

The Irish Athletic Boxing Association Vetting Policy:



Introduction:

The Irish Athletic Boxing Association relies heavily on the time and commitment freely given by volunteers, and without this the opportunities for children and young people to participate in boxing would not exist. However, we have a duty to protect those in our sport and therefore have engaged in a programme of vetting as part of our commitment to safeguarding. Vetting will make our organisation and clubs better protected against possible perpetrators of child abuse by helping to identify and deter any individual who is unsuitable from working with children or vulnerable adults.

There are two types of vetting checks available to the Irish Athletic Boxing Association – Garda Vetting and Access NI; both processes are applicable to IABA members and personal engaged in IABA activities and will be used by the IABA dependent on the jurisdiction you are volunteering in. This is required by law, with certain differences in each jurisdiction and is in line with the best practice within our organisation.

The Law

In Northern Ireland it is an offence to knowingly offer employment (including volunteer roles) to or to allow someone to continue working in regulated activity, when they are barred by the Disclosure and Barring Service¹. Therefore, there is an implicit requirement to undertake an Access NI check as it is the only way to confirm a person is not barred.

In the Republic of Ireland legislation for Garda Vetting commenced on 29th April 2016 through the implementation of the National Vetting Bureau Act². The Act provides a

legislative basis for the mandatory vetting of individuals who wish to undertake certain work and activities, either in a paid or voluntary capacity, relating to children or vulnerable persons. Any person who engages with children or vulnerable persons on a regular basis must be vetted by the IABA to be 'deemed acceptable' to fill the position from a National Vetting perspective. Under the National Vetting Bureau Act, **it is an offence to engage with children or vulnerable adults on a regular, ongoing basis in the absence of vetting from the IABA.**

<http://www.homeoffice.gov.uk/agencies-public-bodies/dbs/services/dbs-referrals/>
²<http://www.iaba.ie/site3/wp-content/uploads/2014/10/National-Vet.pdf>

Why undertake Vetting?

Vetting is a measure now incorporated into our recruitment and selection procedure for recruitment of personnel with access to children and vulnerable adults within the Irish Athletic Boxing Association at local, regional and national level. It is also a legal requirement in the ROI; therefore, any individual coach and that coaches club will be breaking the law if they start volunteering in youth boxing without undertaking an NVB check.

Who will be required to be vetted?

All members of the Irish Athletic Boxing Association, both voluntary and paid staff, who regularly work with children and/or vulnerable adults in boxing, must complete the vetting process. These positions are referred to as **regulated positions/regulated activity**- see appendix 1 for more detail of vetting criteria in NI. An individual should not work / volunteer with children or vulnerable persons within the IABA until their vetting application has been completed and the outcome conveyed to the Liaison Person/Designated Signatory. It is the responsibility of the employer (clubs committee) to ensure all volunteers with regular access to children and/or vulnerable adults have completed the vetting process before commencing in **regulated positions/regulated activity**.

It is a criminal offence in ROI to start a person in **regulated positions/regulated activity** before the person has been fully vetted. Club Secretaries or Child Protections Officer can contact the National Child Protection Officer to verify that a person application has been completed.

Please note all IABA coaches and child protection officers **MUST** be vetted.

The IABA has a policy that members are to be re-vetted after 5 years – this may change where legislation or good practice requirements are amended.

The time taken to complete the vetting process is dependent on the prompt return of accurately completed forms and must be allowed for when recruiting staff/volunteers.

The vetting process does not provide clearance for people to work with children; it is only one aspect of the safe recruitment process. Clubs should also insist that members sign code of behaviour and self-declaration forms as well as directing their members to partake in safeguarding and child protection training.

The Process

The Irish Athletic Boxing Association is registered with the National Vetting Bureau (NVB) and has an appointed Liaison Person/s who will submit applications. The IABA is also registered with Access NI and has an appointed designated signatory/s.

The decision to engage in vetting for existing members and as part of the recruitment and selection process is in line with the best practice safeguarding advice to protect the welfare of children and vulnerable adults within the organisation. It is also a minimum expectation of many parents and society as a whole that the IABA are doing all we can to ensure no-one with a history of harming children/vulnerable adults has access to them through our sport. Failure to successfully complete the process may result in disqualification from appointment to a position within the IABA. No person under 18 years of age may undergo a vet, unless accompanied by signed parental permission. All vetting checks will be carried out in line with the Code of Practice for ANI (NI) and the NVB (ROI).

