



msletb

Bord Oideachais agus Oiliúna
Mhaigh Eo, Shligigh agus Liatroma
Mayo, Sligo and Leitrim
Education and Training Board

Mayo, Sligo and Leitrim Education and Training Board

**GARDA VETTING POLICY & PROCEDURES FOR
MSLETB**

CONTRACTORS

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MAYO, SLIGO AND LEITRIM ETB POLICY NAME:

Garda Vetting Policy & Procedures for MSLETB - Contractors

POLICY CONTROL

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- Human Resources MSLETB.
- Principals.
- Centre Managers.
- Course Co-ordinators.
- Other Designated Personnel.

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GVPPC – V.001 07/2020	03/07/2020	<ul style="list-style-type: none"> • This policy has been placed on the new template consistent with other new MSLETB policy templates. • Previously ‘Contractors’ were incorporated into the ‘Staff’ policy document. KJ requested NOR to create /split the staff policy document to become two separate Garda Vetting MSLETB policy documents. 	NOR
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1. Purpose

Mayo, Sligo and Leitrim Education and Training Board (MSLETB) is committed to practices which safeguard the welfare of students, young people and vulnerable persons. This policy is intended to ensure that comprehensive measures are in place within the organisation to uphold that commitment.

2. Scope

This policy applies to all persons who are considered for employment with Mayo Sligo and Leitrim ETB which includes contractors, or its Affiliated Organisations in respect of all services and activities provided by Mayo, Sligo and Leitrim ETB which involves access to and/or interaction with children or vulnerable persons.

3. Policy Statement

Mayo, Sligo and Leitrim ETB is a relevant organisation under the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016 (hereinafter referred to as the "Act"). Mayo, Sligo and Leitrim ETB also provides vetting services for affiliate organisations.

Any work or activity which is carried out by a person, a necessary and regular part of which consists of the person having access to, or contact with, children or vulnerable persons (see appendix 1 for definitions), will require the person to be vetted in accordance with the above "Act", Mayo, Sligo and Leitrim ETB and National Vetting Bureau procedures.

While the "Act" does not apply to a person who assists on an occasional basis other than where such assistance includes the coaching, mentoring, counselling, teaching or training of children or vulnerable person, the reality is that any person / organisation contracted by either Mayo Sligo & Leitrim Education and Training Board and/or a Member of Management must have a risk assessment carried out to determine if vetting is required.

4. Risk Assessment

Mayo, Sligo and Leitrim ETB will not allow any contractors to undertake relevant work or activities on behalf of the organisation unless the role for which they are being engaged has been risk assessed by the relevant Manager in conjunction with the Liaison Person.

Where the risk is identified, the person will be required to complete the vetting process prior to any engagement. Where vetting is required the individual shall complete the full vetting process prior to taking up duty or delivering services.

Risk assessment must be carried out in advance of obtaining services, however where an emergency arises the risk assessment must be carried out as soon as possible and within 24 hours of obtaining the service. Where the risk of the person/organisation contracted for services having regular access to, or contact with, children or vulnerable adults is rated as medium or high then the contract / service is not engaged or discontinued until such time as vetting is completed.

In certain circumstances where the same individuals and/or contractors are used on a regular basis for work of short duration, such services must be risk assessed and the vetting process will take place.

A risk assessment form is available separately and a copy is to be retained in each school/centre with a copy forwarded to the MSLETB Human Resource (HR) Department.

5. Legal & Regulatory Framework

Vetting applications will be processed in accordance with, inter alia:

- Child Protection procedures
- National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016
- Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016
- Children First Act 2015
- Teaching Council (Amendment) Act 2015
- Data Protection Act 1988 and 2003
- Department of Education and Skills Circular Letter 0031/2016 and subsequent circular letters
- National Vetting Bureau procedures
- Mayo, Sligo and Leitrim ETB procedures

Mayo, Sligo and Leitrim ETB is registered with the National Vetting Bureau. MSLETB reserves the right to initiate a vetting in respect of person considered for employment with MSLETB which includes contractors.

6. Vetting Structures – Points of Contact

In accordance with the “Act”, MSLETB has a number of persons nominated as “Liaison Person” and Vetting Clerks”.

