

Temple Carrig School

Vetting Policy 2019

1. Introduction

Temple Carrig School is committed to the protection and welfare of its students. As part of this commitment, the School has developed a Vetting Policy in light of relevant legislation and guidelines, ethical obligations and good practice in recruitment and selection procedures for employees, persons in position of governance, members of the School community and relevant volunteers.

The guiding principle of this policy is that the best interest and welfare of the students in the School is paramount.

Temple Carrig School operates this Vetting Policy to fulfil its statutory obligations, but also in the context of the School's Statement of Ethos and its commitment to the care and protection of its students and of all who work in the School. This Vetting Policy operates in conjunction with the School's Child Safeguarding Guide and other relevant policies and procedures (as may be updated from time to time) which serve to safeguard all students in the School. It is understood that vetting is not a substitute for proper recruitment processes or appropriate monitoring of and compliance with safeguarding procedures in the School.

The Board of Management has adopted the policy set out hereunder to govern its application of Garda vetting as part of its recruitment practice.

The policy has been framed in compliance with:

- National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 – 2016 (The Vetting Act)
- *Children's First Act 2015 and Child Protection Procedures for Primary and Post-Primary Schools, 2017*
- DES circulars and directives
- All Data Protection, Employment Equality, Equal Status and Industrial legislation
- The Garda Central Vetting Unit's Code of Practice

The aims of this Policy are

- To ensure that the school is a safe and secure environment
- To ensure that vetting of school personnel is carried out to the highest standards of good practice, in compliance with all legal and ethical obligations and in an open, transparent and just manner.
- To ensure that all applicants for vetting are assured that the highest standards of confidentiality are observed.

The Principal will be designated as the Line Manager and will be responsible for the implementation of this policy. He will conduct the process on behalf of Temple Carrig School in conjunction with the Teaching Council, the Joint Managerial Body (JMB) and with the Garda Central Vetting Unit (GCVU).

This policy will be reviewed as necessary and particularly to comply with any relevant legislative changes.

2. Recruitment Procedures

Thorough recruitment procedures must always be followed and are an essential element of child protection practice. Vetting does not take the place of recruitment procedures but is to be used as part of those procedures.

All New Staff

- Prospective employees must be informed that their appointment is subject to the satisfactory outcome of vetting.
- On completion of the selection process, when the preferred candidate has been selected, the candidate must complete the Garda Vetting process. Failure to do so will disqualify the candidate and no offer of employment will be made to him or her. The provision of inaccurate information in the Garda Vetting process, such as an inaccurate date of birth or address, may disqualify and failure to disclose a conviction will disqualify.
- By undertaking the Garda Vetting process, the job applicant authorises the Principal to receive disclosure of the outcome of Garda vetting and to have regard to it in determining if the candidate may be appointed to the post.
- A Statutory Declaration and a Form of Undertaking (in the form provided for by the Department of Education & Skills as may be amended from time to time) must be signed by all those appointed to teaching and non-teaching posts of any duration. Where a person changes employment from one school to another the Statutory Declaration is valid if made in the same or previous calendar year.
- All new staff shall be made aware of the provisions of the Temple Carrig School Child Safeguarding Guide as part of their induction.

Vetting under this Policy refers to the process whereby the School may receive a Vetting Approval or Disclosure from any person to whom this Policy applies. This is carried out by the Garda Vetting Bureau (the “Bureau”) to ascertain whether applicants have a criminal record, prosecutions pending or any specified information relating to them. A vetting disclosure shall include particulars of the criminal record (if any) and a statement of the specified information (if any) relating to the person.

“Specified information” is information concerning a finding or allegation of harm to another person received by the Bureau from An Garda Síochána or a Scheduled Organisation (such as a regulatory body) that is considered to reasonably give rise to a bona fide concern that the vetting subject may:

- harm any child or vulnerable person
- cause any child or vulnerable person to be harmed
- put any child or vulnerable person at risk of harm
- attempt to harm any child or vulnerable person, or
- incite another person to harm any child or vulnerable person

All academic staff who are registered with the Teaching Council of Ireland shall obtain vetting through the Teaching Council of Ireland.