The process of information returned following a check is slightly different in the two jurisdictions.

- In ROI the IABA receive a disclosure certificate back from the NVB and contact the individual directly to discuss any relevant information returned.
- In NI only the individual applicant gets the actual disclosure certificate with the IABA being notified when this has been issued and are aware if there is any information returned on the disclosure.
- The IABA will only contact those individuals with information on their certificate and request sight of the original disclosure certificate.

For more information on the IABA's vetting process please visit: <http://iaba.ie/documents/>

GARDA VETTING:

Applicants need to submit their vetting application directly to the IABA. These vetting applications should be submitted in paper form to **David Britton, The National Stadium, Dublin 8** or digitally to david@iaba.ie.

All applications must be fully completed by the applicant and include all their addresses from birth. The application **MUST** be accompanied by two copies of forms of identification, one photographic e.g. a photocopy of your passport or driving licence and a copy of a document with your current home address e.g. a utility bill (gas, electricity, television, broadband, etc).

On receipt of correctly submitted applications a liaison person for the IABA will input your application into the National Vetting Bureau's E-vetting portal for processing. Please note at this juncture your application is being processed by the National Vetting Bureau and that the length of time this process takes can vary from application to application.

Garda Vetting applications can be downloaded from the grants and documents section of the website <http://iaba.ie/documents/>.

Please note illegible applications will be discarded and shredded.

ACCESS NI:

Members wishing to partake in the Access NI process (NI Clubs) must do so by completing an online application in collaboration with a UBC staff member. Vetting applications can be located on the access NI website <https://www.nidirect.gov.uk/services/create-accessni-account>.

In order to complete an online application, you first must contact the member of staff for your area to make them aware of the application so that they can assist you in completing the on-line application and to arrange the necessary ID check with the applicants.

Please see applicable information below:

<u>STAFF MEMBER</u>	<u>SEAN O HARE</u>	<u>NICKY FLANAGAN</u>
<u>Geographical Area</u>	<ul style="list-style-type: none"> • <u>Antrim County Board Area/Clubs</u> • <u>Armagh and Down County Board Area/Clubs</u> 	<ul style="list-style-type: none"> • <u>Derry County Board Area/Clubs</u> • <u>Tyrone and Fermanagh Board Area/Clubs</u>
<u>Contact Email</u>	Sean@iaba.ie	nicky@iaba.ie
<u>Contact Mobile</u>	<u>07793246275</u>	<u>07885467208</u>

For more information in relation to IABA Vetting please visit our website
<http://iaba.ie/documents/>.

Record keeping and Storage:

Paper documents submitted in relation to vetting applications will be retained for a period of 12 months after the vet has been fully processed, after which time the documents will be shredded. These documents will be stored in accordance with the Data Protection Act 2018.

Digital vetting records will be retained for the life of the vet (5 years). These records will be kept in accordance with the Data Protection Acts 2018.

Documentation relating to the Child Welfare & Vetting Review and the National Case Management Panels may be retained indefinitely for the purposes of safeguarding children in boxing. These documents will be stored in accordance with the Data Protection Act 2018.

For more information in relation to data protection please see the IABA's data protection and privacy policy <http://iaba.ie/site3/wp-content/uploads/2019/03/Privacy-Statement-IABA.pdf>.

New Members taking up regulated positions:

The requirement for vetting must be included in any job description/volunteer role for a regulated activity position.

Once an applicant is successful through the interview stage of a recruitment/appointment process the completed vetting form should be submitted to the IABA for processing. Any such appointment is subject to the successful completion of the vetting process.

Re-vetting:

All individuals will undergo re-vetting after 5 years or as determined by the IABA.

Any individual may be re-vetted with their permission if information that would affect a decision concerning an individual's suitability to work with children comes to the attention of a Club, Region or the National body.

Residency Abroad:

Any individual who has been a resident for less than one year (taken from the date of the initial vetting application) in either Ireland or Northern Ireland will need to be re-vetted one year after their initial vetting.

Equality Statement:

The IABA is committed to equal opportunity for all applicants/volunteers including those with criminal convictions. Information concerning criminal convictions is requested in order to assist the selection process and will be considered only when the conviction is considered

relevant to the position. Any disclosure will be seen in the context of the role/job criteria, the nature of the offence and the responsibility for the care of existing members, volunteers and employees.

