

### **Guidance on NVB Vetting**

The following is guidance in respect of the requirement to obtain a vetting disclosure. An NVB vetting disclosure does not have an expiry date so any teacher who has already obtained an NVB vetting disclosure since 29th April 2016 will not be required to make another application for NVB vetting before commencing employment in the 2019/20 school year. However, a school authority may from a prudent practice/civil liability perspective, determine, in accordance with its own child protection and relevant recruitment/selection policies, determine that it is necessary to undertake other checks, which could include checking references or past work experience of a person. The final decision on the suitability of a person rests with each school authority. In circumstances where the Act does not require a school to obtain a fresh vetting disclosure, a school may nevertheless opt to seek one in respect of any person prior to employing, contracting, permitting or placing that person to undertake relevant work or activity.

#### Teachers

1. Teachers who do not have a vetting disclosure from the National Vetting Bureau and who are being appointed for the first time to a fixed-term position in a school for the 2019/20 school year will be required to obtain a vetting disclosure. Teachers who are being re-appointed to a fixed term position in the school in which they are already contracted to teach will have continuity of fixed-term employment in that school and will not be required to obtain a fresh vetting disclosure. These teachers may already have obtained a vetting disclosure previously.
2. Teachers who do not have a vetting disclosure from the National Vetting Bureau and who are being appointed for the first time to a permanent position in a school for the 2019/20 school year will be required to obtain a vetting disclosure. Teachers who are being appointed to a permanent position in the school in which they are already contracted to teach by virtue of a fixed-term contract until the end of the 2018/19 school year will have continuity of employment in that school and therefore will not be required to obtain a fresh vetting disclosure. These teachers may already have obtained a vetting disclosure previously.

3. Teachers who do not have a vetting disclosure from the National Vetting Bureau and who are due to be redeployed to a teaching post in a new school via the main or supplementary panel will be required to obtain a vetting disclosure. Teachers being redeployed from the supplementary panel into a permanent position in the same school in which they are contracted to teach until the end of the 2018/19 school year will not be required to obtain a vetting disclosure. These teachers may already have obtained a vetting disclosure previously.
4. Teachers who will commence Year 1 of the Scheme of Temporary Re-Assignment (previously Teacher Exchange) in 2019/20 will be required to obtain a vetting disclosure if they do not already have one. Teachers continuing in an exchange/temporary re-assignment will not be required to obtain another vetting disclosure. These teachers would have already a vetting disclosure previously.
5. Teachers who will commence Year 1 of an Interschool Jobshare in 2019/20 will be required to have a vetting disclosure. Teachers continuing in an existing jobshare arrangement will not be required to obtain another vetting disclosure. These teachers would have already obtained a vetting disclosure previously.
6. Teachers who are employed in a school which is amalgamating with effect from the 2019/20 school year. The newly amalgamated school will be deemed a “new employer”, so a vetting disclosure will be required by all teachers before they can commence employment in the amalgamated school.
7. Teachers who do not have a vetting disclosure from the National Vetting Bureau and who are allocated to take up a shared special education post in 2019/20 which will require them to work in a school(s) in which they have not previously been employed will be required to obtain a vetting disclosure. This will not apply to teachers currently allocated to a shared special education post and continuing to work only in those same schools in 2019/20. These teachers would have obtained a vetting disclosure previously.

8. Permanent teachers/Fixed-term who do not have a vetting disclosure from the National Vetting Bureau and who intend to take a career break during the 2019/20 school year and who intend to take up employment as a casual substitute during the course of that career break will be required to obtain a vetting disclosure.

