



## TITLE: **LEARNER VETTING POLICY**

|                 |   |   |   |
|-----------------|---|---|---|
| Version         | 4.1   | Date Approved   | 23 October 2024                           |
|                 | Policy received minor changes related to the removal of the Catechetics and Placement Module and the inclusion of the Workplace Learning Experience Module. | Review Date   | 18 November 2028<br><i>or as required</i> |
| Approved By     | Academic Council  |   |   |
| Owner           | Office of the Registrar   |   |   |
| Version Control |   |   |   |
| Version No.     | Date Approved   | Documented Changes  |   |
| 4               | 15 November 2023  | The <i>Garda Vetting Policy</i> was reviewed and it was determined to create separate staff and learner vetting policies; change policy owner; implement timelines for learner engagement in the process; and introduce additional criteria for assessing vetting disclosures, and administering appeals. |   |
| 3.2             | 8 March 2023 (Academic Council);<br>15 March 2023 (Management Board)  | Minor change related to Appendix 1 (under ‘Minor Offence’): ‘If a satisfactory explanation is received, the learner will be advised that they may proceed with their placement and continue with the programme.’  |   |
| 3.1             | 6 April 2022 (Academic Council);<br>13 April 2022 (Management Board)  | The following line was added under the policy statement: ‘Learners are required to complete Garda Vetting by 1 December otherwise they may not be allowed to sit their First Semester Examinations.’  |   |
| 3               | 9 December 2020 (Academic Council);<br>16 December 2020   | Policy revised to included legislative changes since the Policy was last passed (i.e. <i>Data Protection Act 2018</i> ) and that Garda  |   |

|   |   |   |
|---|---|---|
|   | (Management Board)  | Vetting Results cannot be shared with placement providers; Appendix 1.1 was removed from the Policy.  |
| 2 | 22 November 2017 (Management Board); 6 December 2017 (Academic Council) | 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 CCSP <i>Policy on Policies</i> . |
| 1 | 6 December 2011   | Initial Issue   |

## 1. Purpose of Policy

The National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016 (the Vetting Acts) provide for mandatory vetting of persons who undertake relevant work or activities that bring them into contact with children or vulnerable persons. Learners of Carlow College, St. Patrick's (hereafter Carlow College) are vetted where they undertake relevant work or activities. This typically refers to placement or internship, but learners who come into contact with children or vulnerable persons during research or voluntary activities are also vetted.<sup>1</sup>

Carlow College is committed to ensuring that only suitable individuals are allowed to undertake activities with children or vulnerable persons. Therefore, learners will not be permitted to undertake such activities unless they satisfactorily complete the vetting process.

## 2. Definitions

The following definitions are, for the most part, adapted from the Vetting Acts.

**Child:** a person under the age of 18 years.

**Liaison Person:** a person authorised to communicate with the National Vetting Bureau (NVB) on behalf of Carlow College. The Liaison Person applies for and receives vetting disclosures from the NVB. The Admissions Officer and Assistant Admissions Officer are learner Liaison Persons. The Admissions Officer is the primary learner Liaison Person.

**National Vetting Bureau (NVB):** a unit of An Garda Síochána that conducts Garda Vetting. It provides relevant organisations with relevant criminal history information on individuals applying to undertake relevant work or activities. The NVB does not make a decision on the vetting subject's suitability for a position. This is the responsibility of the relevant organisation.

**Relevant organisation:** A person (including a body corporate or an unincorporated body of persons) who, inter alia, employs or permits any person to undertake relevant work or activities (e.g. Carlow College). It includes a provider of education programmes, which makes arrangements for the work experience placement of any person.

---

<sup>1</sup> The language in this Policy refers mostly to placement (which is also used to refer to internship) as this is the usual reason for conducting vetting. Learners should note that practices are adapted slightly to suit when learners are vetted for research or voluntary activities, but the same principles as for placement apply, and adaptation principally refers to Carlow College staff who are involved in the vetting process.

**Relevant work or activities:** 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.

**Specified information:** information relating to a vetting subject, such as an allegation of harm, that leads to a bona fide concern that a vetting subject poses a risk to children or vulnerable persons. See Section 2 of the Vetting Acts for further information.

**Vetting disclosure:** a document issued by the NVB, which states that there is no criminal record or specified information relating to a vetting subject or specifies the vetting subject's criminal record, and a statement of any specified information, which the Chief Bureau Officer, NVB, has determined should be disclosed. Certain convictions (e.g. spent convictions) are not disclosed. See Section 14A of the Acts for further information.

**Vetting subject:** a person who undergoes vetting (e.g. a learner).

**Vulnerable person:** a person, other than a child, who has a disorder of the mind (as a result of mental illness or dementia), intellectual disability, physical impairment (as a result of injury, illness or age), or physical disability, which is of such a nature or degree as to restrict the person's capacity to guard themselves 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

Learners may be vetted for the following relevant work or activities: placement, research or voluntary activities. Learners will be vetted for each new programme, or prior to the commencement of each new voluntary activity.

