

# Student Garda Vetting Policy University College Cork (UCC)

## Why are some students Vetted?

The National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016<sup>1</sup> (the Acts) provide a statutory basis for mandatory vetting of persons who wish to undertake a work placement and/or activities that bring them into contact with children and/or vulnerable adults.

UCC offers a number of programmes that require students to undertake placements with external agencies, which will bring them into contact with children and/or vulnerable adults and in which they will assume positions of public trust. In accordance with the Acts, UCC requires students (or prospective students) for relevant programmes to be vetted. Registration on these programmes is provisional, pending the outcome of the Vetting process.

## What students are subject to Vetting?

Students, or applicants in receipt of an offer, on the following courses will be subject to Vetting as relevant:

<b><i>Undergraduate:</i></b>
CK111 Early Years & Childhood Studies
CK114 Youth & Community Work
CK115 Social Work
CK116 Sports Studies & Physical Education
CK701 Medicine
CK791 Graduate Entry to Medicine
CK702 Dentistry
Graduate Entry to Dentistry (Non EU)
CK703 Pharmacy
CK704 Occupational Therapy
CK705 Speech & Language Therapy
CK706 Public Health
CK710 General Nursing
CK712 Children's & General Nursing Integrated
CK720 Mental Health Nursing
CK730 Intellectual Disability Nursing
CK740 Midwifery
Diploma in Dental Hygiene
Diploma in Dental Nursing –Full time
Diploma in Military Medical Care
BSc Science Education
<b><i>Postgraduate:</i></b>

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<sup>1</sup> [http://www.lawreform.ie/\\_fileupload/RevisedActs/WithAnnotations/HTML/en\\_act\\_2012\\_0047.htm](http://www.lawreform.ie/_fileupload/RevisedActs/WithAnnotations/HTML/en_act_2012_0047.htm)

Continuing Professional Development Modules (as relevant)
CCL Certificate in Contemporary Living (as relevant)
CKU06 Postgraduate Certificate in Older Person Rehabilitation
CKW13 Postgrad Diploma in Palliative Care
PEC01 Professional Masters of Education
CKD25 Professional Masters of Education (Art & Design)
CKW06 Gerontological Nursing
CKD47 & CKD48 MA in Teaching Chinese
CKE13 MA in Applied Psychology
CKE15 MA in Applied Psychology (Guidance Counselling)
CKD02 & CKD08 MA in Applied Psychology (Coaching Psychology)
CKD39 & CKD40 MA in Applied Psychology (Mental Health)
CKW21 Postgrad Diploma in Cognitive Behavioural Psychotherapy
CKX51 MSc Audiology
MSCPMC MSc Personal & Management Coaching
PGPMC Postgrad Certificate in Personal & Management Coaching
CKD04 & CKD20 MSocSc Youth & Community Work
CKE64 Masters of Social Work
CKX14 & CKX18 Older Person Rehabilitation
CKX16 & CKX17 Postgraduate Diploma in Older Person Rehabilitation
CKC06 Postgrad Diploma in Social Work Studies
CKX11, CKX48, CKX34 Postgrad in Public Health
CKU02 Postgrad Cert in Health Protection
CKDO4 MSc in Youth Work with Community Arts & Sports Studies
CKC01 PG Diploma in Youth Work
CKW05 PG Diploma Cardiac & Intensive Nursing
PHC01 PG Diploma Public Health Nursing
CKW06 PG Diploma Gerontology Nursing
CKW04 PG Diploma in Emergency Nursing
CKW18 PG Diploma in Oncology Nursing
CKX13 MSc Nursing Year 2
CPD NU6158 Cervical Screening
CPD NU6116 Advanced Practice in Nursing
CPD NU6154 Advanced Practice in Midwifery
CKH99 Doctor of Clinical Psychology (DClinPsyc)
PhD programmes ( <i>as relevant</i> )
<b>Adult Continuing Education:</b>
DYCW Diploma in Youth & Community Work
Diploma in Youth and Community Work and Physical Activity
Diploma in Community Development
Higher Diploma in Coaching and Coaching Psychology
Diploma in Social Enterprises and Community Development Practice
Diploma in Substance Misuse & Addiction

