



An Roinn Cosanta
Department of Defence



Policy on Garda Vetting for Civil Defence Volunteers

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Policy Owner	Niall Ó Muircheartaigh
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Approved by	Cep Carty, Principal, Civil Defence Branch
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Policy Summary	This policy outlines the respective roles of Civil Defence Officers, Volunteers and the Civil Defence Branch, Department of Defence, in ensuring the timely vetting and re-vetting of Volunteers as required by the Civil Defence Act 2023
Changes Made	The policy is a refinement of the earlier policy and does not entail significant new Garda Vetting procedures. <u>It does introduce some key clarifications which are important to understand.</u>

1. Purpose

This policy outlines the respective roles of Civil Defence Officers, Volunteers and the Civil Defence Branch, Department of Defence in ensuring the timely vetting and re-vetting of Volunteers as required by the Civil Defence Act 2023

This policy and the annexed procedures have been developed to ensure consistency and to safeguard the rights of all Civil Defence Volunteers.

2. Description

All members of Civil Defence are required to undergo Garda vetting and to ensure their Garda vetting is in date at all times.

Volunteers are vetted through the Civil Defence Branch of the Department of Defence; Civil Defence Officers and Assistant Civil Defence Officers undergo Garda vetting through their employer, the local authority.

Prospective Volunteers will not be enrolled in the organisation until they have satisfactorily completed the Garda Vetting process. Existing Volunteers must undergo Garda Vetting every 5 years. A Volunteer without current valid Civil Defence Garda vetting will not be considered active and shall not attend either training courses or duties.

In this policy the following definitions apply:

- **Vetting Subject:** a current or prospective Civil Defence Volunteer who is or has applied for Garda Vetting for the purposes of becoming or continuing to be an active Civil Defence Volunteer.
- **Liaison Person:** a Civil Defence Branch staff member who is authorised by the Garda National Vetting Bureau to review vetting applications and receive resultant disclosures.

The specific procedures for Civil Defence Garda Vetting are outlined in annex 1 attached.

Answers to general questions on the Garda Vetting process may be found at <https://vetting.garda.ie/Help/FAQ>

3. Disclosures as a result of Garda vetting

The National Vetting Bureau will issue a disclosure to the Civil Defence Liaison Person in respect of each Vetting Subject. This is a normal part of the vetting process for every Vetting Subject. Vetting disclosures 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.

Garda Vetting disclosures will include details of all convictions and/or prosecutions, successful or not, pending or completed, recorded in this State or elsewhere as the case may be; or alternatively will confirm that there are no such details recorded in respect of the Vetting Subject.

Disclosures as a result of the vetting process will issue from the National Vetting Bureau directly to the Liaison Person in the Civil Defence Branch. The Vetting Subject may, on written request, be provided with a copy of their disclosure by the Liaison Person.

The National Vetting Bureau does not carry out a vetting process on addresses outside of the State. However, there are a significant number of foreign convictions recorded on the Garda Vetting System. In instances where a prospective or existing Civil Defence volunteer discloses foreign addresses, s/he will be required to sign a self-declaration of convictions, if any, while residing abroad.

It is important to note that a disclosure, as a result of Garda Vetting, will not necessarily prevent an individual from becoming a member of Civil Defence. Each disclosure will be assessed on a case-by-case basis except where the automatic disqualification listed below apply.

While a criminal record is not necessarily an indicator of the current or future behaviour of an individual, there are specific convictions which will automatically disqualify a prospective or current Volunteer. These include:

- Any offence of a sexual nature,
- Any offence against a child or of child abuse or pornography,
- Any offence that causes gross bodily harm,
- Any offence of murder or manslaughter,
- Any offence of kidnapping,
- A series of continuous offending that might cause concern for the well-being of children, young persons and/or vulnerable adults,
- Any charges concerning child abuse pending trial by the Director of Public Prosecutions.

Please note that other offences or specified information may also give the Decision Making Committee reason to believe that the applicant is unsuitable for membership of Civil Defence.

4. Decision-making in respect of Garda vetting disclosures

In the event of a disclosure of a conviction, prosecution or specified information arising from the Garda Vetting procedure, the application of the individual concerned will be considered by a Decision Making Committee consisting of 3 persons. It is the responsibility of this Decision Making Committee, appointed by Civil Defence Branch, to make a decision regarding the suitability, or otherwise of that person to become or continue as a member of Civil Defence.

5. Re-Vetting

Irrespective of previous vetting, either with Civil Defence or other organisations, the Vetting process can take time because the National Vetting Bureau processes over 500,000 applications per annum. The Bureau deals with thousands of organisations and there is no escalation process. If there is a delay in the process within the Bureau, the Civil Defence Branch cannot expedite this.

It is important to note that most vetting applications are processed without delay, and long-dated applications are very rare.

