



msletb

Bord Oideachais agus Oiliúna
Mhaigh Eo, Shligigh agus Liatroma
Mayo, Sligo and Leitrim
Education and Training Board

Mayo, Sligo and Leitrim Education and Training Board

GARDA VETTING POLICY & PROCEDURES FOR MSLETB

EMPLOYEES, STUDENTS, STUDENT PLACEMENTS WITH MSLETB, AND VOLUNTEERS.

MSLETB,
Human Resources
Quay Street,
Sligo.
F91 XH96.

MAYO, SLIGO AND LEITRIM ETB POLICY NAME:

Garda Vetting Policy & Procedures for MSLETB Employees, Students, Student Placements with MSLETB, and Volunteers.

POLICY CONTROL

Document reference number:	GVPPE – V.003 07/2020	Document initiated by:	National Vetting Bureau – NVB
Revision number:	003	Document drafted by:	Human Resources MSLETB
Document Revised by:	NOR	Revision Date	06/08/2020
Document reviewed by:	KJ, PK, SB, MG, MMcG & JH	Approval Date:	___/___/2020
Next Revision Date:	Annual Basis OR as required by legislative changes.		

Responsibility for implementation:

- Human Resources MSLETB.
- Principals.
- Centre Managers.
- Course Co-ordinators.
- Other Designated Personnel.

VERSION HISTORY

Version	Date	Description	Author
Not disclosed	12/09/2016	<ul style="list-style-type: none">• Mayo, Sligo & Leitrim Vetting Policy 2016.	Unknown
GVPPE – V.003 07/2020	06/08/2020	<ul style="list-style-type: none">• This policy has been placed on the new template consistent with other new MSLETB policy templates.• Changes applied.• New points added.	NOR

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1. Purpose

Mayo, Sligo and Leitrim Education and Training Board (MSLETB) 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.

2. Scope

This policy applies to all:

- Employees,
- Students on work experience,
- Student Placements with MSLETB, and,
- Volunteers

in respect of all services and activities provided by Mayo, Sligo and Leitrim ETB which involves access to and/or interaction with children or vulnerable persons.

3. Policy Statement

Mayo, Sligo and Leitrim ETB is a relevant organisation under the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016 (hereinafter referred to as the “Act”). Mayo, Sligo and Leitrim ETB also provides vetting services for affiliate organisations.

Any work or activity which is carried out by a person, a necessary and regular part of which consists of the person having access to, or contact with, children or vulnerable persons (see appendix 1 for definitions), will require the person to be vetted in accordance with the above “Act” , Mayo, Sligo and Leitrim ETB and National Vetting Bureau procedures.

4. Legal & Regulatory Framework

Vetting applications will be processed in accordance with, inter alia:

- Child Protection procedures
- National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016
- Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016
- Children First Act 2015
- Teaching Council (Amendment) Act 2015
- Data Protection Act 1988 and 2003
- Department of Education and Skills Circular Letter 0031/2016 and subsequent circular letters
- National Vetting Bureau procedures
- Mayo, Sligo and Leitrim ETB procedures

Mayo, Sligo and Leitrim ETB is registered with the National Vetting Bureau. Mayo, Sligo and Leitrim ETB reserves the right to initiate a vetting in respect of each of the following:

- Employees,
- Students on work experience,
- Student Placements with MSLETB, and,
- Volunteers.

5. Vetting Procedures

Staff, Volunteers and Student Placements with MSLETB

All staff will be subject to vetting. This includes existing staff as the “Act” provides for retrospective vetting.

New, existing staff, and staff on placement with MSLETB will be required to submit vetting in accordance with MSLETB vetting policy.

Staff, who have undergone the vetting process as part of the recruitment process, or as part of the retrospective vetting will be re-vetted every 4 years.

Staff employed as a teacher, where registration with the Teaching Council of Ireland is required as part of their employment, will be vetted in accordance with Teaching Council standards. In such circumstances staff will be required to submit up to date disclosure documents as and when required by MSLETB.

Teaching staff returning from career break of two years are subject to Garda vetting in accordance with the relevant circular letters issued by the Department of Education & Skills. The same vetting process applies to both new entrants and existing staff.

Mayo, Sligo and Leitrim ETB will not allow any volunteer and/or Student Placements with MSLETB to undertake relevant work or activities on behalf of the organisation unless the role for which they are being engaged has been risk assessed by the relevant Manager in conjunction with the Liaison Person.

Where the risk is identified, the person will be required to complete the vetting process prior to any engagement. Where vetting is required the individual shall complete the full vetting process prior to taking up duty or delivering services.

