Dublin City University

Policy for Garda Vetting of Students

First Drafted 2011
Revised 2015
Policy for Garda Vetting of Students

Background

DCU offers a number of educational programmes that require students 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, and justify public trust of confidence, the University is committed to ensuring that only suitable candidates are allowed to undertake these programmes.

DCU uses the Garda Central Vetting Unit service to assess the suitability of such applicants and may also require applicants to provide an Enhanced Disclosure by the completion of an affidavit.

For DCU students undertaking programmes in Nursing, the partner hospitals/Health Service Executive (HSE) completes the Garda Vetting process. These students must satisfy the requirements of the HSE for Garda Vetting before they can fully complete their registration as DCU students.

For other relevant programmes, DCU requires students to be Garda Vetted before they fully complete their registration as a student of the University.

Students who accept places in programmes which require Garda Vetting will be sent the necessary forms by DCU. Your rights in relation to this are available on the website of the Garda Síochána (Irish Police Force) www.garda.ie

Purpose

The purpose of this document is to outline the policies and responsibilities relating to the vetting of students for participation in environments where they will have unsupervised access to children and/or vulnerable adults at locations within and outside the University, as part of approved academic programmes. This document complements the University’s Child Protection policy and procedures. http://www4.dcu.ie/policies/index.shtml There is a separate Garda Vetting Policy for staff which is available at http://www4.dcu.ie/policies/index.shtml
Scope
This policy applies to students who will have unsupervised access
to children and/or vulnerable adults as part of their University programme.

Definitions

<table>
<thead>
<tr>
<th>Term</th>
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<tr>
<td>Children</td>
<td>People Under 18 years of age</td>
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<td>Vulnerable Adult</td>
<td>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.</td>
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<td>GCVU</td>
<td>Garda Central Vetting Unit. The Garda Central Vetting Unit deals with requests to vet certain prospective employees and students</td>
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<tr>
<td>Authorised Signatory</td>
<td>Person authorised to communicate with GCVU on behalf of the University and located in the Registry</td>
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Policy Statement
In pursuit of its mission in the field of education and humanities, Dublin City University is committed to creating a community of learning which recognises the education and wellbeing of children as paramount. In seeking to uphold the highest standards in this regard, and in order to ensure the protection and confidence of the public, the University is committed to ensuring that only suitable candidates are allowed to participate in environments where they will have unsupervised access to children and/or vulnerable adults as part of their University programmes. Garda Vetting is one mechanism which the University uses to assist it in assessing the suitability of candidates for academic programmes. In some cases, the University may also require applicants to provide an enhanced disclosure by the completion of an affidavit or other such proof.
General principles

- The University is committed to ensuring that only suitable candidates participate in components of academic programmes where students may have unsupervised access to children or vulnerable adults and reserves the right, having due regard for natural justice and fair procedures to conduct a vetting procedure on any such student at any time or times during the student’s period in University.

- Information relating to requirements for Garda vetting will be provided in a clear, consistent and timely manner to students.

- Each student is responsible for informing himself/herself of the need for Garda vetting to ensure suitability for specific programmes prior to embarking on specific components of programmes and of the requirements under this policy.

- The student 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.

- Normally, a student may not participate in environments with unsupervised access to children or vulnerable adults until approval is obtained from the University. Such approval from the University may not necessarily guarantee a placement.

- Each student is responsible for providing information in a timely manner to the University of his/her suitability for specific academic programmes as required to complete the current Garda vetting application process.

- Students aged under 18 are required to have written permission from a parent/guardian before vetting procedures can be implemented.

- Costs incurred by the student in complying with this policy are borne by the student.

- Information collected as part of this vetting process will be treated as
sensitive and strictly confidential, on a need to know basis, but may be released to interested parties as deemed necessary by the University.

- Acceptance of an offer of a programme and/or registration as a student of the University is deemed to be agreement with participation in this policy.
- Failure to comply with University requirements in relation to this policy may make completion of the programme impossible and result in students being unable to obtain an award. Furthermore in courses where school placement is a requirement, confirmation of a student’s registration is normally subject to Garda vetting procedures.

