



OLLSCOIL NA GAILLIMHÉ
UNIVERSITY OF GALWAY

Policies and Procedures

Code: QA231
Title: **Garda Vetting and Police Clearance for Undergraduate and Postgraduate Students**
Date: 1st July 2020
Approval: Academic Council, on recommendation of its Standing Committee

Purpose

University of Galway (the University) offers a number of programmes, volunteer opportunities and outreach work which require students to undertake placement activity within the organization or with external agencies, which will require them to undertake [relevant work](#) as defined by the Children & Vulnerable Persons Act.

To ensure compliance with the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016, and justify public trust and confidence, the University will vet all students undertaking relevant work either for the University or on behalf of its placement partners and is committed to ensuring that only suitable individuals are permitted to undertake these activities.

Description

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.

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.

Relevant Work is defined as any work or activities, carried out by a person, a necessary and regular part of which consists mainly of the person having access to or contact with children or vulnerable persons.

Details of relevant work or activities are outlined in part 1 and 2 of [Schedule 1](#) of the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016.

Garda vetting is conducted on behalf of registered organisations only and is not conducted for individual persons on a personal basis.

Garda Vetting is conducted in respect of any person who is carrying out work or activity, a necessary and regular part of which consists mainly of the person having access to, or contact with, children or vulnerable persons.

The Act also provides for the use of [specified information](#) where such information leads to a bona-fide belief that an individual poses a risk to children or vulnerable persons.

University of Galway uses the [National Vetting Bureau](#) which will make such enquiries with *An Garda Síochána* a Scheduled Organisation, to establish whether there is any criminal record or specified information relating to the applicant.

The National Vetting Bureau does not make decisions in respect of the suitability of an applicant for a position; this is the sole responsibility of University of Galway.

In the event where students do not meet the Garda Vetting requirements of the University, they will not be permitted to undertake related activities and registration on such programmes may be subject to cancellation.

Programmes Requiring Garda Vetting

All programmes which contain a placement element which requires students to participate in relevant work, will require Garda Vetting

Other Garda Vetting Requirements

Any student wishing to participate in volunteer or outreach activities which meet the definition of relevant work must also be vetted.

Vetting and Re-vetting

Students enrolling on a programme of study, undertaking volunteer or outreach activity, which requires them to undertake Relevant Work, will be vetted at the commencement of each new programme or prior to the commencement of each new volunteer/outreach activity.

The maximum duration of each vetting period is three years, after which the student will be re-vetted if further Relevant Work is required.

Relevant Convictions

When assessing a student's suitability for relevant work, University of Galway may take into consideration all or any Garda Vetting Disclosures containing details relating to prosecution for or conviction of any offences listed in [Appendix 1](#).

Applicants with Criminal Convictions

Having a criminal conviction will not necessarily prevent an applicant from undertaking the relevant work for which they have been vetted.

The University will, however, take any relevant convictions into account when considering her/his suitability for these activities and reserves the right to refuse to admit an applicant or cancel the registration of a person admitted where his/her previous criminal conviction makes it inappropriate for him/her to participate on the placement or volunteer or outreach activity.

In reaching a decision regarding the suitability of a student with a Relevant Conviction, the University will balance the interests of the student (and its ability to provide any appropriate support arrangements) with its responsibilities to provide a safe and secure environment for its staff, students, visitors and others.

Additionally, the University will consider the demands of relevant professional bodies and requirements under the law to protect special categories of people, for example children and vulnerable adults.

Students who acquire a criminal conviction during their course of study

Students who have already been vetted to undertake Relevant Work but who subsequently acquire a conviction during their course of study are required to notify University of Galway's Garda Vetting Liaison of that conviction prior to the undertaking of any relevant work and will be subject to the provisions of this Policy.

