



Waterford and Wexford Education and Training Board

Garda Vetting Policy for Employees

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Purpose

Persons who are considered for employment with Waterford and Wexford ETB (hereinafter referred to as WWETB) which includes direct employees, volunteers and/ or work experience people must be vetted in accordance with the ETB Vetting Policy which is underpinned by the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016.

Any work or activity which is carried out by a person, a necessary and regular part of which consists mainly of the person having access to, or contact with, children or vulnerable persons will require the person to be vetted in accordance with the above Act and in accordance with procedures as prescribed by the National Vetting Bureau.

Scope

The policy is applicable to all employees.

Definitions

What is the definition of a child?

For the purpose of the garda vetting, the definition of a child is a person under the age 18 years.

What is the definition of a vulnerable person?

A vulnerable person means a person, other than a child, who is suffering from a disorder of the mind, whether as a result of mental illness or dementia, has an intellectual disability, is suffering from a physical impairment, whether as a result of injury, illness or age, or has a physical disability, which is of such a nature or degree as to restrict the capacity of the person to guard himself or herself against harm by another person, or that results in the person requiring assistance with activities of daily living including dressing, eating, walking, washing or bathing.

Vetting Structures – Points of Contact

In accordance with the 'Act', the ETB has a number of persons nominated as 'Liaison Person' (LP). This replaces the previous title of Authorised Person. The purpose of the LP is to have a limited number of people dealing with the vetting process as well as to maintain the integrity of the operations between organisations and the Vetting Bureau. This will reduce unnecessary duplication and provide a cleaner operating system to manage the long term process.

The 'Act' also provides for the establishment of 'Clerk Users' (CU) whose purpose is to assist in the administration of the vetting process, to support the Liaison Person, act as a point of contact and to validate identity of applicants. The ETB will have a number of Clerk Users identified when the need arises.

The ETB will also in certain College/ Centres have a person designated as a Nominated Person. The purpose of such a role is to assist in the validation of identity process and to ensure appropriate records are kept on file in the College/ Centre on behalf of the organisation. There may be more than one Nominated Person per location which may include Principal, Deputy Principal and/ or administration staff.

The Liaison Person, Clerk Users or a Nominated Person shall validate proof of identity by viewing, the forms of original identity, completing and signing the 100 point checklist provided. The Principal/ Manager will then forward the completed vetting form with the 100 point checklist attached

Staff who are recruited directly through the CORE e-recruit system will be vetted as part of the recruitment process.

Validation Procedure

Validating the identity of a person for vetting is a requirement under the 'Act'. Such validation will require the person for vetting to submit with their vetting form the following documentation;

- Passport or Driving Licence or Irish Public Services Card

And

- Payslip (with home address) or recent utility bill (mobile phone bills are not acceptable) or Bank/ Credit Union Statement

As recommended by the National Vetting Bureau, the 100 point personal identification system is utilised. In such instances the Designated Person shall use the 100 point checklist to ensure that documentation is submitted which total the 100 points.

In terms of new entrants recruited through CORE e-Recruit system the above documentation will be requested as part of the recruitment process. The College/ Centre Manager will ensure that for new entrants not recruited through CORE e-Recruit, that the new entrant is notified that such validation must be presented, with their completed vetting form, in person to the nearest Clerk User/ Liaison Person.

Application for Vetting Disclosure

New Entrants

- For new entrants, confirmation of appointment is subject to satisfactory Garda Vetting, which must be completed in advance of taking up duty.
- For job applicants recruited through CORE e-Recruit, only those being offered a post following interview, including individuals recommended for a panel, will be requested to complete a Vetting Application Form. The Vetting Application Form will be provided by the Clerk User/ Liaison Person. The letter informing the applicant of a provisional job offer will contain the contact details for the Clerk User/ Liaison Person and the details in respect of validating identity.
- Applicants for all other positions will be given the appropriate vetting form by the Clerk User/ Liaison Person
- Teachers will be directed to the Teaching Council with regards Digitary Vetting

