



Feidhmeannacht na Seirbhíse Sláinte
Health Service Executive

Standard Operating Procedure

Garda Vetting, Employee References [and recorded validations] & Qualifications

For early years / pre-school⁶ services

As referred to in Regulation 8 of *[Management & Staffing]* and,
Regulation 14 *[Records]* of
SI 604/2006 — Child Care (Pre-School Services) (No2) Regulations 2006

⁶ This also refers to Child Minders. It must be noted that the terms “pre-school services” and “early years services” are used interchangeably through out this document.

If this SOP is not fully followed, the reason for doing so should be clearly recorded and brought to the attention of the HSE manager of the service without delay. It should be recorded on the file.

Document: STANDARD OPERATING PROCEDURES (SOP) FOR THE EARLY YEARS SERVICES INSPECTORATE

Version: 1
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INTRODUCTION:

Although this document has been implemented since **1st August 2012** it is now being incorporated into this compendium. While this document should be read in conjunction with; Questions & Answers on Management and Staffing in early years / pre-school services giving particular attention to: Employee References, Qualifications & Garda Vetting [HSE March 2013] and other documents; it should be remembered that adults who are caring for the children should possess the necessary experience, skills, attributes and competencies. All staff are recruited in accordance with the best human resource practices. An up-to-date and accurate **personnel file** is kept for each member of staff⁷ that includes the following records:

- proof of identity⁸ and that the person is over 18 years of age;
- proof of satisfactory Garda Vetting, and international vetting (Police Clearance) where required;
- two validated⁹ references, including a reference from the most recent place of employment;
- verification of qualifications [as stated on the ‘notification form’ and for staff who state on their CV / Application Form that they are qualified], and
- investigation of any gaps in employment.

Adapted from National Standards for Preschool Services
(DOHC 2010) Section 5.4 pg. 10.

1.0 Purpose:

To define the national response when the following **are not** available on file on the date of Inspection of a Pre-School / Early Years Service/s:

- (A) Processed Garda Vetting¹⁰ [including processed Police Clearance where necessary], and / or
- (B) Completed employee references and recorded validations, and / or
- (C) **Certified** copy of qualification/s [where necessary],

2.0 Scope:

- The SOP covers all Pre-school / Early Years Services that are **subject to notification** under the Childcare (Pre-School Services) (No2) Regulations (2006).
- This SOP is for use by all Early Years Service Inspection Teams in the HSE / other HSE personnel – as appropriate.

3.0 Responsibility:

Area Manager Children & Family Services and / or designate

⁷ The term ‘staff’ in this document includes any person who is a staff member, voluntary worker, student or a person who does relief work – sometimes referred to as ‘relief staff’. Vetting for persons on a board of management etc. will be implemented from 2014.

⁸ Identification: The organisation should ensure that the identity of the applicant is confirmed against some documentation (ID card, driving licence or passport) which gives his or her full name, address together with a signature or photograph. This should be compared with the written application.
From point (vi) page 9 of “Our Duty to Care” [DOHC 2004]

⁹ Verifying, validating, confirming, checking and vetting are terms that are used interchangeably in this document.

¹⁰ Processed Police Clearance is required for those who have lived / worked abroad

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Inspectors involved with Early Years Services.
Other HSE personnel – as appropriate.

4.0 Relevant forms / letters:
Inspection Outcome Report

Garda Vetting:

Letter requesting Garda vetting is returned [GV1 (a)]
Reminder request for Processed Garda Vetting [GV2 (a)]
Letter indicating file is gone to Senior Management [GV3 (a)]

Employee References and recorded Validations of:

Letter requesting references and recorded validations are returned [RF1(a)]
Reminder request for references and recorded validations are returned [RF2(a)]
Letter indicating file is gone to Senior Management [RF3 (a)]

Qualifications and validation of [where necessary]:

Letter requesting certified copy of qualifications are returned [Qual 1(a)]
Reminder request for certified copy of qualifications are returned [Qual 2(a)]
Letter indicating file is gone to Senior Management [Qual 3(a)]

