



Waterford and Wexford Education and Training Board

Garda Vetting Policy for Employees of WWETB, Non-Employees, Contractors, Agency Placements, Work Experience and Volunteers

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1.0 Purpose

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

The National Vetting Bureau (Children and Vulnerable Persons) Act 2012-2016 (The Act) provides a legislative framework for the mandatory vetting of persons who are required to undertake certain work or activities relating to children or vulnerable adults. The vetting process will be conducted via the Garda Vetting Section of WWETB, who has appointed Liaison Persons to correspond directly with the National Vetting Bureau (NVB). WWETB will conduct all essential vetting online through the Garda E-Vetting system.

Failure to cooperate with the Garda Vetting process when requested to do so may lead to disciplinary action by WWETB, up to and including dismissal.

2.0 Scope

WWETB will undertake Garda Vetting on certain positions that undertake certain work or activities relating to children or vulnerable adults. An up-to-date matrix of roles can be found on the WWETB website under Garda Vetting

3.0 Definitions

What is the definition of a child

Child (Section 2 of the Act)¹ – Person under the age of 18 years

What is the definition of a vulnerable person

Vulnerable Person (Section 2 of the Act) -

Vulnerable person is a person, other than a child who

- a) Is suffering from a disorder of the mind, whether as a result of mental illness or dementia
- b) Has an intellectual disability
- c) Is suffering from a physical impairment, whether as a result of illness or injury or age, OR
- d) Has a physical disability, which is of such a nature or degree

¹ National Vetting Bureau (Children and Vulnerable Persons) Act 2012

<https://www.irishstatutebook.ie/eli/2012/act/47/section/2/enacted/en/html><https://www.irishstatutebook.ie/eli/2012/act/47/section/2/enacted/en/html>

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- i. As to restrict the capacity of the person to guard himself or herself against harm by another person, OR
- ii. That results in the person requiring assistance with the activities of daily living including dressing, eating, walking, washing or bathing.

Liaison Person

The “Liaison Person” is the person nominated by the relevant organisation (e.g. diocesan office, ETB or school management body) and for the purpose of this policy, WWETB, to Liaise with the Bureau for the purposes of applying for and receiving vetting disclosure in accordance with the Vetting Act.

The Liaison Persons in WWETB are registered with the NVB and it is their role to manage the Garda Vetting process. The Liaison Persons are responsible for maintaining the confidentiality of information received from both the individual and the NVB.

Nominated Person

“Nominated person” is any staff member of WWETB.

4.0 Overview of Vetting process

Step 1

The applicant seeking Garda Vetting manually completes the NVB1 form. The applicant must present to a nominated person of a WWETB School/Centre/Office with their NVB1 form and original identification documentation for verification. The only documentation allowed is listed as per the Identity Document Schedule. The signed hard copy of the application and copies of the identification documentation must be posted to the Garda Vetting Section in WWETB Head Office.

Please note: By engaging in the Garda Vetting process applicants agree that they have read, understood and comply with WWETB Garda Vetting Policy.

Step 2

The Liaison Person reviews the Vetting Application and inputs the details to the e-vetting portal in order for an invitation to issue to the applicant.

Step 3

Applicants will receive a link via the email address supplied to complete the vetting process online. This must be completed within 28 days as the invitation is time sensitive and has an expiry date. Applicants can track their applications via <https://vetting.garda.ie/Track>



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Step 4

The NVB processes the application and forwards a vetting disclosure to the Liaison Person in the Garda Vetting Section. WWETB reviews the vetting disclosure, and a copy is made available to the applicant. The NVB will issue its disclosure to the Liaison Person detailing:

- i. There is a nil disclosure in relation to the person being vetted. Therefore, the Garda vetting has been completed and no further action is required.
- ii. Particulars of any criminal record relating to the person
- iii. A statement of the specified information (if any) relating to the person which the Chief Bureau Officer has determined that in accordance with section 15 of the National Vetting Bureau (Children and Vulnerable Persons Act) 2012 should be disclosed.

Details of what is contained in a vetting disclosure is included in Appendix I.

