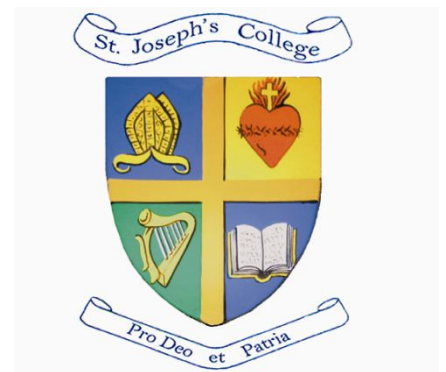


# St. Joseph's Patrician College, Galway.

## 'THE BISH'



## Vetting Policy

Ratification Date: Jan 21<sup>st</sup> 2019

Review Date: Jan 2022

This policy is in keeping with the Child Protection Procedures as adopted by the Board of Management. Teachers are reminded that they are mandated persons and must be familiar with their obligations with reference to the child first: National Guidance for Protection and Welfare of Children 2017 and the Children First Act 2015

St. Joseph's Patrician College, Galway is a voluntary secondary school for male students only. Our Mission is:

“to create a safe learning environment where Catholic values are promoted and where each student is helped to reach his full potential and to qualify for the career of his choice.”

Our Ethos is grounded on the Christian ideal of the dignity of the human person and the requirement of each person to love God and serve others, as expressed in our St. Joseph's Patrician College, Galway motto –‘Pro Deo et Patria’ (‘For God and Country’).

In the context of the St. Joseph's Patrician College, Galway's Mission Statement and of its commitment to the care and protection of its students and of all who work in St. Joseph's Patrician College, Galway, the Board of Management of St. Joseph's Patrician College, Galway 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:

- Circular 0031/2016. Commencement of Statutory Requirements for Garda Vetting.
- Circular 0081/2017 Publication of new “Child Protection Procedures for Primary and Post Primary Schools 2017”
- Children First National Guidance for the Protection and Welfare of Children 2017
- The Data Protection Acts 1988 and 2003 and GDPR 2018.
- Employment Equality Acts 1998 and 2004
- Equal Status Act 2000
- Industrial Relations Act 1990
- The Garda Central Vetting Unit's Code of Practice.
- Circular 0016/2017. Statutory Requirements for the Retrospective Vetting of Teaching Staff, Non-Teaching Staff and Others.
- JMB 9 Step Garda Vetting Process

## Goals:

- To ensure that St. Joseph's Patrician College, Galway is a safe and secure environment
- To ensure that vetting of St. Joseph's Patrician College, Galway 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 Policy:

The Principal will be designated as the Line Manager and will be responsible for the implementation of this policy.

The Principal will conduct the process on behalf of St. Joseph's Patrician College, Galway in conjunction with the Teaching Council, the Joint Managerial Body (JMB) and with the Garda Central Vetting Unit (GCVU).

All personnel, involved in **Teaching, Mentoring, Coaching, Training or Counselling**, either in a paid or voluntary role 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 school.

This policy also applies to host families as part of any St. Joseph's Patrician College, Galway exchange programmes that may happen.

## 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.
- St. Joseph's Patrician College, Galway will give interviewees a leaflet setting out its recruitment policies and procedures, with particular reference to its recruitment practice with regard to child protection. This leaflet will alert interviewees to the child protection-related questions which they will be asked to answer in writing. (See appendix 1)

## Procedures for all categories:

- Prospective employees must confirm in writing that their appointment is subject to the satisfactory outcome of vetting.
- At the 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.
- Failure to disclose a conviction will disqualify.
- 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.
- A statement confirming that he/she has read and understood the St. Joseph's Patrician College, Galway's Child Protection Policy must be signed by the candidate.