Management of the Vetting Process

University of Galway has an administrative structure to manage the various stages associated with the Garda Vetting Process, as follows:

- **University of Galway Liaison Person for the National Vetting Bureau (NVB):** Admissions Officer
- **University of Galway GV Disclosures Assessment Committee:** Comprising of the GV Liaison Person and either one or two of the following -
 - Head of relevant School;
 - Programme Director;
 - Academic Secretary;
 - Dean of relevant College;
 - Students' Union representative.
- **University of Galway Appeals Committee on Vetting Process:** Registrar and Deputy-President and two Deans of College, not to include the Dean who acted on the GV Disclosures Assessment Committee, appointed by Registrar and Deputy-President.

Police Clearance

The National Vetting Bureau currently undertakes vetting on addresses in Ireland and Northern Ireland only. Students who have resided outside of Ireland and/or Northern Ireland, for more than 6 months since the age of 18, are required to provide supporting documentation when submitting his/her Garda Vetting application form, in addition to complying with the Garda Vetting process described below.

This requirement covers the Teaching Council requirements for students who are registered on the Professional Master of Education (PME)/Máistir Gairmiúil san Oideachas (MGO) programmes which require a student who has resided outside Ireland and/or Northern Ireland for three years or more in total, after the age of 18, to provide certified copies of police clearance documents from all jurisdictions/states of previous residence, referring to the time spent in each jurisdiction/state.

Garda Vetting Process

The following sections outline the Garda Vetting process and matters arising from it. University of Galway reserves the right to adapt this process from time to time, in general or in particular cases, having regard to the particular circumstances of a case or cases.

Unless otherwise stated, all communications related to Garda Vetting with applicants for programmes or students on programmes wishing to undertake relevant work will be confidential.

Stage 1 - Completion of Vetting Invitation Form (NVB1)

Students who are registered on a course at University of Galway and who are required to undertake relevant work as part of their programme of study or as part of outreach or volunteer activity should submit their application through University of Galway's [Garda Vetting Application Portal](#). Once initiated a Garda Vetting Invitation Form (NVB1) will be sent to the registered student's University of Galway email account for signing. ([Appendix 2](#)).

Once signed, form NVB1 must be uploaded to the University of Galway Application Portal within two weeks of receipt.

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.

If the student fails to return the documentation within the specified time frame, the relevant programme director's office and Head of School will be notified in order that a reminder may be issued.

Any registered student who is under 18 years of age at the point of entering the University must complete Garda Vetting Parent/Guardian Consent Form (NVB3).

Stage 2 - ID Check

University of Galway are required to perform a physical ID check. For most students, this ID check is performed at registration and for this cohort, all further correspondence will take place through the student's ID validated University of Galway email account.

For students who are vetted prior to registration, or who are not required to submit ID documentation as part of the registration process, a physical ID check must be completed upon submission of their NVB1.

To facilitate the ID verification process, a 100-point check system has been developed in support of verifying identity including date of birth and current address of vetting subjects.

When conducting Garda Vetting, University of Galway requires vetting subjects to present identification totaling 100 points to ensure they are checking the correct person. At least one form of photographic evidence must be gathered.

Vetting subjects will be required to upload their ID and proof of address to the Garda Vetting Application Portal.

Identity Document Schedule

This schedule lists the documentation that the Garda National Vetting Bureau (GNVB) will accept when processing vetting applications.

Accepted Documentation Table:

(Applicants Over 18)

Category	Document Type
	<u>Photo Identification</u>
	Passport from country of citizenship
	Irish/EU/UK Driving Licence or Learner Permit
	Irish Certificate of Naturalisation
	National Identity Card (EU/EEA/Swiss Citizens)
	<u>Proof of Address</u>
Credit Institutions	Bank Statement from a recognised bank (not private money lenders or Revolut)
	Building Society Statement
	Credit Union Statement
	Credit Union Passbook
Utility Providers	Utility Bill (the only utility bills accepted are: gas, electricity, television, broadband, waste & TV licence)
Government Bodies	Correspondence from government departments
Local Authorities	Letter from Local Council confirming tenancy

(Applicants Under 18)

In circumstances where an applicant under the age of 18, does not have documentation outlined in the accepted documentation table, the following will be accepted.

