



**Loreto Secondary School**  
Granges Road, Kilkenny.

## **Vetting Policy**

In the context of the school's Mission Statement and of its commitment to the care and protection of its students and of all who work in the school, the Board of Management, Loreto Secondary School, Granges Road, Kilkenny has adopted the policy set out hereunder to govern its application of vetting as part of its recruitment practice.

The policy has been framed in compliance with:

- D.E.S. circular 31/2016
- The Child Protection Procedures for Primary and Post Primary Schools (D.E.S. 2017)
- The National Vetting Bureau (Children and Vulnerable Persons) Act 2012 as amended by the Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016
- The Data Protection Acts 1988 and 2003
- Employment Equality Acts 1998 and 2004
- Equal Status Act 2000
- Industrial Relations Act 1990

### **Goals:**

- 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 Policy:**

The principal will be designated as the contact person who will be responsible for the implementation of this policy and for liaising with the relevant person in the J.M.B..

The principal will conduct the process on behalf of the school in conjunction with the Teaching Council, the Joint Managerial Body (J.M.B.) and with the Vetting Bureau.

**The Vetting Act, section 12 requires a school authority to obtain a vetting disclosure from the Vetting Bureau prior to employment of, contracting of, permitting or placement of a person to undertake relevant work or activities with children or vulnerable persons. This applies to all appointments of any duration including full-time, part-time and substitute**

**positions. It is a criminal offence, other than in certain limited circumstances, for a school authority to commence the employment of an employee without first obtaining a vetting disclosure from the Bureau in respect of that person.**

**Exemptions** - a school is not required to obtain a vetting disclosure from the Bureau:

1. In the case of the employment of, or entering into a contract for services with, a person on behalf of the State Examinations Commission (S.E.C.) - locally appointed superintendents of special centres, aural examinations, and practical examinations etc. where it not possible to complete the vetting process prior to the commencement of the examinations. In such cases where vetting is not feasible such persons must provide a Statutory Declaration and Form of Undertaking.

**Non-employees – contractors, volunteers, coaches etc.**

Vetting requirements in respect of non-employees occur where a school authority:

1. Enters into a contract for services that constitute relevant work or activities or
2. Permits any person to undertake relevant work or activities on the school's behalf, whether or not for commercial or any other consideration or
3. Places or makes arrangements for the placement of any person in work experience or activities that involves participation in relevant work or activities. (e.g. work experience)

**Exemptions** - the school is not required to obtain a vetting disclosure prior to commencing the contract, permission or placement in the following circumstances-

1. Unpaid volunteers who assist on an occasional basis provided such assistance does not involve the coaching, mentoring, counselling, teaching or training of children or vulnerable persons. Such volunteers will work under the supervision of a member of staff.
2. Where vetting information (such as a G.C.V.U. disclosure) in respect of the contract/permission/placement in question was requested and received by the school authority prior to 29 April 2016 but the contract/permission/placement in question is not entered into or doesn't commence until after 29 April 2016.

## **Recruitment**

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.

- Best practice in checking references and previous employment history is essential.
- A number of questions concerning child protection will be asked of job applicants.
- Most vacancies are advertised through the recognised recruitment websites. The school will provide job applicants a link to the section of the school website which contains information relating to Child Protection and Vetting. This policy shall be available in this section of the website. Applicants will be asked to confirm that they have read the policy in advance of submitting their application and that they have read and understood appendix 1 of the policy in particular.

**Procedures for all categories:**

- Prospective employees must confirm on their application form that their appointment is subject to the satisfactory outcome of vetting.
- At the completion of the selection process, when the preferred candidate has been selected, the candidate must, if he or she is a qualified teacher, apply to the Teaching Council to be vetted. If the candidate has already been vetted by the Vetting Bureau, he or she must enable the principal to access the vetting disclosure online so that it can be downloaded and assessed. All others must complete a Vetting Bureau Application Form and submit it to J.M.B..
- Failure to complete the Vetting Application Form will disqualify the candidate and no offer of employment can be made to him or her.
- The provision of inaccurate information on the Vetting Application Form, such as an inaccurate date of birth or address, may disqualify.
- Failure to disclose a conviction will disqualify.
- A Statutory Declaration and a Form of Undertaking 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.
- A statement confirming that he/she has read and understood the school's Child Safeguarding Statement must be signed by the candidate.

