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# **Garda Vetting Procedure**

## **Section 1 - Introduction**

(1) The following procedure sets out the steps for Garda Vetting, which is a requirement for all programmes where students and Faculty will interact with children or other vulnerable groups as a part of their programmes of study. The parent policy is the Access Transfer and Progression Strategy and Policy (Policy #1.3).

### **Responsibilities**

#### **Applicant Responsibilities**

(2) It is the applicant's responsibility to:

- a. Complete the Garda Vetting process as advised by the Admissions Lead within the required timeframe.
- b. Consider any circumstances that may impact their Garda Vetting application and their admission to or progression on the programme as a consequence of same.

#### **Student Responsibilities**

(3) It is the student's responsibility to:

- a. Comply with all rules and regulations related to Garda Vetting as outlined in this procedure.
- b. Inform the College of any conviction or case pending at the earliest possible opportunity at any stage that it occurs throughout the programme.
- c. Accept any financial loss that arises if their progression on the programme is impacted by findings of a Garda Vetting process.

#### **Staff Responsibilities**

(4) The Garda vetting process is coordinated internally by the Admissions Office at IICP in conjunction with Irish Vetting Services (IVS) and approved by the National Vetting Bureau (NVB).

(5) All vetting subjects, including both applicants and students as appropriate, must receive clear communication from the Admissions Office.

#### **The College Garda Vetting Committee**

(6) The Admissions Lead is responsible for coordinating the activity of the Garda Vetting Committee.

(7) The Garda Vetting Committee is responsible for conducting its activity in line with this procedure.

# **Section 2 – Procedure**

## **Part A - Procedure for Applying for Garda Vetting**

### **Garda Vetting Application**

(8) The Admissions Lead will provide the vetting subject with:

- a. The Garda Vetting invitation form (provided by the NVB for that purpose)
- b. Guidance on how to complete it as well as information on the vetting process, the Garda Vetting Procedure and the Access Transfer and Progression Strategy and Policy (Policy #1.3).

(9) For applicants, this will be included with the correspondence setting out the offer of a place (subject to compliance with the terms and conditions) on the programme.

(10) The vetting subject must return the completed form by the date stated.

(11) Failure to return the completed Garda Vetting form will result in the offer of a place being rescinded, or suspension from the programme, as appropriate.

### **Internal Screening (NVB1)**

(12) The Admissions Lead screens all Garda Vetting invitation forms to confirm full and proper completion. This is referred to as NVB1. (See the 'Accuracy of Garda Vetting Disclosure' section.)

(13) Where internal screening identifies inaccurate or incomplete Garda Vetting forms, the Admissions Lead will request return of revised details and set a deadline for receipt of same.

(14) Failure to return the completed form by the revised deadline or failure to address the inaccuracies or incomplete parts of the form by the revised deadline will result in the offer of a place being rescinded, or suspension from the programme, as appropriate.

### **External Screening (NVB2)**

(15) The College appoints Irish Vetting Services (IVS) to liaise on its behalf with the NVB. All correctly completed forms will be forwarded to IVS for part two of the vetting process to commence. This is referred to as NVB2.

(16) IVS initiate NVB2 and vetting subjects complete this part online.

(17) When a vetting subject is vetted by the National Vetting Bureau, their criminal record (if any) is disclosed to IVS as the College's authorised liaison person.

(18) Where vetting subjects have not completed NVB2 and IVS effort's to contact them have been unsuccessful, IVS will refer these cases back to the College.

(19) The Admissions Lead will issue a final notification to the vetting subject informing them that their offer of a place will be rescinded, or that they will be suspended, if they do not complete their NVB2.

(20) Failure to complete NVB2 within two weeks of notification by the College will result in the offer of a place being rescinded automatically, or suspension, as appropriate.

### **Vetting Outcome and Evaluation**

(21) The Admissions Lead will review and evaluate the information. Any disclosure other than a Nil outcome is reported to the Head of School, or their nominee. A Nil outcome is defined by the National Vetting Bureau where, there are no previous convictions recorded against the vetting subject. This is signified by 'Nil' appearing on the disclosure.

(22) The Head of School, or their nominee, will then classify the disclosure under the following headings and take the appropriate action:

- a. Case(s) Pending (Minor Offences)
- b. Case(s) Pending (Serious Offences)
- c. Convictions (Minor Offences)
- d. Convictions (Serious Offences)

(23) Applicants who have satisfactorily completed Garda Vetting (and any other requirements of the registration process) will be deemed to have completed registration.

