



## **POLICIES AND PROCEDURES**

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

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# INTRODUCTION

## **Purpose**

The Act commenced on the 29<sup>th</sup> April 2016. The Act provides a legislative basis for the mandatory vetting of persons who wish to undertake certain work or activities relating to children or vulnerable persons or to provide certain services to children or vulnerable persons.

Louth and Meath ETB 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.

## **Policy Statement**

Louth and Meath ETB is a relevant organisation under the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016 (hereinafter referred to as the “Act”). We also provide 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”, Louth and Meath ETB and National Vetting Bureau procedures.

## **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, 2003 & 2018
- Department of Education and Skills Circular Letter 0031/2016 and subsequent circular letters
- National Vetting Bureau procedures
- LMETB procedures
- LMETB is registered with the National Vetting Bureau.

## **Confidentiality**

Louth and Meath ETB wishes to emphasise that all details relating to an individual’s vetting application are received and processed in confidence. All disclosures received from the National Vetting Bureau are accessible only to the Liaison Person(s) and shared in private with the Assessment Panel only when the need arises for a meeting with an applicant.

## DEFINITIONS

### **Child/Children**

The definition of a child / children is a person under the age 18 years.

### **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.

### **Merely Incidental**

Where the main cohort of attendees are adults and generally as a result the provision of relevant work or activity to the children in the cohort is merely incidental to the provision of relevant work or activity to the adults in the cohort

### **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 the ETB. Their role is to act as the point of contact between the National Vetting Bureau and Louth and Meath 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 / Designated Contact Person**

The role of the Identity Verifier / Designated Contact Person 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 College/Centre on behalf of the organisation.

### **Vetting Co-ordinator / Designated Contact Person**

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

### **Relevant Work or Activities means**

- a) relevant work or activities relating to children, or
- b) relevant work or activities relating to vulnerable persons;
- c) relevant work or activities relating to children” shall be construed in accordance
- d) with Part 1 of Schedule 1. “relevant work or activities relating to vulnerable persons” shall be construed in accordance with Part 2 of Schedule 1.

### **Statutory Declaration**

The Statutory Declaration must be completed prior to a person being appointed to any teaching or non-teaching position with a school authority unless the person being appointed has previously provided that school authority with a statutory declaration which was made during the same or previous calendar year. The Statutory Declaration must be signed by one of the following:

- **Notary Public**  
Notaries certify the execution in their presence of a deed, a contract or other writing. They can also verify some act or thing done in their presence. Find a Notary Public at <http://www.notarypublic.ie/finding-a-notary/>
- **Commissioner For Oaths**  
A Commissioner for Oaths is a person who is authorised to verify affidavits, which are statements in writing and on oath, and other legal documents.
- **Peace Commissioner**  
A Peace Commissioner is an honorary appointment made in Ireland by the Minister for Justice and Equality. The powers and duties of Peace Commissioners consist primarily of taking statutory declarations, witnessing signatures on documents of required by various authorities and signing certificates and orders under various Acts. Your local Garda station may be able to give you the name and address of a Peace Commissioner.
- **Practising Solicitor**  
A practising solicitor is a solicitor with a current practising certificate and either professional indemnity insurance in place or an exemption from holding professional indemnity insurance as a solicitor employee of a non-solicitor employer.

## SECTION A

### VETTING FOR ETB STAFF AND VOLUNTEERS

#### General

Persons who are considered for employment with Louth and Meath ETB which includes direct employees, volunteers and/or work experience people, or its Affiliated Organisations must be vetted in accordance with Louth and Meath ETB Vetting Policy which is underpinned by the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016.

Any work or activity which is carried out by a person, a necessary and regular part of which consists mainly of the person having access to, or contact with, children or vulnerable persons will require the person to be vetted in accordance with the above Act and in accordance with procedures as prescribed by the National Vetting Bureau.