Students/Learners/Trainees

Mayo, Sligo and Leitrim ETB provides courses that require students/learners/trainees to obtain work experience/placement which may involve access to, or contact with, children or vulnerable persons. It will be a requirement of the course for students to undergo vetting and to meet satisfactory vetting in order for them to obtain relevant work experience/placements with MSLETB to complete the course. A student/learner/trainee must present evidence of their Garda Vetting to the employer before commencing work experience. It is a matter for the work experience/placement employer to decide on whether Mayo, Sligo and Leitrim ETB vetting is satisfactory or whether the student is required to undergo their own vetting process.

It is a criminal offence for a student/learner to proceed on work experience without Garda Vetting. Students/learners/trainees who are under 16 years of age cannot be Garda Vetted, therefore, in the case of under 16s who wish to go out on work experience/placement in a setting which consists of the person having access to, or contact with, children or vulnerable persons, the organisation providing work experience/placement will be issued with a letter from the Principal/Director/Co-ordinator stating that the student/learner/trainee has not been vetted. The organisation will be asked to sign and return a document accepting this and confirming that the student/learner/trainee will be supervised at all times while on work experience/placement with them.

Vetting is valid for 2 years or for the duration of the course, whichever is the sooner, providing the student/learner/trainee is continuously enrolled on a Mayo, Sligo and Leitrim ETB course.

Notwithstanding the above, best practice indicates that the student/learner/trainee should be supervised during their placement and should not be permitted to have unsupervised access to the children or vulnerable adults.

6. Re-vetting

All staff, volunteers and student placements with MSLETB who are vetted must maintain satisfactory vetting throughout their employment/engagement with Mayo, Sligo and Leitrim ETB. Failure to do so may result in termination of employment/engagement. Mayo, Sligo and Leitrim ETB reserves the right to re-vet all staff/volunteers/student placements with MSLETB at any time during their employment, due to requirements under legislation and to ensure best practice (4 years or earlier if necessary/desirable). Any change in contract or additional assignments will require the person in question be re-vetted in full, subject to Section 20 on the National Vetting Bureau (Children and Vulnerable Persons), 2012.

7. Identity Validation Requirements

All applicants are required, under the Act, to provide documents to validate their identity and current address. Documents required are **one from each of the two categories listed below**:

Category 1: Identity (Photo ID)

- Valid Irish driving licence or learner permit (new credit card format)
- Valid Irish Public Services Card (new version)
- Valid Passport (from country of citizenship)

Category 2: Proof of Current Address

- Utility bill (confirming full name and current address) e.g. gas, electricity, television, broadband, Bank/Building Society/Credit Union statement (must be less than 6 months old. Printed online bills are acceptable. Mobile Phone bills are not acceptable.)
- P60, P45 or Payslip within the last year (confirming full name and current address)
- Letter from employer (within last two years) confirming full name and current address
- Correspondence – in the case of students only: From an educational institution/SUSI/CAO within the last year
- Garda National Immigration Bureau (GNIB) card

Mayo, Sligo and Leitrim ETB utilises the 100 point personal identification system to meet Identity Validation Requirements.

8. The Vetting Process

Mayo, Sligo and Leitrim ETB is included on the National Vetting Bureau's eVetting system. The process commences with the completion of the manual **Vetting Invitation (NVB1)**

1. The Vetting Invitation comprises two pages; the invitation and the guidelines for completion of same – both pages must be given to the vetting applicant.
2. The vetting applicant returns the completed Vetting Invitation (NVB1) to the school/centre/programme along with the required items for proof of identity and proof of current address to satisfy the requirements detailed in the 100 Points Checklist.
3. The designated identity verifier at each school/centre/programme must be satisfied with the proof of identity and current address provided by the applicant as per the 100 Points Checklist.

4. When satisfied, the identity verifier validates each applicant's identity and current address and signs the 100 Points Checklist.
5. The designated person at each school/centre/programme completes an eVetting Batch Form in respect of each class or group.
6. The eVetting Batch Form along with the Vetting Invitation (NVB1) form and 100 Points checklist are submitted to the designated Vetting Clerk at the ETB Administration Offices, marking the envelope "**Private and Confidential**".
7. **Note:** If the student/learner/trainee is over 16 and under 18 years of age, their parent/guardian must complete the Parent/Guardian Consent Form NVB3 (included in the Vetting Invitation form). In the case of students/learners/trainees over 16 and under 18, the email address and contact number to be supplied on Form **NVB1 – Under 18 Years (Vetting Invitation)** must be that of the Parent/Guardian. Mayo, Sligo and Leitrim ETB will not communicate directly with students/learners/trainees under 18 by email or text.
8. When the Vetting Invitation is received at Mayo, Sligo and Leitrim ETB, the eVetting procedure commences.
9. Applicants will receive a link via the email address supplied to complete the vetting process on line.
10. This must be completed as soon as possible as the invitation is time sensitive and has an expiry date.

