

# **VETTING POLICY**

## ***POLICY STATEMENT***

***Failure to comply with the Vetting Policy of An Coimisiun le Rinci Gaelacha will bar any person from registration and from having any other relationship with its activities, throughout the world.***

### **1. GENERAL OUTLINE**

- 1.1 In 2003 An Coimisiun le Rinci Gaelacha (CLRG) published its Child Protection Policy, as well as a Code of Conduct and Disciplinary Procedure, which relate to all who register with them as Teachers (TCRG or TMRF) and Adjudicators (ADCRG) on an annual basis.
- 1.2 The Child Protection Policy (CPP) provides for all such persons to have background checks carried out, to ensure that they are suitable and proper persons to teach Irish Dancing, to children and perhaps vulnerable persons, under the auspices of CLRG.
- 1.3 This Vetting Policy is introduced in order to meet the aspirations of CLRG as outlined within the CPP, as well as to identify the categories of persons within the organisation to whom it refers; whilst reflecting its international structure and status.

It is intended that this Policy will reflect National, Regional, State and Cultural differences throughout the world, including the rights of the individual (Human Rights legislation) as well as the principles of Natural Justice, and legislation pertinent to the country, region or state in which the individual resides, teaches, or otherwise visits in his or her capacity within the organisation, for instance an Adjudicator judging at a feis.

- 1.4 An Coimisiun Le Rinci Gaelacha aims to work within this vetting policy with fairness and impartiality, and will not discriminate unlawfully or lawfully. Each person, to whom this policy applies, will be dealt with in such a manner, irrespective of gender, marital status, religion, race, nationality or ethnic origin, sexual orientation, age, disability or social position.

### **2. PRINCIPLES**

- 2.1 The Policy will give a generic guidance as to the principles of vetting processes and the management of the outcomes, as well as providing for the differing processes and procedures that do exist between countries, states and regions.

- 2.2.1 This Policy provides a List of Relevant Offences and Behaviour, that are considered to be the foundation of the vetting process, in that in the event of any person being identified within a country's criminal records or information systems, as well as the judicial system, which discloses a connection, record or conviction, relating to one or more of these, this will lead to a failure on the part of that person, to pass the Vetting Process.
- 2.2.2 This list has been restricted by the nature of its contents, but may be viewed upon application in writing to the Authorised Signatory, or the Council of Management.

It must also be noted that this list is not exhaustive and may be amended at any time, by CLRG, on advice from an Appropriate Authority.

- 2.3 Such offences and / or behaviour must be capable of interpretation within any country, state or region, where that individual resides or carries out activities in relation to his / her status as a registered or non registered member of CLRG and its associate or subsidiary bodies. (See paragraph 4)

### **3. CONFIDENTIALITY AND SECURITY**

- 3.1 The management of this policy relies heavily upon **confidentiality and trust**. At all stages, personal information submitted to CLRG will be maintained within a secure environment, and not disclosed to any person who has not been deemed an Appropriate Person for such disclosure, by CLRG.
- 3.2 Personal information will only be disclosed to the Appropriate Authorities, requiring this, to enable that appropriate person or recognised body (working on behalf of CLRG) to carry out the appropriate vetting enquiries; for example the Central Garda Vetting Unit within the Irish Republic.
- 3.3 All information received from the Appropriate Authorities that indicates any applicant is identified or that there is no trace of an individual will only be disclosed to the appropriate person or recognised body, deemed by CLRG to have this responsibility and has been cleared to carry out this role, by that Appropriate Authority.

**This information will not be disclosed to any unauthorised individual or organisation.**

- 3.4 CLRG will take all steps necessary to ensure that the said information properly relates to the applicant, which will include the applicant agreeing that this is the case, in writing if possible.

- 3.5 Any unauthorised disclosure of information contained in an official record that has been disclosed to the appropriate person or recognised body, by an Appropriate Authority, relating to an identified person, may well lead to criminal action being taken by that Appropriate Authority (Garda, Police etc), or at least consideration being given to action being taken for Gross Misconduct under the Code of Conduct and Discipline Procedure, by CLRG.

#### **4 THE VETTING PROCESS**

- 4.1 After the submission of a Vetting form and where an applicant is identified within a country's judicial system, (conviction) or other police system, as having a record; sufficient detail as is necessary for a decision to be made as regards the vetting process, will be provided to the appropriate person e.g. in Ireland this will be the Authorised Signatory, or other recognised body.
- 4.2 Where this happens, the appropriate person or recognised body will first make all necessary enquiries, based upon the detail provided, to ensure that the applicant is the same person as subject of that information, giving the applicant every opportunity to challenge these facts, and provide contrary information etc...until an end position is reached.
- 4.3 Where the record is confirmed to be that of the applicant, and this indicates a conviction, connection or record specifically relating to a Relevant Offence of Behaviour as listed in this Policy, the applicant will be deemed to have **failed the vetting process**.

