

# Motorsport Ireland Vetting Policy

## Introduction

Motorsport Ireland's vetting checks are processed through the National Vetting Bureau by the Federation of Irish Sport.

Motorsport Ireland is a Registered Organisation with the National Vetting Bureau (NVB) with one appointed Liaison Person in the Federation of Irish Sport and one Contact Person and one administration person in Motorsport Ireland. The NVB is situated at Racecourse Road, Thurles, Co Tipperary.

## Vetting policy within Motorsport Ireland

Following a meeting with Sport Ireland, we have agreed to introduce Garda Vetting for Racing and Kart event licenced officials. Vetting is a requirement for certain roles working with young people who are under the age of eighteen. This is required by law, and is in line with the best practice within our organisation. The legislation together with this Motorsport Ireland Vetting Policy means that vetting is mandatory for all Racing and Kart licenced officials.

## 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

Data Protection Act 1988/2003 Children's Act 2001 – Section 258

Private Security Authority Act 2004

National Vetting Bureau (Children and Vulnerable Persons) Act 2012 to 2016

Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016 Part 3

## General Information

### Why undertake vetting?

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 Motorsport Ireland and affiliated clubs against possible perpetrators of child abuse by being a barrier to an individual who is unsuitable to work with children.

### Who is responsible?

Motorsport Ireland is responsible for processing applications through the Federation of Irish Sport and for making the decision regarding an applicant's suitability to be a Racing and Kart licenced official.

Club committees are responsible for ensuring recruited and appointed individuals are vetted in accordance with this policy. Motorsport Ireland is responsible for ensuring Racing and Kart licenced officials operating at national level are vetted in accordance with this policy.

## Who is required to be vetted?

All persons applying for a role that provides an opportunity for unsupervised access to children must undergo the vetting process. These positions are referred to as undertaking relevant work or activity defined in the National Vetting Bureau (Children and Vulnerable Adults) Act 2012 to 2016.

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

- Racing and Kart event licenced officials
- Children's Officer (who must be a licenced official for the purpose of vetting only).

MI can request an official from any discipline to submit to Garda Vetting procedures at any time if information concerning an individual's suitability to work with children comes to the attention of a Club or to MI

## When is an individual required to be vetted?

All Racing and Kart licenced officials must be Garda vetted with effect from 01.01.2017. 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.

## Previous Residence

Any individual who has been resident in 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 and will be required to undergo a recheck after 12 months.

## Re-vetting individuals

All individuals will undergo re-vetting after five years or as determined by Motorsport Ireland and as required by future circumstances. Any existing Motorsport Ireland Official may be re-vetted if information concerning an individual's suitability to work with children comes to the attention of a Club or to Motorsport Ireland.

## Vetting as part of an investigative process

Vetting or re-vetting an individual, with their permission, may be considered as part of an investigation or a requirement within the Motorsport Ireland Yearbook Judicial Process or Appendix 123.

## Vetting charges & processing time

A fee of €20 must be submitted with all vetting applications

The time taken to complete the vetting process is dependent on the prompt submission of accurately completed forms.

## National Vetting Bureau

### Introduction

Motorsport Ireland has one Liaison Person (LP) registered with the NVB:

Sarah Maloney, Federation of Irish Sport

and one Contact person:

Leo Hassett, CEO, Motorsport Ireland

The LP is responsible for ensuring the application forms are up to date and available, and for dealing with information/disclosures as returned from NVB. The LP is also responsible for maintaining the confidentiality of disclosed information and for using such in the best interests of young people and in accordance with this vetting policy. All applications to the NVB are processed by the LP through the NVB on receipt of consent and identification verification from an individual seeking to be vetted. The requirements of the process are mandatory by legislation.

## Record keeping and storage

The application forms are destroyed once a Garda Vetting disclosure is received and a decision is made regarding the suitability of an applicant. The outcome is recorded on the Official's Licence Record as accepted or withdrawn. The status 'withdrawn' relates to an applicant who has been deemed ineligible for Motorsport Ireland or where an applicant has withdrawn their request for vetting. No information regarding the content of any disclosure is recorded on the database. The disclosure document, decision process and outcome are securely kept in a locked cabinet with access only by the contact person and the administrator.

All data is kept in accordance with the Data Protection Acts 1988/2003 by CP on behalf of Motorsport Ireland. All information is kept in a secure cabinet in Motorsport Ireland Head Office, 34 Dawson Street, Dublin 2.

## Processing the disclosed information from the National Vetting Bureau

On receipt of the Disclosure, Motorsport Ireland sends a copy to the applicant.

Any assessment of suitability depends on the relevance of any conviction/disclosed information to the position or role applied for, the self-disclosure of such information, the seriousness of the offence/disclosed information, the timing of the offence and any possible pattern of offences. The integrity of the applicant with regard to self-disclosure or lack of disclosure on the initial application form is considered important. The information disclosed is used for only the specific purpose for which it was obtained as part of an appointment process within Motorsport Ireland.

On receiving information that may potentially result in exclusion from taking up the regulated position any original documentation is checked to ensure it is correct and that the disclosed information refers to the applicant.

If the applicant **has** self-disclosed the information and this agrees with the disclosure from the vetting body a decision will be made depending on the type and nature of the offences disclosed.

