

Updated 11 May 2016



Circular 0031/2016

**To: The Managerial Authorities of Recognised Primary, Secondary,
Community and Comprehensive Schools
and
The Chief Executives of Education and Training Boards**

Commencement of Statutory Requirements for Garda Vetting

This circular is structured as follows:

- 1. Purpose**
 - 2. Definitions**
 - 3. General**
 - 4. Ten key points on the commencement of statutory vetting**
 - 5. Statutory vetting requirements in respect of employees**
 - 6. Statutory vetting requirements in respect of non-employees such as contractors, volunteers including sports coaches, etc.**
 - 7. Statutory Vetting where two or more relevant organisations are involved.**
 - 8. Practical arrangements for obtaining statutory vetting disclosures**
 - 9. Wider duty of care considerations**
 - 10. Frequently Asked Questions (FAQs)**
 - 11. Dissemination**
- Appendix: Statutory Declaration and Form of Undertaking**

1. Purpose

The purpose of this circular is to

- (1) Bring to the attention of school authorities the new statutory requirements in respect of Garda vetting which come into effect from **29 April 2016** and the criminal offences that will apply in the event of failure to comply with these requirements.
- (2) Outline the practical arrangements that will be in place in respect of the vetting of registered teachers, non-teaching staff and others.

- (3) Outline the wider duty of care considerations to be taken into account by school authorities as part of the recruitment/selection process for employees and others.

2. Definitions

In this circular except where the context requires otherwise –

“**Bureau**” means the National Vetting Bureau of An Garda Síochána which from 29 April 2016 will be responsible for issuing statutory vetting disclosures in accordance with the Vetting Act.

“**child**” means a person under the age of 18 years.

“**calendar year**” refers to the continuous twelve month period commencing January 1st and ending December 31st.

“**ETB**” means an Education and Training Board.

“**GCVU**” means the national unit of An Garda Síochána known as the Garda Central Vetting Unit which was responsible for issuing vetting outcomes prior to the establishment of the Bureau.

“**GCVU Vetting outcome**” is a statement that was issued by the GCVU prior to the 29 April 2016 containing details of convictions and/or prosecutions, successful or not, pending or completed, relating to a person.

“**harm**” in relation to a person means exploitation or abuse of the person, whether physical, sexual or emotional.

“**liaison person**” is the person nominated by the relevant organisation (e.g. diocesan office, ETB or school management body) to liaise with the Bureau for the purposes of applying for and receiving vetting disclosures in accordance with the Vetting Act.

“**relevant organisation**” has the meaning assigned to it in the Vetting Act and includes a person or organisation that employs, contracts, places or permits a person to undertake relevant work or activities relating to children or vulnerable persons.

“relevant work or activities” in the context of a school or centre for education means any work or activity carried out by a person where a necessary and regular part of that work or activity consists mainly of the person having access to, or contact with, children or vulnerable persons. However it does not include work or activity in relation to vulnerable persons in a centre for education where that work or activity is merely incidental to work or activities undertaken in relation to persons who are not vulnerable persons.

“school authority” means the relevant managerial authority for the school or centre for education concerned e.g. the relevant ETB in the case of ETB schools and board of management/manager or equivalent in the case of all other schools/centres for education.

“specified information” or “soft information” in relation to a person who is the subject of an application for a vetting disclosure means information other than criminal convictions held by An Garda Síochána that leads to a bona-fide belief that a person poses a threat to children or vulnerable persons.

“Teaching Council vetting letter” means the letter issued by the Teaching Council to a registered teacher containing the information provided in the vetting outcome received by the Council from the GCVU in respect of that teacher.

“Vetting Act” means the [National Vetting Bureau \(Children and Vulnerable Persons\) Act 2012](#) as amended by the [Criminal Justice \(Spent Convictions and Certain disclosures\) Act 2016](#).