6. Data Protection

It is the policy of Civil Defence Branch that all disclosures by parties as part of the Garda Vetting process will be held in the strictest of confidence. All personal information received verbally or in writing will be treated as confidential.

In the context of the General Data Protection Regulation and the Data Protection Act 2018, Civil Defence Branch and Civil Defence Officers will ensure that appropriate systems are in place to protect the security, confidentiality and integrity of all personal data of Vetting Subjects contained in Garda vetting applications and disclosures.

When the National Vetting Bureau discloses data on foot of a vetting application, the Liaison Person must ensure that Data Protection obligations are observed as follows:

- Information is obtained and processed fairly,
- Information is retained only for one or more specified, explicit and lawful purposes,
- Information is used and disclosed only in ways compatible with the purposes for which it was obtained,
- Information must be retained safely and securely,
- Information is retained accurately, completely and up to date,
- Information retained is adequate, relevant and not excessive,
- Information will be retained no longer than is necessary, and
- A copy of personal data retained in respect of an individual will be made available to the individual on receipt of a written request.

In respect of Garda Vetting Applications, the Civil Defence Branch operates a data retention policy in line with best practice. Vetting applications and disclosures will be retained for 5 years before being destroyed by Civil Defence Branch Liaison Officers.

Vetting Subjects are also entitled to submit a Subject Access Request should they wish to have sight of their personal data disclosed during the vetting process. This request will be dealt with by the Data Protection Office within the Department of Defence.

Further information can be found at <https://www.gov.ie/en/organisation-information/9a9bac-data-protection-privacy-notice/>

ANNEX 1: Civil Defence Garda Vetting Procedures

All Garda Vetting applications for Civil Defence Volunteers will be processed centrally through the Civil Defence Branch. The vetting invitation forms will be distributed to the prospective volunteer by their Civil Defence Officer, and then submitted by the CDO to the Branch for processing.

The process is part manual and part electronic as mandated by the National Vetting Bureau.

NOTE: Applications in respect of prospective or existing Civil Defence Volunteers received at the National Vetting Bureau via any other route will not be processed.

a) The Garda Vetting Form

- The central component of the process is the E-vetting Form which has been designed by the National Vetting Bureau. However, the initial Invitation Form (NVB1) must be completed in hard copy by the prospective/existing Volunteer at local level and given to their local Civil Defence Officer.
- The Civil Defence Officer will then check the form to ensure that it has been completed accurately and fully.
- Typically, the Civil Defence Officer will prepare batches of up to 15 invitations (generally aligned with a new induction group) and forward the batch to the Liaison Person in the Civil Defence Branch.
- Each batch of forms must be accompanied by a Batch Header Form (see Annex 2 of this document) signed by the Civil Defence Officer. A Batch number will be allocated to each batch in the Civil Defence Branch.
- Details provided on the Invitation Form are uploaded on the e-vetting portal of the National Vetting Bureau website by the Liaison Person.
- An invitation will then issue from the National Vetting Bureau to the Vetting Subject, by email, providing a link to facilitate the completion of the on-line application. (A National Vetting Bureau User Guide is available at <https://vetting.garda.ie/Content/UserGuides/en/UserGuide.pdf>)
It is critically important that the Vetting Subject completes the on-line application promptly.
- Once completed, the Liaison Person will be required to review the application before submitting to the National Vetting Bureau for processing, if in order.

- On completion of the vetting process, the National Vetting Bureau will issue a disclosure to the Liaison Officer indicating either that
 - (i) there are no convictions recorded against the individual in Ireland or elsewhere, or
 - (ii) a statement of all convictions or prosecutions, pending or completed, in the State or elsewhere as the case may be.
- Vetting Subjects can track submitted applications at <https://vetting.garda.ie/Track>. Vetting subjects should monitor the email address provided on their Vetting form to ensure any follow-up requests from the National Vetting Bureau are complied with.

b) Re-vetting

- The steps are as follows:
In addition to a reminder to Volunteers through VEMS, CDOs will notify existing Volunteers in their Unit when re-vetting is due. Existing Volunteers will be provided with an E-Vetting Invitation Form (NVB1) and asked to return the completed form to their CDO promptly. The process thereafter is identical to that outlined above in the case of vetting of prospective volunteers.
- Civil Defence Branch will ensure that its role in the process is actioned promptly. It is the responsibility of each CDO to monitor Volunteer vetting status. This can be easily done by running the following view on VEMS: Garda Vettings - All Garda Vettings. It is the responsibility of each Volunteer to ensure that their Garda vetting is in date at all times, and to respond promptly to Garda Vetting expiry notifications, generally sent to the email address that they provided on their application. It is important to note that these notifications often have a short expiry period, and applicants must respond promptly.

