

Children's Services Regulation

Regulatory Notice

QMS reference	CSR-RN14.3
Version	V1.0
Issued:	October 2026
Title:	Garda Vetting

1. Background

This regulatory notice consolidates, updates, and replaces the following previously issued regulatory notices.

- EYI-RN12.3
- EYI-RN23.1
- CSR-RN14.1
- CSR-RN14.2

Printed copies of the above regulatory notices should be considered as no longer valid and not relied upon.

This regulatory notice should be read in conjunction with any guidance documentation relating to registration processes, inspection activity and the development of policies and procedures within regulated services. This regulatory notice relates to all registered service providers and registered proprietors regulated under the following legislation:

- Part VIIA of the Child Care Act 1991, as amended
    - Registered preschool services
    - Registered school age services
    - Registered childminding services
    - Any combination of the above

- Part VIII of the Child Care Act 1991, as amended
    - Registered Children's Residential Centres

2. Relevant Legislation

- **National Vetting Bureau (Children and Vulnerable Persons) Act 2012, as amended [the 2012 Act]**
- **Children First Act 2015, as amended [the 2015 Act]**
- **Child Care Act 1991, as amended [the 1991 Act], Part VIIA & Part VIII**
- **Early Years Services Regulations**
    - Child Care Act 1991 (Early Years Services) Regulations 2016
    - Child Care Act 1991 (Early Years Services) (Registration of School Age Services) Regulations 2018
    - Child Care Act 1991 (Early Years Services) (Childminding Services) Regulations 2024
- **Residential Care Regulations**
    - Child Care (Standards in Children's Residential Centres) Regulations, 1996

3. Vetting Requirement

Each service regulated by Children's Services Regulation is considered a relevant organisation under the 2012 Vetting Act as they carry out relevant work or activities. Relevant work or activities are defined as including but not limited to:

- "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 in an establishment which provides early years services within the meaning of Part VIIA of the Child Care Act 1991"
- "Any work or activity which consists of care or supervision of children unless the care or supervision is merely incidental to the care or supervision of persons who are not children."

The 2012 Act makes a legal requirement that a vetting disclosure is received by a relevant organisation **before** that organisation employs or permits any person to undertake relevant work or activities under the Act.

This requirement includes each employee, unpaid worker, student and contractor who engage in relevant work. It is the responsibility of the provider to ensure that the Garda vetting disclosure is assessed regarding suitability of an individual to work in a regulated setting.

Registered providers of early years services, and registered proprietors of children's residential centres are also required to provide Children's Services Regulation with evidence of Garda vetting for themselves on application for registration. Where relevant, company directors, and members of boards of management that have access to children will also require Garda vetting.

Notwithstanding the general legal obligation to obtain and review a vetting disclosure for persons before they are employed or carry out a relevant activity contained within the 2012 Act; regulations reinforce such requirements.

Regulation 9 of the 2016 (early years services) regulations and regulation 8 of the 2018 (School Age Registration) regulations both place the obligation on the registered provider to ensure the suitability of each employee, unpaid worker or contractor. This is set out in the regulations by including consideration of the Garda vetting disclosure, which must occur **prior** to the person being appointed, assigned or allowed access to or contact with a child attending the service.

Children's residential services are required by the 1991 Act and 1996 regulations to, amongst other things, satisfy the Agency as to operational policies, staffing and safety. This is done in part by demonstrating compliance with the 2012 Act concerning vetting of staff **before** they are employed to care for children.

Vetting is role and employer specific, noting that the organisation must receive the vetting disclosure of their staff from the Garda Vetting Bureau (via an intermediary if appropriate), not from the employee or previous employer, sections 12 and 13 of the 2012 Act refer. It is

expected that the first vetting disclosure for an employee is dated no earlier than six months before their offer of employment.

Vetting disclosures for a person in charge or registered provider are required by the Registration Department to be dated no earlier than six months prior to application for registration.

Guidance on obtaining and assessing vetting is available via the following webpages**:**

- **Alternative Care Inspection and Monitoring Service**
- **Early Years Inspectorate**
- **Resources Tusla - Child and Family Agency**
- **Garda National Vetting Bureau**

Compliance

Vetting reflects the position on the day of issue only. Vetting must be renewed not less than every thirty-six months .

