

# Report from the Garda Vetting Administrator 2020/2021

## Garda Vetting 2020 and Statutory Obligations on School Authorities

### 1. Introduction:

ACCS is the registered organisation for processing applications for all non-teaching staff in Community and Comprehensive Schools who are engaged in relevant work with young people or vulnerable adults.

In the period 1st January to 31st December, 2020 ACCS has fully processed 1784 vetting applications from a total of over 2500 submitted. These figures show there is still a considerable number of applications submitted which are never fully completed.

**Schools must ensure that a vetting disclosure is on file for all non-teaching staff who are engaged in relevant work with young people or vulnerable adults.**

In July 2020 Elaine Mooney, Garda Vetting Administrator joined the administration team in Head Office as part of the re-structuring of staff following the retirement of Susan Cunniffe as Office Manager. We would like to record our thanks to Elaine Mooney for her work as Vetting Administrator during the 2019/2020 school year and for her contribution to the work on the on-line vetting solution pilot project for schools. Susan Cunniffe agreed to undertake the role of Garda Vetting Administrator working remotely on a part-time basis for a two-year period and is currently working on this project with pilot schools.

### 2. On-line Vetting Solution Pilot Project for Schools:

The garda vetting process is predominantly paper based. A pilot programme investigating the advantages of an online vetting system commenced in March 2020 with a number of pilot schools. This project was set up to provide an online vetting solution for schools which would allow the nominated Garda Vetting Officer in the school to submit a garda vetting application on behalf of the Garda Vetting Subject. This is done through an on-line form. The pilot project was stalled in March 2020 because of COVID-19 but re-commenced in the final school term.

Nominated staff from the pilot schools have undertaken garda vetting training and are now actively using the new online system. Initial feedback from the participants is very positive (see feedback below) and it is hoped that this facility will be made available to all schools in the 2020/2021 academic year. When the project goes live each school will be provided with their own unique password and link which they will require to submit the on-line form.

**“Overall, we are finding the new method much better. The online data entry is cutting down on the time I would previously have had to prepare and post the NVB1/NVB3 forms. The link is very easy to follow and I particularly like that within the sections it remembers previous details I might have inputted already i.e. This cuts down massively on time as well. I also like the response email from you detailing that an application has been received. The VET guide is very easy to follow and has provided the information concisely.”**



### 3. Re-Vetting:

Section 20 of the Vetting Act will place a legislative requirement on Relevant Organisation's to conduct **Re-Vetting** in respect of personnel working with children and/or vulnerable persons. Section 20 has yet to be commenced into law by the Department of Justice and Equality. However, this may be an opportune time for schools, to consider **Re-Vetting** individuals who are conducting relevant work or activities which will bring the following outcomes.

- Your school will be well positioned when Section 20 is introduced.
- Your school will be supporting good Child & Vulnerable Persons Safeguarding.

## Key points to note on garda vetting statutory obligations on school authorities.

### 4. Vetting Act:

#### 4.1 Criminal Offence

The Vetting Act provides that it is a criminal offence, other than in certain limited circumstances, for the school **authority to commence the employment of an employee, or contract, permit or place a person** (e.g. contractor, volunteer, sports coach, etc.) to undertake relevant work or activities with children or vulnerable adults, without first obtaining a vetting disclosure from the National Vetting Bureau in respect of that person. **(Sections 5 and 6.4 of Circular 0031/2016 Commencement of Statutory Requirements for Garda Vetting).**

#### 4.2 Circular Letter 31/2016

It is the responsibility of each relevant school authority to familiarise themselves with C/L 31/2016 and with the vetting requirements of the Vetting Act and to have in place the necessary policy, procedures, and practices to ensure compliance with both the Vetting Act and the requirements of this circular.

#### 4.3 Relevant work or activities

This means any work or activity carried out by a person where a necessary and regular part of the work or activity consists mainly of the person having access to, or contact with, children or vulnerable persons.

#### 4.4 Vetting disclosures

Garda vetting does not provide clearance for persons to work with children. It simply provides to the registered organisation particulars of any criminal record and/or specified information in respect of the person concerned or where there is no criminal record or specified information shall state this fact. The Vetting Act provides that a school authority may consider and take into account all the information in a vetting disclosure when assessing the suitability of the person who is the subject of the disclosure to do relevant work or activities.

##### 4.4.1 Consideration of Vetting Disclosure

Details contained in a Garda Vetting Disclosure should be verified with the Vetting Subject in advance of any decision which may adversely affect them being made in relation to them. A copy of the vetting disclosure must be made available to the applicant.

##### 4.4.2 Suitability for employment

A key issue for a school authority is to determine whether any information in a vetting disclosure would render a person unsuitable for employment/engagement by the school. It should be borne in mind by the school authority that the fact that a person has a conviction does not automatically render that person unsuitable to work with children or vulnerable adults. The primary criterion in assessing the significance of the information in the disclosure is its relevance to child protection. An objective and balanced approach is critical in this regard. It is for the school authority to make the judgement as to the person's suitability. All Garda Vetting Disclosures should be managed within a Legislative, Human Rights and Natural Justice framework.

