



TITLE: GARDA VETTING POLICY

Effective Date	9 December 2020	Version	3
			Policy revised to include legislative changes since the Policy was last passed (i.e. <i>Data Protection Act 2018</i>) and that Garda Vetting Results cannot be shared with placement providers; Appendix 1.1 was removed from the Policy.
Approved By	Management Board <i>and</i> Academic Council	Date Approved	9 December 2020 ¹
		Review Date	9 December 2023 <i>or as required</i>
Superseded or Obsolete Policy / Procedure(s)		Owner	
<i>Garda Vetting Policy (Version 2) (22 November 2017 (Management Board) / 6 December 2017 (Academic Council))</i>		Office of the President	
Policy reviewed to align with principles outlined in legislation, amalgamate guidelines and procedures related to Garda vetting for both learners and staff members and alignment with <i>CCSP Policy on Policies</i> .			
<i>Garda Vetting Policy and Procedures, Quality Assurance Handbook, pp. 60 - 63 (6 December 2011)</i>			
<i>Initial Issue</i>			

1. Purpose of Policy

Carlow College, St. Patrick's (hereafter Carlow College) is committed to ensuring that pre-defined and published regulations and legislation are consistently adhered to. The purpose of the *Garda Vetting Policy* is to ensure clarity, transparency, accountability and efficiency in

¹ The *Garda Vetting Policy* was also approved by the Management Board on 16 December 2020.

relation to the legal obligations outlined under the *National Vetting Bureau (Children and Vulnerable Persons) Act 2012*.²

As such, Carlow College mandates that as part of its recruitment process, it is a condition precedent of any offer of employment that is considered relevant work, that the College receives evidence of a satisfactory Garda vetting outcome. The College, in compliance with Section 21 (Retrospective Vetting) of the *National Vetting Bureau (Children and Vulnerable Persons) Act 2012*, ‘shall, where the person concerned has not previously been the subject of an application for vetting disclosure under this Act, not later than such period as may be prescribed, make an application for vetting disclosure (in this Act referred to as an “application for retrospective vetting disclosure”) in respect of that person.’³

Research undertaken by learners, staff and collaborative partners which is concerned with the study of individuals under the age of eighteen should always be guided by Children First. Please refer to the College’s *Research Ethics Advisory Policy* for further information and guidance.

Moreover, Carlow College offers several academic programmes that require learners to undertake placements, with external agencies, which will bring them into contact with the public and in which they will assume positions of trust. To ensure the protection of the public, Carlow College is committed to ensuring that only suitable candidates are allowed to undertake these programmes. Learners enrolled on the following programmes and modules are required to be Garda vetted. Registration on these programmes and modules is provisional, pending the outcome of the Vetting process.⁴ The College, as a relevant organisation, may enter into an agreement with other relevant organisations, in writing, in accordance with Section 12 (3A) of the Act.⁵

1.1: Undergraduate Programmes

PC404 B.A. in Applied Social Studies (Professional Social Care);

PC405 B.A. (Honours) in Social, Political and Community Studies;

PC06 B.A. (Honours) in Applied Social Studies (Professional Social Care);

PC402 B.A. in Arts and Humanities (if enrolled in the Catechetics & Placement Module);

PC410 B.A. (Honours) in Arts and Humanities (if enrolled in the Catechetics & Placement Module); and

PC411 B.A. (Honours) in English and History (if enrolled in the Career Practice Module).

² This Policy is modelled on other Garda Vetting policies in the higher education sector.

³ In accordance with Statutory Instrument No. 223 of 2016 an application for retrospective vetting of employees who were in their employment prior to 29 April 2016 must be submitted by 31 December 2017.

⁴ The list of programmes is reviewed on an annual basis and may be updated to include new and/or existing programmes. Learners on research programmes who engage with children and/or vulnerable persons will require Garda vetting.

⁵ Section 12 (3A) states that ‘where two or more relevant organisations jointly agree in writing to the employment, contracting, permitting or placement of a person to undertake relevant work or activities, it shall be a defence in any proceedings brought against a person for an offence under subsection (2) to show that another relevant organisation who was party to the agreement received a vetting disclosure in respect of the employment, contract, permission or placement of the person concerned.’

