

Polasaithe

Naíonra Céimeanna Beaga

Polasaí 40: Grinnfhiosrúchán an Gharda Síochána / Garda Vetting



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1. Grinnfhiosrúchán an Gharda Síochána

Tá sé mar aidhm ag an bpolasaí seo cinntiú go ndéantar grinnfhiosrúchán cuí ar gach baill foirne, mic léinn agus ionadaithe a bhfuil rochtain acu ar pháistí. Chuige sin caithfear teistiméireachtaí a fháil ó iarrfhostaitheoirí agus grinnfhiosrúcháin an Gharda Síochána a chomhlánú tríd an mBiúró Náisiúnta Grinnfhiosrúcháin.

Ba chóir go mbeadh grinnfhiosrúchán an Gharda Síochána faighte ag gach fostaí, oibrí deonach, agus mac léinn a oibríonn sa tseirbhís.

Éileoidh na Cigirí Réamhscoile go ndéanfaí grinnfhiosrúchán an Gharda Síochána ar an bhfostaí sula dtosaíonn sé/sí ag obair sa tseirbhís.

Níl cead ag iarrathóirí a oibríonn gan mhaoirsiú le páistí tosú ag obair go dtí go bhfaigheann siad toradh sásúil ar ghrinnfhiosrúchán an Gharda Síochána de réir na treoirí seo.

Polasaí:

De réir na rialachán faoin **Acht um Chúram Leanaí**, 1991 (Seirbhísí Luathbhlianta) caithfidh an duine atá i bhfeighil ar sheirbhís Naíonra cinntiú go ndéanfaí grinnfhiosrúchán cuí ar gach úinéirí, stiúrthóirí, baill den Bhord Bainistíochta, baill foirne, mic léinn agus oibríthe deonacha.

1. Teistiméireachtaí ó fhostóirí agus ó mholtóirí creidiúnacha eile a sheiceáil maidir le húnéirí, le stiúrthóirí, le baill foirne, le baill den Bhord Bainistíochta, le mic léinn agus le hoibríthe deonacha.

2. Grinnfhiosrúchán a lorg ó na Gardaí Síochána.
3. Maidir le húinéirí, le stiúrthóirí, le baill den Bhord Bainistíochta, le baill foirne, le mic léinn agus le hoibrithe deonacha a raibh cónaí orthu thar lear ar feadh tréimhse níos mó ná 6 mhí as fad a chéile; cinnteofar go gcuireann na daoine seo na grinnfhiosrúcháin riachtanacha ó na póilíní ábhartha eile ar fáil.

De réir Rialacháin 2016 faoin Acht um Chúram Leanaí, 1991 (Seirbhísí Luathbhlianta) caithfidh an tseirbhís próiseas ghrinnfhiosrúchán an Gharda Síochána a chur i gcrích roimh cheapúchán fostaí agus sula mbeidh rochtain ag an duine ar pháistí.

Caithfear toradh sásúil a bheith ar ghrinnfhiosrúchán an Gharda Síochána chun a bheith fostaithe ag an tseirbhís. Nuair a éireoidh le hiarrthóir post a fháil sa tseirbhís, caithfidh siad foirm iarratais maidir le grinnfhiosrúchán an Gharda Síochána a líonadh **sula** dtosaíonn siad ag obair.

Cinntoidh an lucht bainistíochta go dearbhaítear aitheantas an iarrthóra i gcomparáid le bunchóip (ní leor fótachóip) de cháipéisí (mar láncheadúnas tiomána nó pas), ar a bhfuil ainm an iarratasóra, a s(h)eoladh, a d(h)áta breithe agus grianghraif dó/di. Ba chóir é seo a chur i gcomparáid lena n-iarratas scríofa.

