



VETTING POLICY

Scope:

This policy applies to all services and activities provided by Cork ETB which involves access and/or interaction with children or vulnerable persons.

Purpose:

Cork ETB 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.

Policy Statement:

Cork ETB is a relevant organisation under the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016 (hereinafter referred to as the “Act”). Cork 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 mainly 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”, Cork ETB procedures in respect of relevant category of engagement and in accordance with procedures as prescribed by the National Vetting Bureau.

Legal & Regulatory Framework:

Vetting applications will be processed in accordance with Data Protection Act 1998/2003, procedures as set out by the National Vetting Bureau, the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016 and Cork ETB Vetting Procedures.

Vetting Procedures for Staff, Volunteers, Contractors & Students:

Cork ETB will not allow any person to undertake relevant work or activities on behalf of the organisation unless the role for which they are being engaged has been risk assessed. All staff employed in the following areas will be required to submit to vetting, including existing staff as the “Act” provides for retrospective vetting;

- Recognised Post Primary Colleges
- Youthreach Centres
- Crèches

The only exception to the above are staff who are employed on a temporary basis to perform functions on behalf of the State Exams Commission

For all other posts or services, including volunteers and contractors, a risk assessment will be undertaken by the relevant Manager. Where the risk is identified as being medium to high the person will be required to complete the vetting process prior to any engagement. The result of the risk assessment will be notified to the Human Resources Department as part of the recruitment process. Where vetting is required the individual will be required to complete the full vetting process prior to taking up duty or delivering services.

All Staff who are vetted must continue to be able to maintain satisfactory vetting throughout their employment with Cork ETB. Failure to do so will result in the termination of employment.

Cork ETB provides courses which will require students to obtain work placements which may entail access to, or contact with, children or vulnerable person. Such courses will be identified in College /Centre Brochures and it will be a requirement of the course for students to undergo vetting and to meet satisfactory vetting in order for them to obtain relevant work placements to complete the course. It is a matter for the work placement employer to decide on whether Cork ETB vetting is satisfactory or whether the student is required to undergo their own vetting process.

Validation of Identity

Validating the identity of a person for vetting is a requirement under the "Act". Such validation will require the individual to submit, in person, with their vetting form the following documentation to either the relevant Clerk User or Liaison Person as prescribed under the vetting procedures;

- 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

Cork ETB utilises the 100 point personal identification system, if a person is not in a position to provide one of the above alternative documentation may be requested.

Vetting Disclosures

A vetting disclosure shall issue in respect of each person who is the subject of a vetting application. The vetting disclosure shall 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.

Assessment of Vetting Disclosures

- Cork 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.

- Satisfactory vetting will be determined by Cork 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 by Cork 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.

1) *Motoring Offences* :

Generally, even when disclosed motoring offences will have no relevance for appointment to post and/or services 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 automatic exclusion for appointment to post and/or services will apply

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, including offences under 1 and 2 above will be considered by the Manager in Charge of Vetting and a Director of Services having regard to the post / services for which the person has applied.

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 –

- 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 for appointment to post and/or services 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.

Overseas Clearance

Vetting by the National Vetting Bureau only covers the addresses in the Republic of Ireland and Northern Ireland. If you have resided in countries outside of the Republic of Ireland and Northern Ireland for a period of 6 months or more, it will be mandatory for you to furnish the Human Resources Office with a Police Clearance Certificate from those countries stating that you have no convictions recorded against you while residing there. You will need to provide a separate Police Clearance Certificate for each country you have resided in. Clearance must be dated after the date you left the country/countries. Seeking security clearances from other countries (e.g. UK, USA etc.) is the responsibility of the individual and must be completed in full prior to taking up duty or delivering services.

Breaches of this Policy:

While an individual is employed / engaged by Cork ETB, under the "Act" it is not only an offence on the organisation but also is a criminal offence on 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 will also be subject to Cork ETB disciplinary procedures on the basis of gross misconduct.

Review:

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

Signed: 

Date: 19th April 2016

Mr. T. Owens
Chief Executive

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 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.

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 Cork ETB. Their role is to act as the point of contact between the National Vetting Bureau and Cork 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.

Clerk User – The role of the Clerk User 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. Clerk Users for Students will also forward completed disclosures to Students once received from the Liaison Person for Students.

Nominated Person – The role of the nominated person 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.