



**TEMPLE
CARRIG
SCHOOL**

Garda Vetting Policy

Introduction

Temple Carrig School operates a Garda Vetting Policy to fulfil its statutory obligations, but also in the context of the School's Statement of Ethos and its commitment to the care and protection of its students and of all who work in the School. The Board of Management has adopted the policy set out hereunder to govern its application of Garda vetting as part of its recruitment practice.

The policy has been framed in compliance with:

- 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 Principal will be designated as the Line Manager and will be responsible for the implementation of this policy. He will conduct the process on behalf of Temple Carrig 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.

This policy will be reviewed as necessary and particularly to comply with any relevant legislative changes.

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. (See Appendix 1).

All New Staff

- Prospective employees must be informed that their appointment is subject to the satisfactory outcome of vetting.
- On 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 and failure to disclose a conviction will disqualify.
- By signing a 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.
- 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.
- All new staff shall be made aware of the provisions of the Temple Carrig School Child Protection Policy as part of their induction.

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

NOTE: It does not follow that vetting deemed satisfactory for Teaching Council purposes will, in all cases, be satisfactory for employment purposes. It is the Temple Carrig School Board of Management'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 Temple Carrig School 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 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 (through the JMB) must take place unless the person has been vetted in the current or previous 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.

Student Teachers:

- Student teachers must be vetted. Such vetting will be 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 has had sight of the original and retain a copy.

Other Procedures

1. External User Groups

Outside clubs and groups who are involved in activities involving under 18s and seeking the use of Temple Carrig School facilities by lease or otherwise shall provide the Board of Management with a letter confirming that all their personnel have been vetted as a condition of the lease.

2. 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.

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

Disclosures

The Schedule in Appendix 2 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, violent in nature or drug-related 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 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.

Data Protection

The school will strictly observe best practice in terms of Data Protection.

Adopted by the Board of Management:

1st May 2014

APPENDIX 1

Enquiries on Recruitment

Temple Carrig School owes a duty of care to its community and must therefore satisfy itself that no person employed by the School poses a threat to pupils or staff. The Board must therefore make certain enquiries of all applicants for employment in the School, and these enquiries will include both:

- (a) questions to each applicant on the job application form (see below)
- (b) enquiries with previous employer(s), and the Garda Central Vetting Unit.

The questions may include (but are not restricted to) the following:

- Where have you been residing during the previous five years?
- Have you ever been the subject of an inquiry by the HSE concerning a child welfare matter?
- Have you ever been the subject of a Garda criminal investigation arising from a complaint of child abuse?
- Have you ever been 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?
- Have you ever been investigated by the Gardai, HSE or an employer in relation to substantiated complaints made concerning your treatment of children?

It is a fundamental term of employment in Temple Carrig School that candidates make appropriate full disclosure in respect of the questions outlined above. If the school is satisfied, in the future, that an employee has made an incomplete or inaccurate disclosure, they may face disciplinary action, up to and including dismissal.

The school undertakes that all responses furnished by candidates 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

Schedule of Offences

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.

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)	
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		
Firearms	Illegal possession of firearms Illegal discharge of firearm Possession of offensive weapon		
Traffic		Intoxicated driving or 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	
Other Offences	Explosives offences Money laundering Trafficking of illegal immigrants Terrorist offences		

APPENDIX 3

Clause to be inserted into Contracts of Employment

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

It is a fundamental term of your employment in Temple Carrig 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.