Existing Staff

- Existing staff will be required to submit to vetting in accordance with ETB vetting policy.
- Staff, who have undergone the vetting process as part of the recruitment process, or as part of the retrospective vetting will be re-vetted in accordance with relevant circular letters issued by the Department of Education and skills.
- Staff employed as a teacher, where registration with the Teaching Council of Ireland is required as part of their employment, will be vetted in accordance with Teaching Council standards. In such circumstances staff will be required to submit up to date disclosure documents as and when required by the ETB.
- Teaching staff returning from a Career Break of two years are subject to garda vetting in accordance with relevant circular letters issued by the Department of Education and Skills.

The same vetting process applies to both new entrants and existing staff.

Application Process e-Vetting

- Applicants recruited through the CORE e-Recruit system, indicating their acceptance of a provisional job offer, must present in person the signed hard copy of the completed Vetting Invitation Form, including proof of identity as specified above, to the WWETB School/ Centre or Administrative office nearest them (please note copies and scanned versions will not be accepted).
- All other applicants must return the signed hard copy of the completed Vetting Invitation Form including proof of identity as specified above, to the relevant Clerk User/ Liaison Person or to the relevant Nominated person. Where forms are notarised and collected by the Nominated Person, such forms will be forwarded for processing by the CU/ LP. This form will contain the basic information required for the e-Vetting system.
- The relevant CU/LP will validate data, authorise and input the information from the hard copy form in to the e-Vetting system in order for an invitation to issue to the applicant.
- Applicants will receive a link via the email address supplied to complete the vetting process on line.
- This must be completed within 30 days as the invitation is time sensitive and has an expiry date.
- The vetting disclosure document (clarification on content in Appendix 1), is made available to the LP in electronic format through the system.
- WWETB will assess the disclosure in accordance with the guidelines contained under assessment.
- On completion of the assessment a soft copy will be forwarded by e-mail to the individual with confirmation of the assessment.
- WWETB is fully committed to keeping all personal data fully safe and secure during administrative processes. On forwarding of the disclosure all personal data relating to your Garda Vetting will be securely destroyed.

ETB Assessment Process

- All the information disclosed by the Bureau will be considered when assessing the suitability of the person who is the subject of the disclosure to do relevant work or activities.
- New entrants will not be allowed to commence employment until the assessment has been completed. Where satisfactory vetting has not been obtained provisional offer of employment will be withdrawn immediately.
- Existing staff who fail to maintain satisfactory vetting will be subject to disciplinary proceedings and may have their employment terminated.
- Satisfactory vetting will be determined by the ETB and decisions are final

In assessing the contents of a disclosure document in respect of Criminal Records and/or Specified Information the following will be applied;

A. No Convictions Recorded

Where nil convictions are recorded the offer of employment will be confirmed (subject to all other conditions associated with the offer being met).

B. Criminal Record

A criminal record in relation to a person, means –

- a) A record of the person's convictions, whether within or outside the State, for any criminal offences, together with any ancillary or consequential orders made pursuant to the convictions concerned, and/or
- b) A record of any prosecutions pending against the person, whether within or outside the State, for any criminal offence.

1) Motoring Offences:

Generally, even when disclosed motoring offences will have no relevance for appointment to post and/or services except where the person is being considered for a post/ service that will require them to hold a cleaning driving licence. In such circumstances automatic exclusion for appointment to post and/or services will apply. This is relevant under the 'Act' where the driving post has contact with, children or vulnerable persons.

2) Minor Public Order Offences:

The following convictions under the Criminal Justice (Public Order) Act 1994

- Section 4 (Intoxication)
- Section 5 (Disorderly conduct),
- Section 6 (Threatening, abusive or insulting behaviour),
- Section 7 (Distribution or display of material which is offensive),
- Section 8 (Failure to comply with direction of Garda),
- Section 9 (Wilful obstruction).