#### 3.1 Placement

Learners on the following programmes and / or modules are vetted for placement purposes:

- B.A. in Applied Social Studies (Professional Social Care);
- B.A. (Honours) in Social, Political and Community Studies;

- B.A. in Arts and Humanities (if enrolled in the Workplace Learning Experience Module);
- B.A. (Honours) in Arts and Humanities (if enrolled in the Workplace Learning Experience Module); and
- B.A. (Honours) in English and History (if enrolled in the Workplace Learning Experience Module).

Registration on these programmes and/or modules is provisional, pending satisfactory vetting. Learners who do not satisfactorily complete vetting will have their registration cancelled. The list is reviewed annually, and new or existing programmes and/or modules may be added.

### *3.2 Research*

Level 9 / 10 learners may undertake research involving children and/or vulnerable persons pending a successful ethics application under the *Research Ethics Advisory Policy*. Whether or not vetting is required will be decided during the ethics application process. Please see the *Research Ethics Advisory Policy* for further information.

### *3.3 Voluntary Work*

Learners may undertake voluntary work that brings them into contact with children or vulnerable persons.

## **4. Policy Statement**

### *4.1 Principles*

The principles underpinning the *Learner Vetting Policy* are as follows:

- to ensure that Carlow College is compliant with the Vetting Acts;
- to ensure the protection of children and vulnerable persons;
- to promote public trust and confidence in Carlow College as a provider of third level education; and
- to inform learners and staff about vetting processes, and to promote clarity, transparency, accountability and efficiency in these processes.

#### 4.2 Vetting Process

The following sections outline the stages of the vetting process and matters that may arise from it.

In the event that learners do not meet Carlow College's vetting requirements, registration on relevant programmes and / or modules may be subject to final cancellation or cancellation for a period of time (where continuance of registration is conditional on meeting specified criteria).<sup>2</sup> If information relating to a charge, prosecution or conviction is not given or is given in an incomplete form by the learner, Carlow College reserves the right to cancel the registration at any stage.

##### Stage 1: Completion of Vetting Invitation

The Liaison Persons visit classes due to be vetted for placement by mid-October in Year 1. They will distribute vetting invitation forms, which are used to record consent to be vetted. All learners are to complete the NVB1 form. Where a learner is under 18, they will additionally have their parent/guardian complete the NVB3 form, which records the parent / guardian's consent for their child to be vetted. Forms NVB1 and NVB 3 are also available as Appendices 1 and 2 of this Policy, and on the Student Portal (these locations are accessible by parents / guardians).

Carlow College is obliged to verify the learner's identity for vetting purposes. The 100-point identity check is used. See [this webpage](#) under the 'Verification of Identity' tab for further information.

The following items must be returned to the Admissions Office within **five working days** of the Liaison Persons' class visit:

- completed NVB1 form; and
- completed NVB3 form, if the learner is under 18; and
- identification documents.

**If a learner does not complete Stage 1 within five working days, their name will be forwarded to the Programme Director for follow-up. See Section 4.9.**

##### Stage 2: Completion of the Vetting Application Form Online

Carlow College uses the NVB's e-vetting system to conduct vetting. Learner details will be entered in the NVB system, and the learner will receive an email with instructions on how to

---

<sup>2</sup> Or learners will not be permitted to undertake research or voluntary activities that constitute relevant work or activities, as relevant.

complete the vetting application form online. Learners have 30 days to complete the vetting application form and will receive a reminder after 21 days if the vetting application form has not been completed.

The NVB undertakes vetting on addresses in the Republic of Ireland and Northern Ireland only. The NVB do not make any requirements of vetting subjects regarding certification from time spent abroad. Students who have resided outside of the island of Ireland for a period of 6 months or more (from the age of 16 years) shall also be required to furnish a Police Clearance Certificate from their country or countries of residence. This Certificate should confirm if a student has any convictions recorded against them while residing there. If a student is unable to obtain a Police Clearance Certificate, they will be required to obtain a legal declaration (Affidavit) in the presence of a Commissioner of Oaths or a Solicitor confirming that they have no criminal convictions, current or pending.

The law requires that the learner disclose all previous names on the vetting application form, however, the NVB has a process for transgender persons where previous name / gender is available only to the NVB. This is known as the 'Sensitive Application Process.' Please see the 'Vetting for transgender persons' tab on [this webpage](#) for further information.

***If a learner does not complete Stage 2 within 30 days, their name will be forwarded to the Programme Director for follow-up. See Section 4.9.***

### Stage 3: Vetting Application Form Processed by the NVB

The NVB will process the vetting application form in accordance with its own procedures, searching their databases for convictions, pending prosecutions, application of the Probation Act, non-convictions and specified information. They will return a vetting disclosure to the Liaison Person for each vetting application form.

### Stage 4: Verification of Disclosed Information

The Liaison Person will email the vetting disclosure to the learner (or to the parent/guardian in the case of a student under 18 years).

