



4. RECRUITMENT (INCLUDING GARDA VETTING)

Document Title:	Recruitment (including Garda Vetting)
Unique Reference Number:	04
Document Author:	YMCA Childcare, CB
Document Approved:	Paul McDonald
Person(s) responsible for developing, distributing and reviewing Policy	Paul McDonald Michelle Cullen
Person responsible for approving Policy	Paul McDonald
Method of communication of policies to staff (email / hard copy / induction training)	Email & Hard Copy
Method of communication of policies to parents/guardians (full policies via email, hard copy)	Email & Hard Copy
Date the Document is Effective From:	November 2020
Scheduled Review Date:	Annually
Number of Pages:	9

This policy has been communicated to parents/guardians.

Relevant staff know the requirements and have a clear understanding of their roles and responsibilities in relation to this policy.

Relevant staff have received training on this policy

Statement of Intent: To recruit the highest standard of personnel and ensure everyone working in the Service is suitable to work with children, to prevent any risk to children attending.

Policy and Procedure: It is the policy of the Service to recruit and select the best candidate for any vacant position within our Child Care service. Our employees are one of the key resources we have in achieving our aims and objectives of providing good quality care to the children in our service. Our primary concern is selecting the right candidate that will cherish the children in our care and help each one of them to reach their potential.

The following is how our Service operates its recruitment process to ensure the best candidate is chosen for every position, with particular reference to the suitability to work with young children.

It is our policy to:

- Deal with all applications with courtesy and efficiency;
- Select candidates on the basis of their qualifications and/or experience for the vacancy concerned; and
- To give every person interviewed a fair and thorough hearing.

WE BELIEVE EVERYONE SHOULD HAVE THE OPPORTUNITY TO BELONG TO HEALTHY, CONFIDENT, SECURE AND CONNECTED COMMUNITIES.



The Service will not:

- Discriminate unfairly against potential applicants on grounds of gender, civil status, family status, disability, sexual orientation, age, religion, race or membership of the Traveller community; or trade union membership / activity
- Discriminate unfairly against persons with a criminal record; or make any false statements in recruitment literature of job advertisements.

Job Descriptions and Personal Specifications: We will use updated job specifications and job descriptions for each position. Further information is available from the Management.

Advertisement:

- The avenues we use to advertise positions will depend on the vacancy and the budgets available.
- Advertisements and the selection process will not discriminate on any of the nine grounds protected by the Employment Equality Acts 1998 to 2008. These are gender, marital status, family status, sexual orientation, religion, age, disability, race, and membership of the Traveller community.
- It is essential that advertisements for all vacancies are impartial and objective.
- All employees on protective leave (such as maternity or parental leave) will be informed of each vacancy.
- All vacancies will be advertised both internally and externally, as may be appropriate.
- All vacancies will be advertised online at a minimum through Indeed / Facebook
- Advertisements will set out the qualification requirements for the vacancy. Qualifications will depend on the position and all qualifications will be verified by having sight of original certificated
- Applicants will be asked to submit a CV and/or Application Form
- Every job applicant will be replied to without unreasonable delay.
- Potential applicants will be informed about the details and the terms and conditions of employment of the position advertised.

Interview: Our aim is to draw out as much relevant information from each candidate as possible to enable us to make an accurate assessment of their suitability for the job.

Not all applicants will be called for interview. The Service aims to ensure an interview process that is free from discrimination. A gender-balanced interview panel will be provided where possible, but this may not always be feasible. The selection of persons who sit on the interview panel is at the discretion of the Management. All questions posed to the candidates will be consistent and will relate directly to the person's ability to do the job.

Candidates will be scored according to an interview selection form that has been designed to ascertaining the competencies and skills of the candidate to carry out the position. The job description and essential and desired criteria in the person specification are also utilised in the selection assessment. Fair and proper procedures will be followed.