For other staff and relevant categories of person the School shall use the JMB as a third party provider who is registered with the Bureau for the purposes of applying for and receiving disclosures on the School’s behalf.

Where the School agrees jointly in writing with another relevant organisation to the employment, contract, placement or permission of a person to undertake relevant work or activities within the School, and it is confirmed in writing that the other body has obtained appropriate vetting in respect of that person, the School may rely on such written confirmation. However, such a confirmation is not a substitute for proper recruitment or engagement procedures being followed.

3. Categories of Persons to be Vetted

Any individual carrying out “relevant work and activities” in the School shall be vetted. “Relevant work and activities” is defined as “*any 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*”. All School employees (academic and non-academic), contractors, persons on placements and persons involved in the governance of the School shall be comprehended by this definition.

The School is not required to obtain vetting disclosures in the case of unpaid volunteers (including parents) who assist the school on an occasional basis provided such assistance does not involve the coaching, mentoring, counselling, teaching, supervision or training of children or vulnerable persons.

A list of categories of persons for whom vetting shall be obtained is set out in Appendix 2. This is not an exhaustive list and shall be updated and amended from time to time.

At its absolute discretion, the School reserves the right to request any person who will be undertaking relevant work or activities to obtain vetting notwithstanding that no statutory obligation might exist for that person or for that person at that time.

Any category of person who requires to be vetted and refuses to be vetted shall not be appointed to the role or position for which they are being considered.

For Registered Teaching Personnel:

- Persons being appointed must be vetted prior to appointment to any teaching position, regardless of the duration of the appointment, unless they have been vetted during the same or previous calendar year.
- Teachers returning to school after a leave of absence of 2 or more years must be vetted.

NOTE: It does not follow that vetting deemed satisfactory for Teaching Council purposes will, in all cases, be satisfactory for employment purposes. It is the Temple Carrig School Board of Management’s vetting policy only that will determine this. The Teaching Council’s determination as to whether a particular vetting outcome is satisfactory for its purposes is made within the statutory framework within which the Teaching Council works. It is possible that an outcome which meets the Teaching Council’s requirements might not be acceptable to the Temple Carrig School Board of Management for employment purposes.

For Unqualified Persons Serving as Teachers:

- A JMB Vetting Application Form should be completed, signed and dated by the applicant, counter-signed by the Principal and submitted to the JMB authorised signatory. The JMB will send the outcome of Garda vetting to the Principal, together with any disclosure documents. The School will retain a copy of this Garda vetting outcome for its records.

For all Non-Teaching Personnel, other Appointees (volunteers, coaches, etc) and external contractors:

- Vetting is carried out through JMB as above.

For Student Teachers:

- Student teachers must be vetted. Such vetting will be arranged through the relevant university or training School which will provide the student teacher with the original vetting letter outlining the outcome of vetting. The Principal will obtain this vetting letter, record the fact that he has had sight of the original and retain a copy.

4. Procedure within the School upon Receipt of a Vetting Disclosure that causes concern

“Vetting disclosure” means a disclosure made by the Bureau which includes particulars of any criminal record relating to that person and/or a statement of any specified information relating to that person. A criminal record includes a record of the person’s convictions for any criminal offences or a record of any prosecutions pending against the person for any criminal offence but does not contain details of certain minor convictions as set out in section 14A of the Vetting Act

The Principal shall receive vetting disclosures and Police clearances. In the event the Principal has a conflict of interest, the Designated Liaison Person in the School shall perform this function.