If the NVB has no information to disclose, the disclosure will specify 'Nil' under criminal record and specified information. If a pending prosecution, conviction or specified information is disclosed, the Liaison Person will request the learner to confirm in writing **within three days** if the vetting disclosure is correct. **If a learner does not respond within this timeframe, the matter will be escalated to the Programme Director for follow-up. See Section 4.9.**

Any learner who wishes to dispute the information contained in a vetting disclosure from the NVB should outline the basis of their dispute in writing to the Liaison Person, who will then submit the complete application to the NVB for further checks.

### Stage 5: Classification of Vetting Disclosures

When the information has been verified, the Liaison Person and one member of the relevant Practice Placement Advisory Committee (PPAC) or Programme Director<sup>3</sup> will classify each vetting disclosure as follows:<sup>4</sup>

- no information disclosed; or
- minor disclosure that does not affect a learner's suitability for placement; or
- serious disclosure that may affect a learner's suitability for placement.

If no information is disclosed, the learner is cleared to proceed to placement. The Programme Director will provide written assurance to the placement provider that the learner has been subject to Garda Vetting and has been deemed appropriate for placement.

Vetting disclosures are classified in an objective and unprejudiced manner. As general guidance, the Liaison Person and PPAC member/Programme Director will consider whether the nature of the disclosure would be sufficient to pose any risk to children *and / or* vulnerable persons and/or potentially be construed as professional misconduct, in the event that the learner was registered in a relevant profession.

### Stage 6: Assessment of pending prosecution(s), conviction(s) and specified information

A conviction will not necessarily prevent a learner from undertaking relevant work or activities, but when assessing a learner's suitability for relevant work or activities, Carlow College will consider a range of factors, including the vetting disclosure, the protection of children and/or vulnerable persons, and factors outlined in Section 4.3.

Learners should also note that each case is subject to individual assessment, based on the circumstances, provided facts and its own merits.

#### ***Minor pending prosecution(s), conviction(s) and specified information***

Where a disclosure has been classified as minor, within which the absolute discretion of Carlow College are those cases that are not considered to pose any risk to children or vulnerable persons, the circumstances of the matter will be discussed with the learner by the Liaison Person and 1-2 members of the relevant PPAC.<sup>5</sup> When inviting a learner to a meeting, the Liaison Person is to communicate to them what classification their vetting disclosure has

---

<sup>3</sup> In the case of students on the *BA (Honours) in Social Political and Community Studies*, the Liaison Person and the Programme Director will classify the vetting disclosure.

<sup>4</sup> Where the learner is vetted for research purposes, classification is conducted by the Liaison Person and the Chair, REAC. Where the learner is vetted for a voluntary activity, classification is conducted by the Liaison Person and the staff overseeing the voluntary activity.

<sup>5</sup> Where vetting is conducted for research, the Chair, REAC, shall replace the PPAC member on the Learner Vetting Panel. Where vetting is conducted for voluntary activities, the overseeing staff member shall replace the PPAC member.



received and inform them of their right to be accompanied by a support person (see Section 5).

Where the Liaison Person and PPAC member(s) are satisfied with the discussion with the learner, the learner will be cleared for placement and the Programme Director will provide written assurance to the placement provider that the learner has been subject to Garda Vetting and has been deemed appropriate for placement. If the Liaison Person and PPAC member are not satisfied with the discussion, the matter will be escalated to the process for vetting disclosures classified as serious.

The Liaison Person will create a written record of this meeting and its outcome(s) and will communicate the outcome of the meeting to the learner in writing within **five working days** of the meeting.

### ***Serious pending prosecution(s), conviction(s) and specified information***

Where a disclosure has been classified as serious, the nature of which could indicate a potential risk to children and / or vulnerable persons, a Learner Vetting Panel shall be convened by the Programme Director. The Learner Vetting Panel shall comprise the Programme Director (Chair), Liaison Person, and a member of a College PPAC. The Learner Vetting Panel shall meet with the learner to discuss the circumstances of the vetting disclosure. The purpose of this meeting shall be to assess whether the learner may proceed to placement.<sup>6</sup> When inviting the learner to a meeting, the Programme Director is to communicate to them what classification their vetting disclosure has received and of their right to be accompanied by a support person (see Section 5).

The Liaison Person is responsible for creating a written record of meetings of the Learner Vetting Panel, including any decision(s) it takes.

In assessing the learner's suitability for placement, a range of factors (see Section 4.3 for further information) will be considered including the discussion with the learner, the nature and seriousness of the offence, the penalty imposed, the pattern of recidivism, the circumstances of the learner at the time of the offence, the time which has elapsed since the offence, the extent to which the learner has rehabilitated themselves, and the insight and reflection shown. The Learner Vetting Panel may invite the learner to submit written documentation supporting their position e.g. certification from a counsellor attended by the learner. The Learner Vetting Panel will agree a timeframe with the learner for submission of any supporting written documentation, and the Chair will communicate this in writing to the learner within **five working days** of the meeting.

