



## Monaghan Collegiate School Vetting Policy

Monaghan Collegiate School's Vetting Policy in the context of the school's Mission Statement and of its commitment to the care and protection of its students and of all who work in the school, the Board of Management has adopted the policy set out to govern its application of Garda vetting as part of its recruitment practice. The policy has been formulated in compliance with:

- DES circular letter 31/2016
- The Child Protection Procedures for Primary and Post Primary Schools (DES 2011)
- The National Vetting Bureau (Children and Vulnerable Persons) Act 2012 as amended by the Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016
- Child Protection Procedures for Primary and Post-Primary Schools (DES 2017)
- Children First Act 2015
- DES Circular letter 81/2017
- DES circular letter 63/2010
- 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

### Goals:

- To ensure that the school is a safe and secure environment
- To ensure that vetting of school personnel is carried out to the highest standards of good practice, in compliance with all legal and ethical obligations and in an open, transparent and just manner.
- To ensure that all applicants for vetting are assured that the highest standards of confidentiality are observed.

### The Policy:

The Principal will be designated as the Line Manager and will be responsible for the implementation of this policy. The Principal will conduct the process on behalf of the school in conjunction with the Teaching Council, the Joint Managerial Body (JMB) and with the Garda Central Vetting Unit (GCVU). All personnel, teaching and non-teaching, paid or volunteer, being newly appointed, will be vetted without delay, unless they have been vetted during the current or preceding year, through the Teaching Council or JMB. This includes personnel changing schools.

## Recruitment

Thorough recruitment procedures must always be followed and are an essential element of child protection practice. Vetting does not take the place of recruitment procedures but is to be used as part of those procedures.

- Best practice in checking references and previous employment history is essential.
- Where an appointment must be made before the outcome of vetting is available, the letter of appointment will specify that it is 'subject to satisfactory Garda vetting'.
- A number of questions concerning child protection will be asked of job applicants.
- The school will give job applicants a leaflet setting out its recruitment policies and procedures, with particular reference to its recruitment practice with regard to child protection. This leaflet will alert applicants to the child protection-related questions which they will be asked to answer in writing. (See appendix 1)

## Procedures for all categories:

- Prospective employees must confirm in writing that their appointment is subject to the satisfactory outcome of vetting.
- At the completion of the selection process, when the preferred candidate has been selected, the candidate must complete a Garda Vetting Application Form.
- 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.
- 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:

- Persons being appointed must be vetted prior to appointment to any teaching position, regardless of the duration of the appointment, unless they have been vetted during the same or previous calendar year.
- Where it is necessary to employ a person before they have been vetted, they should be given a letter of appointment 'subject to satisfactory Garda vetting.'
- Teachers returning to school after a leave of absence of 2 or more years must 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 which issues a vetting letter to the

applicant teacher. The Board of Management must be given the original of this letter by the prospective employee and the school will:

- a. Record the fact that it has had sight of the original
- b. Retain a copy for its records
- c. Return the original

IT DOES NOT FOLLOW THAT VETTING DEEMED SATISFACTORY FOR TEACHING COUNCIL PURPOSES WILL, IN ALL CASES, BE SATISFACTORY FOR EMPLOYMENT PURPOSES. IT IS THE BOARD'S VETTING POLICY ONLY THAT WILL DETERMINE THIS.

The Teaching Council's determination as to whether a particular vetting outcome is satisfactory for its purposes is made within the statutory framework within which the Teaching Council works. It is possible that an outcome which meets the Teaching Council's requirements might not be acceptable to the school's Board of Management for employment purposes.

Unqualified Persons Serving as Teachers:

- Unqualified teachers will only be employed as an interim measure where it is not possible to employ a suitably qualified teacher. Such persons must be vetted through JMB prior to commencing employment unless they have been vetted through the JMB during the same or previous calendar year. Where this is the case, the Principal will request a certified copy of the previous vetting outcome from the JMB. A template for this request is on the Child Protection section of the JMB website.
- A JMB Vetting Application Form should be completed, signed and dated by the applicant, counter-signed by the Principal and submitted to the JMB authorised signatory. The letter of appointment must specify 'subject to satisfactory garda vetting.' The JMB will send the outcome of garda vetting to the Principal, together with any disclosure documents. The school authority will retain a copy of this garda vetting outcome for its records and provide the prospective employee with the original.

Non-Teaching Personnel

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

Other Appointees (volunteers, coaches, etc)

- The Principal will meet with and interview all volunteers, coaches, trainers, etc. who may be involved in the delivery of programmes in the school from time to time.
- Vetting must take place unless the person has been vetted in the current or preceding year. → Notwithstanding the above, the Board is entitled to have persons in this category vetted through the JMB prior to their engagement by the school.
- The Board may accept a letter from a sporting organisation confirming that the applicant has been vetted. In such cases, the school authority must view and record that it has viewed this letter. If the school authority has any queries it must contact the headquarters of the relevant sporting or voluntary organisation. The school should check proof of identity.