Any disclosure which contains a criminal record, in respect of Minor Public Order Offences will be considered by the Manager in charge of vetting and a Director of Services having regard to the post/ services for which the person has applied. The decision makers will discuss the potential risk of the

offence and may decide to meet with the individual to seek additional information. Once the decision makers are satisfied that they have all relevant information a decision will be made and communicated as to whether an offer of employment will be confirmed (subject to all other conditions associated with the offer being met) or not.

C. Specified Information

Specified information in relation to a person who is the subject of an application for vetting disclosure means information concerning a finding or allegation of harm to another person that is received by the Bureau from –

- The Garda Síochána pursuant to an investigation of an offence or pursuant to any other function conferred on the Garda Síochána by or under any enactment or the common law

Or

- a scheduled organisation pursuant to Section 19 of the Act

In respect of the person and which is of such a nature as to reasonably give rise to a bona fide concern that the person may –

- i. harm any child or vulnerable person,
- ii. cause any child or vulnerable person to be harmed,
- iii. put any child or vulnerable person at risk of harm,
- iv. attempt to harm any child or vulnerable person, or
- v. Incite another person to harm any child or vulnerable person.

Specified information disclosure will mean automatic exclusion for appointment to post and/or services given the basis in which specified information is imparted by the National Vetting Bureau and that the individual is given a right of appeal to the Chief Bureau Officer.

Data Protection

All information received by the ETB in respect of vetting shall not be used by, or disclosed for any other purpose than assessment of suitability for appointment and / or services.

All records will be kept in accordance with the ETB Data Protection Policy and Records Retention Schedules. Records of the outcome will be kept until such time as the employee has been re-vetted and an updated disclosure received. At such time out of date documents will be securely destroyed (direct employees, volunteers and/or work experience staff). Reference number and date of disclosure will be placed on Core personnel record.



APPENDIX 1 – Clarification of disclosure document content and appeal process regarding Specified Information.

Vetting Disclosure Document

A vetting disclosure document shall in respect of the person who is the subject of the application for vetting disclosure include –

- Particulars of the criminal activity (if any) relating to the person, and a statement of the specified information (if any) relating to the person which the Chief Bureau Officer has determined should be disclosed in accordance with the “Act”.

Or

- State that there is no criminal record or specified information in relation to the person.

Criminal Record

A criminal record in relation to a person, means –

- a) A record of the person’s convictions, whether within or outside the State, for any criminal offences, together with any ancillary or consequential orders made pursuant to the convictions concerned, and/or
- b) A record of any prosecutions pending against the person, whether within or outside the State, for any criminal offence.

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in respect of the person and which is of such a nature as to reasonably give rise to a bona fide concern that the person may –

- vi. harm any child or vulnerable person,
- vii. cause any child or vulnerable person to be harmed,
- viii. put any child or vulnerable person at risk of harm,
- ix. attempt to harm any child or vulnerable person, or
- x. incite another person to harm any child or vulnerable person.

Assessment of Specified Information

The decision to disclose specified information requires the Chief Bureau Officer to believe that the information in question is of such a nature as to give rise to a bona fide concern that the vetting subject may harm attempt to harm or put at risk of harm a child or vulnerable person. The Chief Bureau Officer must also be satisfied that the disclosure is necessary, proportionate and reasonable in the circumstance in order to protect children or vulnerable persons.

The vetting subject shall be informed in writing by the Chief Bureau Officer of his/her intention to disclose specified information and shall furnish him or her with a summary of the specified information. The vetting subject shall also be informed that they may make a written submission in relation to the specified information concerned.

A person who is aggrieved by the determination of the Chief Bureau Officer may, no later than 14 days after the date of notification of the determination is sent to the person, appeal to an Appeal Officer against the determination.

The Appeals Officer may, in determining an appeal –

- Affirm, in whole or part, the determination of the Chief Bureau Officer, or
- Set aside the determination of the Chief Bureau Officer in whole or part and replace it with such other decision as the Appeals Officer considers appropriate.

An Appeals Officer shall inform the appellant and the Chief Bureau Officer in writing of his/her determination of an appeal and the reasons for it. A party to an appeal may appeal to the High Court on a point of law and such an appeal shall be final and conclusive.