 Feidhmeannacht na Seirbhíse Sláinte Health Service Executive	Health Service Executive Recruitment Policy	Policy No: R8 Page: 1 No of pages: 8 Date: 10/05/07
Policy Title: Garda Clearance of New Employees		
Written/Reviewed by: P Duggan A Dennehy	Recruitment Policy and Standards Manager HSE Garda Vetting Liaison Office	
Approved by: Martin McDonald	Title: National Director of Human Resources	

1.0 Purpose

The purpose of this policy is to ensure that only candidates who have successfully passed the stated Garda Vetting process are considered for employment.

2.0 Responsibility

It is the responsibility of those managing the recruitment process to ensure that this policy is brought to the attention of all involved in such processes and that this policy is fully adhered to.

3.0 Policy

The HSE will carry out Garda vetting on all new employees. New employees will not take up duty until the Garda Vetting process has been completed and the HSE is satisfied that such an appointment does not pose a risk to clients, service users and employees.

Document Routing			
Draft	Released	Approved	Distribution
Date: 5 th March 2007 Sign: P Duggan	Date: Sign: W Murphy	Date: Sign: M McDonald	Date: Sign:

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The HSE will refer to the Garda Síochána, individuals who wilfully submit, by omission or otherwise, false, misleading or inaccurate information in connection with their application for posts with the HSE or on the Garda Vetting form as provided in Part 5 of the Public Service Management (Recruitment and Appointments) Act 2004.

3.1 Application of policy to agency staff

The requirement for Garda Vetting is applicable to all employment agency staff that provides a direct on site service. The relevant Hiring Manager* is responsible for ensuring that the selected agency certifies that the staff supplied have satisfactory Garda Vetting prior to any staff coming on site. This requirement will form part of the contract with the agency and an inspection of these documents will form part of audits carried out on such agencies.

* This may be a line manager or a recruitment manager.

3.2 Exception to policy

In exceptional circumstances where a candidate is urgently required to take up duty and where the certified Garda Vetting Form has not been returned by the Central Garda Vetting Unit the candidate may be allowed to take up duty once the relevant Line Manager certifies in writing to the Area Recruitment Business Manager that the job holder will not have unsupervised access to children and/or vulnerable adults.

This is on the basis that the candidate has signed the General Declaration, the Statutory Declaration and sufficient satisfactory reference/background checks have been received.

In such cases the appointees continuing employment with the HSE will be reassessed on receipt of the Certified Garda Vetting Form

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4.0 Policy Implementation

4.1 Information for candidates. The standard Recruitment and Selection procedures contain information for candidates on the requirement for and the operation of the Garda Vetting process.

4.2 Completion of application form and General Declaration

All applicants will sign a detailed General Declaration (Appendix 1) which forms an integral part of their application form. Candidates who apply using the on-line application form and application forms submitted by e-mail will be required to sign the declaration in person when they are called for interview.

4.3 Completion of the Statutory Declaration and Garda Vetting Form

All candidates being processed for appointment will, on commencement of the clearance process, sign a Statutory Declaration (Appendix 2) and complete the Garda Vetting Form (Appendix 3). The completed Statutory Declaration will be attached to the candidates recruitment file. The completed Garda Vetting form will be routed as detailed in 4.4.

4.3.1 Candidates with address outside Ireland Hiring Managers* should request candidates to provide Police Clearance for any address (es) where he/she has resided overseas for a period of 6 months or more **in addition to the candidate completing the Garda Vetting Form.**

* This may be a line manager or a recruitment manager.

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4.4 Routing of Garda Vetting Form

Once the candidate has completed the Garda Vetting Form it is checked for completeness by the Hiring Manager*. The details on the form will be cross checked against the candidate's employment history and locations of employment to ensure that there are no gaps in addresses and dates entered by the candidate.

On completion of these checks the Hiring Manager will send the Garda Vetting Form, using the appropriate Batch Header (Appendix 8), to the Garda Vetting Liaison Office (GVLO), Health Service Executive, Áras Sláinte Chluainín, Manorhamilton, Co. Leitrim or their local Garda Vetting Representative**.

* This may be a line manager or a recruitment manager.

** Pending the full extension of the Garda Vetting Liaison Office, Manorhamilton out to all HSE areas, some areas may be forwarding forms to their local Garda Vetting Representatives. It is envisaged that the full rollout of the GVLO will be complete by December, 2007.

