

Garda Vetting Guidelines

STATUS	17 October 2016
CIRCULATION	Educate Together Principals and Chairpersons

Overview

This document sets out Educate Together's recommendations to schools in relation to Garda Vetting of non-teaching staff and volunteers in Educate Together Schools.

These guidelines should be read alongside the following:

Educate Together's E-Vetting Process

An individual school's Garda Vetting policy

Department of Education and Skills Circular 0031/2016- Commencement of the Statutory Requirements for Garda Vetting

Garda Vetting required for all volunteers and non-teaching staff with necessary and regular access to or contact with children in a school context

Since 29th April 2016, all non-teaching staff and any volunteers with necessary and regular access to or contact with children who are working in a school will have to have successfully completed Garda Vetting prior to commencement of employment or other relevant work. Garda Vetting is conducted by the National Vetting Bureau (NVB) since 29 April 2016.

Schools, as affiliate organisations, have an obligation to manage Garda Vetting applications and disclosures in accordance with human rights, legislative and natural justice requirements. They also have obligations under data protection legislation.

It is a statutory obligation that staff do not commence work in the school without having successfully undergone Garda Vetting. A school must set up a panel of substitute staff who have already successfully undergone Garda Vetting for use in the event of casual or emergency vacancies.

It is important to note that the NVB does not provide *clearance* for persons to work with children in a school.

The NVB has required that all correspondence in relation to Garda Vetting for non-teaching posts¹ in Educate Together schools must be channelled through the Liaison Person who works from the Educate Together National Office. Currently, Jessica Simpson is officially recognised as this Liaison Person and is managing this work in the Educate Together National Office.

¹ The vetting of teaching posts is conducted through the Teaching Council.

The function of the NVB is to provide Garda Vetting disclosures in respect of an applicant to a registered organisation. Most disclosures are 'nil', that is, no records were found of any criminal convictions or other information. Other disclosures consist of details of convictions, together with an ancillary or consequential orders and/or a record of any prosecutions pending and/or specified information.

It is essential to stress that school Boards of Management must make their own decisions in relation to the suitability or otherwise of prospective employees or volunteers for employment. The fact that a person has gone through the Garda Vetting process does not necessarily mean that the person is suitable and does not remove the necessity for the Board to thoroughly check the background and references of an applicant².

A selection board must assure themselves that the applicant can be trusted to do the job in accordance with the school's requirements and in conformity with the requirements of the Department of Education & Skills and other legal requirements.

NEW STAFF: RECOMMENDED PROCEDURES

Please see Governance Manual for Primary Schools for the detailed process of selection. The listing below shows the place of Garda Vetting in the general recruitment process.

Steps

- Board of Management approves Selection Board
- Job advertised
- Criteria for position developed by Selection Board
- Applications received and assessed by Selection Board against criteria
- Short listing of applicants
- Garda Vetting Policy and Criteria sent to all those called to interview with any other relevant documentation
- After interview the successful applicant is selected. Where applicable, a panel of suitable applicants is drawn up
- References checked - **please remember that it is not good practice to check references before interview. References must be checked prior to the offer of an appointment.**
- BOM meet to approve appointment, subject to successful outcome of Garda Vetting
- Provisional offer of employment, subject to successful compliance with Occupational Health Service and Garda Vetting requirements. Those nominated to an internal panel should be advised of the necessity to successfully comply with Occupational Health Service and Garda Vetting requirements
- The successful applicant is required to comply with Occupational Health Service requirements and commence the Vetting process - **(applicants advised of need for accuracy and full disclosure of all relevant details with the exception of exceptions detailed above)** - and forms submitted to the Liaison Person as per procedure below. Applicants must also complete the Statutory Declaration and Form of Undertaking as an additional safeguard. These forms are available as Appendices to DES Circular 0031/2016
- All applicants notified as a matter of course including those nominated to a panel

² Such a check should include - but not be restricted to - a detailed review of the applicant's CV and a careful discussion with at least one recent employer covering a substantial portion of the applicant's work history as well as checking any gaps in employment history.

NEW VOLUNTEERS WITH NECESSARY AND REGULAR ACCESS TO OR CONTACT WITH CHILDREN:

RECOMMENDED PROCEDURES

According to the Vetting Act 2016 and DES Circular 0031/2016 Boards of Management are required to ensure that all new volunteers with necessary and regular access to children are Vetted before they commence their roles. Unpaid volunteers who assist the school on an occasional basis are exempt from this requirement as long as their role does NOT involve coaching, mentoring, counselling, teaching or training of children or vulnerable persons. In the case of these occasional volunteers the school's Child Protection Policy should be adhered to.

Boards of Management should have in place formal agreements with any volunteers working in the school.

