

ddletb



Bord Oideachais agus Oiliúna Dublin and Dún Laoghaire
Átha Cliath agus Dhún Laoghaire Education and Training Board

Vetting for ETB Contractors

Contents

General	3
Definitions	3
Vetting Structures – Points of Contact	4
Validation Procedure	4
Application for Vetting Disclosure	5
Application Process e-Vetting	5
ETB Assessment Process	6
Data Protection	7
APPENDIX 1 – Clarification of disclosure document content and appeal process regarding Specified Information.	8

General

Persons who are considered for employment with Dublin and Dun Laoghaire ETB (hereinafter referred as DDLETB) which includes direct employees, volunteers and/or work experience people, or its Affiliated Organisations must be vetted in accordance with DDLETB Vetting Policy which is underpinned by the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016.

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 will require the person to be vetted in accordance with the above Act and in accordance with procedures as prescribed by the National Vetting Bureau.

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 <<Name of ETB>> and/or a Member of Management must have a risk assessment carried out to determine if vetting is required.

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 College / Centre / location with a copy forwarded to the <<Name of ETB>> Human Resource Department.

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”, DDLETB 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. DDLETB will have a number of Clerk Users identified.

DDLETB 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 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 that they are confirming that they have had sight of the original. The Principal/Manager will then forward the completed vetting form with signed photocopies of proof of identity to the Liaison Person.

Staff who are recruited directly through the CORE e-Recruit system will be vetted as part of the recruitment process.

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).

In terms of new entrants recruited through DDLETB’s e-recruit system, etbvacancies.ie, the above documentation will be requested as part of the recruitment process. The College/Centre Manager will ensure that for new entrants not recruited through the ETB’s e-Recruit are notified that such validation must be presented, with their completed vetting form, in person to the nearest Clerk User/Liaison Person.

Application for Vetting Disclosure

Once a risk assessment is carried out and it is determined by the Principal / Manager that vetting is required, the person and/or 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.

Application Process e-Vetting

- Applicants must present in person the signed hard copy of the completed Vetting Form, including proof of identity as specified above, to the Principal / Manager on site or ETB Manager of the project.
- The Principal / Manager will check that all forms are filled in correctly, photocopy and notarise 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 College in abbreviated format (capital letters of the full name) and the batch reference (if applicable)** before forwarding to ETB Human Resource Department for processing by the LP. This form will contain the basic information required for the e-Vetting system
- 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.
- 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.
- 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.
- <<Name of 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 relevant ETB Managers will be advised of the assessment outcome.
- Contractors will be informed of the names of their staff allowed on ETB sites, they will not be informed of the content of disclosures.
- 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 DDLETB to on site.

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.
- 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 DDLETB 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 the offer of employment will be confirmed (subject to all other conditions associated with the offer being met).

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 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, in respect of Minor Public Order Offences 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. 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 decision will be made and communicated as to whether the person is permitted access to an ETB site.

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 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.

Data Protection

All information received by DDLETB 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 ETB Data Protection Policy and Records Retention Schedules. Contractor's records relating to Vetting will be kept for the period of the contract in respect of specific projects including up to the sign off at the end of the defects period, when the retention (final) payment is made to the contractor or for a period not exceeding 4 years in instances where it is identified that the services are required on a regular basis (i.e. small maintenance works).

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.

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 –

- 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 Office 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.