



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 31/2016 and the new statutory requirements in respect of Garda vetting which come into effect from 29 April 2016.

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Policy Introduction

In Powerstown Educate Together we are committed to practices which safeguard the welfare of pupils and enforce our statutory vetting obligations rigorously. 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 contact with children in a school context.

Rationale:

It is the intention that all members of the school community who have both supervised and 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 National Vetting Bureau. The function of the National Vetting Bureau is ***'in addition to a check for criminal records, include a check for any relevant "soft information". "Soft information" referred to as "specified information" in the Vetting Act, is information other than criminal convictions held by An Garda Síochána that leads to a bona-fide belief that a person poses a threat to children or vulnerable persons.'***

The Board of Management (BOM) of PETNS will not, other than where certain exemptions (which are set out at section 5.3 circular 31/2016) apply, commence the employment (whether under contract of employment or otherwise) of an employee to undertake relevant work or activities before the BOM of PETNS receives a vetting disclosure from the Bureau in respect of that person. This requirement applies in respect of all types of appointment of any duration including full time, part time and substitute positions.

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 National Vetting Bureau (NVB)

The function of the NATIONAL VETTING BUREAU is to provide 'garda vetting' in respect of any person who is carrying out work or activity, a necessary and regular part of which consists mainly of the person having access to, or contact with, children or vulnerable persons. It is a service designed to enhance the protection of children and vulnerable persons.

The National Vetting Bureau will provide Powerstown ETNS with relevant criminal history information on individuals applying for relevant work. The NVB issue disclosures which give details of an individual's criminal convictions or state that they have none. Using these disclosures will assist Powerstown ETNS in our recruitment decision, helping to protect children and vulnerable persons.

It is essential to stress that the BOM of PETNS 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 NATIONAL VETTING BUREAU 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

It is a requirement under the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016 (NVB Act) that individuals who work with children and vulnerable persons be vetted by the National Vetting Bureau (the Bureau).

The Teaching Council is the authorised body for administering vetting for teachers in Ireland and is required to assess the vetting disclosure for suitability for registration. The school is required to receive and assess the vetting disclosure for employment purposes.

Garda vetting undertaken by the Bureau provides a vetting disclosure outlining the particulars of a criminal record (if any) relating to the person being vetted. It may also provide a statement of specified information (if any), which the Chief Bureau Officer of the Bureau has determined should be disclosed

Specified information means information concerning a finding or allegation of harm to another person, which has been recorded by the National Vetting Bureau following an investigation by An Garda Síochána, TUSLA (the Child and Family Agency), the Health Services Executive or another specified organisation. The Chief Bureau Officer must be satisfied that the disclosure is necessary, proportionate and reasonable in the circumstances in order to protect children and vulnerable persons. The vetting applicant is informed by the Bureau of the intention to disclose specified information and has the right to appeal the disclosure to the National Vetting Bureau in accordance with legislative procedures.

The Board of Management of PETNS will thoroughly assess the character of teachers; such a check will include - but not be restricted to - a detailed review of the candidate's CV against the chronology supplied 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 Results Letter/Digital Vetting Disclosure
- All teaching staff must present a Teaching Council Vetting Results Letter and Digital Vetting Disclosure 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 Results Letter, Digital Vetting Disclosure 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

E-Vetting Process

Educate Together transitioned to eVetting in November. Those who wished to be vetted must now ensure that they complete an *Invitation to Vetting form (NVB 1 form)*. This form should be returned to the school (where applicants will be working/volunteering) along with proof of identification and proof of address. The identification provided must be accepted under the *NVB 100* point check list. The identification is verified by the Principal or Chairperson of the Board of Management who will then forward the application to the national office for processing. The applicant will then receive a link by email inviting them to complete their online NVB 2 application form. Further details on the process can be found in the *Brief Guide to Garda Vetting* below [click here.](#)

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

The NATIONAL VETTING BUREAU 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.