Upon receipt of a vetting disclosure the following principles of confidentiality and natural justice shall be observed:

- Information received from the Bureau will be shared with an applicant
- An applicant shall be invited to make any submissions or comments before consideration of the disclosure
- An applicant will be permitted to challenge the information provided by the Bureau especially to avoid errors or cases of mistaken identity. In such cases re-vetting may take place
- In all decisions, the School will take as its first priority its responsibility to safeguard students
- Each disclosure shall be considered on a case by case basis with regard to professional advice if necessary and appropriate. Such advice shall be sought in a manner that protects the anonymity of an applicant and the confidentiality of the process as appropriate
- In the case of convictions, appropriate cognisance will be taken of the nature and dates of the conviction and the rehabilitation of offenders
- The decision of the Principal (or Designated Liaison Person if appropriate) shall be final
- Information that is contained in a vetting disclosure shall not be used for any purpose other than in accordance with the Vetting Act or as otherwise authorised by law
- Information will be kept safe and secure (see below)

5. Other Procedures

a. External User Groups

Outside clubs and groups who are involved in activities involving under 18s and seeking the use of Temple Carrig School facilities by lease or otherwise shall provide the Board of Management with a letter confirming that all their personnel have been vetted as a condition of the lease.

b. Students and Work Experience

Where a student is participating in work experience which requires that the student be vetted, it is the responsibility of the organisation which is hosting them to ensure that this happens appropriately. The School will facilitate this process in as much as is possible.

c. Re-Vetting

Vetting shall be refreshed every 5 years from 1st January 2018 (or otherwise as provided for by the Department of Justice and/or the Department of Education and Skills or the Teaching Council of

Ireland). However, at the Principal's discretion, any person undertaking relevant work and activities in the School may be requested to be re-vetted (see section 4 above).

d. Register of Compliance

The Principal shall be responsible for maintaining a Register of Compliance with vetting requirements under the Vetting Acts. The Principal shall submit a written report annually to the Board of Management to confirm compliance with the requirements of this Policy and to note any issues that have arisen with its operation of which the Board of Management should have notice.

e. Information Storage and Data Protection

All information gathered during the vetting process will be held in a manner consistent with the School's Data Protection Policy and legal obligations under Data Protection legislation. The School will strictly observe best practice in terms of Data Protection and GDPR compliance.

f. Disqualifying Offences

The Schedule in Appendix 2 sets out those offences or categories of offences which will disqualify candidates. It also sets out other offences or categories of offences which may disqualify. In deciding whether a particular conviction renders a candidate unsuitable for appointment, the school will have regard to:

- the nature of the offence and its possible relevance to the post
- the age of the offence (offences many years in the past may be less relevant than more recent offences)
- the frequency of the offence (a series of offences will give more cause for concern than an isolated minor conviction)
- offences which are not sexual, violent in nature or drug-related will be judged in the light of the age of the applicant at the time of the offence

Where the vetting process discloses pending prosecutions or unsuccessful prosecutions, such prosecutions will be assessed in the light of the nature, age and frequency of the alleged offence(s) and of the age of the candidate at the time of the alleged offences.

g. Privacy of Disclosures

The Principal will meet the applicant in person and in privacy. The applicant will be informed of the nature of the disclosure and will be given an opportunity to respond to it.

The Principal is authorised by the Board to determine if the outcome of the vetting of a candidate has been satisfactory or not, the determination being made in accordance with this policy. Should the Principal deem it necessary, he may consult the Chairperson of the Board of Management before reaching a decision.

The only circumstance in which a disclosure of convictions or prosecutions would be made known to the Board of Management would be where the applicant consents that they be consulted.

Approved by the Board of Management following a consultation process with the Student Council, PTA Committee and Teaching Staff:

28th June 2019

APPENDIX 1

Enquiries on Recruitment

Temple Carrig School owes a duty of care to its community and must therefore satisfy itself that no person employed by the School poses a threat to students or staff. The Board must therefore make certain enquiries of all applicants for employment in the School, and these enquiries will include both:

- (a) questions to each applicant on the job application form (see below)
- (b) enquiries with previous employer(s), and the Garda Central Vetting Unit.

