**Introduction and Background**

The Diocese of Cloyne is committed to the highest standards of professional practice in its recruitment processes. It is committed to ensuring that all people who are employed or are volunteers within the Diocese act according to the highest standards in all aspects of their roles and responsibilities.

The Diocese of Cloyne as a Constituent part of the Catholic Church in Ireland is the one Organisation for Schools and Parishes in the Diocese.

Parishes/Schools/Diocesan Agency must follow its own decision making process regarding the suitability of the applicant for employment or engagement by the Parish. Legal responsibility for employment and duty of care remains with the Parish /School/Diocesan Agency which enters into a contract of employment or engages an applicant.

The Diocese and the Vetting Bureau have no decision-making role in relation to the suitability of the applicant for employment or engagement by the Parish.

The Diocese is not the body that makes the decisions of employment or engagement of a person for a School or Parish; this is the responsibility of the individual school and parish.

This document outlines the Diocesan Policy and Procedures in relation to Garda Vetting.

Diocesan policy is being reviewed to take account of the new legislation. We are aware of the difficulties incurred during the transitional phase of rolling out the new vetting process and appreciate your patience and understanding during this period. This is an ongoing working policy.

Safeguarding begins with safe recruitment.

**Legislative basis**

Vetting is carried out through the National Vetting Bureau under the National Vetting Bureau (Children and Vulnerable Adults) Act 2012. From the date of commencement of the legislation on 27 April 2016, it is a ***criminal offence*** to allow anyone to engage in ministry with children or vulnerable adults, without having them vetted first.

In addition, Section 26 of the Sex Offenders Act 2001 means that it is a criminal offence for some people who are guilty of certain criminal offences to fail to notify their employers of this fact before taking a job or performing a service. It is a requirement under this legislation for a prospective employee or volunteer to inform the employer of offences committed in Ireland and abroad.

Section 26 of the Sex Offenders Act 2001 makes it an offence for a person to:

1. Apply to be employed to do relevant work;
2. Enter into a contract of employment to do relevant work;
3. Apply to another person to do relevant work on that other person’s behalf (either paid or voluntary);
4. Enter into a contract of services to do relevant work without, during the course of the application or before entering into the contract, informing the other person or party that they have been convicted of a sexual offence.

The 2012 National Vetting Bureau Act (as amended in the Criminal Justice [Spent Convictions and Certain Disclosures] Act 2016) sets out circumstances that require vetting, defined as:

*Any work or activity which is carried out by a person, a necessary and regular part of which consists mainly of the person having access to, or contact with, children (and/or vulnerable adults).*

***Good safeguarding practice means that, as far as possible, management and supervision arrangements are such that substantial, unsupervised access to children is limited.***

Under Schedule 1, Part 1, Paragraph 7, of the National Vetting Bureau Act (as amended by paragraph 27 of the Criminal Justice [Spent Convictions and Certain Disclosures Act] 2016) also requires:

*Vetting in respect of any work or activity as a minister or priest or any other person engaged in the advancement of religious beliefs, to children (and vulnerable adults) unless such work or activity is merely incidental to the advancement of religious beliefs to persons who are not children (or vulnerable adults).*

***In other words, anyone who is 18 or over and has any contact with children (and vulnerable adults) which is more than incidental as part of their ministry must be vetted.***

Those who are aged 16 and under 18 may be vetted, but this can only be carried out with the written consent of their parent/guardian and the young person themselves.

For Church bodies who are active in both Northern Ireland and the Republic of Ireland, they must ensure that Church personnel who meet the legislative requirements in each jurisdiction and are active in both jurisdictions are vetted both in the Republic of Ireland and Northern Ireland.

For other Church personnel who may come into contact but who do not work directly with children (or vulnerable adults) in the Church, vetting is not required.

***A child means everyone below the age of eighteen (18) years.***

**Interpreting the Act for the Church Context**

A person must be vetted who is a:

* + Priest
	+ Minister,
	+ or Other who engages in the advancement of religious beliefs to children and vulnerable adults.

or who has:

* necessary and regular contact with children or vulnerable adults through his/her ministry, work or activity in the diocese /parish/ school/ diocesan agency/etc.

or whose:

* ministry, work, activity, includes the coaching, mentoring, counselling, teaching or training of children or vulnerable adults. This applies regardless of whether this ministry, work, activity is occasional or regular and necessary.

The Act makes it a criminal offence for a Church authority to commence the employment of an employee or engagement of a volunteer (including priests and religious) without first obtaining a vetting disclosure from the Bureau in respect of that person, where that employee or volunteer is undertaking relevant work or activities with children or vulnerable person.

Retrospective Vetting

Section 21 of the Act, which commenced on 29 April 2016, concerns retrospective vetting of employees, volunteers and others who have never previously been vetted and who are already (i.e. prior to 29 April 2016) employed, contracted, permitted or placed by the Church to undertake relevant work or activities with children or vulnerable persons. Church Authorities are required to ensure that applications for statutory vetting have been made in respect of all such persons before 31 December 2017

**Garda Vetting in Primary Schools**

Primary schools must follow the Child Protection Guidelines and Procedures as issued by the Department of Education and Skills (DES). Schools are also required to adhere to procedures detailed in Circulars which may be issued from time to time by the DES.

Proper recruitment procedures are an essential element of child protection practice. Vetting forms part of the procedures which must be followed when recruiting teachers or ancillary staff.

All persons being appointed to teaching positions of any duration must be vetted prior to commencing employment. The Board of Management must ensure that all teachers to be employed or are employed are Garda Vetted by December 2017. Teachers who are not changing employers but are returning to work after a leave of absence of two years or more and the appointment of Principals must be vetted. Applications should be submitted to the Teaching Council.