“vetting disclosure” means a disclosure made by the Bureau in respect of the person in accordance with section 14 of the Vetting Act and which includes particulars of the criminal record (if any) relating to that person and/or a statement of the specified information (if any) relating to that person. A criminal record includes a record of the person’s convictions for any criminal offences or a record of any prosecutions pending against the person for any criminal offence but does not contain details of certain minor convictions as set out in section 14A of the Vetting Act.

“vulnerable person” has the meaning assigned to it by the Vetting Act and means a person other than a child who is suffering from a disability, impairment or disorder which is of such a nature or degree as to restrict the capacity of the person to guard themselves against harm by another person or that results in the person requiring assistance with the activities of daily living.

3. General

3.1 As and from **29 April 2016** this circular supersedes and replaces both [Circular 0063/2010](#) and [Circular 0026/2015](#) and applies to all recognised primary and post-primary schools and any other state funded centres for education (as defined in the Education Act, 1998) for children or vulnerable persons.

3.2 It is the responsibility of each relevant school authority to familiarise themselves with this circular and with the vetting requirements of the Vetting Act and to have in place the necessary policy, procedures and practices to ensure compliance with both the Vetting Act and the requirements of this circular.

3.3 The Vetting Act (other than section 20 of the Act) will be commenced by the Minister for Justice and Equality from 29 April 2016.

3.4 The statutory vetting arrangements under the Vetting Act will, in addition to checking for criminal offences, also include a check for any relevant "soft information". This will be an important new aspect of the vetting arrangements. "Soft information" referred to as "specified information" in the Vetting Act, is information other than criminal convictions held by An Garda Síochána that leads to a bona-fide belief that a person poses a threat to children or vulnerable persons.

3.5 The primary focus of this circular is on section 12 of the Vetting Act which places statutory obligations on school authorities to obtain a vetting disclosure from the Bureau prior to the employment, contract, permission or placement of a person to undertake relevant work or activities with children or vulnerable persons.

3.6 There is no requirement under Section 12 of the Vetting Act to obtain vetting disclosures in respect of existing employees, volunteers, sports coach etc. who undertake relevant work or activities in the school under contracts of employment or existing arrangements that were in place prior to 29 April 2016. Such persons will however be required to be vetted in due course under the retrospective and re-vetting requirements of the Act (sections 21 and 20 of the Vetting Act respectively).

3.7 Section 21 of the Act which 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 a school authority to undertake relevant work or activities with children or vulnerable persons, is also being commenced from 29 April 2016. School authorities will be required to ensure that applications for statutory vetting have been made in respect of all such persons **before 31 December 2017**. A person for whom a

GCVU vetting outcome has previously been requested is not required to be vetted under the Act's retrospective vetting requirements. The Department will issue separate guidance in relation to the retrospective vetting requirements in respect of such persons and the practical arrangements in respect of same.

3.8 Section 20 of the Vetting Act concerns periodic **re-vetting** of employees, volunteers and others who have previously been vetted and are already (i.e. prior to **29 April 2016**) employed, contracted, permitted or placed by a school authority to undertake relevant work or activities with children or vulnerable persons. Section 20 of the Vetting Act is not being commenced by the Minister for Justice and Equality at this time. Further guidance will issue when re-vetting requirements are put in place.

3.9 This circular is not a legal interpretation of the Vetting Act. Nor is it exhaustive in setting out the Vetting Act's provisions and requirements. School authorities should read and familiarise themselves with the requirements of the Vetting Act. In particular, school authorities should be aware of the criminal offences that apply in respect of non-compliance with the Vetting Act's obligations in respect of statutory vetting.