5.0 Accessibility

WWETB will provide reasonable accommodations to applicants who require assistance with completing the vetting process, in line with our equality and inclusion commitments.

6.0 Application of Policy

This policy will apply to the following applicants:

6.1 Garda Vetting of persons being considered for appointment (new employees)

For new entrants, confirmation of appointment is subject to satisfactory Garda Vetting, which must be completed in advance of taking up duty. This requirement will be highlighted to all prospective employees. For job applicants recruited through WWETB recruitment process, only those being offered a post following interview, including individuals recommended for a panel or various substitute panels / pools which may arise, will be requested to complete a NVB1 form. Applicants for teaching positions must have current Teaching Council Registration and supply a copy of their Vetting disclosure as part of the recruitment process in advance of taking up duty.

6.2 Garda vetting of existing employees

Existing employees will undertake Garda Vetting or re-vetting where they are in positions that undertake certain work or activities relating to children or vulnerable adults.

6.3 Garda vetting of persons under a contract for service for the provision of relevant work or activities

WWETB engages third parties to provide services on its behalf. WWETB will take steps to ensure that individuals employed by such third parties/agencies, whose roles are deemed to be 'high risk' as defined by 'The Act' are vetted by WWETB unless they are currently vetted by those agencies as outlined in WWETB/Third Party Joint Vetting Agreement. It is the responsibility of managers involved in engaging such third parties to ensure that this provision is adhered to. Third parties will be obliged to co-operate



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with these requirements, including re-vetting, and to inform WWETB of any changes in their employees, particularly those undertaking work/activities in or on behalf of WWETB.

7.0 Responsibility of WWETB Employees and Applicants to positions

The Garda Vetting Process must be completed where required by WWETB employees and applicants to positions in WWETB. The NVB1 form must be completed along with providing proof of identity and proof of address as per the Identity Document Schedule. Self-disclosure of a criminal record or a pending prosecution within or outside of Ireland must be detailed from the outset of the Garda Vetting process.

8.0 Disclosures

Where there is a disclosure, the details of the disclosure will be communicated to the person being vetted by WWETB Liaison Persons. If the Liaison Person is unsatisfied or further guidance is required, they will discuss with the Human Resources Manager. The applicant may be requested to provide further details relating to the incident(s) as disclosed to the HR Manager. The HR Manager may discuss the contents with the relevant Director for that area. The decision of the Human Resources Manager and/or Director will be final.

Where a disclosure with a criminal record is made by the NVB, the applicant may be deemed unsuccessful for the position applied for. Disclosure of a criminal record may disqualify the applicant from working in WWETB.

Garda Vetting is non-transferable between organisations. Though you may have been vetted by another organisation, WWETB cannot accept vetting letters from another organisation.

9.0 Disclosure of Criminal Convictions

Under Section 26 of the Sex Offenders Act 2001, it is an offence for a convicted sex offender to apply for a position, to enter into a contract of employment or to continue to work in an area, knowing or if they ought to reasonably have known, that a necessary and regular part of that work involves access to, or contact with, children or vulnerable adults without informing their employer of that conviction. All applicants must inform WWETB of any such conviction. The provision of false, inaccurate or misleading information will disqualify applicants from the selection process and for existing employees may result in disciplinary action (up to and including dismissal).

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10.0 Residency Abroad

Vetting by the National Bureau covers addresses in the Republic of Ireland. As part of EU Directive 2011/93, EU countries and the UK are now required to carry out enhanced police checks for sexual offences when processing vetting applications.

If an applicant has lived outside of the Republic of Ireland/Northern Ireland in an EU country and/or the UK, their Garda Vetting application must satisfy the European Criminal Records Information System (ECRIS) terms and as a result the application process will now take longer.

The enhanced police checks are for sexual offences only and these changes do not replace the existing requirement for Police Clearance Certificates.

If an applicant has lived outside of the Republic of Ireland/Northern Ireland for 6 consecutive months, they must provide a Police Clearance Certificate from each country they lived in during that time in addition to Garda Vetting. The certificates must cover the entire period of residence in each country.