Persons being appointed to non-teaching positions (e.g. Secretaries, Caretakers, Bus escorts, SNA) of any duration must be vetted prior to commencing employment unless they have already been vetted through the Diocesan Vetting Coordinator during the same or previous calendar year. The requirement for vetting also applies to those changing employment to other schools or those who are not changing employers but are returning to work after a leave of absence of two years or more. Applications should be submitted to the Diocesan Vetting Coordinator(s) for Schools.

Other persons (non-staff members) such as volunteers, those involved in extracurricular activities, etc. must be vetted unless they have already been vetted within the same or previous calendar year by the Diocesan Vetting Coordinator.

The school authorised (contact) person liaises with the Diocesan Vetting Coordinator regarding vetting for non-teaching staff and other non-staff members/volunteers. The school authorised (contact) person will be the Chairperson of the Board of Management or the School Principal.

The vetting requirement applies to all types of appointments.

Any person who refuses to be vetted cannot be appointed or engaged by the school in any capacity including in a voluntary role.

As an additional safeguard, the child protection related Statutory Declaration and Form of Undertaking (Appendix 2 Circular 63/2010) must be provided by all persons being appointed to teaching and non-teaching positions of any duration. A Statutory Declaration and/or Form of Undertaking (specific to the employing school authority) is deemed valid if completed in the same or previous calendar year. The documents are available from the Department of Education and Skills.

Primary Schools under the Patronage of the Bishop of Cloyne can use the following email in relation to vetting for schools: schoolsvet@cloynediocese.ie and download forms from [www.cpsmacloyne.com](http://www.cpsmacloyne.com)

**Vetting of Young People between 16 and 18 years of Age**

If vetting is required for young people between 16 and 18 years of age, their parents will have to consent to this and fill out NVB 3 form. The email address provided on the vetting invitation form (NVB 1 for young person) is the email address of the parent / guardian (not the young person). Proof of identity must also be obtained for the parent / guardian and the young person.

**Storage and Retention of Records**

Application forms, references and any other records of vetting checks that have been carried out must be stored securely in a locked cabinet in the School in line with data protection legislation.

The NBV1 form and a copy of the proof of Identity will be kept by the Diocesan Vetting Coordinator. The Disclosure will be kept by the Diocesan Vetting Coordinator for a period of five years. The copies sent to the School must be retained for period of employment.

The Storage of Paper Documents for Vetting for Schools will be stored in a secure cabinet in Diocesan Office, Cobh.

Storage on a Data Base will be password protected.

Only the Diocesan Vetting Coordinators have access to the database and records.

The full National Vetting Bureau record must be retained for a period of twenty years after the end of the period of employment in the Diocesan Agency.

**Appeals**

It must be noted that any appeal can only be made in relation to the Church decision not to employ the candidate (paid or voluntary), on the grounds that they are not suitable to work with children. The Church has no role in reviewing the contents of the disclosure by the National Vetting Bureau. If there is a disagreement about the disclosure, the applicant must appeal directly to the National Vetting Bureau.

The employer will assess the information returned from the National Vetting Bureau and decide if there is any reason not to employ the applicant, from a criminal information or specified information perspective. The applicant will be informed that their application cannot proceed based on the information returned through the vetting process.

If the applicant wishes to appeal the Church decision, they should be informed in writing about the process of an appeal and advice/assistance should be sought from the Cloyne Diocesan Safeguarding Children Office (022-21009). An Appeals Panel will be appointed by the Diocese to process any appeals.

Primary Schools in the Diocese of Cloyne whose Patron is the Bishop of Cloyne.

* Garda Disclosure forms (for persons other than teachers) will be kept by Vetting Co-ordinators for Schools at Diocesan level.
* Once a person has been Garda Vetted and wishes to apply for another job/role in another school:
	+ fill out form for seeking Garda Vetting information for another school*(Section A):*
	+ the applicant will give permission in writing for Principal/Chairperson of new school to seek Garda Vetting Disclosure from Diocesan coordinator: *(section D)*
	+ the applicant will give permission in writing to vetting coordinator to share their Garda vetting disclosure with new school. *(section C)*
	+ the Principal/Chairperson must verify proofs of identity*.(Section B)*
* A data base will be kept by the Vetting Coordinators.
* NBV1 forms and proofs of identity are stored in the Diocesan Office.
* Disclosure forms are kept for five years.
* 16-18 year old who undertake work experience or assist with children in a regular capacity need Garda Vetting with consent of parents: (NVB3 form) Available from website [www.cpsmacloyne.com](http://www.cpsmacloyne.com)
* Schools may seek from Vetting Coordinator a disclosure form once an applicant has given permission to do so.
* Vetting coordinator can only give out information about person’s Garda Vetting once requested specifically by School and only with the permission of applicant.
* Vetting coordinator cannot give out a list of those who are Garda Vetted.
* If Schools wish to have their applicants Garda vetted again if they may do so.
* Garda vetting is only one aspect of ensuring that people are safe to work with children.
* Schools must follow the requirement procedures as laid down by the Department of Education and use their own decision making process regarding the suitability of the vetting applicant for employment or engagement by the Board.
* Schools acknowledge that the Diocese and the Vetting Bureau have no decision-making role in relation to the suitability of the vetting applicant for employment or engagement by the board.
* E-vetting, while is quicker, can take a week or two to process.
* Primary Schools under the Patronage of the Bishop of Cloyne can use the following email in relation to vetting for schools: schoolsvet@cloynediocese.ie and download forms from [www.cpsmacloyne.com](http://www.cpsmacloyne.com)
* Circular 31/2016 - circular dealing with Garda Vetting [www.education.ie/en/Circulars-and-Forms/Active-Circulars/cl0031\_2016.pdf](http://www.education.ie/en/Circulars-and-Forms/Active-Circulars/cl0031_2016.pdf)