5.0 Relevant Legislation / Documents

Child Care Act 1991
Children Act 2001
Child Care (Amendment) Act 2007
Child Care (Amendment) Act 2011
Child Care (Pre-School Services) (No2) Regulations 2006
Child Care (Pre-School Services) (No2) (Amendment) Regulations 2006
Child Care (Pre-School Services) (No2) Regulations 2006 and
Explanatory Guide to Requirements and Procedures for Notification and
Inspection (DOH&C 2006)
Children First: National Guidance for the Protection & Welfare of
Children (DCYA 2011)
Child Protection and Welfare Practice Handbook (HSE 2011)
Criminal Justice Act 2006 (Section 176 – Reckless endangerment of children)
Criminal Justice (Withholding of Information on Offences Against Children and
Vulnerable Persons) Act 2012
Data Protection Acts 1988 & 2003
Disability Act 2006
Freedom of Information Acts 1997 & 2003
Health Act 2004
Health Act 2007
National Standards for Pre-School Services (DOHC 2010).

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National Vetting Bureau (Children and Vulnerable Persons) Act 2012
Our Duty to Care: The principles of good practice for the protection of children & young people (DOHC 2004)

6.0 Procedure:

(A) Garda Vetting

Garda Vetting is required on all staff, students and volunteers in the Pre-School service **prior to** being appointed or assigned or being allowed access to a child attending the service *i.e.* including cook, manager, caretaker, etc.(as appropriate).

1. The non availability of a processed Garda Vetting / Police Clearance Certificate for staff, students and volunteers in an Early Years/ Pre-School Service is documented as a non compliance on the Inspection Outcome Report (see guidance on Sample Inspection Outcome Report).
2. Should Garda Vetting not be available for each staff member, students and volunteers, evidence which supports that the Garda Vetting was applied for will be requested.
For example a copy of the completed Garda Vetting Form by the applicant and relevant documentation¹¹, indicating the date on which it was applied for.
3. The notified service provider is requested on the Inspection Outcome Report to forward a copy of the processed Garda Vetting / Police Clearance Certificate for the outstanding staff member/s within 12 weeks of issue of this report. The early years inspector records receipt of this on file and inspects the processed Garda Vetting / Police Clearance Certificate and then returns it to the service provider.

Should the provider not return the Garda Vetting within 12 weeks of issue of the Inspection Outcome Report, forward the GV1(a) letter – requesting the information to be returned within 6 weeks.

4. If the request for Garda Vetting remains unanswered a second reminder letter is sent GV2(a) for response within 6 weeks.
5. If the second reminder letter remains unanswered a final letter is sent to the provider requesting immediate response GV3(a). The notified service provider is also informed that the Service file has gone to HSE Management for review and consideration including the possibility of legal action. The service provider is requested to make immediate contact with the HSE Early Years Services office.

(B) References and recorded validations

¹¹ Correspondence to the organisation that undertakes Garda Vetting and other documentation

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- 1) The non availability of 2 references and recorded validations for staff, students and volunteers in an Early Years/ Pre-School Service is documented as a non compliance on the Inspection Outcome Report (see guidance on Sample Inspection Outcome Report).
- 2) The Service Provider is requested on the Inspection Outcome Report to forward a copy of the received reference(s) and / or recorded validations for the outstanding staff member, student or volunteer in the Service within 6 weeks of issue of the Inspection Outcome Report. The early years inspector records receipt of this on file and inspects the copy of the reference and recorded validation/s and then returns it to the service provider.
- 3) Should the Service Provider not forward the outstanding reference(s) and recorded validations within 6 weeks of issue of the Inspection Outcome Report forward a reminder letter RF1(a) – requesting the information within a further 6 weeks.
- 4) If the request for references and / or recorded validations remains unanswered a second reminder letter is sent RF2(a) requesting immediate response within 6 weeks.
- 5) If the second reminder letter remains unanswered a final letter is sent to the Service Provider RF3(a) requesting immediate response. The Service Provider is also informed that the service provider file has gone to HSE Management for review and consideration including the possibility of legal action. The service provider is requested to make immediate contact with the HSE Early Years Service office.