Moill Grinnfhiosrúchán an Gharda Síochána a Fháil:

Leanfaidh an tseirbhís na Nósanna Imeachta um Ghrinnfhiosrúchán an Gharda Síochána agus léireoidh siad meas ar na nósanna céanna. Leanfaidh an tseirbhís chomhairle agus treoracha NVB (an Biúro Náisiúnta Grinnfhiosrúcháin) agus na gCigirí Réamhscoile Tusla- An Ghníomhaireacht um Leanaí agus an Teaghlach nó aon riachtanais eile atá riachtanach faoi reachtaíocht.

Níl grinnfhiosrúchán an Gharda Síochána inaistrithe ó sheirbhís amháin go seirbhís eile.

Mic Léinn:

Caithfidh an Garda Síochána grinnfhiosrúchán a dhéanamh ar gach mac léinn. Caithfidh gach mac léinn Foirm iarratais an Gharda Síochána a chomhlánú sula dtosaíonn siad ar thaithí oibre sa tseirbhís.

Ceanglaítear ar mhic léinn foirmeacha iarratais um Ghrinnfhiosrúchán an Gharda Síochána a chomhlíonadh i gcomhréir leis na treoirlínte arna eisiúint ag an mBiúro Náisiúnta Grinnfhiosrúcháin. Coimeádtar foirmeacha um Ghrinnfhiosrúchán an Gharda Síochána ar an láthair agus níl siad inaistrithe chuig seirbhísí nó eagraíochtaí eile.

Daltaí Idirbhliana:

Má thógann an tseirbhís dalta idirbhliana nó dalta eile atá faoi 18 mbliana d'aois caithfidh a t(h)uimsitheor/ a c(h)aomhnóir foirm a dhearbhaíonn nár ciontaíodh an dalta idirbhliana i gcoir roimhe seo, a chomhlíonadh agus a shíniú. Gheobhaidh an tseirbhís dhá theistiméireacht bhailí do gach dalta idirbhliana. Níor chóir dalta idirbhliana a fhágáil leo féin le haon pháiste i tseirbhís luathbhlianta. Caithfidh ball foirne a bheith leo i gcónaí. Caithfidh aon dalta idirbhliana atá níos sine ná 18 mbliana d'aois Grinnfhiosrúchán an Gharda Síochána a fháil roimhré, áfach.

Fostaithe a raibh cónaí orthu taobh amuigh d'Éireann

Do dhaoine a raibh cónaí orthu nó a bhí ag obair taobh amuigh den stát ar feadh tréimhse níos mó ná sé mhí as a chéile, ba chóir Foirm Ghrinnfhiosrúchán an Gharda Síochána a chomhlíonadh ag breacadh síos a seoltaí cónaithe in Éirinn agus i dtíortha eile aron.

Anuas air sin, is gá don duine sin teasta(i)s bunaidh de ghrinnfhiosrúchán na bpóilíní ón tír/ó na tíortha ina raibh sé/sí ina c(h)ónaí/ag obair a chur ar fáil. Baineann sé seo le hiarratasóirí idirnáisiúnta chomh maith le hiarratasóirí Éireannacha a raibh cónaí orthu/ a bhí ag obair thar lear. Ba chóir go dtógfadh fostóirí bearta réasúnta chun grinnfhiosrúchán na bpóilíní ó thíortha eile a fhíorú agus ba chóir na hiarrachtaí sin a thaifeadadh sa chomhad pearsanra.

Ag déileáil le Nochtadh Eolais:

D'fhéadfadh an tuairisc a thagann ar ais ón mBiúró Náisiúnta Grinnfhiosrúcháin ceann de na rudaí seo a leanas a léiriú:

1. Nár ciontaíodh an t-iarratasóir ainmnithe, a chuir a shonraí ar fáil, i gcoir roimhe sin

NÓ

2. Sonraí maidir le ciontuithe atá le feiceáil ar thaifid na nGardaí. Tá na sonraí seo bunaithe ar an eolas a chuirtear ar fáil ar an iarratas i gcomhair Grinnfhiosrúcháin. Ní féidir leis na Gardaí iad a dhearbú go cinnte, áfach, toisc nach soláthraítear méarloirg. Ba chóir na sonraí seo a fhíorú leis an iarratasóir roimh chinneadh a dhéanamh.