9. Vetting for Transgender Persons

The law requires that you disclose all of your previous names and addresses to the National Vetting Bureau (NVB) so that your application can be correctly processed. The NVB does however have a process whereby you can disclose your previous gender/name to the NVB only and not reveal this data on the vetting application form.

This is known as the 'Sensitive Applications Process'. This process ensures that your information is handled sensitively and securely by the NVB and not revealed to the registered organisation seeking vetting in respect of you.

In order to utilise this process you must contact the NVB's Sensitive Applications Team. This will ensure that your previous gender/name is not released while permitting you to comply with the law. A member of the team will be able to answer all of your questions about completing the application form and will record your details so that we can track your application when it arrives. Once it arrives at the NVB we will monitor your application and check the content of your NVB disclosure before it is issued.

Contact 0504-27300 and look for the Sensitive Applications Team.

10. Vetting Disclosures

The vetting disclosure is received from the National Vetting Bureau. The vetting disclosure may include;

- Particulars of the criminal record (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 in accordance with Section 15 of the "Act" should be disclosed,

Or

- State that there is no criminal record or specified information in relation to the person.

Each person shall be given a copy of their disclosure and a copy retained on file in accordance with the relevant Data Retention Schedule.

11. Assessment of Vetting Disclosures

Mayo, Sligo and Leitrim ETB will take into consideration all the information disclosed to it by the Bureau when assessing the suitability of the person who is the subject of the disclosure to do relevant work or activities.

Satisfactory vetting will be determined by Mayo, Sligo and Leitrim ETB and decisions are final.

In assessing the contents of a disclosure document in respect of Criminal Records and/or Specified Information the following will be considered by Mayo, Sligo and Leitrim ETB in accordance with legislation;

A. 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.

B. 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-

- An Garda Síochána pursuant to an investigation of an offence or pursuant to any other function conferred on An 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 –
 - 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.

Subsequent to the person obtaining satisfactory vetting, if a Criminal Record is identified thereafter, as a MSLETB **mandatory requirement**, the person should contact the Liaison Person in writing within 14 days outlining:

- a) Particulars of the criminal activity (if any) relating to the person, and
- b) a statement of the specified information (if any) relating to the person which MSLETB has determined should be disclosed in accordance with the "Act". Having assessed this correspondence the Liaison Person will decide, where appropriate, the course of action outlined in point 12 hereafter.

12. Processing the Vetting result – Criminal Record Disclosed

Having assessed the disclosure the Liaison Person will decide, where appropriate, the following course of action:

- The vetting applicant will be requested to meet the Liaison Person and the Chief Executive (CE)/ Principal/ Director/Co-ordinator in private to discuss the disclosure.
- The vetting applicant will be given the opportunity to dispute/deny the details of the disclosure.
- If the vetting applicant accepts/agrees the accuracy and details of the disclosure, the vetting applicant is advised that a letter will issue attaching the disclosure.
- In the case of students/learners/trainees, before proceeding on work placement, they must present the documents (Garda Vetting Disclosure) to the work-placement supervisor for their consideration/decision. It is a matter for the work-placement supervisor to decide whether to accept the student/learner/trainee on work-placement and their decision is final.
- In some circumstances, the student/learner/trainee may not be facilitated with work placement or, in extreme cases, the student/learner/trainee may be asked to leave the course.
- In some circumstances, the prospective employee may not be allowed to take up employment.
- If the vetting applicant does not agree with this decision they should follow the steps outlined in point 13 hereafter.

13. Disputing Vetting Disclosure

- If the vetting applicant disputes the disclosure, they must outline the exact basis of their dispute and submit it in writing to the Liaison Person who will in turn bring the dispute to the attention of the National Vetting Bureau for further checks.
- The prospective employee may not take up duty until the dispute relating to the disclosure has been resolved to the satisfaction of the Liaison Person. The decision of the head of Human Resources will be final in this regard.
- The student/learner/trainee may not proceed on work-placement until the dispute relating to the disclosure has been resolved to the satisfaction of the Liaison Person. The decision of the Director of Further Education and Training FET will be final in this regard.

14. Appeals

Where staff, volunteers or student placements with MSLETB wish to appeal the decision of the Head of HR/ Director of Organisational Support and Development (OSD) in relation to the disclosure, he or she may, not later than 14 days after the date the notification of the determination is sent to the vetting subject, appeal to the Director of OSD, CE or Nominee of the CE against that determination.