Once any agreed timeframe has elapsed, the Learner Vetting Panel will meet to determine whether the learner is permitted to proceed to placement. The outcome of the meeting will be communicated in writing by the Chair to the learner within **five working days**. If the learner has been cleared for placement, the Programme Director will provide written assurance to the placement provider that the learner has been subject to Garda Vetting and has been deemed appropriate for placement. If the outcome is that the learner is not suitable for placement,

---

<sup>6</sup> Or undertake research or voluntary activities constituting relevant work or activities.

their registration will be cancelled or suspended for a defined period of time (where continuance of registration at a future time is conditional on specified criteria). The Chair will also inform the learner of their right of appeal (see Section 4.4).

#### 4.3 Assessment of Pending Prosecution(s), Conviction(s) or Specific Information

In reaching a decision on the participation of a learner in relevant work or activities, full account will be taken by Carlow College of all relevant information, for example, information recorded in the vetting disclosure and in the discussion with the learner. The learner may be invited to submit written documentation supporting their position e.g. certification by a counsellor attended by the learner. The interests of the learner and other relevant information will be considered in a proportionate way, including having due regard to the public interest, the protection of children and / or vulnerable persons, the maintenance of public confidence in the relevant profession and the importance of appropriate standards of learner conduct while undertaking relevant work or activities.

The following factors will be considered in assessing a conviction, pending prosecution or specified information:

- the nature and seriousness of any charge, prosecution, conviction or specified information;
- the nature of any court result, taking account of any current suspended sentence;
- whether or not there is a pattern of recidivism (re-offending);
- the age and circumstances of the learner at the time of any charge, prosecution, conviction or specified information;
- time elapsed since the charge, prosecution, conviction or matter that led to specified information;
- the manner in which the learner dealt with proceedings in relation to the matter(s), and in particular, whether they pleaded guilty and at what point in the proceedings;
- whether the pending prosecution, conviction or specified information involved a serious breach of trust;
- whether the pending prosecution, conviction or specified information is one which by its nature gives rise to specific concerns in relation to the learner's suitability to undertake relevant work or activities;
- mitigating factors, if any, in favour of the learner;
- extent to which the learner has rehabilitated themselves in the time elapsed since any charge, prosecution, conviction or matter leading to specified information;

- level of insight and reflection shown; and / or
- whether the learner disclosed the matter upon completion of the vetting application form.

It is important to note that while the factors considered above shall be considered, this list is not exhaustive, and the assessment will take into account all relevant facts and circumstances pertaining to the particular learner and their programme. This may include that further information is available from the NVB with the authorisation of the vetting subject. The process is that following verification of the vetting disclosure with the vetting subject, if they provide an account in relation to an incident leading to a court outcome, in respect of which the College decision-making body is of the opinion, due to the seriousness of the incident, that they require further details from the NVB to assist with their decision making, they may with the written authorisation of the vetting subject, seek further details from the NVB.

#### *4.4 Appeals Process of Learner Vetting Panel Decision*

##### 4.4.1 How to Submit an Appeal

In the event that the learner is dissatisfied with the decision of the Learner Vetting Panel, they may appeal the decision. To appeal the decision, the learner should email the Vice President for Academic Affairs and Registrar ([ypacademic@carlowcollege.ie](mailto:ypacademic@carlowcollege.ie)) within **10 working days** of the date that the decision was issued. In the appeal submission, the learner is to:

1. clearly and concisely explain the grounds for appeal (see Section 4.4.2); and
2. attach the decision letter/email received from the Learner Vetting Panel; and
3. attach any supporting written evidence.

In exceptional circumstances, a late appeal may be considered but the learner must explain why they were prevented from submitting on time and provide supporting evidence.

**Learners should note that all decisions of Carlow College remain in force until the outcome of any decision on an appeal.**

##### 4.4.2 Grounds for an Appeal

A learner may appeal the decision of the Learner Vetting Panel on the following grounds:

- **Incorrect process:** there was a procedural error which gives rise to a reasonable doubt as to whether the Learner Vetting Panel would have reached the same decision had it not taken place;
- **New evidence:** which the Learner Vetting Panel was unaware of when making its

original decision, which might reasonably have resulted in a different decision;

- **Specified / stated grounds** where the Learner Vetting Panel's decision was based on erroneous information or interpretation.

#### 4.4.3 Appeals Process

Normally, a decision on an appeal will be made within **30 days** of receipt. Learners will be notified if Carlow College cannot achieve this timeline.

The Vice President for Academic Affairs and Registrar will assess the appeal submission to confirm that it falls within the scope of the appeals procedure. The Vice President for Academic Affairs and Registrar will notify the learner in writing as to whether the appeal is within scope.

If the appeal is within scope, an Appeal Committee will be convened. It will comprise the Vice President for Academic Affairs and Registrar (Chair) and two members appointed by the Academic Council. No member is to have a conflict of interest or have been involved in any prior decision relating to the case.

