



Academic Quality Framework

Garda Vetting Policy

Approved by Academic Council

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Table of Contents

1. Introduction / Context.....	3
2. Purpose.....	3
3. Scope.....	4
4. Definitions.....	4
5. Policy Details:.....	5
6. Policy Details.....	7
7. Role of the University.....	11
8. Related Documents.....	12
9. Appendix.....	12
10. Document Management	13
11. Appendix 1:.....	14

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1. Introduction / Context

- 1.1 The National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016 provide a statutory basis for the vetting of persons carrying out relevant work with children or vulnerable persons. The Act also creates offences and penalties for persons who fail to comply with its provisions.
- 1.2 The Act stipulates that a relevant organisation shall not permit any person to undertake relevant work or activities on behalf of the organisation, unless the organisation receives a vetting disclosure from the National Vetting Bureau in respect of that person.
- 1.3 TU Dublin offers a number of programmes where there is a requirement for students to undertake placements that will bring them into contact with children or vulnerable adults, and in which they may assume positions of trust. In some instances, students may be vetted to take part in voluntary or civic engagement activities as part of their programme. To promote the protection of the public and to encourage public trust and confidence, TU Dublin is committed to ensuring that these students are vetted and that only suitable candidates are permitted to go on placement or partake in voluntary or civic engagement activities while studying on a relevant programme.

2. Purpose

- 2.1 The purpose of this document is to outline the policy and responsibilities relating to the vetting of students for placement in an environment with children and/or vulnerable adults.

3. Scope

- 3.1 In accordance with the Acts, TU Dublin requires students (or prospective students) to undergo vetting by the National Vetting Bureau in An Garda Síochána. A student's registration on a relevant programme can be revoked depending on the outcome of the vetting process.
- 3.2 Garda vetting is conducted on behalf of registered organisations only and is not conducted for individual persons on a personal basis.
- 3.3 This policy applies to students registered on academic programmes listed in appendix 1.
- 3.4 The policy is also relevant to potential applicants to programmes listed in appendix 1.
- 3.5 On occasion a research student may be required to undergo vetting as part of their studies.

4. Definitions

- 4.1 Children: People Under 18 years of age
- 4.2 Vulnerable Adults: A person aged 18 years or over, who is in receipt of or may be in need of community care services by reason of mental or other disability, age or illness and who is or may be unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation.
- 4.3 Placement: Working environment without direct constant supervision by qualified staff or where students are under supervision by a named and allocated staff member in the placement agency.
- 4.4 Vet: Definition of service by Garda central vetting unit.

5. Policy Details:

Policy Overview

- 5.1 The Recruitment, Admissions & Participation Office is responsible for overseeing the TU Dublin student vetting policy through the National Vetting Bureau's e-Vetting system. Liaison Persons appointed by TU Dublin administer the vetting process and they are the designated contacts between the University and the National Vetting Bureau.
- 5.2 When assessing a student's suitability for work placement or voluntary/civic engagement activities, a range of factors will be considered which include, but are not limited to:
- The self-disclosure or non-disclosure of any such charge/prosecution and/or conviction by the student
 - The nature and seriousness of any charge/prosecution and/or conviction, which may be recorded in respect of the student
 - The nature of any court result, which may be recorded in respect of the student, taking account of any current suspended sentence
 - The age of the student at the time any such charge/prosecution and/or conviction was committed
 - The length of time elapsed since any such charge/prosecution and/or conviction
 - The conduct of the student in the time elapsed since the date of the charge/prosecution and/or conviction
 - Mitigating factors, if any, in favour of the student
 - Rehabilitative efforts undertaken by the student in the time elapsed since any such charge/prosecution and/or conviction
 - Frequency of re-offence, if any, in the time elapsed since any such serious offence
 - Outcome of any consultation with the relevant placement organisation
 - Insurance, Health and Safety stipulations

- Any other information recorded relating to the commission of, or involvement in the commission of a charge/prosecution and/or conviction and/or specified information, which would give rise, or would be likely to give rise to a bona-fide concern that the individual poses a risk to the safety of children, vulnerable adults or the wider community.