The disclosure of criminal history information will not debar a person from a paid/volunteer role unless the IABA Vetting Review Panel considers that the information renders that person unsuitable for the role applied for. In reviewing a person's record, the Vetting Review Panel will use the information available only to form an opinion as to whether a person would present a risk to children or vulnerable adults.

In making this decision the IABA Vetting Review Panel will consider the nature of the offence/caution, how long ago it was committed and what age the person was at the time and other factors which may be relevant. This information will be verified through an appropriate Access NI Enhanced Disclosure or NVB check. If an individual is currently facing prosecution for a criminal offence, they should also bring this to attention of the IABA child protection officer.

Decision making

It should be noted that the National Vetting Bureau and Access NI do not provide 'clearance' for applicants to work with children and/or vulnerable adults; the IABA receives relevant information and decides on the suitability of the applicant. IABA will also consider any other information identified as relevant to safeguarding/safe recruitment before making a determination on a person's vetting application. IABA is committed to equal opportunities for all and does not preclude applicants with criminal convictions. Applicants whose vetting check returns information in relation to their criminal record will be judged on a case-by-case basis and positive disclosures do not necessarily preclude a person from taking a role within the Association. Applicants may be contacted to discuss relevant risks so that the Association can reach a safe and fair recruitment decision. Members/Clubs who do not comply with the IABA's vetting policy can have their membership/club affiliation frozen by the IABA. Membership/Club affiliation will be reactivated once all/any vetting compliance related issues have been addressed.

Disputes

IABA cannot dispute the information disclosed by Access NI or the National Vetting Bureau. Any individual disputing the disclosed information will need to follow the procedure for the relevant vetting body. The applicant will not be permitted to take up a position while any disclosure is under dispute.

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 IABA

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.

In the event of a dispute in relation to a vetting decision taken by IABA, the applicant may request a review by the Child Welfare and Vetting Review Panel. It should be noted that this request is a review process not an appeal. External advice may be sought from other regulatory bodies, e.g. Participation Unit from Sport Ireland or Child Protection in Sport Unit from NSPCC. In such cases no identifying information will be shared with these external bodies. The outcome of this decision will be final.

Appendix 1

NI Guidance:

What is regulated activity - for those working with children and young people?

The following is a summary of regulated activity relevant to those working with children in the voluntary sports sector.

Working in a paid or voluntary capacity with children is regulated activity if:

- (a) It is one of the activities listed; and
- (b) is done “regularly”, with the exception of health care and relevant personal care which is regulated activity even if carried out once; or
- (c) It is carried out in a specified place.

(a) The activities include:

- Teaching, training or instruction;
- Care or supervision, including health care and relevant personal care;
- Advice or guidance provided wholly or mainly for children relating to their physical, emotional or educational well-being;
- moderating a public electronic interactive communication service likely to be used wholly or mainly by children;
- driving a vehicle being used only for conveying children and carers or supervisors.

Day to day management or supervision on a regular basis of a person carrying out one of the activities listed above is also a regulated activity.

Activities that are excluded from the definition of regulated activity are:

- Activity or participation of children that is merely incidental to what would normally be an adult activity;
- “supervised activity” * - an individual who is under reasonable day to day supervision by another person engaging in regulated activity (see below for guidance); and
- activity by a person in a group assisting or acting on behalf of, or under direction of, another person engaging in regulated activity in relation to children. This is the “peer exemption”.

(b) ‘Regularly’ is defined as: carried out by the same person frequently (once a week or more often), or on 4 or more days in a 30-day period, or overnight**.

(c) The Safeguarding Vulnerable Groups (NI) Order 2007 lists specified places, including schools and day care premises, where an activity with children is a regulated activity if it is carried out regularly by the same person in connection with the purposes of the place where it is carried out. This could include, for example, sports coaching in a school. The supervised exemption also applies in a specified place but only where the activity is carried out by a volunteer.

*Please Note: Not all regulated activities are now exempt when supervised – the exemption applies to teaching, training or instructing and caring or supervising and only unpaid posts in specified places; but there is no exemption for care that constitutes relevant personal care, health care, advice or guidance; moderating a public electronic interactive communication service; and driving a vehicle used only for conveying children and carers.