The Appeal Committee shall consider the appeal on the stated grounds and its own merits. Appeals are determined by written appeal submissions and relevant documentary evidence.

The Appeal Committee will send a copy of the appeal submission (including any supporting evidence submitted by the learner) to the Learner Vetting Panel and ask them to submit a formal response to it. The Learner Vetting Panel should normally reply in writing within **five working days** and in doing so is to:

1. Carefully consider the appeal submission, including any supporting evidence;
2. Respond to all pertinent issues raised by the learner;
3. Include all relevant information to help the Appeal Committee to understand how the Learner Vetting Panel's decision was reached; and
4. Submit all relevant documentary material that was used by the Learner Vetting Panel to make its decision.

A copy of the appeal submission, including any supporting evidence provided by the learner, and evidence submitted by the Learner Vetting Panel, including its response provided in relation to the appeal, will be issued to both the Appeal Committee and the learner. The learner may provide a further response within **five working days** to inform the appeal by the Appeal Committee. The Appeal Committee may request additional information from the learner and/or the Learner Vetting Panel.

The Appeal Committee will then meet and make a decision on the appeal. A note taker will attend this meeting and will create a record of the meeting and its outcome(s).

#### 4.4.4 Outcome of Appeal Process

The Appeal Committee may decide to uphold the decision of the Learner Vetting Panel or amend the outcome, or to effect such other remedy as it considers appropriate. This may include that the Appeal Committee, at their discretion, may refer to the case back to the Learner Vetting Panel for a new hearing with such conditions as the Appeal Committee deems appropriate within College Policy.

The Chair will communicate the decision in writing to the learner and the Learner Vetting Panel within **five working days**. Where the decision means that that a learner's registration on a programme is cancelled, the Chair must additionally inform the learner of their right of appeal to the Governing Body.

In all cases, except where the Appeal Committee upholds the decision to cancel a learner's registration on a programme, the decision of the Appeal Committee is final and binding.

#### *4.5 Appeal to the Governing Body in Case of Expulsion*

All Appeals must be reviewed by the Appeal Committee in the first instance. In accordance with Carlow College's *Instrument of Governance*, 2017, Section 6.1(d), an appeal concerning the cancellation of registration of a learner may be heard by the Governing Body.

If a learner wishes to appeal to the Governing Body, this is to be done by emailing the Chair, Governing Body, at [governingbody@carlowcollege.ie](mailto:governingbody@carlowcollege.ie), within **10 working days** of the date that the Appeal Committee's decision was issued.

Appeals to the Governing Body may be submitted on one of the following grounds:

- the College did not adhere to its policies and procedures when making its decision;
- the College did not observe fair procedures when making its decision; and / or
- the sanction is excessive and is not warranted.

The decision of the Governing Body will be communicated in writing to the learner within **10 working days** of receipt of the appeal by the Governing Body. If the Governing Body cannot meet this timeframe, the learner will be informed.

#### *4.6 Review of a Vetting Decision*

Learners who have satisfactorily completed vetting will be fully registered as learners on the relevant programme or module.

However, if information comes to the attention of Carlow College that calls a vetting decision into question, a stay will be put on the learner's placement who shall be suspended from

carrying out the placement by the Programme Director until such information has been considered by the Learner Vetting Panel, who in coming to a decision on the continuance of the learner, may decide to re-vet them.<sup>7</sup> See Section 4.8.

#### *4.7 Charge(s), prosecution(s) and / or Conviction(s) During Programme*

Learners who are subject to this Policy, and who acquire a charge, prosecution and/or conviction during their programme, following vetting, are required to notify the Liaison Person and Placement Coordinator **immediately**.<sup>8</sup> Learners will be subject to the provisions of this Policy, and the Learner Code of Conduct and Disciplinary Policy may also apply. **Non-disclosure may result in a cancellation of registration.**

#### *4.8 Re-Vetting*

Carlow College reserves the right, at its discretion, to require individual learners or groups of learners to undergo a further vetting process during their programme. A further vetting process may be required if information about the suitability of a learner to undertake relevant work or activities comes to the attention of Carlow College. Re-vetting will follow the processes outlined in this Policy.

#### *4.9 Escalation to Programme Director<sup>9</sup>*

A number of sections of this Policy refer to escalation to the Programme Director if a learner does not engage with the vetting process, as required by Carlow College. Initially, follow-up with the learner may comprise a call, meeting or correspondence with the learner, but at the discretion of the Programme Director, continued lack of engagement or unsatisfactory engagement by the learner may result in the convening of a Learner Vetting Panel as outlined in Section 4.2, Stage 6.

#### *4.10 Vetting Agreements*

Section 12(3A) of the Vetting Acts permits relevant organisations who, inter alia, jointly agree in writing to the employment or placement of a person to undertake relevant work or activities to rely on a vetting disclosure received by one of these relevant organisations from the NVB,

---

<sup>7</sup> Where the learner was vetted for research activities, the learner's research may be suspended by the Chair, REAC; and by the overseeing staff member for voluntary activities.

