



## **Garda Vetting /Police Clearance Policy**

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### **1. BACKGROUND**

A number of posts in Trinity College Dublin (TCD), particularly in the Faculty of Health Sciences, certain Schools within the Faculty of Arts Humanities and Social Sciences and certain central services, require staff to undertake activities that will bring them into contact with children or vulnerable adults and in which they will assume positions of trust. To ensure the protection of the public, and promote public trust and confidence, TCD is committed to ensuring that only suitable candidates are recruited into these positions of trust.

### **2. GENERAL PRINCIPLES**

This policy applies to anyone who is employed and/or engaged by TCD or acts on behalf of TCD who will have unsupervised access to children and/or vulnerable adults in the course of their employment/engagement.

Individuals who are not directly employed by TCD, but who are employed by contractors (or sub-contractors) of TCD and who will have unsupervised access to children and/or vulnerable adults in the course of their duties will also be required to undergo the vetting process. While TCD will carry out garda vetting in respect of contractors / sub-contractors, the University will also ensure that these obligations are reflected, to the extent possible, in any contract between TCD and the contractor and/or sub-contractor and as appropriate form part of the criteria required in any procurement process

Each applicant/existing staff member must disclose any relevant information relating to the process of Garda Vetting to TCD. This includes information relating to periods of residence outside the Republic of Ireland.

Information relating to requirements for Garda Vetting will be provided in a clear, consistent and timely manner to applicants/existing staff.

Information collected as part of this vetting process will be treated in confidence but may be released to other parties as deemed necessary by TCD.

By signing and returning the contract of employment, the applicant expressly acknowledges that the offer of employment is conditional on the applicant successfully completing the Garda Vetting process. Furthermore, the applicant consents to the offer of employment being withdrawn if they do not successfully complete the Garda Vetting process.

### **3. GARDA VETTING / POLICE CLEARANCE OF JOB APPLICANTS**

All job applicants who are intended to be employed in an area where they will have unsupervised access to children and/or vulnerable adults in the course of their employment/engagement must complete the Garda Vetting Form (See **Appendix 1**) and authorise TCD to conduct a background check via the Garda Central Vetting Unit (GCVU). The vetting process will be carried out by the Human Resources Department. TCD has an Authorised Signatory, Gillian Maxwell who is the liaison between TCD and the GCVU.

TCD uses the services of Garda Central Vetting Unit (GCVU) in conjunction with Overseas Clearance Certificates to conduct background checks on job applicants for certain positions in which they would have unsupervised access to children and/or vulnerable adults in the course of their employment/engagement. This process enables TCD to assess the suitability of applicants. TCD may also require applicants to provide an enhanced disclosure by the completion of an affidavit at the time an offer of employment is made.

### **4. THE GARDA VETTING AND POLICE CLEARANCE 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 generally state in either the job description or accompanying documentation that the post will be subject to Garda Vetting.

#### **Stage 2: The Offer / Contract**

Following completion of the recruitment and selection process, the candidate(s) deemed suitable for appointment will be offered the position subject to him/her satisfying the full requirements of the role including Garda Vetting. This will be explicitly reflected in the offer letter and/or contract, which will be accompanied by a Garda Vetting Form (Appendix 1) and instructions for completion of same (Appendix 2). Instructions of how to furnish police certificates where the candidate / prospective employee resided abroad for periods of more than 6 months will also be provided. This documentation highlights to any prospective staff member the importance of full disclosure.

Save in exceptional circumstances, no applicant will commence employment until such time as all parts of the recruitment and selection process including Garda Vetting has been fully completed to the satisfaction of the University. (Exceptional circumstances must be agreed in advance with the Head of Department and the Director of HR on the understanding that the staff member will not have unsupervised access to children and/or vulnerable adults until the garda vetting process has been completed).

#### **Stage 3: Completion of Authorised Signatory's section of form**

The applicant must sign and return the completed confidential forms to the Authorised HR Signatory at the earliest possible date (in the case of TCD, Gillian Maxwell is the Authorised Signatory). Once the Authorised HR Signatory is satisfied that all sections of the form are duly completed the form will be forwarded to the GCVU in Thurles (see Appendix 2).

#### **Stage 4: Completion of Garda Central Vetting Unit section of the form**

The GCVU responds to the vetting request by confirming whether any previous convictions appear against the applicant or if any prosecutions are pending.

