



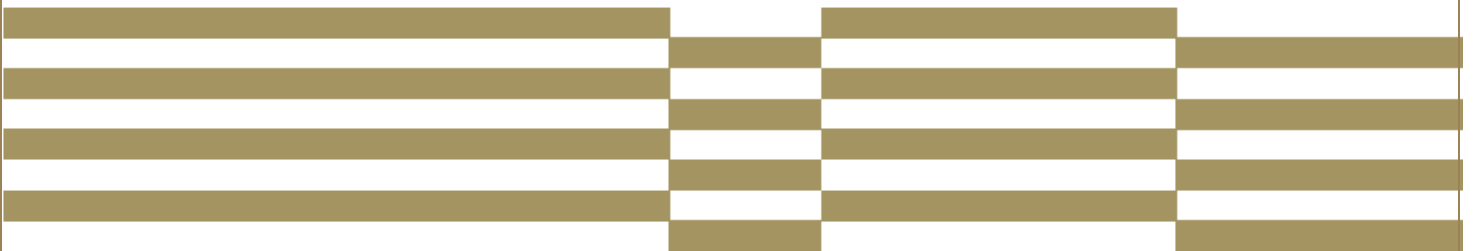
TUS

**Technological University of the Shannon:
Midlands Midwest**

Ollscoil Teicneolaíochta na Sionainne:
Lár Tíre Iarthar Láir

**STAFF GARDA VETTING POLICY
AND PROCEDURES**

Human Resources Department





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1. Policy Objective

The Technological University of the Shannon: Midlands Midwest (TU), as an educational body has a responsibility to provide students with the highest standards of care to promote their well-being and protect them from harm.

The TU is committed to ensuring only suitable persons are employed & recruited into positions of employment and will not permit any person to undertake relevant work or activities in a role in which they will have direct contact with vulnerable persons as defined by “The National Vetting Bureau (Children and Vulnerable Persons) Act 2012-2016” (The Act) refer to [link](#) on behalf of the TU unless and until the TU receives a clear vetting disclosure from the National Vetting Bureau (NVB) in respect of that person.

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 TU’s Human Resources Department, who has appointed a Liaison Person to correspond directly with the NVB. The TU will conduct all essential vetting online through the Garda E-Vetting system.

This policy and procedure should be read in conjunction with The National Vetting Bureau (Children and Vulnerable Persons) Act 2012-2016 and the Criminal Justice (Spend Convictions and Certain Disclosures) Act 2016.

All recruitment\engagement of employees must be processed through the Human Resources Department to ensure that all employees in roles where it is essential to be vetted as outlined ([link at end of policy](#)) are vetted in accordance with this policy. Failure to do so is a serious offence and may lead to disciplinary action by the TU, up to and including dismissal.

2. Definitions from the Act

Child (Section 2 of The Act) (*see [link at end of policy](#)*)

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 themselves 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.

3. Application of Policy

The application of this policy will apply to the following categories of persons (see link at end of policy).

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

Effective immediately, all persons who are offered a position by the TU, in the roles which have been identified through risk assessment as “high risk” (see link at end of policy), will be subject to Garda vetting by the NVB. This requirement will be highlighted to all prospective employees.

3.2 Garda Vetting of persons under a contract for service for the provision of relevant work or activities

The TU engages third parties to provide services on its behalf. The TU 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. It is the responsibility of line managers/supervisors 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 TU of any changes in their employees, particularly those undertaking work/activities in or on behalf of the TU. Third

parties will be obliged if required to participate with a risk assessment carried out by the TU.

Important: It will be a requirement that any employee holding/working at events (which constitutes regular contact “more than one day” e.g. Summer Camps for minors or vulnerable adults must be Garda vetted in advance).

4. Re-vetting

The TU shall re-vet relevant employees after a period of three years from the date of the previous vetting disclosure in respect of that person. However, a person may be re-vetted, 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 TU.