In accordance with the "Act", Louth and Meath ETB has a number of persons nominated as "Liaison Person" (LP). The purpose of the LP is to have a finite number of people dealing with the vetting process as well as to maintain the integrity of the operations between organisations and the Vetting Bureau. This will reduce unnecessary duplication and provide a cleaner operating system to manage the long-term process.

#### Point of Contact

The "Act" also provides for the establishment of "Clerk Users" (CU) whose purpose is to assist in the administration of the vetting process, to support the Liaison Person, act as point of contact and to validate identity of applicants. Louth and Meath ETB will have a number of Clerk Users identified.

Louth and Meath ETB will also in certain College / Centres have a Designated Contact Person. The purpose of such a role is to assist in the validation of identity process and to ensure appropriate records are kept on file in the College / Centre on behalf of the organisation. There may be more than one Designated Contact Person per location which may include Principal, Deputy Principal and/or administration staff.

The Liaison Person, Clerk Users or Designated Contact Person shall validate proof of identity by viewing, copying the original and signing the photocopy that they are confirming that they have had sight of the original. The Principal/Manager will then forward the completed vetting form with signed photocopies of proof of identity to the Liaison Person.

Staff who are recruited directly through the ETBs recruitment system will be vetted where relevant as part of the recruitment process.

#### Validation Procedure

Validating the identity of a person for vetting is a requirement under the "Act". Such validation will require the person for vetting to submit with their vetting form the following documentation.

Passport or Driving Licence (new credit card format) and

Payslip (with home address) or recent utility bill (mobile phones bills not acceptable) or Bank / Credit Union statement. The Employment Details Summary from the Revenue Commissioners is also an acceptable document to the GNVB.

As recommended by the National Vetting Bureau, the 100 point personal identification system is utilised, if a person is not in a position to provide one of the above documents outlined above. In such instances the Designated Person shall use the 100 point checklist to ensure that alternative documentation is submitted which total the 100

points. In terms of new entrants recruited through the relevant ETB recruitment system the above documentation will be requested as part of the recruitment process for all ETBs.

## **Application for Vetting Disclosure**

### New entrants

- For new entrants, confirmation of appointment is subject to satisfactory Garda vetting, which must be completed in advance of taking up duty.
- For job applicants recruited through LMETB recruitment process, only those being offered a post following interview, including individuals recommended for a panel, will be requested to complete a Vetting Application Form which will be attached to the email informing the applicant of a provisional job offer as well as details in respect of validating identity.
- Applicants for teaching positions must have current Teaching Council Registration and supply a copy of their Vetting Disclosure as part of the recruitment process in advance of taking up duty.
- Applicants for all other positions will be given the appropriate vetting form by the person who will be responsible for their appointment.

### Existing Staff

- Existing staff will be required to submit to vetting in accordance with LMETB 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 in accordance with relevant circular letters issued by the Department of Further and Higher Education, Research, Innovation and Science (DFHERIS).
- 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 prior to commencement of employment.
- Teaching staff returning from a career break of two years are subject to garda vetting in accordance with relevant circular letters issued by the relevant Department.

## **Application Process e-Vetting**

The same vetting process applies to both new entrants and existing staff.

- Applicants recruited through the ETBs recruitment system, indicating their acceptance of a provisional job offer, must present in person the signed hard copy of the completed Vetting Form, including proof of identity and address as specified above, to school/centre where they are to be employed.

- The relevant CU / LP will validate data, authorise, and input the information from the hard copy form into the e-Vetting system for an invitation to issue to the applicant.
- Applicants will receive a link via the email address supplied to complete the vetting process online.
- This must be completed as soon as possible as the invitation is time sensitive and has an expiry date.
- Potential staff prior to taking up duty must complete the online application process within 10 working days of being sent the invitation. To be fully set up on the ETBs payroll systems this step must be completed. This may vary within each ETB.
- The vetting disclosure document is made available to the LP in electronic format through the system.
- Disclosure documents will be downloaded and saved electronically to the electronic personnel folder.
- LMETB will assess the disclosure in accordance with the guidelines contained under assessment.
- On completion of the assessment a soft or hard copy will be forwarded to the individual with confirmation of the assessment.
- Where required relevant Managers will be advised of the assessment outcome.

