

Appendix 2

Garda Vetting 2019 and Statutory Requirements

ACCS is the registered organisation for processing vetting applications for all non-teaching staff in Community and Comprehensive Schools who are engaged in relevant work with young people or vulnerable adults. Elaine Mooney has joined the ACCS team as Vetting Administrator, replacing Fiona Mac Cormac who departed ACCS to take up new career challenges. In 2019 ACCS fully processed 3752 vetting applications from a total of over 5000 submitted. These figures show there is still a considerable number of applications submitted which are never fully completed. The majority of these relate to TY work experience or PLC work experience. There is also a significant number of errors in applications submitted. Currently the process is predominantly paper based. A pilot programme investigating the advantages of an online vetting application system has commenced with a number of schools. It is envisaged that this system will bring greater efficiencies to the process and will be made available to all schools during 2020.

“Re-Vetting”

The re-vetting of non-teaching staff is likely to commence at some stage in 2020 and ACCS, as the registered organisation for the processing of garda vetting applications for all non-teaching employees/volunteers/host families/TY students and others in Community & Comprehensive Schools, will be in touch with schools when this happens.

ACCS/Info Bulletin 48/18

Re: Vetting of Host Families.

The following guidance has been issued to ACCS by the National Vetting Bureau:

As per the National Vetting Bureau (Children and Vulnerable Persons) Act 2012 to 2016, 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 adults must be Garda vetted.

As per (SCHEDULE 1) of the Act relevant work or activities relating to children includes:

9. The provision by a person, whether or not for commercial or other consideration, of accommodation for a child in his or her own home.

As such all persons over 16 residing at an address that will be used to accommodate students engaged in exchange programmes must be Garda vetted.

ACCS advise that as part of the school's risk assessment of exchange programmes, school management should seek clarification from partner schools that checks have been carried out to ensure the suitability of host families that students will reside with i.e. a reciprocal arrangement with the partner school should be considered as a condition of organising student exchange.

Please see below extract from www.vetting.garda.ie to assist schools with the process of verifying the applicant's identity and current address.

How is the identity of the Applicant validated by the Relevant Organisation?

Relevant organisations should satisfy themselves as to the identity of those applying for positions. International best practice recommends a minimum of two forms of identification should be produced, one of which should be photographic identification. These can include Passport, Driving Licence, and Irish Public Services Card. Other forms of identification should be produced for the purpose of the verification of current address and may include recent utility bill (gas, telephone and electricity), Bank/Building Society/Credit Union statement and birth certificate. In the absence of this documentation, an applicant has the option of swearing an Affidavit/Affirmation before a Commissioner of Oaths to verify their identity. Please note there may be separate requirements by a Commissioner of Oaths in this regard.

How will Relevant Organisations verify the identity of a person?

The **100 point check** is a personal identification system, this information sheet has been developed to support organisations in verifying identity including date of birth and current address of vetting subjects (those applying to be Garda Vetted) as required. When conducting Garda Vetting, organisations should require vetting subjects to present identification totalling 100 points to ensure they are checking the correct person. At least one form of photographic evidence must be gathered.