#### **Stage 5: Confirmation of GCVU response by Authorised Signatory**

Where the information supplied by the GCVU / Foreign Police is inconsistent with the information supplied by the applicant the Authorised HR Signatory will contact the applicant to clarify whether:

- (a) The information supplied by the GCVU /Foreign Police is correct;
- (b) the candidate/prospective employee does not agree that the information supplied by the GCVU /Foreign Police is correct, in which case the Authorised Signatory will request the GCVU /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 relevant Authorised Signatory and classified as follows:

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

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. The Decision Making Committee will consist of some or all of the following; the Head of School / Area, Director of HR, Deputy Director of HR and Authorised Signatory

#### **Stage 7: University response to information provided by GCVU /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 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 the Decision Making Committee will discuss and assess the potential risk of the offence and decide whether or not to proceed with the offer. If deemed appropriate, the decision-makers may wish 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 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 candidate / prospective employee openly disclosed the offence

- (i) If the offence has not been disclosed the Decision Making Committee will meet to discuss and assess the potential risk of the offence. If deemed appropriate, the decision-makers 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 the Decision Making Committee will meet to discuss and assess the potential risk of the offence. If necessary, the decision-makers 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 event took place, 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 Decision Making 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**

Applicants/Staff who have satisfactorily completed Garda Vetting / Police Clearance (and all other conditions of the appointment process) will be deemed to be a staff member of the University.

The University requires staff members in relevant posts (i.e. where they have unsupervised access to children and/or vulnerable adults) to complete an annual declaration form during the course of their employment with the University. Staff may also be required to provide enhanced disclosure by the completion of an affidavit.

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.

## **5. INTERNATIONAL POLICE VETTING**

If the applicant has resided outside Ireland for a period of 6 months or more he/she must also furnish a Foreign Police Certificate from the country or countries of residence. This Certificate should state that you have no convictions recorded against you while residing there. If the applicant resided in the UK, further information can be obtained at [www.disclosurescotland.co.uk](http://www.disclosurescotland.co.uk). Further information regarding clearance for most other Non EU countries can be viewed at <http://www.canadavisa.com/canadian-immigration-police-clearance.html>.

## **6. GARDA VETTING OF EXISTING STAFF**

Staff who currently have unsupervised access to children and/or vulnerable adults in the course of the employment/engagement will be required to undergo Garda Vetting. These staff members will be sent a Garda Vetting Form and will be asked to return it to the Authorised HR Signatory. TCD reserves the right to request any member of staff who has unsupervised access to children and/or vulnerable adults to undergo Garda Vetting at any time in their employment.

A staff member who works directly with children and/or vulnerable adults and who has been convicted of any offence relating to children/vulnerable adults and/or is subject to disciplinary action or sanction relating to children/vulnerable adults must withdraw from working in 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.

## **7. DISCLOSURE OF CRIMINAL CONVICTIONS**

It is TCD policy to ask all applicants for positions within TCD, which involves unsupervised access to children and/or vulnerable adults in the course of their employment/engagement, if they previously have been convicted of a criminal offence(s) which is of a serious nature that would deem them unsuitable for appointment

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 TCD staff and job applicants must inform TCD 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).



(Please continue overleaf/)

Have you ever been convicted of an offence in the Republic of Ireland or elsewhere?

No  Yes  Please provide details

DATE	COURT	OFFENCE	COURT OUTCOME

**DECLARATION OF APPLICANT**

I, \_\_\_\_\_ (Block Capitals)

who have applied for and been offered employment with Trinity College Dublin, hereby authorise An Garda Síochána to furnish to **Trinity College Dublin** a statement that there are no convictions recorded against me in the Republic of Ireland or elsewhere, or a statement of all convictions and / or prosecutions, successful or not, pending or completed, in the State or elsewhere as the case may be.

Signature of Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

PRINT NAME \_\_\_\_\_

Position that has been offered; \_\_\_\_\_

***To be completed by Trinity College Dublin HR Office only***

Authorised Signatory: \_\_\_\_\_  
(INSERT AGREED NAME)

PLEASE PRINT ALSO ( \_\_\_\_\_ ) Registration Number: \_\_\_\_\_

***To be completed by the Garda Central Vetting Unit***

According to Garda records there are no previous convictions recorded against the above named applicant:

OR the attached convictions appear on Garda Records:

OR the attached prosecutions are pending:

**NOTE:** Checks were carried out by this office based on the information supplied.

The convictions supplied may apply to the subject of your enquiry.

Please verify information disclosed with the applicant.

Signed: \_\_\_\_\_ Member I/C

**G.C.V.U.**

Appendix 2

**PROCEDURE FOR COMPLETION OF GARDA VETTING FORM**

A number of posts in TCD, especially in the areas of medicine, health, social work and education, require staff to undertake activities that will bring them into contact with the public and assume positions of trust. To ensure the protection of the public, and justify public trust and confidence, the University is committed to ensuring that only suitable candidates are recruited to these positions.

**PLEASE READ THIS LEAFLET CAREFULLY BEFORE COMPLETING YOUR GARDA VETTING FORM**

You must complete the attached Garda Vetting form fully and correctly and all convictions must be fully disclosed. Failure to do so may result in the offer of employment being withdrawn. Your completed form will be forwarded to the Garda Central Vetting Unit via the Human Resources Department.