This Policy supersedes the existing *Garda Vetting Policy* (2011 and 2017).

2. Definitions

Child: a person under the age of eighteen years.

Garda Síochána National Vetting Bureau (GSNVB): agency tasked with processing the requests to carry out retrospective vetting of current employees and vet prospective employees and learners (if enrolled on a programme or module listed above).

Liaison Person: the person authorised to communicate with the GSNVB on behalf of Carlow College and located in a Registry held in the GSNVB as stipulated by the *National Vetting Bureau (Children and Vulnerable Persons) Act 2012*.

Relevant Organisation / Work and Activities: 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 persons.

Specified Information: information other than criminal convictions held by the *An Garda Síochána* that leads to a bona fide belief that a person poses a threat to children and/or vulnerable persons.⁶

Vetting Subject: a staff member, learner or service provider.

Vulnerable Person: a person, other than a child who: is suffering from a disorder of the mind, whether as a result of mental illness or dementia; has an intellectual disability; is suffering from a physical impairment, whether as a result of injury, illness or age; or has a physical disability, which is of such a nature or degree as to restrict the capacity of the person to guard himself or herself against harm by another person, or that results in the person requiring assistance with the activities of daily living including dressing, eating, walking, washing and bathing.

3. Scope of Policy

This Policy applies to anyone who is employed and/or engaged by Carlow College or acts on behalf of Carlow College who may have access to children and/or vulnerable persons in the course of their employment, engagement or studies.

Individuals who are not employed directly by Carlow College, but who are employed by contractors (or sub-contractors) of Carlow College, and who may have access to or contact with children and/or vulnerable persons in the course of their duties, may also be required to undergo the vetting process. Carlow College will also ensure that Garda Vetting obligations are reflected, to the greatest extent possible, in any contract between Carlow College and any contractor and/or sub-contractor and, as appropriate, form part of the criteria required in any procurement process.

4. Policy Statement

The principles and goals underlying the *Garda Vetting Policy* are:

- to ensure that Carlow College is compliant with legislative requirements for relevant organisations as set out in the *National Vetting Bureau (Children and Vulnerable Persons) Act 2012*;

⁶ For more information, see section 2 of the *National Vetting Bureau (Children and Vulnerable Persons) Act 2012*.

- that staff members and prospective learners are fully informed of the purpose and process of Garda vetting within the College;
- to ensure the protection of staff members, learners and members of the public;
- to promote public trust and confidence in Carlow College as a provider of third level education; and
- to provide clarity, transparency, accountability and efficiency in relation to Garda vetting procedures at Carlow College.

4.1. E-Vetting Process

Carlow College is registered with, and uses, the services of the *GSNVB* which undertakes vetting on addresses in the Republic of Ireland and Northern Ireland. Garda Vetting includes Police vetting in respect of other jurisdictions.

As part of the vetting process, each vetting subject shall disclose any and all relevant information.

A vetting subject who has resided outside of the Republic of Ireland, including Northern Ireland, for six months or more, after the age of 18, is required to provide that information on their Garda Vetting Form.

The onus is on the vetting subject to obtain police clearance. It is best to contact the embassy of the country in question to seek further information. A list of embassies can be found on the website of the Department of Foreign Affairs (www.dfa.ie).

All communications with vetting subjects, and with the *GSNVB* in respect of applications, are confidential. Information collected as part of this vetting process will be treated in confidence by Carlow College and used or disclosed only in accordance with the legislation.

4.2. E-Vetting Steps

The following outlines the various steps involved in the Garda Vetting process.

Step 1

The Liaison Person for learners is the Admissions Officer and the Liaison Person for staff is the Human Resources Officer. The relevant Liaison Person sends the vetting subject an invitation form. An applicant who is under eighteen years of age at the point of completing the Vetting form must complete and submit an additional Vetting Parent/Guardian Consent Form.

The vetting invitation form is completed electronically by the vetting subject and returned to the relevant Liaison Person. Employees who do not have access to a computer at work may complete a manual form, which is available from the Liaison Person. The vetting subject is also required to provide the relevant Liaison Person with proof of identity.

