

Garda Vetting Policy for Employees

Version 1.0

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Policy Owner:	Vice President for People, Culture and EDI

Consultation Details	
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Revision History			
Previous Version No.	Summary of Amendments	Approval date	Reviewed Version No.
N/A	First draft	n/a	0.1
0.1	Reviewed by GB Policy Committee. Subject to minor amendment re. International police vetting (p12), recommended for approval by the Governing Body	14 March 2024	0.1
0.1	Approved by Governing Body	9 April 2024	1.0

Publication Details	
Where	Date
Drive/Public/HR/Policies	
All Staff Email	

Feedback or issues arising on implementation of this policy should be communicated to the policy author.

Policy Management Framework Compliance Review as requested by EMT all draft policies should be reviewed by the Policy Review Group¹ in advance of review by EMT. Please confirm that the policy was reviewed by the policy review group.

Date Policy Reviewed:	24 th July 2023
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¹ Contact susan.green@setu.ie or sarah.morrissey@setu.ie

1. Introduction

South East Technological University (SETU) has a responsibility to ensure that the University provides a safe, secure and professional service for all employees and students. It also endeavours to ensure that Garda Vetting is not only part of its recruitment process but also of a wider process to ensure the protection and safety of all children and vulnerable members of the community. This policy is designed to inform applicants to posts in the University and all employees already employed by the University of the EVetting Application Process and the criteria by which an application is considered. An overview of the eVetting process can be seen in diagram 1.

2. Purpose

The purpose of this policy is to outline the requirements and process for the Garda Vetting of relevant employees in applicable roles in SETU.

3. Scope

SETU will undertake garda vetting on certain positions that undertake certain work or activities relating to children or vulnerable adults. A listing of such roles has been included in Appendix 3. Please note this may be altered in accordance with the National Vetting Bureau requirements. The National Vetting Bureau (Children and Vulnerable Persons) (NVB) Acts 2012 to 2016 provide a legislative basis for the mandatory vetting of persons who are required to undertake certain work or activities relating to children or vulnerable persons or to provide certain services to children or vulnerable persons as outlined in section 5.

4. Principles

4.1 The National Vetting Bureau (Children and Vulnerable Persons) Act 2012-2016 (The Act) provides a legislative framework for the mandatory vetting of persons who are required to undertake certain work or activities relating to children or vulnerable persons or to provide certain services to children or vulnerable persons. The vetting process will be conducted via the University's Human Resources Department, who has appointed Liaison Persons to correspond directly with the NVB. The University will conduct all essential vetting online through the Garda E-Vetting system.

4.2 All recruitment/engagement of employees must be processed through HR to ensure that all employees (in roles where it is essential to be vetted as outlined in appendix 3) are vetted in accordance with this policy. Failure to cooperate with the Garda vetting process

when requested to do so may lead to disciplinary action by the University, up to and including dismissal.

5. Definitions from the Act

Child (Section 2 of the Act)²

Person under the age of 18 years.

Vulnerable Adult (Section 2 of the Act)

Vulnerable Adult is a person, other than a child, who

- (a) is suffering from a disorder of the mind, whether as a result of mental illness or dementia
- (b) has an intellectual disability
- (c) is suffering from a physical impairment, whether as a result of illness or injury or age,
Or
- (d) has a physical disability, which is of such a nature or degree —
 - i. as to restrict the capacity of the person to guard himself or herself against harm by another person,
Or
 - ii. that results in the person requiring assistance with the activities of daily living including dressing, eating, walking, washing or bathing.