- 5.3 It is important to note that whilst the factors above shall be considered, the list is not exhaustive, and the assessment made by the relevant review committee shall take account of all relevant factors and circumstances pertaining to a student and her/his programme.
- 5.4 Having a charge/prosecution and/or conviction and/or specified information will not necessarily prevent an applicant from gaining admission to the relevant programme.
- 5.5 In reaching a decision regarding the admission or continuance of a student, the University will balance the interests of the student (and its ability to provide any appropriate support arrangements) with seeking to provide a safe and secure environment for the public and its staff, student and visitors and others. In addition, the University will take account of the demands and requirements of relevant professional bodies and requirements under the law to protect special categories of people, for example children and vulnerable adults.
- 5.6 The University reserves the right to refuse admission to a student/applicant, withdraw an offer to a student of a place on a specific course, remove a student from a specific course, or delay a student's placement modules on a specific course where an inappropriate return is received following the Garda Vetting process or for inappropriate engagement with the Garda Vetting policy.

5.7 Article 10 of the GDPR states that “Processing of personal data relating to criminal convictions and offences or related security measures based on Article 6(1), shall be carried out only under the control of official authority or when the processing is authorised by Union or Member State law providing for appropriate safeguards for the rights and freedoms of data subjects.” In addition to the normal standards of confidentiality, we carefully control access to this data within the University so that it is only available to those staff who require it to perform their duties.

6. Policy Details

6.1 **Students who acquire a conviction during their course of study**

It is University policy that students on any of the programmes or undertaking any of the activities to which this policy applies, who acquire a conviction or are charged with any offence during their course of study are required to notify the Programme Chair and will be subject to the provisions of this policy. Non-disclosure may result in a cancellation of registration. The Programme Chair will inform the student garda vetting liaison officer of any disclosures.

6.2 **Re-vetting**

The University reserves the right, at its discretion, to require certain groups of students or individual students to undergo a further vetting process during the course of their programme. In addition, a student may be re-vetted if information concerning his/her suitability to work with children or vulnerable persons comes to the attention of the University. Applications for garda vetting should be renewed every three years so a student may have to be re-vetted due to repeats, withdrawals etc.

Appeals Mechanism

- 6.3 In the event that a student is dissatisfied with the decision from the TU Dublin Vetting Review Committee, they may appeal the decision within 21 days to Registrar to have her/his case reviewed by an appeal committee (including Head of School or nominee) and a further meeting with the student may be requested.
- 6.4 Each appeal will be reviewed on the stated grounds and on its own merits. The Garda Vetting Liaison person shall provide to the Registrar, vetting disclosures and information pertaining to the assessment of the information provided by the National Vetting Bureau (NVB) for the case under review and any information provided by the student to support their case.
- 6.5 In evaluating an appeal, the Registrar may consult with the Liaison Person, Programme Chair and Head of School and any other relevant persons as appropriate and may seek a written response from any such individual to the grounds on which the appeal is made.
- 6.6 In addition, further written information from the appellant (student) may be sought to support their case. The Registrar may decide to uphold the decision, or amend the outcome (e.g. registration status) of the Vetting Assessment, or to effect another remedy considered appropriate. The outcome of the appeal will be communicated in writing to the appellant, the Liaison Person and the Head of School concerned. The decision of the appeal on Student Garda Vetting Committee is final and binding.

6.3 Roles and Responsibilities

Responsibilities of Students

- 6.3.1 It is University policy that the public are protected, and their confidence maintained by ensuring that only suitable candidates participate in components of academic programmes where students may have access to children or vulnerable adults.
- 6.3.2 The student is responsible for informing themselves of the requirements under this policy. This includes issues relating to minimum age limits in force relating to applying for Garda vetting.
- 6.3.3 Students must proactively disclose any relevant information relating to the process of Garda vetting to the University. This includes information relating to periods of residence outside the Republic of Ireland. This does not include periods spent in Northern Ireland which is covered under National Vetting Bureau.
- 6.3.4 Students who have resided outside of the Republic of Ireland for a period of six months or longer (from the age of 16 years) shall also be required to furnish a Police Clearance Certificate from their country or countries of residence.
- 6.3.5 If an applicant has resided in another country in the past, the police clearance documentation from that country cannot predate the applicant's departure from that country by more than three months. If the period is longer than three months, the applicant must seek new vetting clearance from that jurisdiction that post-dates their departure from that country.
- 6.3.6 Applicants for registration who have lived overseas for a cumulative period of 6 months or more after the age of 16 must provide a photocopy of police clearance for each country in which they have resided. These clearance certificates must cover the entire period of residence in each country.

