

# Vetting Policy

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## Introduction

Vetting is mandatory for members of Swim Ireland, the regions, or clubs wishing to take up specified positions and for any individual applying for certain accredited courses through Swim Ireland. Vetting is one part of the recruitment process for specific roles and must be in place before the position is taken up. There are legislative differences in each jurisdiction, and this policy covers Ireland and Northern Ireland.

## Vetting in Swim Ireland

There are two types of vetting checks available to Swim Ireland – through the National Vetting Bureau (NVB) and Access NI (ANI); both checks are applicable to members of Swim Ireland or for individuals attending certain courses.

Swim Ireland is a Registered Organisation with the NVB with two appointed Liaison Persons and two Clerical Officers. The NVB's address is: National Vetting Bureau, Racecourse Road, Thurles, Co Tipperary.

Swim Ulster, as a regional body of Swim Ireland, is a Registered Body with ANI with one appointed Lead signatory and one Counter signatory. ANI's registered address: Access NI, PO Box 1085, Belfast, BT5 9BD.

## Legislation and Information relating to Republic of Ireland

The National Vetting Bureau (Children and Vulnerable Persons) Act 2012 to 2016 together with the Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016 Part 3 provides the legal framework for persons working in relevant work or activity to undergo a vetting check prior to working with young people.

### Relevant legislation

Civil Service Commissioners Act 1956  
Child Care Act 1991 – Sections 5; 61; 65  
Children's Act 2001 – Section 258  
Children First Act 2015  
Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016 Part 3  
Data Protection Act 2018  
General Data Protection Regulation (EU) 2016/679 (GDPR)  
National Vetting Bureau (Children and Vulnerable Persons) Act 2012 to 2016  
Private Security Authority Act 2004

## Legislation and Information relating to Northern Ireland

Safeguarding Vulnerable Groups (NI) Order 2007 contains the legislation that makes it a legal requirement to not recruit a person barred from regulated activities. This is undertaken by obtaining an Access NI enhanced disclosure which is checked via the Disclosure and Barring Service (DBS). The DBS maintains a list of individuals who are barred from working with children and/or vulnerable adults. It is an offence in Northern Ireland to knowingly offer employment (paid or voluntary) to or allow someone to continue working who is on the DBS barred list.

### Relevant legislation and information

Access NI Code of Practice  
Disclosure and Barring Service  
General Data Protection Regulation (EU) 2016/679 (GDPR)  
Part V of the Police Act 1997  
Protection of Freedoms Act 2012  
Rehabilitation of Offenders (Exceptions) (Northern Ireland) Order 1979 (as amended 2014)  
Safeguarding Vulnerable Groups (NI) Order 2007  
Sexual Offences (NI) Order 2008 (NI)

## **General Information**

### **Why is vetting required?**

Vetting is part of the Swim Ireland recruitment and selection procedure for personnel with access to or working with children within Swim Ireland at local, regional and national level.

The vetting process does not provide clearance for people but provides information that may be relevant for an organisation in deciding the suitability of an individual to carry out a certain role working with or having access to children and young people. Vetting is one of the measures to protect children and young people in Swim Ireland and affiliated clubs against people who may be a risk to children by being a barrier for those unsuitable to work with children or young people.

### **Who is responsible?**

Swim Ireland is responsible for processing applications in through ANI or NVB and for making decisions regarding an applicant's suitability to be appointed to the applied for role.

Club and regional management committees are responsible for ensuring recruited and appointed individuals are vetted in accordance with this policy.

Swim Ireland is responsible for ensuring individuals recruited and appointed at national level and Associate members are vetted in accordance with this policy.

### **Who is required to be vetted?**

All persons aged sixteen or over applying for a role that provides an opportunity for unsupervised access to children must undergo the vetting process. These positions are referred to as regulated positions defined within the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 (NI) or as undertaking relevant work or activity defined in the National Vetting Bureau (Children and Vulnerable Adults) Act 2012 to 2016 (ROI).