² National Vetting Bureau (Children and Vulnerable Persons) Act 2012
<https://www.irishstatutebook.ie/eli/2012/act/47/enacted/en/html>

6. Overview of eVetting Process

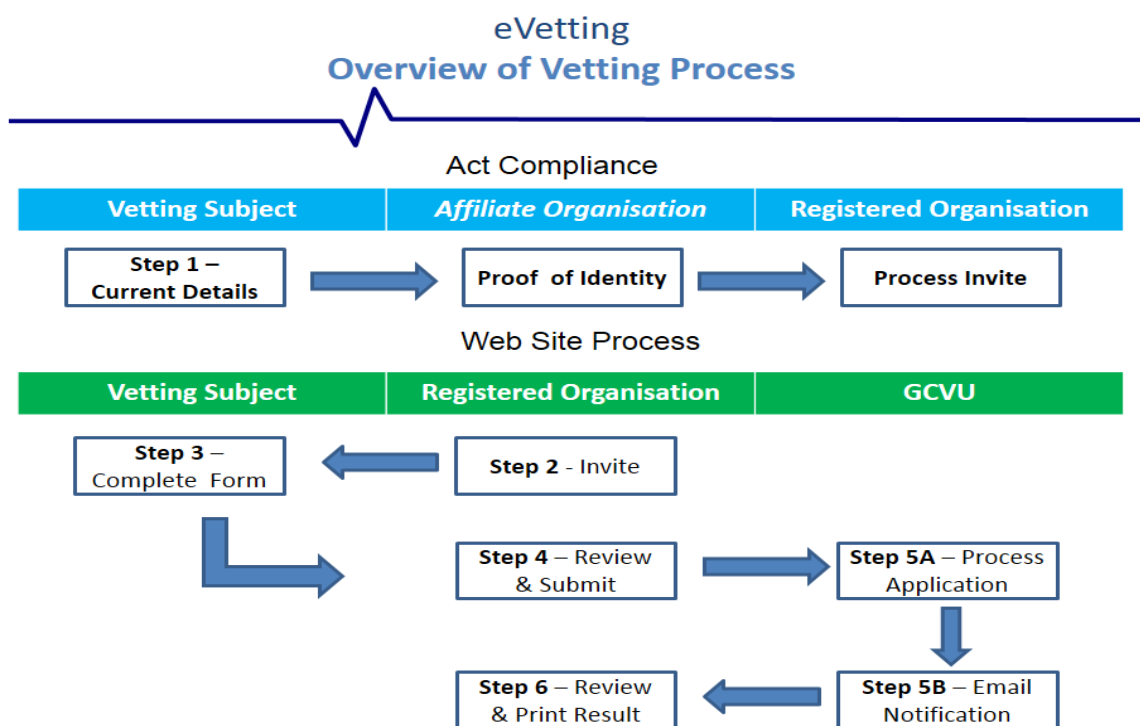


Diagram 1: Overview of eVetting Process
Source: [National Vetting Bureau \(garda.ie\)](http://NationalVettingBureau.garda.ie)

eVetting Steps

Step 1

The candidate/ staff member (hereafter referred to as the vetting subject) manually completes and forwards to the Relevant Organisation a vetting Invitation Form (obtained from the HR Department) and provides proof of identity.

Please Note: By engaging in the Garda Vetting process applicants agree that they have read, understand and comply with the SETU Garda Vetting Policy.

Step 2

The HR Department validates proof of identity and sends the vetting subject an e-mail with a link attached inviting them to complete a Vetting Application Form.

Step 3

The vetting subject completes a Vetting Application Form online and submits it to the HR Department. Applicants can track their application via <https://vetting.garda.ie/Track>.

Step 4

The HR Department reviews the Vetting Application Form and submits it to the National Vetting Bureau.

Step 5

The National Vetting Bureau processes the application and forwards a vetting disclosure to the Liaison Person and the Garda Vetting Administrator in HR Department. SETU reviews the vetting disclosure and a copy is made available to the vetting subject on request. The NVB will issue its disclosure to the Liaison Person detailing:

- i. There is a nil disclosure in relation to the person being vetted. Therefore the Garda vetting has been completed and no further action is required.