Steps

- Volunteer signs volunteering agreement "subject to Garda vetting"
- The school provides the vetting applicant with the Educate Together Vetting Invitation Form for completion
- Disclosure is received from the Liaison Person via the National Vetting Bureau

GARDA VETTING PROCEDURE - NIL DISCLOSURE (NO RECORD FOUND BY NVB)

- The applicant is offered the position
- The Garda Vetting Disclosure is placed in a signed and sealed envelope in the applicant's personnel file that must be kept in a secure and confidential location in the school
- A copy of the Disclosure should be provided to the applicant for their own records

GARDA VETTING PROCEDURE - DISCLOSURE OF A CRIMINAL RECORD OR RECORD OF ANY PROSECUTION PENDING AGAINST THE PERSON FOR ANY CRIMINAL OFFENSE (RECORD FOUND BY NVB)

If the Garda Vetting Disclosure gives details of a criminal record or other information, the Chairperson or Principal must bring the matter to the attention of the Selection Board (in the case of a recruitment process). The Selection Board should consult the Governance Manual for school and the school's Garda Vetting Policy.

The selection Board should ask the "successful" applicant to a meeting to discuss the disclosure. For volunteer roles the chair and principal should invite the volunteer applicant to a meeting to discuss the disclosure.

The responses of the applicant should be written down verbatim and retained for future reference.

In deciding whether a particular conviction renders an applicant unsuitable for appointment, the following should be considered:

- The nature of the offence and its possible relevance to the post
- The age of the offence (offences many years in the past may be less relevant than more recent offences) and the age of the applicant at the time of the offence
- The frequency of the offence (a series of offences will give more cause for concern than an isolated minor conviction)

Where the Garda Vetting Disclosure relates to pending prosecutions, such incidents should be assessed in the light of the nature, age and frequency of what is being prosecuted and the age of the applicant at the time of the alleged offence.

If the facts of the Disclosure are disputed e.g. disputed identity, the applicant should complete a new Garda Vetting form with additional detail, the Selection Board should inform the Liaison Person that the form is being resubmitted and the form should be resubmitted to NVB via Educate Together.

If the Selection Board decides to proceed with the appointment, the Garda Vetting Disclosure is placed in a signed and sealed envelope in the applicants Personnel File that must be kept in a secure, confidential location in the school. A copy of the Disclosure is also provided to the applicant for their records.

If the appointment does not proceed, the Garda Vetting Disclosure should be securely destroyed.

RESPONSIBILITY OF THE BOARD OF MANAGEMENT OF THE SCHOOL

It is the responsibility of the Board of Management of the school to ensure that it has in place a robust procedure to ensure the confidentiality of all personal records and details that are revealed in relation to Garda Vetting. Such a procedure should include the handling of post and secure storage of records.

Boards have a serious obligation to protect an applicant's reputation and must ensure that they handle this matter with due care.

Sample Garda Vetting Policy for Educate Together National Schools (to be handed to all applicants)

The following template may be of help in formulating the school's policy:

1. Garda Vetting Policy for (Name of School)

2. Rationale:

All members of the school community who have necessary and regular access to or contact with children must have successfully undergone Garda Vetting prior to commencement of employment or relevant volunteer work in the school. In the future staff will be re-vetted on a regular basis.

This school will use Garda Vetting as part of a wider process to ensure the protection and safety of all members of the school community.

The process of Garda Vetting is carried out by the National Vetting Bureau (NVB). The function of the NVB is to provide Garda Vetting Disclosures in respect of an applicant to a registered organisation. Disclosures can be 'nil' (no record found) or consist of details of convictions, together with an ancillary or consequential orders and/or a record of any prosecutions pending and/or specified information,

Goals:

The goal of this policy is to ensure that the school is a safe and secure environment for children.

3. The Policy

All offers of employment to non-teaching staff and all relevant volunteer roles³ are subject to satisfactory Garda Vetting Disclosures.

Failure to complete the Garda Vetting process will automatically disqualify the applicant. The provision of inaccurate information, such as an inaccurate date of birth or address, may also disqualify the applicant.

Applicants will be invited to a meeting regarding any disclosures of a criminal record or other information, including to address errors or cases of mistaken identity. In such cases, re-vetting will take place.

All returned Garda Vetting Disclosures will be handled in strictest confidence.

Garda Vetting Disclosures will only be retained by the school in the event of a successful appointment and will be appropriately sealed and retained in a secure location.

In all decisions, it is recognised that the school's first priority is its responsibility to the children attending the school.

4. Policy Review:

This Policy will be reviewed as necessary and particularly to comply with any relevant legislative changes.

Policy adopted by Board of Management on _____

Signed _____ Chairperson.

³ Volunteer Roles which require Vetting, as specified in the Act and in the DES Circular 0031/2016 include volunteers who assist the school on a regular basis (rather than occasional) and whose role involves coaching, mentoring, counselling, teaching or training of children. Roles which do not fall into these categories may not require Vetting.