(C) Qualifications [where appropriate]

- 1) The non availability of certified copies of qualifications for staff who state that they are qualified in their CV / Application Form in an Early Years/ Pre-School Service is documented as a non compliance on the Inspection Outcome Report (see guidance on Sample Inspection Outcome Report).
- 2) The Service Provider is requested on the Inspection Outcome Report to forward a certified¹² copy of the qualification for the outstanding staff member, student or volunteer in the Service within 6 weeks of issue of the Inspection Outcome Report. The early years inspector records receipt of this on file and inspects the certified copy of the qualification and then returns it to the service provider.
- 3) Should the Service Provider not forward the outstanding certified copy of the qualification within 6 weeks of issue of the Inspection Outcome Report forward a reminder letter Qual1 (a) – requesting the information within a further 2 weeks.

¹² The words ‘**certified copy**’ here should be taken to mean the following:

- That the person carrying on the preschool service has seen and inspected the original certificate of qualification and can verify the copy is ‘a true copy’ or an ‘authentic copy’ of the original.

-In the absence of an original certificate of qualification, that the copy of the certificate of the qualification bears the stamp of the awarding body/college etc.

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- 4) If the request for a certified copy of the qualification remains unanswered a second reminder letter is sent Qual2 (a) requesting immediate response within 1 week.
- 5) If the second reminder letter remains unanswered a final letter is sent to the Service Provider Qual3 (a) requesting immediate response. The Service Provider is also informed that the service provider file has gone to HSE Management for review and consideration including the possibility of legal action. The service provider is requested to make immediate contact with the HSE Early Years Service office.

7.0 Frequency of Review:

The HSE Early Years Service will annually review this SOP as part of its service quality enhancement.

8.0 Method used to review operation of this SOP:

The Standard Operating Procedure will be reviewed by the Early Years Services National Office in conjunction with Early Years Services Inspection Teams.

9.0 Appendices:

Garda Vetting:

- GV1 (a) - Letter requesting Garda vetting is returned
- GV2 (a) - Reminder request for Processed Garda Vetting
- GV3 (a) - Letter indicating file is gone to Senior Management

Employee References and recorded Validations of:

- RF1 (a) - Letter requesting references and recorded validations are returned
- RF2 (a) - Reminder request for references and recorded validations are returned
- RF3 (a) - Letter indicating file is gone to Senior Management

Qualifications and validation of [where necessary]:

- Qual 1(a) - Letter requesting certified copy of qualifications are returned
- Qual 2(a) - Reminder request for certified copy of qualifications are returned
- Qual 3(a) - Letter indicating file is gone to Senior Management

Letters arising from Inspection Outcome Reports

GV1(a)

Date

Name & Address

RE: Child Care (Pre-School Services) (No2) Regulations 2006 & Child Care (Pre-School Services) (No2) (Amendment) Regulations 2006

Processed Garda Vetting and Police Clearance [where necessary] in regard to staff

Dear

I write in connection with the outstanding processed Garda vetting/Police clearance. The Inspection of your service on the (date).....revealed that Garda vetting/Police clearance was unavailable on staff member (name staff member).

Please forward this document to this office within 6 weeks.

Yours sincerely,

Inspector (s)

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GV2(a)

Date

Name & Address

RE: Child Care (Pre-School Services) (No2) Regulations 2006 & Child Care (Pre-School Services) (No2) (Amendment) Regulations 2006

Processed Garda Vetting and Police Clearance [where necessary] in regard to staff

Dear

This is the second reminder letter in connection with the outstanding processed Garda vetting/Policy clearance for a staff member(s) (name) in your Early Years Pre-School Service and to my letter dated.... requesting that a copy of the Garda Vetting / Police Clearance be returned to this office.

