



Circular 0072/2017

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

Reminder to schools regarding the deadline of 31 December 2017 for the retrospective vetting of teaching staff, non-teaching staff and others

1. Purpose

1.1 The main purpose of this circular is to -

- a. remind school authorities of their statutory obligations under section 21 of the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016 (the Vetting Act) in respect of the retrospective vetting of teaching staff, non-teaching staff and others who have not previously been Garda vetted and who undertake relevant work or activities with children or vulnerable persons

and

- b. remind school authorities of the practical steps that must be undertaken to ensure that applications for retrospective vetting of teaching staff, non-teaching staff and others who have not previously been Garda vetted are submitted before the **deadline of 31 December 2017**

2. Definitions

2.1 The definitions set out in section 2 of Circular 0016/2017 apply also to this circular.

3. General

3.1 This circular should be read in conjunction with Circular 0016/2017, which outlines the requirements of section 21 of the Vetting Act concerning the retrospective vetting of

employees and other persons who have never previously been Garda vetted and who undertake relevant work or activities with children or vulnerable persons.

- 3.2 School authorities are reminded that under section 21 of the Vetting Act, they must ensure that applications for the retrospective vetting of any employees and others undertaking relevant work or activities with children or vulnerable persons, and who have never previously been vetted, have been made before 31 December 2017.
- 3.3 School authorities should be aware that failure, without reasonable excuse, to comply with the Act's retrospective vetting requirements is a criminal offence punishable by a fine of up to €10,000 or a prison term of up to 5 years or both.
- 3.4 It should be noted that a person for whom a GCVU vetting outcome or a Bureau disclosure has previously been received is not required to be vetted under the Vetting Act's retrospective vetting requirements. In the case of a registered teacher, where a school authority has already obtained a Teaching Council Vetting letter in respect of the teacher or has accessed a Bureau disclosure in respect of the teacher (via the Teaching Council's online electronic register of teachers), there is no requirement for that teacher to be vetted by the relevant school authority under the Vetting Act's retrospective vetting requirements.

4. Retrospective vetting of registered teachers

- 4.1 Circular 0016/2017 sets out the arrangements which have been put in place for the retrospective vetting of registered teachers. In that regard, since January 2017, the Teaching Council has been undertaking the retrospective vetting of registered teachers who have not been vetted to date in the context of their annual renewal of registration.
- 4.2 Applications for retrospective vetting have by now been made by the Teaching Council in respect of the vast majority of registered teachers who were previously un-vetted. Each such teacher can therefore now provide the relevant school authority with evidence that a vetting application has been submitted to the Bureau in respect of him or her. This can be done by providing the school authority with a copy of the Bureau's acknowledgement email of the Teaching Council's vetting application in respect of him or her, which is available via the application tracking system on the Bureau's website. A copy of this acknowledgement should be retained for the school authority's records.
- 4.3 A number of un-vetted registered teachers have not yet complied with the Teaching Council's request to undergo retrospective vetting. Each of these un-vetted registered teachers have at this time been formally requested by the Teaching Council to undergo retrospective vetting in the context of renewal of his or her registration. All such teachers should comply with this request immediately in order to be in a position to provide the school authority with evidence (as set out in section 4.2 of this circular) that a vetting application has been submitted to the Bureau in respect of him or her.

Registered teachers should also note that failure to comply with the Teaching Council's retrospective vetting request may result in removal from the register.

Immediate Actions to be taken by school authorities in respect of un-vetted teachers

- 4.4 School authorities should ensure that they have taken the steps outlined in Circular 0016/2017 in relation to identifying members of their registered teaching staff who have never been vetted previously. In the case of any registered teacher for whom evidence of a vetting application has not yet been provided to the school authority, the school authority should request each such teacher to immediately provide the school authority with such evidence. Where a registered teacher has not yet complied with the Teaching Council's retrospective vetting request, the teacher should be advised to do so immediately and to provide the school authority with the evidence of same as soon as the application has been submitted to the Bureau. Registered teachers and school authorities should note that the vetting application process involves 2 stages and an application for vetting is not submitted to the Bureau until stage 2 is fully completed. Having regard to the Vetting Act's deadline of 31 December 2017 for employers and taking into account the Christmas holiday period, it is imperative that such teachers comply with the Teaching Council's retrospective vetting request immediately.
- 4.5 Accordingly, in the case of any registered teacher who has not provided the school authority with such evidence by 30 November 2017, the school authority should immediately notify the teacher in writing that, having regard to the school's statutory obligations as his or her employer under section 21 of the Vetting Act, the school authority is formally requesting that teacher to immediately take the steps necessary to ensure an application for vetting is made in respect of him or her by the Teaching Council, and once submitted to the Bureau to provide the school authority with evidence of that vetting application having been so submitted.