### ETB Assessment Process

- All the information disclosed by the Bureau will be considered when assessing the suitability of the person who is the subject of the disclosure to do relevant work or activities.
- New entrants will not be allowed to commence employment until the assessment has been completed. Where satisfactory vetting has not been obtained provisional offer of employment will be withdrawn immediately.
- Existing staff who fail to maintain satisfactory vetting will be subject to disciplinary proceedings and may have their employment terminated.
- Satisfactory vetting will be determined by Louth and Meath 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 applied.

A) No Convictions Recorded - where nil convictions are recorded the offer of employment will be confirmed (subject to all other conditions associated with the offer being met).

B) Criminal Record - a criminal record in relation to a person, means;

I. 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

II. a record of any prosecutions pending against the person, whether within or outside the State, for any criminal offence for example;

➤ *Motoring Offences:* Generally, even when disclosed motoring offences will have no relevance for appointment to post and/or services except where the person is being considered for a post / service that will require them to have hold a clean driving licence. In such circumstances automatic exclusion for appointment to post and/or services will apply

➤ *Minor Public Order Offences:* The following convictions under the Criminal Justice (Public Order) Act 1994

- Section 4 (Intoxication),
- Section 5 (Disorderly conduct),
- Section 6 (Threatening, abusive or insulting behaviour),
- Section 7 (Distribution or display of material which is offensive),

- Section 8 (Failure to comply with direction of Garda),
- Section 9 (Wilful obstruction).

Any disclosure which contains a criminal record, in respect of Minor Public Order Offences will be considered by the Manager in Charge of Vetting and a Director of Services having regard to the post / services for which the person has applied. The decision makers will discuss the potential risk of the offence and may decide to meet with the individual to seek additional information. Once the decision makers are satisfied that they have all relevant information a decision will be made and communicated as to whether an offer of employment will be confirmed (subject to all other conditions associated with the offer being met) or not.

C) 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.

- The Garda Síochána pursuant to an investigation of an offence or pursuant to any other function conferred on the 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;

- 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.

Specified information disclosure will mean automatic exclusion for appointment to post and/or services given the basis in which specified information is imparted by the National Vetting Bureau and that the individual is given a right of appeal to the Chief Bureau Officer.

### **Data Protection**

All information received by Louth and Meath ETB in respect of vetting shall not be used by, or disclosed for any other purpose than assessment of suitability for appointment and / or services.

All records will be kept in accordance with Louth and Meath ETB Data Protection Policy and Records Retention Schedules.

APPENDIX 1 – Clarification of disclosure document content and appeal process regarding Specified Information.

### **Vetting Disclosure Document**

A vetting disclosure document shall in respect of the person who is the subject of the application for vetting disclosure include –

- Particulars of the criminal activity (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 should be disclosed in accordance with the “Act” OR
- State that there is no criminal record or specified information in relation to the person.

### **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.

### **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 –

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

### **Assessment of Specified Information**

The decision to disclose specified information requires the Chief Bureau Officer to believe that the information in question is of such a nature as to give rise to a bona fide concern that the vetting subject may harm attempt to harm or put at risk of harm a child or vulnerable person. The Chief Bureau Officer must also be satisfied that the disclosure is necessary, proportionate and reasonable in the circumstance in order to protect children or vulnerable persons.

The vetting subject shall be informed in writing by the Chief Bureau Officer of his/her intention to disclose specified information and shall furnish him or her with a summary of the specified information. The vetting subject shall also be informed that they may make a written submission in relation to the specified information concerned.