- Where such documentation is not available or where the Board decides that the nonemployee should be vetted, they will be vetted through the JMB as above.

#### Student Teachers

- Student teachers must be vetted. Such vetting is arranged through the relevant university or training college which will provide the student teacher with the original vetting letter outlining the outcome of vetting. The Principal will obtain this vetting letter, record the fact that he/she has had sight of the original and retain a copy.
- If this has not been done, vetting will be arranged through the JMB.

#### Students and Work Experience

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

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

- Students going on work experience should be well prepared by the school to cope with potentially difficult situations.
- Safety of students should be discussed with employers before placements begin.

#### Disclosures

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

The Principal will meet the applicant in person and in privacy. The applicant will be informed of the nature of the disclosure and will be given an opportunity to respond to it. The Principal is authorised by the board to determine if the outcome of the vetting of a candidate has been satisfactory or not, the determination being made in accordance with this policy. Should the Principal deem it necessary, he/she may consult the Chairperson of the Board of Management before reaching a decision.

The only circumstance in which a disclosure of convictions or prosecutions would be made known to the Board of Management would be where the applicant consents that they be consulted. A copy of the Garda vetting disclosure document will be given to the applicant.

The Eight Rules of Data Protection will be strictly observed by the school. The rules are:

- I. Gather 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
- 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

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. By signing the Garda vetting application form, the job applicant authorises the Principal 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.

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 on February 19<sup>th</sup> 2018

Signed: \_\_\_\_\_

Date \_\_\_\_/\_\_\_\_/\_\_\_\_

Chairperson, Board of Management

## Schedule of Information

The following schedule sets out those offences or categories of offence which will disqualify candidates. It also sets out other offences or categories of offence which may disqualify. In deciding whether a particular conviction renders a candidate unsuitable for appointment, the school will have regard to:

- the nature of the offence and its possible relevance to the post;
- the age of the offence (offences many years in the past may be less relevant than more recent offences);
- the frequency of the offence (a series of offences will give more cause for concern than an isolated minor conviction).
- offences which are not sexual or violent in nature or drug related offences of a minor nature committed before the age of 18 will be judged in the light of the age of the applicant at the time of the offence.
- Where the vetting process discloses pending prosecutions or unsuccessful prosecutions, 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.

<b>Category/Type of Offence</b>	<b>Automatic disqualification from employment</b>	<b>May or may not disqualify</b>	<b>May be acceptable</b>
Homicide	Murder	Manslaughter	
Sexual offences	Rape, Rape under section 4, Unlawful carnal knowledge Aggravated sexual assault Sexual assault Sexual offences (other)		
Assault	False imprisonment Abduction Assault causing harm Non-fatal offences against the person including threats to kill, syringe attacks, endangering traffic	Assault (minor) Assault (other)	
Theft/ Burglary/Robbery	Aggravated burglary	Theft from person Theft (other) Burglary Robbery of establishment/ cash/goods Robbery from person	
Criminal Damage	Arson	Criminal damage	
Drugs Firearms	Possession of drugs for sale or supply	Simple possession	
Firearms	Possession of firearms Discharge of firearm Possession of offensive weapon		
Traffic		Intoxicated driving a vehicle Intoxicated in charge of a vehicle Unauthorised taking of a vehicle Dangerous driving causing death Hit and run (leaving the scene of an accident)	Speeding Dangerous driving Careless driving General road traffic offences Public Order Offences Drunkennes 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 Information Leaflet:

The school thanks you for your interest in applying for the position of ..... in the school. I enclose a standard application form, which I would ask you to complete and return to the school before the stated closing date for applications. This school owes a duty of care to its pupils. The school has a duty to satisfy itself that no person employed by the school poses a threat to pupils or staff. The school must therefore make certain enquiries of all applicants for employment in the school, and these enquiries will include both:

- a. Questions to each applicant at interview (see below) and
- b. Enquiries with previous employer(s), and the Garda Central Vetting Unit.

The questions which you will be asked at interview and also invited to answer in writing may include the following:

- Where have you been residing during the previous five years?
- Were you ever the subject of an inquiry by the HSE concerning a child welfare matter?
- Were you ever the subject of a garda criminal investigation arising from a complaint of child abuse?
- Were you the subject of any allegation of criminal conduct or wrongdoing towards a minor?
- Are you aware of any material circumstance in respect of your own conduct which touched/touches on the welfare of a minor?

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

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

The school undertakes that all responses furnished by you in respect of the above questions will be treated as confidential, subject to any reporting obligations which may be imposed on the school, pursuant to “Children First” published by the Department of Health, the Child Protection Guidelines for Post-Primary Schools published by the Department of Education and Skills or pursuant to any legal obligation imposed on the school to facilitate the effective investigation of crime.



## APPENDIX 2: Recruitment Process and Child Protection

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

Draft Clause to be inserted into Contracts of Employment

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