

The TÜS LA logo is a teal circle containing the text 'TÜS LA' in white, bold, sans-serif font. Below it, in a smaller font, are the Irish and English names: 'An Ghníomhaireacht um Leanai agus an Teaghlach' and 'Child and Family Agency'.

TÜS LA

An Ghníomhaireacht um
Leanai agus an Teaghlach
Child and Family Agency

The logo for 'CHILDREN'S SERVICES REGULATION' is a large circle with a green-to-blue gradient. The text 'CHILDREN'S SERVICES REGULATION' is written in white, bold, sans-serif font, stacked in three lines.

**CHILDREN'S
SERVICES
REGULATION**

Vetting Guidance for Providers of Early Years Services

**Obtaining Vetting for Employees, Contractors and
Volunteers**

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1. Introduction

1.1 Who is this Guidance for?

This guidance document has been developed by Tusla's Early Years Inspectorate and is intended to provide information and guidance to Registered Providers on **vetting requirements for staff members/employees (including unpaid workers/volunteers and contactors)** in regulated Early Years Services.

Vetting guidance for the following is available separately:

- [Registered Providers and Board of Management members](#)
- [Childminders](#)
- [Students on placement in early years services](#)

1.2 What is the guidance document about?

This document sets out the vetting requirements in respect of employees, contractors and unpaid workers before they take up a role in a registered Early Years Service, explains how vetting processes work and outlines the responsibilities of the organisations, services and people involved.

This document should be read in conjunction with the [Regulatory Notice on the Renewal of Garda Vetting](#), and [Quality and Regulatory Framework](#). Registered Providers should also refer to the information on [Garda Vetting for the Early Learning and Care \(ELC\) and School Age Care \(SAC\)](#) sector on the DCDE website.

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

Additional resources are available in Section 7.

2. Glossary of terms

Contractor: In relation to an Early Years Service, a contractor is a person who carries out work in the service under contract (a formal agreement) and has access to, or contact with, children attending the service – for example, people who carry out a workshop with the children, or people who carry out work in the service when the service is in operation (for example, repairs).

Early Years Service: For the purposes of this document, the term 'Early Years Service' is understood as inclusive of Pre-School and School age Services.

ECRIS: [European Criminal Records Information System](#). As part of EU Directive 2011/93, EU countries are now required to carry out enhanced police checks for certain offences when processing vetting applications. **Note: ECRIS is incorporated into an enhanced Garda Vetting process. The enhanced police checks are for certain offences only and therefore these changes do not replace the existing requirement for Police Clearance Certificates.**

Employee: A person who has entered into a contract of employment with the Registered Provider.

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.

Registered Organisation: An organisation that works directly with the NVB and can process vetting applications to the NVB on behalf of Relevant Organisations. For the early years sector, [Early Childhood Ireland](#) is the nominated Registered Organisation¹.

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. Relevant Organisations are required by law to vet anyone who is engaged in relevant work before they commence their role.

Relevant work/activity: 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.

International Police Vetting/Clearance: International police clearance, in so far as is practicable, is required for people (registered provider, employees, contactors, unpaid workers and board members) who have lived outside of the island of Ireland for more than 6 consecutive months, while over the age of 18 years.

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 person 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. A Garda Vetting disclosure is not transferable from another employer, therefore when a person is being recruited, the new employer must ensure that the person is vetted for the specific role in the service.

¹ For some services, another Registered Organisation may be more relevant (e.g Family Resource Centre vetting providers).

Visitor: A person who visits a service for a once off specific purpose (e.g., to give a talk). Garda Vetting is not required for such visitors, who remain under the supervision of the staff and must not have unsupervised access to children².

Unpaid worker³: Persons who work in the service, but who are not paid for their work by the Registered Provider, for example volunteers⁴. Unpaid workers must have been vetted for the specific role in the service by either the Registered Provider or another organisation, and copies of vetting documentation must be kept on file in the service.

3. Legal and regulatory requirements covering vetting for staff, contactors and unpaid workers.

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

The [regulations](#) require that any persons (including employees, contractors and unpaid workers) who come into contact with children in an Early Years Service must be vetted before their employment/access commences.

