

WEST LIMERICK INDEPENDENT LIVING CLG

Garda Vetting Policy

Policy Reference	WLILP4
Category	Operational Policies — Safer Recruitment & Safeguarding
Version	3.0 (merged, expanded & legislatively checked)
Status	APPROVED — by the Board of Directors on 9 October 2026
Supersedes	WLILP4 - GARDA VETTING POLICY (approved, April 2025); WLILP4 - GARDA VETTING POLICY UPDATED SEPT 2025 (unapproved)
Policy Owner	Board of Directors, West Limerick Independent Living CLG
Applies To	All Directors, staff, volunteers, students on placement and contractors carrying out "relevant work" with children and/or vulnerable persons on behalf of WLIL
Related Policies	Recruitment & Selection Policy; Safeguarding Policy; Child Protection & Welfare Policy; Data Protection Policy; Disciplinary Procedure
Review Cycle	Every 3 years, or sooner following legislative or regulatory change

1. Policy Statement

West Limerick Independent Living CLG ("WLIL") is committed to safeguarding and promoting the welfare of all service users, staff and volunteers. As part of this commitment, WLIL complies with relevant legislation and recommended best practice in recruitment and selection, and will ensure Garda Vetting is completed, where required, before any person begins "relevant work" with children and/or vulnerable persons.

No individual will commence relevant work until a vetting disclosure has been received and reviewed by the Garda Vetting Officer. It is an offence under the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016 to permit a person to begin relevant work before Garda Vetting has been completed.

2. Purpose

This policy sets out WLIL's approach to Garda Vetting: when it is required, how applications and disclosures are managed, how decisions on disclosed convictions are made, and how vetting records are stored and protected. It is intended to give staff, volunteers and Board members clear, current guidance so that WLIL meets its legal obligations and treats every applicant fairly and consistently.

3. Scope

This policy applies to all WLIL employees, volunteers, students on placement and contractors who carry out "relevant work" with children and/or vulnerable persons, as defined in the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016 (see Appendix A). Responsibility for the effective implementation of this

policy rests with the roles set out in Section 7. All other staff and volunteers are expected to support its implementation.

4. Legislative & Regulatory Framework

This policy is based on, and should be read alongside, the following legislation and guidance, current as of this policy's review date:

- National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016 — the primary legislation establishing mandatory vetting for relevant work with children and vulnerable persons
- Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016 — governs which older, minor convictions may become "spent" and sets out the different (stricter) disclosure rules that apply to relevant work with children or vulnerable persons
- Data Protection Act 2018 and the General Data Protection Regulation (GDPR) — govern the secure storage, retention and destruction of vetting disclosures and any related personal data
- Children First Act 2015 — WLIL's mandated persons and child protection reporting obligations, which operate alongside, not instead of, Garda Vetting
- Health Act 2004, Section 39 and WLIL's HSE Service Arrangement — WLIL's status as an HSE-funded body may require it to demonstrate compliance with safer recruitment and vetting requirements as part of its governance obligations to the HSE
- HIQA National Standards, where applicable to the service in question — safe recruitment, including Garda Vetting, is a core requirement of HIQA's standards for services for people with disabilities

Note: there is no fixed statutory re-vetting interval prescribed under the 2012 Act. WLIL's three-year re-vetting cycle (Section 9) reflects sector-wide best practice among HSE and Tusla-funded service providers, rather than a specific legal minimum — this policy will be updated promptly if a statutory interval is ever prescribed.

5. Glossary of Terms

National Vetting Bureau (NVB): the national bureau of An Garda Síochána which vets applicants for relevant work to establish whether they have a criminal record, as defined below.

Garda Vetting: the process by which the NVB provides a statement on whether a person has any convictions — pending or completed — recorded against their name, subject to the Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016. In certain circumstances, "specified information" may also be disclosed.

Criminal record: a record of a person's convictions (in or outside the State) for criminal offences, together with any related orders, and/or a record of pending prosecutions, in or outside the State.

