

# Vetting Policy for Patrician Academy, Mallow, Co. Cork.

Ratified by the Board of Management June 9<sup>th</sup> 2011

## 1. Scope

This policy sets out the arrangements for the vetting of teaching and non-teaching staff in the school.

## 2. Rationale:

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 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:

The Child Protection Guidelines for Post Primary Schools (DES 2004)

The Data Protection Acts 1988 and 2003

Employment Equality Acts 1998 and 2004

Equal Status Act 2000

Industrial Relations Act 1990

The Garda Central Vetting Unit's Code of Practice

DES circular 0063/2010

## 3. 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;

in an open, transparent and just manner;

with an assurance to applicants for vetting that the highest

standards of confidentiality are observed.

## 4. The Policy:

The categories of persons who must be vetted are set out below. It is important to note that any person who refuses to be vetted cannot be appointed or engaged by the school in any capacity including in a voluntary role.

- (a) All persons being appointed to **teaching positions** must be vetted prior to commencing employment unless they have already been vetted during the same or previous calendar year. The requirement for vetting applies in respect of all types of

appointment of any duration including full-time, part-time and substitute positions.

This requirement to be vetted applies at the time a teacher is commencing employment of any duration and includes those teachers who are changing employments e.g. moving between schools on transfer, redeployment etc..

Although not changing employer, teachers who are returning to work after a leave of absence of 2 or more years must also be vetted.

The requirement to be vetted does not apply in the case of:

- A teacher who transfers between schools that are part of the same VEC  
or
- A teacher who is being re-employed by the same school authority provided there is no gap (other than school holidays) immediately prior to the re-employment and the teacher has been previously vetted for the initial employment with that school authority.

Teachers who are seeking employment (including substitute work) and those likely to be changing employment(s) should apply to the Teaching Council at least 3 months in advance so that their vetting can be arranged in a timely manner.

- (b) All persons being appointed to non-teaching positions must be vetted prior to commencing employment unless they have already been vetted through the same registered organisation during the same or previous calendar year. In such cases the relevant registered organisation (e.g. diocesan office, management body etc.) will provide the school authority with a certified copy of the previous vetting outcome.

The requirement for vetting applies in respect of all types of appointment of any duration including full-time, part-time and substitute positions.

This requirement to be vetted applies at the time the person is commencing employment of any duration and includes those persons who are changing employments e.g. moving between schools etc.

Although not changing employer, any person who is returning to work after a leave of absence of 2 or more years must also be vetted.

The requirement to be vetted does not apply in the case of:

- A person who transfers between schools that are part of the same VEC  
or
- A person who is being re-employed by the same school authority provided there is no gap (other than school holidays) immediately prior to the re-employment and the person has been previously vetted for the initial employment with that school authority.

(c) **Any other persons** (non-employees) such as volunteers, sports coaches, etc. who have, or may have, unsupervised access to children or vulnerable adults must be vetted unless they have already been vetted within the previous 5 year period. This requirement to be vetted applies in respect of all such persons who have or may have unsupervised access to children or vulnerable adults and who, at the date of this circular or in the future, are engaged by the school in any such capacity. A non-exhaustive list of examples of persons to whom this section may apply include those involved in extracurricular activities, volunteers, sports coaches, external tutors or other persons engaged by the school to assist in and support school activities.

Vetting of these persons should, where possible, be done by the relevant sporting, voluntary or community organisation.

At the completion of the selection process, when the preferred candidate has been selected, the candidate must complete a child related Statutory Declaration, a Form of Undertaking and a Garda Vetting Application Form if the candidate has not been vetted during the same or previous year.

All offers of employment will be in writing and will be “subject to satisfactory vetting”.

Failure to complete the Garda Vetting Application Form will disqualify the candidate and no offer of employment will be made to him or her.

The provision of inaccurate information on the Garda Vetting Application Form, such as an inaccurate date of birth or address, may disqualify.

Failure to disclose a conviction will disqualify.

