

## **Risk Assessment Safeguarding Committee**

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Tennis Ireland has in place a Safeguarding Committee and part of its terms of reference is to deal with positive disclosures. Clubs/Associated Bodies also need to establish a decision making committee to assist with the recruitment of new potential volunteers and professionals and assess any risks that may be involved with the recruitment process. Part of the recruitment process is to request that all applicants provide the results of their Garda Vetting application they received from Tennis Ireland.

Risk Assessment Committees should apply the recruitment process from the Safeguarding Guidance for Children & Young People in Tennis manual and employ a Natural Justice framework in dealing with any disclosures of convictions. So, Tennis Ireland look after the Garda Vetting part of the recruitment process while the Clubs/Associated Bodies deal with the identity proof, the reference seeking and the interview process of the applicants. Clubs who feel they need further guidance should consult with the Tennis Ireland Safeguarding Committee.

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### **Criminal Record**

Having a criminal record will not automatically exclude an individual from employment/volunteering unless they relate to the offences outlined in the headings below entitled "Circumstances for the Withdrawal of the offer to Work/Volunteer."

### **Decisions on whether to involve an individual with prior criminal convictions will take into account:**

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- The individual's abilities, skills, experiences and qualifications
- The nature of the conviction and its relevance to the job
- The length of time since the offence took place
- The risk to the service users, employees and organisation
- Training which may have occurred since the time of the individual's offence

### **Circumstances for the Withdrawal of the offer to Work/Volunteer.**

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Tennis Ireland considers the following as reasonable grounds to withdraw an offer or opportunity of employment/volunteer role to an individual:

- The individual has been charged with, or convicted of a sexual offence;
- The individual has been charged with, or has a conviction for, an offence that relates to the ill treatment of a child, or a vulnerable adult;
- The individual has been charged with, or has a conviction for, the ownership, production or distribution of child pornography.

**Tennis Ireland considers the following list of offences to be relevant, and each case should be considered in a case by case basis:**

- Offences against a person, e.g. assault, harassment, coercion
- Breaches in trust, e.g. fraud, theft, larceny
- Offences against property e.g. arson, armed robbery
- Domestic Violence
- Offences against the state

Tennis Ireland is conscious of not initiating policies that prohibit needlessly against rehabilitated individuals. Such cases should be objectively determined on a case by case basis.

### **Natural Justice**

There are essentially two parts to the Rules of Natural Justice.

The first being our obligation to allow persons affected by a decision to have a reasonable opportunity of presenting their case. The second part being a duty to act fairly, to listen to arguments, and to reach a decision in a manner that is untainted by bias.

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### **Vetting Disclosures Process**

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On return from the National Vetting Bureau the forms will be processed by the nominated Liaison Person who in the case of a positive disclosure will inform The Tennis Ireland Child Welfare Committee by letter/email of the results.

The Liaison Person will pass on a copy of any possible or probable convictions to the Welfare Committee for their consideration, and this document will be held confidentially and returned to the Liaison Person within three weeks.

Where there are no convictions, the applicant will receive a letter from the Tennis Ireland Liaison Person confirming this.

Where serious convictions are disclosed, (for eg. those itemised above under the heading "Circumstances for the Withdrawal of the offer to Work/Volunteer.") a letter will be sent to the person asking them to attend a meeting with the Welfare Committee.

This letter **will not** disclose the information on the returned Garda Vetting form. The purpose of this meeting is to allow the applicant access to the information returned by the Vetting Bureau and to give them an opportunity to explain the circumstances surrounding the conviction.

The Chairperson of the Child Welfare Committee will maintain a written record of this meeting and the time, date and duration of the meeting recorded.

The Tennis Ireland Liaison Person is not involved in this meeting.

**At this meeting, the Tennis Ireland Safeguarding Committee will ensure that:**

- Everyone, no matter what their history, is given fair and equal treatment and the right to state their case.
- Cognisance is of Repeat Offending, Restorative Justice and Rehabilitation of Offenders.
- A disclosure of conviction will not automatically preclude the applicant from obtaining the position in question.
- Cognisance is taken of the applicant's self-disclosure or non-disclosure of a conviction at the time of the application and of their experience (work record etc) and rehabilitation subsequent to any conviction disclosed.
- Where multiple convictions are evident but may be as the result of a particular lifestyle, e.g., drug addiction, then the change in lifestyle must be taken into consideration.
- Applicants who deny any convictions returned by the National Vetting Bureau will be provided with details on how to write a letter of appeal to amend their records at the National Vetting Bureau.
- Applicants are informed that in the case of uncertainties their form will be returned to the National Vetting Bureau seeking clarification.
- The applicants name and date of birth are clarified at the start of the meeting as mistakes may be made by the Vetting Bureau where names and addresses are similar.
- Tennis Ireland will consider each Garda Vetting form returned with convictions individually and will always treat the applicant with respect, dignity and complete confidentiality.

**Tennis Ireland recognises that there are three potential outcomes of the review meeting:**

1. In line with this policy and taking all things into consideration including interview, current history and references, the applicant may be offered the position.
2. The applicants Garda Vetting form is returned to the National Vetting Bureau for further clarification. In which case a second review meeting may be held.
3. The applicant is deemed unsuitable for the position on offer by nature of their history of offences.

In each case a written explanation of the outcome will be sent to the applicant by letter. A record of this letter, including date sent will be kept. A record of any replies received and any follow-up will also be kept.

Unsuccessful applicants will be afforded an opportunity for a negative decision made against them to be reviewed by the Tennis Ireland Safeguarding Committee.

## **Appeal Process**

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While the focus is on protecting children and vulnerable adults, there are also safeguards and due processes for those being vetted, including the right to appeal. Appeals should be made in writing to the Chairperson of the Child Welfare Committee within 14 days of issue of the decision.

## **Unsuitable Applicant**

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If an applicant is currently engaged working with children, and if a vetting application is not accepted, they may also be issued with an immediate Stand Down Order in accordance with the Policy. Tennis Ireland shall advise all relevant bodies who are known to be associated with the applicant of the outcome of any negative vetting application.

In the case of rejection of an applicant the Tennis Ireland Child Safeguarding Committee may also issue an automatic ban from membership of Tennis Ireland where vetting disclosures deem it necessary for the protection of children.

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