NÓ

3. Ionchúisimh rathúla nó neamhrathúla, ar feitheamh nó críochnaithe.

Rogha eile ná 'meaitseáil fhéideartha' ina meaitseálann beagnach na sonraí ar fad leis an iarratasóir ach go bhfuil difir éigin eatarthu, mar shampla an seoladh nó an dáta breithe. Arís, ba chóir na sonraí seo a fhíorú leis an iarratasóir roimh chinneadh a dhéanamh.

Nuair a thagann eolas ar ais a léiríonn ciontú nó meaitseáil fhéideartha, moltar go reáchtálfaí cruinniú athbheithnithe maidir le grinnfhiosrúchán an Gharda Síochána leis an iarratasóir. Tá dhá chuspóir ag an gcruinniú seo:

1. Chun fíorú gurb é an t-iarratasóir an duine faoina bhfuil an nochtadh ciontuithé déanta. D'fhéadfadh an t-eolas a sheol na Gardaí ar ais a bheith bainteach leis an iarratasóir agus ba chóir é seo a fhíorú leis an iarratasóir sula ndéantar aon chinneadh.
2. Chun deis a chur ar fáil don fhostóir agus don iarratasóir an nochtadh ó ngrinnfhiosrúchán an Gharda Síochána a phlé.

Má cheistíonn an t-iarratasóir an t-eolas a tháinig ar ais ón mBiúró Náisiúnta Grinnfhiosrúcháin, is ar an iarratasóir atá an dualgas teagmháil a dhéanamh leis na Gardaí chun an cheist a réiteach.

D'fhéadfadh an lucht bainistíochta cruinniú a ghairm in éineacht le pearsanra cuí eile mar Oibrí Forbartha ón 'Clare County Childare' nó comhairleoir ó eagraíocht le saineolas sa réimse seo, más gá.

Gairmfear an cruinniú chun an nochtadh ón mBiúró Náisiúnta Grinnfhiosrúcháin a phlé i ndáil leis an bhfostaí (ionchasach) agus chun cinneadh a dhéanamh faoi cad a dhéanfar. Ba chóir machnamh a dhéanamh ar na pointí seo a leanas:

- Ar léirigh an fhostóir an rud a d'fhéadfadh a bheith nocht ag an mBiúró Náisiúnta Grinnfhiosrúcháin don tseirbhís cheana féin?
- An ionann nochtadh an fhostaí agus nochtadh an Bhiúró?
- Sa chás nach raibh an fostaí tar éis an t-eolas a nocht an Biúró a roinnt leis an tseirbhís caithfidh an lucht bainistíochta an measúnú riosca thíos a úsáid. Leis an gcur chuige seo caithfear an riosca a mheas ó thaobh an duine aonair, na coire, agus chuspóir an phoist.
- Is féidir leis an lucht bainistíochta labhairt leis an bhfostaí maidir leis an gceist seo sula ndéantar cinneadh deireanach.
- Ba chóir don lucht bainistíochta an cinneadh a thaifeadadh agus an fostaí (ionchasach) a chur ar an eolas maidir leis an gcinneadh.

2. Garda Vetting

It is the purpose of this policy to ensure that appropriate vetting of all staff, students and volunteers who have access to children is carried out. This requires getting references from past employers and completing Garda vetting through the National Vetting Bureau (NVB).

All employees, volunteers and students working in the service must be Garda vetted.

The Early Years Inspectors will require that all employees are Garda vetted before they commence employment with the service.

Applicants that work unsupervised with children may not take up a post until a satisfactory outcome of the Garda vetting process in accordance with these guidelines is obtained.

Policy:

The Child Care Act 1991 (Early Years services) Regulations 2016 require any person carrying on a Naíonras service must ensure appropriate vetting of all owners directors, BOM members, staff, students and volunteers

1. Checking employer and other reputable references in respect of owners, directors, staff, students and volunteers.
2. Seeking Garda vetting from An Garda Síochána.
3. In respect of owners, directors, BOM members, staff, students and volunteers who have lived abroad, for more than six continuous months, ensuring that these persons provide the necessary police vetting from other police authorities.