A person who is aggrieved by the determination of the Chief Bureau Officer may, no later than 14 days after the date of notification of the determination is sent to the person, appeal to an Appeal Officer against the determination.

The Appeals Officer may, in determining an appeal –

- Affirm, in whole or part, the determination of the Chief Bureau Officer, Or
- Set aside the determination of the Chief Bureau Officer in whole or part and replace it with such other decision as the Appeals Officer considers appropriate.

An Appeals Officer shall inform the appellant and the Chief Bureau Officer in writing of his/her determination of an appeal and the reasons for it. A party to an appeal may appeal to the High Court on a point of law and such an appeal shall be final and conclusive.

# VETTING FOR ETB LEARNERS

## General

Persons who are considered for courses with Louth and Meath ETB (hereinafter referred to as LMETB), or its Affiliated Organisations, where the course necessitates the student completing work experience where within such a placement, that person will be performing relevant work or activities for the purposes of the Acts, must be vetted in accordance with Louth and Meath ETB Vetting Policy which is underpinned by the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016.

Prior to any student being placed in a placement setting and the commencement of any relevant work or activities for the purposes of the Acts, the student will furnish the placement setting with a copy of the vetting disclosure received by Louth and Meath ETB and made available to the student under the Acts.

## Points of Contact

In accordance with the "Act", Louth and Meath ETB has a number of persons nominated as "Liaison Person" (LP). The purpose of the LP is to have a finite number of people dealing with the vetting process as well as to maintain the integrity of the operations between organisations and the Vetting Bureau. This will reduce unnecessary duplication and provide a cleaner operating system to manage the long-term process.

The "Act" also provides for the establishment of "Clerk Users" (CU) whose purpose is to assist in the administration of the vetting process, to support the Liaison Person, act as point of contact and to validate identity of applicants. Louth and Meath ETB will have a number of Clerk Users identified.

Louth and Meath ETB will also in certain College / Centres have a Designated Contact Person. The purpose of such a role is to assist in the validation of identity process and to ensure appropriate records are kept on file in the College / Centre on behalf of the organisation. There may be more than one Designated Contact Person per location which may include Principal, Deputy Principal, Teacher and/or administration staff.

The Liaison Person, Clerk Users or Designated Contact Person shall validate proof of identity by viewing, copying the original and signing the photocopy confirming that they have had sight of the original. The Person validating the identity will file the photocopy in the centre to be available to the Liaison Person upon request. Where a number of forms are being forwarded by the Designated Contact Person, they will complete a batch form with full details of the forms being forwarded to the Liaison Person.

## Validation Procedure

Validating the identity of a person for vetting is a requirement under the "Act". Such validation will require the person for vetting to submit with their vetting form the following documentation;

- Passport or Driving Licence (new credit card format) and
- Payslip (with home address) or recent utility bill (mobile phones bills not acceptable) or Bank / Credit Union statement. The Employment Details Summary from the Revenue Commissioners is also an acceptable document to the GNVB.

As recommended by the National Vetting Bureau, the 100 point personal identification system is utilised, if a person is not in a position to provide one of the above documents outlined above. In such instances the Designated Contact Person shall use the 100 point checklist to ensure that alternative documentation is submitted which totals the 100 points.

Students are to return completed forms to the Clerk User and/or to a Designated Contact Person in each College in the first instance, who will then liaise with the Liaison Person for Students.

#### Application for Vetting Disclosure

The same vetting process applies to all students.