**In such cases, *only this fact* needs to be made known to CLRG, in order that a final decision as to sanction may be reached.**

- 4.4 Where **no trace** of any information relating to an applicant is found, that person will be advised accordingly, and the fact recorded by CLRG.
- 4.5 An individual's Vetting Clearance will last for 36 months\*, (commencing on the 1<sup>st</sup> September in the relevant year, a date which indicates the start of the CLRG Dancing Year) unless a situation occurs to alter this position in the intervening period, when the process may have to be introduced earlier.
- 4.6 Consideration will be given to this start date, where the implementation of the vetting process for the first time in a country or region, may mean that some transactions are carried out prior to the first of September.

*\* In some countries, updates on those previously vetted will be automatically provided to CLRG; therefore the need to have undergone the vetting procedure again will probably not be required.*

## **5. PERSONS TO WHOM THIS POLICY APPLIES**

- 5.1 All members of the Council of Management of CLRG are subject to this Vetting Policy.
- 5.2 All employees of CLRG whether temporary or permanent, are subject to this Vetting Policy.
- 5.3 All Registered Teachers of Irish Dancing, TCRG or TMRF are subject of this Vetting Policy; this includes those designated Temporary, Conditional or Associate Teachers.
- 5.4 All Registered Adjudicators of Irish Dancing, ADCRG, are subject of this Vetting Policy.
- 5.5 All non registered (Lay) members of CLRG are subject of this Vetting policy.
- 5.6 All non registered (Lay) members of Regional Councils, or other recognised National or Regional (Dancing) Authorities, operating under the auspices of CLRG, are subject of this Vetting policy.
- 5.7 All persons who regularly organise and run Feiseanna are subject of this Vetting Policy, and consideration must also be given to regular volunteers at these events, being subjected to the process.
- 5.8 All persons who regularly attend Irish Dancing Classes, in schools of registered teachers, in a voluntary capacity, as an assistant to that teacher(s) are subject of this Vetting Policy.
- 5.9 It is recommended that all persons employed as musicians at Feiseanna or Oireachtasi organised directly by CLRG, where children or vulnerable persons will be present, and such persons would come into contact with them, should have been cleared through a vetting process, and be able to produce accreditation to this effect, to CLRG on demand.
- 5.10 It is recommended that all persons engaged under contract as traders within any Feis, Feile or other events where children or vulnerable persons will be present, and such persons would come into contact with them in the pursuit of their trade, these should have been cleared through a vetting process, and be able to produce accreditation to this effect, to CLRG on demand, at the time any Contract or other formal Agreement is signed.

## **6. NEW TEACHERS**

- 6.1 All persons applying to CLRG to take the Teachers' Examination (TCRG or TMRF) will be supplied with a copy of this Vetting Policy and a Vetting Application Form, as part of their Examination pack, prior to undertaking the examination, to ensure that they are fully aware of it, and the requirement that they will be subject of this Vetting, should they be successful.
- 6.1 All persons applying for consideration as to CLRG assigning Temporary, Conditional or Associate Teacher status will be supplied with a Vetting Form for completion at this time, and once their status has been approved, they will apply for vetting,
- 6.2 Newly qualified Teachers should not open classes or otherwise teach Irish Dancing, under the auspices of CLRG, until they have been vetted.

## **7. ESTABLISHED REGISTERED MEMBERS**

- 7.1 All established registered members will be required to undergo Vetting, this being by way of the submission of personal details by use of the Official Application Form issued by CLRG. Details of the procedures to be followed and which apply, according to each country, are shown in the relevant Appendix.
- 7.2 All persons applying to become registered teachers within CLRG, having acquired such qualifications within another Irish Dancing organisation, or having acquired such qualifications originally as a registered member of CLRG and having left for a period of time in excess of 12 months, are considered to be transferring in, therefore will be supplied with a copy of this Vetting Policy and a Vetting Application Form, prior to the Appointment process, to ensure that they are fully aware of it, and the requirement that they will be subject of this Vetting, should they be successful.

## **8. OTHER ESTABLISHED MEMBERS OF AN COIMISIUN OR ITS SUBSIDIARY BODIES.**

- 8.1 All other established members of CLRG, or those elected to office or role within subsidiary bodies on an annual or other regular basis, i.e. Regional Councils, will be required to undergo Vetting; this being by way of the submission of personal details through the use of the Official Application Form issued by CLRG.
- 8.2 The fact that any applicant passes the vetting process is noted and this fact retained within the records held by CLRG.