- 6.3.7 This certificate should confirm if a student has any convictions recorded against him or her 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.
- 6.3.8 Where students do not meet TU Dublin's Vetting requirements, TU Dublin reserves the right to reject their application and, where applicable, withdraw the course offer and/or cancel their registration.
- 6.3.9 Costs incurred by the student in complying with this policy are borne by the student.
- 6.3.10 Information collected as part of this vetting process will be treated in confidence, and is only available to people who require it to perform their duties, but will be released to relevant parties as deemed necessary by the University Registration as a student of the University is deemed as agreement with participation with this policy.
- 6.3.11 Students do not participate in environments with access to children or vulnerable adults until approval is obtained from the University.
- 6.3.12 The student will complete the relevant Garda Vetting online forms in a complete, timely, honest and comprehensive manner.
- 6.3.13 In the case of an applicant between the age of 16 and 18, provide written consent of parent/guardian to the Garda Vetting Liaison person that vetting is permitted.
- 6.3.14 Inform the programme chair of any changes to their Garda vetting status subsequent to receiving a Garda vetting letter from the University.

7. Role of the University

To effectively manage the vetting process, it is University policy to:

- Appoint a nominating signatory as proposed by the President of TU Dublin Appoint an authorised signatory/liaison person to liaise with the GVB. The authorised signatory will be proposed by the nominating signatory.
- Ensure the authorised signatory/ liaison person completes training with the GVB before engaging with the authorising process
- Establish procedures to manage vetting processes including the establishment of decision-making committees to review cases where a conviction is disclosed or where a case is pending and to audit vetting disclosures

- 7.1 In the event that a work placement organisation requests a copy of a students' vetting disclosure, this request will be referred to the TU Dublin Liaison Person. The Liaison Person will request a student's written consent before providing a copy of the students' vetting disclosure to the work placement organisation.
- 7.2 The University may engage with a placement provider with the written consent of the student who has a previous conviction but final decisions relating to approval of a student for specific placement in an external agency rests with the University. Regardless of the University's decision, a placement provider may still decline to take a student on placement.
- 7.3 TU Dublin may put in place joint vetting sharing agreements with organisations where student placement occurs. These agreements cover the vetting process and avoid duplication of vetting applications for these students. The University will ensure any programme that requires garda vetting will be advertised as such on tudublin.ie and in any literature.

Role of the School

- 7.4 It is the responsibility of the school and relevant programme to ensure that no student carries out any work or activities, a necessary and regular part of which consists mainly of the student having access to or contact with children or vulnerable persons until their vetting is complete.

Role of National Vetting Bureau

- 7.5 The NVB will process the application in accordance with its own procedures, searching against their databases for convictions, pending prosecutions, application of the Probation Act, non-convictions and specified information.
- 7.6 For each application, they will return a disclosure to a designated Liaison Person. Specified information (also known as “soft” information) is information other than criminal convictions where such information leads to a bona-fide belief that a person poses a threat to children or vulnerable people.

Change Process

- 7.7 Legislative changes will impact on policy.

8. Related Documents

TU Dublin Data Protection Policy

9. Appendix

Appendix 1: Programmes that Require Vetting

10. Document Management

10.1 Version Control

VERSION NUMBER	VERSION DESCRIPTION / CHANGES MADE	AUTHOR	DATE

10.2 Document Approval

VERSION NUMBER	APPROVAL DATE	APPROVED BY (NAME AND ROLE)

10.3 Document Ownership

This policy is owned by the Registrar.

10.4 Document Review

Detail the process for document review and the cadence of this review. TBC

10.5 Document Storage

List the file location for the latest revision and where in the TU Dublin CMS this is available. TBC

10.6 Document Classification

Public

11. Appendix 1:

Programmes in TU Dublin that require Garda Vetting

- TU654 Pharmacy Technician Studies
- TU761 Ophthalmic Dispensing
- TU867 Biomedical Science
- TU868 Clinical Measurement Science
- TU869 Environmental Health
- TU870 Human Nutrition & Dietetics
- TU871 Optometry
- TU872 Public Health Nutrition
- TU995 Early Childhood Education
- TU996 Social Care
- TU791/991 Applied Social Studies - Social Care
- TU792/992 Community Development and Youth Work
- TU735/935 Sports Management & Coaching
- TU790/TU989 Early Childhood Care & Education
- TU997 Applied Social Care
- TU736/936 Sports Science & Health
- TU 737 Sports Studies
- TU 963 Music
- TU 962 Drama
- TU155 Higher Diploma in Clinical Measurement Science (Graduate Entry)
- TU879 Physics with Medical Physics and Bioengineering