4.5 Action by the Central Garda Vetting Liaison Office in Manorhamilton

- 4.5.1 Following receipt of a Garda Vetting Form the Garda Vetting Liaison Office, Manorhamilton will record all Garda Vetting form details on the Garda Vetting Database.
- 4.5.2 The Garda Vetting Liaison Office quality checks Garda Vetting Forms to ensure completeness by the candidate. If there are any gaps in the information provided by the candidate on their Garda Vetting form the form will be returned to the 'Hiring Manager' who should request the Candidate to complete the form in full.
- 4.5.3 Satisfactorily completed forms will be forwarded in daily batches by the Garda Vetting Liaison Office to the Garda Central Vetting Unit, Thurles.
- 4.5.4 All Certified Garda Vetting Forms will be stored in the GVLO, Manorhamilton

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5.0 Return of the Certified Garda Vetting Form

The GVLO will formally assess the Certified Garda Vetting Forms received from the Garda Vetting Unit. The assessment process will result in a number of different possible outcomes. These outcomes are as follows,

5.1 No Convictions

Where the candidate states on the Garda Vetting Form that there are no convictions recorded against them and the Central Garda Vetting Unit confirms this, the GVLO will inform the Hiring Manager of this by e-mail and a 'Garda Vetting Report Confirmation Form' will be posted to the Hiring Manager for the Candidate's file. The appointment process continues.

5.2 Convictions undeclared

a) Where the candidate states that there are no convictions recorded against them and the Central Garda Vetting Unit confirms that there are convictions recorded against them

OR

b) Where the candidate states that there is a conviction or convictions recorded against them and the Central Garda Vetting Unit confirms conviction/s in addition to those declared by the candidate

Then the candidate may be permanently removed from the selection process and the matter referred to the Garda Síochána as provided for in Part 5 of the Public Service Management (Recruitment and Appointments) Act 2004.

5.3 Convictions Declared

Where the candidate states that there is a conviction recorded against them and the Central Garda Vetting Unit confirms this, the HSE will assess the

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**implication of such a conviction/s using a risk management approach.
(Appendix 4)**

This approach must consider the risk in terms of the individual, the offence and the role. The initial risk assessment will be carried out by the relevant Line Manager and Area Recruitment Business Manager.

The candidate will be informed in writing that the HSE have been advised by the Garda Vetting Unit that a conviction/s has been recorded against them. They will be informed of the exact nature of the conviction, as stated on the Garda Vetting Form and the exact information they declared on the form.

The candidate will be asked for a written comment on the recorded convictions. Candidates who fail to reply within 10 working days will be removed from the selection process.

Following this assessment the written report and recommendation will be submitted to the Area Assistant Director of HR for consideration.

The assessment to proceed or not to proceed will be considered by the relevant Area Assistant National Director of HR. In making their decision they will consult with the relevant LHM or Network Manager.

5.4 Filing of reports and recommendations.

On completion of the assessment process the Area Assistant National Director of HR will ensure that the complete file relating to the assessment, recommendation and decision is sent to the Garda Vetting Liaison Office in Manorhamilton.

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6.0 National Status of Garda Clearance

Garda Clearance records maintained by the HSE are valid for the entire organisation irrespective of the original requestor's location or service and may be accessed by authorised managers* in designated circumstances.

Authorised Managers* may request a Garda Clearance status report from the Garda Liaison Vetting Unit in respect of prospective employees.

* Authorised Managers are defined as those managers who are responsible for the completion of Garda Clearance forms and who have the status of authorised signatories for that purpose.

7.0 Method used to review operation of the Policy

The policy will be reviewed using the findings of internal reviews of issues emerging from the operation of this policy, statistical information supplied by the Central Garda Vetting Office, CPSA audits, customer surveys and feedback, HSE policy or advances in technology or changes in legislation.

8.0 Frequency of review

This policy will be reviewed on an annual basis.

9.0 Document References

HSE HR Circular 011/2007

Trust in Care

10.0 Appendices

- Appendix 1 General Declaration
- Appendix 2 Statutory Declaration
- Appendix 3 Garda Vetting Form
- Appendix 4 Interim Risk Management Assessment

QA Template 001 Rev 2 January 2005

This is a controlled document and may be subject to change at any time.

Appendix 1 to Recruitment Policy R6

General Declaration

It is important that you read this Declaration carefully and then sign:

Name: _____

Post applied for: _____

PART 1

Obligations Placed on Candidates who Participate in The Recruitment Process

The Public Services Management (Recruitment and Selection) Act 2004 makes very specific provisions in relation to the responsibilities placed on candidates who participate in recruitment campaigns and these are detailed in Section 4 of the Code of Practice issued under the Act.