## **Part B - College Decisions and Actions on Outcomes Arising from Garda Vetting**

### **NIL Outcome**

(24) Where there are no previous convictions recorded by the National Vetting Bureau, the Garda Vetting process is complete and the vetting subject is identified as cleared.

(25) The vetting subject will be issued with a copy of their disclosure and an accompanying letter for the purpose of placements to confirm their suitability to participate on the programme and to confirm for any placement provider that the vetting process is complete.

### **Cases Pending/Convictions (Minor Offences)**

(26) The Head of School, or their nominee, may classify a case pending/convictions as minor if it is not considered to have involved a serious breach of trust or does not by its nature give rise to specific concerns in relation to contact with children, young people or other vulnerable groups, for example, very minor motoring offences (e.g. minimal penalty points, failure to display a tax disc), very minor public offences and other minor offences will not be included.

(27) In cases of multiple minor convictions/pending cases, or where there is evidence of repeat offending or recidivism, the Admissions Lead reserves the right to refer the case(s) to the Garda Vetting Committee. (See the 'Garda Vetting Committee' section.)

### **Convictions (Serious Offences)**

(28) The Head of School, or their nominee, may classify a conviction as serious if the conviction(s) is considered to have involved a serious breach of trust or by their nature give rise to specific concerns in relation to contact with children, young people or other vulnerable groups.

(29) The Head of School, or their nominee, will refer any offences classified as serious to the Garda Vetting Committee for a decision on whether or not the student should be permitted to continue on the programme in light of the disclosures.

### **Cases Pending (Serious Offences)**

(30) Where there are cases pending or cases yet to be assigned, as featured on the disclosure, which the Admissions Lead has not classified as minor, the applicant will be required to postpone their place/the student's place on the programme will be suspended until such a time as all outstanding cases have been concluded in full.

(31) In cases where the cooling-off period has not concluded, the vetting subject can withdraw from the programme and obtain a refund of fees paid, less the specified administration fee. Alternatively, if they do not seek to obtain a refund, their place will be postponed to a future intake. If the matter has not been concluded in full, within one year from the date of the postponement the student will be required to withdraw from the programme and obtain a refund of fees paid, less the specified administration fee.

(32) In cases where the cooling-off period has concluded, the student's registration will be suspended until such a time as all outstanding cases have been concluded in full.

(33) Once the case has concluded, the vetting subject will need to initiate another Garda Vetting application through the College so that the College can review the disclosure and any outcomes pertaining to these cases or any cases which may have arisen in the interim.

(34) Any convictions which are disclosed will be dealt with in accordance with the terms of this procedure.

### **Implications for Professional Placements**

(35) Students who have completed the Garda Vetting process and have been deemed suitable for a place on the programme concerned will be provided with a copy of their vetting disclosure and a letter outlining this, which can be given to placement providers as confirmation.

(36) Placement providers will also be asked to sign a Joint Sharing of Vetting Agreement. By signing this, IICP will share the Garda Vetting with the placement provider and do not need to carry out the Garda Vetting independently.

(37) Where a placement provider does not wish to sign this document, they must carry out Garda Vetting of their own.

### **Failure of NVB to Return Completed Garda Vetting**

(38) The timeframe within the NVB returns completed Garda Vetting forms is outside of the control of the College.

(39) In the event of the NVB failing to return a completed Garda Vetting for a student before commencement of the placement practice element of their programme, the student will not be authorised to undertake a professional placement.

(40) In the event of a professional practice placement being delayed, this can have implications for the student's wider programme of study.

(41) As far as is practicable, the College will attempt to retain the student within their existing cohort but, in some cases, the College will be required to transfer them to a future cohort and, thus, extend the end date of their programme where other arrangements cannot be facilitated.

## **Part C - Ongoing Implications of Garda Vetting**

### **Further Garda Vetting Processes**

(42) Students should be aware, that given the duration of degree programmes, the College reserves the right, at its discretion, to require students to undergo a further Garda Vetting process during the course of their degree programme.

(43) In the event of any change in the vetting subject's status regarding criminal convictions or Garda Vetting, the vetting subject is required to immediately communicate the details of the change to the Head of School, or their nominee.

### **Failure to Comply**

(44) Failure to comply with this requirement will be considered a very serious matter and may result in the student's withdrawal from the programme.

## **Part D - Accuracy of Garda Vetting Disclosure**

### **Disputing Accuracy**

(45) Where the details within the vetting disclosure are disputed, the vetting subject will outline, in writing, the exact basis for their dispute to the Head of School, or their nominee, who will ensure the report is sent to the NVB for further checks.