The questions may include (but are not restricted to) the following:

- Where have you been residing during the previous five years?
- Have you ever been the subject of an inquiry by the HSE concerning a child welfare matter?
- Have you ever been the subject of a Garda criminal investigation arising from a complaint of child abuse?
- Have you ever been the subject of any allegation of criminal conduct or wrongdoing towards a minor?
- Are you aware of any material circumstance in respect of your own conduct which touched/touches on the welfare of a minor?
- Have you ever been investigated by the Gardai, HSE or an employer in relation to substantiated complaints made concerning your treatment of children?

It is a fundamental term of employment in Temple Carrig School that candidates make appropriate full disclosure in respect of the questions outlined above. If the school is satisfied, in the future, that an employee has made an incomplete or inaccurate disclosure, they may face disciplinary action, up to and including dismissal.

The school undertakes that all responses furnished by candidates in respect of the above questions will be treated as confidential, subject to any reporting obligations which may be imposed on the school, pursuant to *Children's First Act 2015* and *Child Protection Procedures for Primary and Post-Primary Schools, 2017* or pursuant to any legal obligation imposed on the school to facilitate the effective investigation of crime.

APPENDIX 2

Categories of Potential Vettees

The following categories of adult who might be considered for vetting have been identified and will be dealt with as outlined below.

CATEGORY 1 Compulsory Vetting by the Bureau, Statutory Declaration and Form of Undertaking

Teaching/Academic Staff

- All academic teaching staff
- Music teachers
- Sports coaches
- PME students*
- People coming to the School to give extra lessons to students where there will be no supervision by a School member of staff*
- Persons providing extra lessons to students outside of the School where there will be no supervision by a School member of staff*

Non-teaching/non-academic staff (to include but not limited to the following):

- The Office staff
- Special Needs Assistants
- Employees of the contract cleaning company
- Regular maintenance contractors (electricians, plumbers, etc. who are engaged directly by the School on a regular basis who may carry out work on their own account without supervision in the School).
- Matron/Nursing staff
- Regular bus drivers *

*** Please note as per Circular 0031/2016:**

Where two or more relevant organisations are involved

In the case of some persons undertaking relevant work or activities in a school (such as a sports coach, guest speaker, student teacher etc.), another relevant organisation (such as the sporting organisation in question, the person's employer or the third level School etc.) may also be required to have that person vetted prior to the person undertaking relevant work or activities with children or vulnerable persons.

The Vetting Act provides that in cases where two or more relevant organisations have jointly agreed in writing to the employment, contract, placement or permission of a person to undertake relevant work or activities, it shall be a defence in any prosecution under Section 12 of the Act to show that the other organisation who was a party to the agreement had received a vetting disclosure from the Bureau in respect of the person

Reliance on vetting by a third party will only be permissible where there is a contract in writing between the School and that other relevant organisation, employer, contractor or institution and it is confirmed in writing that such other body has received satisfactory vetting in respect of its contractor/employee/student. The Principal shall have the discretion to accept this for various categories of persons

where appropriate. In addition the Principal has the discretion to ask such categories of person to be re-vetted, or to sign a Statutory Declaration and a Form of Undertaking or to provide police clearance. However, such a confirmation is not a substitute for proper recruitment or engagement procedures being followed by the School.

CATEGORY 2 Considered Good Practice to request Vetting, Statutory Declaration and Form of Undertaking. The discretion of the Principal shall be applied where appropriate

- Board of Management
- Parents Association
- Spouses of staff and children of staff over 18 that are regularly in the School grounds

CATEGORY 3 Groups considered as not being requiring to be vetted. Please note that each category below shall be further considered under the School’s Child Safeguarding Guide and any safeguarding measures that are identified shall be implemented. The rationale for the below categories of persons/groups not requiring to be vetted is that none of these categories of person are involved in “relevant activities” as defined in the Vetting Act and set out in the School Vetting Policy nor are they permitted to have any unsupervised access to students. Where further safeguarding measures are required to be introduced these are also set out below