These obligations are as follows:

- Any canvassing by or on behalf of candidates shall result in disqualification and exclusion from the recruitment process.
- Candidates shall not:
 - knowingly or recklessly make a false or a misleading application
 - knowingly or recklessly provide false information or documentation
 - canvass any person with or without inducements
 - personate a candidate at any stage of the process
 - knowingly or maliciously obstruct or interfere with the recruitment process
 - knowingly and without lawful authority take any action that could result in the compromising of any test material or of any evaluation of it
 - interfere with or compromise the process in any way

Any person who contravenes the above provisions, or who assists another person in contravening the above provisions, shall be guilty of an offence.

It is the policy of the HSE to report any such above contraventions to An Garda Siochana.

In addition, where a person found guilty of an offence was or is a candidate at a recruitment / selection process, then, in accordance with the Public Services Management (Recruitment and Selection) Act 2004:

- where he / she has not been appointed to a post, he / she shall be disqualified as a candidate; and
- where he / she has been appointed as a result of that process, he / she shall forfeit that appointment

Part 2

Declaration

"I declare that to the best of my knowledge and belief there is nothing in relation to my conduct, character or personal background of any nature that would adversely

affect the position of trust in which I would be placed by virtue of my appointment to this position. I hereby confirm my irrevocable consent to the Health Service Executive to the making of such enquiries, as the Health Service Executive deems necessary in respect of my suitability for the post in respect of which this application is made.

I hereby accept and confirm the entitlement of the Health Service Executive to reject my application or terminate my employment (in the event of a contract of employment having been entered into) if I have omitted to furnish the Health Service Executive with any information relevant to my application or to my continued employment with the Health Service Executive or where I have made any false statement or misrepresentation relevant to this application or my continuing employment with the Health Service Executive.

Furthermore, I hereby declare that all the particulars furnished in connection with this application are true, and that I am aware of the qualifications and particulars for this position. I understand that I may be required to submit documentary evidence in support of any particulars given by me on my Application Form. I understand that any false or misleading information submitted by me will render me liable to automatic disqualification or render me liable to dismissal, if employed."

Failure to sign application will render it invalid *

SIGNED: _____ DATE: _____

PRINT NAME: _____



Statutory Declaration – New Employees

I, of _____,

in the County of _____ aged eighteen years and upwards SOLEMNLY
AND SINCERELY DECLARE as follow:-

1. This Declaration relates to my application for the position of _____ with the Health Service Executive as to my suitability for that position.
2. I hereby declare that to the best of my knowledge and belief there is nothing in relation to my conduct, character or personal background of any nature that would adversely affect the position of trust in which I would be placed by virtue of my appointment to the above position. I further declare that by making this declaration, I shall undertake, as soon as practicable, to bring to the attention of the Health Service Executive any matter which may adversely affect that position of trust. I further declare that I have given my irrevocable consent to the Health Service Executive to make or cause to be made full enquiries with the Central Vetting Unit of An Garda Síochána in relation to my suitability to hold the above position with the Health Service Executive.
3. I further declare that I understand, accept and confirm the entitlement of the Health Service Executive to reject my application or terminate my employment (in the event of a contract of employment having been entered into) where I have omitted to furnish the Health Service Executive with any information relevant to my application or to my continued employment with the Health Service Executive, or where I have made any false statement of misrepresentation relevant to this application or my continuing employment with the Health Service Executive.
4. I refer to the extract from the Public Service Management (Recruitment and Selection) Act 2004, annexed hereto upon which I have endorsed my name prior to making this declaration. I say that I have read, understood and accept the provisions therein and in particular that any incorrect, false or misleading information provided during the recruitment process or any action prohibited under the Act shall jeopardise any employment with the Health Service Executive and I make this declaration with such prior knowledge.
5. I make this Solemn Declaration consciously believing it to be true for the satisfaction of the Health Service and pursuant to the provisions of the Statutory Declarations Act 1938.