- 8.3 Details of the procedures to be followed and which apply according to each country, are shown in the relevant appendix.

## **9. IMPLEMENTATION PLAN**

- 9.1 The vetting procedures outlined in **Appendix A** are applicable to those to undergo Vetting, and are resident in the **Irish Republic** (Eire). This process will be started, for those persons in categories as defined in paragraph 4 no later than 1<sup>st</sup> December 2009.

Note this will include those persons who are resident in Eire, but register as teachers or adjudicators in the Ulster Region of CLRG.

- 9.2 The persons to whom this policy applies, in categories as defined in paragraph 4 that reside within **Northern Ireland**, and register as being within the Ulster Region of CLRG, will be subject of the vetting procedures as outlined in **Appendix B**, no later than 2<sup>nd</sup> February 2010.

- 9.3 The persons to whom this policy applies, in categories as defined in paragraph 5 that reside within **The United Kingdom**, will be subject of the vetting procedures as outlined in **Appendix C**, which will be brought into being no later than 1<sup>st</sup> September 2010.

- 9.4 As other countries throughout the world, USA, Canada, EU, Russia, for Instance, come on line with Vetting procedures, it is intended that additional appendices will be created and published, as above, for each member country to reflect the appropriate procedures for their teachers etc.

- 9.5 It may well be that a teacher will have to go through a vetting procedure a number of times, if he / she teaches in different countries; notwithstanding place of normal residence, as these will be different for each country. This is necessary as a clearance in one country does not mean that there will be no record of offences or behaviour in another.

## **10. FEES**

- 10.1 There is no standard as to whether fees for Vetting are payable or not, this is totally dependant on the procedures employed by the relevant country, where the application is submitted, and these will vary. It is intended that a schedule of fees payable will be shown where these are applicable.

- 10.2 CLRG reserves the right to charge fees accordingly.

## **11. THE APPEAL PROCEDURE**

11.1 Notification of an intention to appeal in conjunction with a failure to pass the Vetting Process must be submitted to CLRG in writing, clearly indicating the grounds on which it is based, within 21 days of the imposition of any sanction being notified to the person concerned.

11.2 An Appeal submitted can only be based upon one or more of the following Grounds.

- (i) The conviction or behaviour on which the person failed the vetting process is in dispute, for example either it is not specifically shown in the List of Relevant Offences, or such behaviour attributed to the appellant is not similar to any of those as listed.
- (ii) The appellant is not the person to whom information from the Appropriate Authority refers.
- (iii) The Sanction emerging out of the decision making process of CLRG as a consequence and applied is neither reasonable nor fair.

11.3. Actions and outcomes as a result of the receipt of a Notification of an Appeal are as follows:

- 11.4.1. CLRG considers the Notification of Appeal and the grounds on which it is based, and do not agree to allow the matter to proceed any further, therefore it is dismissed.
- 11.4.2 CLRG will consider the Notification and decides an Appeal should be allowed, moving towards the matter being heard, with an Appeal Board being formed, under existing arrangements.
- 11.4.3 An applicant should indicate at this time, that he / she is content that this matter be dealt with by way of an personal hearing (or not) given the confidential and personal nature of disclosure. If a request for a personal hearing is made, and CLRG are in agreement that this is appropriate, they will make appropriate arrangements for this to take place. A minimum of 21 days notice will be provided to the applicant.
- 11.4.4. The Appeal is heard, and is subsequently dismissed. The sanction originally applied as a result of failing the vetting process remains in force.

- 11.4.5. The Conviction for a Relevant Offence or Behaviour is found not to be within the list contained within this Policy, **and** cannot be related to any like offence or behaviour in the country where it was applied; and therefore the appeal may be upheld and the person concerned is deemed to have passed the Vetting Process.
- 11.4.5. The appellant is proved not to be the person to whom the information received from the Appropriate Authority relates, and no other like information is forthcoming, therefore that person is deemed to have passed the Vetting Process.
- 11.4.6. In a Criminal Court of Appeal where an Appeal against a conviction on which a failed vetting is based, is upheld, this decision may lead to a reversal of the vetting outcome as a consequence, therefore person concerned may be deemed to have passed the Vetting Process.