Students who engage in university activities that may involve unsupervised access to children and/or vulnerable adults will also be subject to UCC's Vetting processes. This includes, but is not limited to students participating in:

Peer Support Leaders programme
Relevant Societies
Relevant Summer Camps
Relevant Work Placements
Students undertaking a residential period in the Gaeltacht as part of their studies

## Student Garda Vetting Procedure

### How are Vetting Applications Processed?

The conduct of vetting processes shall at all times be carried out in accordance with the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016, the Data Protection Acts 1988 and 2003 and all applicable laws.

Students who fail to engage with the Vetting Process as required by UCC and/or give information in an incomplete or inaccurate form are liable to have their course offers withdrawn and/or registration cancelled by UCC.

Following are the stages of the Vetting Process:

#### ***Stage 1. Completion of Vetting Invitation***

Students (or prospective students) are sent a Vetting invitation by email, together with the instructions for its completion and a list of required documentation to accompany the Vetting invitation. The Liaison Person for student vetting with the NVB is the UCC Admissions Officer. **An NVB 1 form and certified copies of the required accompanying documentation, must be returned to the Liaison Person, within one week of receipt.** An applicant who is under 18 years of age must have a Parent/Guardian complete the NVB 1 form on their behalf as well as completing the NVB 3 form, which is a Vetting Consent Form. The documentation provided for vetting purposes will be securely retained electronically for the duration of the student's studies on the relevant course, and up to one year afterwards.

#### **Stage 2. Completion of NVB form online**

Student details from the completed Vetting Invitation form and accompanying documentation will be entered into the NVB database. The NVB will then email the student (or prospective student) with further instruction to complete the next stages of the process online. Once the student (or prospective student) has completed the online form, the NVB will inform the Liaison Person and ask them to confirm that the application is duly completed. When the Liaison Person is satisfied that the application is duly completed, the application is forwarded to the next stage of processing.

#### **Stage 3. Form processed by the NVB**

The NVB will process the application in accordance with its own procedures, searching against their databases for convictions, pending prosecutions, application of

the Probation Act, non-convictions and specified information<sup>2</sup>. For each application they will return a disclosure to the Liaison Person.

#### **Stage 4. Verification of Information Disclosed**

If the NVB have no information to disclose, the disclosure will specify “Nil” under Criminal Record and Specified Information. If a conviction/pending prosecution/specified information is disclosed, the Liaison Person will verify with the student that the information disclosed is correct. A copy of the vetting disclosure is downloaded from the NVB database and is securely retained electronically for the duration of the student’s studies on the relevant course, and up to one year afterwards.

#### **Stage 5. Evaluation of Vetting Disclosures**

The Liaison person will classify disclosures as follows:

- No information disclosed
- Minor disclosure that does not affect a student’s suitability for placement
- Serious disclosure that may affect a student’s suitability for placement

If no information of concern is disclosed, the student record will be updated to reflect same.

If information is disclosed, following verification of its validity with the student, the student record will be updated reflecting that information was disclosed; the nature or details of the offence are not documented on the student record system. The Liaison Person will evaluate the seriousness and relevance of the offence in an unbiased and unprejudiced manner, and categorise same as Minor or Serious. As a general guideline, the Liaison Person will consider if the conviction(s) or pending prosecution would be sufficient to be potentially construed as professional misconduct, in the event that the student was registered in a relevant profession. The Liaison Person will have regard to the requirements under law to protect special categories of people such as children and vulnerable adults.