#### Application Process e-Vetting

- Student is given the Garda Vetting Invitation Form which may be done with the application form for the course or on offer of a placement. The signed hard copy of the completed Vetting Form, including proof of identity as specified above, is to be returned, on the day of registration, in person, to a Clerk User or the Designated Contact Person in the College/Centre where a photocopy of the proof of identity is taken. Alternatively classes may be requested to complete form as a group, the completed form collected by the class teacher and forwarded to the Clerk User or Designated Contact Person.
- The Clerk User or Designated Contact Person will check that all forms are filled in correctly (forms with information missing will be given back to student for completion), all names are put into a batch header form, will on the top right hand corner of the individual vetting form in the section "Your ref" include
  - the name of the College in abbreviated format (capital letters of the full name), the initials of the nominated person and the batch reference (if applicable).
  -
- On completion of the above and verification of the student has been confirmed by the College the Clerk User will process the forms, alternatively the Designated Contact Person will forward forms to the LP for processing.
- The relevant CU / LP will validate data, authorise and input the information from the hard copy form into the e-Vetting system in order for an invitation to issue to the applicant.
- Applicants will receive a link via the email address supplied to complete the vetting process on line.
- This must be completed as soon as possible as the invitation is time sensitive and has an expiry date.
- The vetting disclosure document is made available to the LP in electronic format through the system.
- Disclosure documents will be downloaded and saved electronically to an electronic folder.
- Louth and Meath ETB will assess the disclosure in accordance with the guidelines contained under assessment.
- On completion of the assessment a copy will be forwarded to the individual learner, either as a soft or hard copy.

#### ETB Assessment Process

- All the information disclosed by the Bureau will be considered 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 Louth and Meath 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 applied.

(A) No Convictions Recorded - where nil convictions are recorded there will be no effect on the student's ability to complete their chosen course.

(B) Criminal Record - A criminal record in relation to a person, means –

- i. 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
- ii. A record of any prosecutions pending against the person, whether within or outside the State, for any criminal offence.

- *Motoring Offences*

Generally, even when disclosed motoring offences will have no relevance except where the person is being considered for a post / service that will require them to have hold a clean driving licence. In such circumstances the work experience employer may apply an automatic exclusion for engagement.

- *Minor Public Order Offences*

The following convictions under the Criminal Justice (Public Order) Act 1994

- Section 4 (Intoxication),
- Section 5 (Disorderly conduct),
- Section 6 (Threatening, abusive or insulting behaviour),
- Section 7 (Distribution or display of material which is offensive),
- Section 8 (Failure to comply with direction of Garda),
- Section 9 (Wilful obstruction).

Any disclosure which contains a criminal record, in respect of Minor Public Order Offences will be considered by the Manager in Charge of Vetting and the relevant Principal / Designated Contact Person having regard to the course for which the person has applied. The decision makers will discuss the potential risk of the offence and may decide to meet with the individual to seek additional information. Once the decision makers are satisfied that they have all relevant information a discussion will take place with the student in respect of whether it is possible for the student to obtain work experience or whether the student wishes to transfer to an alternative course.

(C) 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.

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

Specified information disclosure will mean automatic exclusion from a course given the basis in which specified information is imparted by the National Vetting Bureau and that the individual is given a right of appeal to the Chief

Bureau Officer.

### Data Protection

All information received by Louth and Meath ETB in respect of vetting shall not be used by or disclosed for any other purpose than assessment of suitability for appointment and / or services.

All records will be kept in accordance with Louth and Meath ETB Data Protection Policy and Records Retention Schedule.

### Vetting Disclosure Document

A vetting disclosure document shall in respect of the person who is the subject of the application for vetting disclosure include –

- Particulars of the criminal activity (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 should be disclosed in accordance with the “Act” OR
- State that there is no criminal record or specified information in relation to the person.

### 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.

### 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 –

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

### Assessment of Specified Information

The decision to disclose specified information requires the Chief Bureau Office to believe that the information in question is of such a nature as to give rise to a bona fide concern that the vetting subject may harm attempt to harm or put at risk of harm of harm a child or vulnerable person. The Chief Bureau Officer must also be satisfied that the disclosure is necessary, proportionate, and reasonable in the circumstance in order to protect children or vulnerable persons.