**Teaching Personnel:**

- Persons being appointed must be vetted prior to appointment to any teaching position, regardless of the duration of the appointment.
- Where the teacher to be appointed is a registered teacher or has applied to be registered, vetting is carried out through the Teaching Council. The teacher must enable the school authority to access the vetting disclosure.
  - The school will download the vetting disclosure in respect of the teacher and
  - Retain a copy for its records

**IT DOES NOT FOLLOW THAT VETTING DEEMED SATISFACTORY FOR TEACHING COUNCIL PURPOSES WILL, IN ALL CASES, BE SATISFACTORY FOR EMPLOYMENT PURPOSES. IT IS THE BOARD'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 school's Board of Management for employment purposes.

**Non-Teaching Personnel**

- Vetting for all non-teaching personnel is carried out through the J.M.B. as above.

### **Other Appointees (volunteers, coaches, etc)**

- The principal will meet with and interview all volunteers, coaches, trainers, etc. who may be involved in relevant work or activities in the school from time to time.
- The board will have persons in this category vetted through the J.M.B. prior to their engagement by the school.

### **Student Teachers**

- Student teachers must be vetted through the J.M.B. unless they have been vetted by the Vetting Bureau (post 29 April 2016) through their college and they furnish to the school the disclosure from the Vetting Bureau to enable the school to determine if the disclosure amounts to satisfactory vetting in terms of the school's vetting policy.

### **Loreto Students and Work Experience**

- Where a student (e.g. T.Y. student) is participating in work experience which requires that the student be vetted, a completed Vetting Application Form should be submitted to the J.M.B..
- Persons not yet 16 years old cannot be vetted.
- Where the student is 16 or 17 years old on the date on which the vetting application form is signed and dated, the application must be accompanied by the Parent/Guardian Consent Form available on the J.M.B. website.
- Vetting may be conducted in respect of students over 18 years of age on his/her written authorisation where required for an individual participating in work experience.

### **The School's Duty of Care to Students going on Work Experience**

- Students going on work experience should be well prepared by the school to cope with potentially difficult situations. They should be assured of school support in such instances.
- Employers will be provided with information regarding proper procedures to ensure the safety of students.

### **Disclosures**

The attached schedule sets out those offences or categories of offences which will disqualify candidates.

It should be noted that a disclosure from the Vetting Bureau may also include "specified information". "**Specified information**" or "soft information" in relation to a person who is the subject of an application for a vetting disclosure means information other than criminal convictions held by An Garda Síochána that leads to a bona-fide belief that a person poses a threat to children or vulnerable persons.

The Act states:

*'Where a member of staff of the Bureau considers there is specified information relating to a person who is the subject of an application for vetting disclosure, he or she shall refer the*

*matter to the Chief Bureau Officer for assessment and determination under section 15 as to whether the information concerned should be disclosed. (3) The Chief Bureau Officer shall assess the application for vetting disclosure and the specified information relating to the person who is the subject of that application but he or she shall not make a determination that that information concerned should be disclosed*

*unless—*

*(a) he or she reasonably believes that that information is of such a nature as to give rise to a bona fide concern that the person concerned 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,*
- and*

*(b) he or she is satisfied that its disclosure is necessary, proportionate and reasonable in the circumstances for the protection of children or vulnerable persons or both, as the case may be.'*

Because of the nature of “specified information” and the requirements in the Act, including an appeal process available to the vetting applicant before “specified information” can be disclosed, the Board of Management will determine whether a vetting applicant whose disclosure from the Bureau includes “specified information” is a suitable person to be employed in the school. In such a case, the vetting applicant will be afforded an opportunity to make representations to the Board of Management before the board comes to a decision on the matter.

The following schedule 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 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.

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.

Statutory vetting will, in addition to a check for criminal records, include a check for any relevant "soft information". "Soft information" referred to as "specified information" in the Vetting Act, is information other than criminal convictions held by An Garda Síochána that leads to a bona-fide belief that a person poses a threat to children or vulnerable persons.