Identification	Score	Tick
Irish driving licence or learner permit (new credit card format)	80	<input type="checkbox"/>
Irish Public Services Card	80	<input type="checkbox"/>
Passport (from country of citizenship)	70	<input type="checkbox"/>
Irish certificate of naturalisation	50	<input type="checkbox"/>
Birth certificate	50	<input type="checkbox"/>
Garda National Immigration Bureau (GNIB) card	50	<input type="checkbox"/>
National Identity Card for EU/EEA/Swiss citizens	50	<input type="checkbox"/>
Irish driving licence or learner permit (old paper format)	40	<input type="checkbox"/>
Employment ID		
• ID card issued by employer (with name and address)	35	<input type="checkbox"/>
• ID card issued by employer (name only)	25	<input type="checkbox"/>
Letter from employer (within last two years)		
• Confirming name and address	35	<input type="checkbox"/>
P60, P45 or Payslip (with home address)	35	<input type="checkbox"/>
Utility bill e.g. gas, electricity, television, broadband (Must be less than 6 months old. Printed online bills are acceptable. Mobile phone bills are not acceptable)	35	<input type="checkbox"/>
Public services card/social services card/medical card	25	<input type="checkbox"/>
• With photograph	40	<input type="checkbox"/>
Bank/Building Society/Credit Union statement	35	<input type="checkbox"/>
Credit/debit cards/passbooks (only one per institution)	25	<input type="checkbox"/>
National age card (issued by An Garda Síochána)	25	<input type="checkbox"/>
Membership card		
• Club, union or trade, professional bodies	25	<input type="checkbox"/>
• Educational institution	25	<input type="checkbox"/>
Correspondence		
• From an educational institution/SUSI/CAO	20	<input type="checkbox"/>
• From an insurance company regarding an active policy	20	<input type="checkbox"/>
• From a bank/credit union or government body or state agency	20	<input type="checkbox"/>
Children under 18 years (any one of the following)		
• Birth certificate	100	<input type="checkbox"/>
• Passport	100	<input type="checkbox"/>
• Written statement by a principal confirming attendance at educational institution on a letter head of that institution	100	<input type="checkbox"/>
Recent arrival in Ireland (less than 6 weeks)		
• Passport	100	<input type="checkbox"/>
Vetting Subject is unable to achieve 100 points**		
• Affidavit witnessed by a Commissioner for Oaths	100	<input type="checkbox"/>
TOTAL		<input type="checkbox"/>

ACCS/Info Bulletin 42/17

Re: Vetting Update

Vetting of TY/LCA/LCVP/PLC students engaged in relevant work in primary schools

Primary Management Bodies have advised schools that:

- TY students attending primary schools for work experience are required to be vetted.
- The National Vetting Bureau is not vetting students under 16 years of age and accordingly primary schools may decide not to accept these students.
- Primary schools may arrange to have the students vetted themselves or alternatively may enter into an agreement with the post primary schools, whereby the post primary school arranges the vetting.
- Where the primary school opts to enter into a joint agreement with the post primary school, an agreement in the form of the attached template is required to be signed by the post primary school with each primary school in which it places students on work experience.
- A statutory declaration in the form of the attached template is also required to be signed by each TY student before a Peace Commissioner, Commissioner for Oaths, Practising Solicitor or Notary Public. Please liaise with your local national school to determine if this is a requirement for their school.
- Each TY student should furnish the relevant primary school with his/her vetting disclosure and signed statutory declaration prior to commencing work experience.

Vetting of TY students is processed through ACCS; please refer to ACCS Info Bulletin 24/17 on www.accs.ie. Please note that parental consent is required for the vetting of students under 18 years of age.

These arrangements also apply to LCA, LCVP and PLC students attending primary schools as part of a work experience programmes. See below the following documents:

[Template Joint Agreement between CPSMA and Community and Comprehensive Schools](#)

[Template Statutory Declaration between CPSMA and Community and Comprehensive Schools](#)

Template Joint Agreement

AGREEMENT BETWEEN:

_____ [the "Organisation"]

AND _____ [the "School"]

IN RESPECT OF _____ [name of person]

In recognition of their respective obligations under the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012-2016 ("the Acts"), the Organisation and the School agree the following:

1. The Organisation and the School agree that [] (name of person) shall attend the school on such dates during the 2017/2018 School Year as may be agreed between the Organisation and the School for the purposes of [].
2. The Organisation confirms that it has received a Vetting Disclosure from the National Vetting Bureau in respect of the person named above. Prior to the person named above attending the School and the commencement of any relevant work or activities for the purposes of the Acts, he/she will furnish the School with a copy of the Vetting Disclosure received by the Organisation from the National Vetting Bureau ("the Vetting Disclosure") and made available to the person by the Organisation under section 16(1) of the Acts.
3. The person named above will not be allowed to commence relevant work or activities until such time as the Vetting Disclosure has been received and considered by the School.
4. Where the Vetting Disclosure discloses no criminal record or specified information, the person named above will be allowed to commence relevant work or activities in the School on the starting date agreed between the Organisation and the School and may attend the School on such other dates as may be agreed between the Organisation and the School.
5. Where the Vetting Disclosure discloses any criminal record or specified information, the person named above will not be allowed to commence relevant work or activities in the School unless a risk assessment for this placement is conducted by the Organisation and is considered acceptable to both the Organisation and the School.
6. Prior to attendance at the School, the person named above will be required to complete a Statutory Declaration in the form attached at Appendix 1 to this Agreement. The School reserves the right to request and verify references in respect of the person named above, prior to and following, the commencement of any relevant work or activities in the School.
7. This Agreement permitting the attendance of the person named above in the School may be terminated by the School at any time.

