

TÚSLA

An Ghníomhaireacht um
Leanaí agus an Teaghlach
Child and Family Agency

CHILDREN'S SERVICES REGULATION

Guidance on vetting for students before they commence practice placements in early years services

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1.0 Introduction

1.1 Who is this Guidance for?

This guidance document has been developed by Tusla's Children's Services Regulation and is intended to provide information and guidance on vetting requirements for students on early childhood learning and care programmes, before they take up practice placements in regulated early years services.

1.2 What is the guidance document about?

This document sets out the vetting requirements for students before they take up a practice placement in an early years service, explains how vetting processes work and outlines the responsibilities of the organisations, services and people involved. In many situations, students will already have obtained a Garda vetting disclosure as a requirement of their admission to the education programme, and in other situations, students will complete the Garda vetting process after enrolment but before commencing their practice placement. This is a matter for the educational institution to manage.

This document should be read in conjunction with Tusla's [Regulatory Notice on the Renewal of Garda Vetting](#) and [Garda Vetting for the Early Learning and Care \(ELC\) and School Age Care \(SAC\) sector](#) on the DCEIDY website.

All Garda vetting processes must align with the information and direction that can be found on the [National Vetting Bureau website](#).

2.0 Glossary of terms

National Vetting Bureau (NVB): The national office within An Garda Síochána which conducts vetting of applicants engaged in relevant work to ascertain whether these applicants have a criminal record and/or specified information recorded against them.

Relevant Organisation: A person (including a body corporate or an unincorporated body of persons) who employs, enters into a contract for services or permits any person to undertake relevant work or activities, a necessary and regular part of which consists mainly of the person having access to, or contact with, children or vulnerable adults. A relevant organisation shall not permit any person to undertake relevant work or activities on behalf of the organisation unless the organisation receives a vetting disclosure from the Garda National Vetting Bureau in respect of that person. A person who contravenes this section shall be guilty of an offence. Relevant Organisations are required by law to vet anyone who is engaged in relevant work before they commence their role. The full definition of a Relevant Organisation is set out on the [NVB website](#) and in the provisions of the [National Vetting Bureau \(Vulnerable Persons\) Act 2012](#).

Relevant work: Any work or activities, 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.

Specified Information: Concerning a [finding or allegation](#) of harm to another person received by the National Vetting Bureau from An Garda Síochána or a Scheduled

Organisation pursuant to section 19 of the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016

Vetting Applicant: The student who is being vetted.

Vetting Disclosure: A [vetting disclosure](#) from the NVB will 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.

Vetting Liaison Person: The nominated individual carrying out the vetting process on behalf of the educational institution.

3.0 Legal and regulatory requirements covering vetting for students

3.1 The Child Care Act 1991 (Early Years Services) Regulations 2016 and Child Care Act 1991 (Early Years Services) (Registration of School Age Services) Regulations 2018

This legislation requires that any persons (including employees, volunteers and unpaid workers, students on practice placement, contractors and members of boards of management) who come into direct contact with children in an early years service must provide evidence of a Garda vetting disclosure before their employment/access commences.

If the person has ever lived outside of the island of Ireland for a period longer than 6 consecutive months while over the age of 18 years, they must also provide relevant police vetting documentation from the countries in which they lived. Evidence of a Garda vetting disclosure (or police vetting, if applicable) for the student on placement must be held on file in the early years service for as long as required by the policy of the service and be available for inspection for the duration of the placement

3.2 The National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016

This legislation provides for the establishment and maintenance of a National Vetting Bureau and database and provides for the establishment of vetting procedures that are to apply, in respect of persons who wish to undertake certain work or services or activities relating to children or vulnerable persons. Under these Acts, it is a criminal offence not to have obtained a Garda vetting disclosure when working with children and vulnerable adults.

4.0 How the Garda vetting process works for students

As with all relevant organisations, an educational institution seeking Garda vetting for students who will undertake practice placements in early years services must be first approved to do so by the NVB. This process can be started by getting in touch by post or by email with the NVB and further detailed information on this can be found on the [NVB website](#).

