



wwetb

Bord Oideachais agus Oiliúna
Phort Láirge agus Loch Garman
*Waterford and Wexford
Education and Training Board*

Waterford and Wexford Education and Training Board

Garda Vetting Policy for Students of WWETB

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1.0 Purpose

Waterford and Wexford Education and Training Board (herein referred to as WWETB) is committed to practices which safeguard the welfare of students, young people, and vulnerable persons. This policy is intended to ensure that comprehensive measures are in place within the Organisation to uphold that commitment. This policy is underpinned by the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016.

2.0 Scope

This policy applies to any students/learners who are enrolled on courses which require them to complete work experience in an area that involves them mainly having access to or contact with children or vulnerable adults. These students/learners (for relevant courses) must be vetted in accordance with the WWETB Garda Vetting Policy/and the National Vetting Bureau (Children and Vulnerable Persons) Act 2012 to 2016. These courses include but are not limited to:

1. Pre Nursing / Healthcare
2. Special Needs Assisting
3. Social Care
4. Youth work & Community Development
5. Childcare & Early Education
6. Lifeguard training/First Aid Responder

3.0 Definitions

The following definitions are determined by the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016.

3.1 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 of 18 years.

3.2 What is the definition of a vulnerable person?

A vulnerable person means 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 injury, illness or age, or
- (d) has a physical disability, which is of such a nature or degree:
 - (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 activities of daily living including dressing, eating, walking, washing or bathing.

3.3 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.

3.4 Nominated Person

"Nominated person" is a staff member of WWETB.

3.5 The Applicant

For the purposes of this policy students/learners will be referred to "the applicant".

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4.0 Vetting Structures – Points of Contact

In an attempt to maintain the integrity of the operations between WWETB and the National Vetting Bureau, WWETB have appointed two staff members who act as a liaison between WWETB and the Vetting Bureau (herein referred to as 'Liaison Person'). This reduces unnecessary duplication and provides a cleaner operating system to manage the vetting process.

It is not always possible for the Liaison person to validate applications centrally as originals need to be sighted. The National Vetting Bureau allows for identification verification documents to be validated locally in a school/centre/office to assist in the identity validation process. For the purposes of this policy any WWETB staff member can verify identification documents and complete the Identity Document Validation Form at the back of the NVB1 form. See process below.

5.0 Identification Validation Procedure

Validating the identity of an individual is a requirement under the 'Act'. Such validation will require the applicant to present, in person, to a WWETB staff member in any WWETB School/College/Centre bringing along forms of identification, as listed on the Identity Document Schedule.

- One item of photographic nature which must include their date of birth
- At least one item of official correspondence, such as a utility bill, bank statement or letter from a government department, which is less than 6 months old, and which shows proof of the applicant's current address.

Only documents listed in the Identity Document Schedule will be accepted by the National Vetting Bureau. Appendix 3.

The WWETB staff member is required to validate proof of identity by viewing the original forms of identification and completing and signing the NVB1 Identity Document Validation Form.

By fully completing the NVB1 Vetting Invite Form, the applicant consents to vetting being conducted. Once verified, the completed original Vetting Invitation form (NVB1) form and copies of both the photographic and address identification are submitted to WWETB Garda Vetting team for processing. Please note that electronic signatures cannot be accepted.

6.0 Application for Vetting Disclosure

All vetting applicants on relevant courses will be required to complete the vetting process in advance of completing work experience.

6.1 Application Process e-Vetting

- The Liaison Person will review the documents received, and if complete, will upload the applicant's information on to the e-vetting portal.
- All students aged 16 or over who will engage in relevant work must be vetted under the Acts. Those under 18 must have parental/guardian consent as per the National Vetting Bureau guidance.
- Where a person applying for vetting is under 18 years of age, parental/guardian contact details must be input on the NVB1 form and a declaration of consent (NVB3) must be made on their behalf by the parent or guardian of the applicant.
- The applicant will receive an automated link via the email address supplied to complete the vetting process online.
- The online application must be completed within **30 days** as the invitation is time sensitive and has an expiry date.

This policy may be updated at any time (without notice) to ensure changes to WWETB's business practices are properly reflected in this policy. Please ensure that you check WWETB's Staff Hub for the most up to date version.