Please forward this documentation within 6 weeks. Failure to do so will leave this office with no option but to refer your file to HSE Senior Management for their further consideration.

Yours sincerely,

Inspector (s)

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GV3(a)

Date

Name & Address

RE: Child Care (Pre-School Services) (No2) Regulations 2006 & Child Care (Pre-School Services) (No2) (Amendment) Regulations 2006

Processed Garda Vetting and Police Clearance [where necessary] in regard to staff

Dear

I write in connection with the outstanding Garda Vetting/Police Clearance and to my letters dated andrequesting a copy of the Garda vetting/Police clearance for

Please be advised that due to the serious nature of this breach of Regulation 8(2) or /& 8(3) of the above stated regulations and your failure to respond to correspondences that it is being recommended that your file be sent to HSE Senior Management for review and consideration including the possibility of legal action. Please make immediate contact with this office

Yours sincerely,

Inspector (s)

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Rf1(a)

Date

Name & Address

RE: Child Care (Pre-School Services) (No2) Regulations 2006 & Child Care (Pre-School Services) (No2) (Amendment) Regulations 2006

References for staff and recorded validations of these

Dear

I write in connection with the outstanding Reference(s) and recorded validations for staff / student / volunteer in your Service. The Inspection of your service on the (date)..... revealed that Reference(s) and recorded validations was unavailable on staff member (name).

Please forward 2 references for this staff member / student / volunteer to this office within 6 weeks.

Yours sincerely,

Inspector (s)

FOOTNOTE

Insert staff member, student or volunteer above as required.

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Rf2(a)

Date

Name & Address

RE: Child Care (Pre-School Services) (No2) Regulations 2006 & Child Care (Pre-School Services) (No2) (Amendment) Regulations 2006

References for staff and recorded validations of these

Dear

This is the second reminder letter in connection with the outstanding Reference and recorded validations for a staff member (name)..... in your Pre-School Service and to my letter dated.... requesting that the received references and recorded validations be forwarded to this office within 6 weeks.

Please forward 2 references for this staff member within 6 week. Failure to do so will leave this office with no option but to refer your file to HSE Senior Management for their further consideration.

Yours sincerely,

Inspector (s)

FOOTNOTE

Insert staff member, student or volunteer etc above as required

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Rf3(a)

Date

Name & Address

RE: Child Care (Pre-School Services) (No2) Regulations 2006 & Child Care (Pre-School Services) (No2) (Amendment) Regulations 2006

References for staff and recorded validations of these

Dear

I write in connection with the outstanding References and recorded validations and to my letters dated andrequesting References for (name)

Please be advised that due to the serious nature of this breach of Regulation 8(2) or /& 8(3) of the above stated regulations and your failure to respond to correspondences that it is being recommended that your file be sent to HSE Senior Management for review and consideration including the possibility of legal action.

Please make immediate contact with this office

Yours sincerely,

Inspector (s)

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Qual 1(a)

Date

Name & Address

RE: Child Care (Pre-School Services) (No2) Regulations 2006 & Child Care (Pre-School Services) (No2) (Amendment) Regulations 2006

Certified copy of qualification/s for staff [where necessary]

Dear

I write in connection with the outstanding certified copy of qualification/s for staff in your Service. The Inspection of your service on the (date)..... revealed that a certified copy of qualification/s was unavailable on staff member/s (name).

Please forward a certified copy of qualification/s for this staff member to this office within 6 weeks.

Yours sincerely,

Inspector (s)

FOOTNOTE

Insert staff member, student or volunteer above as required.

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Qual 2(a)

Date

Name & Address

RE: Child Care (Pre-School Services) (No2) Regulations 2006 & Child Care (Pre-School Services) (No2) (Amendment) Regulations 2006

Certified copy of qualification/s for staff [where necessary]

Dear

This is the second reminder letter in connection with the outstanding certified copy of qualification/s for a staff member (name)..... in your Pre-School Service and to my letter dated.... requesting that the certified copy of qualification/s be forwarded to this office within 6 weeks.

