

1 Background

A number of posts in UCD, particularly in the areas of medicine, health, social work and education, require staff to undertake activities that will bring them into contact with children or vulnerable adults. To ensure the protection of the public, and promote public trust and confidence, UCD is committed to ensuring that only suitable candidates are recruited into these positions.

In order to reduce the risk of harm or injury to students and staff in University College Dublin (UCD), it is a requirement that applicants must disclose any criminal convictions on the form where indicated.

If a criminal conviction is not disclosed on the form or at any stage during the appointment process, then the application will be considered fraudulent and UCD retains the right to withdraw the application including the offer.

2 General Principles

Specific arrangements will apply to staff with access to children and/or vulnerable adults as a necessary and regular part of their employment/engagement. Existing staff (i.e. UCD Staff who were employed and/or engaged prior to the introduction of this policy) should refer to Section 6 of this document.

A “child”, for this purpose, is a person under 18 years of age. The term “vulnerable person” means a person (other than a child) who suffers from a disorder of the mind, an intellectual disability or a physical impairment/disability which either restricts their capacity to guard themselves against harm or results in them requiring assistance with daily living.

Individuals who are not directly employed by UCD, but who are employed by contractors (or sub-contractors) of UCD and who will have access to children and/or vulnerable adults in the course of their duties may be required to undergo the vetting process at UCD.

Each applicant/existing staff member must disclose to UCD all information required for the process of Garda Vetting. This includes information relating to periods of residence outside the Republic of Ireland.

UCD will provide details of such requirements in a clear, consistent and timely manner.

Information collected as part of this vetting process will be treated in confidence. The contents of a vetting disclosure shall not be used by UCD other than to assess the suitability of the applicant for the position in question.

By signing and returning the contract of employment, the applicant expressly acknowledges that any offer of employment is conditional on UCD deciding that the Garda vetting disclosure does not affect the suitability of the applicant for the position in question. Furthermore, the applicant acknowledges that UCD’s decision in this regard is final and consents to the offer of employment being withdrawn if UCD decides this is appropriate in the circumstances.

3 Garda Vetting of Job Applicants

All recommended candidates who are intended to be employed in an area where they will have access to children and/or vulnerable adults in the course of their employment/engagement must complete the Garda Vetting Invitation (See **Appendix 1**) and authorise UCD to conduct a background check via the National Vetting Bureau of the Garda Síochána (Vetting Bureau). The vetting process will be carried out by UCD HR. UCD HR has an Authorised Liaison Person who is the liaison between UCD and the Vetting Bureau.

4 International Police Vetting

If the applicant has resided outside the Republic of Ireland for a period of 6 months or more he/she will be required to furnish a Foreign Police Certificate from the country or countries of residence.

5 Garda Vetting Procedure for Job Applicants

The following sections outline the various stages that are involved in the Garda Vetting process:

Stage 1: Advertisement

All posts identified as requiring Garda Vetting will normally state in the advertised job description that the post will be subject to Garda Vetting.

Stage 2: The Offer / Contract

Following the completion of the recruitment and selection process, the recommended candidate(s) will be offered the position subject to him/her satisfying the full requirements of the role including Garda Vetting. This will be reflected in the offer letter which will be accompanied by a Garda Vetting Form and instructions for completion of same.

The recommended candidate cannot commence employment until such time as all parts of the recruitment and selection process including Garda Vetting have been fully completed to the satisfaction of the University.

Stage 3: Completion of form by Applicant and Authorised Liaison Person

The applicant must sign and return the completed forms to UCD HR at the earliest possible date. Once the Authorised Liaison Person is satisfied that all sections of the form are duly completed the form will be forwarded to the Vetting Bureau.

Stage 4: Completion of Vetting Bureau section of the form

The Vetting Bureau responds to the vetting request by confirming whether the applicant has a criminal record. If there is any information available to the Vetting Bureau which gives rise to a bona fide concern that the applicant may harm (or cause to be harmed) a child or a vulnerable person (this is known as “specified information”),

the Chief Bureau Officer will notify the applicant in writing of that fact, provide a summary of the information in question to them and inform the applicant that he/she may make a written submission on the matter within 14 days (or longer, where appropriate). The Chief Bureau Officer will then review the specified information and any submission and decide whether the information should be disclosed to UCD. If the Chief Bureau Officer decides disclosure is merited, he will notify the applicant of this and of the applicant's right to appeal the decision. An appeal may be made within 14 days to an Appeals Officer appointed by the Minister for Justice and Equality. The vetting disclosure will not be made to UCD until this 14 day period has expired or the relevant appeal has been decided.

The above is a summary of the legislative provisions relating to specified information. For further information on the National Vetting Bureau (Children and Vulnerable Persons) Act 2012, see: <http://www.irishstatutebook.ie/2012/en/act/pub/0047/>

Stage 5: Confirmation of Vetting Bureau / Response by Authorised Liaison Person

The contents of a vetting disclosure shall not be used by UCD other than to assess the suitability of the applicant for the position in question.