Identification
Birth Certificate
Written statement by a school principal or an accredited third level institution confirming attendance and address

Two documents must be submitted, one to support identification and one to support proof of address.

Strict Adherence: Only the documents listed are acceptable.

Stage 3 – Submission of Data to National Vetting Bureau

Once all relevant documents have been signed, received and ID checks have been completed, University of Galway will provide the National Vetting Bureau with the information supplied electronically via the eVetting system.

The documentation provided will be kept for the duration of the vetting period as is required by law.

Once the information has been provided to the National Vetting Bureau, the NVB will contact the vetting subject via their University of Galway email account to complete the vetting application.

Vetting subjects have 30 days in which to do so before the vetting application will expire. Failure to complete the vetting application within this timeframe will require the vetting subject to start the process again and will delay the completion of the vetting process and possibly the start of any placement, outreach or volunteer activity.

Stage 4 – Confirmation by National Vetting Bureau

Completed applications are validated by University of Galway Garda Vetting Liaison Person before being sent to the National Vetting Bureau for review.

On receipt of a completed vetting application, the National Vetting Bureau will make such enquiries with *An Garda Síochána* or a Scheduled Organisation as it deems necessary to establish whether there is any criminal record or specified information relating to the person.

Once all checks have been completed, a Garda Vetting disclosure document is issued directly to University of Galway's Garda Vetting Liaison Person.

All Garda Vetting disclosure documents are subsequently forwarded to students University of Galway email accounts.

Following review of the vetting subject's Garda Vetting application, the disclosure document returned by the National Vetting Bureau will indicate one of the following responses:

- Nil convictions recorded;
- Details of any conviction recorded or cases pending.

Stage 5 – Evaluation of Disclosure Information

Once the disclosure information has been confirmed it is then reviewed by the Garda Vetting Liaison Person and classified into one of the following categories:

- No Previous Convictions;
- Case Pending;
- Minor Offence;
- Serious Offence;
- Very Serious Offence.

Thereafter, the University will deal with the information as outlined in Stage 6.

Stage 6 - University response to information provided by National Vetting Bureau/Garda Central Vetting Bureau

a. No previous convictions

The names of all students with no previous convictions are forwarded by the Authorised Signatory to the relevant Head of School, who will provide written assurance to the placement agency that the student has been subject to Garda Vetting and has been deemed appropriate for placement (see Appendix 5).

b. Case Pending

If a conviction is recorded, or is pending, the GV Disclosures Assessment Committee will consider the conviction, or pending conviction.

c. Minor Offence

In the cases of minor offences, i.e. offences which, within the absolute discretion of the University, are not considered to pose any risk to children or vulnerable adults, the GV Disclosures Assessment Committee will approve the release of the names to the relevant Head of School, who will provide written assurance to the placement agency that the student has been subject to Garda Vetting and has been deemed appropriate for placement (see Appendix 5).

d. Serious Offence

In the case of serious offences, i.e. offences, the nature of which could indicate a potential risk to children or vulnerable adults, the University's response will be informed, in the first instance, on whether the student openly disclosed the offence.

(i) If the offence has been disclosed, at least 2, but no more than 3, members of the GV Disclosures Assessment Committee, which will include the Garda Vetting Liaison Person, will meet with the student to discuss the circumstances of the offence. Having discussed the offence, the representatives of GV Disclosures Assessment Committee may, inter-alia, consider the following factors in respect of a students' suitability for a programme:

- The nature and seriousness of any offence which may be recorded in respect of the student;
- The nature of any court result which may be recorded in respect of the student;
- Mitigating factors, if any, in favour of the student;
- The self-disclosure of any such offence by the student;
- The age of the student at the time any such offence was committed;
- The length of time elapsed since any such offence was committed by the student;
- The conduct of the student in the time elapsed since the offence was committed;
- Rehabilitative efforts undertaken by the student in the time elapsed since any such offence was committed;
- Recidivism rate, if any, of the student in the time elapsed since any such offence was committed;
- Any other information recorded relating to the commission of or involvement in the commission of an offence, 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 and/or vulnerable adults.