<sup>8</sup> Where the learner was vetted for research activities, they are to inform the Chair, REAC, instead of the Placement Coordinator. Where the learner was vetted for voluntary activities, they are likewise to inform the overseeing staff member.

<sup>9</sup> Where the learner was vetted for research activities, escalation is to the Chair, REAC, and to the overseeing staff member for voluntary activities.

instead of each relevant organisation vetting the person discretely. Carlow College has a number of such agreements in place with placement providers. Vetting disclosures may be shared by Carlow College with the placement provider in the following circumstances.

**The College reserves the right to share a vetting disclosure with a placement provider where a Section 12(3A) agreement is in place and where the vetting disclosure has been classified as serious. In other cases, the vetting disclosure is available by request to the Programme Director where a Section 12(3A) agreement is in place.**

Further information is available from the Placement Coordinator. Some placement providers may elect to conduct vetting themselves under their own policies.

#### *4.11 Data Protection and Records Management*

Records arising from the vetting process comprise personal data as described by data protection laws. Vetting records are used and managed by Carlow College in accordance with the requirements of both the Vetting Acts and data protection laws. 'Vetting records' means both vetting disclosures and other records that may arise from the processes described in this Policy (e.g. meeting records).

Vetting records are used only to assess the suitability of the learner for relevant work or activities as described in this Policy, and are stored securely and discretely from other learner records (i.e. they are not stored in the Student Records Management System) and are made available only to persons who require them in connection with their official duties. Carlow College shares some learner data, including about vetting, with third parties e.g. placement providers. This is limited to what is deemed strictly necessary and required or permitted by relevant laws.

Information about the nature of learner data that is disclosed for placement is available in placement handbooks and / or the placement agreement(s) signed by learners. Learners have a right of access to their vetting records. The [Learner Privacy Notice](#) contains information for learners about how to exercise their data protection rights, including how learners may access their personal data.

Further information for staff about managing vetting records is available in Appendix 3, Information for Staff.

## **5. Roles and Responsibilities**

### *5.1 Liaison Person*

The Liaison Person is responsible for the following, as described in this Policy:

- processing vetting applications, and participating and in the classification and assessment of vetting disclosures;

- creating and managing meeting records; and
- communicating with learners and the NVB.

The Liaison Person is also responsible for complying with the NVB's 'Code of Practice on Garda Vetting.'

### *5.2 Programme Director*

The Programme Director is responsible for:

- participating in the assessment of vetting disclosures;
- ensuring that a learner does not proceed to placement unless they have satisfactorily completed vetting; and
- communicating with placement providers.

### *5.3 Practice Placement Advisory Committee*

Participating PPAC members are responsible for the following activities, as described in this Policy:

- classifying and assessing vetting disclosures.

### *5.4 Chair(s), Research Ethics Advisory Committee (REAC)*

The Chair(s) of the REAC is responsible for:

- contacting the Liaison Person for discussion and agreement in respect of whether a Level 9 / 10 learner is required to undergo vetting in connection with an ethics application under the *Research Ethics Advisory Policy*;
- ensuring that such a learner does not engage in relevant work or activities (i.e. research involving children and / or vulnerable persons) unless they have satisfactorily completed vetting.

### *5.5 Staff Member Overseeing Voluntary Work*

Any staff member who oversees voluntary work that is to bring a learner into contact with children or vulnerable persons is responsible for:



- contacting the Liaison Person for discussion and agreement as to whether vetting is required.
- ensuring that a learner does not participate in relevant work or activities (i.e. voluntary work involving children or vulnerable persons) unless they have satisfactorily completed vetting.

### *5.6 Learner Vetting Panel*

The Learner Vetting Panel is responsible for deciding if a learner who has a vetting disclosure classified as 'serious' may proceed to placement or participate in other relevant work or activities, as relevant.

### *5.7 Appeal Committee*

The Appeal Committee is responsible for adjudicating on an appeal submitted by a learner in respect of a decision of the Learner Vetting Panel.

### *5.8 Governing Body*

The Governing Body of Carlow College is responsible for hearing an appeal concerning the expulsion of a learner from the College.

### *5.9 Learner Support Person*

The learner has the right to be accompanied to any meeting they attend under this Policy. The support person may be a fellow learner, class representative or Carlow College Students' Union Officer. A support person will not normally be a legal representative, and it will be at the College's discretion whether a legal representative shall be permitted to attend.

The role of the accompanying person is to support the learner, however, the support person may not answer any question on behalf of the learner. The learner can take some time during the meeting to consult with the support person (in private, if necessary) as long as it does not cause undue disruption to the meeting. The learner must provide the name and status of their support person in writing to the Chair of the decision-making body at least **two working days** prior to the meeting. The support person should note that there is an expectation of strict confidentiality about the vetting process.