Specified information: information concerning a finding or allegation of harm to another person, received by the NVB from An Garda Síochána or a scheduled organisation, which gives rise to a bona fide concern that the vetting subject may harm, attempt to harm, or put at risk a child or vulnerable person. Where such information may be disclosed, the Chief Bureau Officer must notify the vetting subject in advance.

Spent conviction: certain convictions that, under the Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016, need not be disclosed once a set period (generally seven years) has elapsed — except where the role involves relevant work with children or vulnerable persons, where stricter disclosure rules apply (see Appendix B)

Liaison Person: the person nominated to apply for and receive vetting disclosures on behalf of WLIL. WLIL has appointed WALK Volunteer Centre to act as its Liaison Person

Garda Vetting Officer (GVO): the WLIL role that works with the Liaison Person on vetting matters (see Section 7)

Data Controller: the WLIL role responsible for the secure storage, retrieval and management of vetting records in line with data protection law (see Section 7)

Child: a person under the age of 18 years

Vulnerable person: a person, other than a child, who — because of a mental disorder, dementia, intellectual disability, physical impairment or physical disability — has a restricted capacity to guard against harm from another person, or who requires assistance with activities of daily living such as dressing, eating, walking, washing or bathing

Natural Justice: the principle that a person affected by a decision must have a reasonable opportunity to state their case (*audi alteram partem*), and that any decision must be reached fairly, without bias, by considering all relevant arguments

6. Principles

Garda Vetting is one part of WLIL's approach to safeguarding, used alongside robust recruitment screening, references, induction, supervision, training and child protection procedures — vetting alone is never treated as sufficient safeguarding on its own.

An individual will not work or volunteer in relevant work until their Garda Vetting has been completed and the results conveyed to the GVO by the Liaison Person. Starting a person in relevant work before vetting is complete is an offence.

A criminal record does not automatically exclude a person from employment or volunteering. Decisions on applicants with prior convictions will consider:

- the individual's abilities, skills, experience and qualifications
- the nature of the conviction and its relevance to the role
- the length of time since the offence
- the risk to service users, staff, volunteers and the organisation
- any training or rehabilitation that has occurred since

WLIL will apply the principles of Natural Justice to any disclosure of convictions, and applicants under 18 (16–18 years) must provide a signed parent/guardian consent form with their vetting application.

WLIL will not accept historical vetting information from a candidate or a previous employer — every individual must be vetted through WLIL's own process, even if already vetted elsewhere, and existing staff and volunteers will be re-vetted at the intervals set out in Section 9.

7. Roles & Responsibilities

7.1 Board of Directors

- Ensures organisational compliance with this policy and with vetting legislation
- Ensures all staff and volunteers are aware of the requirements for Garda Vetting
- Receives confirmation of vetting disclosures obtained for Board members, Persons in Charge and Persons Participating in Management, without holding copies of the disclosures themselves

7.2 Manager — Data Controller & Vetting Committee Chair

The General Manager acts as WLIL's Data Controller for vetting records and chairs the Vetting Committee. Responsibilities include:

- Appointing and supporting the Garda Vetting Officer
- Providing secure central storage for vetting documentation, in line with Section 10
- Ensuring sufficient support is available to meet vetting timeframes
- Ensuring all staff with access to vetting information are trained in this policy and WLIL's Data Protection Policy
- Updating the Liaison Person and vetting records when staff or volunteers join, change role, or leave
- Reporting on policy compliance to the Board

7.3 Finance Manager — Vetting Committee Member

The Finance Manager sits on the Vetting Committee, bringing an independent, governance-focused perspective to decisions on disclosed convictions, and supports the General Manager in ensuring the process is applied consistently and fairly.