Or

- ii. Particulars of any criminal record relating to the person

And

- iii. A statement of the specified information (if any) relating to the person which the Chief Bureau Officer has determined that in accordance with section 15 of the National Vetting Bureau (Children and Vulnerable Persons Act 2012 ³ should be disclosed.

Details of what is contained in a vetting disclosure is included in Appendix 4.

7. Application of Policy

This policy will apply to the following categories of persons (Appendix 3).

- 7.1 Garda Vetting of persons being considered for appointment (new employees)

³ National Vetting Bureau (Children and Vulnerable Persons) Act 2012
<https://www.irishstatutebook.ie/eli/2012/act/47/enacted/en/html>

Effective immediately, all persons who are offered a position by the University, in the roles which have been identified (in Appendix 3), will be subject to Garda vetting by the NVB. This requirement will be highlighted to all prospective employees.

7.2 Garda Vetting of existing employees

Existing employees will undertake garda vetting where they are in positions that undertake certain work or activities relating to children or vulnerable adults. A listing of such roles has been included in Appendix 3.

7.3 Garda Vetting of persons under a contract for service for the provision of relevant work or activities (e.g. a contractor on campus undertaking a project)

The University engages third parties to provide services on its behalf. The University will take steps to ensure that individuals employed by such third parties/agencies, whose roles are deemed to be “high risk” as defined by “The Act” are vetted by those agencies as outlined in the SETU/Third Party Joint Vetting Agreement. It is the responsibility of managers involved in engaging such third parties to ensure that this provision is adhered to. Third parties will be obliged to co-operate with these requirements, including retrospective vetting, and to inform the University of any changes in their employees, particularly those undertaking work/activities in or on behalf of the University.

8. Responsibility of SETU

8.1 The SETU Liaison Persons

The Liaison Persons in SETU are registered with the NVB. It is their role to manage the Garda Vetting process in relation to applicants to new positions and existing employees in SETU. The Liaison Persons are responsible for maintaining the confidentiality of information received from both the individual and the NVB. The Liaison Persons will be assisted in the administration of the eVetting process by an administrator in the HR Department.

8.2 Responsibilities of SETU Employees & Applicants to New Positions

The Garda Vetting Process must be completed where required by SETU employees and applicants to new positions in the University within 5 working days from the initial request. The form must be completed along with proof of identification totalling 100 points as per

appendix 2. Self-disclosure of a criminal record or a pending prosecution within or outside of Ireland (as per section 9) must be detailed from the outset of the Garda Vetting Process.

8.3 Responsibilities of the SETU Garda Vetting Review Panel (SETU GVRP)

The SETU GVRP will be set up to deal with any disclosures of criminal record or pending prosecution and to ensure that the policy is reviewed on a regular basis and is fully compliant. The panel will review cases where it is established that a candidate/employee has a criminal record or criminal proceedings pending and decide on an appropriate course of action.

This SETU GRVP panel will consist of the following:

- Vice President for People, Culture and EDI
- Liaison Persons
- Member(s) of the Executive Management Team

The panel may seek legal advice at their discretion.

8.4 Responsibilities of the SETU Appeal Review Group

Where a Garda Vetting applicant is not satisfied with the decision taken by the SETU GVRP they may, within 5 working days of the date of the decision, make an appeal. Their case will be considered by an Appeal Review Group. The Appeal Review Group will comprise of:

- President or nominee who is not a member of SETU GVRP
- Two Vice Presidents who are not members of the SETU GVRP

The applicant will be informed in writing of the outcome of any appeal. This decision is final and binding.

9. Disclosures

9.1 Where there is a disclosure, the details of the disclosure will be communicated to the person being vetted by the SETU Liaison Persons. The applicant may be requested to provide further details relating to the incident(s) as disclosed to the SETU Liaison Persons.

9.2 The individual being vetted will be given an opportunity to dispute the disclosure to the SETU Liaison Persons if they believe the information on the disclosure letter is inaccurate.