#### **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 St. Joseph's Patrician College, Galway 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 St. Joseph's Patrician College, Galway will:

(a) Record the fact that it has had sight of the original

(b) Retain a copy for its records

(c) Return the original

**IT DOES NOT FOLLOW THAT VETTING DEEMED SATISFACTORY FOR TEACHING COUNCIL PURPOSES WILL, IN ALL CASES, BE SATISFACTORY FOR EMPLOYMENT PURPOSES. IT IS THE BOARD'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 St. Joseph's Patrician College, Galway's 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 template for this request is on the Child Protection section of the JMB website.
- 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 Teaching, Mentoring, Coaching, Training or Counselling in St. Joseph's Patrician College, Galway from time to time.
- Vetting must take place unless the person has been vetted in the current or preceding year.
- Notwithstanding the above, the Board is entitled to have persons in this category vetted through the JMB prior to their engagement by the St. Joseph's Patrician College, Galway and the 9 step JMB process must be followed. (Appendix 3)
- The Board may accept a letter from a sporting organisation confirming that the applicant has been vetted. In such cases, the St. Joseph's Patrician College, Galway authority must view and record that it has viewed this letter. If St. Joseph's Patrician College, Galway has any

queries it must contact the headquarters of the relevant sporting or voluntary organisation. St. Joseph's Patrician College, Galway should check proof of identity.

- Where such documentation is not available **or** where the Board decides that the non-employee should be vetted, they will be vetted through the JMB as above.

### **Student Exchange Programmes**

- When organising student exchange programmes, whether for groups or for individual students, St. Joseph's Patrician College, Galway will ensure that host families (adults over 18 years of age in the household) in Ireland and the families who will host the Irish students have been Garda vetted.
- The vetting of the Irish families will be processed through JMB in the normal way. It is open to members of families to decline to be vetted, in which case the Board of Management will have to decide whether to proceed to allow that family participate in the exchange.

### **Student Teachers**

- Student teachers must be vetted. Such vetting is 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/she has had sight of the original and retain a copy.
- If this has not been done, vetting will be arranged through the JMB.

### **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 (NVB 3) available on the JMB website.
- Garda vetting may be conducted in respect of students over 18 years of age on his/her written authorisation where required for an individual participating in work experience.

## **St. Joseph's Patrician College, Galway's Duty of Care to Students going on Work Experience**

- Students going on work experience should be well prepared by the St. Joseph's Patrician College, Galway to cope with potentially difficult situations.
- Safety of students should be discussed with employers before placements begin.

### **Disclosures**

The schedule below 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, St. Joseph's Patrician College, Galway 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.
- 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/she 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.

A copy of the Garda vetting disclosure document will be given to the applicant.

**The Principles of Data Protection** will be strictly observed by St. Joseph's Patrician College, Galway. (Data Protection Acts 1998,2003 and GDPR 2018 )

The rules are:

- I. Gather and process information fairly
- II. Keep it only for one or more specified, explicit and lawful purposes
- III. Use and disclose it only in ways compatible with these purposes
- IV. Keep data safe and secure
- V. Keep data accurate and up-to-date
- VI. Ensure that it is adequate, relevant and not excessive
- VII. Retain it no longer than is necessary for the purpose or purposes
- VIII. Give a copy to the individual, on request

**Implementation:**

This policy will be effective from the date of adoption by the Board of Management. St. Joseph's Patrician College, Galway's Vetting Policy will be made available to candidates for employment, paid or unpaid. It will be included on St. Joseph's Patrician College, Galway's Job Application Form(s), such that the candidate's signature on that form confirms that he/she is aware of St. Joseph's Patrician College, Galway's policy on vetting and accepts St. Joseph's Patrician College, Galway's policy that satisfactory vetting is an essential requirement for appointment to a post in St. Joseph's Patrician College, Galway. By signing the 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.

**Policy Review:**

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

<b>This policy was ratified by the Board of Management:</b>	<b>Date:</b>
<b>Signed:</b>	<b>Signed:</b>
<b>Mr Myles McHugh</b>	<b>.Mr John Madden.</b>
<b>Chairperson of BOM</b>	<b>Secretary of BOM.</b>
Date of next review:	<b>Jan 2022</b>



**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, St. Joseph's Patrician College, Galway 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.
- 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.