If there has been evidence of significant rehabilitation and/or evidence of appropriate behaviour modification by the student since the event took place, then the student will be advised that he/she will be allowed to continue the programme.

The Liaison will forward the names of the students to the members of the GV Disclosures Assessment

Committee (present and absent at the meeting), and the Programme Director or Head of School will provide written assurance to the placement agency that the student has been subject to Garda Vetting and has been deemed suitable for placement ([Appendix3](#)).

In the cases of serious offences, and where the student has provided evidence of significant rehabilitation and/or evidence of appropriate behaviour modification by the student since the event took place, the University of Galway can request that details of the offence(s) be shared with the placement agency/outreach or volunteer partner, with the student signing the privacy waiver in [Appendix 4](#).

Whilst students are under no obligation to waive their right to privacy, it may impact their ability to participate in the placement element of their course if they wish to uphold this right.

If there is no evidence of significant rehabilitation and/or evidence of appropriate behaviour modification by the student, the student will be advised that their offence is being treated as a *very serious offence* and the procedure outlined in section (e) below will be followed.

(ii) If the offence has not been disclosed at least 2, but no more than 3, members of the GV Disclosures Assessment Committee, which will include the Liaison Person, will meet with the student to discuss the circumstances of the offence. Other than in very exceptional circumstances, the student will be advised that their offence is being treated as a *very serious offence* and the procedure outlined in section (e) below will be followed.

e. Very Serious Offence

In the case of 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 student will be required to meet with the GV Disclosures Assessment Committee and advised that owing to the nature of their conviction(s) they cannot be allowed to participate on the placement, outreach or volunteer activity.

If this constitutes a compulsory aspect of the course they will be unable to continue their programme of study.

Following the meeting the student will be advised in writing of that decision by registered letter to his/her home address.

Stage 7 - Appeals Mechanism

If the student is dissatisfied with the decision of the GV Disclosures Assessment Committee, they may appeal the decision to the University of Galway Appeal Committee on Garda Vetting Process through the Registrar and Deputy- President, in writing stating the grounds for the appeal.

The University of Galway Appeal Committee on Garda Vetting Process may choose to meet with the student and/or relevant members of staff as deemed appropriate. The findings of the University of Galway Appeal Committee on Vetting Process shall be final.

Completion

Applicants who have satisfactorily completed Garda Vetting (and any other requirements of the registration process) will be fully registered as students of University of Galway on the relevant programme.

However, applicants should be aware that, given the duration of certain programmes, the University reserves the right, at its discretion, to require certain groups of students or individual students to undergo a further Garda Vetting process during their programme of study.

Students not residing in Ireland

At present, the National Vetting Bureau/Garda Central Vetting Bureau does not vet applicants whose residence is outside Ireland or Northern Ireland.

Garda Vetting and Joint Agreements

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, except where relevant organisations have in place a joint agreement in writing in accordance with Section 12 (3A) of the Act.

It is the responsibility of the owner of the relationship with the placement organisation to ensure that a Joint Agreement is in place between University of Galway and the placement organisation.

A copy of the standard Joint Agreement can be found in [Appendix 5](#).

Garda Vetting and the Data Protection

As vetting data is considered to be sensitive personal data under the Data Protection Acts, access to it is strictly controlled.

The purpose of this vetting procedure is to ensure that only University of Galway acts in the matter of the student and in turn provides the necessary safeguards for the processing of students' sensitive personal data while ensuring that the student is properly vetted for the placement.

For students deemed suitable for placement, University of Galway provides the placement agency with a written assurance that a student has been subject to vetting. This written assurance, quoting the relevant application number, indicates that the student has been subject to the vetting process and deemed suitable for relevant work ([Appendix 3](#)).

University of Galway may not provide copies of Garda Vetting forms to third parties nor may University of Galway share or disclose any sensitive personal data which may arise during the vetting process with third parties, except with the express permission of the Data Subject.

Under the General Data Protection Regulations, individuals have the right to access personal information about themselves. Requests for access to vetting information may be made in writing to the Garda Vetting Liaison Person.