7.4 Service Coordinator — Garda Vetting Officer (GVO)

The Service Coordinator acts as WLIL's Garda Vetting Officer and is the operational point of contact with the Liaison Person. Responsibilities include:

- Assessing whether a role involves "relevant work" requiring vetting
- Issuing correct vetting forms/eVetting invitations and checking they are completed accurately and in full
- Verifying the applicant's identity against valid photographic ID and proof of address
- Ensuring all personal vetting information is handled confidentially and in line with data protection requirements
- Sending completed applications to the Liaison Person and tracking their progress
- Notifying the General Manager of the outcome once a disclosure is received
- Maintaining WLIL's vetting database and flagging upcoming re-vetting deadlines

7.5 Vetting Committee

The Vetting Committee is made up of the General Manager, the Finance Manager and the Service Coordinator. It is responsible for:

- Assessing the suitability of a candidate where a disclosure includes convictions or specified information
- Meeting with the applicant where serious convictions are disclosed, applying the Natural Justice principles in Section 6
- Recording the outcome of each review in writing, including the date, time and duration of any meeting held

7.6 All Staff and Volunteers

- Understand and comply with this policy and with all guidance from the National Vetting Bureau
- Cooperate promptly with the vetting or re-vetting process when requested
- Comply with WLIL's Data Protection Policy in relation to any vetting information they may handle

8. Vetting Application Process

An Garda Síochána's Central Vetting Unit conducts vetting for organisations registered with it. WALK Volunteer Centre is the registered organisation that processes vetting on WLIL's behalf as its Liaison Person.

Applications are made primarily through the National Vetting Bureau's eVetting portal, which is faster and allows the applicant to track progress online. Paper applications remain available from the National Vetting Bureau for anyone who cannot use eVetting (for example, without reliable email or internet access) — they are not being phased out, but eVetting is WLIL's preferred route given its speed and tracking.

- The applicant completes the vetting application (eVetting or paper), which requires personal details, an address history back to birth, and particulars of any criminal record
- The Service Coordinator (GVO) checks the application is complete and verifies the applicant's identity against valid ID and proof of address
- Applicants aged 16–18 must submit a signed parent/guardian consent form with their application
- The Service Coordinator forwards the application to the Liaison Person (WALK) for submission to the National Vetting Bureau
- The National Vetting Bureau processes the application and returns a vetting disclosure to the Liaison Person, who passes it to the Service Coordinator

9. Re-vetting

- All staff and volunteers engaged in relevant work will be re-vetted at least every three years, in line with sector best practice (see the note in Section 4)
- Re-vetting is also required where an individual moves into a new role involving different relevant work
- The Service Coordinator maintains the vetting database and prompts re-vetting ahead of each deadline

10. Vetting Disclosures, Review & Decision-Making

On return from the National Vetting Bureau, the disclosure is sent securely by the Liaison Person to the Service Coordinator, who holds it in confidence and notifies the General Manager of the outcome. Where a disclosure contains no convictions or specified information, an offer of employment or a volunteering role may proceed, subject to WLIL's other recruitment and screening procedures.

Where a disclosure contains convictions or specified information, the Vetting Committee will review it and, where the matter is serious, invite the applicant to a meeting to discuss the circumstances. At this meeting, WLIL will ensure that:

- The applicant is given fair and equal treatment and a genuine opportunity to state their case, with due regard to repeat offending, restorative justice and rehabilitation
- A disclosed conviction does not automatically preclude the applicant from the role — the applicant's own disclosure (or non-disclosure) at application stage, their work record, and any evidence of rehabilitation are all taken into account
- Where multiple convictions appear to result from a particular period or circumstance (for example, addiction), any subsequent change in circumstances is considered
- The applicant's name and date of birth are re-checked at the start of the meeting, as NVB records can occasionally be mismatched between similarly named individuals
- A written record of the meeting — including date, time and duration — is kept

Applicants who dispute the convictions returned by the NVB will be given information on how to submit a dispute (see Section 13). Each case is considered individually, and the applicant is always treated with respect, dignity and confidentiality. There are three possible outcomes of a review meeting: the applicant is offered the position; the disclosure is returned to the NVB for clarification, potentially followed by a second review meeting; or the applicant is deemed unsuitable for the role. In every case, a written explanation of the outcome is sent to the applicant, and a record of that letter and any follow-up is retained.