- Visiting speakers/teachers who may from time to time be in the School doing activities with our student that are always accompanied by a member of staff of the School.
- Workers on building projects on campus. In these cases, building contractors should be advised to supply facilities (canteen and sanitary) for the exclusive use of their staff and not to use School facilities which are used by students. Further such contractors shall be informed in writing that they should have no contact with or access to students.
- Regular users of the facilities on campus e.g. the members of clubs who rent pitches or the Sports Hall facilities on a regular basis. A condition of any rental contract shall be that no member of their club should have any contact with or access to students without the direct supervision of a School staff member. It shall be the responsibility of the relevant clubs to ensure that its responsibilities in this area are also communicated to visiting teams and supporters.
- Parents who invite other people’s children to their homes.
- Department of Education and Skills Inspectors, NEPS psychologists, psychologists visiting the School under the Department’s Scheme for the Commissioning of Psychological Assessments, HSE or Tusla staff (as per Department Circular 0031/2016 on the basis that such persons are appropriately vetted by their own employers).
- Persons employed with or engaged by the State Examinations Commission present in the School on a temporary basis to perform functions in respect of the conduct and delivery of State Examinations.
- Prefects or students in positions of responsibility who shall turn 18 during any academic year in which they hold such role. (The School shall organise training for these students on child protection issues and how to deal with younger students appropriately – this is considered to be a more appropriate and child-centered approach than the vetting of students).

APPENDIX 3

Schedule of Offences

The following schedule sets out those offences or categories of offence which will disqualify candidates. It also sets out other offences or categories of offence which may disqualify. In deciding whether a particular conviction renders a candidate unsuitable for appointment, the school will have regard to:

- the nature of the offence and its possible relevance to the post;
- the age of the offence (offences many years in the past may be less relevant than more recent offences);
- the frequency of the offence (a series of offences will give more cause for concern than an isolated minor conviction).
- Offences which are not sexual or violent in nature or drug related offences of a minor nature committed before the age of 18 will be judged in the light of the age of the applicant at the time of the offence.

Category/Type of Offence	Automatic disqualification from employment	May or may not disqualify	May be acceptable
Homicide	Murder Manslaughter		
Sexual offences	Rape Rape under Section 4 Unlawful carnal knowledge Aggravated sexual assault Sexual assault Sexual offences (other)		
Assault	False imprisonment Abduction Assault causing harm Non-fatal offences against the person including threats to kill, syringe attacks, endangering traffic	Assault (minor)	
Theft/ Burglary/Robbery	Aggravated burglary	Theft from person Theft (other) Burglary Robbery of establishment/ cash/goods Robbery from person	

Criminal Damage	Arson	Criminal damage	
Drugs	Possession of drugs for sale or supply Simple possession		

Firearms	Illegal possession of firearms Illegal discharge of firearm Possession of offensive weapon		
Traffic		Intoxicated driving or in charge of a vehicle Unauthorised taking of a vehicle Dangerous driving causing death Hit and run (leaving the scene of an accident)	Speeding Dangerous driving Careless driving General road traffic offences
Public Order Offences		Drunkenness offences	
Fraud offences		Fraud offences	
Other Offences	Explosives offences Money laundering Trafficking of illegal immigrants Terrorist offences		

Clause to be inserted into Contracts of Employment

(NOTE: This clause can also be inserted into a letter of appointment in the case of a short-term casual appointment.)

It is a fundamental term of your employment in Temple Carrig School that you agree that you have made full, truthful, accurate and appropriate disclosure in reply to questions asked or information sought at interview, relating to any child welfare issues. If it transpires, during the course of your future employment, that you have not made such full, accurate and appropriate disclosure, the failure to make such disclosure will be treated as a fundamental breach of this contract of employment, which may lead to disciplinary action, up to and including dismissal.