MSLETB will also in certain schools/centres have a person designated as a “Nominated Person”.

The Liaison Person, Vetting Clerks or a Nominated Person shall validate proof of identity by viewing, copying the original and signing the photocopy that they are confirming that they have had sight of the original. The Nominated Person will then forward the completed vetting form with signed photocopies of proof of identity to the Liaison Person.

7. Re-Vetting

All contractors who are vetted must maintain satisfactory vetting throughout their employment/engagement with Mayo, Sligo and Leitrim ETB. Failure to do so may result in termination of employment/engagement. Mayo, Sligo and Leitrim ETB may need to re-vet contractors at any time during their employment, due to requirements under legislation and to ensure best practice (4 years or earlier if necessary/desirable). Any change in contract or additional assignments will require the person in question be re-vetted in full, subject to Section 20 on the National Vetting Bureau (Children and Vulnerable Persons), 2012.

8. Application for Vetting Disclosure

Once a risk assessment is carried out and it is determined by the Principal/Manager that vetting is required, the contractor (including sub-contractors and employees of both contractors and subcontractors if relevant) will be given the appropriate forms to engage with the process. It is the responsibility of the Principal/Manager to ensure that all contractors are vetted and that a list of appropriately vetted contractors is maintained in respect of each project and/or ongoing engagement.

9. Identity Validation Requirements

All applicants are required, under the Act, to provide documents to validate their identity and current address. Documents required are **one from each of the two categories listed below**:

Category 1: Identity (Photo ID)

- Valid Irish driving licence or learner permit (new credit card format)
- Valid Passport (from country of citizenship)

Category 2: Proof of Current Address

- Utility bill (confirming full name and current address) e.g. gas, electricity, television, broadband, Bank/Building Society/Credit Union statement (must be less than 6 months old. Printed online bills are acceptable. Mobile Phone bills are not acceptable.)
- P60, P45 or Payslip within the last year (confirming full name and current address)

Mayo, Sligo and Leitrim ETB utilises the 100 point personal identification system to meet Identity Validation Requirements. In such instances a person is not in a position to provide one of the documents outlined above the Liaison Person/Vetting Clerk shall use the 100 point checklist to ensure that alternative documentation is submitted which total the 100 points.

10. The Vetting Process

Mayo, Sligo and Leitrim ETB is included on the National Vetting Bureau's eVetting system. The process commences with the completion of the manual **Vetting Invitation (NVB1)**.

1. The Vetting Invitation comprises two pages; the invitation and the guidelines for completion of same – both pages must be given to the vetting applicant.
2. The vetting applicant must present in person the signed hard copy of the completed Vetting Invitation (NVB1) to the designated identity verifier i.e. Principal/Manager on site or the ETB manager of the project along with the required items for proof of identity and proof of current address to satisfy the requirements detailed in the 100 Points Checklist.
3. The designated identity verifier at each school/centre must be satisfied with the proof of identity and current address provided by the applicant as per the 100 Points Checklist.
4. The designated identity verifier will check that all forms are filled in correctly, photocopy original identity validation documents, notarise these copies that they have had sight of the original documentation, will on the **top right hand corner of the form in the section "Your ref" include the name of the school/centre in abbreviated format (capital letters of the full name) and the batch reference (if applicable)** before forwarding to MSLETB HR Department for processing by the Liaison Person/Vetting Clerk. This form will contain the basic information required for the eVetting system.
5. The relevant Liaison Person/Vetting Clerk will validate data, authorise and input the information from the hard copy form into the e-Vetting system in order for an invitation to issue to the applicant.
6. Applicants will receive a link via the email address supplied to complete the vetting process on line.
7. This must be completed as soon as possible as the invitation is time sensitive and has an expiry date.
8. Failure of contractors to ensure that hard copy forms are submitted by all employees and subcontractors within a defined period may result in the offer of contract being withdrawn and

the next contractor on the panel will be offered the contract.