## **6. Associated Documentation**

- Appendix 1: Guidelines for Completing Vetting Invitation Form (NVB1 Form)
- Appendix 2: Parent / Guardian Consent to Vet a Learner Who is Under 18 Years (NVB3)
- Appendix 3: Information for Staff

## **7. Referenced Policies**

- *Data Protection Policy*
- *Fitness to Practice Policy*
- *Learner Admission, Progression and Recognition Policy*
- *Learner Code of Conduct and Disciplinary Policy*
- *Research Ethics Advisory Policy*

## **8. Monitoring and Review**

This Policy will be formally reviewed every five years, however, it is monitored on an ongoing basis by the Office of the Registrar, in conjunction with the Admissions Office, and will be updated to reflect legal or regulatory requirements.

## Appendix 1: Guidelines for Completing Vetting Invitation Form (NVB1 Form)



### Guidelines for Completing Vetting Invitation Form (NVB1 Form)

#### General

- The completed NVB1 form and suitable identification documents must be returned to the Admissions Office. Learners who are under 18 years must also return a completed NVB3 form (parent/guardian consent for vetting).
- This form must be completed in full using BLOCK CAPITALS and must be legible.
- The original signed form must be returned to the Admissions Office. Photocopies, scans or photographs of forms will not be accepted.
- The learner must provide identification documents as outlined under the 'Verification of Identity tab' on this [webpage](#).
- Insert one character (e.g. letter, number, symbol) in each box.
- Incomplete or incorrectly filled applications will be rejected by the Admissions Office.

#### Personal Details

- Registered learners must use their Carlow College email address on the form.
- Current address means the address that you are now residing at.
- The address fields should be completed in full, including Eircode / Postcode. Abbreviations are not permitted.

#### Role Being Vetted For

The role you are being vetted for must be clearly stated. If you are being vetted for placement purposes insert, 'Practice Placement'.

Policy: *Learner Vetting Policy*

Date Approved: 23 October 2024

Owner: Office of the  
Registrar

### **Declaration of Applicant**

The applicant must sign and date the form, and tick the provided box, to confirm they have provided identification documents to validate their identity; and that they consent to being vetted and the disclosure of information by the National Vetting Bureau, subject to the *National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016*.

Sample Form Below – Form available for printing at:

<https://carlowcollege.ie/media/NVB1Form.pdf>

## **Appendix 2: Guidelines for Completing Parent / Guardian Consent to Vet a Learner who is Under 18 years (NVB3 Form)**



### **Guidelines for Completing Parent / Guardian Consent to Vet a Learner who is Under 18 years (NVB3 Form)**

#### **General**

- This form must be completed in full using BLOCK CAPITALS and must be legible.
- Only the original signed NVB3 form will be accepted. Photocopies, scans or photographs of forms will not be accepted.
- Insert one character (e.g. letter, number, symbol) in each box.

#### **Validation of Identity**

The parent/guardian must provide copies of identification documents as outlined under the 'Verification of Identity tab' on this webpage: <https://vetting.garda.ie/Help/FAQ>.

#### **Applicant Details**

The name and date of birth of the person who is to be vetted are inserted in this section.

#### **Parent / Guardian Details**

The address fields should be completed in full, including Eircode/Postcode. Abbreviations are not permitted.

#### **Parent / Guardian Consent**

The applicant must sign and date the form to confirm that they consent to their child being vetted in accordance with the *National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016*.

### Returning the Form

- The learner is to return the complete NVB3 form and a copy of their parent/guardian's identification documents, along with the NVB1 form and their own identification document in person to the Admissions Office within **five working days** of receipt of the form.
- Incomplete and incorrectly completed applications will be rejected.

Sample Form Below – Form available for printing at

<https://carlowcollege.ie/media/NVB3Form.pdf>

### Appendix 3: Information for Staff



## Information for Staff

### When Vetting is Due for Placement on Undergraduate Programmes

|  |  |
|--|--|
| B.A. in Arts and Humanities (if enrolled in the Workplace Learning Experience Module)                | Stage 2 for learners who intend to take the Workplace Learning Experience Module in Stage 3 and 4. |
| B.A. in Applied Social Studies (Professional Social Care)  | Stage 1 for placements in Stages 2 and 3   |
| B.A. (Honours) in Social, Political and Community Studies  | Stage 2 for internship in Stage 3  |
| B.A. (Honours) in Arts and Humanities (if enrolled in the Workplace Learning Experience Module); and | Stage 2 for learners who intend to take the Workplace Learning Experience Module in Stage 3 and 4. |
| B.A. (Honours) in English and History (if enrolled in the Workplace Learning Experience Module).     | Stage 2 for learners who intend to take the Workplace Learning Experience Module in Stage 3 and 4. |

### Records Administration

The Liaison Person is responsible for storing vetting invitation forms, identification documents and vetting disclosures. Usually, vetting invitation forms and identification documents are stored in physical files, and vetting disclosures are stored in electronic files. All of these items are to be stored in a folder which is specific to the academic year in which vetting was conducted i.e. there is a new file / folder for each academic year. Within this, there should be separate sub-folders for placement, research and voluntary activities.