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/she 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.

A copy of the vetting disclosure document will be given to the applicant.

**The Eight Rules of Data Protection** will be strictly observed by the school.

The rules are:

1. Gather and process information fairly
2. Keep it only for one or more specified, explicit and lawful purposes
3. Use and disclose it only in ways compatible with these purposes
4. Keep data safe and secure
5. Keep data accurate and up-to-date
6. Ensure that it is adequate, relevant and not excessive
7. Retain it no longer than is necessary for the purpose or purposes
8. Give a copy to the individual, on request

**Implementation:**

This policy will be effective from the date of adoption by the Board of Management. The school's Vetting Policy will be made available to candidates for employment, paid or unpaid. A link to the policy will be included on the school's job application form(s), such that the candidate's declaration on that form confirms that he/she is aware of the school's policy on vetting and accepts the policy that satisfactory vetting is an essential requirement for appointment to a post in the school. By signing the Vetting Application Form, the job applicant authorises the principal to receive disclosure of the outcome of vetting and to have regard to it in determining if the candidate may be appointed to the post.

**Policy Review:**

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

Policy adopted by the Board of Management

Signed: **Tony Joyce**

Chairperson, Board of Management

Date: 18 December 2018

**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.
- where the vetting process discloses pending prosecutions or unsuccessful prosecutions or 'specified information' as defined in the Vetting Act, such disclosures will be assessed in the light of the nature, age and frequency of the alleged offence(s) and of the age of the candidate.

<b>Category/Type of Offence</b>	<b>Automatic disqualification from employment</b>	<b>May or may not disqualify</b>	<b>May be acceptable</b>
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) Assault (other)	
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	Possession of firearms Discharge of firearm Possession of offensive weapon		
Traffic		Intoxicated driving a vehicle Intoxicated 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	
Explosives Offences	Explosives offences		
Money laundering	Money laundering		
Trafficking of illegal immigrants	Trafficking of illegal immigrants		
Terrorist Offences	Terrorist offences		

**APPENDIX 1 – Recruitment Process and Child Protection**

Teaching posts are advertised online and application forms are also submitted online. The form will contain a link to the relevant page on the school website containing the school’s Child Protection information and this policy

**Note for all who are applying for teaching or non-teaching positions:**

This school owes a duty of care to its pupils. The school has a duty to satisfy itself that no person employed by the school poses a threat to pupils or staff. The school must therefore

make certain enquiries of all applicants for employment in the school, and these enquiries will include both:

1. Questions to each applicant at interview (see below) and
2. Enquiries with previous employer(s), and the National Vetting Bureau.

The questions which you will be asked at interview and also invited to answer on the application form may include the following:

- Where have you been residing during the previous five years?
- Were you ever the subject of an inquiry by Tusla/the H.S.E. concerning a child welfare matter?
- Were you ever the subject of a Garda criminal investigation arising from a complaint of child abuse?
- Were you 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?

Please note that it is a fundamental term of your employment that you make appropriate full disclosure in respect of the questions outlined above, and a fundamental term will be included in any future contract of employment to this effect.

You should also note that if the school is satisfied, in the future, that you have made incomplete or inaccurate disclosure, you may face disciplinary action, up to and including dismissal.

The school undertakes that all responses furnished by you 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 First" published by the Department of Health, the Child Protection Procedures for Primary and Post-Primary Schools published by the Department of Education and Skills or pursuant to any legal obligation imposed on the school to facilitate the effective investigation of crime.

#### **APPENDIX 2: Recruitment Process and Child Protection**

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

Draft Clause to be inserted into Contracts of Employment

*It is a fundamental term of your employment in this 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.*

#### **APPENDIX 3: Summary Document for Senior Management Team**



## **Recruitment Procedures with regard to Child Protection**

*(to be read in conjunction with the school's vetting policy)*

Proper recruitment procedures will be followed for all personnel employed in Loreto Secondary School (to include volunteers and those on work placements etc.). Application forms will include a declaration in relation to Child Protection. Reference checking will take place for all proposed candidates. Referees shall be asked specifically if they have reservations about the candidate's suitability to work with children. Responses will be recorded.