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After each interview is held, every candidate is assessed against the criteria set out in the job description, personal specification and their own qualifications. The interview sheet is then signed off by the interviewers.

Records of all applications, screening criteria and interview notes will be kept for a minimum period of 12 months by the Management, before being discarded.

Feedback will be given to unsuccessful internal candidates to support them in their future development.

Risk Management:

- The Service will also validate any necessary documentation relating to visas and work permits, where applicable.
- Candidates will be required to sign and declare that the information they have provided is true.
- Candidates will be required to provide details of two previous employers for reference-checking. Successful candidates will have their references checked before an offer of employment is made. References will be checked by telephone and in writing to validate and verify the candidate's identity and to check their employment history, qualifications, experience and suitability for the role. References should be recent, relevant to the post and should not be provided by family members. References will be held on the employee's personnel file.
- Written references from at least two past employers. If a reference cannot be provided by the most recent employer a reason must be stated and a risk assessment done.
- A reference, if practicable, from the childcare employer if the candidate was previously employed in childcare.
- References will be validated.
- Reference should be from a reputable source, be in writing, be dated and signed by referee, give details of the referee's position, contain the address, phone number, logo or headed paper of the referee and the organisation's stamp where applicable
- The identity of the applicant will be 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 the written application. A copy of the candidates' driving licence or passport is required to be held on the employees' personnel file.
- CVs will be examined and explanations sought for any gaps identified.
- Candidate's qualifications submitted with an application for a position with the Service will be checked and verified
- All staff will be Garda Vetted see detailed procedure later in this policy.

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Qualifications for Staff Working Directly with Children: The Service requires that each employee hold a minimum qualifications as follows:

- A minimum of a major award in Early Childhood Care and Education at Level 5 on the National Framework of Qualifications or a qualification deemed by the Minister to be equivalent.
- An exemption from the qualification requirement and confirmation that this exemption is accepted by the Minister.
- The qualification requirement or relevant specialist training and the basis on which the capitation may be used for a person employed under the Access and Inclusion (AIM), detailed in an exemption letter from Pobal.

Probation: Once all the pre-employment assessments have been completed, a written offer of employment will be extended to the successful candidate, with full details of his or her conditions of employment.

It is the policy of the Service that all such offers will include a probationary period, of six (6) months and not longer than eleven months even when the successful candidate has been previously employed within the Service. Reviews will be carried out throughout the probation period and at a minimum after the initial two weeks, mid-way and at the end of the probation period. This gives the Service an opportunity to assess the suitability of a new worker to work with children and to implement the Service's policies on safe practices.

The Service will comply with Data Protection Acts, 1988 to 2003 and the 2016 General Data Protection Regulation ("GDPR") including:

- Obtaining and processing information fairly.
- Keeping it for explicit lawful purposes.
- Using it and disclosing it only in ways compatible with those purposes.
- Keeping it safe and secure.
- Retaining it for no longer than is necessary for that purpose.
- Giving a person a copy of his or her personal data on request.

Employment/Personnel Files: Legislation requires that we keep certain records on our staff members. It is our policy to keep the following records for each staff member:

- C.V.
- Copy of advertisement
- Job description
- Person/job specification (selection criteria)
- Questions for interview
- Proof of identity (passport, driving license)
- Score sheet and interview notes
- Medical results
- Two validated references (Verbal and Written)

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- Processed Garda Vetting Form
- Copies of letters sent to the candidate
- Contract signed by employee and employer
- Confirmation of Hire Form
- Sign off sheet on all policies and procedures
- Copies of validated qualifications
- Completed Induction Form
- Letter confirming successful probation completed
- Employee Training Record
- Copies of any other correspondence with the employee during the tenure of their employment
- Garda Vetting Declaration Form

Records in respect of employees will be held for 6 years. Records in respect of the recruitment process will be held for 12 months

Garda Vetting Disclosure Risk Assessment: The Child Care Act 1991 (Early Years Services) Regulations 2016 require any person carrying on a preschool service must ensure appropriate vetting of all owners, directors, BOM members, emergency contact person, contractors (e.g. who carry out workshops with the children staff, students, and volunteers. Vetting must be available in English.