3.0 Responsibilities

Name	Responsibility
Standing Committee of Academic Council	Policy Owner and Approval
Admissions Office	Policy Maintenance and Repository

Appendix 1 - Relevant Offences which may be considered when deciding on the suitability of an applicant

When assessing the suitability of an applicant for a certain programme, the GV Disclosures Assessment Committee may consider and consider all or any Garda Vetting Disclosures contain details relating to the prosecution for or conviction for any offence in the following list.

- Offences against the state, Treason and offences under the Defence Act;
- Firearms, Explosives and Offensive Weapons offences;
- Terrorist and Organised Crime offences;
- All sexual and child pornography offences;
- Child neglect and all other offences against children;
- All offences of cruelty against animals and breaches of animal remedy regulations;
- All offences of misuse of drugs and drug trafficking acts;
- All offences under the and fraud offences act;
- All offences under the public order act and criminal damages act in respect if anti-social behaviours;
- Liquor licensing offences for selling or providing intoxicating liquor to children and offences under the Licensing (combating Drug Abuse) act;
- Offences under the Air Transport and Navigation Act, Immigration Act, Maritime Safety Act, Railways Act;
- Murder; manslaughter;
- Abduction, Kidnapping, Hostage Taking, Hi-jacking, False Imprisonment, Robbery, Torture, Endangerment, Harassment, Coercion, Assault, Assault, Incitement to Hatred, Human Trafficking and any other offences against the person;
- Customs and Excise, Revenue, Social Welfare, Health and Safety, Environmental Protection and Waste Management offences;
- The following Road Traffic offences;
 - Driving while intoxicated offences under the following sections of the RTA Sections 12, 13, 14, 15, 49 and 50;
 - Dangerous Driving/Dangerous Driving Causing Death/Careless Driving under section 53 and 52 of the RTA;
 - Hit and Run Offences under section 106 of the RTA;
 - Unauthorised taking and unauthorised interference with vehicle under section 112 and 113 of the RTA;
 - Use of vehicles in commission of a crime;
 - No insurance.
- Any offence of a similar nature or gravity to the above which is already enacted, or which may be enacted in the future;

Appendix 2 – Garda Vetting Invitation Form (NVB1)



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Guidelines for completing Vetting Invitation Form (NVB 1)

Please read the following guidelines before completing this form.

Miscellaneous

The Form must be completed in full using **BLOCK CAPITALS** and writing must be clear and legible.

The applicants signature must be a wet ink signature.

Photocopies will not be accepted.

All applicants will be required to provide documents to validate their identity.

If the applicant is under 18 years of age, a completed NVB 3 - Parent\Guardian Consent Form will be required. Please note that where the applicant is under 18 years of age the electronic correspondence will issue to the Parent\Guardian. This being the case, the applicant must provide their Parent\Guardian Email address on the NVB 1 form.

Personal Details

Insert details for each field, allowing one block letter per box.

For Date of Birth field, allow one digit per box.

Please fill in your Email Address, allowing one character/symbol per box. This is required as the invitation to the e-vetting website will be sent to this address.

Please allow one digit per box for your contact number.

The Current Address means the address you are now living at.

The address fields should be completed in full, including Eircode/Postcode. No abbreviations.

Role Being Vetted For

The role being applied for must be clearly stated. Generic terms such as "Volunteer" will not suffice.

Declaration of Application

The applicant must confirm their understanding and acceptance of the two statements by signing the application form at Section 2 and ticking the box provided.

An invitation to the e-vetting website will then be sent to your Email address from evetting.donotreply@garda.ie

The **Identity Document Validation Form** section of this form must be completed by the person validating your identity and proof of address documents from the organisation listed in Section 2.