[Organisation]

[the School]

Date

Date

Appendix 1

Statutory Declaration and Form of Undertaking

I _____ of, _____

in the county of _____ aged sixteen 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 persons by virtue of my placement in [_____] (the “**School**”) by [_____] (the “**Organisation**”) or in any recognised primary or post-primary school or any other state funded centre of education for children or vulnerable persons for the purposes of [_____] (the “**Placement** “)

I am aware that I am not now, or in the future, required to disclose to a school authority details of any conviction regarded as spent under the Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016, but that, in accordance with section 10 of that Act, this does not however apply in the case of any conviction in respect of offences specified in Part 1 or 2 of Schedule 1 of that Act or those specified in Schedule 3 of the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016.

Within a child protection context:

- I hereby confirm my irrevocable consent to the School to the making of such enquiries as they deem necessary in respect of my suitability for the Placement in the School.
- I hereby accept and confirm the entitlement of the School to reject my application or terminate the Placement, if I have omitted to furnish the School with any information relevant to my application for, or continuing performance in the Placement.
- I understand that any false or misleading information submitted by me will render me liable to automatic disqualification from taking up the Placement or render me liable to have the Placement terminated in the event that it has already commenced.

ACCS/Info Bulletin 24/17

Re: Update on Garda Vetting.

1. **Retrospective Vetting**
2. **Vetting of New Employees**
3. **Update on FAQs issued by DES on 01/06/17**
4. **Electronic version of NVB1 Vetting Invitation Form and Guidelines**
5. **Student Work Experience**

1. **Retrospective Vetting: Section 21 of the Vetting Act. CL 16/2017**

- This refers to all current employees and other persons who have never previously been Garda Vetted and who undertake relevant work or activities with children or vulnerable persons.
- Section 21 of the Vetting Act requires that retrospective vetting of all teaching staff, non-teaching staff and others must be applied for by 31 December 2017.
- Relevant work or activities:
 - Vetting Act states: any work or activity carried out by a person where a necessary and regular part of that work or activity consists mainly of the person having access to, or contact with, children or vulnerable persons.
 - CL 31/16 refers to persons who assist a school where vetting is required if person is involved with coaching, mentoring, counselling, teaching or training of children or vulnerable persons.

Teachers: (retrospective)

- The Teaching Council (TC) is processing the retrospective vetting of all 33,000 teachers who have never previously been Garda vetted. As the year progresses these teachers are being contacted on a randomly selected basis and asked to apply for vetting. To date over 90% of those contacted have made an application as requested.
- Teachers who hold a vetting letter from the TC (pre-29 April 2016) or have completed the NVB on-line vetting offered by the TC since 29 April 2016 are deemed vetted and do not require retrospective vetting.
- Teachers can check their vetting status by logging onto the My Registration section of the TC website.
- CL 16/2017, Para 4.8 advised school management to review its teaching staff records to identify which members of its teaching staff had not yet been Garda vetted and to draw up a list of these teachers. School management would have requested teachers from this list to:
 - Inform school management as soon as an application for vetting was made by the TC in respect of him/her and
 - Provide school management with evidence that the vetting application had been submitted to the Bureau.
A copy of the acknowledgement by the Bureau to the teacher should be kept on the teacher's file.
- School management should check periodically with teachers remaining on the list to ensure that the list is kept up to date and accurate.

Non-teaching staff and non-employees: (retrospective)

- CL 16/2017, Para 5.2 advised school management to review its non-teaching staff records and other relevant records in respect of:
 - All non-teaching staff who undertake relevant work or activities
 - All persons who are contracted by the school to undertake relevant work or activities
 - All persons who are permitted by the school to undertake relevant work or activities on the school's behalf to identify those who have already been vetted and those who have never been Garda vetted.
- School management should have a list of those persons who have never been Garda vetted to date by the school and commence the process of having this personnel Garda vetted by ACCS. All of these applications should be made by 31 December 2017.