Declared before me by
whose identity has been established to me prior to the taking of this
Declaration by the production of the relevant documentation(see *below*) to me
of Passport/National Identity Card/Travel Document Number _____ issued
on _____ by the authorities of _____ which is an issuing
authority recognised by the Irish Government

or

who is identified to me by *insert name* _____ who in
turn is personally known to me at (*state address*)

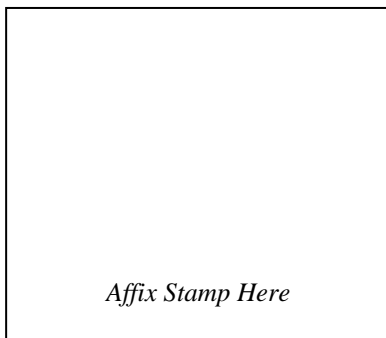
_____ on the
day of _____ month _____ year _____

Signed

Print Name

Practising Solicitor/ Commissioner for
Oaths / Notary Public / Peace
Commissioner duly authorised by
Statute to take and receive statutory
declarations

* **Delete as appropriate**





Relevant documentation is defined in section Part 5 section 49 (b) of the Civil Law (Miscellaneous) Act 2008 as follows

- arra
- (b) by inserting the following after subsection (3):
- “(4) In subsection (2) ‘relevant document’ means—
- (a) a valid passport issued by or on behalf of an authority recognised by the Government,
 - (b) a national identity card issued by the authorities of—
10
 - (i) a Member State,
 - (ii) the Swiss Confederation, or
 - (iii) a Contracting Party to the EEA Agreement, 15
 - (c) a document which is equivalent to a passport, issued by or on behalf of an authority recognised by the Government, which establishes the identity and nationality of the person to whom the document relates, 20
 - (d) a travel document issued by the Minister for Justice, Equality and Law Reform under section 4 of the Refugee Act 1996, or
 - (e) a travel document other than a document to which paragraph (d) refers issued by the State solely for the purpose of providing the holder with a document which can serve in lieu of a national passport. 25
- (5) In subsection (4), ‘EEA Agreement’ means the Agreement on the European Economic Area signed at Oporto on the 2nd of May 1992 as amended for the time being.”. 30



The Public Service Management (Recruitment and Selection) Act 2004, Part 5, Obligations' of Candidates in Respect of Recruitment and Selection Procedures

53.-This Part applies to-

- (a) The carrying out under this Act of any recruitment and selection of persons for positions within the public service, and
- (b) The selection for promotion of civil servants or the staff of any other public service body.

54.-In respect of a competition for a position within the public service, a person shall not-

- (a) Knowingly or recklessly make an application that is false or misleading in a material respect for the position,
- (b) In purported compliance with a requirement for the position, knowingly or recklessly provide any information or documentation that is false or misleading in a material respect,
- (c) Canvass any person, with or without inducements, on his or her own behalf or on behalf of a candidate for the position,
- (d) Personate a candidate at any stage of the recruitment and selection process concerned,
- (e) Knowingly or maliciously obstruct a person engaged in the conduct of the competition or otherwise interfere with the general conduct of that competition,
- (f) Knowingly and without lawful authority take any action that could result in the compromising of any test material or of any evaluation of it,
- (g) Interfere improperly with the competition process or competition records so as to confer an advantage or a disadvantage on any candidate.

55.-(1) In respect of *paragraphs* (a) to (g) of *section 54*, a person who contravenes any of those paragraphs is guilty of an offence.

(2) A person who knowingly aids, abets, counsels or procures another person to commit any offence under *subsection (1)* or conspires with another person for the commission of any such offence is guilty of an offence.

(3) A person who is guilty of an offence under this section is liable -

- (a) On summary conviction to a fine not exceeding €3,000 or to imprisonment for a term not exceeding 6 months, or to both, or



(b) On conviction on indictment to a fine not exceeding €10,000 or to imprisonment for a term not exceeding 2 years, or to both.

56.-(1) Where in respect of a competition a person has been found guilty of an offence under *section 55* and was or is a candidate at the competition then-

(a) Where he or she has not been appointed to a position as a result of that competition, he or she shall stand disqualified as a candidate,

(b) Where he or she has been appointed to a position as a result of that competition, he or she shall forfeit that appointment.

(2) Notification of forfeiture under *subsection (1)(b)* shall be given in writing to the person concerned by the office holder concerned.

(3) Nothing in this section shall be read as restricting the imposition of any appropriate sanction including, as a consequence of the application of the procedures referred to in *section 13(1)(g)*, disqualification or forfeiture.

I have read, understood and accept the Obligations' of Candidates in respect of Recruitment and Selection Procedures as outlined above.

Signed _____

Print Name _____

Date _____



SURNAME:		PREVIOUS NAME (if any):			
FORENAME:		ALIAS (if any):		P.P.S. NO:	
DATE OF BIRTH: (dd/mm/yy)			PLACE OF BIRTH:		
HAVE YOU EVER CHANGED YOUR NAME?				YES	NO
IF YES PLEASE STATE FORMER NAME:					

PLEASE STATE ALL ADDRESSES FROM YEAR OF BIRTH TO PRESENT DATE (incl all addresses outside the Republic of Ireland):							
HOUSE NO.	STREET	TOWN	COUNTY	POST CODE	COUNTRY	YEAR FROM	YEAR TO

Have you ever been convicted of an offence in the Republic of Ireland or elsewhere?