Once the relevant organisation has received their NVB Affiliate Registration Number, the educational institution can submit applications for Garda vetting for their students. The National Vetting Bureau provides Garda Vetting applicants with the ability to apply online

using their eVetting facility. Further information on the exact steps to be taken in the vetting process is set out on the [NVB website](#). Once the student's vetting disclosure has been obtained from the NVB, the educational institution as the relevant organisation, and in line with their own internal policies and procedures, reviews the vetting disclosure, and if required in the event of a positive disclosure and/or specified information, makes a determination on the suitability of the student for admission to the education and/or training programme, and to undertake a practice placement.

4.1 Vetting for students between under 18 years of age.

If a student is under 18 years, for example a student seeking work experience as part of the 2nd level Transition Year work experience programme, references, garda vetting where obtained, and insurance are typically managed by the educational institution. All relevant documents shared with the registered provider by the educational institution in respect of a Transition Year student or any other student under the age of 18 years should be kept on file in the service and be open to inspection for the duration of the placement.

The National Vetting Bureau will not process applications of people under the age of 16. Further, it is not a legal requirement for students under 18 years to be Garda Vetted. However, if it is the preference of the registered provider that a student under 18 years is to be Garda vetted before they take up a work experience placement in an early years service, the registered provider should follow the established Garda Vetting procedures in place in their service.

For students between the ages of 16 and 18 years, a completed form NVB 3 - Parent/Guardian consent form will be required with the vetting application, which will be processed by the educational institution.

4.2 Vetting for further education and training and higher education level students

Whether prior to admission to the programme or prior to placing a student in an early years setting, the educational institution, as the relevant organisation, must have applied to the NVB for a Garda Vetting disclosure for the student. Additionally, with the student's consent and prior to placing the student to a placement in an early years setting, the educational institution must furnish the registered provider in the early years setting with the vetting disclosures received from the NVB in respect of the student, in accordance with the National Vetting Bureau (Children and Vulnerable Persons) Act 2012. This will allow the registered provider to make an informed decision about a student placement before the placement is due to begin. There is no requirement for a registered provider to also obtain Garda Vetting for the student coming on placement within their service.

4.3 Vetting for international students

Prior to admission to the programme or prior to beginning a placement in an early years setting, an international student enrolled in an educational institution in Ireland will need to be vetted by the Garda National Vetting Bureau following the process set out on the NVB website. They will also require a copy of their Police Clearance Certification for countries outside of the island of Ireland that they have lived at for longer than 6 consecutive months, while over the age of 18 years. These vetting documents must be furnished to the registered provider in the early years service before a placement begins.

If an international student is enrolled in an educational institution outside of Ireland, the registered provider of the early years service is responsible for ensuring that the student has Garda Vetting before they can commence the placement. The international student in this instance will need to furnish the registered provider with a copy of their Police Clearance Certification for all addresses in countries outside of the island of Ireland that they have lived at for longer than 6 consecutive months, while over the age of 18 years.

5.0 Obligations

5.1 Obligations on educational institutions

Educational institutions, who are relevant organisations in respect of Garda Vetting must ensure that they are adhering to their statutory obligations. This means that educational institutions must:

- Process each student application for vetting in line with GDPR and the data management and privacy policies of the institution. A written and signed data sharing agreement must be in place to facilitate the sharing of vetting information between two or more relevant organisations, in this case the registered provider of the early years service and the educational institution. Section 12.3(A) of the National Vetting Bureau (Children and Vulnerable Persons) Act 2012-2016 allows for such sharing of personal data.
- Only apply for vetting for students where the student will be conducting relevant work/activity. There is no legal basis for vetting students or staff from educational institutions (e.g. visiting placement co-ordinators) if they are not conducting relevant work or activities. These applications will be returned as unsuccessful by the NVB, however evidence of these applications, if made, should be kept on file by the relevant organisation.
- Ensure that students on placement in early years services hold a vetting disclosure dated within the previous 3 years. While there is no expiry date on a Garda vetting disclosure, the vetting will only be considered valid for 3 years from the date of the disclosure. Students on a 4-year education programme who have received a Garda vetting disclosure in year 1 of their programme will likely need to reapply to obtain an in-date Garda Vetting disclosure before they can undertake a placement in year 4 of their programme, in line with Tusla's Regulatory Notice on the Renewal of Garda Vetting.
- Where a positive disclosure and/or specified information is received, the educational institution must review the disclosure to establish what risk, if any, the disclosures have with respect to the suitability of the student to work with children on a practice placement.
- Ensure that after conducting a risk assessment in compliance with the educational institution's own internal risk management and safeguarding policies, and where it is deemed the student is suitable for a practice placement, this information is furnished to the registered provider of the early years service before the placement begins, to allow the registered provider to make an informed decision about the student placement. The educational institution must set out in writing to the registered provider how the positive disclosure has been dealt with and the outcomes of risk assessments carried out.

- Ensure that if it is deemed as a result of the risk assessment, that the student is not suitable for a practice placement, the educational institution follow their own internal policies and procedures on managing this issue and the placement to an early years service does not proceed.
- Provide documentary evidence to the registered provider in respect of the student to include:
 - Garda vetting and (where relevant) Police vetting information
 - 2 verified¹ reference letters (one of which should be from the most recent employer where possible)
 - A CV for the student
 - Proof of the student's identity
 - Indemnity and insurance information as appropriate,
 - Any other relevant documentation e.g. the outcome of any risk assessments.

5.2 Obligations on registered providers

Registered providers must ensure they are adhering to their statutory obligations in respect of students on practice placements, as set out in regulation and legislation. As a relevant organisation, the registered provider must not permit any person to undertake relevant work or activities on behalf of the organisation, unless the organisation receives a vetting disclosure from the Garda National Vetting Bureau or from another relevant organisation (in this case an educational institution) in respect of that person. Further, they must:

- Enter into a data sharing agreement with the educational institution who is proposing to place a student in their service for a practice placement.
- Review the documentation that has been shared by the educational institution in respect of the student and ensure that all documentation is kept on file and open to inspection. This includes Garda and (where relevant) Police vetting information, 2 verified reference letters² (one of which should be from the most recent employer where possible), proof of identity, C.V., indemnity and insurance information, and any other documentation supplied by the educational institution.
- Ensure that they are satisfied that the documentation supplied by the educational institution in respect of the suitability of any student for a practice placement in the event of a positive disclosure. The registered provider should make an informed decision before agreeing to proceed with the placement, based on the information provided.

Registered providers are **not required** to process a Garda vetting disclosure in respect of a student on placement when the student has an in-date Garda Vetting disclosure provided by the educational institution (except where the student is also employed by the service to work with children, outside of the placement hours).

¹ Verification of references should be conducted in line with the policy of the educational institution and verification should be evidenced.

² Evidence of verification should be checked by the Registered Provider (example- the reference letter has been stamped by the educational institution to indicate it has been accepted as a valid reference)

Should the student be employed as a staff member carrying out relevant work in the service outside of the placement hours, a separate Garda Vetting disclosure will be required in addition to the Garda Vetting disclosure shared by the educational institution. The Vetting Disclosure obtained by the educational institution is valid only for the relevant work undertaken by the student while on their practice placement and will not cover the relevant work undertaken when the student is employed in the service as a staff member. It is the responsibility of the registered provider to obtain the appropriate Garda Vetting disclosure for a person who is a staff member irrespective of any other vetting disclosure that person has obtained.

It is not a requirement for staff from the educational institution who may be visiting the student while on placement to provide evidence of Garda vetting before they enter the premises. Garda vetting is only required for persons undertaking relevant work and does not apply to a visitor to the service, unless that person is directly engaging with children as a part of their visit.

5.3 Obligations on students

Students, as vetting applicants must comply with the student vetting policy and procedures of their educational institution.

- The student must complete the relevant NVB vetting forms in a complete, honest, comprehensive and timely manner.
- Students must not begin their practice placement until their vetting disclosure, along with all other required documents (references, CV, photo ID and police vetting if applicable) have been shared by the educational institution with the registered provider of the early years service, and the registered provider has agreed to facilitate the placement.
- Students who are employed by the service outside of the placement hours will require a separate Garda Vetting disclosure as a staff member in the service.

6.0 Further resources

In addition to the sources linked to throughout this document, the following sources were drawn on to develop this guidance.

Data Protection Commissioner: [Garda Vetting- some data protection considerations](#)

Early Childhood Ireland: [Vetting requirements for students](#)

Early Childhood Ireland: [Garda Vetting FAQ](#)

National Child Safeguarding Programme for ELC: [Garda Vetting](#)