#### Substitute Teachers

9. All teachers who are commencing employment after 29th April 2016 will be required to obtain a vetting disclosure. Limited exemptions apply in relation to substitute teachers.
  - (i) A vetting disclosure will not be required in the case of a substitute teacher being employed in a school in which they were previously employed as a substitute prior to 29th April 2016.
  - (ii) The exemption also applies to substitute teachers being employed in a school where they were, prior to 29th April 2016, on that school's "substitute list" and where they had provided that school with a copy of their GCVU vetting letter, even if the school never actually employed them for any substitute work.
  - (iii) In the case of new substitute teachers who were not on a school's substitute list prior to 29 April 2016, schools are advised that, as far as possible, the vetting disclosure should be obtained at the point on which the teacher is being added to the school's substitute teaching list or as soon as possible thereafter. In this way schools will ensure that the vetting disclosure has been obtained in sufficient time to allow that teacher to commence work in the school at short notice.

#### Retired Teachers

- I. Where a teacher retired prior to 29th April 2016 and has not taken up any substitute work since their retirement, they will require a vetting disclosure before they can undertake substitute work in any school including the school in which they were employed prior to retirement.

- II. Where a teacher retired prior to 29th April 2016 and has taken up substitute work in a school / schools prior to 29th April 2016, they are not required to obtain a vetting disclosure to take up further substitute work in those specific schools but they would need a vetting disclosure to take up substitute work in any other school.

## Student Teachers and School Placements

Under Section 12(5) (c) of the Vetting Act, there is no requirement for a school or the relevant college/university to obtain a vetting disclosure from the Bureau prior to a student teacher undertaking teacher practice in the school in any case where –

### **Prior to 29th April 2016**

- (i) the relevant college/university had received vetting information from the GCVU in respect of the person concerned and that GCVU vetting information was obtained for the purposes of that person's attendance on the course which includes the school placements.
- (ii) When agreeing to such placements, a school should seek confirmation from the college that it received vetting information from the Garda Central Vetting Unit in respect of the student concerned

### **After 29th April, 2016**

- (iii) In circumstances where a college/university has received a vetting disclosure from the Bureau in respect of a student teacher undertaking teaching practice in a school, the school may decide to enter into an agreement with the college/university concerned in accordance

### **Section 12(3A) of the Vetting Act. See Section on Two or more Organisations-Joint Agreement**

- (iv) A Student Teacher employed on a casual basis in a primary school must be NVB vetted before commencing such employment. Student teachers are permitted to apply for NVB vetting through the Teaching Council in the calendar year in which they are due to qualify.



## July Provision Programme

A teacher who has obtained an NVB Vetting Disclosure will not be required to obtain a second and separate vetting disclosure for the purposes of being employed as an SNA for the July Provision Programme – their existing vetting disclosure will suffice.

## Unpaid Volunteers

The vetting Act does not apply to unpaid volunteers (including parents) who assist the school on an occasional basis provided such assistance does not involve the coaching, mentoring, counselling, teaching or training of children or vulnerable adults.

## Inspectors and NEPs Psychologists

There is no requirement under the Vetting Act for a school to receive a vetting disclosure from the Bureau in respect of the Department's Inspectors, NEPS psychologists who visit schools and psychologists visiting schools under the Department's Scheme for the Commissioning of Psychological Assessments. The Act obliges a school to receive a vetting disclosure where it is permitting a person to undertake relevant work or activities on behalf of the school. The work in schools of Inspectors and psychologists referred to above is undertaken on behalf of the Department (not on behalf of the school). Schools should be aware that all members of the Inspectorate and all psychologists referred to above have been Garda vetted for their employment with or engagement by the Department.

## HSE vaccination teams or TUSLA staff (such as social workers)

There is no requirement under the Vetting Act for a school to receive a vetting disclosure from the Bureau in respect of HSE or TUSLA staff who visit schools in the course of their duties. The work of HSE and TUSLA staff is undertaken on behalf of the HSE and TUSLA. The Vetting Act requires that these staff are Garda vetted by the HSE and TUSLA respectively.