The vetting subject shall be informed in writing by the Chief Bureau Officer of his/her intention to disclose specified information and shall furnish him or her with a summary of the specified information. The vetting subject shall also be informed that they may make a written submission in relation to the specified information concerned. A person who is aggrieved by the determination of the Chief Bureau Officer may, no later than 14 days after the date of notification of the determination is sent to the person, appeal to an Appeal Officer against the determination.

The Appeals Officer may, in determining an appeal –

- Affirm, in whole or part, the determination of the Chief Bureau Officer, or
- Set aside the determination of the Chief Bureau Officer in whole or part and replace it with such other decision as the Appeals Officer considers appropriate.

An Appeals Officer shall inform the appellant and the Chief Bureau Officer in writing of his/her determination of an appeal and the reasons for it. A party to an appeal may appeal to the High Court on a point of law and such an appeal shall be final and conclusive.

# VETTING FOR ETB CONTRACTORS

## General

Persons who are considered for employment with Louth and Meath ETB (hereinafter referred to as LMETB) which includes direct employees, volunteers and/or work experience people, or its Affiliated Organisations must be vetted in accordance with Louth and Meath ETB Vetting Policy which is underpinned by the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016.

Any work or activity which is carried out by a person, a necessary and regular part of which consists mainly of the person having access to, or contact with, children or vulnerable persons will require the person to be vetted in accordance with the above Act and in accordance with procedures as prescribed by the National Vetting Bureau.

While the "Act" does not apply to a person who assists on an occasional basis other than where such assistance includes the coaching, mentoring, counselling, teaching or training of children or vulnerable person, the reality is that any person / organisation contracted by either Louth and Meath ETB and/or a Member of Management must have a risk assessment carried out to determine if vetting is required.

Risk assessment must be carried out in advance of obtaining services, however where an emergency arises the risk assessment must be carried out as soon as possible and within 24 hours of obtaining the service. Where the risk of the person / organisation contracted for services having regular access to, or contact with, children or vulnerable adults is rated as medium or high then the contract / service is not engaged or discontinued until such time as vetting is completed.

In certain circumstances where the same individuals and/or contractors are used on a regular basis for work of short duration, such services must be risk assessed and the vetting process will take place.

A risk assessment form is available separately and a copy is to be retained in each College / Centre / location with a copy forwarded to LMETBs Human Resource Department.

## Points of Contact

In accordance with the "Act", Louth and Meath ETB has a number of persons nominated as "Liaison Person" (LP). The purpose of the LP is to have a finite number of people dealing with the vetting process as well as to maintain the integrity of the operations between organisations and the Vetting Bureau. This will reduce unnecessary duplication and provide a cleaner operating system to manage the long-term process.

The "Act" also provides for the establishment of "Clerk Users" (CU) whose purpose is to assist in the administration of the vetting process, to support the Liaison Person, act as point of contact and to validate identity of applicants. Louth and Meath ETB will have a number of Clerk Users identified.

Louth and Meath ETB will also in certain College / Centres have a Designated Contact Person. The purpose of such a role is to assist in the validation of identity process and to ensure appropriate records are kept on file in the College / Centre on behalf of the organisation. There may be more than one Designated Contact Person per location which may include Principal, Deputy Principal and/or administration staff.

The Liaison Person, Clerk Users or a Designated Contact Person shall validate proof of identity by viewing, copying the original and signing the photocopy that they are confirming that they have had sight of the original. The Principal/Manager will then forward the completed vetting form with signed photocopies of proof of identity to the Liaison Person.

### Validation Procedure

Validating the identity of a person for vetting is a requirement under the “Act”. Such validation will require the person for vetting to submit with their vetting form the following documentation;

- Passport or Driving Licence (new credit card format) and
- Payslip (with home address) or recent utility bill (mobile phones bills not acceptable) or Bank / Credit Union statement. The Employment Details Summary from the Revenue Commissioners is also an acceptable document to the GNVB.