No	Yes
----	-----

If yes, please provide details below & also details of all prosecutions, successful or not, pending or completed, in the State or elsewhere

DATE	COURT	OFFENCE	COURT OUTCOME

DECLARATION

To Commissioner, An Garda Síochána, Central Vetting Unit

I, the undersigned who have applied to work as a _____ hereby authorise An Garda Síochána to furnish the Health Service Executive (HSE), a statement that there are no convictions recorded against me in the Republic of Ireland or elsewhere, or a statement of all prosecutions, successful or not, pending or completed, in the State or elsewhere as the case may be.

I am aware that any information resulting from this inquiry may be shared for recruitment, selection and appointment purposes within the HSE and other HSE-funded organisations in the event that I apply for employment within any area of the HSE or any HSE-funded organisation.

Signature of Applicant : _____ Date : _____

Please print name: _____

FOR HSE OFFICE USE ONLY

Line Manager: _____ Location: _____

Authorised Signatory : _____ Reg. No.: _____ Date : _____

Please print name: _____

FOR CVU OFFICE USE ONLY

According to Garda Records there are no previous convictions recorded against the above named applicant:

OR the following convictions appear on Garda Records: OR the following convictions are pending:

NOTE: Checks were carried out by this office based on the information supplied. The convictions supplied may apply to the subject of your enquiry. Please verify before use.

Signed: _____ Member I/C

C.V.U

Expiry of clearance: _____

Risk Management Assessment - May 2007

Contact with Candidate

Candidates with an offence history will be dealt with on an individual basis and each candidate will be contacted by letter in order to validate information received and to assess risk issues. The candidate will be informed in writing that the HSE have been advised by the Garda Vetting Unit that a conviction/s has been recorded against them. They will be informed of the exact nature of the conviction, as stated on the Garda Vetting Form and the exact information they declared on the form.

The candidate will be asked for a written comment on the recorded convictions. Candidates will be advised that failure to reply within 10 working days may result in their removal from the selection process.

Risk Assessment

Risk will be assessed with regard to rating a particular post regarding its risk and rating the individual candidate in terms of risk. In some cases the relationship between the offence and the post will be clear enough for the organisation to decide easily on the suitability of the applicant for the job*. This approach must consider the risk in terms of the individual, the offence and the role. The initial risk assessment will be carried out by the relevant Line Manager and Area Recruitment Manager. In carrying out this assessment the following factors, in addition to other relevant case specific concerns, should be considered and documented in support of the recommendation.

Assessment of the Risk of the Individual Candidate together with the Offence

The assessment should consider the following, in addition to other relevant case specific concerns:

- The seriousness of the offence and its relevance to the safety of other employees, customers and clients,
- The length of time since the offence occurred and the age of the applicant at the time of the offence,
- Whether the offence was a one-off, or part of a history of offending,
- Whether the applicant's circumstances have changed since the offence was committed, making re-offending less likely,
- The degree of remorse, or otherwise, expressed by the applicant and their motivation to change,
- Work history since the offence,
- Availability of references from this employment.

Assessment of the Risk/Relevance of the Offence to the Post Form

- Does the post involve one-to-one contact with children or other vulnerable groups of clients, service users or employees?
- What level of supervision will the post holder receive?
- Does the post involve any direct responsibility for finance or items of value?
- Will the nature of the post present any realistic opportunity for the applicant to re-offend at work?
- What could happen at work and how serious would that be?
- Does the job involve direct contact with members of the public?
- To what extent is the HSE bound by other legal constraints which impact on the post? For example, employing candidates with motoring convictions as drivers.
- Is the post such that employing the person with this conviction would seriously undermine public confidence in the HSE?

Recommendation Following Risk Assessment

Following this assessment the Line Manager and Area Recruitment Business Manager will submit a written report on their risk assessment together with a recommendation to either proceed or not to proceed to the relevant Area Assistant Director of Human Resources for consideration.

The findings of the recommendation to proceed or not to proceed will be considered by the relevant Area Assistant National Director of Human Resources. In making their decision they will consult with the relevant LHM, Network Manager or Function Head as appropriate.

*Examples Offences against the person, e.g. grievously bodily harm, rape
 Breaches in trust, e.g. fraud
 Offences against property e.g. arson, armed robbery