#### **Stage 6. Assessment of convictions and pending prosecutions**

##### ***Minor charge(s)/prosecution(s)/conviction(s)/specified information***

In the event the Liaison Person considers a disclosure to be minor, which within the absolute discretion of the Liaison person are those cases that are not considered to pose any risk to children, vulnerable adults or the wider community, they will be discussed with the student by the Liaison person. Following the discussion, as relevant, the student record will reflect that the student has cleared the vetting process.

##### ***Serious charge(s)/prosecution(s)/conviction(s)/specified information***

In the event the Liaison Person considers a disclosure to be serious, the nature of which could indicate a potential risk to children, vulnerable adults or the wider

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<sup>2</sup> Specified information (also known as “soft” information) is information other than criminal convictions where such information leads to a bona-fide belief that a person poses a threat to children or vulnerable people.

community, normally, at least two members of relevant UCC staff, including the UCC Liaison Person and Programme Coordinator (or nominee), will seek to meet with the student to discuss the circumstances of the disclosure. The purpose of this meeting will be to assess whether or not there is a concern in relation to the student's suitability to undertake a relevant work placement.

In assessing the student's suitability for the work placement a range of factors will be considered including, the nature and seriousness of the offence, the penalty imposed, the pattern of recidivism, the circumstances of the applicant at the time of the offence, the time elapsed since the offence, the extent to which the student has rehabilitated himself or herself, and the insight and reflection shown.

Following the formal meeting, the Liaison Person and Programme Coordinator will determine if the student has cleared the vetting process or if the case needs to be escalated for further review. If the student has been cleared at this point, the Liaison Person will provide a written report summarising the details and outcome of the meeting to the Programme Coordinator. The Programme Coordinator will be tasked with providing assurance to the work placement organisations that the student has been subject to and cleared the university vetting procedures.

If clearance has not been obtained, the case will be considered by a UCC Student Vetting Review Committee which shall normally comprise at least three members of UCC staff, to include UCC's Liaison Person, the relevant Head of School (or nominee) together with the Programme Director (or nominee) and/or the relevant Head of College (or nominee). A further meeting with the student may be requested. An evaluation will be made on the student's suitability to continue in the programme. If the outcome of the evaluation is that the student is not suitable to continue in the programme, their registration on the programme will be cancelled, or suspended for an imposed period of time (where continuance of registration at a future time is conditional on specified criteria).

The student will be advised in writing of the decision of the Student Garda Vetting Review Committee.

#### **Stage 7. Communication of the outcome of student Garda vetting**

The student record system is updated to reflect the outcome of the vetting process. **Programme Directors/Coordinators will access this information directly from the student records system and shall not allow students to engage in a relevant work placement unless the vetting process has been cleared.** In the case of joint programmes, where the Programme Coordinator is not a member of UCC staff, the Admissions Office will provide the information on student vetting outcomes to the Programme Coordinator. Programme Directors/Coordinators are responsible to inform the work placement organisation that students have cleared the vetting process and to let them know that a copy of the vetting disclosure can be provided on request. In the event that a work placement organisation requests a copy of a student's vetting disclosure, this request will be referred to the Liaison Person. The Liaison Person will get the student's consent before providing a copy of the student's vetting disclosure to the work placement organisation.

Students who have resided outside of the Republic of Ireland for a period of 6 months or more (from the age of 16 years) shall also be required to furnish a Police Clearance Certificate from their country or countries of residence. This Certificate should confirm if a student has any convictions recorded against him or her while residing there. If a student is unable to obtain a Police Clearance Certificate, they will be required to obtain a legal declaration (Affidavit) in the presence of a Commissioner of Oaths or a Solicitor confirming that they have no criminal convictions, current or pending.

Where students do not meet UCC's Vetting requirements, UCC reserves the right to reject their application and, where applicable, withdraw the course offer and/or cancel their registration.

