



Powerstown Educate Together National School

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Powerstown Educate Together National School

Garda Vetting Policy

This policy has been formulated by Powerstown ETNS to assist in the implementation of the requirements set out in Circular 63/2010.

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Policy Introduction

In Powerstown Educate Together we are committed to practices which safeguard the welfare of pupils. In this regard, Powerstown Educate Together will endeavour to follow careful procedures for the recruitment and selection of staff and all volunteers and non-teaching staff who may have unsupervised contact with children in a school context.

Rationale:

It is the intention that all members of the school community who have unsupervised access to children have undergone the Garda Vetting process, and 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 Garda Central Vetting Unit (GCVU). 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.

All efforts will be made to ensure that staff do not commence work in the school without Garda Vetting. The school will 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 will ensure that any person who has not yet been vetted does not have **unsupervised** access to children until Garda Vetting has been completed.

Schools, 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.

The Garda Central Vetting Unit

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 school.

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

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

Garda Vetting for Teaching Staff

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

Such a check will 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.

Vetting Appointment Procedures for Teaching Staff

- All teachers appointed to teaching positions for any duration must be vetted prior to commencing employment.
- When applying for a teaching position within Powerstown Educate Together, all teachers are asked to present a Teaching Council Vetting Letter with their application.
- All teaching staff must present a Teaching Council Vetting Letter prior to commencing employment.
- All teaching staff must present a Statutory Declaration before commencing employment.
- All teaching staff must sign a Form of Undertaking with Powerstown Educate Together prior to commencing employment.
- All substitute staff must present Teaching Council Vetting Letter and Statutory Declaration. They must also sign a Form of Undertaking with PETNS.
- Any teacher who refuses to be vetted cannot be appointed or engaged by Powerstown Educate Together in any capacity including in a voluntary role.

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

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.

The GCVU has required that all correspondence in relation to Garda Vetting for non-teaching posts 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.

Vetting Appointment Procedures for Non-Teaching Staff

There is an obligation on each board of management to vet each volunteer who may have unsupervised access to children and the original form must be kept in confidential files.

All offers of employment to teaching and non-teaching staff and volunteers are "subject to satisfactory vetting by the Garda Central Vetting Unit".

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

Candidates will be able to challenge the information provided by the GCVU especially to avoid errors or cases of mistaken identity. In such cases, re-vetting will take place.

All returned GV forms will be handled in strictest confidence.

Completed Forms 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 will take as its first priority its responsibility to the protection of children attending school activities.

- Volunteer signs volunteering agreement “subject to Garda vetting”.
- Garda Vetting Form filled out and submitted to the Authorised Signatory as per procedure below.
- Volunteer signs a Form of Undertaking with Powerstown Educate Together.

Garda Vetting Form Procedure for Non-Teaching Staff working in PETNS

- 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.
- 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 will 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.

Garda Vetting Form Procedure for Volunteers working in PETNS

- 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.
- 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 accepted as a volunteer
- 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 Board of Management. In deciding whether a particular conviction renders a candidate unsuitable for volunteering, the school should have regard to:

- The nature of the offence and its possible relevance to the work the volunteer will undertake
- 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 volunteer who has been recommended, the Board may call in the volunteer to discuss the disclosure.

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

If the facts of the disclosure are seriously disputed e.g. disputed identity, the volunteer should complete a new GV form with additional detail and the Board of Management 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 volunteers 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 Powerstown Educate Together

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.

Policy Review:

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



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Appendix A: Form of Undertaking

I confirm that, since the date on which I signed the attached statutory declaration, to the best of my knowledge and belief there is nothing, from a child protection perspective, in relation to my conduct, character or personal background of any nature that would adversely affect the position of trust in relation to children or vulnerable adults in which I would be placed by virtue of my appointment to a teaching or nonteaching post in *Powerstown Educate Together National School*.

I also undertake to inform the above school authority of any changes to the above stated position that may affect my suitability, from a child protection perspective, for continued employment with the school authority or for any subsequent employment with the school authority.

I acknowledge and understand that any false or misleading confirmation as to my conduct, character or personal background or any failure of mine to inform the school authority of relevant changes that may affect my suitability, from a child protection perspective, will constitute a breach of my contract of employment and may be grounds for summary dismissal by the school authority.

Signed: _____ Date: _____

Prospective employee

Print Name: _____

Witnessed by: _____ Date: _____

(on behalf of Powerstown Educate Together)

Print Name: _____



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Appendix 2: Statutory Declaration

This statutory declaration must be completed prior to a person being appointed to any teaching or nonteaching position with a school authority unless the person being appointed has previously provided that school authority with a statutory declaration which was made during the same or previous calendar year.

“I _____ of, _____
_____ in the county of _____ aged
eighteen years and upwards do SOLEMNLY AND SINCERELY DECLARE as follows:-

That to the best of my knowledge and belief there is nothing, from a child protection perspective, 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 in relation to children or vulnerable adults by virtue of my appointment to any teaching or non-teaching position in any recognised primary or post-primary school or any other state funded centre of education for children or vulnerable adults.

Within a child protection context:

- I hereby confirm my irrevocable consent to each of the employing school authorities to the making of such enquiries as they deem necessary in respect of my suitability for the post(s) in respect of which the applications are made.
- I hereby accept and confirm the entitlement of each of the employing school authorities 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 school authority with any information relevant to my application for the position or my continuing employment with the school authority.
- I understand that any false or misleading information submitted by me in relation to my application for a position or my continuing employment with each of the school authorities will render me liable to automatic disqualification or render me liable to dismissal, if employed.

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the Statutory Declarations Act 1938.”

Signed: _____ Date: _____

Applicant

Print Name: _____

Declared before me _____ [*name in capitals*] a [notary public / commissioner for oaths / peace commissioner / practising solicitor]

by _____

*who is personally known to me,

or

*who is identified to me by _____

who is personally known to me,

or

*whose identity has been established to me before the taking of this Declaration by the production to me of passport no. _____ issued on _____ by the authorities of _____ [*issuing state*], which is an authority recognised by the Irish Government]

or

National identity card no _____ issued on _____ by the authorities of _____ [*issuing state*]

[which is an EU Member State, the Swiss Confederation or a Contracting Party to the EEA Agreement]

or

[Aliens Passport no. (*document equivalent to a passport*) _____ [*passport number*] issued on _____ [*date of issue*] by the authorities of _____ [*issuing state*] which is an authority recognised by the Irish Government]

or

Refugee travel document no. _____ issued on _____ by the Minister for Justice, Equality and Law Reform]

or

Travel document (other than refugee travel document) _____ [*document no.*] issued on _____ [*date of issue*] by the Minister for Justice, Equality and Law Reform at _____

in the City/ County of _____

on the _____ day of _____ 20__

***Practising Solicitor / Commissioner for Oaths / Notary**

Public / Peace Commissioner