**Definition of “overnight” - In relation to teaching, training or instruction; care or supervision; or advice or guidance, it is also regulated activity if carried out (even once) at any time between 2am and 6am and with an opportunity for face-to-face contact with children.

Appendix 2

Legislation and Best Practice Guidance:

Legislation and information relating to Garda Vetting checks:

- Civil Service Commissioners Act 1956
- Child Care Act 1991 – Sections 5; 61; 65
- Data Protection Act 1998/2003
- Children’s Act 2001 - Section 258
- Private Security Authority Act 2004
- National Vetting Bureau (Children and Vulnerable Persons) Act 2012-2016
- Children’s First 2015
- GDPR Data Protection Act 2018
- Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016 Part 3
Children First Act 2015

Legislation and Information relating to Access NI checks:

- Access NI Code of Practice
- Part V of the Police Act 1997 (as amended 2013)
- The Rehabilitation of Offenders (NI) 1978
- Safeguarding Vulnerable Groups (NI) Order 2007
- Disclosure and Barring Service
- Protection of Freedoms Act 2012
- The Justice Act (NI) 2015

Appendix 3

The Irish Athletic Boxing Association Child Welfare & Vetting Review Panel – Terms of Reference:

Objective & Roles

The Child Welfare & Vetting Review Panel will be responsible for considering and determining all matters referred to it in accordance with IABA Child Welfare (The Safeguarding Young People in Boxing Policy) and IABA Vetting Policy. The Panel will consider and make determinations with respect to vetting applications and returns referred to it by the Irish Athletic Boxing Association's Liaison Person/s.

The IABA's Liaison Person/s will refer the following vetting applications and returns to the panel;

- Any applications with declared convictions identified (below) as of concern.
- Any vetting returns with an undeclared prosecutions or convictions.
- Any vetting returns with prosecutions or convictions identified as of concern in the IABA's Vetting Policy.
- Any vetting returns with charges, prosecutions or convictions identified as of concern by the Liaison Person/s.

The Panel will consider any other information identified as relevant to safeguarding/safe recruitment before deciding on a person's vetting application or suitability for a role within the IABA. The Panel reserve the right to;

- Deny an individual's application for vetting.
- Revoke an individual's vetting.
- Freeze a non-compliant club's affiliation (Must be ratified by the National Case Management Panel).
- Reassess successful applications in circumstances where additional relevant information comes to light after a Vet has been issued.

- Request an individual (who meets the requirements outlined in the policy) at any time to submit/re-submit a vetting application.
- Issue a Stand-down Notice.
- Refer a matter to the National Disciplinary Officer.
- Refer a matter to the National Case Management Panel.
- Risk assess an application.
- Request additional information from an applicant.
- Request character references from the individual and/or their club.
- Request that an individual and their club enter into a probationary vetting agreement.

The Panel shall consist of 3 members, the IABA's National Child Protection Officer, and two members of the Association nominated and selected by the National Child Protection Officer and CEO. If there is a requirement for a sub-committee (i.e. separate Vetting Review Panel for another jurisdiction) this too will be nominated and selected by the National Child Protection Officer and CEO.

The Panel is appointed bi-annually by the IABA's National Child Protection Officer and CEO.

The group shall meet as requested by the Liaison Person or National Child Protection Officer.

Documentation relating to the vetting process may be copied and/or retained by members of the panel where identified as a requirement under the IABA's procedures.

Where appropriate decisions may be made or ratified by telephone or email.

Members of the Child Welfare & Vetting Review Panel of IABA may not be held personally liable for any deeds or omissions relating to any work conducted as part of their role on the panel.

Risk Assessment Guidelines

A conviction, prosecution or case pending will not necessarily bar an applicant for consideration for engagement. The following criteria will be considered;

- The nature and number of any convictions
- The frequency of any convictions
- The post for which the person is seeking engagement
- The self- disclosure of the conviction/case pending by the applicant

- The time lapse since the conviction
- Co-operation of applicant

Applicants whose positive disclosures have been risk assessed by the Vetting Review Panel may be asked to enter into a probationary vetting agreement with the Association. The terms and length of this agreement will be specified by the Vetting Review Panel and must be agreed on and signed by both the applicant and their club. The National Child Protection Officer will monitor the progress of the applicant throughout the period of this probation. All applicants subject to probationary agreements must be re-vetted at the end of their probationary period. The IABA reserves the right to terminate the agreement at any time during the probationary period if the applicant is seen by the National Child Welfare & Vetting Panel, as being in violation of the terms of agreement.