As recommended by the National Vetting Bureau, the 100 point personal identification system is utilised, if a person is not in a position to provide one of the above documents outlined above. In such instances the Designated Person shall use the 100 point checklist to ensure that alternative documentation is submitted which total the 100 points (form attached).

### Application for Vetting Disclosure

Once a risk assessment is carried out and it is determined by the Principal / Manager that vetting is required, the person and/or contractor (including sub-contractors and employees of both contractors and subcontractors if relevant) will be given the appropriate forms to engage with the process. It is the responsibility of the Principal / Manager to ensure that all contractors are vetted and that a list of appropriately vetted contractors is maintained in respect of each project and / or ongoing engagement.

### Application Process e-Vetting

- Applicants must present in person the signed hard copy of the completed Vetting Form, including proof of identity as specified above, to the Principal / Manager on site or ETB Manager of the project.
- The Principal / Manager will check that all forms are filled in correctly, photocopy and notarise copies that they have had sight of the original documentation, will on the top right hand corner of the form in the section “Your ref” include the name of the College in abbreviated format (capital letters of the full name) and the batch reference (if applicable) before forwarding to ETB Human Resource Department for processing by the LP. This form will contain the basic information required for the e-Vetting system.
- The relevant CU / LP will validate data, authorise, and input the information from the hard copy form into the e-Vetting system in order for an invitation to issue to the applicant.
- Applicants will receive a link via the email address supplied to complete the vetting process online.
- This must be completed as soon as possible as the invitation is time sensitive and has an expiry date.
- Failure of contractors to ensure that hard copy forms are submitted by all employees and subcontractors within a defined period may result in the offer of contract being withdrawn and the next contractor on the panel will be offered the contract.
- The vetting disclosure document is made available to the LP in electronic format through the system.
- Disclosure documents will be downloaded and saved electronically to an electronic folder. Louth and Meath ETB will assess the disclosure in accordance with the guidelines contained under assessment.
- On completion of the assessment a copy will be forwarded to the individual contractor, either a soft or hard copy.
- Where required relevant ETB Managers will be advised of the assessment outcome.
- Contractors will be informed of the names of their staff allowed on ETB sites, they will not be informed of the content of disclosures.
- It is the responsibility of the Principal / Manager to check on a regular basis that all contractors on site have the appropriate vetting and sanction from Louth and Meath ETB to on site.

### ETB Assessment Process

- All the information disclosed by the Bureau will be considered when assessing the suitability of the

person who is the subject of the disclosure to do relevant work or activities.

- Contractors will not be allowed to commence relevant work or activities on behalf of the organisation until the assessment has been completed. Where satisfactory vetting has not been obtained the contract may be withdrawn immediately from the contractor or the contractor may be advised to submit an alternative person to undertake the contracted work.
- Satisfactory vetting will be determined by Louth and Meath 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 applied;

- (A) No Convictions Recorded - where nil convictions are recorded the offer of employment will be confirmed (subject to all other conditions associated with the offer being met).
- (B) Criminal Record – a criminal record in relation to a person, means –

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

- i. A record of any prosecutions pending against the person, whether within or outside the State, for any criminal offence.

- *Motoring Offences*

Generally, even when disclosed, motoring offences will have no relevance for appointment to post and/or services except where the person is being considered for a post/service that requires them to hold a clean driving licence. In such circumstances, automatic exclusion for appointment to post and/or services will apply.

- *Minor Public Order Offences*

The following convictions under the Criminal Justice (Public Order) Act 1994

- Section 4 (Intoxication),
- Section 5 (Disorderly conduct),
- Section 6 (Threatening, abusive or insulting behaviour),
- Section 7 (Distribution or display of material which offensive),
- Section 8 (Failure to comply with direction of Garda),
- Section 9 (Wilful obstruction).