**N.B.**

**Forms stamped by your Local Garda Station or forms forwarded by candidates personally to the Garda Central vetting Unit WILL NOT BE ACCEPTED.**

<b>Section of form</b>	<i>Explanation</i>
<b>Surname:</b>	Insert your current surname
<b>Previous Name:</b>	Insert any previous surname here (e.g. maiden name)
<b>Forename:</b>	Insert your forename / first name(s)
<b>Alias:</b>	If you are known by any name other than that / those on your birth certificate, please insert here (e.g. Michael Junior, Bridget/Breda/Bridie, Sean/Eoin/John)
<b>Date of birth:</b>	Insert your date of birth (day/month/year)
<b>City or town of birth:</b>	Insert the name of the city or town that you were born in (e.g. Cork City)
<b>Have you ever changed your name?</b>	If yes, tick 'yes' box, if no, tick 'no' box
<b>If yes, please state former name:</b>	Insert any previous names if applicable (e.g. in the event that were married on more than one occasion or that you have changed your name by deed poll etc.)
<b>Please state ALL addresses from year of birth to present date:</b>	It is very important that your current address and all previous addresses, including all addresses abroad, are provided. You must also insert the years that you resided at these addresses year from and year to. Please ensure that there is not a period of time unaccounted for (e.g. 1985 – 1987 and 1987 – 1992). These will be checked and if there is any time unaccounted for, the form will be returned to you.
<b>Have you ever been convicted of an offence in the Republic of Ireland or elsewhere?</b>	If no, tick 'no' box. If yes, tick 'yes' box and then please provide the details of conviction(s).
<b>Declaration:</b>	Please read this declaration carefully, sign and date it, and also print your name in block capitals underneath the signature. (BLOCK CAPITALS)



## Appendix 3

### **Guideline to criteria which may be considered when deciding on the suitability of applicants for positions in Trinity College Dublin**

The Decision Making Committee may, inter-alia, consider and take into account the following criteria in respect of an applicant for any position within Trinity College Dublin.

- Previous employment history
- Educational qualifications
- Skills and competencies pertaining to the position sought
- Performance at interview or job assessment
- Satisfactory reference from acceptable referees
- The nature and seriousness of any offence which may be recorded in respect of the individual
- Mitigating factors, if any, in favour of the individual
- The self-disclosure of any such offence by the individual
- The age of the individual at the time any such offence was committed by the individual
- The length of time elapsed since any such offence was committed by the individual
- The conduct of the individual in the time elapsed since any such offence was committed
- Rehabilitative efforts undertaken by the individual in the time elapsed since any such offence was committed
- Recidivism rate, if any, of the individual 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, or 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.

This is not a conclusive set of criteria. It is a general guideline to criteria the Decision Making Committee may consider and take into account when assessing the suitability of an individual for a position within Trinity College Dublin

## Appendix 4

### Staff requiring Garda Vetting

1. Staff associated with the following courses that, in the view of the Head of School, may have access to children or vulnerable adults;

#### Undergraduate Programmes

Addiction Studies

Clinical Speech and Language Studies

B.Ed. students attending Associated Colleges

Deaf Studies

Dental Hygiene

Dental Nursing

Dental Science

Education

Irish Sign Language/English Interpreting

Irish Sign Language Teaching

Medicine (NB Vetting may be carried out by the associated hospital)

Music Education

Nursing & Midwifery (NB Vetting may be carried out by the associated hospital)

Occupational Therapy (NB Vetting may be carried out by the associated hospital)

Physiotherapy (NB Vetting may be carried out by the associated hospital)

Radiation Therapy

Social Studies

#### Postgraduate Programmes

M.Sc. Applied Social Research

M.Sc. Clinical Speech and Language Studies

P.Grad. Dip. Clinical Speech and Language Studies (Dysphagia)

H.Dip.Ed.

M.Sc. Counselling Psychology

D.Clin. Psychology

P. Grad Dip. Applied Behavioural Analysis

H.Dip. Ed (primary)

Masters in Dental Surgery – Oral Medicine with Oral Pathology

Masters in Dental Surgery – Oral Surgery

Masters in Dental Surgery – Orthodontics

Masters in Dental Surgery - Paediatric Dentistry

Masters in Dental Surgery – Periodontics

Masters in Dental Surgery - Prosthodontics

Masters in Social Work

2. Staff involved in research groups / centres that, in the view of the Head of School, may have access to children or vulnerable adults specifically;

National Institute for Intellectual Disability

Children's Research Centre

3. Staff in the following areas;

Day Nursery  
Disability Service  
Security and Mail Services  
Student Counselling

4. All other staff who may have access to children and vulnerable adults as approved by the Director of HR, Deputy Director of HR or authorised signatory for Garda Vetting.