



# ALEXANDRA COLLEGE DUBLIN

## Alexandra College Vetting Policy

### 1. Introductory Statement and Rationale:

In the context of the school's Mission Statement and of its commitment to the care and protection of its students and of all who work in the school, the Board of Management has adopted this policy to govern its application of Garda vetting as part of its recruitment practice.

The policy has been framed in compliance with:

- DES circular letter 31/2016
- Child First National Guidance for the Protection and Welfare of Children 2017
- The Child Protection Procedures for Primary and Post-Primary Schools
- The Data Protection Acts
- Employment Equality Acts 1998 and 2004
- Equal Status Act 2000
- The National Vetting Bureau (Children and Vulnerable Persons) Act 2012 as amended by the Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016

### 2. Relationship to the Characteristic Spirit of Alexandra College

This policy aligns with and reflects our mission, ethos, educational philosophy and our values.

#### *Our Mission*

We are committed to creating and maintaining an inclusive learning environment in which every girl is enabled to know her worth, see the worth of others, and to live each school day well, for her good and for the common good.

It is our hope that every student leaves this College equipped to continue her lifelong learning process joyfully, to carve her own path, to make and sustain relationships, and to make her particular positive contribution to society.

Achievement of our mission requires the full support, engagement and day to day commitment of the whole school community.

## Our Educational Philosophy

We believe that:

- learning is questioning, exploring, understanding and sharing
- learning is a challenging and enjoyable lifelong process
- teaching should stimulate, encourage and excite the students
- students benefit from a safe environment in which they can stretch, experiment and discover their potential

We reflect consistently on how we educate and learn so that we facilitate and inspire engaged learners and citizens.

## Our Values

Our core values are a daily commitment to a way of being in the world. Together, they provide a framework to help us to think clearly, behave positively, reach sound decisions, be well, and contribute to the development and wellness of others. We are committed to:

- Independent Thinking
- Respect
- Responsibility
- Diversity

### 3. Purpose of the Policy

The purpose of this policy is to:

1. guide and involve the whole school community and promote partnership
2. ensure that the school is a safe and secure environment.
3. ensure that vetting of school 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.
4. ensure that all applicants for vetting are assured that the highest standards of confidentiality are observed.

### 4. The Policy

- a. The Principal will be designated as the contact person and will be responsible for the implementation of this policy and the liaison person with the JMB.
- b. The Principal will conduct the process on behalf of the school in conjunction with the Teaching Council, the Joint Managerial Body (JMB) and with the National Vetting Bureau.
- c. Alexandra College made applications for statutory vetting for all those who were employed, contracted, permitted or placed by the school to

undertake relevant work or activities with children prior to 29 April 2016, and who had never previously been vetted.

## 5. Recruitment

- a. Alexandra College will obtain a vetting disclosure from the Bureau prior to the employment, contract, permission or placement of a person to undertake relevant work or activities with children. This applies in respect of all types of appointment of any duration including full time, part time and substitute positions.
- b. The school is not required to obtain a vetting disclosure before commencing an employment, contract or placement:
  - i. in the case of recurring substitute or recurring casual employment where –
    - the person was previously employed as a substitute or casual employee by Alexandra College prior to 29 April 2016;
    - a substitute teacher who is on the school's list of substitute teachers and the school has previously received a copy of the Teaching Council vetting letter in respect of that person prior to 29 April 2016;
    - the person's initial employment with the school as a substitute or casual employee occurred after 29 April 2016 and a vetting disclosure from the Bureau was received by the school authority in respect of that initial substitute or casual employment.
  - ii. in the case of the employment of, or entering into a contract for services with, a person on behalf of the State Examinations Commission (SEC), for the purposes of the performance by the person on a temporary basis of any functions in respect of the conduct and delivery of the State examinations.
  - iii. in the case of unpaid volunteers who assist the school on an occasional basis provided such assistance does not involve the coaching, mentoring, counselling, teaching or training of children or
  - iv. in the case of casual or part-time, recurring but non-continuous relevant work or activities where the initial contract, permission or placement was entered into prior to 29 April 2016 or where the initial contract, permission or placement occurred after 29 April 2016 and the school authority received a vetting disclosure from the Bureau in respect of that initial contract, permission or placement with the school authority.

- c. Alexandra College acknowledges the wider duty of care considerations that the school must take into account as part of the recruitment process for employees.
- d. Thorough recruitment procedures including the checking of references and any gaps in career history, will be followed and are seen as 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.
- e. 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'.
- f. A number of questions concerning child protection will be asked of job applicants.
- g. The school will give job applicants details of its recruitment policies and procedures, with particular reference to its recruitment practice with regard to child protection and will alert applicants to the child protection-related questions which they will be asked to answer in writing (See Appendix A).

## **6. Procedures for all categories**

- a. Prospective employees must confirm in writing that their appointment is subject to the satisfactory outcome of vetting.
- b. At the completion of the selection process, when the preferred candidate has been selected, the candidate must complete a Garda Vetting Application Form.
- c. Failure to complete the Garda Vetting Application Form will disqualify the candidate and no offer of employment will be made to him or her.
- d. The provision of inaccurate information on the Garda Vetting Application Form, such as an inaccurate date of birth or address, may disqualify.
- e. Failure to disclose a conviction will disqualify.
- f. A Statutory Declaration and a Form of Undertaking must be signed by all those appointed to teaching and non-teaching posts of any duration.
- g. Where a person changes employment from one school to another the Statutory Declaration is valid if made in the same or previous calendar year.
- h. A statement confirming that he/she has read and understood the school's Child Protection Statement must be signed by the candidate.

## **7. Teaching Personnel**

- a. 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.
- b. Teachers returning to school after a leave of absence of 2 or more years must be vetted.
- c. 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 teacher must let the Board of Management access the vetting disclosure and the school will:
  - i. Download the vetting disclosure
  - ii. Retain a copy for its records.
- d. It does not follow that vetting deemed satisfactory for teaching council purposes will, in all cases, be satisfactory for employment purposes. Only the Board's vetting policy will determine this.
- e. 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 the school's Board of Management for employment purposes.

#### **8. Unqualified Persons Serving as Teachers:**

- a. 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.
- b. 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.
- c. The school authority will retain a copy of this Garda vetting outcome for its records and provide the prospective employee with the original.

#### **9. Non-Teaching Personnel**

Vetting for all non-teaching personnel is carried out through JMB as above.

#### **10. Other Appointees (volunteers, coaches, etc)**

- a. The Principal will meet with and interview all volunteers, coaches, trainers, etc. who may be involved in the delivery of programmes in the school from time to time.

- b. Vetting must take place unless the person has been vetted in the current or preceding year.
- c. Notwithstanding the above, the Board is entitled to have persons in this category vetted through the JMB prior to their engagement by the school.
- d. The Board may accept a letter from a sporting organisation confirming that the applicant has been vetted. In such cases, the school authority must view and record that it has viewed the vetting disclosure. If the school authority has any queries it must contact the headquarters of the relevant sporting or voluntary organisation.
- e. The school should check proof of identity. Where such documentation is not available or where the Board decides that the nonemployee should be vetted, they will be vetted through the JMB as above.

### **11. 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 disclosure outlining the outcome of vetting. The Principal will obtain this vetting disclosure, record the fact that she has had sight of the original and retain a copy. If this has not been done, vetting will be arranged through the JMB.

### **12. Students and Work Experience**

- a. 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.
- b. Persons not yet 16 years old cannot be vetted.
- c. 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 available on the JMB website.
- d. 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.

### **13. The School's Duty of Care to Students going on Work Experience**

- a. Students going on work experience should be well prepared by the school to cope with potentially difficult situations.
- b. The safety of students should be discussed with employers before placements begin.

### **14. Confidentiality**

Confidentiality is absolutely essential in the processing of vetting applications. The school will manage all data in accordance with the Data Protection Acts.

## 15. Disclosures

- a. The attached schedule 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.
- b. Disclosure from the Vetting Bureau may also include “specified information”. “Specified information” or “soft information” in relation to a person who is the subject of an application for a vetting disclosure means information other than criminal convictions held by An Garda Síochána that leads to a bona-fide belief that a person poses a threat to children.
- c. In deciding whether a particular conviction or soft information renders a candidate unsuitable for appointment, the school will have regard to:
  - i. the nature of the offence and its possible relevance to the post;
  - ii. the age of the offence (offences many years in the past may be less relevant than more recent offences);
  - iii. 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;
  - iv. the frequency of the offence (a series of offences will give more cause for concern than an isolated minor conviction);
- d. If 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.
- e. 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.
- f. The Principal is authorised by the Board of Management 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, she may consult the Chairperson of the Board of Management before reaching a decision.
- g. 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 the Board be consulted.
- h. A copy of the vetting disclosure document will be given to the applicant.
- i. The Rules of Data Protection will be strictly observed by the school.
  - 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

## **16. Implementation**

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

## **17. Policy Review**

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

## **Schedule 1**

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.

## APPENDIX A – Information Leaflet to be sent with application form:

Alexandra College thanks you for your interest in applying for the position of ..... in the school. I enclose a standard application form which I would ask you to complete and return to the school before the stated closing date for applications. This school owes a duty of care to its pupils. The school has a duty to satisfy itself that no person employed by the school poses a threat to pupils or staff. The school must therefore make certain enquiries of all applicants for employment in the school, and these enquiries will include both:

- (a) Questions to each applicant at interview, if you are invited to interview (see below) and
- (b) Enquiries with previous employer(s), and the Vetting Bureau.

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 Tusla/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 a fundamental term will be included in any future contract of employment to this effect.

You should also note that if the school is satisfied, in the future, that you have made incomplete or inaccurate disclosure, you may face disciplinary action, up to and including dismissal.

The school 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 school, pursuant to “Children First” published by the Department of Health, the Child Protection Procedures for Primary and Post-Primary Schools published by the Department of Education and Skills or pursuant to any legal obligation imposed on the school to facilitate the effective investigation of crime.

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

Draft Clause to be inserted into Contracts of Employment

It is a fundamental term of your employment in Alexandra College 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.