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- Once the application has been processed by the vetting bureau a vetting disclosure document (clarification on content in Appendix 1), is made available to the Liaison Person in electronic format through the system.
- The Liaison Person will assess the disclosure in accordance with the guidelines.
- A copy of the applicants' Vetting Disclosure document will be issued to them by email. The applicant is responsible for making the course coordinator aware that vetting is complete.
- Prior to any student/learner being placed on work experience and the commencement of any relevant work or activities, the student/learner will furnish the placement setting with a copy of the vetting disclosure received by WWETB and made available to the student under the Acts.
- In the event of a disclosure which warrants further consideration the Liaison Person will contact the Principal/Centre Manager with a copy of the Vetting Disclosure Document. See section 7 below for further guidance.
- Where a vetting disclosure has not yet been received, students must not commence placement under any circumstances.
- Students may be required to undergo re-vetting if there is a significant gap in study or placement, or if the nature of their work changes.

6.2 Accessibility

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

7.0 Assessment Process

On receipt of an application for vetting disclosure the National Vetting Bureau will make such enquiries with An Garda Síochána or a Scheduled Organisation as it deems necessary to establish whether there is any criminal record or specified information relating to the applicant.

The National Vetting Bureau does not make decisions in respect of the suitability of an applicant. WWETB will consider all information disclosed by the Bureau when assessing the suitability of the applicant for work experience.

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

7.1 No Convictions Recorded

Where nil convictions are recorded the applicant will be permitted to partake in Work Placement as part of his/her course content requirements.

7.2 Criminal Record

A criminal record in relation to a person, means –

- 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
- A record of any prosecutions pending against the person, whether within or outside the State, for any criminal offence.

Where a disclosure has been received that contains a criminal record, the Liaison Person will firstly review the document to assess the relevance of the disclosure. As a general rule, motoring or some minor offences may not exclude the applicant from completing work placement.

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A copy of the disclosure which contains a criminal record or specified information will be forwarded to the Principal/Centre Manager for consideration. The Principal/Centre Manager will consider the disclosure, and its relevance to the work placement in question. They will meet the applicant to discuss the disclosure and seek any additional information. Once they are satisfied that they have all relevant information a decision will be made and communicated as to whether the applicant will be allowed to partake in the work placement or not (subject to all other conditions associated with the Course offer being met).

The applicant must furnish the work experience provider with a copy of the disclosure. In turn, the work experience provider must email the Principal/Centre Manager/Course Co-Ordinator to confirm receipt of disclosure and confirm suitability of placement.

If the Principal/Centre Manager is unsatisfied or further guidance is required, the Principal/Centre Manager should contact the Human Resources Manager to review. The decision of the Human Resources Manager will be final.

8.0 Specified Information

In certain circumstances the National Vetting Bureau may provide WWETB with specified information. Specified information is information concerning a finding or allegation of harm to another person that is received by the Bureau from either:

- 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
- a scheduled organisation pursuant to Section 19 of the Act (such as Tusla)

Specified Information is information that is considered to reasonably give rise to a bona fide concern that the vetting subject 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.

Under Section 15 of the Act, if specified information is to be disclosed to WWETB the Chief Bureau Officer must, in advance, notify the applicant of the intention to disclose the information. Applicants will reserve the right to appeal (see Appendix 1 for more information).

A specified information disclosure may mean automatic exclusion from work placement. Once such information is disclosed, the Liaison Person will first review the document and then provide a copy of the disclosure for consideration to the school/centre manager. The Principal/Centre Manager will consider the disclosure, and its relevance to the work placement in question.

The Principal/Centre Manager will meet the applicant to discuss the Specified Information on the disclosure and seek any additional information. Once the Principal/Centre Manager is satisfied that they have all relevant information a decision will be made and communicated as to whether the applicant will be allowed to partake in the work placement or not (subject to all other conditions associated with the Course offer being met).

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9.0 Overseas Clearance

Overseas vetting clearance is not required for WWETB students, however, work experience placement providers may request this, therefore the onus will lie with the student to provide this documentation.

10.0 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.

11.0 Data Protection

WWETB is fully committed to keeping all personal data safe and secure during administrative processes. Data received in respect of vetting will only be used for this purpose. Records of Garda vetting disclosures and associated correspondence will be retained for the duration of the student's course plus one additional year, in line with the National Vetting Bureau guidelines.

12.0 Policy review and update

The policy contained within these documents will be in place for three years following approval of a review and amendments. An earlier review can take place should exceptional circumstances arise resulting from this policy; in whole or in part, being insufficient for the purpose and/or if there are legislative changes that render this policy obsolete.

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Appendix 1: 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.

Assessment of Specified Information

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.

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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 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.

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.