Where the information supplied by the Vetting Bureau / Foreign Police is inconsistent with the information supplied by the applicant, the Authorised Liaison Person will contact the applicant to clarify whether:

- (a) The information supplied by the Vetting Bureau /Foreign Police is correct;
- (b) the candidate/prospective employee does not agree that the information supplied by the Vetting Bureau /Foreign Police is correct, in which case the Authorised Liaison Person will request the Vetting Bureau / Foreign Police to review their information and confirm or review their initial response.

Stage 6: Evaluation of information

Once the information has been verified and confirmed it is then reviewed by the Authorised Liaison Person and classified as follows:

- No convictions recorded
- Minor Offence
- Serious Offence
- Very Serious Offence
- Specified Information

Thereafter, the University will deal with the information as outlined in Stage 7. Details of the Decision making guidelines for vetting are contained in **Appendix 3**.

Stage 7: University response to information provided by Vetting Bureau /Foreign Police

(a) No convictions recorded

Where no convictions have been recorded, the offer of employment will be confirmed (subject to all other conditions associated with the offer being met).

(b) Minor Offence

With regard to minor offences, i.e. offences which, within the absolute discretion of the University, are not considered by it to pose any risk to children or vulnerable adults, the University response is different depending on whether or not the applicant openly disclosed the offence:

(i) If the offence has not been disclosed by the applicant, the Head of School/Unit and the Garda Vetting Review Committee will discuss and assess the potential risk associated with the offence and decide whether or not to proceed with the offer. If deemed appropriate, the Garda Vetting Review Committee and/or Head of School/Unit may meet with the applicant to seek an explanation for the non-disclosure.

- If a satisfactory explanation is received the offer of employment will be confirmed (subject to all other conditions associated with the contract being met).
- If a satisfactory explanation is not received, the offence will be deemed to be a *serious offence* and be dealt with as outlined in section c (ii) below.

(ii) If the offence has been disclosed by the applicant, the offer of employment will be confirmed (subject to all other conditions associated with the offer being met).

(c) Serious Offence

With regard to serious offences, i.e. offences the nature of which could potentially indicate a risk to children or vulnerable adults, the university response will be different depending on whether or not the applicant openly disclosed the offence:

(i) If the offence has not been disclosed the Head of School/Unit and the Garda Vetting Review Committee will meet to discuss and assess the potential risk associated with the offence. If deemed appropriate, the Garda Vetting Review Committee and/or Head of School/Unit may also meet with the applicant. Other than in very exceptional circumstances, the applicant will be advised that their offence is being treated as a *very serious offence* and the procedure outlined in section (d) below will be followed.

(ii) If the offence has been disclosed or was originally classified as a minor offence the Head of School/Unit and the Garda Vetting Review Committee will meet to discuss and assess the potential risk associated with the offence. If necessary, they will meet with the applicant.

- If there has been evidence of significant rehabilitation and/or evidence of appropriate behaviour modification by the applicant since the offence was committed, then the applicant will be advised that the offer of employment is confirmed (subject to all other conditions associated with the offer being met).
- If there is no evidence of significant rehabilitation and/or evidence of appropriate behaviour modification by the applicant he/she will be

advised that their offence is being treated as a *very serious offence* and the procedure outlined in section (d) below will be followed.

(d) **Very Serious Offence**

With regard to very serious offences, i.e. offences, the nature of which could potentially indicate a serious risk to children and vulnerable adults or other members of the public, the applicant will be required to meet with the Garda Vetting Review Committee and advised that owing to the nature of their conviction(s) the offer of employment no longer stands and is being withdrawn. Following the meeting the applicant will be advised in writing of the University's decision. He/she may, within two weeks of the date of the letter, make an appeal to the University to have their case reviewed.

(e) **Specified Information**

In the case of a vetting disclosure containing specified information i.e. information which gives rise to a bona fide concern that the applicant may harm (or cause to be harmed) a child or a vulnerable person, the applicant will be required to meet with the Garda Vetting Review Committee and advised that owing to the nature of their conviction(s) the offer of employment no longer stands and is being withdrawn. Following the meeting the applicant will be advised in writing of the University's decision. He/she may, within two weeks of the date of the letter, make an appeal to the University to have their case reviewed.

Stage 8 – Completion of Garda Vetting / Foreign Police Procedure

Where a vetting disclosure/foreign police certificate does not, in UCD's opinion, affect the suitability of the applicant for the position in question and all other conditions of the appointment process have been satisfied, the applicant/staff member will be deemed to be a staff member of the University.

Stage 9 – Re-vetting

UCD may be required by law to re-vet staff members at certain intervals. In addition, a staff member may be re-vetted if information concerning suitability to work with children or vulnerable adults comes to the attention of the University.

This Section 5, with any necessary modifications, will apply to re-vetting as it applies to vetting at the initial recruitment stage. The consequences of a vetting disclosure received by UCD in the course of the re-vetting procedure are dealt with in Section 6 below.