11. Data Protection, Storage & Breach Procedure

Vetting information is held in a manner consistent with WLIL's Data Protection Policy and its obligations under the Data Protection Act 2018 and GDPR.

- Vetting disclosures are stored in an access-restricted folder — physical records in a locked filing cabinet within a locked building, and digital records in a restricted-access folder on WLIL's shared drive
- Access is limited strictly to the Data Controller (Manager), the Service Coordinator (GVO), and Vetting Committee members where a review is under way
- Technical safeguards (such as password protection and access-restricted folders) are used to prevent unauthorised access to digital records
- Vetting records are retained only for as long as necessary and are destroyed securely in line with WLIL's Data Protection Policy and records retention schedule
- Any suspected or actual data breach involving vetting information is reported immediately in line with WLIL's Data Protection Policy and GDPR breach-notification requirements

12. Grounds for Withdrawal of an Offer or Termination of Engagement

WLIL considers the following reasonable grounds to withdraw an offer of employment or a volunteering role, or to end an existing engagement:

- A charge or conviction for a sexual offence
- A charge or conviction relating to the ill-treatment, abuse or neglect of a child or vulnerable adult
- A charge or conviction relating to the ownership, production or distribution of child exploitation material
- A conviction for a serious violent offence, including assault, coercion or another offence against the person

The following categories of offence are relevant and will be considered on a case-by-case basis, taking account of relevance, severity, recency and evidence of rehabilitation:

- Breaches of trust, e.g. fraud, theft, larceny
- Offences against property, e.g. arson, robbery
- Domestic violence offences
- Offences against the State
- Drug-related offences

WLIL is conscious of not applying this policy in a way that unfairly disadvantages rehabilitated individuals.

13. Non-Cooperation

Where an applicant or existing staff member does not engage or cooperate with the Garda Vetting process in a timely manner, this is escalated without delay to their line manager. Non-cooperation is treated as a disciplinary

matter for existing staff, and may result in the withdrawal of an offer of employment or a volunteering role for a candidate, and is handled in line with WLIL's Disciplinary Procedure.

14. Dispute Resolution

Where a vetting subject disputes the details contained in their vetting disclosure, they may activate the National Vetting Bureau's dispute resolution procedure by setting out the basis of their dispute in writing to the Service Coordinator, who will resubmit the full application file to the NVB's Central Vetting Unit for further checks.

15. Training

All staff and volunteers involved in the vetting process are made aware of this policy and the National Vetting Bureau's requirements as part of induction, with periodic refresher training available to ensure this policy is applied consistently and correctly.

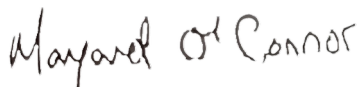
16. Monitoring & Review

Compliance with this policy is monitored by the Service Coordinator (GVO) and reported to the General Manager and the Board. This policy will be reviewed by the Board every three years, or sooner following a change in legislation, regulatory guidance, or an incident that indicates a need for earlier review.

17. Approval

Approved by the Board of West Limerick Independent Living CLG on 9 October 2026.

Signed on behalf of the Board, on its instruction, by the General Manager:



Margaret O'Brien O'Connor, General Manager

Date signed:



Reasonable precautions have been taken to ensure the legislative information in this policy is accurate as of its review date. It is not intended as legal advice; WLIL recommends professional legal or HR advice be taken before acting on any specific vetting decision.

Appendix A — What Counts as "Relevant Work" Requiring Vetting

Summarised from Schedule 1, Parts 1 and 2 of the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016. This is a summary for guidance; the Service Coordinator should refer to the Act itself, or seek advice from the Liaison Person, in any borderline case.

