

Vetting Update-September 2017

As schools are aware, the [National Vetting Bureau \(Children and Vulnerable Persons\) Acts 2012 to 2016](#) (the "Vetting Act") came into force on 29th April 2016 which together with [Circular 0031/2016](#) govern the vetting obligations for schools. [FAQ's to Circular 0031/2016](#) have been updated since our last Newsletter also. Schools need to be aware of the following in particular:

1. Special Needs Assistants

All newly appointed Special Needs Assistants need to be vetted by the employing school prior to commencing work in the school. This applies to all standard, substitute or casual employment. Vetting is carried out through the local diocesan offices.

2. Teachers

All newly appointed teachers need to be vetted in advance of employment in the school and this relates to permanent, temporary and substitute teachers. Teachers are vetted through the Teaching Council and teachers should provide an email link enabling a school to check their vetting with the Teaching Council on line.

3. Retrospective Vetting of Staff

[Circular 0016/2017](#) and [FAQ's](#) govern the "retrospective" vetting of staff and require teaching and non-teaching staff to be vetted prior to 31st December 2017. All non-teaching staff must be vetted through the local Diocesan office prior to this date.

The Teaching Council are in the process of vetting teachers who have not previously been vetted and schools should require teachers to confirm their compliance with the Teaching Council requests in this regard. Where teachers have refused to comply, Boards of Management are being notified directly by the Teaching Council. If this situation arises in your school, please contact CPSMA for further advice.

4. Transition Year Students

Transition Year Students attending a primary school are required to be vetted. Parental consent is required in respect of students between the ages of 16 and 18 years. Students under 16 years of age are not vetted by the National Vetting Bureau and for this reason CPSMA

advises that schools should not accept these students. Primary schools can have the students vetted themselves through their local diocesan education offices or may enter into an agreement with the secondary school whereby the secondary school obtains a vetting disclosure from the National Vetting Bureau in respect of the student in question and the student furnishes the primary school with his/her vetting disclosure. It is a matter for Boards of Management to decide whether the school itself should have such students vetted or should enter into an agreement of this type with the secondary school. Please refer to FAQ's 19 and 20 and Section 7 below entitled "Joint Agreements" for a template agreement and further details.

5. Coaches

Coaches teaching children in primary schools are required to be vetted. Schools can have such coaches vetted themselves through their local diocesan offices, or they may enter into an agreement with the coaching organisation (such as the GAA) whereby the other organisation obtains a vetting disclosure from the National Vetting Bureau in respect of the coach and the coach then presents this vetting disclosure to the school before commencing coaching. It is a matter for Boards of Management to decide whether the school itself should have these coaches vetted or should enter into an agreement of this type. Please refer to FAQ 20 and Section 7 below entitled "Joint Agreements" for a template agreement and further details.

6. Student Teachers

Most students seeking a placement in primary schools will have been vetted by their college through the National Vetting Bureau. Primary schools can have these students vetted themselves or they can enter into an agreement with the college whereby the college obtains the vetting disclosure from the National Vetting Bureau and the student presents it to the school prior to his/her placement. It is a matter for Boards of Management to decide whether the school itself should have such students vetted or enter into an agreement of this type with the college. Please refer to FAQ 18 and Section 7 below entitled "Joint Agreements" for template agreement and further details.

7. Joint Agreements

In its updated [FAQ's to Circular 0031/2016](#) in June of this year, the Department of Education envisages that schools may enter into joint agreements with organisations, in circumstances envisaged by Section 12(3A) of the Vetting Act. This section provides that where there is a joint agreement in writing between two relevant organisations (as defined in the Vetting Act), agreeing to the employment, contracting, permitting or placement of a person, it is a defence in any prosecution under the Vetting Act, to show that the other organisation had received a vetting disclosure from the National Vetting Bureau in respect of that person's employment, contracting or placement. It is entirely a matter for Boards to determine whether they wish to enter into an agreement of this type. Schools are not required to enter into any such agreements and may still opt to have such personnel vetted themselves.

It should be noted that the presence of an agreement of this type is a defence to a prosecution, which means that a school could still be prosecuted, but would produce the agreement in its defence.

If a school decides to enter into a joint agreement, it should always be cognisant of its responsibility to discharge its duty of care towards the pupils in its school. It should take adequate precautions to ensure the safety of children and this would include providing that children are still supervised by teaching staff and that any person on placement is aware of school policies in relation to child protection, code of conduct etc. Each school must determine for itself the particular considerations that apply in each case. Schools are advised in particular to read [FAQ's 17 to 21 to Circular 0031/2016](#) in this regard.

Separate to the Vetting Act, a school may, from a prudent practice/civil liability perspective, determine that it is necessary to undertake relevant checks including checking references or past work experience of a person. The final decision on the suitability of any person rests with each school.

CPSMA has prepared a template **Joint Agreement** for use by schools in the context of transition year students, coaches and student teachers. The agreement provides that the person in question will present their vetting disclosure to the school prior to commencing the placement or coaching. The agreement also includes a statutory declaration which should be signed by the person being placed.

It is essential to ensure that the agreement and Statutory Declaration are fully completed and that the student or coach shows his or her original vetting disclosure to the school **prior** to the person commencing in the school. The school should take note of the vetting disclosure reference number and the date upon which it was shown to it and place this information on the relevant placement/coaching file. (Please note that the vetting disclosure *itself* should not be copied for data protection reasons).

The template Joint Agreement and Statutory Declaration can be accessed on our website, cpsma.ie. Please contact CPSMA if you have any queries in this regard.