### **Vetting Procedures for New Staff**

#### **Qualified Teachers:**

1. **Before** commencing work, the following must be provided and deemed satisfactory:
  - a. Teaching Council Vetting Certificate - processed during current or past calendar year
  - b. Statutory Declaration - processed during current or past calendar year
  - c. Form of Undertaking - signed in school in the presence of S.L.M.T. member.
2. Prior to commencing employment, the teacher will provide evidence of having completed the Tusla and P.D.S.T. Child Protection training videos. In the case of teachers employed during the course of the academic year, the following will apply:
  - a. Within one week of starting, the teacher must complete and provide the certificate for the online Tusla course.
  - b. Within two weeks of starting, the teacher must complete and email a member of the Senior Leadership and Management Team (S.L.M.T.) to confirm that she/he has completed the P.D.S.T. child protection training course.
3. The staff induction programme, including information on Child Protection Guidelines, will be provided by a member of the S.L.M.T..

#### **Unqualified Teachers and Non-teaching Staff (including coaches, music teachers etc.)**

1. **Before** commencing work, the following must be provided/processed and deemed satisfactory:
  - a. Vetted through the J.M.B. - information below. Vetting through other schools does not suffice.
  - b. Statutory Declaration - processed during current or past calendar year
  - c. Form of Undertaking - signed in school in the presence of S.L.M.T. member.

2. Within one week of starting, the teacher must complete and provide the certificate for the online Tusla course.
3. The staff induction programme, including information on Child Protection Guidelines, will be provided by a member of the S.L.M.T..

### **Trainee Teachers**

1. Before commencing the placement, the following must be provided/processed and deemed satisfactory:
  - a. Vetted through the J.M.B. - information below. Vetting through other schools does not suffice. Vetting through a University does not suffice.
  - b. Statutory Declaration - processed during current or past calendar year.
  - c. Form of Undertaking - signed in school in the presence of S.L.M.T. member.
2. Within one week of starting, the trainee teacher must complete and provide the certificate for the online Tusla course. In most cases this will be completed in advance of the placement commencing.
3. The staff induction programme, including information on Child Protection Guidelines, will be provided by a member of the S.L.M.T..

### **Relevant Documents and Forms**

#### **All Staff:**

Below is a link to a copy of the Statutory Declaration Form. This has to be completed by a solicitor/commissioner of oaths etc. as instructed on the form. These forms are valid for the remainder of the current and the duration of the next calendar year. Therefore the original should be copied by a member of the S.L.M.T. and retained in the school on the shared folder. The original should be returned to the staff member.

[Statutory Declaration Form - click here](#)

Below is a link to the Form of Undertaking. This should be signed in the presence of a member of the S.L.M.T. and the original copied and retained in the shared folder.

[Form of Undertaking - click here](#)

#### **Unqualified/Non-Teaching Staff**

This category of employee which includes volunteers and trainee teachers, must be vetted through the J.M.B.. The following form must be completed by the employee who should be advised to regularly check the email that they have been provided, as the actual vetting form will be emailed to them.

[J.M.B. Vetting Form - click here](#)

The employee must provide two forms of identification to comply with this '100-point check'. Verified copies of which must be retained by the school in the relevant shared folder.

[100-point Identity Check - click here](#)

#### **Useful Documents/Links**

[Tusla - Video Training - click here](#)

[P.D.S.T. - Video Training - click here](#)

[Child Protection Procedures for Primary & Post Primary Schools 2017 - click here](#)

[Department Circular - Garda Vetting - click here](#)

[National Vetting Bureau Act 2012 - click here](#)

[Criminal Justice Act 2016 - click here](#)

#### **Acronyms used in this policy:**

- J.M.B. - Joint Managerial Body
- H.S.E. - Health Service Executive
- P.D.S.T. - Professional Development Service for Teachers
- S.L.M.T. - Senior Leadership and Management Team (comprises Loreto's Principal and Deputy Principals)
- D.E.S. - Department of Education and Skills
- S.E.C. - State Examinations Commission
- G.C.V.U. - Garda Central Vetting Unit

Note also that 'Tusla' is the Child and Family Agency.