(46) In the event of a vetting subject disputing the details within the vetting disclosure provided by the NVB, during their initial vetting process, their place remains conditional until the NVB advises on the accuracy of the vetting disclosure.

(47) Where the NVB confirms the accuracy of the vetting disclosure, the vetting subject will be advised and no further engagement on this outcome will be undertaken.

(48) Where the NVB confirms inaccuracies in the vetting disclosure, the appropriate action will be taken based on the revised findings.

## **Part E - The Garda Vetting Committee**

### **Vetting Subject Notification**

(49) The vetting subject is advised of the vetting outcome and advised that the disclosure will be referred to the Garda Vetting Committee.

(50) The vetting subject is provided with a copy by the Admissions Lead and asked to confirm the accuracy of the disclosure.

### **Vetting Subject Attendance at Meetings of the Garda Vetting Committee**

(51) The Garda Vetting Committee will assess the information and call the vetting subject to a meeting where it believes the vetting subject's attendance will assist the decision-making process.

The Garda Vetting Committee will be composed of at least members chaired by the Head of School, or their nominee

(52) Any vetting subject invited to attend a meeting of the Garda Vetting Committee does so to assist the decision making process.

(53) If an invited vetting subject chooses not to attend, the meeting will proceed in absentia.

(54) Any vetting subject who is not invited to attend a meeting will be invited to make a written submission to the Garda Vetting Committee.

(55) At the meeting, the vetting subject will be asked to discuss the circumstances of the offence/conviction.

(56) Garda Vetting Committee meetings are not intended to be adversarial.

(57) A vetting subject may opt to be accompanied by a friend or family member in a supportive capacity. However, where this person is a member of the legal profession, they cannot act in that capacity.

(58) Any person accompanying a vetting subject in a supportive capacity is in attendance as an observer.

### **Decision of the Garda Vetting Committee**

(59) The Garda Vetting Committee is responsible for considering cases where criminal convictions are returned on the Garda Vetting disclosure and making a decision on the suitability of the vetting subject for the programme.

(60) A decision in relation to the vetting subject's place on a programme will then be made by the Garda Vetting Committee, based on the information provided.

(61) The Garda Vetting Committee may consider a number of factors in making its decision including, but not limited to, the following:

- a. The nature and seriousness of the offence and likelihood for the incident reoccurring
- b. The outcome, including any sentence or sanction imposed and the severity of this
- c. In the case of more than one offence, whether there is a pattern of recidivism or repeat offending

- d. The age and circumstances of the vetting subject at the time of the offence and the time elapsed since it occurred
- e. The manner in which the vetting subject dealt with the proceedings (Where the vetting subject pleaded guilty or made admissions, this may be taken into account.)
- f. Whether there was a serious breach of trust
- g. Whether the offence concerned by its nature gives rise to specific concerns in relation to the vetting subject's role in relation to contact with young people, children or vulnerable persons generally
- h. The extent to which the vetting subject has rehabilitated themselves, the level of insight and reflection shown and the manner in which they responded and communicated with the committee
- i. Whether the incident(s) was disclosed to the College by the vetting subject or vetting subject
- j. Whether public confidence in the profession or the College is likely to be seriously damaged

(62) The Garda Vetting Committee will take particular note of offences or disciplinary issues of a sexual, violent, dishonest or drug-related nature.

(63) Furthermore, the Garda Vetting Committee may decide to withdraw the vetting subject from the programme/ revoke the offer of a place with immediate effect unless it is satisfied that there is evidence that the vetting subject has changed their behaviour and evidence that they are trustworthy and do not pose a risk to the public.

### **Record of Meetings of the Garda Vetting Committee and Communication of Outcomes**

(64) Where a meeting has taken place:

- a. The Garda Vetting Committee will complete a confidential report, documenting the information discussed at the meeting, any matters arising and the outcome of the meeting.
- b. The Admissions Lead on behalf of the chair of the Garda Vetting Committee, will notify the vetting subject in writing of the decision and the rationale for it.
- c. Any decision made, including a decision to withdraw the student from the programme, in light of Garda Vetting disclosures will be notified to the vetting subject in writing.

(65) Where applicable, the Admissions Lead will issue a letter to the vetting subject outlining that whilst their registration is confirmed, should any issues arise for work placements or subsequent employment that this is the sole responsibility of the vetting subject.

### **Right of Appeal**

(66) The vetting subject may Appeal the decision within 5 working days of communication of the decision.

(67) The vetting subject will not be permitted to continue on the programme pending the outcome of the Appeal