

Garda Vetting Procedures

STATUS	Approved by Board of Directors Meeting 11 February
CIRCULATION	Educate Together Principals and Chairpersons

Overview

This document sets out the procedure relating to Garda Vetting of non-teaching staff and volunteers in Educate Together Schools.

Garda Vetting Policy and Procedure

SAMPLE PROCEDURE DOCUMENT FOR BOARDS OF MANAGEMENT OF EDUCATE TOGETHER SCHOOLS.

Garda Vetting for all volunteers and non-teaching staff who are in unsupervised contact with children in a school context

From September 2007, it is best practice to ensure that all non-teaching staff and any volunteers with unsupervised access to children who are working in a school environment have completed the Garda Vetting Process.

Schools, as registered organisations, have an obligation to manage Garda Vetting (GV) applications within human rights, legislative and natural justice framework. They also have obligations under data protection legislation.

All efforts should be made to ensure that staff do not commence work in the school without Garda Vetting. It is good practice for a school to set up a panel of substitute staff that have already been vetted for use in the event of casual or emergency vacancies. Alternatively, the school should ensure that any person who has not yet been vetted does not have **unsupervised** access to children until Garda Vetting has been completed.

It is important to note that the Garda Central Vetting Unit (GCVU) does not provide *clearance* for persons to work with children in a school.

The GCVU has required that all correspondence in relation to Garda Vetting for non-teaching posts¹ in Educate Together schools must be channelled through Authorised Signatories who work from the Educate Together national office. Currently Catherine O'Brien is officially recognised as such an Authorised Signatory and is managing this work in the Educate Together office.

The function of the GCVU is to provide details of '*all prosecutions, successful or not, pending or completed, and/or convictions*' in respect of an applicant to a registered organisation.

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 been vetted by the GCVU does not mean that the

¹ The vetting of teaching posts is the responsibility of the Teaching Council.

person is suitable and does not remove the necessity for the Board to thoroughly check the background and references of a candidate².

A selection board must assure themselves that the candidate can be trusted to do the job within the ethical standards of the school.

NEW STAFF: RECOMMENDED PROCEDURES

Please see DES circular SNA 03/03 for 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 candidates
- Recruitment Policy, Vetting Policy and Criteria sent to all those called to interview with any other relevant documentation
- Directly before or after interview candidates invited to fill out Health Clearance and Garda Vetting Forms - **(candidates advised of need for accuracy and full disclosure of all relevant detail)** - and forms submitted to the Authorised Signatory as per procedure below.
- Successful candidate selected. Where applicable, a panel of suitable candidates is drawn up
- BOM meet to approve appointment, subject to the checking of references and Garda Vetting
- References checked - **please remember that for non-teacher appointments, it is not good practice to check references before interview**
- Provisional offer of employment, subject to reference check, Health Check and Garda Vetting
- All applicants notified as a matter of course including those nominated to a panel
- Successful candidate asked to attend Health Check and return it to school

All schools should have a school doctor to whom candidates can be referred for a Health Check. It is good practice for the school to pay for this.

NEW VOLUNTEERS WITH UNSUPERVISED ACCESS TO CHILDREN: RECOMMENDED PROCEDURES

Boards of Management should have in place formal agreements with any volunteers working in the school. For those who will have unsupervised access to children, the following steps should be incorporated into this agreement.

Steps

- Volunteer signs volunteering agreement "subject to Garda vetting".
- Garda Vetting Form filled out and submitted to the Authorised Signatory as per procedure below.

² Such a check should include - but not be restricted to - a detailed review of the candidate's CV against the chronology supplied in the vetting form and a careful discussion with at least one recent employer covering a substantial portion of the candidate's work history.

Garda Vetting Form Procedure

- Completed Garda Vetting form sent to Educate Together by the School for checking and forwarding to GCVU, in a properly sealed envelope marked 'VU Private and Confidential'
- Record of all correspondence will be maintained by Educate Together.
- GCVU has undertaken to return form to Educate Together within 3-6 weeks
- Educate Together will return the GV form to the Chairperson of the Board of Management of the school. For ease of identification form will be returned in an envelope marked "VU Private & Confidential". This should ensure early access to the information needed to finalise the recruitment process.
- Returned GV Forms are only available to the Chairperson of Board of Management.
- Educate Together will maintain back up copies of all correspondence in relation to Garda Vetting in a secure location. Only the nominated Garda Vetting Authorised Signatories will have access to these files.
- Educate Together will maintain an internal procedure to ensure the efficient and confidential management of communications and records in relation to Garda Vetting.

GARDA VETTING PROCEDURE - NO DISCLOSURE (NO RECORD FOUND BY GCVU)

- The candidate is offered the position
- The GV form is placed in a signed and sealed envelope in the candidates Personnel File that must be kept in a secure, confidential location in the school.

GARDA VETTING PROCEDURE - DISCLOSURE (RECORD FOUND BY GCVU)

If the Garda Vetting Form is returned with a Disclosure the Chairperson must bring the matter to the Selection Board. The Selection Board should consult the School Recruitment Policy and decide whether to proceed with appointment or not. In deciding whether a particular conviction renders a candidate unsuitable for appointment, the school should have regard to:

- 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 candidate 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 vetting process discloses pending prosecutions or unsuccessful prosecutions, such incidents should be assessed in the light of the nature, age and frequency of the alleged offence and of the age of the candidate at the time of the alleged offence

In the case of a disclosure in relation to an otherwise suitable candidate who has been recommended for appointment, the selection Board may call in the candidate to discuss the disclosure

In this case, the responses of the candidate should be written down verbatim and retained for future reference

If the facts of the disclosure are seriously disputed e.g. disputed identity, the candidate should complete a new GV form with additional detail and the Selection Board should discuss with the Authorised Signatory and the form should be resubmitted to GCVU via Educate Together.

If the Selection Board decides to proceed with the appointment the GV form is placed in a signed and sealed envelope in the candidates Personnel File that must be kept in a secure, confidential location in the school.

If the appointment is not approved the GV form 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 they have 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 a candidate's reputation and may leave themselves open to significant litigation if they cannot demonstrate that they have handled this matter with due care.