Evidence of current vetting less than thirty-six months post issue, and the appropriate consideration and risk assessment of any positive disclosures contained on vetting will be examined by Children's Services Regulation Inspectors during inspections of regulated settings. The risk assessment of positive vetting disclosures should reflect the role of the person concerned including any oversight or management elements to the role.

Regulated settings may be subject to statutory or administrative notices, and/or the recording of a non-compliance on inspection if the service is unable to demonstrate that staff or other persons with access to children within the setting are appropriately vetted and any positive disclosures risk assessed.

International Police Clearence

It is expected and required that where persons have lived outside Ireland for 6 months or more, the employer will seek, review, and risk assess police clearance documentation from the relevant State authorities. Documentation in a language other than English or Irish must be translated into English for examination. Further information may be found on the Early Years or Alternative Care Inspectorates webpages as appropriate.

Child Safeguarding Statement Risk Assessment

All settings regulated by Children's Services Regulation are considered '**relevant services'** under Schedule 1 of the 2015 Children First Act as they meet one or more of the following definitions:

- 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 in an

establishment which provides early years services within the meaning of Part VIIA of the Child Care Act 1991
- Any work or activity which consists of the provision of care or supervision of children
- Any work or activity which consists of the provision of formal consultation with, or formal participation by, a child in respect of matters that affect his or her life.

All relevant services are required Pursuant to Section 11(3)(c) of the 2015 Act as part of their child safeguarding statement to include a written statement of risk and specify procedures that are in place for the selection or recruitment of any person as a member of staff of the provider with regard to that person's suitability to work with children. Accordingly, it is recommended that the child safeguarding statement includes vetting requirements and the procedures in place to obtain, review, risk assess and renew vetting.

4. Enforcement

Vetting is an essential tool to help mitigate risk of harm to children. Compliance with requirements is expected and non-compliance is not tolerated. Regulated settings where issues with Garda vetting or international police clearance are identified may be referred for escalation and enforcement pathways. Such pathways are in addition to any notices issued and actions required on inspection, and may include:

- Regulatory compliance meetings
- Regulatory enforcement meetings
- Referral to An Garda Síochána NVB Compliance Team
- Referral to the Child Safeguarding Statement Compliance Unit
- Referral to the National Registration Enforcement Panel (NREP) for consideration of:
    - Condition(s) on registration
    - Removal from the register
    - Seeking of a Court Order
    - Prosecution for offences under the Child Care Act

5. Offences

Registered Providers and Registered Proprietors are personally responsible for compliance with relevant legislation and regulations. Failure to obtain and review a vetting discourse for persons permitted to have access to children may result in one or more offences. Information on some potential offences related to vetting are provided below:

- **National Vetting Bureau (Children and Vulnerable Persons) Act 2012**
    - Employing a person to undertake relevant work or activities before receiving a vetting disclosure from the Garda Vetting Bureau
    - Permitting any person to undertake relevant work or activities on behalf of the organisation before receiving a vetting disclosure from the Garda Vetting Bureau

- Falsify or alter a vetting disclosure
- Make a false statement for the purpose of obtaining or enabling another person to obtain a vetting disclosure

- **Part VIIA of the Child Care Act 1991**
  - Obstruct or impede an authorised person on the premises
  - Fail to comply with a condition of registration
  - Fail to comply with a Court Order
  - Contravene any requirements of Part VIIA of the Act
  - Contravene any requirements regulations made under Part VIIA of the Act

- **Part VIII of the Child Care Act 1991**
  - Fail to comply with a condition of registration
  - Furnish the Agency with false or misleading information
  - Fail or refuse to comply with the 1996 regulations
  - Obstruct or interfere with the Agency, or fail or refuse to comply with a requirement of the Agency

Any queries regarding this notice can be submitted to rpdd@tusla.ie

6. Review

This document will be reviewed no later than September 2029

7. Revision History

Version number	Nature of Changes	Author of Change	Date	Approved by	Date of approval	Date Effective
1.0	First issued Consolidated and replaces • EYI-RN12.3 • EYI-RN23.1 • CSR-RN14.1 • CSR-RN14.2	• Deputy Head of Regulatory Enforcement • Regulatory Practice Development Team	September 2026	CSR SLT	September 2026	01/11/2026