Individuals who must be vetted are those applying for training courses or positions including but not limited to the following:

- Committee member U18 Club
- Children's Officer
- Parent duty where the same individual parent provides duty for two or more sessions in any week
- Coach
- Teacher
- Tutor
- Team Manager/Chaperone
- Official (except timekeepers)
- National Committee
- Regional Committee
- Swim Ireland employee (where relevant)
- Attendee at certain courses (where specified)
- Other personnel as may be considered

Within the structure of Swim Ireland these positions will have unsupervised access to young people and/or information that may be deemed sensitive or personal regarding young people. Final decisions on roles requiring vetting are made by Swim Ireland's Youth Development Director and the CEO in accordance with the relevant legislation.

### **When is an individual required to be vetted?**

All the above required positions must be successfully vetted before an individual is legally allowed to take up their chosen position(s) or attend the relevant course. The requirement for vetting must be included in any job description where it is mandatory. The terms within this policy may affect an employment or volunteer position and therefore this policy must be available to prospective employees/volunteers at the time of application. Once an individual intends to apply for any vetted position a vetting application must be submitted for processing. An appointment to a vetted position is subject to a successful vetting outcome.

### **Vetting course attendees**

An individual who attends an educational or training course and does not have any further involvement with Swim Ireland, is not regarded as a Swim Ireland member. However, their vetting record remains on the Swim Ireland database system according to Data Retention policy.

### **Vetting children and young people under eighteen**

Any person aged sixteen or seventeen who is completing a vetting application must have the permission of their parent/carer in writing submitted on the specified Parental Consent Form for vetting.

Young people aged fifteen may obtain a Level 1 teacher or coach qualification allowing them to work in a role that, if sixteen, would require them to be vetted. However, any young person under sixteen cannot legally be vetted. When a young person reaches their sixteenth birthday, they require a valid vetting disclosure if working in a role that requires vetting. The vetting application form must be signed on or after their sixteenth birthday, it cannot be submitted in advance. A reference should be obtained for young people under 15, from their school or similar establishment, in the absence of vetting.

NB: If a young person turns sixteen whilst on a course or working in a position that requires vetting, they must stop any involvement until their vetting application is returned and accepted.

### **Previous Residence**

Any individual who has been resident in Ireland and/or Northern Ireland for less than one year (taken from the date of the initial vetting application) will be asked to provide a police check from their previous country of residence/country of origin and will be required to undergo a vetting recheck after 12 months. Where ANI or NVB carry out checks in the country of origin or previous residence a police check from this jurisdiction will not be required. The member will be required to undergo a vetting recheck after 12 months. Information received from another country will be subject to the same risk assessment for suitability as set out in this policy.

### **Re-vetting individuals**

All individuals will undergo re-vetting after three years or as determined by Swim Ireland where required by circumstances, i.e. a shorter interval may be agreed with an applicant where disclosures are of concern but not prohibitive to membership.

The changeover from the previous five year re-vetting requirement to a three year re-vetting programme took place during 2016/2017 on a phased basis. Any applicant with a previous vetting disclosure stipulating a re-vetting period of five years was given a grace period of 6 months to complete a new application. Any vetting applications is deemed to have expired following this.

Any existing Swim Ireland member may be re-vetted if information concerning an individual's suitability to work with children comes to the attention of a club, region or Swim Ireland. Where such an issue arises a risk assessment will be carried out in accordance to the Membership Risk Assessment Policy.

### **Vetting as part of an investigative process**

Vetting or re-vetting an individual, with their permission, may be considered necessary as part of an investigation following allegations of abuse or poor practice or a requirement within the Swim Ireland Complaints and Disciplinary process.

### **Vetting charges**

At present there is no cost to volunteers undergoing vetting in Ireland or Northern Ireland. ANI makes a charge for individuals undergoing the vetting process for employment purposes. These charges are detailed on the ANI website or through contacting the ANI signatories.

### **Processing time**

The time taken to complete the vetting process is dependent on the prompt submission of accurately completed forms. Applicants should contact the relevant Swim Ireland department for estimates on processing time or to enquire if their application may be processed in time for a specific requirement, e.g. attendance at a course, or appointment to a position.