Important: It will be a requirement that any employee holding/working at events (which constitutes regular contact “more than one day” e.g. Summer Camps for minors or vulnerable adults must be Garda vetted in advance)

4.1 The Vetting Process

The Vetting process for employees and other relevant persons, hereafter known as the ‘GV applicant’, will be facilitated by the Liaison Person and carried out by the NVB.

An NVB administrator in the Human Resources Department of the TU will administer steps 1 and 2 below.

The HR Generalist is the Liaison Person between TU and the NVB and this is the channel through which all communications and documentation from steps 3 to 5 is exchanged. The process is as follows:

Step 1: The GV applicant will be issued with a vetting consent form (**NVB 1**) by the TU which they must complete and return to the NVB administrator in the HR Department of the TU. They must also provide evidence of their identity in accordance with the Act. The consent form must be signed in the presence of the NVB administrator.

Step 2: Based on the information provided on the vetting consent form, the NVB administrator prepares an invitation on the NVB system.

Step 3: The GV applicant is then issued with an email request to complete an e-vetting application form directly by the NVB (via the GV applicants nominated email address which will have been provided on the NVB 1 form in Step 1 above). The application does not issue from the TU. Once the form is submitted by the GV applicant, the Liaison Person will receive notification that the form is ready for review.

Step 4: The GV applicant's online declaration will be reviewed by the Liaison Person on the NVB system and then submitted electronically to the NVB for processing. The vetting process currently takes 7-14 days.

Step 5: The NVB will issue its disclosure to the Liaison Person detailing:

- i. Particulars of the criminal record (if any) relating to the person
and
- ii. 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 Act should be disclosed
or
- iii. State that there is no criminal record or specified information in relation to the person being vetted.

5. Disclosure of Criminal Convictions

Under Section 26 of the Sex Offenders Act 2001, (see link at end of policy) 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 link at end of this policy, and persons who are engaged under a contract of services or contract for services to undertake relevant work on behalf of the TU, must inform the TU of any such conviction.

6. Confidentiality

Vetting Disclosures may only be used for the purpose which they were provided in accordance with the consent of the applicant and cannot be processed or disclosed

to other parties. Any information obtained through the vetting process will be treated in a strictly confidential and sensitive manner and only used for the purpose of ensuring the protection of children and vulnerable adults in accordance with the Act (*The National Vetting Bureau (Children and Vulnerable Persons) Act 2012-2016*).

7. Records generated by this Policy and their location

A scanned copy of the disclosure relating to applicants undertaking the vetting process will be retained electronically in HR for one year after receipt of the disclosure, except in exceptional circumstances. All records will be held in the HR Department of the TU in a confidential and secure manner.

8. Review Group

A Review group will be established to assess relevant disclosures relating to the Act and decide on an appropriate course of action.

The Review Group will consist of the following:

- Appointed Liaison Person(s)
- Vice President(s)
- Human Resources Manager(s)

The Review group reserves the right to seek legal advice at their discretion.

The Review group will also ensure that the Garda Vetting policy and procedure is being fully complied with. The group will meet as required for this purpose.

GV applicants will be informed in writing of the outcome of any action taken.

9. Appeal of decision taken by the Review Group

Where a GV applicant is not satisfied with the decision taken by the Review Group they may, within 10 working days of the date of the letter, make an appeal. Their case will be considered by an Appeal Review Group. The Appeal Review Group will comprise:

- President (or nominee) (not on the Review Group)

- Vice President Academic Affairs and Registrar
- Vice President of Strategic Transition and Projects

GV applicants will be informed in writing of the outcome of any appeal.

Queries

Full information on to the Act and the vetting process is available on NVB website at <https://vetting.garda.ie/>

Queries on this procedure or an individuals' vetting application can be made to the Liaison Person at:

Midlands: gardavetting.midlands@tus.ie

Midwest: gardavetting.midwest@tus.ie

Relevant Links

National Vetting Bureau (Children & Vulnerable Persons) Act 2012

<https://www.irishstatutebook.ie/eli/2012/act/47/enacted/en/html>

Sex Offenders Act, 2001

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

Risk Analysis of Job Roles for Vetting

Please contact HR for this list.

Please note this list is not exhaustive and new roles may require garda vetting.