



BORD OIDEACHAIS AGUS OILIÚNA CHIARRAÍ
KERRY EDUCATION AND TRAINING BOARD

Garda Vetting Student Policy and Procedure

General

Persons who are considered for courses, with Kerry Education & Training Board (hereinafter referred as Kerry ETB), where the course necessitates the student completing work experience where the person will be performing relevant work or activities for the purposes of the Acts or the course is located within a College/Centre/School which also caters for children or vulnerable persons, must be vetted in accordance with the Kerry 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 Kerry ETB and made available to the student under the Acts.

Definitions

What is the definition of a child?

For the purpose of Garda vetting, the definition of a child is a person under the age 18 years.

What is the 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 Structures – Points of Contact

In accordance with the “Act”, Kerry ETB has a number of persons nominated as “Liaison Persons”. This replaces the previous nomenclature of Authorised Person. The purpose of the Liaison Person 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” whose purpose is to assist in the administration of the vetting process, to support the Liaison Person, act as a point of contact and to validate identity of applicants. Kerry ETB will have identified a number of Clerk Users.

Kerry ETB will also in certain College / Centres have a person designated as a Nominated 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/School on behalf of the organisation. There may be more than one Nominated Person per location which may include Principal, Deputy Principal, Teacher and/or administration staff.

The Nominated 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 Nominated 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) or Irish Public Services Card and
- P.60 / P.45 / payslip (with home address) or recent utility bill (mobile phones bills not acceptable) or Bank / Credit Union statement

As recommended by the National Vetting Bureau, the 100 point personal identification system (Appendix 1) is utilised, if a person is not in a position to provide one of the above documents outlined above. In such instances the Nominated Person shall use the 100 point checklist to ensure that alternative documentation is submitted which total the 100 points (form attached).

Students are to return completed forms to the Clerk User and/or to a Nominated Person in each College/Centre/School 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 Invite Form (NVB1) (Appendix 2) which may be done with the application form for the course or on offer of a placement. The signed hard copy of the completed Garda Vetting Invite 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 Nominated Person in the College/Centre/School where a photocopy of the proof of identity is taken.
- Students under 16 years of age cannot be vetted. Any student over 16 but under 18 will also need to complete a parental consent form (NVB3) (Appendix 3) and attach it to the Garda Vetting Invite.
- Alternatively classes may be requested to complete their forms as a group, the completed form collected by the class teacher and forwarded to the Clerk User or Nominated Person.
- The Clerk User or Nominated 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, on the top right hand corner of the individual vetting form in the section “Your ref” include the name of the College/Centre/School in abbreviated format (capital letters of the full name), the initials of the nominated person and the batch reference (if applicable) e.g. KCFE YC)
- On completion of the above and when verification of the student has been confirmed by the Nominated Person/Clerk User in the College/Centre/School the Nominated Person will forward forms to the Liaison Person/Clerk User for processing.
- The relevant Liaison Person/Clerk User will input the information from the hard copy form in to the e-Vetting system in order for an invitation to issue to the applicant.
- Incomplete Garda Vetting Invites will be returned to the Nominated Person/Clerk User to follow up on.
- Students will receive a link via the email address supplied to complete the vetting process on line.
- This process must be completed as soon as possible as the vetting link is time sensitive and has an expiry date. (28 days from date of email).
- The Liaison Person authorises submission once completed by the student.

- The vetting disclosure document (clarification on content in Appendix 3), is made available to the Liaison Person in electronic format through the system.
- Once the National Vetting Bureau have processed the student's application, disclosure documents will be downloaded and saved electronically to an electronic folder.
- Kerry ETB will assess the disclosure in accordance with the guidelines contained under assessment.

On completion of the assessment the National Vetting Bureau will inform the student that the process is completed and Kerry ETB have received the disclosure. Where no conviction has been disclosed a soft copy of the disclosure will be forwarded electronically to the Nominated Person where no conviction has been advised.

- Where a disclosure of a conviction or specified information is advised the student will receive a soft copy of disclosure and be advised that the disclosure will also be copied to the Principal/Adult Education Officer/Area Training Manager with responsibility for the course for which they are registered.

Where required the Principal/Adult Education Officer/Area Training Manager will discuss the outcome with the student regarding their continued participation on the course and/or referral to the appropriate Guidance Services.

Kerry ETB Assessment Process

- All the information disclosed by the Bureau will be considered when assessing the suitability of the student who is the subject of the disclosure.
- Satisfactory vetting will be determined by Kerry 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 –

- 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.

1. *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 hold a clean driving licence. In such circumstances the work experience employer may apply an automatic exclusion for engagement.

2. *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 Principal/Adult Education Officer/Area Training Manager having regard to the course for which the person has applied. The decision maker may discuss the potential risk of the offence disclosed with the Deputy Principal, FET Centre

Manager/Co-ordinator/Assistant Manager and may decide to meet with the individual to seek additional information. Once the decision maker is 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 or Centre. A risk assessment decision will be noted and kept on file for the duration of the course plus 1 academic year.

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

Where the information 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

the individual will be automatically excluded from a course. Given the basis on which specified information is imparted by the National Vetting Bureau the individual is given a right of appeal to the Chief Bureau Officer.

Data Protection

All information received by Kerry ETB in respect of vetting shall not be used, or disclosed for any other purpose than assessment of suitability for course registration.

All records will be kept in accordance with the Kerry ETB Data Protection Policy and the Kerry ETB Records Retention Schedules. For students records relating to Vetting will be kept for the duration of the course plus 1 academic year.

As per Kerry ETB confidentiality statement no individual who receives garda vetting information of a confidential nature shall discuss or disclose such information except in the proper course of their role within the Garda Vetting Student Policy and Procedure. Confidential information may be in any form, e.g. written, electronic, oral, overheard or observed. This restriction shall continue to apply after termination of employment.

Breach of Policy and Procedure

Staff are obliged to familiarise themselves with the foregoing Policy and Procedure. Where a breach of the Policy and Procedures, as set out, is observed, Kerry ETB may consider such breaches a disciplinary issue.

ETB Board Approval Date

The revised Garda Vetting Student Policy and Procedure was formally approved by the Board of Kerry ETB on 26th February, 2018.

Signature: _____

Mr. Colm Mc Evoy
Chief Executive

APPENDIX 4 – 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

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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 –

- vi. harm any child or vulnerable person,
- vii. cause any child or vulnerable person to be harmed,
- viii. put any child or vulnerable person at risk of harm,
- ix. attempt to harm any child or vulnerable person, or
- x. 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 of the National Vetting Bureau 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.