Identity Document Validation Form

Your Ref:

Section 1: Photographic ID

- Is the photographic document, being relied upon, current and not expired? ☐ Yes ☐ No
- Is the photograph on the document a true likeness for the vetting subject? ☐ Yes ☐ No
- Is the photograph of high quality and clear? ☐ Yes ☐ No
- Is the date of birth on the document matching the date provided on the NVB1 Form? ☐ Yes ☐ No
- Is the name on the document exactly matching the name provided on the NVB1 Form? ☐ Yes ☐ No

Section 2: Proof of Address

- Is the address document dated within six months of the consent date? ☐ Yes ☐ No
- Is the address on the proof of address document matching the address provided on the NVB1 Form? ☐ Yes ☐ No
- Is the vetting subject's name included on the proof of address document? ☐ Yes ☐ No
- Is the document acceptable as proof of address document, as per Identity Document Schedule? ☐ Yes ☐ No

Section 3: NVB1 Form

- Is the NVB1 form dated and signed by the vetting subject? ☐ Yes ☐ No
- Is the role accepted to be relevant work or activity? ☐ Yes ☐ No
- Is the Consent Box ticked? ☐ Yes ☐ No

Section 4: Document Confirmation

I have physically seen and retained/forwarded a copy of the following documents: (Please check all that apply)

- Completed NVB1 Form (original) ☐ Yes ☐ No
- Photographic ID document type: _____ ☐ Yes ☐ No
- Document Reference No. _____
- Proof of address document type: _____ ☐ Yes ☐ No

If you have answered No to any of the above questions the vetting subject has not met the criteria to continue with the vetting process

Section 5: Validator Information

Validator's Name (PRINT NAME): _____

Validator's Signature: _____

Validator's Role: _____

Validator's Contact Number: _____

Date of Validation: _____

Appendix 3 - Student Deemed Suitable for Placement, Outreach or Volunteer activity.

Dear Sir/Madam,

Garda Vetting

Name:

Student No:

Course:

In line with the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016 and University of Galway's own Garda Vetting Policy, registered students wishing to undertake relevant work (as defined by the Acts) on specific programmes, or as part of outreach or volunteer activities, are required to complete a Garda Vetting process.

Relevant Work is defined as any work or activities, carried out by a person, a necessary and regular part of which consists mainly of the person having access to or contact with children or vulnerable persons.

We can confirm that this student has been subject to University of Galway's Garda Vetting Process and has been deemed suitable for placement, outreach or volunteer activities.

Yours Sincerely,

Programme Director/Head of School/Volunteer Coordinator

Date:

Appendix 4 - Student Declaration Permitting Garda Vetting Disclosures to be Shared with Relevant Placement Agency

I, the undersigned, hereby authorise all convictions disclosed from the Garda Vetting process to be made available to the appropriate personnel in my work placement.

Name	
Student ID	
Course	

Signed: _____

Dated: _____

Appendix 5 – Joint Agreement in respect of the Children & Vulnerable Persons Act



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UNIVERSITY OF GALWAY

Dear Sir/Madam,

Agreement in respect of the Children & Vulnerable Persons Act

In accordance with Section 12 (3a) of the National Vetting Bureau (Children and Vulnerable Persons) Act 2012 as amended by the Criminal Justice Spent Convictions and Certain Disclosures Act 2016, University of Galway and _____ (“the Placement Provider”) have jointly agreed to accept the placement of University of Galway students.

Upon receiving the formal consent of its students, University of Galway hereby undertakes to apply for Garda Vetting from the National Vetting Bureau in respect of the placement of the students on its own behalf and on behalf of the Placement Provider, and undertakes to inform the Placement Provider that Garda Vetting has been undertaken.

Both University of Galway and the Placement Provider acknowledge that they are both bound by the provisions of the Data Protection Acts 1988 and 2003 with respect to the use and retention of the Student’s Garda Vetting and shall do all such acts and things as may be expected of it with a view to compliance with the National Vetting Bureau Act 2012 and the Data Protection Acts 1988 and 2003.

Signed for and on behalf of University of Galway

A handwritten signature in cursive script, appearing to read 'Mary Liddy'.

Name: Mary Liddy
Title of Responsible Person: Garda Vetting Liaison Person
Institution: University of Galway

Signed for and on behalf of _____

Name: _____
Title of Responsible Person: _____
Organisation: _____