Where the name of a learner forms part of any electronic file or folder, it should be ordered consistently e.g. SurnameFirstName.

The Liaison Person is to create a written record of the classification assigned to vetting disclosures. The written record is to include the name and Student ID Number of each learner, and the classification (i.e. no criminal record, minor, serious) assigned to their vetting disclosure. When the vetting process has been completed, yes/no is added to indicate whether the learner has successfully completed vetting. The vetting status of each learner (yes/no) can be made available to the Placement Coordinator.

Where a learner is subject to Section 4.2, Stage 6 of the Policy or an appeal, a OneDrive folder should be created as a 'case file' and contain all relevant records. The Liaison Person is the owner of case files created for Stage 6 on p5; the Administrator, Office of the Registrar, is the owner of the case file used by an Appeal Committee; and the Secretary, Governing Body, is the owner of the case file regarding an appeal held by the Governing Body.

The Liaison Person is responsible for acting as note taker at meetings they attend under this Policy. The Appeal Committee and Governing Body are supported by a discrete note taker in meetings they hold under this Policy.

The note taker is to circulate draft minutes to members for agreement within two working days. Members then have a maximum of two working days to agree the minutes.

For data security purposes, all vetting records are to be stored in a OneDrive folder and shared via a OneDrive link. It is not permitted to share physical records or via email attachment unless there is a problematic issue with OneDrive.

Records retention periods are outlined in the Records Retention Schedules. These retention periods apply to the:

- Liaison Person (for vetting invitation forms, vetting disclosures, identification documents, and meetings records at which the Liaison Person was the note taker);
- Administrator, Office of the Registrar (for records created and / or received by the Appeal Committee);
- Secretary, Governing Body (for records created and/or received as a result of a learner appeal under the Instrument of Governance).

Where records are held by other staff in the course of their duties, they are reference copies and may be securely destroyed as soon as the process in which they are involved is over.

All staff and Governing Body members are responsible for the confidentiality, secure storage and secure destruction of vetting records that are in their possession.



## Meetings

The convenor should note the importance and expectation of confidentiality at the beginning of meetings. This is particularly the case where a support person attends with a learner.

## Communicating with Learners

The norm is to communicate with registered learners via their Carlow College email address. If it is intended to post a letter (including a registered letter) to a learner under this Policy, it is recommended that the communication is also sent via email.

## Learner Consent to Seek Further Information

Other than seeking learner authorisation to contact the NVB for further information about vetting disclosures (see Section 4.2, Stage 6), staff are advised not to seek learner consent to seek information themselves from individuals. Instead, the learner may be asked to provide written evidence to support their position, and staff may ask the learner for the contact details of the author of the supporting evidence to verify it, if this would be useful.

## Freedom of Information (FOI) and Data Protection Requests

Staff are reminded that individuals who find themselves in a formal process relatively often submit requests under FOI or data protection laws. Any such request should immediately be sent to the FOI Officer or DPO, as relevant, who will process the request. An FOI request must be in writing and refer to FOI. A data protection request can be in any format (written or oral) and does not need to refer to data protection or the General Data Protection Regulation. A data protection request can be for any of the following:

|   |  |
|---|--|
| <ul style="list-style-type: none"><li>• Information about how data is processed</li><li>• Access to personal data</li><li>• Rectification of incorrect or incomplete data</li><li>• Erasure of data</li></ul> | <ul style="list-style-type: none"><li>• Restriction of data processing</li><li>• Objection to data processing</li><li>• Data portability</li><li>• Not to be subject to a decision made solely on automated processing (not used in vetting)</li></ul> |
|---|--|

### **Memoranda of Agreement (MoA) with Placement Providers**

Carlow College has a number of MoAs with placement providers across its undergraduate programmes. A template is available from the President's Office, and it has been adapted for the needs of individual programmes. Further adaptation should be agreed in writing by the Programme Director with the President's Office.

The MoA incorporates three elements:

- General terms of the relationship between Carlow College and the placement provider, and the rights and responsibilities of both parties;
- Data Protection terms; and an
- Agreement under Section 12(3A) of the Vetting Acts. This permits two or more relevant organisations who jointly agree in writing, *inter alia*, to the employment or placement of a person to undertake relevant work or activities to rely on a vetting disclosure received by one of these relevant organisations from the NVB, instead of each relevant organisation vetting the person discretely. Some placement providers may elect to vet learners themselves and therefore decline to sign the Section 12(3A) agreement.

It is the responsibility of the Programme Director to have the placement provider verify in writing that it is a relevant organisation within the meaning of the Vetting Acts before execution of a Section 12(3A) agreement with the placement provider. The Programme Director should send this verification to the President's Office. The President signs all MoAs on the College's behalf; the College Vice President will sign the MoAs in the President's absence.