Pre-school

Regulation 9 (2)

A registered provider shall ensure that each employee, unpaid worker and contractor is suitable and competent taking into consideration the nature of the needs of children, including by-

(a) consideration of references from the person's past employers, if any, and in particular the most recent employer, if any,

(b) consideration of references from reputable sources in the case of a person who has no past employers,

(c) consideration of the vetting disclosure received from the National Vetting Bureau of the Garda Síochána in accordance with the Act of 2012 in respect of the person,

(d) ensuring, insofar as is practicable, that where a person has lived in a state other than the State for a period of longer than 6 consecutive months, he or she provides police vetting from the police authorities in that state.

(3) The procedures specified in paragraph (2) shall be carried out prior to any person being appointed, assigned or allowed access to or contact with a child attending the pre-school service.

² Should a person be visiting the service on a more regular basis (e.g. a researcher, a mentor) then that person must have been vetted for the specific role by either the Registered Provider or another organisation, and copies of vetting documentation must be kept on file in the service.

³ While students on practice placements fall under this definition, there is a separate guidance document available and that should be considered in the first instance.

⁴ Parents who go on outings with the service do not require Garda vetting as they should only have access to their own children.

School Age

Regulation 8. (1) A registered provider of a school age service other than a childminding service shall ensure that each employee, unpaid worker and contractor is suitable and competent, taking into consideration the nature of the needs of children, including by-

(a) consideration of references from the person's past employers, if any, and in particular the most recent employer, if any,

(b) consideration of references from reputable sources in the case of a person who has no past employers,

(c) consideration of the vetting disclosure received from the National Vetting Bureau of the Garda Síochana in accordance with the Act of 2012 in respect of the person, and

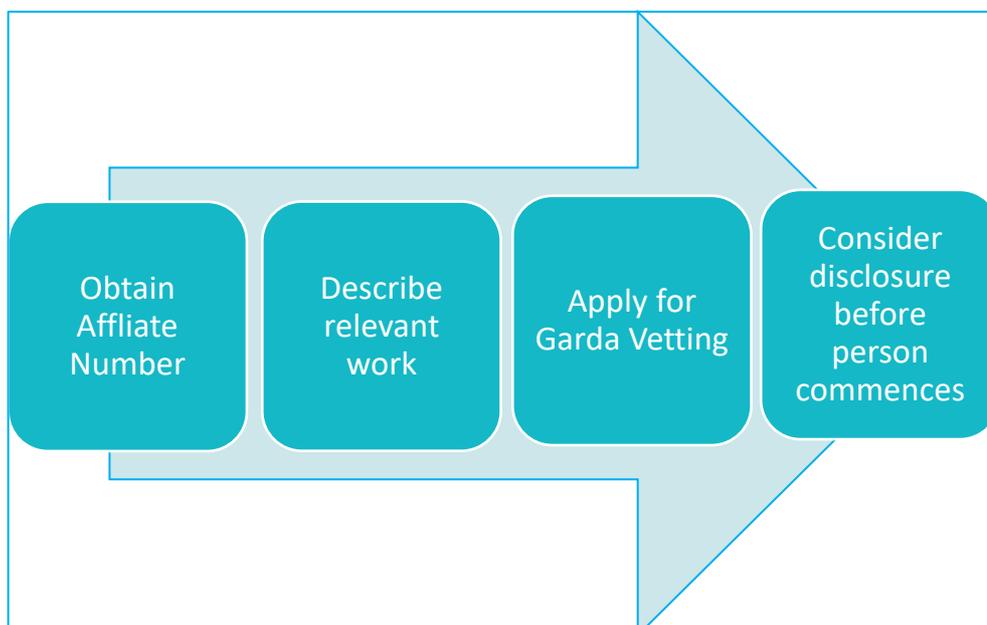
(d) ensuring, insofar as is practicable, that where a person has lived in a state other than the State for a period of longer than 6 consecutive months, he or she provides police vetting from the police authorities in that state.

