

Staff Garda Vetting Policy

		This policy is effective from	<u>1 November 2017</u>
Approval body	<u>College Management Team</u>	Approval date	<u>10 October 2017</u>
Owner	<u>Registrar</u>	Next review date	<u>October 2019</u>

1 Policy Statement

- 1.1 All posts in NCAD, could 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, NCAD is committed to ensuring that only suitable candidates are recruited into these positions. To reduce the risk of harm or injury to students and staff in NCAD, it is a requirement that applicants must disclose any criminal convictions on the position application form where indicated. If a criminal conviction is not disclosed on the application form or at any stage during the appointment process, then the application will be considered fraudulent and NCAD reserves the right to withdraw the application including the offer.

2 General Principles

- 2.1 Specific arrangements will apply to staff with access to children or vulnerable adults as a necessary and regular part of their employment/engagement. Existing staff (i.e. NCAD 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.
- 2.2 Individuals who are not directly employed by NCAD, but who are employed by contractors (or sub-contractors) of the College, and who will have access to children or vulnerable adults in the course of their duties, may be required to undergo the vetting process at NCAD.
- 2.3 Each applicant/existing staff member must disclose to NCAD all information required for the process of Garda vetting. This includes information relating to periods of residence outside the Republic of Ireland. The College will provide details of such requirements in a clear, consistent and timely manner and any information collected as part of this vetting process will be treated in the strictest confidence. The contents of a vetting disclosure shall not be used by NCAD 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 NCAD deciding that the Garda vetting disclosure does not affect the suitability of the applicant for the position in question. Furthermore, the applicant acknowledges that any decision of the College in this regard is

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final and consents to the offer of employment being withdrawn if the College decides this is appropriate in the circumstances.

3 Garda Vetting of Job Applicants

- 3.1 All recommended candidates who are intended to be employed in an area where they will have access to children or vulnerable adults in the course of their employment or engagement must complete the online Garda vetting Form and authorise NCAD to conduct a background check via the National Vetting Bureau of the Garda Síochána (Vetting Bureau). The vetting process will be carried out by the College Human Resources (HR) Manager.

4 International Police Vetting

- 4.1 If the applicant has resided outside the Republic of Ireland for a period of six months or more he/she may 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:

5.1 Stage 1: Advertisement

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

5.2 Stage 2: The Offer of Contract

- 5.2 Following the completion of the recruitment and selection process, recommended candidates will be offered the position subject to them 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 the Form. 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 College.

5.3 Stage 3: Completion of Form by Applicant and Authorised Liaison Person

- 5.3 The Applicant must sign and return the completed forms to the College (HR) at the earliest possible date. Once the College HR Manager is satisfied that all sections of the form are duly completed, the form will be forwarded to the Vetting Bureau.

5.4 Stage 4: Completion of Vetting Bureau Section of the Form

- 5.4 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 harm to) 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 NCAD. 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 NCAD 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>

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

- 5.5 The contents of a vetting disclosure shall not be used by NCAD 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 College HR Manager 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 College HR Manager will request the Vetting Bureau/Foreign Police to review their information and confirm or review their initial response.

5.6 Stage 6: Evaluation of Information

- 5.6 Once the information has been verified and confirmed it is then reviewed by the College HR Manager and classified as follows:
- No convictions recorded
 - Minor offence
 - Very serious offence
 - Specified information

Thereafter, the College will deal with the information as outlined in Stage 7.

5.7 Stage 7: College response to information provided by Vetting Bureau or Foreign Police

5.7.1 No convictions recorded

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

5.7.2 Minor offence

- 5.7.2 With regard to minor offences, that is, offences which, within the absolute discretion of the College, are not considered by it to pose any risk to children or vulnerable adults, the College

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, the College Registrar and the College HR Manager 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 Head of School together with the College Registrar and the College HR Manager 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 5.7.3 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).

5.7.3 Serious Offence

5.7.3 With regard to serious offences, i.e. offences the nature of which could potentially indicate a risk to children or vulnerable adults, the College 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 and the College Registrar together with the College HR Manager 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 together with the College Registrar and the College HR Manager 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 5.7.4: Very Serious Offence will be followed.
- ii) If the offence has been disclosed or was originally classified as a minor offence the Head of School will meet the College Registrar and the College HR Manager 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 can 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 5.7.4: Very Serious Offence below will be followed.

5.7.4 Very Serious Offence

5.7.4 With regard to very serious offences, i.e. offences, the nature of which could potentially indicate a serious risk to children or 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 College's decision. Applicants may, within two weeks of the date of the letter, make an appeal to the Director of the College to have their case reviewed.

5.7.5 Specified Information

5.7.5 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 College Registrar and the College HR Manager 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 College's decision. Applicants may, within two weeks of the date of the letter, make an appeal to the Director of the College to have their case reviewed.

5.8 Stage 8: Completion of Garda Vetting/Foreign Police Procedure

5.8 Where a vetting disclosure/foreign police certificate does not, in NCAD'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 College.

5.9 Stage 9: Re-vetting

5.9 NCAD 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 College. 5.5: Stage 5 above, 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 NCAD in the course of the re-vetting procedure are dealt with in 5.6: Stage 6 above.

6 Garda Vetting of Existing Faculty and Staff

6.1 NCAD faculty and staff who were employed prior to the introduction of this policy and currently have access to children 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 the College HR Manager. NCAD reserves the right to request any member of staff who has access to children 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, the College 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 or vulnerable adults is subject to disciplinary action or sanction relating to children or vulnerable adults and/or a vetting disclosure relating to that staff member states that they have been convicted of any offence relating to children or vulnerable adults and/or contains specified information, the staff member may, depending on the nature of the conviction, either be required to withdraw from working in the area or offered alternative work, where available, with no loss in pay or will be suspended with pay from any position or on any project which involves contact with children or 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

- 7.1 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 NCAD staff and job applicants must inform the College 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

- 8.1 A decision not to confirm an offer of employment can be appealed by the applicant to the Director of the College within 14 days of issue of the decision. The appeal should be made in writing to the Director, NCAD. Full details of the applicant will be considered and a decision will be communicated to the applicant by the Director. This decision shall be final and binding.

Form NVB 1

Vetting Invitation

Section 1 – Personal Information

Under Section 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:	D	D	/	M	M	/	Y	Y	Y	Y																
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:

D	D
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M	M
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Y	Y	Y	Y
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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.

APPENDIX 2 – Staff requiring Garda Vetting

Under the National Vetting Bureau (Children and Vulnerable Persons) Act, 2012 mandatory vetting of NCAD employees, students or 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 who works regularly with children or 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 or vulnerable persons
Any person that supervises children as a main part of their work
Any person who works specifically with children or 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 or vulnerable persons
Any person who provides health and personal social services or essential domestic services to vulnerable persons
Any priests or ministers or others engaged in the advancement of religious beliefs
Drivers of vehicles for transporting children or 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 or vulnerable persons
Any person that manages any type of nursing or care home
Any doctor, nurse, midwife, dentist, health and social care worker, pharmacist, paramedic that has regular contact with children or vulnerable persons