The process for getting police clearance differs from country to country. For example, you may need to be a citizen of the country or resident in the country at the time of making the request for police clearance. See Appendix II.

Seeking police clearance certificates from other countries is the responsibility of the applicant. You may find it helpful to contact the relevant embassies who could provide you with information on seeking Police Clearance. Only original Police Clearance Certificates should be submitted (copies are not accepted) along with a certified translation of it in English.

NOTE: Any costs incurred in this process will be borne by the applicant.

11.0 Vetting for Transgender Persons

The process for transgender persons differs slightly. Instead of applying via the process above transgender persons should contact the National Vetting Bureau's Sensitive Applications Team prior to applying for Garda Vetting. This will ensure that information is handled sensitively and in a secure manner and not inadvertently disclosed to WWETB.

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12.0 Re-Vetting

The Garda Vetting Section shall re-vet relevant employees after a period of three years from the date of the previous vetting disclosure in respect of that person or sooner in line with NVB guidelines. However, a person may be re-vetted following return from a leave of absence or if information concerning their suitability to work with children or vulnerable adults/to undertake their duties in a manner compatible with the role comes to the attention of WWETB.

Staff who are moving roles may be subject to re-vetting.

13.0 Confidentiality and Data Protection

The rules of the Data Protection Acts 1998, 2003 and 2018 will be observed in respect of any data received following a Garda Vetting request. The rules are as follows:

- Obtain and process the information fairly
- Keep it for one or more specified and lawful purposes
- Process it only in ways compatible with the purposes for which it was given initially
- Keep it safe and secure
- Keep it accurate and up to date
- Ensure that it is adequate, relevant and not excessive
- Retain it no longer than is necessary for the specified purpose or purposes
- Give a copy of the personal data gathered to any individual, with respect to themselves on request.

All data will be kept securely and only those deemed relevant will have access to the information.

14.0 Failure to Comply

Failure to comply with this policy may result in disciplinary action. Any breaches will be investigated in line with the organisation's disciplinary procedures, and appropriate action will be taken depending on the severity and nature of the non-compliance. Disciplinary action may range from an informal warning or additional training to formal disciplinary measures, up to and including dismissal.

15.0 Queries on this Policy or Guidelines

Full information on the Act and the vetting process and documentation is available on WWETB website www.wwetb.ie, on NVB website <https://vetting.garda.ie>. Queries on this procedure or an individual's vetting application can be made to the Liaison Persons at gardavetting@wwetb.ie

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Appendix I: Clarification of disclosure document content and appeal process to the National Vetting Bureau 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.

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 –

1. harm any child or vulnerable person,
2. cause any child or vulnerable person to be harmed,
3. put any child or vulnerable person at risk of harm,
4. attempt to harm any child or vulnerable person, or
5. incite another person to harm any child or vulnerable person.

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The decision to disclose specified information requires the Chief Bureau Office to believe that the information in question is of such a nature as to give rise to a bona fide concern that the applicant may harm attempt to harm or put at risk of harm 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 applicant shall be informed in writing by the Chief Bureau Officer of his/her intention to disclose specified information and shall furnish them with a summary of the specified information. The applicant shall also be informed that they may make a written submission to a designated appeals officer of NVB 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 as determined by the NVB against the determination.

The 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.

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Appendix II: Police Clearance Certificates

The website of the relevant country's embassy or consulate office should be contacted for up-to-date information. If the relevant country is not listed, contact the embassy of the country for assistance. WWETB is not responsible for the content of the links provided.

