

Garda Vetting Policy

Version 2.0 – May 2024

Purpose: This policy is designed to inform staff employed by the Institute and any potential job applicants the responsibilities of Dundalk Institute of Technology (DkIT / the Institute) with regard to Garda Vetting, the application process and the criteria by which an application is considered.

Circulation: This document is available for all staff to review and will be published on the Institute's website.

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Policy Owner: Vice President for Finance, Resources & Diversity

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Overview of the Garda Vetting Process in Dundalk Institute of Technology

1. The Institute Liaison Officer in the Human Resources (HR) Office in DkIT sends out a Vetting Invitation Form (NVB1 Form) (See Appendix 1) to the staff member/applicant. The staff member/applicant manually completes and forwards the NVB1 Form for the attention of the DkIT Liaison Officer in the HR Office. The form is accompanied by identification totaling 100 points to ensure they are checking the correct person. *At least one form of photographic evidence must be provided.* The 100-point system will be explained further in Section 3.
2. DkIT validates the proof of identity and sends the staff member/applicant an e-mail from kathleen.maddy@dkit.ie link attached inviting him/her to complete an Online National Vetting Bureau Form (NVB2 Form). Details of how to complete the NVB2 Form can be found on the Q drive/Public Folder/HR Forms.
3. The staff member/applicant completes and submits a National Vetting Bureau 2 Form (NVB2 Form) Application Form online and it is submitted to the NVB for review.
4. The NVB processes the application and forwards a vetting disclosure to the Liaison Officer in DkIT.
5. DkIT reviews the vetting disclosure and a copy is made available to the vetting subject on request.

Please Note: By engaging in the Garda Vetting process applicants agree that they have read, understand and agree to the DkIT Garda Vetting Policy.

1. Introduction

- 1.1 This policy is designed to inform staff employed by the Institute and any potential job applicants the responsibilities of Dundalk Institute of Technology (DkIT / the Institute) with regard to Garda Vetting, the application process and the criteria by which an application is considered. This document is designed to advise all those involved in the recruitment of staff members of the procedures to follow in order to ensure that those working with children (or vulnerable adults) are correctly vetted. It is also designed to ensure that anyone with a conviction is not recruited into a role that may be incompatible with Institute business. This document should be read in conjunction with the following Institute policies:

- Policies and Procedures for the Protection of Children;
- Child Safeguarding Policy;
- Policy on the safety of Children on Institute premises.

Definitions for a “child” and “vulnerable adult” are contained in the Policies and Procedures for the Protection of Children. The link to these policies is

[Child Protection Policies at DkIT / Policies and Guidelines / About DkIT / DkIT - Dundalk Institute of Technology](#)

- 1.2 The Dundalk Institute of Technology Policy on Garda Vetting aims to fulfil the Institute’s commitment to its community and meet its legal requirements under the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016 (the Act). The Act provides a statutory basis for the vetting of persons carrying out relevant work with children or vulnerable persons.
- 1.3 The Act provides a legislative basis for the mandatory vetting of persons who wish to undertake certain work or activities relating to children or vulnerable persons or to provide certain services to children or vulnerable persons.

2. Definitions

2.1 Relevant Work or Activities

“Relevant work” or “activities” shall be understood to mean any work or activity carried out by a person, a necessary and regular part of which consists mainly of the person having access to or contact with children or vulnerable persons.

2.2 National Vetting Bureau

With the commencement of the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016 on 29 April 2016, the Garda Vetting Bureau (NVB) was established as the national vetting unit of An Garda Síochána. The NVB is the single point of contact in An Garda Síochána to conduct Garda Vetting. Its primary objective is to provide an accurate and responsible vetting service, which enhances the protection of children and vulnerable persons through enabling safer recruitment decisions.

2.3 Institute Garda Liaison Officer

The Institute Garda Liaison Person is a person who is authorised within a Relevant Organisation (i.e. DkIT) for Garda Vetting to submit NVB Application Forms to the NVB on behalf of the Relevant Organisation and receive resultant disclosures.

2.4 Vetting Disclosure

A vetting disclosure shall be understood to include particulars of the criminal record (if any) relating to the person, and a statement of the specified information (if any) relating to the person or a statement that there is no criminal record or specified information, in relation to the person

3. **Garda Vetting of Potential Staff Members**

3.1 In addition to the standard recruitment checks as outlined in the Institute Recruitment and Selection Policy and Procedures, all new staff are required to undergo Garda Vetting following the commencement of the Act on 29 April, 2016. All applicants for any position within the Institute must declare from the outset whether or not they have held a criminal record in Ireland or elsewhere or have any criminal proceedings pending.

3.2 All advertisements for posts within the Institute will state in the advertised job description that the post will be subject to Garda Vetting. All successful candidates who are offered positions will then be subject to Garda Vetting in addition to satisfying the full requirements of the role.

3.3 The Garda Vetting process will be carried out by the Human Resource Office through the designated Institute Garda Liaison Officers. The Human Resources Manager is the designated principal Institute Liaison Officer for Garda Vetting of all current and potential staff members.

3.4 The candidate will authorize DkIT to conduct a background check via NVB and will be sent to complete a Garda Vetting Form NVB1 (Appendix 1) with the offer letter and instructions for completion of the form.

3.5 The applicant must sign and return the completed form for the attention of the Liaison Officer in the Human Resources Office in DkIT along with identification that totals 100 points. For more information, please refer to Appendix 2. If you have any queries, please email kathleen.maddy@dkit.ie at the earliest possible date.

3.6 No person required to undergo vetting shall be permitted by the Institute to engage in work activities with children and/or vulnerable adults until such time as all parts of the recruitment and selection process including vetting by the NVB has been fully completed to the satisfaction of the Institute. Where a potential candidate has to obtain a Foreign Police Certificate, the Institute may, at its sole and absolute discretion afford the potential candidate a period of up to six months to obtain the appropriate certificate. Any offer letter and proposed contract will explicitly state that the offer is subject to successful completion of the process within the stated period.

3.7 The Garda Vetting process may take up to 4 weeks after which time, depending on the outcome the recruitment process can be finalised.

3.8 Where the information supplied by the NVB/Foreign Police is inconsistent with the information supplied by the applicant, the Institute Liaison Officer will contact the applicant to clarify whether:

a) The information supplied by the NVB/ foreign police is correct; or

b) The employee/candidate does not agree that the information supplied by the NVB /foreign police is correct, in which case the Institute Liaison Officer will request the NVB/foreign police to review their information and confirm or review their initial response.

- 3.9 Where the vetting disclosure contains criminal records information or 'specified information', the Institute should as soon as practicable make available a copy of the vetting disclosure to the applicant. The Institute may also take any interim steps as it deems appropriate to the circumstances. Any such steps shall not influence the outcome of any investigation or infer wrongdoing on any party. If a criminal conviction is revealed or a prosecution is pending, the action as per Section 6 of this policy should be followed.
- 3.8 No final offer of employment will be made until such time as clearance for the applicant in question is received.
- 3.9 Garda Vetting is non-transferable between organisations. Though you may have been previously vetted by another organisation, Institute, University or college, DkIT cannot accept vetting letters from another organisation.

4. Garda Vetting of Existing Staff

- 4.1 All staff of the Institute are required to undergo Garda Vetting following the commencement of the Act on 29 April, 2016.
- 4.2 The Institute is required to request employees and or third parties who are already employed and/or engaged by the Institute to undergo vetting (including, for the avoidance of doubt, the Foreign Police Certificate procedure). Retrospective vetting, where necessary, will be carried out in accordance with this policy and all those subject to these requirements will be informed that they will be required to undergo vetting.
- 4.3 The Institute reserves the right to request any employee/third party to undergo vetting/police clearance at any time in their employment/engagement but in any event at appropriate intervals (currently every five years) or such shorter periods as may be prescribed under the Act or as may be deemed appropriate by the Institute. The processes as outlined in Section 2 will also apply to Re-vetting and Retrospective Vetting of existing employees. The Institute shall take such action and/or invoke such internal policies as it considers necessary and appropriate in respect of any person's failure or refusal to engage in the vetting process and/or in respect of any vetting disclosure made.
- 4.4 An employee/third party who works in the Institute and who has been convicted of any offence relating to children and/or is subject to disciplinary action or sanction relating to children must withdraw from working in any position or on any project which involves contact with children until the Review Group (see section 6 below) can consider the matter and decide on an appropriate course of action.

5. Residency Abroad - International Police Vetting

- 5.1 If the applicant has resided in countries outside of the Republic of Ireland and Northern Ireland for a period of 6 months or more, they will be required to obtain a Police Clearance Certificate from each country stating that they have no criminal record or any criminal proceedings pending against them while residing there and submit it to the Garda Vetting Unit in the HR Office in DkIT.
- 5.2 Seeking security clearances from other countries (e.g. UK, USA etc.) are the responsibility of the applicant.

The following websites may be of assistance if required to provide a Police Clearance Certificate:

United Kingdom: www.acro.police.uk/police_certificates.aspx
www.disclosurescotland.co.uk

Australia: www.afp.gov.au/what-we-do/police-checks/national-police-checks

New Zealand: www.justice.govt.nz/services/criminal-records

United States of America: [Criminal Record Checks \(state.gov\)](http://www.fbi.gov/about-us/cjis/identity-history-summary-checks)
<http://www.fbi.gov/about-us/cjis/identity-history-summary-checks>

- 5.3 For other countries not listed above you may find it helpful to contact the relevant embassies who could provide you with information on seeking Police Clearance.

Note: Any costs incurred in this process will be borne by the applicant. Only original Police Clearance Certificate should be submitted (copies not accepted); along with a certified translation of it in English.

6. Disclosure of Criminal Convictions

- 6.1 It is the policy of Dundalk Institute of Technology to ask all applicants for any position within the Institute if they have previously been convicted of a criminal offence.
- 6.2 The policy as described in section 4.1 will extend to applications for internal or promotional positions.
- 6.3 There is an obligation on any person who is employed and/or engaged by or acts on behalf of the Institute to disclose any if they previously have been convicted of a criminal offence(s), are convicted of a criminal offence or have been/are indicted of a serious criminal offence.
- 6.4 All Conditions of Appointment advertised will highlight this requirement.
- 6.5 Under Section 26 of the Sex Offenders Act 2001 it is an offence for a convicted sex offender to apply for or continue to work in an area which involves unsupervised access to, or contact with children or mentally impaired people without telling their employer of the conviction. All Institute staff (and prospective recruits) must inform the Institute of any such conviction.
- 6.6 The provision of false or misleading information will disqualify applicants from the selection process and may for current employees result in disciplinary action (up to and including dismissal).

7. Review Group

- 7.1 A Review Group will be set up to deal with any disclosures of criminal convictions and to ensure that the policy is reviewed on a regular basis and fully complied with. The group will meet at least once a year for this purpose and as and when necessary.
- 7.2 The group will review cases where it is established that a candidate has a criminal conviction and decide on an appropriate course of action.
- 7.3 For review purposes convictions are classified and defined as follows:

- No convictions recorded;
- Convictions recorded;
- Offences or charges pending deemed immaterial; or
- Offences or charges pending which could potentially cause material risk.

When deciding on the materiality of the offence or pending charge, the Institute will take into account any failure to disclose by the applicant prior to the vetting process.

7.4 In addition the group will review any Garda Reports before appointments are made.

7.5 The group will consist of the following

- Vice President for Finance, Resources and Diversity
- Human Resources Manager
- Head of School of Health & Science

7.6 The Review Group reserves the right to seek legal advice at their discretion and their decision is final and binding.

This policy is subject to operational review.

8. Data Protection

8.1 The Data Protection Act 2018 as amended will be observed in respect of any data received following a Garda Vetting request. Guidance as follows:

- Obtain and process the information fairly;
- Keep it only for one or more specified and lawful purposes;
- Process it only in ways compatible with the purposes for which it was given initially;
- Keep it safe and secure;
- Keep it accurate and up-to-date;
- Ensure that it is adequate, relevant and not excessive;
- Retain it no longer than is necessary for the specified purpose or purposes;
- Provide a copy of the personal data gathered to any individual, with respect to themselves on request.

All data will be kept in a secure cabinet by the Institute Liaison Officer and only those deemed to have relevant access will be allowed to do so.

9. Queries on this Policy or Guidelines

Contact: Human Resources Office
Tel: 042 9370220

Appendix 1: NVB1 Form

Guidelines for completing Vetting Invitation Form (NVB 1)

Please read the following guidelines before completing this form.

Miscellaneous

The Form must be completed in full using **BLOCK CAPITALS** and writing must be clear and legible.

The Form should be completed in ballpoint pen.

Photocopies will not be accepted.

All applicants will be required to provide documents to validate their identity.

If the applicant is under 18 years of age, a completed NVB 3 - Parent\Guardian Consent Form will be required. Please note that where the applicant is under 18 years of age the electronic correspondence will issue to the Parent\Guardian. This being the case, the applicant must provide their Parent\Guardian Email address on the NVB 1 form.

Personal Details

Insert details for each field, allowing one block letter per box.

For Date of Birth field, allow one digit per box.

Please fill in your Email Address, allowing one character/symbol per box. This is required as the invitation to the e-vetting website will be sent to this address.

Please allow one digit per box for your contact number.

The Current Address means the address you are now living at.

The address fields should be completed in full, including Eircode/Postcode. No abbreviations.

Role Being Vetted For

The role being applied for must be clearly stated. Generic terms such as "Volunteer" will not suffice.

Declaration of Application

The applicant must confirm their understanding and acceptance of the two statements by signing the application form at Section 2 and ticking the box provided.

Appendix 2: Legislation impacting on Garda Vetting

- Civil Service Commissioners Act 1956
- Child Care Act 1991 – Sections 5; 61; 65
- Data Protection Act 1988/2003
- Children's Act 2001 – Section 258
- Private Security Authority Act 2004
- Protection of Children Act 2012
- National Vetting Bureau (Children and Vulnerable Persons) Act 2012
- Withholding of Information Offences against Children and Vulnerable Persons Act 2012
- Other relevant legislation which may come into force before this document is revised.

Appendix 3: The 100 Point Check

The **100-point check** is a personal identification system, which has been developed by the NVB to support organisations in verifying identity including date of birth and current address of vetting subjects (those applying to be Garda Vetted) as required. When conducting Garda Vetting, organisations should require vetting subjects to present identification totaling 100 points to ensure they are checking the correct person.

At least one form of photographic evidence must be provided to the DkIT Liaison Officer.

Identification	Score	Tick
Irish driving license or learner permit (new credit card format)	80	
Irish Public Services Card	80	
Passport (from country of citizenship)	70	
Irish certificate of naturalisation	50	
Birth certificate	50	
Garda National Immigration Bureau (GNIB) card	50	
National Identity Card for EU/EEA/Swiss citizens	50	
Irish driving license or learner permit (old paper format)	40	
Employment ID		
ID card issued by employer (with name and address)	35	
ID card issued by employer (name only)	25	
Letter from employer (within last two years)		
Confirming name and address	35	
P60 or pay-slip (with home address)	35	
Utility bill e.g. gas, electricity, television, broadband (must not be less than 6 months old. Printed online bills are acceptable. Mobile phone bills are not acceptable)	35	
Public services card/social services card/medical card	25	
With photograph	40	
Bank/Building Society/Credit Union statement	35	
• Credit/debit cards/passbooks (only one per institution)	25	
National age card (issued by An Garda Siochana)	25	
Membership card		
Club, union or trade, professional bodies	25	
Educational institution	25	
Correspondence		
From an educational institution/SUSI/CAO	20	
From an insurance company regarding an active policy	20	

From a bank/credit union or government body or state agency	20
Children under 16 years (any one of the following)	
Birth certificate	100
Passport	100
Written statement by a principal confirming attendance at educational institution on a letter head of that institution	100
Recent arrival in Ireland (less than 6 weeks)	
Passport	100
Vetting Subject is unable to achieve 100 points**	
Affidavit witnessed by a Commissioner for Oaths	100

TOTAL

No candidate can commence employment in DkIT until such time as clearance for the applicant in question is received. If a criminal record is revealed or a prosecution is pending, the action as per section 6 of this policy should be followed.

Appendix 4: Revision History

Date of drafting: 30 June 2023	Date of next review: June 2026
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Version Number/ Revision Number	Revision Date	Summary of Changes
1.0	April 2016	Original Draft
2.0	30 June 2023	Redraft of Policy

Consultation History

Version Number/ Revision Number	Consultation Date	Names of Parties in Consultation	Summary of Changes
V1.0	April 2016	Staff Unions	Staff unions briefed on new Garda vetting for all staff
V1.0	April 2016	Executive Board	Discussion at Executive Board on Vetting of all staff
V2.0	30 June 2023	Staff Unions	Draft copy sent to all unions for comments and agreed on 26 January 2024.
V2.0	22 May 2024	Executive Board	None - approved