(b) Disclosures

- A Garda Vetting disclosure is issued directly to the Civil Defence Branch Liaison Person.
- As previously, an individual vetting subject may obtain a copy of their Garda Vetting disclosure from the Civil Defence Branch Liaison Person.
- At this point, if the Vetting Subject's disclosure includes information that automatically disqualifies him or her from becoming or remaining a Volunteer (as per section 3 of the Civil Defence Garda Vetting Policy), the Vetting process will be terminated by Civil Defence Branch and the Vetting Subject and relevant Civil Defence Officer will be notified.

- If the Vetting Subject's disclosure includes information that requires consideration by the Civil Defence Branch Decision Making Committee, the Vetting subject may choose to terminate the vetting process and the relevant Civil Defence Officer will be notified.
- If the Vetting Subject does not agree with the contents of the disclosure, there is a National Vetting Bureau dispute process. This process is activated by the Vetting Subject, who should outline the basis of his or her dispute, in writing, to the Liaison Person in the Civil Defence Branch. The Liaison Person then submits the complete application file to the National Vetting Bureau for further checks.
- A detailed overview of this process can be found at <https://vetting.garda.ie/Disputes/Disclosure>

(c) Decision Making in cases where a disclosure has been returned

- A Decision Making Committee will initially contact the vetting subject in writing (by registered post) for confirmation that the information contained in the Disclosure is accurate. Should the Vetting Subject wish to pursue the Vetting process, he or she may be invited to attend a meeting in order to discuss the disclosure and the circumstances surrounding it. Alternatively, the Vetting Subject can provide the Committee with a written statement. Such statements should be sent in a sealed envelope marked 'Private and Confidential' and for the attention of the Liaison Person to:

Civil Defence Branch,
Department of Defence,
Benamore,
Roscrea,
Co. Tipperary,
E53 CY80

- In making a decision, the Committee will consider the nature of the disclosure and the details surrounding it. The Committee will also take the following into account:
 - The length of time since the offence,
 - If the applicant disclosed the offence on the Garda Vetting form,
 - The subject's conduct since the offence occurred,
 - Nature of the offence and any relevant information offered by the vetting applicant about the circumstances, for example influence of domestic or financial difficulties,
 - Scale of the offence,
 - Whether the offence was a one-off or part of a history of offending,
 - Restorative justice – allowing the subject an opportunity of rehabilitation,
 - Whether the applicant's circumstances have changed since the offence took place,
 - Whether the offence has since been decriminalised by subsequent legislative changes,
 - The degree of remorse, and motivation for change, expressed by the individual, and
 - References received, if any (including from the Unit Civil Defence Officer, provided that the Vetting Subject agrees to share the disclosure data with that CDO).

- In carrying out their work, the Decision Making Committee will apply the following safeguards:
 - Ensure that detailed written records on the decision are retained.
 - All correspondence must be delivered by way of registered post, and
 - In the event where an interview is necessary – ensure that a witness is present.

- Following the Decision Making Process, the Committee will determine the application as follows, either:
 - **Membership approved** – Having reviewed all the available information the Decision Making Committee is satisfied that the Vetting Subject is suitable for membership of Civil Defence subject to adherence to the Code of Conduct, or
 - **Membership refused** – Having reviewed the available information, the Decision Making Committee recommend that the Vetting Subject is unsuitable for membership of Civil Defence. The Committee's decision will be made in writing to the vetting subject.

- Vetting Subjects will be notified in writing of any decision made by the Committee. The Civil Defence Officer will also be notified.

(d) Appeals

- In the event that a Vetting Subject should wish to appeal a decision of the Decision Making Committee, they must notify, in writing, the Assistant Principal, Policy and Planning Section, Civil Defence Branch, who will act as Appeals Officer, asking for a review of the Committee's decision and outlining the grounds of appeal. Appeals must be received within one month of being informed of the decision. Individuals who have been refused membership may not participate in Civil Defence training or duties pending the outcome of the appeal. The Appeal will be considered by the Appeals Officer and, in doing so, he/she will apply the principles and procedures of this policy as appropriate. The decision of the Appeals Officer is final, and the final decision will be communicated to both the Vetting Subject and the relevant Civil Defence Officer.

ANNEX 2: Batch Header Form

Name of Requesting Organisation

Civil Defence Branch

Address of Requesting Organisation

**Civil Defence HQ,
Benamore, Roscrea, Co
Tipperary**

Batch No: _____

Local Authority	First Name	Surname	Previous Name	D.O.B.	Current Address

I, on behalf of Civil Defence hereby declare that the above named Persons are bone fide applicants for positions within the Organisation.

CDO/ACDO: _____

Date: _____

I, on behalf of Civil Defence have been given written permission to receive, on behalf of Civil Defence any information that may be disclosed by An Garda Síochána concerning the above named pursuant to this/these application(s).

Liaison Person, Civil Defence Branch: _____

Reg. No: L.P _____

Contact Telephone No: _____

Date: _____