### **What factors are considered in assessing convictions/pending prosecutions/specified information?**

Full account will be taken of all relevant information revealed in the vetting disclosure and in the discussion with the student. This information will be considered in a proportionate way, having due regard to the public interest, including the protection of students, university staff and members of the public; the maintenance of public confidence in the associated profession and the importance of upholding proper standards of student conduct on a work placement

The following factors will be considered in assessing a conviction or a pending prosecution:

- Nature of the offence(s);
- Seriousness of the offence(s);
- Sentence imposed;
- Whether there is a pattern of recidivism (tendency to reoffend);
- Age and circumstances of the student at the time of the offence(s);
- Time elapsed since the offence(s);
- The manner in which the student dealt with the proceedings in relation to the offence(s) and in particular whether they pleaded guilty and at what point in the proceedings;
- Whether the offence(s) involved a serious breach of trust;
- Whether the offence(s) is one which by its nature gives rise to specific concerns in relation to the student's suitability to undertake a programme work placement;
- Extent to which the student has rehabilitated himself or herself since the commission of the offence(s);
- Level of insight and reflection shown;
- Whether the conviction(s) were disclosed upon completion of the Garda Vetting form.

It is important to note that whilst the factors above shall be considered, the list is not exhaustive and the assessment will take into account all relevant factors and circumstances pertaining to the particular student and his/her programme.

UCC 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. Where a prospective student fails to comply with the Vetting process, he/she is liable to have his/her offer withdrawn and/or registration cancelled.

### **Can the decision of the Vetting Review Committee be appealed?**

In the event that the student is dissatisfied with the decision of the UCC Student Garda Vetting Review Committee, they may appeal the decision. To appeal the decision, the student should write, within 21 days of the date that the decision was issued, to the Senior Vice President and Registrar, requesting a review of the case. The Senior Vice President and Registrar will assemble an Appeal Committee on Garda Vetting to review the decision.

The UCC Appeals Committee on Vetting will comprise the Senior Vice President and Registrar (or nominee) (Chair) and two members appointed by Academic Council that do not have a conflict of interest. The members of the UCC Student Garda Vetting Appeals Committee will not have been involved in any prior decisions related to the case.

A student may appeal the decision of the UCC Student Garda Vetting Review Committee on the following grounds:

- i. Incorrect process; there was a procedural error which gives rise to a reasonable doubt as to whether the UCC Student Garda Vetting Review Committee would have reached the same decision if it had not occurred:
- ii. New evidence; which the UCC Student Garda Vetting Review Committee was unaware of when making its original decision which might reasonably have resulted in a different decision;
- iii. Specified/stated grounds where the UCC Student Garda Vetting Review Committee's decision was based on erroneous information or interpretation

The UCC Appeals Committee on Vetting shall consider each appeal on the stated grounds of its own merits. Vetting disclosures and information pertaining to the assessment of the information provided by the NVB shall be submitted by the Liaison Person to the UCC Appeals Committee on Garda Vetting for the case under review. In evaluating an appeal, the UCC Appeals Committee on student Vetting may consult with the Liaison Person, Programme Coordinator and Head of School and any other relevant persons as appropriate and may seek a written response from any such individual to the grounds on which the appeal is made. In addition, the UCC Appeals Committee on Vetting may seek further written information from the appellant (student).

The UCC Appeals Committee on Vetting may decide to uphold the decision or amend the outcome (e.g. registration status) of the Vetting Assessment, or to effect such other remedy as it considers appropriate. The Chair will communicate the outcome of the appeal in writing to the appellant, the Liaison Person and the Head of School concerned. The decision of the Appeal Committee on Student Garda Vetting will be final and binding.

### **Will I need to undergo Vetting more than once for UCC?**

Students should be aware that, given the duration of certain Programmes, UCC reserves the right, at its discretion, to require certain groups of students or individual students to undergo a further Vetting process during the course of their Programme.

In addition, a student can be vetted or re-vetted if information concerning their suitability to work with children or vulnerable adults comes to the attention of UCC.

Students on any programmes subject to this policy and who acquire a charge/prosecution and/or conviction during the course of their studies are required to immediately notify UCC's Liaison Person, and additionally will need to declare same through the Fitness to Practice process.