Disclosure of certain types of convictions/prosecutions or specified information will automatically disqualify applicants from a position working with children and young people.

Examples of offences that may disqualify an applicant are:

- Offences of a sexual nature including those involving abusive images of children
- Offences against a child or of child abuse
- A series of continuous offending that might cause concern for the well-being of children
- Any charge brought by the Director of Public Prosecutions (for Ireland and Northern Ireland) concerning abuse of a child or vulnerable person

This is a guide and not a complete list of barring offences. All decisions on the suitability of an applicant are a matter for the IABA Child Welfare & Vetting Review Panel. The NVB and ANI are not involved in such decisions.

Any person barred by the Disclosure and Barring Service is automatically barred any coaching role with children.

IABA Stand-Down Notice

A Stand-Down Notice may be issued to an individual directly by the IABA. A Stand-Down Notice is a notice made for the immediate protection and safeguarding of children and is a requirement of the IABA safeguarding procedures. The notice is not a determination of

wrongdoing by any individual. Stand-Down Notice may be issued in a number of circumstances including but not limited to the following:

Any person who is the subject of an on-going investigation by a Statutory Authority in relation to any child welfare concern shall be issued with a Stand-Down Notice from all Boxing activities that involve young people.

This notice shall be issued by the National Child Protection Officer on behalf of the Child Welfare & Vetting Review Panel of the IABA, pending the outcome of any inquiry and any subsequent internal disciplinary proceedings. Terms of a Stand-Down Notice must be complied with.

The IABA may also issue a Stand-Down Notice in circumstances where concerns are raised directly with the IABA outside of a Statutory Authority investigation.

Any person engaged within Boxing who is the subject of a relevant vetting disclosure, shall be issued with a Stand-Down Notice, pending a risk assessment.

Where it is determined that urgent action is required for any reason an immediate Stand-Down Notice shall be issued by the National Child Protection Officer.

In the case of a Stand-Down Notice being issued, the IABA National Child Protection Officer shall inform the individual of the practical implications of a Stand-Down Notice and shall also inform all relevant bodies within the sport. Failure of any person or body to comply with the terms of such an order once notified shall be a disciplinary matter and subject to disciplinary action and sanctions.

The Child Welfare & Vetting Review Panel shall monitor all Stand-Down Notices issued and may be requested to review a Stand-Down Notice on request from the individual concerned. This is a review process, not an Appeal, and the Child Welfare & Vetting Review Panel shall make all such final determinations as it deems necessary for the protection and welfare of children.

If the Child Welfare & Review Panel considers that any breaches of IABA Rules or the Policy are deemed to have occurred, it shall refer such matters to the Disciplinary Officer for disciplinary action where necessary.

National Case Management Panel:

In circumstances outlined in this policy or where the need is identified by the Child Welfare & Vetting Review Panel, safeguarding issues being managed at the National level can be referred to the National Case Management Panel for consideration.

The National CMP shall comprise of the members of the Child Welfare & Vetting Review Panel and three other members co-opted from a panel of senior IABA figures (The President, The Chairperson, The CEO, a member/s of the safeguarding committee at board level, a person in boxing identified as suitably qualified by the Child Welfare & Vetting

Review Panel and/or an independent professional/s (not involved in the sport) who will be selected by the National Child Protection Officer and CEO.

Case Management Panel roles

- to initially assess and agree immediate response to safeguarding concerns within the IABA.
- to identify appropriate 'route' for case (e.g. internal/disciplinary action alone or referral to statutory agencies plus internal/disciplinary action).
- to decide the level (from local to national) at which the organisation will deal with the concern.
- to consider the need for temporary/interim suspension order (Stand-Down Notice)..
- to review progress of case/s.
- to identify/communicate.
- learning from cases.

Documentation relating to the case management process may be copied and/or retained by members of the panel where identified as a requirement under the IABA's procedures.

Where appropriate decisions may be made or ratified by telephone or email.

Members of the National Case Management Panel of IABA may not be held personally liable for any deeds or omissions relating to any work conducted as part of their role on the panel.