9. The vetting disclosure document (**clarification on content in Appendix 1**), is made available to the Liaison Person in electronic format through the system.
10. Disclosure documents will be downloaded and saved electronically to an electronic folder.
11. MSLETB will assess the disclosure in accordance with the guidelines contained under assessment.
12. On completion of the assessment a soft copy will be forwarded via post or where necessary electronically to the individual via the email address supplied to the Liaison Person with confirmation of the assessment.
13. Where required relevant MSLETB Managers will be advised of the assessment outcome.
14. Contractors will be informed of the names of their staff allowed on MSLETB sites, they will not be informed of the content of disclosures.
15. It is the responsibility of the Principal/Manager to check on a regular basis that all contractors on site have the appropriate vetting and sanction from MSLETB to be on site.

11. Vetting Disclosures

The vetting disclosure is received from the National Vetting Bureau. The vetting disclosure may include;

- Particulars of the criminal record (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 in accordance with Section 15 of the “Act” should be disclosed,

Or

- State that there is no criminal record or specified information in relation to the person.

Each person shall be given a copy of their disclosure and a copy retained on file in accordance with the relevant Data Retention Schedule.

12. Assessment of Vetting Disclosures

Mayo, Sligo and Leitrim ETB will take into consideration all the information disclosed to it by the Bureau when assessing the suitability of the person who is the subject of the disclosure to do relevant work or activities.

Contractors will not be allowed to commence relevant work or activities on behalf of the organisation until the assessment has been completed. Where satisfactory vetting has not been obtained the contract may be withdrawn immediately from the contractor or the contractor may be advised to submit an alternative person to undertake the contracted work.

Satisfactory vetting will be determined by Mayo, Sligo and Leitrim 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 considered by Mayo, Sligo and Leitrim ETB in accordance with legislation;

A. 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.

B. 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-

- An Garda Síochána pursuant to an investigation of an offence or pursuant to any other function conferred on An 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.

Subsequent to the contractor obtaining satisfactory vetting, if a Criminal Record is identified thereafter, as a MSLETB **mandatory requirement**, the person should contact the Liaison Person in writing within 14 days outlining:

- a) Particulars of the criminal activity (if any) relating to the person, and
- b) A statement of the specified information (if any) relating to the person which MSLETB has determined should be disclosed in accordance with the "Act". Having assessed this correspondence the Liaison Person will decide, where appropriate, the course of action outlined in point 13 hereafter.

13. Processing the Vetting result – Criminal Record Disclosed

Having assessed the disclosure the Liaison Person will decide, where appropriate, the following course of action:

- The vetting applicant will be requested to meet the Liaison Person and the Chief Executive (CE) /Principal/ Director/Co-ordinator in private to discuss the disclosure.
- The vetting applicant will be given the opportunity to dispute/deny the details of the disclosure.
- If the vetting applicant accepts/agrees the accuracy and details of the disclosure, the vetting applicant is advised that a letter will issue attaching the disclosure.
- If the vetting applicant does not agree with this decision they should follow the steps outlined in point 14 hereafter.

14. Disputing Vetting Disclosure

- If the vetting applicant disputes the disclosure, they must outline the exact basis of their dispute and submit it in writing to the Liaison Person who will in turn bring the dispute to the attention of the National Vetting Bureau for further checks.
- The vetting applicant may not take up duty until the dispute relating to the disclosure has been resolved to the satisfaction of the Liaison Person. The decision of the head of Human Resources will be final in this regard.

15. Appeals

Where a contractor wishes to appeal the decision of the Head of HR/Director of Organisational Support and Development (OSD) in relation to the disclosure, he or she may, not later than 14 days after the date the notification of the determination is sent to the vetting subject, appeal to the Director of OSD, CE or Nominee of the CE against that determination.

The appeal should be made in writing and include a statement of grounds for appeal by the vetting subject.

The decision of the Director of OSD, CE or Nominee of the CE will be final in this regard.

16. Vetting for Transgender Persons

The law requires that you disclose all of your previous names and addresses to the National Vetting Bureau (NVB) so that your application can be correctly processed. The NVB does however have a process whereby you can disclose your previous gender/name to the NVB only and not reveal this data on the vetting application form.

This is known as the 'Sensitive Applications Process'. This process ensures that your information is handled sensitively and securely by the NVB and not revealed to the registered organisation seeking vetting in respect of you.