9.3 Dispute Resolution Procedures

In instances where an employee/applicant disputes any detail in a Garda Vetting Disclosure, the following procedure shall be implemented:

- a) The employee/applicant should outline the exact basis of their dispute and submit it in writing to the SETU Liaison Persons.
- b) The SETU Liaison Persons should submit the report received from the Vetting Subject, along with the original Garda Vetting Application Form in respect of them, to the Garda Central Vetting Unit for further checks to be conducted.
- c) If the employee/applicant indicates there were errors or omissions made by them while completing the original application, they should be requested to complete a new application and both the original and new should be submitted together with the request for further checks to be conducted.
- d) If, following the result of further checks, the employee/applicant disputes any details in the Garda Vetting Disclosure issued in respect of them, arrangements will be made for further validation procedures to be undertaken.
- e) At the conclusion of the dispute resolution procedure, decision in respect of the suitability of the employee/applicant for a position with SETU are the responsibility of the SETU Garda Vetting Review Panel (GVRP) (as per Section 8.3) and the Garda Central Vetting Unit will have no input into any such decisions.

If a disclosure has been made by the NVB in relation to an applicant, and the findings are accurate, the applicant may, if they wish, make an appeal to the GVRP in SETU.

If further information is required, the SETU Liaison Persons should make enquiries with the NVB. The vetting subject must be informed and consent to such additional enquiries being made.

The person being vetted may, on request, receive a copy of their processed Garda Vetting application form from the SETU Liaison Persons. It should be clearly indicated on any such copy that it is a copy.

Where a disclosure with a criminal record is made by the NVB, the applicant may be deemed unsuccessful for the position applied for. Disclosure of a criminal record may disqualify the applicant from working in SETU.

Garda Vetting is non-transferable between organisations. Though you may have been previously vetted by another organisation, university or college, **SETU cannot accept vetting letters from another organisation.**

10. Disclosure of Criminal Convictions

10.1 Under Section 26 of the Sex Offenders Act 2001⁴, it is an offence for a convicted sex offender to apply for a position, to enter into a contract of employment or to continue to work in an area, knowing or if they ought to reasonably have known, that a necessary and regular part of that work involves access to, or contact with, children or vulnerable adults without informing their employer of that conviction.

All job roles listed in the attached appendix 3, and persons who are engaged under a contract of services or contract for services to undertake relevant work on behalf of the University, must inform the University of any such conviction.

10.2 The provision of false, inaccurate or misleading information will disqualify applicants from the selection process and for existing employees may result in disciplinary action (up to and including dismissal).

11. Residency Abroad - International Police Vetting

11.1 If the applicant has resided in countries outside of the Republic of Ireland and Northern Ireland for a period of 6 months or more, they will be required to obtain a Police Clearance Certificate from Countries stating that they have no criminal record or any criminal proceedings pending against them while residing there and submit it to the Garda Vetting Unit in the HR Office in SETU. Seeking security clearances from other countries (e.g. UK, USA etc.) are the responsibility of the applicant.

The following websites may be of assistance if required to provide a Police Clearance Certificate:

United Kingdom: www.acro.police.uk/police_certificates.aspx

www.disclosurescotland.co.uk

Australia: www.afp.gov.au/what-we-do/police-checks/national-police-checks

New Zealand: www.justice.govt.nz/services/criminal-records

United States of America: <http://travel.state.gov/content/passports/en/abroad/legal-matters/criminal-record-check.html>

<https://www.fbi.gov/services/cjis/identity-history-summary-checks>

⁴ Sex Offenders Act 2001 <https://www.irishstatutebook.ie/eli/2001/act/18/enacted/en/html>

Other Countries

For other countries not listed above you may find it helpful to contact the relevant embassies who could provide you with information on seeking Police Clearance.