(Note that in this jurisdiction there is no such thing as a “spent” conviction)

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

| Category/<br>Type of<br>Offence | Automatic<br>Disqualification<br>from<br>employment  | May or may not<br>disqualify   | May be<br>acceptable |
|---------------------------------|--|--|----------------------|
| Homicide                        | Murder   | Manslaughter   |                      |
| Assault                         | Rape<br>Rape under<br>section 4<br>Unlawful carnal<br>knowledge<br>Aggravated<br>sexual assault<br>Sexual assault<br>Sexual<br>offences(other)   |  |                      |
| Assault                         | False<br>imprisonment<br>Abduction<br>Assault causing<br>harm<br>Non-fatal<br>offences<br>against the<br>person including<br>threats to kill,<br>syringe<br>attacks,<br>endangering<br>traffic | Assault (minor)<br>Assault (other)   |                      |
| Theft /<br>Burglary<br>/Robbery | Aggravated<br>burglary   | Theft from person<br>Theft (other)<br>Burglary<br>Robbery of<br>establishment/cash/<br>goods<br>Robbery from<br>person |                      |
| Criminal<br>Damage              | Arson  | Criminal damage  |                      |
| Drugs                           | Possession of<br>drugs for sale<br>or supply   | Simple Possession  |                      |
| Firearms                        | Possession of<br>firearms<br>Discharge of<br>firearms  |  |                      |

|                                   |                                   |  |  |
|-----------------------------------|-----------------------------------|--|--|
|                                   | Possession of offensive weapon    |  |  |
| Traffic                           |                                   | Intoxicated driving a vehicle<br>Intoxicated in charge of a vehicle<br>Unauthorised taking of a vehicle<br>Dangerous driving causing death<br>Hit and run (leaving the scene of an accident) | Speeding<br>Dangerous driving<br>Careless driving<br>General road traffic offences |
| Public Order Offences             |                                   | Drunkenness offences   |  |
| Fraud offences                    |                                   | Fraud offences   |  |
| Explosive offences                | Explosive offences                |  |  |
| Money laundering                  | Money laundering                  |  |  |
| Trafficking of illegal immigrants | Trafficking of illegal immigrants |  |  |
| Terrorist offences                | Terrorist offences                |  |  |

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 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.

## **5. Roles and Responsibilities:**

The Principal will be designated as the Line Manager and will be responsible for the implementation of this policy

The Principal/Line Manager will conduct the process on behalf of the school in conjunction with the Joint Managerial Body (JMB) and, through the JMB, with the Garda Central Vetting Unit (GCVU).

The Principal should 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 may wish to be accompanied to this meeting by the Chairperson of the Board or the Manager. In such an instance the applicant should be informed that the Chairperson or Manager will be present and the applicant should also be afforded the option of being accompanied to the meeting.

The Principal/Line Manager should be authorised to determine if the outcome of the

vetting of a candidate has been satisfactory or not, the determination being made in accordance with the school's policy on vetting. Should the Principal/ Line Manager deem it necessary, he/she may consult the Chairperson of the Board of Management /Manager 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.

Where the applicant applies to the school for a copy of the garda vetting disclosure document, a copy will be given to him/her.

The Eight Rules of Data Protection will be strictly observed by the school. (See Appendix 1)

## **6. 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.

It will be included on the school's Job Application Form(s), such that the candidate's signature on that form confirms that he/she is aware of the school's policy on vetting and accepts the school's policy that satisfactory vetting is an essential requirement for appointment to a post in the school. The form should authorise the Principal/Line Manager 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.

## **7. 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: \_\_\_\_\_

Chairperson, Board of Management/Manager

Date: \_\_\_\_\_

## Appendix 1

**The 8 rules of Data Protection are observed by the JMB and these rules should be applied in schools to all documentation and information to be kept in respect of all personnel.**

**The following is a reminder of these rules:**

- i. Obtain and process information fairly.
- ii. Keep it only for one or more specified, explicit and lawful purposes.
- iii. Use and disclose it only in ways compatible with these purposes.  
(N.B. Schools may not disclose the outcome of vetting to another school or other prospective employer. Where an employee has been vetted in school A and moves to school B, school B, provided it too is a member of JMB, may submit a signed vetting application form to the JMB Authorised Signatory and will have the outcome of the original vetting disclosed to the Principal/Line Manager. Alternatively, it is open to school B to request that the applicant be vetted again.)
- iv. Keep data safe and secure.**
- v. Keep data accurate and up-to-date.
- vi. Ensure that it is adequate, relevant and not excessive.
- vii. Retain it no longer than is necessary for the purpose or purposes.
- viii Give a copy to the individual, on request.