

TÚSLA

An Ghníomhaireacht um
Leanaí agus an Teaghlach
Child and Family Agency

CHILDREN'S SERVICES REGULATION

Children's Services Regulation Regulatory Notice

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Title:	Garda Vetting for Boards of Management Early Years, Registered Early Years Settings
Ref:	01/2021
Circulation list:	Registered Providers of Early Years Services
Responsibility for action:	Registered Providers of Early Years Services

Context

This memo is issued in conjunction with [one issued previously in September 2019, concerning this matter](#). It is intended to provide guidance to the providers and management of registered Early Years Services on the current Garda Vetting Requirements as they apply to their Boards of Management where applicable.

Registered Early Years Settings

These settings are defined by Part 12, of the Child & Family Agency Act 2013, as amended by Article 22 of the Childcare Support Act 2018.

This legislation defines an early years setting as either a **preschool** catering for children who have not reached the age of 6 years and who do not attend a recognised school or as a **school age service** providing care to children who have not reached the age of 15 years and are attending a recognised school.

The Requirement for Vetting for Boards of Management of an Early Years Setting

In the case of a Pre-school Setting, Part (II) Article 6(5)(ii) of the Child Care Act 1991 (Early Years Services Regulations) 2016 requires an application for registration to be accompanied by a copy of the vetting disclosure received from the National Vetting Bureau in accordance with the Act of 2012 in respect of each member of the board (body corporate). The exact same provision is set out by Part (II) Article 5(6) (a)(ii) of the Child Care Act 1991 (Early Years Services)(Registration of School Age Services) Regulations 2018, for members of boards of management for a school age setting.

National Vetting Bureau Act 2012-16

This legislation allows for the vetting of those engaged in relevant work with children only. Relevant work is defined as “any work or activity which is carried out by a person, a necessary and regular part of which consists mainly of the person having access to or contact with children. Schedule 1 (a) of this act confirms that early years services constitute relevant work.

This definition as stated prohibits accordingly those who do not have access to or contact with children from being vetted under this legislation. This has led to members of boards of management being refused a vetting disclosure for that reason.

Tusla’s approach to the enforcement of vetting for Boards of Management under the Early Years Regulations

Tusla’s Children’s Services Regulation department have discussed the vetting’s requirements for Boards of Management with the National Garda Vetting Bureau and the following applies in all registered early years settings.

1. Any member of a board of management of an early years setting either a

preschool and or a school setting who partakes in any function in that setting where they have access to or contact with children will be subject to vetting. An application for vetting must explicitly declare that the individual will have access to children.

2. The Chairperson of a board of management in order to satisfy themselves that an early years services is operating in accordance to standards and regulations and that children are well cared for, should routinely enter the premises whilst operational and observe care practices. Such persons will be subjected to vetting. An application for vetting must explicitly declare that the chairperson will have access to children as a regular part of their duties.
3. Any other member of the board who assists the chairperson or acts on behalf of the chairperson to be satisfied that children are well cared for whilst availing of the service shall be subject to vetting. An application for vetting in this instance must explicitly declare that the individual will have access to children as a regular part of their duties.

Those board members who do not have access to children as a regular part of their duties should remain subject to reference and other suitability checks, detailed guidance is available in the September 2019 memo. [This is available on the Tusla website.](#)

Any queries regarding this memo can be issued to the following

If query related to an Early Years Preschool Service please contact ey.registration@tusla.ie if related to an Early School Age Care Service please contact sac.registration@tusla.ie telephone queries can be made to 061 461700.

Yours Sincerely,

A handwritten signature in blue ink that reads 'Mike Corcoran'.

Mike Corcoran,
Head of Registration & Enforcement,
Children's Services Regulation,
Child & Family Agency.