The law requires that you disclose all your previous names and addresses to the National Vetting Bureau (NVB) so that your application can be correctly processed. The NVB does however have a process whereby you can disclose your previous gender/name to the NVB only and not reveal this data on the Vetting Application Form.

This is known as the ‘Sensitive Applications Process’. This process ensures that your information is handled sensitively and securely by the NVB and not revealed to the registered organisation seeking vetting in respect of you.

In order to utilise this process you must contact the NVB's Sensitive Applications Team. This will ensure that your previous gender/name is not released while permitting you to comply with the law. A member of the NVB's Sensitive Applications Team will be able to answer all your questions about completing the application form and will record your details so that it can be tracked by the NVB. Once it arrives at the NVB they will monitor your application and check the content of your NVB disclosure before it is issued.

Step 2

The relevant Liaison Person validates the proof of identity and sends the vetting subject an e-mail with a link attached inviting him/her to complete a Vetting Application Form. The vetting subject is given instructions for completion of the form. This document highlights the importance of providing full and correct information on the form and of attaching, where necessary, police clearance from other jurisdictions in which the vetting subject resided.

Step 3

The vetting subject completes the Vetting Application Form online and submits it to the relevant Liaison Person.

Step 4

The relevant Liaison Person reviews the Vetting Application Form and submits it to the *GSNVB*. The *GSNVB* processes the application against their databases for convictions, pending prosecutions, application of the *Probation Act*, non-convictions and specified information.

Step 5

The *GSNVB* processes the application and forwards a vetting disclosure to the relevant Liaison Person.

The *GSNVB* responds to the vetting request by ticking one of the relevant sections of the form, i.e. (a) no convictions recorded or (b) convictions that appear on Garda Records or (c) and/or attached prosecutions that are pending.

The following is an example of the type of information/disclosure that could be returned:

Our records indicate previous convictions recorded against the named person when checked against the details supplied:

Date	Offence	Court	Result
25/06/2003	Larceny	Dún Laoghaire	Fine €100.

Step 6

The relevant Liaison Person reviews the vetting disclosure and, as soon as is practicable, provides a PDF copy of the disclosure to the vetting subject.

Step 7

Where the information supplied by the *GSNVB* is inconsistent with the information supplied by the vetting subject, the relevant Liaison Person will contact the vetting subject to clarify if the information supplied by the *GSNVB* is correct. If the vetting subject does not agree that the information supplied by the *GSNVB* is correct, the relevant Liaison Person will request the *GSNVB* to review their information and confirm or change their initial response.

Step 8

Once the e-vetting information and outcome have been verified and confirmed, it is then reviewed by the relevant Liaison Person and classified as follows:

- (a) No convictions recorded
- (b) Minor offence
- (c) Serious offence

There are two separate guidelines for the handling of vetting disclosures: for learners see Appendix 1 and for staff see Appendix 2.

Step 9 (if applicable)

Staff and learners should be aware that Carlow College reserves the right, at its discretion, to require staff and learners to undergo a further Garda Vetting process. In addition, staff and learners may be re-vetted if information concerning suitability to work with children or vulnerable persons comes to the attention of the College. Staff and learners subject to this policy and who acquire a charge/prosecution and/or conviction and/or anything that may affect their suitability for their studies or employment during the course of their studies/employment are required to immediately notify the relevant Liaison Person.

Carlow College will undergo the process of re-vetting all vetting subjects every three to five years.

4.3. Management of Garda Vetting Records

Records arising from the Garda Vetting process will be used for this purpose only.

The Liaison Person is primarily responsible for the secure storage and management of records associated with the vetting process. Records pertaining to vetting are held on discrete files, whether manual or digital. They will not be placed on a learner's general file. Records pertaining to staff members are held on the staff member's individual personnel file in the Human Resources Department in a secure filing cabinet. The Vice President for Academic Affairs / Registrar is responsible for the storage and management of records arising from learner appeals.