- Where the school and another relevant organisation have a joint agreement regarding the employment, contract or permission of a person to undertake relevant work or activities in the school and a GCVU outcome was obtained or a disclosure from the Bureau was obtained in respect of this person previously, then retrospective vetting is not required. Please see below Joint template Agreement.

2. Vetting of New Employees:

Teachers: (new)

Schools must adhere to the statutory requirements in respect of Garda vetting when employing teachers for the 2017/18 school year.

- The school must not commence the employment of an employee to undertake 'relevant work or activities' before the school authority receives a vetting disclosure from the National Vetting Bureau in respect of that person. (See CL 31/16)
- The registered teacher must apply for vetting via the Teaching Council.
- 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.

Examples of teacher employment:

- **Employing a new teacher:** The school must obtain a vetting disclosure from the Bureau in respect of the teacher before commencing the employment of the teacher.
- **Renewing a fixed term contract for an existing teacher:** This teacher will require retrospective vetting if he/she wasn't previously vetted by the school by 31 December 2017.
- **Teachers returning from career break or secondment:** These teachers will require retrospective vetting if they weren't previously vetted by the school by 31 December 2017. Also, where a teacher has been on extended leave (e.g. 2 years or more), it may be prudent for the school to require a new vetting disclosure from the Bureau.
- **Redeployed teachers:** Where a teacher is being employed by a new employer, even where this arises from redeployment the new employer in question must obtain a vetting disclosure from the Bureau in respect of the person prior to commencing his or her employment. The DES has advised all teachers and their new schools of this requirement.
- **Teachers in newly amalgamated schools:** In the case of school amalgamations, from the commencement of the new school year all teachers who transfer/move to the new school must be vetted by the new school employer prior to commencing their employment in that new amalgamated school. Therefore, the newly amalgamated school must obtain a vetting disclosure from the Bureau for all staff prior to the commencement of the new school year.
- **Employing a substitute teacher:** Save for the exception directly below, a school must not commence the employment of a substitute teacher without first obtaining a disclosure from the Bureau in respect of that teacher.

The exception is, where the teacher is

- on the school's list of substitute teachers prior to 29 April 2016 and
- the school has received a copy of the Teaching Council vetting letter for that teacher prior to 29 April 2016, there is no obligation under the Vetting Act to obtain a disclosure from the Bureau in respect of that teacher prior to commencing the employment.

Both conditions (a) and (b) must be met for this exemption.

- **Adding teachers to the school's substitute list:** The school must obtain a vetting disclosure from the Bureau via the Teaching Council before it can consider employing the teacher. The vetting disclosure should be obtained at the point on which the teacher is being added to the school's substitute teaching list or as soon as possible thereafter. In this way the school will ensure that the vetting disclosure has been obtained in sufficient time to allow the teacher to commence work in the school at short notice.

Non-teaching staff and non-employees: (new)

Schools must adhere to the statutory requirements in respect of Garda vetting when employing non-teachers for the 2017/18 school year.

- The school must not commence the employment of an employee to undertake 'relevant work or activities' before the school authority receives a vetting disclosure from the National Vetting Bureau (NVB) in respect of that person. (See CL 31/16)
- ACCS acts as the 'liaison person' with the NVB to process all non-teaching vetting for ACCS schools.
- The following procedures should be followed by C&C schools when they seek to have personnel vetted by the

Bureau through ACCS:

1. Principal provides applicant with Electronic *NVB1 Form (Vetting Invitation) and revised Guidelines for completing the form.
2. Principal confirms applicant's identity and current address. Principal retains proof of identity and current address on Applicant's file. (Do not send to ACCS).
3. Principal signs Confirmation Form.
4. For applicants completing work experience and the applicant is between 16 and 18 years of age he/she must also submit NVB3 form (Parent / Guardian consent form).
5. Principal will check the Vetting Invitation Form for accuracy and return it with the Confirmation Form to ACCS Garda Vetting at the ACCS office address.
6. ACCS will submit the information to the NVB who will generate an email to the applicant enabling him/her **to complete the process online**. It is very important for principals to emphasise with applicants that this part of the process is crucial. No vetting disclosure will be generated without completion of the form.
7. The applicant will return the completed online form to ACCS who will review and submit it to the Bureau for generation of a disclosure. There will be an expiry date for this submission.
8. The Bureau will process the application and forward a Vetting Disclosure to ACCS. The vast majority of applications are processed within 5 days.
9. ACCS will email the outcome of the Vetting Disclosure to the principal at a dedicated email address provided to ACCS by the Principal for this purpose.
10. Principal will download the Vetting Disclosure, share the outcome with the applicant and keep it on file in a secure location.