Note: Except for in exceptional circumstances any costs incurred in this process will be borne by the applicant. Should an individual experience any issues, financial or otherwise, with regard to obtaining a Police Clearance Certificate they should contact HR to discuss the matter. Such matters will be dealt with on a case by case basis.

Only original Police Clearance Certificate should be submitted (copies not accepted); along with a certified translation of it in English.

12. Re-vetting

12.1 The HR Department shall re-vet relevant employees after a period of three years from the date of the previous vetting disclosure in respect of that person or sooner in line with NVB guidelines. However, a person may be re-vetted, following return from a leave of absence, or if information concerning their suitability to work with children or vulnerable adults/to undertake their duties in a manner compatible with the role comes to the attention of the University.

13. Retrospective Vetting

13.1 Where the person concerned has not previously been the subject of an application for Garda Vetting, an application will be made in respect of that person where appropriate for the role.

14. Confidentiality and Data Protection

14.1 The rules of the Data Protection Acts 1988, 2003 and 2018 will be observed in respect of any data received following a Garda Vetting request. The rules are as follows:

- Obtain and process the information fairly
- Keep it only for one or more specified and lawful purposes
- Process it only in ways compatible with the purposes for which it was

given initially

- Keep it safe and secure
- Keep it accurate and up-to-date
- Ensure that it is adequate, relevant and not excessive
- Retain it no longer than is necessary for the specified purpose or purposes.
- Give a copy of the personal data gathered to any individual, with respect to themselves on request

All data will be kept securely and only those deemed relevant will have access to the information.

15. Measurement of the effectiveness of this Policy

15.1 The policy will be reviewed formally by the Garda Vetting Panel at least once every 3 years or in line with changes in legislation or changes in processes in the National Vetting Bureau.

16. Queries on this Policy or Guidelines

16.1 Full information on the Act and the vetting process is available on NVB website at <https://vetting.garda.ie>. Queries on this procedure or an individual's vetting application can be made to the Liaison Persons at xxxxx@setu.ie.

17. Compliance

17.1 It is expected that employees of the University will comply with this policy where required. SETU reserves the right to amend and update this policy over time in line with best practice, consultation procedures and any changes in legislation.

18. Related Documents

18.1 The policy should be read in conjunction with other policies on:

- Child Protection Policy

- Guidelines in relation to the National Vetting Bureau (Children and Vulnerable Persons) Act 2012-2016 and the Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016.

19. Useful Links

[Policies page](#)

20. Document Control

Date of next review: The policy will be reviewed formally at least once every 3 years or in line with changes in legislation or changes in processes in the National Vetting Bureau.

21. Policy Author

21.1 The authors of this policy are the SETU Human Resources Department. Any feedback or issues arising on implementation of this policy should be communicated to the policy authors. They are responsible to ensure that the Policy Owner is aware of these comments when reviewing the policy.

22. Appendices

APPENDIX 2: Verification of Applicant's Identity – 100 Point System

Verification of Applicant's Identity

In order to comply with the National Vetting requirements, the Vetting Liaison Persons of the South East Technological University are required to check and confirm the applicant's identity. At least two forms of identification, one of which should be photographic, must be produced to meet this requirement. Applicants are required to reach 100 points on the Verification of Identity points scale.