4. Ten key points on the commencement of statutory vetting

4.1 The following are ten key points to note in relation to the commencement of statutory vetting:

1. From 29 April 2016, the Vetting Act will be commenced and will place statutory vetting obligations on school authorities.
2. The Vetting Act will put in place the National Vetting Bureau (the Bureau) which will replace the Garda Central Vetting Unit (GCVU) and will be responsible for issuing vetting disclosures under the Act's statutory vetting arrangements.
3. Statutory vetting will, in addition to a check for criminal records, include a check for any relevant "soft information". "Soft information" referred to as "specified information" in the Vetting Act, is information other than criminal convictions held by An Garda Síochána that leads to a bona-fide belief that a person poses a threat to children or vulnerable persons.
4. From 29 April 2016, it will be a criminal offence, other than in certain limited circumstances, for a school authority to **commence** the employment of an employee without first obtaining a vetting disclosure from the Bureau in respect of that person. (See [section 5](#) of this circular).
5. It will not be necessary under the Vetting Act to obtain a vetting disclosure from the Bureau prior to employing a teacher as a substitute **where** the school authority has prior to 29 April 2016 received a copy of the Teaching Council vetting letter in respect of that teacher. (See [section 5.3](#) of this circular). However, in such cases, school authorities must take into account the wider duty of care considerations set out in [section 9](#) of this circular.
6. From 29 April 2016, it will be a criminal offence, other than in certain limited circumstances, for a school authority to contract, permit or place a person (e.g. contractor, volunteer, sports coach etc.) to undertake relevant work or activities with children or vulnerable persons, without first obtaining a vetting disclosure from the Bureau in respect of that person. (See [section 6.4](#) of this circular)
7. There is no immediate requirement to obtain vetting disclosures in respect of **existing** employees, volunteers, sports coaches etc. who undertake relevant work or activities in the school under contracts of employment or other arrangements that were in place prior to 29 April 2016. Such persons will however be required to be vetted in due course under the retrospective and re-vetting requirements of the Act (sections 21 and 20 of the Vetting Act respectively). The Department will issue further guidance in this regard.
8. The practice of the Teaching Council providing teachers with a vetting letter will be discontinued from 29 April 2016. From that date vetting disclosures received by the Teaching Council from the Bureau will, subject to the teacher's consent, be made available electronically to the relevant school authority. (See [section 8](#) of this circular)
9. In cases where no statutory vetting obligation exists (see [sections 5.3 and 6.4](#) of this circular) or where the school authority has met its statutory obligation by receiving a vetting disclosure that has been issued by the Bureau in the past (i.e. not immediately prior to the person commencing the relevant work or activities in the school), a school authority must consider, having regard to its duty of care to its pupils, whether it should seek an up to date vetting disclosure in respect of the person. (See [section 9](#) of this circular)
10. Thorough recruitment procedures, including the checking of references and any gaps in career history, are an essential element of child protection practice. Statutory vetting should not take the place of good recruitment procedures but must be used as part of those procedures (see [section 9](#) of this circular). As an additional safeguard a **Statutory Declaration** and **Form of Undertaking** must be completed and provided to the school authority prior to making a teaching or non-teaching appointment of any duration.

5. Statutory vetting requirements in respect of employees

5.1 As and from **29 April 2016**, section 12 of the Vetting Act requires that a school authority must not, other than where certain exemptions (which are set out at [section 5.3](#) of this circular) apply, **commence** the employment (whether under contract of employment or otherwise) of an employee to undertake relevant work or activities before the school authority receives a vetting disclosure from the Bureau in respect of that person. This requirement applies in respect of all types of appointment of any duration including full time, part time and substitute positions. A school authority that contravenes this requirement commits a criminal offence punishable by a fine of up to €10,000 or a prison term of up to 5 years or both.

5.2 [Section 5](#) of this Circular is concerned with the statutory vetting requirements in respect of employees under section 12 of the Vetting Act and must always be read in conjunction with [section 9](#) which sets out the wider duty of care considerations that must be taken into account by a school authority as part of the recruitment process for employees.