Any disclosure which contains a criminal record, in respect of Minor Public Order Offences will be considered by the Manager in Charge of Vetting and a Director of Services having regard to the post / services for which the person has applied. The decision makers will discuss the potential risk of the offence and may decide to meet with the individual to seek additional information. Once the decision makers are satisfied that they have all relevant information a decision will be made and communicated as to whether the person is permitted access to an ETB site.

- (C) 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.

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

- 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.

Specified information disclosure will mean automatic exclusion for appointment to post and/or services given the basis in which specified information is imparted by the National Vetting Bureau and that the individual is given a right of appeal to the Chief Bureau Officer.

#### Data Protection

All information received by Louth and Meath ETB in respect of vetting shall not be used by or disclosed for any other purpose than assessment of suitability for appointment and / or services.

All records will be kept in accordance with ETB Data Protection Policy and Records Retention Schedules Contractor's records relating to Vetting will be kept for the period of the contract in respect of specific projects including up to the sign off at the end of the defects period, when the retention (final) payment is made to the contractor or for a period not exceeding 4 years in instances where it is identified that the services are required on a regular basis (i.e. small maintenance works).

#### Vetting Disclosure Document

A vetting disclosure document shall in respect of the person who is the subject of the application for vetting disclosure include –

Particulars of the criminal activity (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 should be disclosed in accordance with the "Act" OR

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

#### Criminal Record

A criminal record in relation to a person, means;

- 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
- A record of any prosecutions pending against the person, whether within or outside the State, for any criminal offence.

#### 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 –

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

#### Assessment of Specified Information

The decision to disclose specified information requires the Chief Bureau Officer to believe that the information in question is of such a nature as to give rise to a bona fide concern that the vetting subject may harm attempt to harm or put at risk of harm of harm a child or vulnerable person. The Chief Bureau Officer must also be satisfied that the disclosure is necessary, proportionate and reasonable in the circumstance in order to protect children or vulnerable persons.

The vetting subject shall be informed in writing by the Chief Bureau Officer of his/her intention to disclose specified information and shall furnish him or her with a summary of the specified information. The vetting subject shall also be informed that they may make a written submission in relation to the specified information concerned.

A person who is aggrieved by the determination of the Chief Bureau Officer may, no later than 14 days after the date of notification of the determination is sent to the person, appeal to an Appeal Officer against the determination.

The Appeals Officer may, in determining an appeal –

- Affirm, in whole or part, the determination of the Chief Bureau Officer, or
- Set aside the determination of the Chief Bureau Officer in whole or part and replace it with such other decision as the Appeals Officer considers appropriate.

An Appeals Officer shall inform the appellant and the Chief Bureau Officer in writing of his/her determination of an appeal and the reasons for it. A party to an appeal may appeal to the High Court on a point of law and such an appeal shall be final and conclusive.

## Information on Overseas Clearance

**Applies to Persons undertaking relevant work or activities who have resided overseas for a period of 6 months or more:**

**Please Note:** The Vetting form which you complete and return at the time of interview only covers addresses in the Republic of Ireland and Northern Ireland.

If you have resided in countries outside of the Republic of Ireland and Northern Ireland for a period of 6 months or more, it will be mandatory for you to furnish the Human Resources Office with a Police Clearance Certificate from those countries stating that you have no convictions recorded against you while residing there. You will need to provide a separate Police Clearance Certificate for each country you have resided in. Clearance must be dated after the date you left the country/countries.

Seeking security clearances from other countries (e.g. UK, USA etc.) are the responsibility of the individual. It is a process which can take a significant amount of time. Therefore, if you are interested in pursuing work or activities within Louth and Meath ETB we would strongly advise that you commence seeking international security clearances now. If you require overseas security clearance and are unable to produce it at the time of work offer then the offer may be withdrawn.

**Note:** Candidates who studied outside of Ireland e.g. in the UK, please pay particular attention to this. You will require UK disclosure to cover the entire period you were in the UK. Clearance must be dated after you left the UK.

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