The appeal should be made in writing and include a statement of grounds for appeal by the vetting subject.

The decision of the Director of OSD, CE or Nominee of the CE will be final in this regard.

15. Overseas Clearance

Vetting by the National Vetting Bureau currently covers the addresses in the Republic of Ireland and Northern Ireland. If the applicant for employment/volunteering/contract has resided in countries

outside of the Republic of Ireland and Northern Ireland for a period of six (6) months or more, Mayo, Sligo and Leitrim ETB will request that applicants obtain a Police Clearance Certificate from those countries. A separate Police Clearance Certificate for each country resided in will need to be supplied.

Please refer to Appendix 1 for further information.

16. Confidentiality

The management of vetting disclosures shall be treated in the strictest confidence to the greatest extent consistent with the protection of fair procedures and the legitimate interests of MSLETB and its employees. Any breach of confidentiality by any party may of itself result in disciplinary action.

17. Breaches of this Policy

Under the “Act” it is a criminal offence punishable by a fine of up to €10,000 or a prison term of up to 5 years or both for Mayo, Sligo and Leitrim ETB, to commence the employment or engagement a person to undertake relevant work or activities before MSLETB receives a vetting disclosure from the Bureau in respect of that person. It is not only a criminal offence for MSLETB but also is a criminal offence for the person who allows or requests a person to commence employment and/or deliver services without the vetting process having concluded. In such circumstances the person who allowed or requested the person to commence employment and/or deliver services without vetting will also be subject to Mayo, Sligo and Leitrim ETB disciplinary procedures on the basis of gross misconduct.

18. Data Protection

All information received by MSLETB in respect of vetting shall not be used by, or disclosed for any other purpose than assessment of suitability for appointment and / or services by direct employees, volunteers and/ or student placements with MSLETB.

All records will be kept in accordance with MSLETB Data Protection Policy and Records Retention Schedules. Records of the outcome will be kept until such time as the employee has been re-vetted and an updated disclosure received. At such time out of date documents will be securely destroyed. Reference number and date of disclosure will be placed on personnel record.

19. Review

This policy will be reviewed in accordance to changes in legislation, direction as issued by Department of Education and Skills and/or as directed by the National Vetting Bureau.

20. Policy Document approval

Policy Document approved by:

Signed: Tom Grady.
Tom Grady
MSLETB CE

Date: 18/09/2020

Appendix 1

Glossary of Terms

The “Act” – National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016.

Definition of a child – The definition of a child is a person under the age 18 years.

Definition of a Criminal offence - includes an offence under the law of a state other than the State that corresponds to an offence under the law of the State, where the act or omission constituting the offence under the law of the other state would, if committed in the State, constitute an offence under the law of the State

Definition of 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, or (b) a record of any prosecutions pending against the person, whether within or outside the State, for any criminal offence, or both

Definition of a vulnerable person – A vulnerable person means a person, other than a child, who is suffering from a disorder of the mind, whether as a result of mental illness or dementia, has an intellectual disability, is suffering from a physical impairment, whether as a result of injury, illness or age, or has a physical disability, which is of such a nature or degree as to restrict the capacity of the person to guard himself or herself against harm by another person, or that results in the person requiring assistance with the activities of daily living including dressing, eating, walking, washing or bathing.

Vetting Disclosure – A disclosure is the document received from the National Vetting Bureau in respect of each application which will indicate whether or not there is a criminal record and /or specified information held in respect of the applicant.

Liaison Person – This is the person who is responsible for the vetting process in Mayo, Sligo and Leitrim ETB. Their role is to act as the point of contact between the National Vetting Bureau and Mayo Sligo and Leitrim ETB as well as ensuring all vetting applications are completed and disclosures, where necessary, are assessed and communicated to the individual in a timely manner.

Vetting Clerk – The role of the Vetting Clerk is to act as administrator of the vetting process to support the Liaison Person, act as point of contact and to validate identity of applicants for employment/engagement. The Vetting Clerk will also forward completed disclosures to students/learners/trainees once received from the Liaison Person.

Identity Verifier – The role of the Identity Verifier at each school/centre/programme is to assist in the validation of identity process and to ensure appropriate records as necessary are kept on file in the school/centre on behalf of the organisation.

Vetting Co-ordinator – The role of the Vetting Co-ordinator at each school/centre/programme is to complete the eVetting Batch Form and send it to the Vetting Clerk and to liaise with the Liaison Person and the Vetting Clerk as necessary.

References to this document are made from:

[*National Vetting Bureau \(Children and Vulnerable Persons\) Act 2012*](#)

[*National Vetting Bureau An Garda Síochána*](#)

END.