#### 4.5 Good Recruitment Procedures

Thorough recruitment procedures are an essential element of child protection practice and should include seeking and following up of references and ensuring that any unexplained gaps in employment records/curriculum vitae are satisfactorily accounted for. Vetting should not take the place of good recruitment procedures but must be used as part of those procedures.

##### 4.5.1 Statutory Declaration and Form of Undertaking

As an additional safeguard a **Statutory Declaration and Form of Undertaking** must be completed and provided to the school authority prior to making a teaching or non-teaching appointment of any duration (Appendix to C/L 31/2016).

#### 4.5.2 Confidentiality and Data Protection

Confidentiality is essential in the processing of vetting applications. It is vital to ensure that the appropriate security arrangements are in place at all stages of the vetting process to protect the security, confidentiality, and integrity of all personal data of applicants. All data must be managed within the statutory provisions of the Data Protection Acts.

**Any person who is required to be vetted but refuses to do so cannot be appointed or engaged by the school in any capacity including in a voluntary role.**

### 5. Compliance with garda vetting statutory obligations for teaching and non-teaching staff:

#### 5.1 Teaching Staff

If the applicant is a fully qualified teacher:

- The registered teacher must apply for vetting via the **Teaching Council** [www.teachingcouncil.ie](http://www.teachingcouncil.ie).
- The Teaching Council will issue the vetting disclosure to the teacher through a secure online portal called **Digitary**. The teacher can access the vetting result 24/7 via this secure web portal and can share the vetting result online with the school principal.
- The school principal should have a **confidential valid email address** for the purpose of receiving all online eVetting disclosures. The principal provides the teacher with this address.
- The principal will receive an email from the teacher containing a secure link to the login section of Digitary. The principal follows the instructions to view the disclosure.
- The teacher has the option to add a secure PIN number to the shared document. The teacher must provide the details of this PIN separately to the principal.

#### 5.2 Non-Teaching Staff

Bus Escorts, Caretakers, Cleaners, Mentors, Special Needs Assistant, Supervisors, Volunteers, Facilitators, etc. Work Experience: LCA, LCVP, PLC, PME and TY students.

This list is not intended to be exhaustive.

**Step 1:** Vetting subject manually completes an NVB1 form and provides proof of identity and returns documentation to school. School verifies identity using identity 100-point check.

If the Vetting Subject is 16 or 17 years old, a completed and signed NVB3 (Parent/Guardian Consent) form from the relevant parent/guardian and their e-mail address must be provided. Forms and guidelines are available to download on [www.accs.ie](http://www.accs.ie).

**Step 2:** The school will return the original NVB1 (photocopies will not be accepted) (NVB3 if the vetting subject is 16 or 17 years old) Confirmation Form on school headed paper to ACCS, confirming that the school have verified each applicant's identity and current address, and further confirms that they have retained photocopies of the documents provided for this purpose on the applicant's school file.

**Step 3:** Vetting subject completes Vetting Application online and submits it to ACCS for review.

The Vetting subject should be advised by the school that if the vetting subject(s) do not receive their invitation please ask them to:

- Check their clutter/junk/spam
- Carry out an email search for [evetting.donotreply@garda.ie](mailto:evetting.donotreply@garda.ie)
- Confirm their email address is correct

**Step 4:** ACCS reviews Vetting Application Form and submits it to the National Vetting Bureau for processing.

**Step 5:** National Vetting Bureau process the application and forwards a vetting disclosure to ACCS.

**Step 6:** ACCS views the Garda Vetting Disclosure and e-mails it to the designated secure evetting email provided by the school.

**Step 7:** The original report(s) should be kept securely on file in the school records along with the NVB1 Form and Identity Documents. Documentation should be retained for the for the duration of employment plus 12 months.

5.2.1 Before submitting garda vetting applications for processing, please verify that you have conducted all of the necessary checks as follows: -

- Confirm that the Vetting Subject has consented to submit their details for e-vetting.
- Confirm that the identity of the Vetting Subject has been verified and that photocopies of the documents provided for this purpose have been retained on the applicant's school file.
- Confirm that the position being vetted for is Relevant Work as per the National Vetting Bureau (Children and Vulnerable Persons Act) 2012.
- Confirm that if the Vetting Subject is 16 or 17 years old, that a completed and signed NVB3 (Parent/Guardian Consent) form from the relevant parent/guardian and the email address provided above is that of the parent/guardian.

## 6. **Garda Vetting Resources**

Further information on garda vetting is available on the following websites:

<https://www.accs.ie/ms/the-national-vetting-bureau>

<https://www.accs.ie/ms/vetting-of-teaching-staff>

<https://www.accs.ie/ms/evetting-of-non-teaching-staff>

<https://vetting.garda.ie/Help/FAQ>

[https://www.education.ie/en/Circulars-and-Forms/Active-Circulars/cl0031\\_2016\\_faq.pdf](https://www.education.ie/en/Circulars-and-Forms/Active-Circulars/cl0031_2016_faq.pdf)

[https://www.education.ie/en/Circulars-and-Forms/Active-circulars/cl0016\\_2017\\_faq.pdf](https://www.education.ie/en/Circulars-and-Forms/Active-circulars/cl0016_2017_faq.pdf)

**Susan Cunniffe,  
Garda Vetting Administrator.**