The Child Care Act 1991 (Early Years services) Regulations 2016 require that services complete vetting prior to any person being appointed or being allowed access to children.

Employment with the service is subject to a satisfactory outcome of the Garda Vetting Process. Where an employee is successful for a position with the service, they will be required to complete a Garda Vetting Application Form **before** they commence employment.

Management will ensure that the identity of the applicant is confirmed against an original (not a photocopy) official documentation (such as a driving licence or passport), which includes the applicant's name, address, date of birth and a photograph. This should be compared with their written application.

Delay in Obtaining Garda Vetting:

The service will follow and respect the Garda Vetting Procedures and will follow the advice and guidance of the NVB and Tusla-The Child and Family Agency Early Years Inspector or any requirements that are compulsory under legislation.

Garda Vetting is not transferable from one service to another.

Students:

All students must be Garda Vetted. Students will be required to complete a Garda Vetting Application Form before they commence their placement at the service. Students are required to complete Garda Vetting Application Forms in accordance with the guidelines issued by the National Vetting Bureau. Garda Vetting Forms will be held on site and are not transferable to other services or organisations.

Transition Year Students:

If the servicetakes on a transition year student or student under 18 years of age their parent/guardian will be required to complete and sign a form declaring that there are no convictions against the transition year student. The service will obtain two validated references for all transition year students. A transition year Student should never be left alone with any child in an early year's service. They must be accompanied at all times by a staff member. Garda Vetting will be required, however, for all transition students over 18 years.

Employees Who Have Lived Outside of Ireland:

For persons who have lived/worked outside of the state for more than six continuous months a Garda Vetting Form should be completed listing the addresses both in Ireland and other countries that the person has resided in. Additionally, the person is required to provide an original Police Vetting Certificate/s from the country / countries that they have lived / worked in. This applies to international applicants as well as Irish applicants who have resided / worked abroad. Employers should take reasonable steps to verify Police vetting from other countries and these attempts should be recorded on the personnel file.

Dealing with Disclosures:

The report that comes back from the NVB may show:

- No previous convictions against the named applicant whose details were supplied.

OR

- Details of convictions that appear on Garda records. These are based on the information supplied on the application for Garda vetting. However, they cannot be positively confirmed by the Gardaí, as fingerprints have not been supplied. These details must be verified with the applicant before any decision is made.

OR

- Prosecutions successful or not, pending or completed.

There is also the option of 'possible matches' where almost all the applicant's details match but there is some difference, such as the address or date of birth. Again, these details must be verified with the applicant before any decision is made.

When information is returned indicating a prosecution or possible match, it is recommended that a Garda vetting review meeting be held with the applicant. This has two purposes:

- To verify that the applicant is the person about whom the disclosure of convictions has been made. The information returned by the Gardaí may apply to the applicant and should be verified with the applicant before any decision is made.
- To provide an opportunity for the employer and the applicant to discuss the disclosure from Garda vetting.

If the applicant disputes the information returned by the NVB, the onus is on the applicant to contact the Gardaí to resolve the matter.

Management may also convene a meeting together appropriate personnel such as a Development Worker from the Clare County Childcare or a Consultant from an organisation with expertise in this field if required. The meeting will be convened to discuss the disclosure from the NVB in relation to the (prospective) employee and to decide what action is required. Some points to consider are:

- Has the employee already indicated to the service what may be disclosed by the NVB.
- Does the employee disclosure 'match' the NVB disclosure?
- Where the employee has not indicated to the service what the NVB has disclosed then management need to use the risk assessment below. This approach must consider the risk in terms of the individual, the offence and the purpose of the job.
- Management may speak to the employee in relation to this matter before making a final decision.
- Management should record their decision and inform the (prospective) employee of their decision.

Risk Assessment:

Risk will be assessed in relation to the individual in terms of the risk due to the disclosed offence. In some cases, the relationship between the offence and the position the individual has applied for will be clear enough to take a decision as to whether or not the individual is suitable for employment with the service.

