



etb

Bord Oideachais agus
Oiliúna Dhún na nGall
*Donegal Education and
Training Board*

Vetting Policy Students

Procedure:	Vetting for ETB Students
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Contents

General	3
Definitions	3
Vetting Structures – Points of Contact	3
Validation Procedure	4
Application for Vetting Disclosure	4
Application Process e-Vetting	4
ETB Assessment Process	5
Data Protection	6
APPENDIX 1 – Clarification of disclosure document content and appeal process regarding Specified Information.	7

General

Persons who are considered for courses with **Donegal ETB** (hereinafter referred as ETB), 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 the 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 the 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 eh activities of daily living including dressing, eating, walking, washing or bathing.

Vetting Structures – Points of Contact

In accordance with the “Act”, the ETB has a number of persons nominated as “Liaison Person” (LP). This replaces the previous nomenclature of Authorised Person. 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. The ETB will have a number of Clerk Users identified.

The 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 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 Liaison Person, Clerk Users or a 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 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).

Students are to return completed forms to the Clerk User and/or to a nominated 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 Application 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 Nominated 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 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, 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 Nominated 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 in to 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 (**clarification on content in Appendix 1**), is made

available to the LP in electronic format through the system.

- Disclosure documents will be downloaded and saved electronically to an electronic folder.
- Donegal ETB will assess the disclosure in accordance with the guidelines contained under assessment.
- On completion of the assessment a soft copy will be forwarded electronically to the individual via the email address supplied to the LP with confirmation of the assessment.

Where required the College Principal (or nominated Officer) will discuss the outcome with the student regarding their continued participation on the course and/or referral to the appropriate Guidance Services.

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 the 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 have 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 Manager in Charge of Vetting and the relevant Principal 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 the 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 Donegal ETB Data Protection Policy and Donegal ETB Records Retention Schedules. For students records relating to Vetting will be kept for the duration of the course (i.e. year of vetting) plus 1 academic year.

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.

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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 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.