## **The Vetting Process in the Irish Republic**

In summary, CLRG will carry out the following:

1. Make arrangements for the distribution of the Garda Vetting Forms.
2. Receives and check the completed Garda Vetting Application Forms from all applicants as indicated in the Vetting Policy (paragraph 5) who are normally resident in the Republic of Ireland.
3. Forward the application form to the Garda Central Vetting Unit to have the appropriate enquiries carried out in respect of each applicant
4. Receive Garda vetting results from the GCVU once these enquiries are completed.
5. Notify each applicant as to the result of the vetting process.

### **Making an Application to be Vetted**

As part of the process for applying to be vetted as a member of An Coimisiun Le Rinci Gaelacha, (CLRG) applicants are obliged to provide the following information:

- (a) Details of any criminal convictions;
- (b) Details of pending prosecutions.

Such details refer to both Irish and foreign jurisdictions and shall include, in the case of a conviction, the date of the offence, the date of conviction, a brief description of the offence, a description of the penalty imposed.

In the case of a pending prosecution such details shall include the date of the alleged offence, the stage of the proceedings at the time of application and a brief description of the offence alleged.

**The applicant will also be required to complete a Garda Vetting Application Form.**

Where there are indications that an applicant may have a conviction or pending prosecution, the matter will be brought to the attention of An Coimisiun Le Rinci Gaelacha.

### **The Process**

1. The applicant applies to An Coimisiun Le Rinci Gaelacha to be vetted as he or she is resident in Ireland. The application form makes provision for the inclusion of details of any previous convictions or prosecutions pending in Ireland or in other countries.

A Garda Síochána Vetting Application Form is sent to the applicant (if already a registered member, or established by another position with the organisation) as part of the annual registration procedure, in the relevant year.

2. In the case of applicants to take the TCRG / TMRF examination, these persons will be supplied with a copy of the Vetting Policy and a Vetting Application Form, as part of their Examination pack. Successful applicants will submit their Vetting form at the time of receiving the result of the examination.
3. The Vetting Form must be completed and returned to CLRG to be forwarded to the Garda Síochána Central Vetting Unit for processing.
4. Where any conviction is disclosed and has been verified as correct, the case is then considered (Note the List of Relevant Offences or Behaviour). If the CLRG decides no further action is required, the applicant's vetting application continues in the normal manner.
5. Where CLRG is of the view that a conviction(s), or other prescribed behaviour, which has been disclosed and verified, requires further attention, further information may be sought from the applicant.
6. Where there is reason to believe that an applicant is the subject of a pending prosecution and the nature or seriousness of same is sufficient to give rise to concerns as to the character of the applicant, CLRG **may** seek further

information from the applicant in relation to the conviction or pending prosecution.

Such information may include, but will not be limited to:

- A detailed account of the facts or circumstances which led to the conviction or pending prosecution.
- The identity of the member of An Garda Síochána or other person principally concerned with the prosecution.
- The identity of the complainant (if any) in any such prosecution;
- An account of the conduct and outcome of any court proceedings;
- In the case of a pending prosecution or a conviction that has yet to proceed to sentence a summary of the proceedings to date along with details of any future court dates in relation to the proceedings;
- Information in relation to any programme of rehabilitation or treatment undertaken by the applicant in connection with the offence or alleged offence;
- Details in relation to any compensation paid by the applicant in respect of the proceedings;

7. Where further information is sought by the CLRG no further steps shall be taken in relation to the furtherance of the vetting of the applicant until same is supplied.
8. CLRG may, at this time, consider whether suspension of the applicant, from any activities in connection with Irish Dancing, is appropriate, pending the outcome.
9. Where CLRG, having reviewed all information provided, has come to the conclusion that the applicant is unsuitable to be a registered member, or otherwise a person formally associated with the organisation, they will inform the applicant of its decision.
10. If CLRG is satisfied that the information presented does not render the applicant unsuitable to pass the vetting process, then approval may be given for the application to proceed as usual.

11. The applicant will be advised as to the option of lodging an Appeal, to CLRG. in writing, stating the grounds on which this is based, within 21 days of receipt of the decision from CLRG. (See Paragraph 11)

**General Principles to be applied by An Coimisiun Le Rinci Gaelacha when considering disclosure of convictions, pending prosecutions or behaviour, in an Appeal.**