**Authorised Signatory**

The University shall appoint one or more authorised signatories to liaise with the GCVU and shall ensure that any authorised signatory completes training with the GCVU before engaging with the authorising process.

The authorised signatory shall screen all applications submitted to the University and submit complete and authorised applications to the GCVU.

The authorised signatory shall furnish details on all disclosures to the Chairperson of the University Vetting Committee. The Chairperson, having reviewed the disclosure, will determine whether the nature of the disclosure requires consideration by the University Vetting Committee.

The authorised signatory shall furnish all relevant details to include documents to the University Vetting Committee meetings.
University Vetting Committee

The University Vetting Committee will consider all relevant information in relation to disclosures and make determinations on behalf of the University. Meetings of the University Vetting Committee shall be convened by the Chairperson. No fewer than three members shall constitute a quorum. In addition, the Vetting Committee may call on relevant academic programme experts to seek guidance on any programme specific issues.

The University Vetting Committee shall consist of members as follows:

- Chairperson: DCU Admissions Officer
- Dean of each relevant Faculty (or nominee)
- Dean of Graduate Studies (or nominee)
- Relevant Head of School (or nominee)
- Relevant Director of Teaching Practice (or nominee)

The University Vetting Committee shall:

- Consider information on student disclosures requiring participation in an environment with children or vulnerable adults as part of their academic programme on an individual case by case basis.
- Make determinations relating to participation of students in environments with children or vulnerable adults taking consideration of the factors listed in Appendix 2.
- Keep relevant records of decisions made.
- Reserve the right to seek character references or other relevant information from applicants for vetting, as deemed necessary by the committee.
The University reserves the right (subject to the principles of natural justice and fair procedures being applied):

- To refuse registration of a student or to refuse permission to a student to engage in activities which involve unsupervised access to children and vulnerable adults, depending on the outcome of the deliberations of the University Vetting Committee.
- To withdraw registration of an existing registered student depending on the outcome of the deliberations of the University Vetting Committee.
- To refuse participation of students in environments with children or vulnerable adults, which may prevent registration on specific modules of specific courses depending on the outcome of the deliberations of the University Vetting Committee.
- To delay the participation of students in environments with children or vulnerable adults, depending on the outcome of the deliberations of the University Vetting Committee.
- To review previous decisions made relating to approval for participation of students in environments with children or vulnerable adults at any time.
- To require any student to reapply for Garda vetting upon instruction.

**Appeal process**

- A decision of the University Vetting Committee may be appealed by the student within 14 days of the issue of the decision. The appeal should be made in writing to the University Registrar.
- The Appeal will be heard by a group Chaired by a Senior DCU Representative (nominated by the University Registrar).
- None of the original decision-makers shall hear the appeal.
- Full details of the appeal application will be considered and a decision will be communicated to the applicant by the Authorised Signatory.
- This decision shall be final and binding.
Grounds for Appeal

A candidate may appeal against the decision of the University Vetting Committee on the following grounds only:

- There is new evidence that was not available to the University Vetting Committee which might reasonably have resulted in a different decision.

- There were procedural or administrative errors such as might give rise to reasonable doubt as to whether the University Vetting Committee would have reached the same decision had they not occurred.

- The University Vetting Committee departed from the provisions of the University Policy in a manner prejudicial to the interests of the candidate.

Version Control

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Appendix 1 Samples of letters to be sent to students

Letter type A

Sample of letter to student where no previous conviction(s) are recorded

Note: This letter will be handed to the student or mailed to his/her home address

Dear <name>

I refer you to the University Policy on Garda Vetting. Further to your application for Garda vetting in regard to placement in an environment with children or vulnerable adults:

The University has considered information provided by you and by the Garda Central Vetting Unit.

As there are no recorded convictions against your name, the University for Programme Name confirms your registration subject to all other requirements having been met.

