COLÁISTE IOGNÁID S.J.

Bóthar na Mara, Gaillimh, H91 N732

Vetting Policy

1. Introduction

The purpose of this Vetting Policy (hereafter the "Policy") is to support and inform the work of Coláiste lognáid with regard to the application of vetting practices as part of the recruitment process. The National Vetting Bureau (Children and Vulnerable Persons) Act 2012 as amended by the Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016 are the primary legislative sources[1]. The Policy has been framed in compliance with DES Circular Letter 31/2016 and The Child Protection Procedures for Primary and Post Primary Schools 2025. The School's Data Protection Policy governs all processing of personal data associated with the conduct of vetting.

Ensuring the safeguarding of children is of paramount importance for Coláiste lognáid and the vetting of employees and volunteers is an essential part of fulfilling this obligation. This Policy is designed to assist the school with fulfilling its responsibilities and statutory obligations under the relevant legislation and it applies to all school personnel including teaching staff, non-teaching staff, volunteers, students, parents/guardians, contractors and visitors to the School. The Principal will ensure that a copy of this Policy is available to staff, students, parents/guardians and prospective employees/volunteers.

The Joint Managerial Body (JMB) is a registered organisation with the National Vetting Bureau (NVB) and Coláiste lognáid is an affiliate organisation of the JMB for the purposes of vetting. Non-teaching staff and volunteers are vetted through the JMB and registered teachers are vetted through the Teaching Council.

2. Definitions

"Liaison Person"- is the authorised individual within a registered organisation who acts as the link with the National Vetting Bureau (NVB), applying for and receiving sensitive vetting disclosures on behalf of people working with children or vulnerable adults, essentially managing the vetting process for the Registered Organisation.
"Registered Organisation" - (in this case the Teaching Council or Joint Managerial Body - "JMB") is an entity which represents a trade, profession or body, organisation or group or other body of persons that undertakes relevant work or activities, that is officially authorised by the NVB to process vetting applications.
"**Relevant work or activities**" - in the context of a school or centre for education means any work or activity carried out by a person where a necessary and regular part of that work or activity consists mainly of the person having access to, or contact with, children or vulnerable persons.

[1] The School is also cognisant of other legislation which relates to the appointment of personnel, for example Employment Equality Acts 1998 and 2004 (as amended), the Equal Status Act 2000 (as amended), the Industrial Relations Act 1990, the Data Protection Acts 1998 to 2018 and General Data Protection Regulations (GDPR) 2016.

3. Purpose

The National Vetting Bureau (Children and Vulnerable Persons) Act 2012, section 12 requires a school authority to obtain a vetting disclosure from the NVB prior to the employment of, contracting of, permitting or placement of, any person to undertake relevant work or activities with children or vulnerable persons. This applies to all appointments by the school, including full-time, part-time and substitute positions. It also applies to volunteers and other ad hoc positions and persons working in or visiting the school that require Garda vetting pursuant to the legislation.

It is a criminal offence for a school authority to commence the employment of an employee to do relevant work or activities without first obtaining a vetting disclosure from the National Vetting Bureau in respect of that person. A relevant organisation, i.e. the school shall not permit any person to undertake relevant work or activities pending the completion of the vetting process.

The purpose of the Policy, therefore, is to:

- Ensure that the school is a safe and secure environment for children and vulnerable persons.
- 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.
- Ensure that all applicants for vetting are assured that the highest standards of confidentiality are observed.

4. Procedures

The Principal of the School will be designated as the person responsible for the implementation of this Policy and for liaising with the Liaison Person in the Teaching Council or JMB, as appropriate, in relation to vetting. The Principal will be responsible for overseeing the vetting process on behalf of the school in conjunction with the Teaching Council, the JMB and the National Vetting Bureau.

In cases where no statutory vetting obligation exists (see sections 5.3 and 6.4 of Circular 31/2016) the school must consider, having regard to its duty of care to its pupils, whether it should seek an up-to-date vetting disclosure in respect of the person (see section 9 of Circular 31/2016).

5. 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 forms a part of those procedures. The recruitment procedures include:

- Checking references and previous employment history;
- Asking specific questions, concerning child protection, of job applicants;
- See appendix 1

6. Vetting for Categories of Employees / Applicants

General:

- The School, as employer, must confirm to the candidate in writing that their appointment to the role is conditional, in that it is subject to the satisfactory outcome of the vetting process.
- Failure to complete the vetting process will disqualify the candidate and any offer of employment will be revoked in those circumstances.
- The provision of inaccurate information on the vetting application may result in the offer of employment being revoked by the school.
- Failure to disclose a conviction (other than as provided for in section 14A of the National Vetting Bureau (Children and Vulnerable Persons) Act 2012, as amended) may also result in the offer of employment being revoked by the school.
- 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 Protection Policy must be signed by the candidate.

Teaching Personnel:

- Candidates being appointed must be vetted prior to appointment to any teaching position, regardless of the duration of the appointment.
- At the completion of the interview process, when the candidate has been selected, if the candidate is a qualified teacher, they must apply to the Teaching Council to be vetted. 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 share the disclosure with the school principal via the Teaching Council platform using the "Share Vetting Disclosure" function.

  (a) The school will download the vetting disclosure in respect of the teacher and
  (b) 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.

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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 operates.

Non-Teaching Personnel

- Vetting for all non-teaching personnel is carried out through the JMB.

  All prospective school employees must complete a vetting application and submit it to JMB through the school (via the JMB Portal). The JMB, as the Registered Organisation, will then liaise with the NVB to complete the vetting process on the school's behalf.