Please forward 2 references for this staff member within 1 week. Failure to do so will leave this office with no option but to refer your file to HSE Senior Management for their further consideration.

Yours sincerely,

Inspector (s)

FOOTNOTE

Insert staff member, student or volunteer above as required

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Qual 3(a)

Date

Name & Address

RE: Child Care (Pre-School Services) (No2) Regulations 2006 & Child Care (Pre-School Services) (No2) (Amendment) Regulations 2006

Certified copy of qualification/s for staff [where necessary]

Dear

I write in connection with the outstanding certified copy of qualification/s and to my letters dated andrequesting References for (name)

Please be advised that due to the serious nature of this breach of Regulation 8(2) or /& 8(3) of the above stated regulations and your failure to respond to correspondences that it is being recommended that your file be sent to HSE Senior Management for review and consideration including the possibility of legal action.

Please make immediate contact with this office

Yours sincerely,

Inspector (s)

Examples of Inspection Outcome Reports [IOR] Documentation

EXAMPLE 1 Garda Vetting

Information on Management & Staffing and Records		
Regulation 8 and 14 (Management & Staffing and Records)		
Compliant ✓	Non- Compliant	Not Applicable
Compliance Information:	The processed Garda vetting form/Police clearance records were available for all staff, students and volunteers on work placement .	
Non-Compliance Information:		
Action Required:		

EXAMPLE 2 Garda Vetting

Information on Management & Staffing and Records		
Regulation 8 and 14 (Management & Staffing and Records)		
Compliant	Non- Compliant ✓	Not Applicable
Compliance Information:	Processed Garda Vetting was available for 12 staff of the 13 staff members in your service.	
Non-Compliance Information:	Processed Garda vetting <i>form</i> /Police clearance was not available for (number) staff member in the Service. It was noted that the application for Garda vetting/Police clearance was submitted to Garda vetting Control Unit on <u>date</u> .	
Action Required:	<ul style="list-style-type: none"> • A copy of the <i>received</i> processed Garda vetting/Police clearance must be forwarded to this office within 12 weeks of the issue of this report. • The staff member without Garda vetting/Police clearance must never be left alone with children. He/she must be supervised at all times until the processed Garda Vetting / Police Clearance is returned and evaluated. 	

EXAMPLE 3 Garda Vetting

Information on Management & Staffing and Records		
Regulation 8 and 14 (Management & Staffing and Records)		
Compliant	Non- Compliant ✓	Not Applicable
Compliance Information:	Processed Garda Vetting/Police clearance was available for 4 out of 5 staff members in the service.	
Non-Compliance Information:	Police clearance was not available for 1 staff member who lived outside of Ireland and U.K. between 2007–2009.	
Action Required:	<ul style="list-style-type: none"> • Police clearance must be obtained for this staff member immediately. • A copy of the police clearance must be forwarded to this office on receipt. • No staff member should be left unsupervised without Garda Vetting or Police clearance. 	

EXAMPLE 4 Garda Vetting

Information on Management & Staffing and Records		
Regulation 8 and 14 (Management & Staffing and Records)		
Compliant	Non- Compliant ✓	Not Applicable
Compliance Information:	Processed Garda Vetting was available for all staff members in the service.	
Non-Compliance Information:	Garda vetting was not available for 1 student on a 3 month work placement in your Service.	
Action Required:	<ul style="list-style-type: none"> • The student on work placement without Garda vetting in your Service must never be left unsupervised or alone with children or included in the overall adult/child ratios for the Service. • A copy of the processed Garda Vetting for this student must be secured and forwarded to this office. This will be returned to the Service Provider. • It is advisable that the student in securing the placement in Early Years / Pre-School Service be provided with a copy of the processed Garda Vetting to enable transfer to the service provider prior to the placement. 	

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EXAMPLE 1 References

Information on Management & Staffing and Records		
Regulation 8 and 14 (Management & Staffing and Records)		
Compliant ✓	Non- Compliant	Not Applicable
Compliance Information:	The References and recorded validations were available for all staff (students and volunteers on work placement).	
Non-Compliance Information:		
Action Required:		

EXAMPLE 2 References

Information on Management & Staffing and Records		
Regulation 8 and 14 (Management & Staffing and Records)		
Compliant	Non- Compliant ✓	Not Applicable
Compliance Information:	References and recorded validations were available for 3 of the 4 staff in the pre-school service.	
Non-Compliance Information:	References were not available for 1 staff member in the service. <u>RECORDED VALIDATION OF REFERENCE NOT ON FILE FOR 2 STAFF MEMBERS</u>	
Action Required:	<ul style="list-style-type: none"> • 2 References AND RECORDED VALIDATIONS for this staff member must be forwarded to this office within 6 weeks of issue of this report. • The staff members without References must never be left alone with children. He/she must be supervised at all times until the References are returned and evaluated. • <u>References and validation of reference must be obtained</u> • <u>REFERENCES & RECORDED VALIDATIONS OF REFERENCES MUST BE PUT ON FILE ALSO</u> 	

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EXAMPLE 3 References

Information on Management & Staffing and Records		
Regulation 8 and 14 (Management & Staffing and Records)		
Compliant	Non- Compliant ✓	Not Applicable
Compliance Information:	All staff members in the service had 2 References available.	
Non-Compliance Information:	References were not available for 1 student on a 3-month work placement in your service. <u>RECORDED VALIDATIONS OF REFERENCES WERE NOT COMPLETED IN REGARD TO A STAFF MEMBER</u>	
Action Required:	<ul style="list-style-type: none"> • The student on work placement without 2 References in your service must never be left unsupervised or alone with children or included in the overall adult/child ratios for the service. • 2 References and recorded validations from reputable sources must be secured and copies forwarded to this office within 6 weeks of issue of this report. • <u>RECORDED VALIDATIONS OF REFERENCES MUST BE PUT ON FILE ALSO</u> 	

EXAMPLE 1 QUALIFICATIONS

Information on Management & Staffing and Records		
Regulation 8 and 14 (Management & Staffing and Records) AND Section 33 Enforcement		
Compliant ✓	Non- Compliant	Not Applicable
Compliance Information:	The References were available for all staff (students and volunteers on work placement). <u>Certified copies of qualifications were on file for all staff</u>	
Non-Compliance Information:		
Action Required:		

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EXAMPLE 2 Qualifications

Information on Management & Staffing and Records		
Regulation 8 and 14 (Management & Staffing and Records) AND Section 33 Enforcement		
Compliant	Non- Compliant ✓	Not Applicable
Compliance Information:	Inspectors were informed that 4 staff were Qualified. Certified copies of qualification were available for 3 of the 4 staff in the pre-school service, who were qualified.	
Non-Compliance Information:	Certified copy of qualification was not available for 1 staff member in the service.	
Action Required:	<ul style="list-style-type: none"> • Certified copy of qualification must be obtained and placed on the personnel file for that staff member • Copies of qualifications must be forwarded within 6 weeks of issue of this report. 	

EXAMPLE 3 Qualifications

Information on Management & Staffing and Records		
Regulation 8 and 14 (Management & Staffing and Records) AND Section 33 Enforcement		
Compliant	Non- Compliant ✓	Not Applicable
Compliance Information:	All staff members in the service had certified copies of qualifications on file.	
Non-Compliance Information:	However the Service Manager [See 5.2 of the National Standards] had not a certified copy of qualification on personnel file.	
Action Required:	<ul style="list-style-type: none"> • However the Service Manager must obtain and place a certified copy of qualification on their personnel file. • A copy of same must be forwarded to this office within 6 weeks of issue of this report. 	