Or

For research/other students: supports your application for placement in environments with children or vulnerable adults as part of your University programme.

The information contained within this letter is provided in accordance with University policy and in strictest confidence and should not be disclosed to any third party without justification consistent with implementation of the University policy.

Please be advised that the University policy requires any student to re-apply for Garda vetting upon instruction, regardless of the content of this letter.

In the event of any change in your status regarding criminal convictions or Garda vetting, you are required to immediately communicate the details of the change to the Authorised Signatory below. Failure to comply with this requirement will be considered a serious
disciplinary matter.

Please retain this letter as you may be required to present it. If you require any further information, please contact the undersigned at 01 700 5564

Authorised Signatory

Letter type B

Sample of letter to student where previous conviction(s) are recorded and the University does not recommend registration/approval for placement:

Note: This letter will be sent by registered post to the student to his/her home address.

Dear <name>

I refer you to the University Policy on Garda Vetting. The University has considered information provided by you and by the Garda Central Vetting Unit. The result of the investigation presented the following results:

<Offence date> <Offence type> <Court> <Result>

Following consideration of the nature and type of issues identified, the decision of the University is that for Programme Name, your registration is not confirmed and that you are withdrawn from the programme with immediate effect.

Please note you have the right to appeal the decision of the Vetting Committee using University procedure. If you require any information on the Appeals process, please contact the undersigned at 01 700 5564
Letter type C

Sample of letter to student where a student applied for Garda vetting but has a case pending

Note: This letter will be handed to the student or mailed to his/her home address

Dear <name>

I refer you to the University Policy on Garda Vetting. Further to your application for Garda vetting in regard to placement in an environment with children or vulnerable adults:

The University Vetting Committee has considered information provided by you and by the Garda Central Vetting Unit.

As you currently have a case pending, it is not possible to complete your vetting application at this time. Please re-apply when this court case is completed.

In the meantime, refrain from engaging yourself in environments with children and vulnerable adults as part of any University academic programme.

Please note you have the right to appeal the decision of the Vetting Committee using University procedure.
If you require any information on the Appeals process, please contact the undersigned at 01 700 5564

Authorised Signatory

Appendix 2:

Factors to be considered by the University Vetting Committee in making its determinations:

1. The nature of the offence
2. The seriousness of the offence
3. The sentence imposed
4. In the case of more than one offence whether the offences disclose a pattern of recidivism or repeat offending
5. The age and circumstances of the applicant at the time of the offence
6. The time elapsed since the offence(s)
7. The manner in which the applicant dealt with the proceedings in relation to the offence and in particular whether the applicant pleaded guilty and at what point in the proceedings
8. Whether the offence involved a serious breach of trust
9. Whether the offence is one which by its nature gives rise to specific concerns in relation to contact with children or young people generally
10. The extent to which the applicant has rehabilitated himself or herself since the commission of the offence
11. Whether the applicant originally disclosed the conviction on the Garda vetting form
12. Disclosure of Criminal Convictions

All applicants who have been convicted of a criminal offence must
disclose this to DCU.

Under Section 26 of the Sex Offenders Act 2001 it is an offence for a convicted sex offender to apply for a position, to enter into a contract of employment or to continue to work or study in an area either knowing, or if they ought reasonably to have known, that a necessary and regular part of that work/placement involves unsupervised access to, or contact with children, without informing their employer of their conviction.

All prospective applicants or registered students must inform DCU of any such conviction at the earliest possible opportunity. If during the course of the application/registration process it transpires that an applicant has a criminal conviction (either by way of Garda Vetting or by applicant disclosure) full details of the conviction will be sought and the Garda Vetting process will commence.

The provision of false, inaccurate or misleading information will disqualify applicants from the selection process and for existing students may result in disciplinary action (up to and including withdrawal of registration and exit from their programme)

13. The University Vetting Committee shall take particular note of offences of a sexual, violent, dishonest or drug-related nature.

http://www4.dcu.ie/registry/undergrad.shtml

http://www.dcu.ie/registry/postgraduate.shtml