5.3 The Vetting Act allows for **some limited exemptions** to the requirement under Section 12 of the Act to obtain a vetting disclosure from the Bureau prior to commencing an employment. These exemptions provide that a school authority is not required to obtain a vetting disclosure under the Act prior to commencing an employment in the following circumstances-

- a) In the case of recurring substitute or recurring casual employment with a school authority where –
 - (1) the person was previously employed as a substitute or casual employee by that same school authority prior to 29 April 2016. In such a case, there is no requirement under section 12 of the Vetting Act for that same school authority to obtain a vetting disclosure from the Bureau in respect of that person prior to employing him or her in further recurring substitute or casual positions that arise from 29 April 2016 onwards.
 - (2) A substitute teacher who is on the school's list of substitute teachers and the school authority has, prior to 29 April 2016, received a copy of the Teaching Council vetting letter in respect of that person. This applies even if the person has not been previously employed as a substitute teacher with the school. However, the school authority must have received a copy of the Teaching Council vetting letter prior to 29 April 2016. In such a case, there is no requirement under section 12 of the Act for that school authority to obtain a vetting disclosure from the Bureau in respect of that person prior to employing him or her in substitute teaching positions that arise from 29 April 2016 onwards.
 - (3) the person's initial employment with that school authority as a substitute or causal employee occurred after 29 April 2016 **and** a vetting disclosure from the Bureau was received by the school authority in respect of that initial

substitute or casual employment. In such a case, there is no requirement under section 12 of the Vetting Act for that school authority to obtain a vetting disclosure from the Bureau in respect of that person prior to employing him or her in subsequent substitute or casual positions.

- b) In the case of the employment of, or entering into a contract for services with, a person on behalf of the State Examinations Commission (SEC), for the purposes of the performance by the person on a temporary basis of any functions in respect of the conduct and delivery of the State examinations. This exemption applies to, inter alia, locally appointed superintendents of special examination centres, aural examinations, practical examinations, May examinations etc. who are temporarily employed for the purposes of the annual state examinations. The advice of the SEC is that, when appointing superintendents, school authorities must take account of the wider duty of care and prudence considerations set out at [section 9](#) of this circular. The exemption also applies to examination Attendants, typically fifth year students, in examination centres who are recommended for the role by the school authority. The SEC advises that school authorities must take a prudent approach to the selection of students for this duty. The SEC will shortly be issuing further guidance to school authorities regarding prudent practices in the engagement of examinations staff.
- c) In the case of an employment (teaching, non-teaching, part-time, fulltime, permanent, temporary, substitute or casual) in respect of which Garda vetting information from the GCVU (such as the Teaching Council vetting letter in the case of registered teachers or a copy of a GCVU vetting outcome in the case of non-teaching staff) had been requested **and** received by the school authority prior to 29 April 2016 but the specific employment in question isn't entered into or doesn't commence until 29 April 2016 or later. In such cases, there is no requirement under the Vetting Act for the school authority to also obtain a vetting disclosure from the Bureau prior to commencing the employment. As this exemption is primarily concerned with cases where GCVU vetting information is requested and received as part of recruitment processes that are underway but not fully completed at the time the Act is commenced, it will only be relevant for a short period. In the longer term the only exemptions that will apply will be those set out at (a) and (b)

6. Statutory vetting requirements in respect of non-employees such as contractors, volunteers including sports coaches, etc.

6.1 In addition to the vetting obligations in respect of its employees, school authorities should be aware that under section 12 of the Vetting Act statutory vetting obligations also apply where a school authority –

- (a) enters into a contract for services with any person for the provision by that person of services that constitute relevant work or activities, or

- (b) permits any person (whether or not for commercial or any other consideration) to undertake relevant work or activities on the school's behalf, or
- (c) places or makes arrangements for the placement of any person in work experience or activities where a necessary part of the placement involves participation in relevant work or activities.

6.2 As and from **29 April 2016**, the Vetting Act requires that a school authority must not, other than where certain exemptions (which are set out at [section 6.4](#) of this circular) apply, contract, permit or place a person to undertake relevant work or activities prior to the school authority receiving a vetting disclosure from the Bureau in respect of that person. A school authority that contravenes this requirement commits a criminal offence punishable by a fine of up to €10,000 or a prison term of up to 5 years or both.

6.3 [Section 6](#) of this circular is concerned with the statutory vetting requirements in respect of non-employees under section 12 of the Vetting Act and must always be read in conjunction with [section 9](#) of this circular which sets out the wider duty of care considerations that must be taken into account by a school authority as part of the selection/engagement process for such persons.