(2) The procedures specified in paragraph 1 shall be carried out prior to any person being appointed, assigned or allowed access to or contact with a child attending the school age service.

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. How the Garda vetting process works for employees, contractors and unpaid workers



4.1 Obtaining an Affiliate Registration Number

Early Years Service undertaking relevant work and who wish to apply for Garda Vetting for staff, contactors and unpaid workers before they take up their role in early years services must be first approved to do so by the NVB. Every early years service must obtain their own unique National Vetting Bureau (NVB) Affiliate Registration Number. This number is part of the process to confirm good governance and compliance with the legislation. It also ensures that only persons conducting relevant work or activities with children or vulnerable adults are legally vetted under the Act.

Further detailed information on this can be found on the [NVB website](#).

The following steps should be followed to obtain your Affiliate Registration Number

1. Email the NVB at vetting@garda.ie requesting a NVB Affiliate Registration Number and giving the following information:
 - Name and service address⁵
 - Contact person within the organisation
 - The nature of your business, e.g. early learning and care and/or school age childcare service
2. The NVB will send you an application form to complete and post back to them. Once you have sent them the completed form, they will issue you with your NVB Affiliate Registration Number by letter.
3. Once you have received your National Vetting Bureau (NVB) Affiliate Registration Number you will need to go to [Early Childhood Ireland](#) (or other Registered Organisation as relevant) and follow the instructions for access to the online vetting system and to submit Garda Vetting applications for your employees.

4.2 Describe Relevant Work/Activity

Once the relevant organisation has received their NVB Affiliate Registration Number, they can submit their applications for Garda Vetting for staff through the registered organisation. 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](#).

The National Vetting Bureau will only conduct vetting on positions and roles where the individual is conducting “Relevant Work/Activity” Services wishing to vet employees, contractors and unpaid must be clear that the position/role meets the criteria for relevant work.

Applications for Garda Vetting must include a clear description of the role and duties, and how it involves necessary and/or regular access to and contact with children.

⁵ Multiple Settings – If one Affiliate Number for a multiple setting is required, please email the Garda National Vetting Bureau with the details of your head office along with the details above for all your settings. The Garda Vetting Bureau will then post you an application form which you fill in and return to them.

For example, 'Manager' does not give enough specific detail of the duties which involve children; further explanation is needed, e.g:

Covering staff breaks, changing nappies, supervising of children

Cooks serving food to children must be vetted as their work involves regular contact with children.

4.3 Apply for Garda Vetting

Once you have received your Affiliate Registration Number, you then contact the Registered Organisation (e.g. [Early Childhood Ireland](#)) and give the number to them. You can then proceed to apply for Garda vetting for potential employees/ contractors/ unpaid workers.

The Registered Provider must ensure applicants:

- Are over the age of 16 years, and if under 18 years have submitted a signed Parent/ Guardian Consent form- There is a specific [Vetting Invitation Form for Under 18](#) and a [Parent Guardian Consent Form](#).
- Have a valid email address
- Have filled out the [NVB1 Vetting Invitation Form](#) in full, and signed, dated and ticked the consent box.
- Have provided 2 forms of identification – photo identification and proof of current address. A list of the acceptable Identification can be found on the NVB1 form and on the Early Childhood Ireland [website](#).

The Registered Provider must then:

- Complete the Identification Verification Form/Request Form. Both forms must be submitted to the Registered Organisation once completed, by post or online as advised by the Registered Organisation. Information on acceptable Identification documents can be found on the Early Childhood Ireland [website](#).

The Registered Organisation will then:

- review the information and if everything is completed correctly the information will be inputted into the NVB Online Vetting system.

Once completed, the NVB will then:

- Send a link directly to the vetting applicant asking them to complete an online application. This link is valid for 30 days. The applicant must click on the link and input all the information required.
- Process the application, complete vetting checks and issue a disclosure to the registered organisation.

Once completed, the Registered Organisation will:

- provide a copy of the disclosure to the Registered Provider via email or by post.

