

## **Guidelines on Developing a Garda Vetting Policy**

As a Member/Garda Vetting User of Early Childhood Ireland we act as the Liaison Person between your setting and the National Vetting Bureau.

Every Early Years and School Age Care setting must have a Garda Vetting Policy under their recruitment policy, which outlines the Garda Vetting procedure taken for each new employee, for re-vetting and for dealing with Garda Vetting disclosures.

### **Nominate Garda Vetting Contact Person**

Each setting will nominate a Garda Vetting Contact Person, this can be the owner/manager or authorised person within the setting. The Nominated Garda Vetting Contact is registered under the setting membership/user number with Early Childhood Ireland. It is their role and responsibility to manage the verification and document storage of all Garda Vetting applications submitted by the setting.

### **Dealing with a positive disclosure**

After the appropriate recruitment and interview process has taken place and the setting has submitted the Garda Vetting application, if there is a positive disclosure returned by the National Vetting Bureau the following policy should apply:

### **Appoint a Decision Maker/ Decision Making Committee**

A decision maker/ decision making committee can be a senior member of staff or members of the interview panel.

- The decision maker/decision making committee will assess the suitability of applicants for positions within the setting regarding any Garda Vetting disclosures that may be received in respect of them
- Include some details of your decision-making process. Are there any categories of convictions that would automatically disqualify an applicant from filling a position in the organisation? If so, list them
- If a disclosure does not automatically disqualify the applicant but raises doubts or concerns about the staff member's suitability, it will be considered by the decision maker/makers. The decision on accepting or rejecting an applicant following a positive disclosure will be made by the decision maker/makers taking account of the nature of the disclosure, the circumstances surrounding it (to the extent that they may be known) and an assessment of the risk factors. The details of the disclosure will be verified with the applicant, who may be requested to provide further details relating to the incident(s) pertaining. Where an applicant disputes the accuracy of any detail contained in their Garda vetting disclosure, please contact the liaison person in Early Childhood Ireland.

### **Areas for Consideration after a positive disclosure**

The disclosure needs to be assessed in relation to the applicant's intended role within the setting. The following points will be considered:

- The seriousness or nature of any offence and its relevance to being an employee or volunteer
- The length of time since the offence occurred
- The number and frequency of any convictions
- Any relevant information offered by the applicant about the circumstances, for example influence of domestic or financial difficulties
- The self-disclosure of the conviction/prosecution or pending conviction or prosecution by the applicant
- Whether the offence was a one-off or part of a history of offending
- Whether the applicant's circumstances have changed since the offence took place
- Serious road traffic offences such as drunk driving, dangerous driving, hit and run, no insurance and car theft
- The degree of remorse, and motivation for change, expressed by the individual, if this information is provided
- The references received
- Any other relevant information

Some points the decision maker/ decision making committee may also consider include:

- Does the role involve one-to-one contact with children in an unsupervised position?
- Will the nature of the role provide the applicant with an opportunity to re-offend?

The answers to these questions, and information collected from the references, will allow the decision maker to recommend whether the disclosed information permits the appointment, and if so, the appointment can be made with or without restrictions.

### **Assessing Disclosures**

The decision maker/ decision making committee will assess the information provided by the disclosure process and will make a recommendation on whether the applicant should be appointed. If disclosures have been received, the decision maker/ decision making committee will request in writing that the applicant furnish further information on these disclosures or attend a meeting to discuss these disclosures and the circumstances surrounding them.

The function of this meeting is to gain more information from the applicant for the decision maker/ decision making committee to assess the disclosures. Where such a meeting or written statement is not provided, the decision maker/ decision making committee will

assess the application on the information available to them. The decision maker/ decision making committee will have three options open to them:

**Appointment Approved:** If after reviewing all the available information the decision maker/ decision making committee is confident that the applicant can work within the setting, then the remainder of the recruitment process should be followed in the usual way and the appointment confirmed.

**Restricted Appointment:** After reviewing all the available information, decision maker/ decision making committee may feel that the applicant is suitable to work with the setting but should avoid any areas where there may be an opportunity to re-offend. For example, a person with a recent conviction involving drink driving could be issued with a restricted appointment excluding them from driving children on trips or school collections. If an application for the applicant position is accepted subject to any restrictions, the acceptance and terms of the restrictions should be confirmed in writing to the employee.

**Appointment Denied:** If after reviewing all the available information, the decision maker/ decision making committee may feel that the application should be denied, the applicant should be informed of this in writing.

Throughout the procedure, it is important that the applicant is kept informed and that the information provided is kept confidential to those directly involved in the process. The applicant will then be notified in writing of the final decision made by the decision maker.

**Commitment to Fairness:** All decision makers/ decision making committees must in all cases behave without malice, and in every event must act fairly. They are entitled to reach a decision based on the information before them but may ask the prospective employee for additional information.

### **The Garda Vetting Policy should also include the following:**

#### **The Garda Vetting Process:**

In the job advertisement, it will be stated that successful applicants will be required to conduct e-vetting through Early Childhood Ireland (via the Early Years and/or School Age Care setting) and the National Vetting Bureau of the Garda Síochána. Completed Garda vetting is necessary before any employee starts work in the Early Years and/or School Age Care setting under the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016.

#### **How often employees will be re-vetted:**

In September 2023 Tusla published a regulatory notice which sets the requirement for settings to have a vetting disclosure dated within the previous **three years** for all staff conducting relevant work in Early Years and School Age Care settings.

You can view the Publication of Regulatory Notice of Garda Vetting on Tulsa's website: [regulatory notices page](#).

## Police Clearance Certificate

Garda Vetting processed by the National Vetting Bureau covers addresses in the **Republic of Ireland and Northern Ireland only**

If you employ someone from another country or hire an Irish employee who has lived outside of the Republic of Ireland and Northern Ireland for more than 6 consecutive months, they need to get a certificate from those countries that confirms they have no criminal convictions. This is called a **Police Clearance Certificate**.

- A Police Clearance Certificate is required for **each country** the applicant has resided in
- Clearance **must** be dated after the date the applicant left the country/countries
- Garda Vetting **and** Police Clearance **must** be completed **PRIOR** to the person commencing employment in the childcare service

## How you will retain and store employees Garda vetting data in line with Data Protection Legislation and Tusla:

Record in relation to a Pre-School Service: Regulation 16(2)(a) References, Garda Vetting, Police Vetting. 5 years after the person starts working in the service. Includes current staff and staff who are no longer working in the service.

[https://www.tusla.ie/uploads/content/4566-TUSLA\\_QRF\\_DAY\\_CARE\\_LR.pdf](https://www.tusla.ie/uploads/content/4566-TUSLA_QRF_DAY_CARE_LR.pdf)

This is a guidance document only and does not constitute legal or other professional advice. It is a requirement of the Child Care Act 1991 (Early Years Services) Regulations 2016 that those working as an employee of a setting that is wholly or mainly for children are Garda Vetted. It is good practice that all Early Years and Schools Age Care settings develop their own Garda Vetting Policy for use in their setting.