6.4 The Vetting Act allows for **some limited exemptions** to the requirement under section 12 of the Act to obtain a vetting disclosure from the Bureau. These exemptions provide that the school authority is not required to obtain a vetting disclosure under the Act prior to commencing the contract, permission or placement in the following circumstances-

- a) in the case of unpaid volunteers 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 persons or
- b) in the case of casual or part-time, recurring but non-continuous relevant work or activities where-
 - 1) the initial contract, permission or placement was entered into **prior** to 29 April 2016. In such a case, there is no requirement under the Act for that school authority to obtain a vetting disclosure from the Bureau in respect of that person prior to contracting, permitting or placing him or her in further casual or part-time, recurring but non-continuous relevant work or activities that arise from 29 April 2016 onwards.
 - 2) where the initial contract, permission or placement occurred **after** 29 April 2016 **and** the school authority received a vetting disclosure from the Bureau in respect of that initial contract, permission or placement with the school authority. In such a case, there is no requirement under the Vetting Act for that school authority to obtain a vetting disclosure from the Bureau in respect of that person prior to

contracting, permitting or placing him or her in subsequent casual or part-time, recurring but non-continuous relevant work or activities.

- c) where vetting information (such as a GCVU disclosure) in respect of the contract, permission or placement in question was requested **and** received by the school authority prior to **29 April 2016** but the contract, permission or placement in question is not entered into or doesn't commence until after 29 April 2016. As this exemption is primarily concerned with cases where GCVU information is requested and received as part of selection/engagement processes that are underway but not fully completed at the time the Act is commenced, it will only be relevant for a short period. In the longer term the only exemptions that will apply will be those set out at (a) and (b) above.

7. Statutory Vetting where two or more relevant organisations are involved.

7.1 In the case of some persons undertaking relevant work or activities in a school (such as a sports coach, guest speaker, student teacher etc.), another relevant organisation (such as the sporting organisation in question, the person's employer or the third level college etc.) may also be required to have that person vetted prior to the person undertaking relevant work or activities with children or vulnerable persons.

7.2 The Vetting Act provides that in cases where two or more relevant organisations have jointly agreed in writing to the employment, contract, placement or permission of a person to undertake relevant work or activities, it shall be a defence in any prosecution under Section 12 of the Act to show that the other organisation who was a party to the agreement had received a vetting disclosure from the Bureau in respect of the person

8. Practical arrangements for obtaining statutory vetting disclosures

8.1 The Vetting Act provides that the vetting disclosure may be obtained via a relevant organisation that represents another relevant organisation for the purposes of vetting. Accordingly, in the case of registered teachers, the Teaching Council will continue to act as a conduit (representative) for schools and Education and Training Boards (ETBs) for the purposes of Garda vetting. The relevant diocesan office or school management body will continue to act as a conduit for schools for the purposes of Garda vetting of all other persons and in the case of ETB schools the relevant ETB is the relevant organisation for such purposes.

8.2 It should be noted that a new vetting application form will be in place for all vetting applications from 29 April 2016 onwards.

8.3 Confidentiality is absolutely essential in the processing of vetting applications. It is vital to ensure that the appropriate security arrangements are in place at all stages of the vetting process to protect the security, confidentiality and integrity of all personal data of applicants. All data must also be managed within the statutory provisions of the Data Protection Acts.

8.4 School authorities should also be aware that Section 16 of the Act provides that it is a criminal offence for a relevant organisation (including a school authority) to use or disclose information that is contained in a vetting disclosure other than in accordance with the Vetting Act or as otherwise authorised by law.

Vetting Arrangements in respect of registered teachers

8.5 Heretofore the Teaching Council provided a registered teacher with a vetting disclosure letter which included all the information the Teaching Council received from the GCVU. The Teaching Council did not make available a copy of the original notification of the GCVU vetting outcome to the school authority. The provision of the Teaching Council vetting letter will be discontinued with effect from **29 April 2016**.