Note: The NVB1 form and copies of the identification should be kept in the staff members personnel file along with their vetting disclosure as this will be required by the Early Years Inspectorate and may also be subject to inspection by the NVB. This should be done in line with the General Data Protection Regulations.

4.4 Consider the disclosure

Once the vetting disclosure has been obtained from the NVB, the Early Years service as the Relevant Organisation 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 person for a role that involves contact with/ access to children. The Inspectorate have issued guidance to support providers with the [assessment of disclosed information](#).

5. Re-Vetting

The Early Years Inspectorate has made it a requirement that services must evidence that relevant staff members have a Garda vetting disclosure dated [within the last 36 months](#).

The re-vetting process is the same as the initial Garda vetting process as set out in Section 4.

6. International Police Vetting

It is a regulatory requirement that vetting has been completed before a person is appointed, assigned or allowed access to or contact with children attending the service. This includes International Police Vetting, which is required for anyone who has lived outside the island of Ireland for more than 6 consecutive months, while over the age of 18 years.

This means that, as part of recruitment process, it must be checked if a person has resided outside of Ireland for a period over 6 months; this should be evident from a review of their CV or record of employment history. Police Vetting is undertaken by the individual who is being considered for a role in an Early Years Service and must be given to the Registered Provider during the recruitment process, and before the person is appointed to the role.

Police vetting will state if the individual it relates to has any convictions recorded against them while residing there, and this information is crucial in determining the person's suitability for a role in an Early Years Service.

The arrangements for obtaining Police Vetting differ from country to country, which should be considered if the person being recruited needs to apply for vetting before they are appointed, assigned or allowed access or contact with children attending the service.

Useful websites:

1. The Teaching Council of Ireland: [How to obtain overseas police clearance](#)
2. The Home Office (UK): [Applying for Criminal Record Checks for Overseas](#)
3. ACRO: [United Kingdom](#)
4. APF: [Australia](#)
5. FBI: [USA](#)

It is important that you check for the most up-to-date information for the relevant country. It may be helpful to contact the relevant Embassy, who can provide information on seeking Police Vetting in that country. Information about Embassies can be found on the [Dept of Foreign Affairs website](#).

The Early Years Inspectorate expects that Police Vetting has been obtained (where required) for persons in the service with access to children. There are a very small number of countries where Police Vetting is currently unobtainable, and this will be kept under review by the Inspectorate. However most countries have systems in place to issue Police Vetting documents.

Only in very exceptional circumstances, and when accompanied by evidence that the person has exhausted all possible routes to obtaining vetting from a specific country, will the absence of Police Vetting be considered acceptable by the Early Years inspectorate.

6.1 Translation of Vetting Documents

All Vetting documents provided in a language other than English or Irish must be translated through a certified (i.e. professional) translation service and the evidence of the source of translation be held on file and made available to the Early Years Inspectorate. Online translation tools and apps are not adequate for this purpose.

7. Summary of the responsibilities of Registered Providers in respect of vetting of employees, contractors and unpaid workers.

In respect of vetting of employees, contractors and unpaid workers, Registered Providers must ensure that they are adhering to their statutory obligations. This means that they must:

- Obtain and maintain documentary evidence in respect of the suitability of each person with access to children to include:
 - Garda vetting and (where relevant) International Police Vetting information
 - 2 verified reference letters (one of which should be from the most recent employer where possible). The Quality and Regulatory Framework has set out expectations in relation to verification of references.
 - Evidence of identity checks on the person (e.g. a copy of a passport held on file)
 - A Curriculum Vitae or written record of employment history
- Where a positive disclosure and/or specified information is received from a vetting process, review the disclosure to establish what risk, if any, the disclosures have with respect to the suitability of the person to have access to children.

- Ensure that if it is deemed as a result of the risk assessment, that the person is not suitable for a role involving access to children, that the person is not appointed to the role.
- Maintain any other relevant documentation e.g. the outcome of any risk assessments

8. 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: [Garda Vetting FAQ](#)

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

Tusla: [Garda Vetting Applications](#)

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