1. Checking employer and other reputable references in respect of owners, directors, staff, students, volunteers, contractors and unpaid workers.
2. Seeking Garda vetting from An Garda Síochána.
3. In respect of owners, directors, BOM members, emergency contact person (for single practitioners service), contractors (e.g. who carry out workshops with the children) 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) of 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.

Board of Directors and Management Committees: All members of our Board of Directors and Management committee will be Garda vetted.

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Students and Contractors: Any contractor (e.g. music drama etc.) or student must satisfy the Service that they are Garda vetted by providing a certified copy of the vetting disclosure from the National Vetting Bureau and will not be required to reapply. A certified copy means a hard copy/original copy. The Service will note on the “copy” that it had sight of the original copy. If it is not possible to have sight of the original hard copy the Service will require that the copy has the stamp of the supplying organisation/college. In the event of e-vetting the relevant organisation can forward via email the original disclosure (password protected). The Service will do this with the consent of the person

Transition Year Students: Transition year students do not require Garda Vetting. Garda Vetting will be required, however, for all transition students over 18 years. Transition Year students will require 2 validated references.

Support Staff: Support Staff that visit the Service on a regular basis should be Garda Vetted. Other precautions to safeguard children will also be put in place (e.g. not allowing support staff have unsupervised access to children).

Staff from Other Agencies: Staff from other agencies such as Enable Ireland can transfer their vetting from that agency to our Service but we will risk assess any disclosures as we would do with other staff.

Parents: Parents who accompany children on occasional outings do not require Garda vetting, but will not be allowed unsupervised access to children.

Visitors: Visitors like the local fireman or a parent giving a talk about their work do not need Garda Vetting but should not have unsupervised access to children. Persons making once off visits do not require Garda Vetting but should not have unsupervised access to children.

Employees Who Have Lived Outside of Ireland: For persons who have lived/worked outside of the State for more than six continuous months (from the age of 18 years) need to be police vetted from the countries they lived in. The person is required to provide the original Police Vetting Certificate from these countries. This applies to international applicants and to Irish applicants who have lived/worked abroad. We will make reasonable steps to verify Police Vetting and these attempts will be recorded on the person’s file. It may not be possible to receive vetting from some countries.

For employees who have worked/lived in the UK they will require an International Child Protection Certificate. This is available from: ACRO Criminal Records Office (ACRO). A Basic Disclosure will not be accepted. Further details are available from: www.acro.police.uk/icpc/

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If vetting, references or qualifications are in another language (not English) these will be officially translated. This is our responsibility as employer.

Police Vetting is the property of the individual and can be used in multiple services. It can be copied and held on file, once we have had sight of the original.

Dealing with Disclosures: The report that comes back from the NVB may show:

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

OR

2. 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 Garda, as fingerprints have not been supplied. These details must be verified with the applicant before any decision is made.

OR

3. 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:

1. To verify that the applicant is the person about whom the disclosure of convictions has been made. The information returned by the Garda may apply to the applicant and should be verified with the applicant before any decision is made.
2. 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 Garda to resolve the matter.

Management may also convene a meeting together appropriate personnel such as a Development Worker from the CCC 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 needs 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.

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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 1988 – 2018 and amending regulations in relation to the storage and of records.

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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 employee's contract of employment and the procedure should be followed at least every three years for continuing employees and in line with any subsequent legislation.

Records: Garda vetting records should be kept for 5 years from the date of **commencement** of work

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.

Contract of Employment: All successful candidates taking up employment are obliged to enter into a contract of employment with the Service to include terms and conditions.

Signed: _____ **Date:** _____

Name:

Person responsible for approving the Policy

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