8.6 The Teaching Council will be one of the first registered organisations to use an electronic vetting (e-vetting) facility being introduced by the Bureau. As and from **29 April 2016**, a vetting disclosure in respect of a registered teacher which has been received by the Teaching Council from the Bureau will be made available electronically to the relevant school authority.

8.7 Full details on how applications for vetting can be made by registered teachers and how vetting disclosures in respect of registered teachers will, with the consent of the relevant teachers, be made available electronically to school authorities for employment purposes are available on the Teaching Council's website at www.teachingcouncil.ie

Vetting arrangements in respect of non-teaching staff and others

8.8 The relevant diocesan office or school management body will continue to act as a conduit for schools for the purposes of Garda vetting of persons other than registered teachers who are employed, contracted, permitted or placed to undertake relevant work or activities by the school and in the case of ETB schools, the relevant ETB is the relevant organisation for such purposes.

8.9 E-vetting will not be immediately available to the diocesan offices/school management bodies/ETBs. The existing paper based arrangements whereby the written application for vetting is submitted via the relevant organisation (i.e. the relevant diocesan office/school management body/ETB) and the school authority obtains the original vetting disclosure or a certified copy of same from the authorised signatory (referred to as "liaison person" in the Vetting Act) in the relevant organisation will remain unchanged for now. However, it is intended that the Bureau's e-vetting facility will be extended to all relevant organisations on a phased basis and this will, in due course, enable applications for vetting to be made electronically via the relevant organisation and will also enable the relevant diocesan office/management body/ETB to provide vetting disclosures electronically (e.g. by email) to school authorities. When e-vetting is in place, the school authority will be required to print and retain a copy of the electronic version of the disclosure for its records.

8.10 The school authority must designate one person as a contact person for the purpose of liaising with the liaison person in the relevant diocesan office/management body/ETB in relation to vetting applications on behalf of the school. The school contact person will usually be the principal or chairperson of the board of management. The school authority should also designate a person to deputise for the contact person during his/her absence.

9. Wider duty of care considerations

Vetting and prudent practice

9.1 As set out in [sections 5.3 and 6.4](#) of this Circular, the Vetting Act does not require that a vetting disclosure from the Bureau must be obtained in all circumstances. Furthermore, the Vetting Act does not specify that the vetting disclosure received by the school authority must be an up-to-date disclosure that has issued immediately prior to the employment/contract, permission or placement of a person in relevant work or activities.

9.2 Although no criminal offence will be committed in the circumstance set out at 9.1, school authorities must also be cognisant of their civil law duty of care to their pupils and the need for prudent practice from a child protection perspective. A school authority must therefore consider whether it should seek a newly issued (fresh) vetting disclosure in respect of the person who will be undertaking relevant work or activities notwithstanding that no statutory obligation to do so exists.

9.3 The final decision as to whether to seek a fresh vetting disclosure, where the circumstances at 9.1 apply is a matter for each school authority having regard to the specific circumstances in question. The factors that the school authority may wish to take into account in determining whether to seek a newly issued vetting disclosure may include the following;

- The period of time since previous vetting was obtained.
- Whether previous vetting was issued by the GCVU or by the Bureau
- Whether there are any gaps in the person's employment/career/educational history which have not been satisfactorily accounted for
- Whether the person has been employed by the school or centre for education previously
- Whether the person will have any unsupervised access to children or vulnerable adults
- Whether comprehensive references have been made available in respect of previous employments

The above is not an exhaustive list of factors that a school may wish to consider.

Consideration of vetting disclosures

9.4 Garda vetting does not provide clearance for persons to work with children. It simply provides to the registered organisation particulars of any criminal record and/or specified information in respect of the person concerned or where there is no criminal record or specified information shall state this fact. The Vetting Act provides that a school authority may consider and take into account all the information in a vetting disclosure when assessing the suitability of the person who is the subject of the disclosure to do relevant work or activities.

9.5 A key issue for a school authority is to determine whether any information in a vetting disclosure would render a person unsuitable for employment/engagement by the school. It should be borne in mind by the school authority that the fact that a person has a conviction does not automatically render that person unsuitable to work with children or vulnerable adults. **The primary criterion** in assessing the significance of the information in the disclosure is its relevance to child protection. An objective and balanced approach is critical in this regard. It is for the school authority to make the judgement as to the person's suitability.

9.6 Any person who is required to be vetted but refuses to do so cannot be appointed or engaged by the school in any capacity including in a voluntary role.

Good recruitment procedures

9.7 Thorough recruitment procedures are an essential element of child protection practice and should include seeking and following up of references and ensuring that any unexplained gaps in employment records/curriculum vitae are satisfactorily accounted for. Vetting should not take the place of good recruitment procedures but must be used as part of those procedures.

9.8 It is important to note that facts or information may come to the attention of a school authority, through the vetting process, as part of recruitment procedures or at a later stage which call into question a person's suitability, from a child protection perspective, to work with children or vulnerable adults. It will be a matter for the school authority to consider all the circumstances of the case, give due weight to all relevant factors and afford fair procedures to the individual concerned before making a decision. This will naturally have to be assessed on a case by case basis and having regard to legal advice where required.

9.9 School authorities should also be conscious of their responsibilities, including those related to child protection, when requested to furnish a reference in respect of a particular individual.

Statutory Declaration and Form of Undertaking

9.10 As an additional safeguard, the child protection related Statutory Declaration in the **Appendix** to this circular must be provided to the school authority by all persons being appointed

to teaching and non-teaching positions of any duration unless the person has previously provided the school authority with a statutory declaration which was made during the same or previous calendar year. **The school authority must obtain and view the original statutory declaration and retain a copy of it for its own records.** A Statutory Declaration is regarded as valid if made in the same or previous calendar year and therefore may be retained by the applicant for use in other employments as required.

9.11 In addition, an associated undertaking (which is specific to the employing school authority) must be signed by all persons prior to appointment to any teaching or non-teaching position of any duration. For administrative ease, the Department's payroll appointment forms will incorporate this undertaking. However, for any appointment (teaching or non-teaching) that does not require completion of a payroll appointment form, the Form of Undertaking in the **Appendix** to this circular must be completed by the prospective appointee prior to commencing employment. A Form of Undertaking is regarded as valid for other appointments to the same school if signed within the same or previous calendar year. **The Form of Undertaking must be retained by the school authority.**

9.12 The above requirements to provide a statutory declaration and associated undertaking apply in respect of all types and duration of employment (e.g. full-time, part-time, substitute etc.).

10. Frequently Asked Questions (FAQs)

The Department has published on its website an FAQ document to assist school authorities in relation to any queries that they may have regarding this circular. This will be updated as required.

Queries in relation to individual applications for vetting should be raised with the relevant registered organisation (Teaching Council, diocesan office, management body or ETB etc.).

General queries in relation to this circular should be e-mailed to the Department at:

schoolgovernance@education.gov.ie

11. Dissemination

A copy of this circular should be provided to members of the board of management and the staff of each school. A copy should also be provided to the parents association. This circular may be accessed on the Department of Education and Skills website at www.education.ie. An Irish version of this circular is also available on the Department's website.

Paraic Joyce
Principal Officer
School Governance Section

April 2016

Appendix: Statutory Declaration and Form of Undertaking

Statutory Declaration

This statutory declaration must be completed prior to a person being appointed to any teaching or non-teaching position with a school authority unless the person being appointed has previously provided that school authority with a statutory declaration which was made during the same or previous calendar year.

“I _____ of, _____

in the county of _____ aged eighteen years and upwards do SOLEMNLY AND SINCERELY DECLARE as follows:-

that to the best of my knowledge and belief there is nothing, from a child protection perspective, in relation to my conduct, character or personal background of any nature that would adversely affect the position of trust in which I would be placed in relation to children or vulnerable persons by virtue of my appointment to any teaching or non-teaching position in any recognised primary or post-primary school or any other state funded centre of education for children or vulnerable persons.

I am aware that I am not now, or in the future, required to disclose to a school authority details of any conviction regarded as spent under the Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016, but that, in accordance with section 10 of that Act, this does not however apply in the case of any conviction in respect of offences specified in Part 1 or 2 of Schedule 1 of that Act or those specified in Schedule 3 of the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016.

Within a child protection context:

- I hereby confirm my irrevocable consent to each of the employing school authorities to the making of such enquiries as they deem necessary in respect of my suitability for the post(s) in respect of which the applications are made.
- I hereby accept and confirm the entitlement of each of the employing school authorities to reject my application or terminate my employment (in the event of a contract of employment having been entered into) if I have omitted to furnish the school authority with any information relevant to my application for the position or my continuing employment with the school authority.
- I understand that any false or misleading information submitted by me in relation to my application for a position or my continuing employment with each of the school

authorities will render me liable to automatic disqualification or render me liable to dismissal, if employed.

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the Statutory Declarations Act 1938.”

Signed: _____ Date: _____
Applicant

Print Name: _____

Declared before me _____ [*name in capitals*] a [notary public][commissioner for oaths][peace commissioner] [practising solicitor]by _____

*who is personally known to me,

or

*who is identified to me by _____ who is personally known to me,

Or

*whose identity has been established to me before the taking of this Declaration by the production to me of passport no. [*passport number*] issued on [*date of issue*] by the authorities of [*issuing state*], which is an authority recognised by the Irish Government]

Or

National identity card no. [*identity card number*] issued on [*date of issue*] by the authorities of [*issuing state*] [which is an EU Member State, the Swiss Confederation or a Contracting Party to the EEA Agreement]

Or

[Aliens Passport no. (*document equivalent to a passport*)] [*passport number*] issued on [*date of issue*] by the authorities of [*issuing state*] which is an authority recognised by the Irish Government]

Or

Refugee travel document no. [*document number*] issued on [*date of issue*] by the Minister for Justice, Equality and Law Reform]

Or

Travel document (other than refugee travel document)
[*document no.*] issued on [*date of issue*] by the Minister for
Justice, Equality and Law Reform

at

in the City/ County of

on the _____ day of _____ 20__

***Practising Solicitor / Commissioner for Oaths / Notary Public /
Peace Commissioner
* Delete as appropriate**

Note: Further information in relation to Commissioners for Oaths and Peace Commissioners
is available on www.citizensinformation.ie .

Form of Undertaking

For administrative ease, the Department's payroll appointment forms will incorporate this undertaking. However, for any appointment (teaching or non-teaching) that does not require completion of a payroll appointment form, this Form of Undertaking must be completed prior to the person being appointed unless the person has previously provided this school authority with a Form of Undertaking and associated statutory declaration both of which were made during the same or previous calendar year.

I confirm that, since the date on which I signed the attached statutory declaration, to the best of my knowledge and belief there is nothing, from a child protection perspective, in relation to my conduct, character or personal background of any nature that would adversely affect the position of trust in relation to children or vulnerable persons in which I would be placed by virtue of my appointment to a teaching or non-teaching post in _____ (insert name of school authority).

I also undertake to inform the above school authority of any changes to the above stated position that may affect my suitability, from a child protection perspective, for continued employment with the school authority or for any subsequent employment with the school authority.

I am aware that I am not now, or in the future, required to disclose to a school authority details of any conviction regarded as spent under the Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016, but that, in accordance with section 10 of that Act, this does not however apply in the case of any conviction in respect of offences specified in Part 1 or 2 of Schedule 1 of that Act or those specified in Schedule 3 of the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016.

I acknowledge and understand that any false or misleading confirmation as to my conduct, character or personal background or any failure of mine to inform the school authority of relevant changes that may affect my suitability, from a child protection perspective, will constitute a breach of my contract of employment and may be grounds for summary dismissal by the school authority.

Signed: _____ Date: _____
Prospective employee

Print Name: _____

Witnessed by: _____ Date: _____
(on behalf of school authority)

Print Name: _____