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 (minor) Assault (other)	

	<p>Assault causing harm</p> <p>Non-fatal offences against the person including threats to kill, syringe attacks, endangering traffic</p>		
Theft/ Burglary/Robbery	Aggravated burglary	<p>Theft from person</p> <p>Theft (other)</p> <p>Burglary</p> <p>Robbery of establishment/ cash/goods</p> <p>Robbery from person</p>	
Criminal Damage	Arson	Criminal damage	
Drugs	Possession of drugs for sale or supply	Simple possession	
Firearms	<p>Possession of firearms</p> <p>Discharge of firearm</p> <p>Possession of offensive weapon</p>		
Traffic		<p>Intoxicated driving a vehicle Intoxicated in charge of a vehicle</p> <p>Unauthorised taking of a vehicle</p> <p>Dangerous driving causing death</p> <p>Hit and run (leaving the scene of an accident)</p>	<p>Speeding</p> <p>Dangerous driving</p> <p>Careless driving</p> <p>General road traffic offences</p>
Public Order Offences		Drunkenness offences	

Fraud offences		Fraud offences	
Explosives Offences	Explosives offences		
Money laundering	Money laundering		
Trafficking of illegal immigrants	Trafficking of illegal immigrants		
Terrorist Offences	Terrorist offences		

## APPENDIX 1 – Recruitment Process and Child Protection

### Information Leaflet:

St. Joseph’s Patrician College, Galway owes a duty of care to its pupils. St. Joseph’s Patrician College, Galway has a duty to satisfy itself that no person employed by St. Joseph’s Patrician College, Galway poses a threat to pupils or staff. St. Joseph’s Patrician College, Galway must therefore make certain enquiries of all applicants for employment in St. Joseph’s Patrician College, Galway, and these enquiries will include both:

- (a) Questions to each applicant at interview (see below) and
- (b) Enquiries with previous employer(s), and the Garda Central Vetting Unit.

The questions which you will be asked at interview and also invited to answer in writing may include the following:

- Where have you been residing during the previous five years?
- Were you ever the subject of an inquiry by the HSE concerning a child welfare matter?
- Were you ever the subject of a Garda criminal investigation arising from a complaint of child abuse?
- Were you 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?

Please note that it is a fundamental term of your employment that you make appropriate full disclosure in respect of the questions outlined above, and fundamental term will be included in any future contract of employment to this effect.

You should also note that if the St. Joseph’s Patrician College, Galway is satisfied, in the future, that you have made incomplete or inaccurate disclosure, you may face disciplinary action, up to and including dismissal.

The St. Joseph's Patrician College, Galway undertakes that all responses furnished by you in respect of the above questions will be treated as confidential, subject to any reporting obligations which may be imposed on the St. Joseph's Patrician College, Galway, 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 St. Joseph's Patrician College, Galway to facilitate the effective investigation of crime.

## **APPENDIX 2: Recruitment Process and Child Protection**

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

Draft Clause to be inserted into Contracts of Employment

*It is a fundamental term of your employment in St. Joseph's Patrician College, Galway 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.*

## **APPENDIX 3:**

### **JMB 9 Step Vetting Process:**

#### **Garda Vetting Process**

**(Does not apply to registered or registrable teachers who must apply to the Teaching Council to be vetted.)**

**Step 1.** Principal provides applicant with [2](#) for completion.

**Step 2.** Principal confirms applicant's identity by using the [Check of Identity Guide \(100 point system\)](#).

**Step 3.** If applicant is under 18 years of age he/she must also submit [NVB3 form \(Parent Guardian/Consent form\)](#).

**Step 4.** Principal completes [cover letter](#).

**Step 5.** Forms and cover letter are forwarded to JMB.

**Step 6.** The system generates an email to the applicant enabling him/her to complete the process online.

**Step 7.** JMB emails outcome of vetting disclosure to the Principal to the dedicated email address provided to JMB by the Principal for this purpose.

**Step 8.** Principal determines whether the vetting disclosure amounts to satisfactory vetting in the context of the St. Joseph's Patrician College, Galway's vetting policy. Download [vetting policy template](#).

**Step 9.** St. Joseph's Patrician College, Galway are reminded that in addition to being vetted, all new employees are required to provide a [Statutory Declaration](#) and a [Form of Undertaking](#).

See [JMB-related FAQs](#) for further information.