The notification to the teacher shall also inform the teacher that –

- 1) he or she will meet the school authority's retrospective vetting requirement by immediately (and in any event no later than 31 December 2017) complying with the Teaching Council's request to him or her to undergo retrospective vetting in the context of his or her renewal of registration. Having regard to the Vetting Act's deadline of 31 December 2017 for employers and taking into account the Christmas holiday period, it is imperative that the teacher complies with the Teaching Council's request immediately.
- 2) if for any reason the teacher does not intend to comply with the Teaching Council's retrospective vetting request in the context of his or her renewal of registration, the teacher must still, for the purposes of his or her employment in the school, ensure a vetting application is made in respect of him or her before 31 December 2017 and must also provide evidence of that application to the school authority before 31 December 2017. Such an application will also have to be submitted via

the Teaching Council but in the context of the Teaching Council's conduit role for school employment rather than for registration purposes.

- 3) As failure to comply with the Teaching Council's retrospective vetting request may result in removal from the register, it is preferable that the teacher takes the action set out at (1) above (i.e. he or she complies with the Teaching Council's retrospective vetting request) as by doing so he or she will meet both the school authority's and the Teaching Council's retrospective vetting requirements. By taking the action set out at (2), the teacher would meet the school authority's requirement under the Vetting Act but risks being removed from the register for failure to comply with the Teaching Council's retrospective vetting requirements.

4.6 School authorities should continue to maintain regular contact with the teacher until such time as evidence of the vetting application has been received and where necessary legal advice should be sought. School authorities should retain all records of communication or correspondence with teachers in this regard.

4.7 School authorities should also note the following very important points-

- The Teaching Council will not inform schools of the details of those registered teachers who have not complied with the Teaching Council's request for retrospective vetting. It is the responsibility of each school authority to liaise with its registered teaching staff and to ensure that, by 31 December 2017, it has received evidence that each such teacher has applied for vetting.
- Where a school authority has already obtained a Teaching Council Vetting letter in respect of a registered teacher or has accessed a Bureau disclosure in respect of the teacher (via the Teaching Council's online electronic register of teachers), there is no requirement for that teacher to be vetted by the relevant school authority under the Vetting Act's retrospective vetting requirements.
- It should be noted that the Teaching Council cannot currently issue copies of the Teaching Council Vetting letter but registered teachers can check their previous GCVU vetting status by logging on to the "My Registration" section of the Teaching Council website www.teachingcouncil.ie. This section of the website includes an indicator of when a teacher has previously been vetted by the GCVU. A teacher can show the relevant webpage to the relevant school authority which should retain a printed copy of same for its records. Further details on how to access this information is available in on the Teaching Council's website.
- Registered teachers can also give their school employer access to their Bureau disclosures via the online electronic register.

5. Retrospective vetting of all other employees and non-employees

5.1 In respect of all other staff and non-employees, school authorities should ensure that they have identified all those who have already been vetted and those have not yet been Garda vetted. School authorities should ensure that they have taken the steps

outlined in section 5 of Circular 16/2017 to identify such persons who are required to be vetted, and in section 6 of circular 16/2017 in relation to the arrangements for ensuring that applications for retrospective vetting are made by 31 December 2017.

- 5.2 School authorities should maintain regular contact with such persons to ensure a vetting application has been submitted by 31 December 2017 and where necessary legal advice should be sought.
- 5.3 School authorities should note that in accordance with section 3 of the Vetting Act, there are no retrospective or other vetting requirements under the Vetting Act in respect of persons who assist a school on an occasional and unpaid basis provided such assistance does not involve the coaching, mentoring, counselling, teaching or training of children or vulnerable persons.

6. Dissemination

- 6.1 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.

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