Points to consider are:

- Offences concerned with larceny, fraud and theft are crimes of deception and may be a behavioural indicator.
- Child Protection or related offences.
- Breaches in trust e.g. fraud.

- Offences against property e.g. arson, armed robbery.
- Drug related charges/convictions (particularly possession for sale or supply).
- Offences against the person e.g. assault, harassment, coercion.
- Offences against the state.

The risk will be assessed by the person in charge. Assessment of the risk of the employee together with the offence:

- In carrying out this assessment, the following factors in addition to other relevant case specific concerns should be considered and documented in support of the recommendation to either stay on the current work assignment or transfer to a more suitable one.
- The seriousness of the offence and its relevance to the safety of the children.
- The length of time since the offence was occurred.
- The age of the applicant at the time.
- Whether the offence was a ‘one off’ or part of a history of offending.
- Whether the applicant’s circumstances have changed since the offence was committed, making re-offending less likely.
- The degree of remorse or otherwise, expressed by the applicant and their motivation to change.
- The sentence imposed in relation to the offence.
- Whether the applicant has undertaken any kind of rehabilitation relating to the offence they committed e.g. anger management or drug treatment programme.
- Work history since the offence.
- Protecting the employee from situations that might cause difficulty e.g. allegations against them etc.

The risk assessment and the decision to employ or not to employ should be carried out by those nominated as outlined above.

Data Collected through Garda Vetting:

The service will conform to the provisions of the Data Protection Act 1998 and the Data Protection (Amendment) Act 2003 in relation to the storage and retention of records.

Storage of Data:

The storage and security of Garda Vetting Form is a very important consideration under the Data Protection Acts. Appropriate security measures will be taken by us against unauthorised access to this data. A minimum standard of security will include the following measures:

- Access to the information should be restricted to authorised staff on a “need-to-know” basis. Access to Garda Vetting Forms should be restricted to a maximum of two individuals within the service.

- Access will also be restricted to external authorised personnel – e.g. the early Year’s Inspector.
- The forms will be stored in a lockable filing cabinet located away from public areas.
- Any information that needs to be disposed of will be done so carefully and thoroughly when out-of-date but only if a new vetting procedure has been completed.
- Premises will be secured when unoccupied.

Retention:

We will retain a record of the decision to appoint an employee and the reasons for the decision as part of the overall recruitment records. In the event of a decision not to appoint an employee on the basis of a Garda vetting disclosure, records should be retained confidentially indefinitely.

Repeat Garda Vetting:

The Garda Vetting procedure may be carried out at any time during the employees contract of employment and the procedure should be followed at least every three years for continuing employees and in line with any subsequent legislation.

Note:

It is important to recognise the limitations of Garda/Police vetting, which can only alert an employer to criminal convictions. Research indicates that very few child abusers receive criminal convictions. Garda vetting will be used as part of the overall safe recruitment practices of the service and is one component of the recruitment decision. The Management reserves the right to use their own judgement about whether a person is suitable for a post with us.

EMPLOYEE DECLARATION FORM

Providing false information on this form could lead to the termination of your employment.

Regulations and best practice from a child protection perspective require that services complete vetting prior to any person being appointed or being allowed access to children. Allowing someone to start work before Garda vetting has been received is regarded as non-compliant under the Childcare Act 1991 (Early Years Services) Regulations 2016.

Our policy is that Garda vetting will be completed at three year intervals, however vetting may be done at any time during the contract of employment.

Name of Applicant: _____

Date: _____

Please tick one of the following:

I do not have any criminal convictions recorded against me

Yes, I do have a criminal conviction(s) recorded against me

If yes, please give details:

I do not know of any reason why I may not be suitable to work with children.

I declare that if my circumstances change with regard to any criminal convictions or my suitability to work with children I will notify the service management immediately.

Signed: _____

Date: _____

Office Use:

Signed: _____

Name: _____

Position _____

Date:
