

Kilkenny and Carlow Education and Training Board

Vetting for KCETB Students

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kcetb

Bord Oideachais agus Oiliúna
Chill Chainnigh agus Cheatharlach
*Kilkenny and Carlow
Education and Training Board*

Kilkenny and Carlow ETB Student Vetting Policy

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Scope:

This policy is applicable to persons who are considered for courses with Kilkenny and Carlow ETB or its Affiliated Organisations, where the course necessitates the student completing work experience.

General

Persons who are considered for courses with Kilkenny and Carlow ETB (hereinafter referred as ETB), or its Affiliated Organisations, where the course necessitates the student completing work experience where within such a placement, that person will be performing relevant work or activities for the purposes of the Acts, must be vetted in accordance with the KCETB Vetting Policy which is underpinned by the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016.

Prior to any student being placed in a placement setting and the commencement of any relevant work or activities for the purposes of the Acts, the student will furnish the placement setting with a copy of the vetting disclosure received by KCETB and made available to the student under the Acts.

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

KCETB 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, Teacher and/or administration staff.

The Liaison Person, Clerk Users or a Nominated Person shall validate proof of identity and proof of current address by viewing, copying the original and signing the photocopy confirming that they have had sight of the original.

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
- Payslip or recent utility bill (mobile phones bills not acceptable) or Bank / Credit Union statement (with current home address dated within the past 6 months)

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 (**see Appendix 2**).

Students are to return completed forms to the Clerk User and/or to a nominated person in each College in the first instance, who will then liaise with the Liaison Person for Students.

Application Process e-Vetting

- Student is given the Vetting Invitation Form (NVB1) which may be done with the application form for the course or on offer of a placement. The signed hard copy of the completed Vetting Form, including proof of identity as specified above and proof of current address, is to be returned, on the day of registration, in person, to a Clerk User or the Nominated Person in the College/Centre where a photocopy of the proof of identity and proof of current address is taken.
- Alternatively, classes may be requested to complete form as a group, the completed form collected by the class teacher and forwarded to the Clerk User or Nominated Person.
- The Clerk User or Nominated Person will check that all forms are filled in correctly and complete the 100 point checklist accordingly (forms with information missing will be given back to student for completion).
- On completion of the above the Clerk User or the Nominated Person will forward vetting forms, copy of proof of identity, copy of proof or current address and the signed 100 point checklist to the LP in KCETB Human Resources Department for processing.
- 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.
- 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.
- KCETB will assess the disclosure in accordance with the guidelines contained under assessment.
- On completion of the assessment a hard copy will be forwarded by post to the Nominated Person in the relevant School/ Centre.

Where required the College Principal / Head of Centre (or nominated Officer) will discuss the outcome with the student regarding their continued participation on the course and/or referral to the appropriate Guidance Services.

KCETB 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.
- Satisfactory vetting will be determined by KCETB 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 there will be no effect on the student's ability to complete their chosen course.

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 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 the work experience employer may apply an automatic exclusion for engagement.

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 the relevant Principal or Head of Centre having regard to the course 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 discussion will take place with the student in respect of whether it is possible for the student to obtain work experience or whether the student wishes to transfer to an alternative course.

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 –

1. harm any child or vulnerable person,
2. cause any child or vulnerable person to be harmed,
3. put any child or vulnerable person at risk of harm,
4. attempt to harm any child or vulnerable person, or
5. Incite another person to harm any child or vulnerable person.

Specified information disclosure will mean automatic exclusion from a course 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 KCETB 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 KCETB Data Protection Policy and KCETB Records Retention Schedules.

For students records relating to Vetting will be kept for the duration of the course (i.e. year of vetting) plus 1 academic year.

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.

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1. harm any child or vulnerable person,
2. cause any child or vulnerable person to be harmed,
3. put any child or vulnerable person at risk of harm,
4. attempt to harm any child or vulnerable person, or
5. 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.

APPENDIX 2 – 100 Points Checklist

The 100 Points Checklist

Kilkenny and Carlow ETB utilises the 100 point personal identification system to meet Identity Validation Requirements. All applicants are required, under the Act, to provide documents to validate their identity and current address. The combined score must be 100 or greater. **Each applicant must provide at least one document in each of the two categories listed.**

Name of Applicant:		Date of Birth:	
Name of School/Centre currently attending:			
STAFF: Role being vetted for (e.g. teacher, caretaker, etc.):			
STUDENT/TRAINEE – Name of Course being attended			
Category 1: Identification - Photo ID (at least one of the following required)		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 with photo		50	
Birth Certificate		50	
Garda National Immigration Bureau (GNIB) card		50	
National Identity Card for EU/EEA/Swiss citizens		50	
Irish driving licence or learner permit (old paper format)		40	
Employment ID			
ID card issued by employer (with name and address)		35	
ID card issued by employer (name only)		25	
Category 2: Proof of Current Address (at least one of the following required)			
Letter from Employer (within last two years) 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	
With Photo		40	
Bank/Building Society/Credit Union Statement		35	
Credit/Debit cards/passbooks (only one per institution)		25	
National Age Card (issued by An Garda Síochána)		25	
Membership Card			
Club, Union or Trade, Professional Bodies		25	
Education Institution		25	
Correspondence			
From an educational institution/SUSI/CAO		20	
From an insurance company regarding an active policy		20	
From a bank/credit union or government body or state agency		20	
Children between 16 and 18 years (any one of the following)			
Birth Certificate		100	
Passport		100	
Written statement by the Principal confirming attendance at educational institution on a letter head of that institution		100	
Recent arrival in Ireland (less than 6 weeks)			
Passport		100	
Vetting Subject is unable to achieve 100 points **			
Affidavit witnessed by a Commissioner for Oaths		100	
		Total Points	
Proof of 100 Point Check Verified by: (HR/Principal/Head of Centre/Course Co-ordinator)			
Date Verified:			

KCETB POLICY NAME:
Vetting for KCETB Students

POLICY CONTROL SHEET			
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