## Transition Year Students on Work Experience

Where a transition year student is being placed on work experience which involves relevant work or activities (as defined in the Vetting Act) such as working in another school or in a nursing home, a vetting obligation under the Vetting Act arises for both the student's own school and the other relevant organisation (such as the other school or the nursing home in question) involved. However, provided that a disclosure from the Bureau has been obtained in respect of the work experience by either the school or the other relevant organisation, the school may decide to enter into an agreement with the other relevant organisation concerned in accordance with Section 12(3A) of the Vetting Act. **See Section on Two or more Organisations-Joint Agreement**

Note re vetting of students:

- (i) In the case of students under 18 years of age, vetting must be done in consultation with the students' parents/guardians.
- (ii) There is no obligation to obtain a vetting disclosure in respect of the student where the work experience does not involve relevant work or activities with children or vulnerable persons, as defined under the Vetting Act.

External Organisations e.g. Sports Coach, Sporting Body

Any decision to enter into an arrangement with another relevant organisation for a person to undertake relevant work or activity in the school is ultimately a matter for each school authority. If the school authority decides to enter into such an arrangement, it is the responsibility of the school authority to ensure that any vetting obligations that arise are met. **See Section on Two or more Organisations-Joint Agreement**

In circumstances where the Act does not require a school to obtain a fresh vetting disclosure, a school may opt to seek one in respect of any person prior to employing, contracting, permitting or placing that person to undertake relevant work or activity.

Where a school has decided to enter into an arrangement with another organisation, it should always be cognisant that the responsibility to discharge a duty of care towards the pupils in the school remains that of the school authority. The school should therefore ensure that it has in place adequate measures to ensure the ongoing safety of children while the person concerned is undertaking the relevant work or activities. This might include measures such as ensuring that the work or activities concerned are carried out under appropriate supervision by teaching staff and that the person is made aware of relevant school policies and procedures in respect of child protection, codes of conduct, ICT usage etc.

### Two or more Organisations-Joint Agreement

- (i) Section 12(3) of the Vetting Act provides for an agreement to be put in place where two or more organisations are involved. However, a school is not required by the Act to enter into an agreement under Section 12(3A). The school authority may also opt to apply itself for a vetting disclosure in respect of the person concerned prior to employing, contracting, permitting or placing that person to undertake relevant work or activity.
  
- (ii) Section 12(3A) of the Act provides that where two or more relevant organisations jointly agree in writing to the employment, contract, placement or permission of a particular person to undertake relevant work or activities, it shall be a defence in any prosecution under Section 12(2) of the Act to show that the other organisation who was a party to the agreement received a vetting disclosure from the Bureau for that particular person in respect of the employment, contract, permission or placement of the person concerned.
  
- (iii) Section 12(3) (A) of the Vetting Act provides for a defence where a relevant organisation complies with the preconditions set out in that subsection which are as follows:
  - that there is a joint agreement in writing
  - between two or more relevant organisations
  - agreeing to the employment, contracting, permitting or placement of a particular person to undertake relevant work or activity
  - and where the other relevant organisation received a vetting disclosure from the Bureau in respect of the employment, contracting, permitting or placement of the person concerned

If the school authority decides to enter into an agreement in accordance with 12(3A) of the Vetting Act, the school authority must ensure that –

- A joint written agreement signed by both parties is in place as per the above requirements.
  - It obtains written confirmation from the other relevant organisation involved in the agreement confirming that it has obtained a vetting disclosure from the Bureau in respect of the employment, contracting, permitting or placement of the person concerned.
- (iv) It also advises that in circumstances where the Act does not require a school to obtain a vetting disclosure, a school may nevertheless opt to seek a vetting disclosure in respect of any person prior to employing, contracting, permitting or placing that person to undertake relevant work or activity.

#### Accessing a Vetting Disclosure

Advice in relation to how to access a disclosure via the Council's online solution (dignitary) and what to do where a school encounters difficulty in gaining access to the disclosure is available on the Teaching Council's website at the following link:

#### Dignitary FAQs for schools/employers - Teaching Council

Schools are also advised to take into account that from time to time technical or internet connection difficulties can arise and should plan accordingly. For example schools should ensure that the disclosure is obtained as early as possible after the offer (conditional on vetting) of employment is made rather than waiting until when the teacher is about to commence his or her employment.

As per 26th February, 2019