Country	Organisation	Website
Albania	Republic of Albania Ministry of Justice	https://ambasadat.gov.al/united-kingdom/en/
Argentina	Ministerio de Justicia y Derechos Humanos	https://www.argentina.gob.ar/justicia/reincidencia
Australia	Australian Federal Police	Australian Federal Police (afp.gov.au)
Austria	Austria's digital government agency	https://www.oesterreich.gv.at/en/public
The Bahamas	Royal Bahamas Police Force	https://www.bahamas.gov.bs/
Belgium	Embassy of Belgium in Dublin	https://ireland.diplomatie.belgium.be/en
Bulgaria	Embassy of the Republic of Bulgaria to Ireland	https://www.mfa.bg/en/services-travel/consular-services
Canada	Royal Canadian Mounted Police	https://rcmp.ca/en/criminal-records/criminal-record-checks
Chile	Servicio de Registro Civil e Identificación	https://www.registrocivil.cl/
China	The Public Security Bureau (PSB) of China	Residents: Apply to your local Public Security Bureau.
Cyprus	Criminal Record Office of the Cyprus Police	https://www.police.gov.cy/police/police.nsf/All/50F65CAB6045D474C22584000041D688
Denmark	Danish Police	https://politi.dk/en/services-and-permits/certificate-of-criminal-record
Dubai	Dubai Police	https://www.dubaipolice.gov.ae/app/services/police-clearance-certificate
Finland	The Finnish Police	https://asiointi.oikeus.fi/oikeusrekisterikeskus/#/
France	Ministry of Justice	https://casier-judiciaire.justice.gouv.fr/pages/accueil.xhtml
Germany	Federal Office of Justice	https://www.bundesjustizamt.de/DE/Home/Home_node.html

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Greece	The National Criminal Records Portal	https://www.ncris.gov.gr/portal/page/portal/epm
India	Embassy of India	https://www.indianembassydublin.gov.in/page/police-clearance/
Iraq	Ministry of Foreign Affairs	https://mofa.gov.iq/dublin/?page_id=523&lang=en
Italy	Ministry of Justice	https://www.alfredoesposito.eu/police-clearance-certificate-in-italy/
Japan	Metropolitan Police Department Japan	https://www.keishicho.metro.tokyo.lg.jp/multilingual/english/finding_services/applications/criminal_record.html
Korea (South)	Korean National Policy Agency	https://overseas.mofa.go.kr/ie-en/wpge/m_8217/contents.do
Lithuania	Embassy of the Republic of Lithuania to Ireland	https://ie.mfa.lt/en
Luxembourg	Criminal Records Office	https://guichet.public.lu/en/citoyens/justice/certificats-copies-actes-casier-judiciaire.html
Malaysia	Ministry of Foreign Affairs	https://www.kln.gov.my/web/guest/home
New Zealand	Ministry of Justice	https://www.justice.govt.nz/
Nigeria	Nigeria Police Force	https://ngembassy.info/page/police-character-certificate
Poland	The Ministry of Justice	https://www.gov.pl/web/sprawiedliwosc
Portugal	E Portugal portal	https://www.gov.pt/servicos/pedir-o-certificado-de-registo-criminal-de-pessoas-singulares
Romania	Ministry of Administration and Home Affairs	https://www.mae.ro/en
Saudi Arabia	Ministry of Interior Kingdom of Saudi Arabia	https://attest.ae/police-clearance-certificate-saudi-arabia/
Slovakia	Crime Register of the Attorney General's Office	https://www.genpro.gov.sk/
South Africa	South African Police Service	https://www.saps.gov.za/services/applying_clearance_certificate.php
Spain	Ministry of Justice Madrid	https://sede.mjusticia.gob.es/es/tramites/certificado-antecedentes
Sweden	Swedish National Police Board	https://polisen.se/en/services-and-permits/police-record-extracts/

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Switzerland	Federal Office of Justice	https://www.e-service.admin.ch/crex/cms/content/strafregister/strafregister_en
Thailand	Special Branch Bureau, Royal Thai Police	https://pcscenter.sbpolice.go.th/
The Netherlands	Ministerie van Justitie	https://www.justis.nl/en/products/certificate-of-conduct
UK	ACRO Criminal Records Office	https://www.acro.police.uk/s/acro-services/icp-certificates
Ukraine	Ministry of Internal Affairs of Ukraine	https://mvs.gov.ua/
United Arab Emirates	Ministry of Interior	https://moi.gov.ae/en/eservices/issuance.clearcriminalrecord.certificate.348.aspx?%27
United States of America	FBI background check	https://www.fbi.gov/how-we-can-help-you/more-fbi-services-and-information/identity-history-summary-checks

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