NVB 1] from the District Website and this will be given to the applicant who will be asked to complete Section 1 & 2.

- Section 1 requires personal details and information on the role being vetted for.
- Section 2 requires details of the proof of identity documents and also the consent to making the vetting application and the disclosure of information by the National Vetting Bureau to the relevant Liaison Person.
- Section 3 is to be completed by the Club President or person designated by the Club President, who must also sign the end of Section 3. This Section requires details of the organisation, name of the contact person and confirmation of receipt of the proof of identity documentation

To confirm the Proof of Identity the Club President must validate the identity of the applicant. At least two forms of identification must be produced to validate the identity of the applicant when completing the application. One of these should be photographic e.g. a passport and the other can be a printed Utility Bill, which is not more than 6 months old. The identity is verified by the Club President and the proof of identity is not sent to the Lions Designated Officer.

The Club President requesting the vetting must also provide a secure email address in Section 3 so they can be notified of the completion of the vetting.

[There is a points system for the verification of identity where 100 points must be reached. Different forms of identification are weighted with a sliding scale of points.]

**Step 2.** The Club President will post the original Invitation Form to the Lions Designated Officer and also keep a copy for the Club files. The Lions designated Officer will make contact with the National Vetting Bureau.

**Step 3.** The applicant will then receive an email from NVB with their online application form (NVB 2). If they do not complete this within 30 days, the form becomes invalid and they will have to re-apply. The Vetting Form (NVB 2) is only issued to the applicant. Lions clubs do not have access to these forms. The applicant must provide a valid email address. If the applicant does not have their own email address they can provide any email that they are happy for their form to be sent to. This can be the email of a friend or family member.

The legislation does not state how often a person should be re-vetted. The NVB recommend anywhere from 1-5 years depending on the nature of the work. Some organisations are adopting a 3-year renewal.

## **Appendix 2 Relevant Activities Requiring Vetting**

### **Relevant Activities Relating to Children that Require Vetting**

Any work or activity which is carried out by a person, a necessary and regular part of which consists mainly of the person having access to, or contact with, children in—

- A school or centre of education.
- A special care unit
- A reception centre which provides residential accommodation services to applicants for asylum under contract to the Department of Justice and Equality.

Any work or activity which consists of care or supervision of children unless the care or supervision is merely incidental to the care or supervision of persons who are not children.

Any work or activity which consists of the provision of educational, training, cultural, recreational, leisure, social or physical activities (whether or not for commercial or any other consideration) to children unless the provision of educational, training, cultural, recreational, leisure, social or physical activities is merely incidental to the provision of educational, training, cultural, recreational, leisure, social or physical activities to persons who are not children.

Work as a driver of a public service vehicle used only for the purpose of conveying children.

### **Relevant Activities Relating to Vulnerable Persons that Require Vetting**

Any work or activity which is carried out by a person, a necessary and regular part of which consists mainly of the person having access to, or contact with, vulnerable persons in —

- A school or centre of education unless, in the case of a centre of education, the work or activity is merely incidental to work or activities undertaken in relation to persons who are not vulnerable persons,
- Any hospital or care centre which receives, treats or otherwise which provides services to vulnerable persons,
- A designated centre in so far as it relates to an institution at which residential services are provided to vulnerable persons,
- An approved centre.

Any work or activity which consists of the care (including the provision of health and personal social services and essential domestic services) of vulnerable persons unless the care is merely incidental to the care of persons who are not vulnerable persons.

Any work or activity which consists of the provision of educational, training, cultural, recreational, leisure, social or physical activities (whether or not for commercial or any other consideration) to vulnerable persons unless the provision of educational, training, cultural, recreational, leisure, social or physical activities is merely incidental to the provision of educational, training, cultural, recreational, leisure, social or physical activities to persons who are not vulnerable persons.

Work as a driver of a public service vehicle used only for conveying vulnerable persons.

Any application by a person to carry on or manage a designated centre.