Records arising from the vetting process will be distributed only to those identified as having roles and responsibilities in the following section. All persons to whom records are distributed are responsible for their secure storage. Records distributed to such persons should be destroyed securely (shredded) as soon as they are no longer required; this may be as soon as the end of a meeting with a vetting subject.

Vetting subjects have full access to records pertaining to them, which are created as part of the vetting process. Enquiries in relation to subject access requests will be dealt with in line with the Data Protection Act 2018.

5. Roles and Responsibilities

5.1. Vetting of learners

The **Liaison Person** is responsible for:

- processing vetting applications and communicating with both vetting subjects and the GSNVB, and managing records arising from this process;

- creating and managing records of meetings held; and
- discussing vetting disclosures as relevant (as delineated below).

The **Placement Coordinator** is responsible for communicating with agencies / schools.

In the case of a minor offence, the relevant **Programme Director, Placement Coordinator and Liaison Person** are responsible for meeting with the vetting subject to discuss the circumstances of the offence.

Where an offence is deemed serious, the **Liaison Person, Practice Placement Advisory Committee and Programme Director** are responsible for meeting with the vetting subject to discuss the circumstances of the offence and to make a decision on the vetting subject's continuation in the programme.

Where a vetting subject appeals a decision of the foregoing group, the Vice President for Academic Affairs / Registrar will convene an Appeal Committee comprising the Vice President for Academic Affairs / Registrar, two members appointed by the Academic Council who do not have a conflict of interest (that is, that have not been involved in the process to date) and a College Counsellor. The Appeal Committee will make a final decision on the continuation of the vetting subject in the programme. The Vice President for Academic Affairs / Registrar is responsible for the creation and management of records of the appeal process. In accordance with the *Instrument of Governance 2017*, Section 6.1(d), appeals concerning the expulsion of a learner in accordance with regulations of the College will be heard by the Governing Body.

5.2. Vetting of staff

The **Liaison Person** is responsible for:

- processing vetting applications and communicating with both vetting subjects and the GSNVB, and managing records arising from this process; and
- creating and managing records of meetings held to discuss vetting disclosures (as delineated below).

In the case of a minor offence, the Liaison Person will convene a Garda Vetting Panel comprising the Line Manager, Liaison Person and/or alternative nominees of the President. The Garda Vetting Panel is responsible for discussing the circumstances of the offence with the vetting subject.

If an offence is deemed serious, the aforementioned Garda Vetting Panel is responsible for meeting with the vetting subject and deliberating on the vetting subject's explanation of the circumstances of the offence and considering an appropriate recommendation.

6. Associated Documentation

- Appendix 1: Guidelines for the Handling of Vetting Disclosures – Learners
- Appendix 2: Guidelines for the Handling of Vetting Disclosures – Staff

7. Referenced Policies

- *Child Protection Policy*
- *Data Protection Policy*
- *Disciplinary Policy (Staff)*

- *Fitness to Practice Policy*
- *Learner Code of Conduct and Disciplinary Policy*
- *Records Management Policy*
- *Recruitment and Selection Policy*

8. Monitoring and Review

The Garda Vetting Policy is approved by the Management Board and Academic Council. The Office of the President, in consultation with the two Liaison Persons, will monitor this Policy annually with a policy review scheduled three years after the effective date.

Appendix 1: Handling of Vetting Disclosures (Learners)

Handling of Vetting Disclosures (Learners)



Handling of Vetting Outcomes for Learners

Carlow College, St. Patrick's (hereafter Carlow College) response to information provided by *Garda Síochána National Vetting Bureau (GSNVB)* will be as follows:

a) No Convictions Recorded

The names of all Carlow College's vetting subjects for whom no convictions have been recorded are forwarded to the relevant Liaison Person.

b) Differentiation of Results

Where the information supplied by the *GSNVB* is inconsistent with the response from the learner, the Liaison Person will meet with the learner to clarify whether the information supplied by the *GSNVB* is correct. If the learner does not agree that the information supplied by the *GSNVB* is correct, the Liaison Person will request the *GSNVB* to review their information and confirm or review their initial response.

c) Minor Offence

With regard to minor offences, which, within the absolute discretion of the College are not considered to pose any risk to children and/or vulnerable persons, the College's response is different depending on whether or not the learner openly disclosed the offence.