All such applicants must complete

1. **Invitation to Vetting Form (NVB 1)**
2. **Declaration of Validation of Identity – 100 point [check list](#)**

School with then complete Garda Vetting Verification ID form ([click here](#)) and submit paperwork to Educate Together National Office

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

Non-teaching staff must complete

1. **Invitation to Vetting Form (NVB 1)**
2. **Declaration of Validation of Identity – 100 point [check list](#)**

School with then complete Garda Vetting Verification ID form ([click here](#)) and submit paperwork to Educate Together National Office

3. Non-teaching staff must complete NVB 2 form online (email sent directly to non-teaching staff personal email)

Garda Vetting Procedure – No Disclosure (No record found by NVB)

- The candidate is offered the position
- Candidate completes Form of Undertaking and Statutory Declaration.

- 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 NATIONAL VETTING BUREAU)

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 NATIONAL VETTING BUREAU 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

There is an obligation on the Board of Management to vet each volunteer who may have access to children. All offers of support from volunteers are “subject to satisfactory vetting by the Garda Vetting Bureau”.

All volunteers must complete

1. **Invitation to Vetting Form (NVB 1)**
2. **Declaration of Validation of Identity – 100 point [check list](#)**

School with then complete Garda Vetting Verification ID form ([click here](#)) and submit paperwork to Educate Together National Office

3. Volunteers must complete NVB 2 form online (email sent directly to non-teaching staff personal email)

Failure to complete the Garda Vetting form will automatically disqualify the candidate from volunteering. 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 NATIONAL VETTING BUREAU 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.

Garda Vetting Procedure – No Disclosure (No record found by NVB)

- The candidate is accepted as a volunteer
- Candidate completes statutory declaration, form of undertaking and Volunteer Agreement.
- 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 NATIONAL VETTING BUREAU)

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 NATIONAL VETTING BUREAU 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.

Statutory Vetting where two or more relevant organisations are involved.

In the case of some persons undertaking relevant work or activities in a school (such as a sports coach, guest speaker, student teacher etc.), another relevant organisation (such as the sporting organisation in question, the person's employer or the third level college etc.) may also be required to have that person vetted prior to the person undertaking relevant work or activities with children or vulnerable persons.

The Vetting Act provides that in cases where two or more relevant organisations have jointly agreed in writing to the employment, contract, placement or permission of a person to undertake relevant work or activities, it shall be a defence in any prosecution under Section 12 of the Act to show that the other organisation who was a party to the agreement had received a vetting disclosure from the Bureau in respect of the person

Garda Vetting of Parent Volunteers

There is a now statutory requirement that people who carry out **relevant work** (i.e. work that involves regular and necessary access to and/or contact with children and/or vulnerable adults) **must be vetted prior to commencing relevant volunteer work.** **This includes parents/guardians of our pupils.**

Criminal offences will now apply to Boards of Management in the event of failure to comply with these requirements.

Under the new legislation statutory vetting will now include a check for any relevant "soft information" – which is information other than criminal convictions held by the Garda Síochana that leads to a bona-fide belief that a person poses a threat to children or vulnerable persons.

E-Vetting Process

Those who wished to be vetted must now ensure that they;

- Complete an *Invitation to Vetting form* ([NVB 1 form](#)).
- Provide proof of identification and proof of address.

The identification provided must be accepted under the [NVB 100 point](#) check list attached below.

The identification is verified by the Principal who will then forward the application to the national office for processing.

The applicant will then receive a link by email inviting them to complete their online NVB 2 application form. Further details on the process can be found in the [Brief Guide to Garda Vetting](#) below.

Parent Volunteers for Swimming (accompanying children to pool)

This is just a gentle reminder that any parents/guardians who wish to attend the pool for swimming lessons MUST BE GARDA VETTED. No exemptions can be made.

Class teachers will be provided with relevant names of garda vetted parents and only those names on lists will be permitted entry to the swimming pool/changing areas.

Vetting of Minors – Transition Year Students

The National Vetting Bureau permits the vetting of those over the age of 16 years old. Where an application is being made for a 16/17 year old, consent of the parent/guardian must also be obtained. **All applications for people under 18 years old must be accompanied by a Parent/Guardian Consent form (NVB 3).**

Schools should also ensure that the email address and contact number provided on the *Invitation to Vetting form (NVB 1)* is the email address and contact number of the parent/guardian and not of the young person.

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.



Powerstown Educate Together National School

Roll number 20384J

Powerstown Road, Tyrrelstown, Dublin 15.

Telephone: 01 8272018

Email: info@powerstownet.com

www.powerstownet.com

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**