Statutory Declaration and Form of Undertaking

The requirement for a Statutory Declaration and Form of Undertaking to be completed and provided to the school authority prior to making an appointment of any duration still exists.

The updated version of the **Statutory Declaration** contained in the Appendix to CL 31/16 must be used where a declaration is being newly completed from 29 April 2016 onwards.

Declarations already completed using the old version of the declaration (as contained in CL 63/2010) can still be provided to a school authority subject to meeting the requirement for the declaration having being made in the current or previous calendar year.

The new version of the **Form of Undertaking** must be used in the case of any appointment made after 29 April 2016.

3. Update on FAQs issued by DES on 01/06/17

- Some additional vetting related FAQs have been added to the FAQ document. The updated document was published on June 1, 2017.
- The updated FAQs are available at the following link: <https://www.education.ie/en/Schools-Colleges/Information/Garda-Vetting/Commencement-Of-Statutory-Vetting.html>
Commencement Of Statutory Vetting - Department of Education and Skills
- The additional questions are numbers 18 to 21 inclusive and deal with the following issues
 - Question 18: student teachers;
 - Question 19: TY students; there is a requirement to have TY students (over the age of 16 yrs) vetted by the Bureau if they are engaged in relevant work or activities;

- Question 20: Exemption under Section 12 (5)(c) of the Vetting Act; arrangements with other relevant organisations. Conditions and a written statement.
- Question 21: Joint Agreement under 12(3A) of the Vetting Act. Must be in writing, signed by both parties, confirmation that a Disclosure from the Bureau has been received.
- The DES is still awaiting advices on some further matters and intends to publish some further FAQs when these advices are made available to the Department.

4. *Electronic version of NVB1 Vetting Invitation Form and Guidelines

- ACCS has encountered difficulties in deciphering handwriting on some of the Vetting Invitation Forms. As a result, we have developed an Electronic Invitation Form NVB1 for a typed input.
- We would be obliged if you could use this version for all future Vetting Invitations.
- Principals should email the electronic NVB1 forms to applicants and ask them to
 - type the requested information onto the form
 - print the form (or email the school with form for printing)
 - sign the form and present to the School Principal

5. Student Work Experience (Please share this information with TY Co-ordinators)

ACCS had hoped for some exemption on the requirement for TY Work Experience students to be vetted (if they were involved in relevant work or activities). However, there is no such exemption.

- There continues to be a vetting obligation for a student being placed on work experience which involves relevant work or activities such as working in another school, creche or in a nursing home.
- There is no obligation to obtain a vetting disclosure in respect of a student where the work experience does not involve relevant work or activities with children or vulnerable persons, as defined under the Vetting Act.
- In the case of students under 18 years of age, vetting must be done in consultation with the students' parents/guardians.
- A student under 16 years of age cannot be vetted.
- A vetting obligation arises for both the student's school and the other relevant organisation (such as the other school or nursing home or creche) involved.
- The student's school can enter into an agreement with the other relevant organisation in accordance with Section 12 (3A) of the Vetting Act. This means that the student's school can organise the vetting and the other relevant organisation doesn't need to, once there is a joint agreement. This agreement must:
 - Be in writing
 - Signed by both parties
 - Agree to the work placement of the student which involves relevant work or activities
 - State that the student's school has received a vetting disclosure from the Bureau in respect of the student concerned

See sample CPSMA agreement on page 125 of this handbook.

Both the student's school and the other relevant organisation should retain a copy of this agreement for their records.

- A Table outlining the Stages required by parties to the process when vetting TY students is available from ACCS Head Office for Parents/Guardians, students, TY Co-ordinator and any persons involved in the processing of garda vetting forms for work placement.