Relating to children

Work or activity is "relevant work" if it necessarily and regularly involves access to, or contact with, children, including (but not limited to):

- Care, supervision, teaching or treatment of children, including in a pre-school, school, hospital, health centre, or residential/designated care setting
- Provision of home tuition, therapy, counselling, or educational, training, cultural, recreational, social or physical activities to children
- Provision of advice, guidance, developmental or counselling services to children, including electronically
- Driving a public service vehicle used only to convey children
- Providing accommodation for a child in one's own home, for consideration
- Research work in a third-level institution that necessarily and regularly involves contact with children
- Work under the Medical Practitioners, Nurses, Dentists, Health and Social Care Professionals, or Pharmacy Acts that necessarily and regularly involves access to children
- Assessing a person's suitability to foster, adopt, or act as relative carer for a child

Relating to vulnerable persons

The equivalent categories apply in relation to vulnerable persons, including care, treatment, therapy, counselling, education, training, or recreational activity necessarily and regularly involving access to or contact with vulnerable persons in a school, hospital, designated centre, approved mental health centre, or similar setting; driving a vehicle used only to convey vulnerable persons; providing accommodation for a vulnerable person in one's own home; and an assessment of suitability to act as a care representative under the Nursing Homes Support Scheme Act 2009.

Work that is merely incidental to work carried out with people who are not children or vulnerable persons does not, of itself, constitute relevant work.

Appendix B — Understanding the Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016

This Act allows certain convictions to become "spent" and sets out what individuals must disclose to employers about past convictions.

What can become spent?

Where a person aged 18 or older was convicted of an offence, and at least seven years have elapsed, that conviction may be treated as spent and need not be disclosed outside of court proceedings. The Act generally applies to one conviction only — a person with multiple convictions will not normally have any of them treated as spent, except where the convictions arose from a single incident, or in certain District Court public order/road traffic cases. A sexual offence, an offence tried in the Central Criminal Court, or an offence resulting in a prison sentence of more than 12 months can never become spent.

Effect in employment generally

An individual is not obliged to disclose a spent conviction when applying for a job, and cannot be legally disadvantaged for not disclosing one. Certain State roles (for example the Defence Forces, An Garda Síochána, or roles in financial regulation) require disclosure regardless of spent status.

Effect for relevant work with children or vulnerable persons

Stricter rules apply. For relevant work, a spent conviction must still be disclosed — unless the offence was dealt with in the District Court, the person was 18 or older at the time, and at least seven years have elapsed. Employers carrying out relevant work are required to seek vetting disclosures under the National Vetting Bureau Acts; disclosures that qualify as spent under this stricter test will not appear on the vetting result.

Practical implications for WLIL

Self-declaration at application stage remains good practice alongside Garda Vetting, but WLIL will not require disclosure of convictions that are genuinely spent, and will not penalise an applicant for withholding one. Guidance from the Data Protection Commission indicates that applicants need only self-declare convictions relevant to the role in question.

Appendix C — Garda Vetting Standard Operating Procedure

This appendix sets out the step-by-step operational process to be followed by the Service Coordinator (GVO) and Manager (Data Controller).

Set-up

- The General Manager appoints the Service Coordinator as GVO and acts as Data Controller
- The General Manager ensures secure central storage is in place: a locked filing cabinet within a locked building for physical records, and a restricted-access folder on the shared drive for digital records
- The Service Coordinator establishes and maintains a database of all staff, volunteers, Persons in Charge and Persons Participating in Management, including their vetting and re-vetting dates

Processing an application

- The applicant completes the eVetting form (or paper form where eVetting is not accessible to them)
- The Service Coordinator checks the form is complete, with supporting ID and two proofs of current address attached, and verifies the applicant's identity
- The Service Coordinator forwards the application to the Liaison Person (WALK) for submission to the NVB
- On receipt of the disclosure, the Liaison Person notifies the Service Coordinator, who logs receipt and acknowledges it
- The Service Coordinator retains the disclosure securely and updates the vetting database
- Where required, the General Manager or Board confirms receipt of a disclosure to the Data Controller by email — the Board does not hold copies of disclosures itself

Where a person does not cooperate

This is escalated immediately to the line manager and handled as set out in Section 13.