

Garda Vetting Requirement

The National Vetting Bureau (Children and Vulnerable Persons) Acts, 2012 to 2016, commenced on 25 April 2016 and make it mandatory for people carrying out what is described as “relevant work” with children or vulnerable adults to be vetted by the Garda Síochána National Vetting Bureau (the “Bureau”).

What is Garda Vetting?

Garda Vetting is conducted in respect of any person who is carrying out work or activity, a necessary and regular part of which consists mainly of the person having access to, or contact with, children or vulnerable persons.

The Bureau will make such enquiries with An Garda Síochána or a Scheduled Organisation, (the Medical Council is listed as a Scheduled Organisation in the legislation) as it deems necessary, to establish whether there is any criminal record or specified information relating to the applicant. The Bureau does not make decisions in respect of the suitability of an applicant for a position; this is the sole responsibility of the registered organisation; e.g., the employer.

Relevant Organisation

The Bureau carries out vetting for relevant organisations who have registered with it. A relevant organisation means a person (including a body corporate or an unincorporated body of persons) who employs, enters into a contract for services or permits any person to undertake relevant work or activities, a necessary and regular part of which consists mainly of the person having access to, or contact with, children or vulnerable persons.

Registration

A GP practice should register as a relevant organisation. To register, you will need to write to the following address:

Registration Section,
National Vetting Bureau,
Racecourse road,
Thurles,
Co. Tipperary.

Your letter should include the following specific and up to date information in order that the Bureau can assess your request:-

- Name and business address of your organisation
- Contact person within the organisation
- The nature of your business

Following receipt of your correspondence the Bureau will contact you. Before registering, you should agree in advance who is going to be your Appointee for Garda Vetting purposes.

Further information relating to the registration process can be found on the Garda Síochána website.

Relevant Work

Relevant work includes any work or activity which is carried out by a person, a necessary and regular part of which consists mainly of the person having access to, or contact with, children or vulnerable persons in any hospital or health care centre which receives, treats or otherwise provides services to children or vulnerable persons.

It is expected that healthcare workers, including medical practitioners and practice nurses, would carry out relevant work in health care centres which receive, treat or provide services to such children and vulnerable persons and so applications must be made for a vetting disclosure.

Reception/Administration Staff Members

It is a matter for your practice to assess whether reception or administration staff in your practice have access to or contact with children or vulnerable persons as contemplated by the legislation. If so they should also be Garda vetted.

It is of note that Garda vetting is mandatory for all new staff employed by the Health Service Executive (HSE). Therefore, it would be prudent for GP practices who undertake work from the HSE (GMS patients) to consider having all staff members Garda vetted.

Failing to carry out Garda vetting when it is required is an offence and; therefore, assuming that vetting is required in respect of all staff members may be the most cautious and prudent approach to adopt.

Vetting Disclosure

The legislation provides that a relevant organisation shall not permit any person to undertake relevant work or activities on behalf of the organisation, unless the organisation receives a vetting disclosure from the Bureau in respect of that person.

A vetting disclosure will include particulars of the criminal record (if any) and a statement of the specified information (if any) or a statement that there is no criminal record or specified information, in relation to the person.

Specified information means information concerning a finding or allegation of harm to another person received by the National Vetting Bureau from An Garda Síochána or a Scheduled Organisation.

The legislation has retrospective effect. It provides that applications for vetting disclosures for all medical practitioners who were employed before 25 April 2016 and are carrying out relevant work must have been submitted by 31 December 2017. The legislation creates offences and penalties for persons who fail to comply with such mandatory requirements.

The legislation does not provide for individuals such as medical practitioners approaching the Bureau directly to seek a vetting disclosure for themselves. The application has to be submitted by the relevant organisation, such as the person's employer, who will receive the vetting disclosure and can then consider the information when assessing the suitability of the person to undertake relevant work or activities within their organisation.

If you are a self-employed medical practitioner, a vetting disclosure is still required. If you are unable to obtain a vetting disclosure through any other means, the Medical Council has confirmed that it will facilitate self-employed medical practitioners by submitting applications on their behalf. Further information can be found on the Medical Council website.

"The contents of this publication are indicative of current developments and contain guidance on general medico legal queries. It does not constitute and should not be relied upon as definitive legal, clinical or other advice and if you have any specific queries, please contact Medisec for advice".