If the applicant **has not** self-disclosed and information is received from the vetting body this will be checked with the applicant.

## Disclosed information

Disclosure of certain types of convictions/prosecutions or specified information automatically disqualify the applicant from a position working with children.

Examples of offences that will automatically disqualify an applicant are:

Any offence of a sexual nature

Any offence against a child or of child abuse or pornography

An offence that causes gross bodily harm

Any offence of murder or manslaughter

An offence of kidnapping

A series of continuous offending that might cause concern for the well-being of children

Any charge brought by the Director of Public Prosecutions concerning abuse of a child All decisions on the suitability of an applicant are a matter for Motorsport Ireland. The NVB is not involved in such decisions.

### **Examples:**

Example 1: An individual applies for a position as a Kart or Race Official; it is noted that the individual does not possess a driving licence. On the vetting return the individual declares a conviction for driving under the influence of alcohol, this information is duly disclosed showing a ban for one year. The details would be confirmed with the individual by the LP/contact person and if there is no responsibility for the transport of children involved in the position it is probable this individual would be deemed suitable to work with children.

Example 2: An individual is prosecuted at the age of 19 for taking part in a protest march where the individual, along with others, is charged with disorderly conduct and prosecuted. The individual, now in their forties, has no further disclosures on record and fully disclosed all information concerning the prosecution. It is probable that this individual would not be prevented from working with children.

Example 3: An individual has two parking offences disclosed on the return from the vetting organisation. These were not shown on the original application form. The LP/contact person makes contact to check if the offences related to the individual. It is clear during the conversation that the individual was not aware that these offences would be deemed prosecutions or convictions and therefore did not think about disclosing them. It is probable that this individual would be deemed suitable for a position working with children.

Example 4: An individual applies to become a Kart or Race Official. The return of the information from the vetting organisation shows a conviction of fraud, resulting in a suspended sentence. This information was not disclosed and is consistently denied by the individual. The recheck of the information identifies the information and the individual as being correct – this individual would probably be refused engagement as a Kart or Race Official.

### **Communication of information**

If the contact person/administrator is required to communicate with the applicant for any reason the following protocol applies:

- Communication may be by phone, letter or in person if convenient
- The contact person verifies the identity of the applicant
- No discussion takes place with any other person, spouse or partner
- The contact person gives an assurance of confidentiality

If the contact person/administrator needs to verify disclosed details the applicant is asked relevant questions, for example:

- Is there anything they remember concerning the time of the offence?
- Have they ever been to court?
- Is there any relevant information concerning the disclosed information?
- Does the applicant have an understanding of the relevance of the disclosure to the position/role applied for?

All responses are noted. If any of the information is disputed the disputes procedure in this policy (see below) must be followed.

## Dealing with Disclosures

All decisions are made on an individual basis. Consideration is given to the nature of the disclosed information received from the respective vetting bodies and the initial self-disclosure, if any, by the individual. Decisions will only be made on disclosed information that is verified and confirmed, preferably in writing. If a decision is required that is not clearly dealt with in this vetting policy external advice is sought. In this case any identifying information on the disclosure will be removed. External advice may be sought from other regulatory bodies, e.g. Participation Unit from Sport Ireland.

Where the applicant is suitable for the position of a Kart or Race Official, a copy of the Vetting Disclosure is sent to the applicant with a covering letter.

Where the information disclosed by the vetting organisation and/or self-disclosed by the applicant deems the individual to be unsuitable for the regulated position they are informed of such.

## Data Security

The data submitted by the applicant and any response from the vetting organisation is subject to data security. Motorsport Ireland will only release information concerning the suitability of an individual to a person who needs to know. In the event that an applicant withdraws either their application for a position or from their position, information concerning their suitability for working with children will not be released.

In accordance with the rules laid down in the Data Protection Acts 1988/2003 the signatory on behalf of Motorsport Ireland will:

- Obtain and process information fairly with permission
- Keep this information only for one or more specified, explicit and lawful purposes
- Use and disclose information only in ways compatible with these purposes
- Keep information safe and secure
- Keep information accurate, complete and up to date
- Ensure that any information is adequate, relevant and not excessive
- Retain information for no longer than is necessary for the purpose or purposes
- Give a copy of his/her personal information to an individual, on request

## Disputes

Motorsport Ireland cannot dispute the information disclosed by the NVB. Any individual disputing the disclosed information will need to follow the procedure for the NVB.

If there was an error in the completion of the form this should be rectified by the applicant by completing a new application.

## Disputing the Decision of Motorsport Ireland

All decisions on the suitability of an applicant are based on the information released by the relevant vetting body, and subject to the direction of this policy with due attention to the fair and lawful treatment of applicants whilst also accounting for the paramountcy principle in the protection of children and young people within sport.

The LPs and signatories have a responsibility to observe professional standards and will be cautious to recognise their own values and personal ethics in evaluating the seriousness and the relevance of any offence.

Any dispute concerning the decision of an LP or signatory should be submitted in writing to Motorsport Ireland.

Advice from independent advisors according to the jurisdiction will be taken, as guided by this vetting policy. This will be communicated to the individual in accordance with the protocol. The outcome of this decision will be final.

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