In order to utilise this process you must contact the NVB's Sensitive Applications Team. This will ensure that your previous gender/name is not released while permitting you to comply with the law. A member of the team will be able to answer all of your questions about completing the application form and will record your details so that we can track your application when it arrives. Once it arrives at the NVB we will monitor your application and check the content of your NVB disclosure before it is issued.

Contact 0504-27300 and look for the Sensitive Applications Team.

17. Confidentiality

The management of vetting disclosures shall be treated in the strictest confidence to the greatest extent consistent with the protection of fair procedures and the legitimate interests of MSLETB and its employees. Any breach of confidentiality by any party may of itself result in disciplinary action.

18. Breaches of this Policy

Under the "Act" it is a criminal offence punishable by a fine of up to €10,000 or a prison term of up to 5 years or both for Mayo, Sligo and Leitrim ETB, to commence the employment or engagement a person to undertake relevant work or activities before MSLETB receives a vetting disclosure from the Bureau in respect of that person. It is not only a criminal offence for MSLETB but also is a criminal offence for the person who allows or requests a person to commence employment and/or deliver services without the vetting process having concluded. In such circumstances the person who allowed

or requested the person to commence employment and/or deliver services without vetting will also be subject to Mayo, Sligo and Leitrim ETB disciplinary procedures on the basis of gross misconduct.

19. Data Protection

All information received by MSLETB in respect of vetting shall not be used by, or disclosed for any other purpose than assessment of suitability for appointment and/or services by contractors or its Affiliated Organisations.

All records will be kept in accordance with MSLETB Data Protection Policy and Records Retention Schedules. Records of the outcome will be kept until such time as the employee has been re-vetted and an updated disclosure received. At such time out of date documents will be securely destroyed. Reference number and date of disclosure will be placed on personnel record.

20. Review

This policy will be reviewed in accordance to changes in legislation, direction as issued by the department of Education and Skills and/or as directed by the National Vetting Bureau.

21. Policy Document Approval

Policy Document approved by:

Signed: Tom Grady.
Tom Grady
MSLETB CE

Date: 23.03'21

Appendix 1

Glossary of Terms

The “Act” – National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016.

Definition of a child – The definition of a child is a person under the age 18 years.

Definition of a Criminal offence - includes an offence under the law of a state other than the State that corresponds to an offence under the law of the State, where the act or omission constituting the offence under the law of the other state would, if committed in the State, constitute an offence under the law of the State

Definition of 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, or (b) a record of any prosecutions pending against the person, whether within or outside the State, for any criminal offence, or both

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 Disclosure – A disclosure is the document received from the National Vetting Bureau in respect of each application which will indicate whether or not there is a criminal record and /or specified information held in respect of the applicant.

Liaison Person – This is the person who is responsible for the vetting process in Mayo, Sligo and Leitrim ETB. Their role is to act as the point of contact between the National Vetting Bureau and Mayo Sligo and Leitrim ETB as well as ensuring all vetting applications are completed and disclosures, where necessary, are assessed and communicated to the individual in a timely manner.

Vetting Clerk – The role of the Vetting Clerk is to act as administrator of the vetting process to support the Liaison Person, act as point of contact and to validate identity of applicants for employment/engagement. The Vetting Clerk will also forward completed disclosures to students/learners/trainees once received from the Liaison Person.

Nominated Person - The role is to assist in the validation of identity process and to ensure appropriate records are kept on file in the school/centre on behalf of the organisation. There may be more than one Nominated Person per location which may include Principal, Deputy Principal and/or administration staff.

Identity Verifier – The role of the Identity Verifier at each school/centre is to assist in the validation of identity process and to ensure appropriate records as necessary are kept on file in the school/centre on behalf of the organisation.

Vetting Co-ordinator – The role of the Vetting Co-ordinator at each school/centre is to complete the eVetting Batch Form and send it to the Vetting Clerk and to liaise with the Liaison Person and the Vetting Clerk as necessary.

References to this document are made from:

[National Vetting Bureau \(Children and Vulnerable Persons\) Act 2012](#)

[National Vetting Bureau An Garda Síochána](#)

END.