- a. Any consideration of an appeal is not a forum for re-hearing the arguments which could have been made in a court.
- b. A conviction raises a potential question about the character and behaviour of the applicant. In evaluating the seriousness and relevance of an offence, Appeal Board members must consider all the information disclosed, in an unbiased and unprejudiced manner and in accordance with this Policy which has been approved by An Coimisiun Le Rinci Gaelacha.
- c. A full account will be taken of all the relevant information available about the offence(s). This information should be considered in the round and in a proportionate way, which has due regard to the public interest, which includes:
  - The protection of all children and vulnerable persons (dancers) involved in Irish Dancing.
  - The protection of members of the public, colleague and staff members of CLRG.
  - The maintenance of public confidence in the organisation
  - The importance of upholding proper standards of conduct (Code of Conduct and Disciplinary Procedure for registered teachers and adjudicators is of particular relevance in this regard)..
- d. In reaching a conclusion as to the character of the applicant in relation to a conviction or in relation to a pending prosecution where the applicant accepts the substance of the allegations grounding the prosecution, may have regard to some or all of the following matters:
  - The nature of the offence
  - The seriousness of the offence
  - The sentence imposed
  - In the case of more than one offence whether the offences disclose a pattern of recidivism or repeat offending
  - The age and circumstances of the applicant at the time of the offence.

- The time elapsed since the offence(s)
  - The manner in which the applicant dealt with the proceedings in relation to the offence and in particular whether the applicant pleaded guilty and at what point in the proceedings.
  - Whether the offence involved a serious breach of trust.
  - Whether the offence is one which by its nature gives rise to specific concerns in relation to the applicant's role as a teacher or in relation to contact with children or young people generally.
  - The extent to which the applicant has rehabilitated himself or herself since the commission of the offence(s).
  - Whether the conviction was disclosed in the registration process.
- e. As a general guidance, there may be situations where consideration should be given as to whether the matter should be (also) referred to An Coiste Faire, who should consider if the conviction(s) or pending prosecution would be sufficient to be construed as professional misconduct.
- f. This consideration may only be on the basis that the applicant is a registered teacher and subject to the Code of Conduct and Disciplinary Procedure.
- g. An Coiste Faire should also consider the level to which the conviction(s) or prosecution pending offends the aforementioned Code, and although the applicant (member) will have failed the Vetting process, the Code of Conduct and Disciplinary Procedure is an appropriate means of dealing with the case.

**Note:** This course of action must be carefully considered as the fact that an applicant failed the Vetting remains and cannot be expunged from any records, and should there be a further offence committed, CLRG may find its position compromised in the event of any Criminal or Civil Action. It is important to remember that in some jurisdictions, the mere fact that a person has convictions in certain categories, disqualifies him or her from (ever) being allowed access to children or vulnerable persons, and any organisation that affords this access, can also be held culpable.

## **The List of Relevant Offences and Behaviour**

This list is **RESTRICTED** however may be obtained on application to the Vetting Officer, via the offices of An Coimisiun Le Rinci Gaelacha.

## Definition and Explanation of Terms Used

1. **CLRG** is an abbreviation of An Coimisiun Le Rinci Gaelacha
2. **Applicant** is the person applying to be registered as a teacher or an adjudicator, or other member of CLRG in a stated position within the organisation in Ireland, as defined in the Vetting Policy, at Paragraph 5.
3. **Conviction** refers to an offence, within or outside the Irish jurisdiction, whether triable summarily or on indictment in respect of which the relevant legislation provides for a custodial sentence. The term also includes circumstances where the applicant has pleaded guilty before the relevant court but is awaiting sentence at the time of application. \*\*  
For the avoidance of doubt the expression *conviction* does not include an order made pursuant to Section 1(1) of the Probation of Offenders Act, 1906.
4. **Authorised signatory** is a person deemed by CLRG, and acceptable to An Garda Síochána, to manage all applications and information, which form the basis of the Vetting process.
5. **Garda Vetting** refers to the process undertaken by the Garda Central Vetting Unit (GCVU) in which the applicant completes and submits, via CLRG, a Garda vetting form. The GCVU check the applicant against their database for convictions, pending prosecutions, application of the Probation Act and non-convictions.
6. **Non-conviction** is a term used by An Garda Síochána in the Garda vetting process which refers to an unsuccessful prosecution having been taken against the applicant by the Gardaí or by the Director of Public Prosecutions.
7. **Pending prosecution** in relation to an applicant means criminal proceedings, whether summary or indictable, as against that applicant which has not yet been concluded. Where a pending prosecution has been struck out or no order has been made in respect of same and there are grounds for believing that the proceedings will be re-instituted or re-entered within a reasonable

period of time CLRG may, for the purpose of these regulations, regard the applicant as being the subject of a pending prosecution.

8. **An Coiste Faire** – the Professional Conduct committee of An Coimisiun Le Rinci Gaelacha.

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\*\* Strictly speaking a person is not convicted before a court of summary jurisdiction until such time as sentence is actually pronounced by virtue of the unitary nature of summary order.