National Vetting - Verification of Identity Check List		
Documents provided must total 100 points minimum		
Identification	Score	Tick
Irish driving licence or learner permit (new credit card format)	80	
Irish Public Services Card	80	
Passport (from country of citizenship)	70	
Irish certificate of naturalisation	50	
Birth certificate	50	
Garda National Immigration Bureau (GNIB) card	50	
National Identity Card for EU/EEA/Swiss citizens	50	
Irish driving license or learner permit (old paper format)	40	
Employment ID		
<ul style="list-style-type: none"> • ID card issued by employer (with name and address) 	35	
<ul style="list-style-type: none"> • ID card issued by employer (name only) 	25	
Letter from employer (within last two years)		
<ul style="list-style-type: none"> • Confirming name and address 	35	
P60, P45 or Payslip (with home address)	35	
Utility bill e.g. gas, electricity, television, broadband (must not be less than 6 months old. Printed online bills are acceptable. Mobile phone bills are not acceptable)	35	
Public services card/social services card/medical card	25	
<ul style="list-style-type: none"> • With photograph 	40	
Bank/Building Society/Credit Union statement	35	
Credit/debit cards/passbooks (only one per institution)	25	
National age card (issued by An Garda Siochana)	25	
Membership card		
<ul style="list-style-type: none"> • Club, union or trade, professional bodies 	25	
<ul style="list-style-type: none"> • Educational institution 	25	
Correspondence		
<ul style="list-style-type: none"> • From an educational institution/SUSI/CAO 	20	
<ul style="list-style-type: none"> • From an insurance company regarding an active policy 	20	
<ul style="list-style-type: none"> • From a bank/credit union or government body or state agency 	20	
TOTAL		

APPENDIX 3: Identification of Job Roles for Vetting

This is a guide and subject to review in line with NVB processes.

Job Title	Vetting not required	Vetting required	Rationale for Vetting	No vetting required
Academic Tutor	x			Incidental
Access Officer		x	One to one meetings with vulnerable students	
Administrator Grade 3 - 7	x		Possibly dependent upon specific circumstances or role	Incidental
Assistant Buildings Officer	x			Incidental
Assistant/Lecturers	x		Possibly dependent upon specific circumstances or role	Incidental
Attendant/Cleaner	x			Incidental
Canteen Staff/Manager	x			Incidental
Careers officer		x	One to one meetings with vulnerable students	
Caretaker	x			Incidental
Catering Staff	x			Incidental
Chaplain		x	One to one meetings with vulnerable students	
Cleaning supervisor	x			Incidental
Coach		x	Possibly dependent upon specific circumstances or role	
Counsellor		x	One to one meetings with vulnerable students	
Dean of Faculty	x			Incidental
Disability Officer		x	One to one meetings with vulnerable students	
Education Support Worker		x	One to one meetings with vulnerable students	
Electrical/Plumbing Maintenance Staff	x			Incidental
Engineer	x			Incidental
Estates Manager	x			Incidental
Events Staff		x	Parties/kids Club etc. Dealing with minors	
Executive Mgt Grades	x			Incidental
External Examiner	x			Incidental
Fellow	x			Incidental
Fitness Instructor/Gym Staff	x			Incidental
Guest Lecturer	x			Incidental
Head of Department	x			Incidental
Music School Academic and PMSS staff		x	Dealing with minors	
Interview Board Member	x			Incidental
Invigilators	x			Incidental
Library Staff	x			Incidental

Nurse		x	One to one meetings with vulnerable students	
Personal Assistant		x	One to one meetings with vulnerable students	
Post Doctorate/Postgraduate Staff	x			Incidental
President	x			Incidental
Registered Advanced Nurse Practitioner		x	One to one meetings with vulnerable students	
Registrar	x			Incidental
Retention Officer	x			Incidental
Research Staff	x		Possibly dependent upon specific circumstances or role	Incidental
Scribe		x	One to one meetings with vulnerable students	
Snr Mgt Grades	x			Incidental
Sports Officer	x			Incidental
School Liaison Officer & Marketing Staff		x	Contact with minors	
Summer Camp Staff		x	Contact with minors	
Technical Staff	x			Incidental
Trades staff	x			Incidental
Tutor/Demonstrator		x	One to one meetings with vulnerable students	
Webmaster	x			Incidental
Work Experience	x			Incidental

The above list identifies if Garda vetting is required, however, the university reserves the right to request an employee/ candidate to undertake Garda vetting dependent upon the specifics of the role and responsibilities of the post.

APPENDIX 4: What is contained in a vetting disclosure?

<https://vetting.garda.ie/Help/FAQ>