



# RCSI

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## **Garda Vetting Policy and Procedure**

### **Purpose**

A number of posts in RCSI, particularly in the areas of medicine, health, social work, research and education, require existing and incoming RCSI staff to undertake activities that will bring them into unsupervised contact with children and/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, RCSI is committed to ensuring that only suitably vetted persons are permitted into these positions of trust.

### **Scope**

This policy applies to all existing RCSI staff and those wishing to commence employment with RCSI, as well as those engaged by or acting on behalf of RCSI who will have unsupervised access to children and/or vulnerable adults in the course of their employment/engagement.

This policy is informed by legislation laid out in the [National Vetting Bureau \(Children and Vulnerable Persons\) Act 2012](#).

A “child”, for the purpose of this policy, is a person under 18 years of age. A “vulnerable person”, for the purpose of this policy, is 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.

Each applicant/existing staff member, subsequently referred to as vetting subject, must disclose any relevant information relating to the process of Garda Vetting to RCSI. This includes information relating to periods of residence outside the Republic of Ireland.

Information relating to requirements for Garda Vetting will be provided in an accurate, clear, consistent and timely manner to vetting subjects.

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

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acknowledges that RCSI's decision in this regard is final and consents to the offer/contract of employment being withdrawn if RCSI decides this is appropriate in the circumstances.

## **Procedure**

The following sections outline the various stages that are involved in the Garda Vetting process. Garda Vetting at RCSI is done electronically through the National Garda Vetting Bureau's online eVetting facility.

### **eVetting Steps:**

#### **Step 1**

The vetting subject manually completes and forwards to the Relevant Organisation (RCSI) a Vetting Invitation Form (obtained from the Relevant Organisation) and provides proof of identity.

#### **Step 2**

The Relevant Organisation validates proof of identity and sends the vetting subject an e-mail with a link attached inviting him/her to complete a Vetting Application Form.

#### **Step 3**

The vetting subject completes a Vetting Application Form online and submits it to the Relevant Organisation.

#### **Step 4**

The Relevant Organisation reviews the Vetting Application Form and submits it to the National Vetting Bureau.

#### **Step 5**

The National Vetting Bureau processes the application and forwards a vetting disclosure to the Relevant Organisation.

#### **Step 6**

The Relevant Organisation reviews the vetting disclosure

### **Decision Makers – Garda Vetting**

Where it is established that a vetting subject has a criminal conviction the following decision-makers will make determinations on behalf of RCSI.

- HR Director
- Garda Vetting Review Committee (GVRC)

### **Evaluation of information**

Once the vetting disclosure has been received, it is then reviewed by the RCSI Garda Vetting Review Committee and classified as follows:

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

Thereafter, the University will deal with the information as outlined below.

### **University response to information provided by National Vetting Bureau for incoming staff/contractors**

#### **(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 that, 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:

- ii. If the offence has not been disclosed the GVRC will discuss and assess the potential risk of the offence and decide whether to proceed with the offer. If deemed appropriate, the decision-makers may wish meet with the vetting subject 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 the explanation is found to be unsatisfactory, 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 vetting subject openly disclosed the offence

- i. If the offence has not been disclosed the GVRC will meet to discuss and assess the potential risk of the offence. If deemed appropriate, the decision-makers may also meet with the vetting subject. Other than in very exceptional circumstances, the vetting subject 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 GVRC will meet to discuss and assess the potential risk of the offence. If necessary, the decision-makers will meet with the vetting subject.
  - If there has been evidence of significant rehabilitation and/or evidence of appropriate behaviour modification by the vetting subject since the event took place, then the vetting subject 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 vetting subject they 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 vetting subject will be required to meet with the GVRC 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 vetting subject will be advised in writing of the University's decision. They may, within two weeks of the date of the letter, make an appeal to the University to have their case reviewed as outlined in the Appeal section below.

**(e) Specified Information**

In the case of a vetting disclosure containing specified information i.e. information which gives rise to a bona fide concern that the vetting subject may harm (or cause to be harmed) a child or a vulnerable person, the vetting subject will be required to meet with the GVRC 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 vetting subject will be advised in writing of the University's decision. They may, within two weeks of the date of the letter, make an appeal to the University to have their case reviewed as outlined in the Appeal section below.

## **International Police Clearance**

Garda Vetting only covers addresses in the Republic of Ireland and Northern Ireland.

If the applicant has resided outside Ireland for a period of 6 months or more they must also furnish a Foreign Police Certificate from the country or countries of residence. This Certificate should state that there have been no convictions recorded against them while residing there. This clearance must be dated after the date the applicant left the country/countries and must cover the full duration of residence in that country/countries. Seeking security clearances from other countries is the responsibility of the candidate.

## **Garda Vetting Of Existing Staff**

RCSI staff who were employed prior to the introduction of this policy and currently have access to children and/or vulnerable adults in the course of their employment/engagement may have to undergo Garda Vetting in the future. In the event of this, staff members will be informed of the need to complete a vetting application and be sent a National Vetting Bureau Form and will be asked to return it to RCSI HR.

Changes to the relevant legislation may require previously vetted staff to be re-vetted; such changes may also bring previously out of scope staff under the scope of this policy.

RCSI reserves the right to request any member of staff who has access to children and/or vulnerable adults as a necessary and regular part of their duties to undergo Garda Vetting at any time in their employment. If the member of staff confirms that they are refusing to return the Vetting Form, RCSI will consider the matter further and base the response on the available evidence at the time.

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.

## **Disclosure of Criminal Conviction**

It is RCSI policy to ask all applicants for positions within RCSI, 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) that is of a serious nature that would deem them unsuitable for appointment. All RCSI staff and job applicants must inform RCSI 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).

## **Appeal**

A decision not to confirm an offer of employment can be appealed by the applicant to the University within 14 days of issue of the decision. The appeal should be made in writing to the RCSI HR Representative and will be heard by the following:

- HR Director

None of the original decision makers shall hear the appeal. Full details of the applicant will be considered and the Human Resources Department will communicate a decision to the applicant. This decision shall be final and binding.

## **Getting Further Help**

The Human Resources department is available to support any member of staff in understanding or implementing the content of this policy and procedure.

## **Policy Review**

The Human Resources Department will ensure that this policy will be monitored and kept under review.