Student Teachers

- Student teachers must be vetted through JMB, unless there is a prior written agreement between the school and the college. Where there is a prior written agreement, the school must receive written confirmation from the college that the student teacher has been vetted. The school should also require that the student teacher furnishes to the school their disclosure from the NVB to enable the school to determine if the disclosure amounts to satisfactory vetting in terms of this Policy.

Students and Work Experience

- Where a student is participating in work experience which requires that the student be vetted, then vetting must be completed by the school via the JMB.

- Persons under the age of 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 NVB3.

- Where the student is over 18 years of age the vetting can be conducted with his/her written authorisation.

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.

- Safety of students should be discussed with employers before placements begin.

Other Appointees (volunteers, independent contractors, coaches, etc)

- The Principal or other delegated appropriate person will meet with and interview all volunteers, independent contractors, coaches, etc. who may be involved in relevant work or activities in the school from time to time.

- The school will have persons in this category vetted through the JMB prior to their engagement by the school.

- However, it is permissible for two or more organisations to agree in writing that one organisation will have the person vetted, e.g. the school could agree with the GAA that the GAA will have the person vetted. In such a case, the school must receive written confirmation from the other organisation that the person has been vetted and the school should require a copy of the vetting disclosure from the person who has been vetted by the organisation with which the school has entered into a written agreement.

7. Exemptions

The School is not required to obtain a vetting disclosure prior to commencing the contract, permission or placement from the NVB in the following circumstances:

a) in the case of the employment of, or entering into a contract for services with, a person on behalf of the State Examinations Commission (SEC) - locally appointed superintendents of special centres, aural examinations, and practical examinations etc. Such persons should provide a Statutory Declaration and Form of Undertaking.
b) Unpaid volunteers who assist on an occasional basis provided such assistance does not involve the teaching, coaching, mentoring, counselling or training of children or vulnerable persons.

8. Disclosures

The liaison person should provide a hard copy of the disclosure to the vetting subject and should retain a copy of the disclosure on the school file. Where no criminal record or specified information is recorded on the disclosure the vetting outcome is deemed satisfactory.

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 will determine whether a vetting applicant whose disclosure from the NVB 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 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 date 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 conviction).
- the age of the applicant at the time of the offence (offences which are not sexual / violent in nature or are minor drug related offences committed before the age of 18 will be judged in that light)

The principal will meet the applicant in person and in private. 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 before reaching a decision.

The only circumstance in which a disclosure of convictions or prosecutions would be made known to the Board would be where the applicant consents that they be consulted.

9. Implementation

This Policy will be effective from the date of adoption by the Board. The Policy will be made available to candidates for employment, whether paid employees or unpaid volunteers. 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 Policy and accepts 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 disclosures relating to them from the NVB and to have regard to those in determining if the candidate may be appointed to the post.

10. Review

This Policy will be reviewed and evaluated from time to time. Such review and evaluation will take cognisance of information and guidelines issued by relevant bodies (such as the National Vetting Bureau, the Department of Education and Youth and the Joint Managerial Body) as well as feedback received from parents/guardians, students, school personnel and others.

Policy adopted by the Board of Management

Signed: Bernard Kirk
Chairperson, Board of ~~Management~~

Date: 7/09/26

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Schedule of Offences

The following schedule sets out those offences or categories of offence which will automatically disqualify candidates. It also sets out other offences or categories of offence which may disqualify a candidate. 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 date 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.

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Category/Type of Offence	Automatic disqualification from employment	May or may not disqualify	May be acceptable
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 of drugs	
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		

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APPENDIX 1 – Recruitment Process and Child Protection

This school owes a duty of care to its students and therefore the school must satisfy itself, in so far as is reasonably practicable, that no person employed or engaged by the school poses a threat to students. Effective recruitment practices are integral to the School's child safeguarding framework and should include verification of identity, qualifications and employment history. Thorough reference checking with previous employers including specific enquiries regarding suitability to work with children is strongly advised. The Child Protection Procedures for Schools 2025 note that a reference should be sought from the most recent employer and that the intention to obtain references should be made clear in the advertising of any position.

The interview process should assess the candidate's understanding of and commitment to safeguarding obligations and could include the following question:

> Are there any child protection, safeguarding, or other issues that may affect your suitability to work with children or young people, that you wish to bring to the attention of the interview panel?

The school should inform candidates that all responses furnished in respect of the above question will be treated as confidential and will be subject to any reporting obligations which may be imposed on the school. These include any obligations imposed by *"Children First"* (published by the Department of Health), the Child Protection Procedures for Primary and Post-Primary Schools 2025 (published by the Department of Education and Youth) or any legal obligations imposed on the school to facilitate the effective investigation of crime.
A completed **Statutory Declaration** must be provided to the school authority by all persons appointed to teaching and non-teaching positions of any duration unless the person has previously provided the school authority with a statutory declaration which was made during the same or previous calendar year. In addition, a **Form of Undertaking** must be signed by all persons prior to appointment to any teaching or non-teaching position of any duration. The Form of Undertaking and completed Statutory Declaration must be retained by the school authority.

The clause provided below can be inserted into Contracts of Employment and into a letter of appointment in the case of a short-term casual appointment.

> It is a fundamental term of your employment in this school that you agree that you have made a full, and accurate disclosure in reply to questions asked at interview, relating to any child welfare issues. If it transpires, during the course of your future employment, that you have not made such a full and accurate disclosure, the failure to do so will be treated as a fundamental breach of this contract of employment, which may lead to disciplinary action, up to and including dismissal.

These measures operate in addition to, and not in substitution for, statutory vetting requirements. Where a satisfactory vetting outcome has not been achieved by the applicant or volunteer the placement in the school cannot proceed.