If the offence has not been disclosed, the Programme Director, Placement Coordinator and the Liaison Person will meet with the learner to seek an explanation for the non-disclosure.

If a satisfactory explanation is received, the learner will be advised that the information will be provided (with the permission of the learner) to the agency/school by the Placement Coordinator.

If a satisfactory explanation is not received, the offence will be deemed to be a serious offence and will be dealt with as outlined in section (d) below.

d) Serious Offence

With regard to serious offences and convictions, the nature of which could potentially indicate a risk to children and/or vulnerable persons, the learner will be required to meet with the Liaison Person, Practice Placement Advisory Committee and the Programme Director to discuss the circumstances of the offence. Following the meeting, the learner will be advised in writing of the College's decision.

If there has been evidence of significant rehabilitation and/or evidence of appropriate behaviour modification by the learner since the event took place, then the learner may be advised that he/she may be allowed to continue in the programme.

When the nature of the conviction(s) is such that the Liaison Person, Practice Placement Advisory Committee and the Programme Director deem it to be of such a serious nature that the learner cannot continue on their programme/module, the learner's provisional registration with the programme will be terminated. Following the meeting, the learner will be advised in writing by the Office of the Registrar of the College's decision.

Appeals

The learner may, within two weeks of the date of the letter, make an Appeal to the Vice President for Academic Affairs/Registrar to have their case reviewed by an Appeal Committee on Learner Garda Vetting, comprising of the: Vice President for Academic Affairs/Registrar, two members appointed by Academic Council that do not have a conflict of interest and a College Counsellor.

The decision of the Appeal Committee on Learner Garda Vetting will be final and binding.

Appendix 2: Handling of Vetting Disclosures (Staff)

Handling of Vetting Disclosures (Staff)



**CARLOW
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Handling of Vetting Outcomes, Staff and Service Providers

Carlow College, St. Patrick's (hereafter Carlow College) response to information provided by GSNVB will be as follows:

a) No Convictions Recorded

The names of all Carlow College's vetting subjects for whom no convictions have been recorded are forwarded to the relevant Liaison Person who issues a vetting disclosure to the vetting subject.

b) Differentiation of Results

Where the information supplied by the GSNVB is inconsistent with the response from the staff member, the Liaison Person will meet with the staff member to clarify whether the information supplied by the GSNVB is correct. If the staff member does not agree that the information supplied by the GSNVB is correct, the Liaison Person will request the GSNVB review their information and confirm or review their initial response.

If a conviction, as outlined in (c) or (d) below, is recorded or pending, the Liaison Person will convene a Garda Vetting Panel consisting of the: Line Manager, Liaison Person, and/or alternative nominees of the President.

The Garda Vetting Panel's remit is to consider the convictions as outlined in c) or d) below.

c) Minor Offence

With regard to minor offences, i.e. offences which are not considered to pose any risk to children and/or vulnerable persons, Carlow College's response may be different depending on whether or not the vetting subject openly disclosed the offence.

- i. If the offence has not been disclosed, the Garda Vetting Panel will meet with the vetting subject to seek an explanation for the non-disclosure.
- ii. If the explanation received by the Vetting Panel is deemed satisfactory, the Liaison Person will notify the vetting subject.
- iii. If a satisfactory explanation is not received, the offence will be deemed to be a serious offence and will be dealt with as for section (c) below.

d) Serious Offence

With regard to serious offences, i.e. the nature of which could potentially indicate a serious risk to children and/or vulnerable persons, the vetting subject will be required to meet with the Garda Vetting Panel in order to provide a detailed explanation as to the circumstances of the offence.

Following the meeting with the Garda Vetting Panel, this Panel:

- i. will deliberate on the vetting subject's explanation as to the circumstances of the offence and consider an appropriate recommendation and/or action.
- ii. will advise the subject in writing of the Panel's decision.

An appropriate recommendation may be to conduct an investigation in accordance with the *Disciplinary Policy (Staff)*. This procedure also contains within it an appeals process. In the event of a candidate applying for a position, the offer may be withdrawn.