6 Garda Vetting of existing Faculty and Staff

UCD Faculty and Staff who were employed prior to the introduction of this policy and currently have access to children and/or vulnerable adults in the course of their employment/engagement may have to undergo Garda Vetting in the future. In the event of this, staff members will be sent a Garda Vetting Form and will be asked to return it to UCD HR. UCD reserves the right to request any member of staff who has access to children and/or vulnerable adults as a necessary and regular part of their duties to undergo Garda Vetting at any time in their employment. If the member of staff confirms that he/she is refusing to return the Vetting Form, UCD will consider the matter further and base the response on the available evidence at the time.

Where a staff member who works directly with children and/or vulnerable adults is subject to disciplinary action or sanction relating to children/vulnerable adults and/or a vetting disclosure relating to that staff member states that they have been convicted of any offence relating to children/vulnerable adults and/or contains specified information, the staff member may, depending on the nature of the conviction, be either be required to withdraw from working in the area/ offered alternative work with no loss in pay or will be suspended with pay any position or on any project which involves contact with children/vulnerable adults until the matter has been considered in full and a decision is taken on the appropriate course of action which could include dismissal.

7 Disclosure of Criminal Convictions

There are many convictions that might deem a potential applicant unsuitable for appointment. For example, 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 in an area, either knowing, or if they ought reasonably to have known, that a necessary and regular part of that work involves unsupervised access to, or contact with children or mentally impaired people, without informing their employer of their conviction. All UCD staff and job applicants must inform UCD of any such conviction at the earliest possible opportunity.

If during the course of the recruitment 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 staff members may result in disciplinary action (up to and including dismissal).

8 Appeal

A decision not to confirm an offer of employment can be appealed by the applicant to the University within 14 days of issue of the decision. The appeal should be made in writing to the Authorised Liaison Person in UCD HR.

Full details of the applicant will be considered and a decision will be communicated to the applicant by the Authorised Liaison Person. This decision shall be final and binding.

Garda Vetting Policy – Faculty and Staff

UCD Human Resources
Acmhainní Daonna UCD

Appendix 1 – Copy of Vetting Invitation

University College Dublin
UCD HR Services
(Resourcing – Garda Vetting)
Roebuck Offices, 3rd Floor
Belfield, Dublin 4, Ireland.



Your Ref:

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Vetting Invitation

Section 1 – Personal Information

Under Sec 26(b) of the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016, it is an offence to make a false statement for the purpose of obtaining a vetting disclosure.

Forename(s):	
Middle Name:	
Surname:	
Date Of Birth:	
Email Address:	
Contact Number:	
Role Being Vetted For:	
Current Address:	
Line 1:	
Line 2:	
Line 3:	
Line 4:	
Line 5:	
Eircode/Postcode:	

Section 2 – Additional Information

Name Of Organisation:

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I have provided documentation to validate my identity as required *and*
I consent to the making of this application and to the disclosure of information by the National Vetting Bureau to the Liaison Person pursuant to Section 13(4)(e) National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016. Please tick box

Applicant's
Signature:

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Date:

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Note: Please return this form to the above named organisation. An invitation to the e-vetting website will then be sent to your Email address.

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Policy Owner: Michael McGinley
Policy Author: Elaine Hassett

Appendix 2

Staff requiring Garda Vetting

Under the National Vetting Bureau (Children and Vulnerable Persons) Act, 2012, mandatory vetting of UCD employees/students/contractors will be required for particular work activities. The following table details the types of work which would be subject to vetting.

Types of work
Any person that works regularly with children/vulnerable persons in pre-schools, schools, hospitals, psychiatric institutions, residential services, special care units, detention schools, or asylum seeker accommodation.
Any person who works with children under the home tuition scheme
Any person who provides treatment, therapy or counselling to children/vulnerable persons.
Any person that supervises children as a main part of their work.
Any person who works specifically with children/vulnerable persons in education, training, cultural, recreational, leisure, social or physical activities.
Any person who provides advice, guidance or developmental services (including electronic interactive communications) specifically to children/vulnerable persons.
Any person who provides health and personal social services or essential domestic services to vulnerable persons.
Any priests/ministers or others engaged in the advancement of religious beliefs.
Drivers of vehicles for transporting children/vulnerable persons.
Any person who provides accommodation for a child/vulnerable person in his or her own home.
Any research work which involves contact with children/vulnerable persons
Any person that manages any type of nursing/care home.
Any doctor, nurse, midwife, dentist, health and social care worker, pharmacist, paramedic that has regular contact with children/vulnerable persons.

Appendix 3

Authorised Liaison Person

- Elaine Hassett, Head of Recruitment

Garda Vetting Review Committee

- HR Functional Director
- Representative from Corporate and Legal
- Academic Staff Member

Garda Vetting Appeals Committee

- Director of Human Resources

