



**RCSI**

# Student Vetting (Police Clearance) Disclosures Policy

RCSI DEVELOPING HEALTHCARE LEADERS WHO MAKE A DIFFERENCE WORLDWIDE

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## Background

The National Vetting Bureau (NVB) (Children and Vulnerable Persons) Act 2012 (as amended by the Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016) ("[Vetting Act](#)") came into effect on 29 April 2016 and requires the Royal College of Surgeons Ireland ("**RCSI**"), to obtain vetting disclosures in respect of any persons undertaking "*relevant work or activities*" relating to children or vulnerable persons on behalf of RCSI.<sup>1</sup>

Students completing the RCSI programmes listed below will be required to undertake "*relevant work or activities*" (relating to children or vulnerable persons) on behalf of RCSI, while completing placements, including with external agencies, as part of the educational and training requirements that form part of their programme. RCSI is, therefore, under a statutory obligation to obtain vetting disclosures in respect of any such students before they undertake any placement. RCSI is committed to ensuring that only appropriate persons will have the opportunity to access children or vulnerable persons as part of their programme. The student's continued registration on their programme is dependent on RCSI receiving, reviewing, and being satisfied with the contents of a vetting disclosure received from the National Vetting Bureau ("**NVB**") and an appropriate Police Clearance Certificate/Statutory Declaration or equivalent for non-Irish domiciled students.<sup>2</sup>

### 1. Which Students Need to be Vetted?

Vetting disclosures must be obtained for students on the programmes listed below (this list is subject to review as deemed necessary).

#### Undergraduate Programmes

1. RC001 Medicine
2. RC101 Graduate Medicine
3. RC004 Physiotherapy
4. RC005 Pharmacy
5. RC007 Dentistry

#### Postgraduate Programmes

5. MSc Physician Associate Studies

Students who join certain RCSI Clubs and Societies may also require vetting. Students who take part in volunteer or outreach activities may also be required to undergo vetting.

<sup>1</sup> "*Relevant work or activities*" relating to children and vulnerable persons is defined in Schedule 1, Part 1 and Schedule 1, Part 2 of the Vetting Act.

<sup>2</sup> "Domicile" refers to the student's country of permanent residence.

## 2. The Vetting Process

The following sections outline the various stages in the vetting process for all students undertaking “*relevant work or activities*” relating to children or vulnerable persons on behalf of RCSI.

### Stage 1 - Completion of the Vetting Invitation Form (NVB 1)

Registration/continued registration on an RCSI programme is conditional upon RCSI receiving and being satisfied with the contents of a vetting disclosure, as well as being satisfied that the person is suitable for the role, in advance of any placement being undertaken.

Once contacted, students must promptly complete and return the Vetting Invitation Form (NVB1) to the RCSI Registry at [gcvu@rcsi.ie](mailto:gcvu@rcsi.ie). This will initiate the vetting process (Appendix 1). Delays in returning a completed NVB1 may be deemed a breach of the Student Code of Conduct and the student may be subject to disciplinary procedures. The student is responsible for ensuring that the completed form has been submitted to RCSI Registry. If the student is under the age of 18, a completed Parent/Guardian Consent (NVB3) form must also be submitted (Appendix 2).

The information on the form may be used to determine if the student is permitted to carry out “*relevant work or activities*” under the Vetting Act and/or to determine if the student is suitable to continue as a student in RCSI.

### Stage 2 - Completion of the NVB online form

Within several days of submitting the Vetting Invitation Form (NVB1) to RCSI Registry, the student will receive an email to their RCSI email address from [evetting.donotreply@garda.ie](mailto:evetting.donotreply@garda.ie). The student will then be required to complete the NVB online form. The student should do so promptly within the timeframe indicated. Delays in completing the form may be deemed a breach of the Student Code of Conduct and the student may be subject to disciplinary procedures.

### Stage 3 - RCSI submits the application to the NVB

The completed online form is then electronically returned to the RCSI Vetting Liaison Officer. Once the Vetting Liaison Officer is satisfied that all sections of the form have been duly completed, and the student’s identity has been verified, the form is submitted to the NVB for processing.

### Stage 4 - NVB returns a vetting disclosure to RCSI

The NVB responds to the vetting request by providing a vetting disclosure letter to the Vetting Liaison Officer.

The NVB will return a vetting disclosure that includes either:

- (a) information regarding a criminal record, or other information, which may include:
  - (i) particulars of the criminal record (i.e. convictions and any pending prosecutions); and/or

- (ii) a statement of specified information<sup>3</sup> (if any), relating to the person being vetted;
- or**
- (b) a statement that there is no criminal record or specified information relating to the person being vetted (a “nil disclosure”).

The following is an example of the type of information that could be included in a vetting disclosure referenced at (a)(i) above:

Dáta na Cúirte / Court Date	Cúirt / Court	Cion / Offence	Toradh / Result
25/05/2018	Court No. 8 (CCJ)	No Insurance ( User)	Fine: €200
25/05/2018	Court No. 8 (CCJ)	Fail to Produce NCT Test Certificate ( User)	Taken Into Consideration
25/05/2018	Court No. 8 (CCJ)	Failure To Produce Insurance Certificate	Taken Into Consideration

#### Stage 5 - Confirmation of information contained in the vetting disclosure

In the event of a discrepancy between the information received from the student and the vetting disclosure received from the NVB, the student will be allowed an opportunity to clarify whether the information contained in the vetting disclosure is correct. If the student disputes any details contained in a vetting disclosure, they will be requested to outline the exact basis of the dispute, in writing, to the Vetting Liaison Officer, who will then submit the student’s report and the application file to the NVB. Further checks will be carried out by the NVB who will correspond with the Vetting Liaison Officer.

#### Stage 6 - Evaluation of information

Once the information in the vetting disclosure has been confirmed, it is then reviewed by the Vetting Liaison Officer in consultation with the Associate Director for Academic Affairs as appropriate and in keeping with relevant RCSI procedures to classify as follows:

- No previous convictions/specified information recorded
- Minor offences (including prosecutions or convictions)/specified information)
- Serious offences (including prosecutions or convictions)/specified information).

Thereafter, RCSI will deal with the information as outlined below in Section 5 RCSI’s Consideration/Evaluation of Information Contained in Vetting Disclosures.

<sup>3</sup> Defined as information concerning a finding or allegation of harm to another person that is received by the NVB from: (a) the Garda Síochána or (b) a scheduled organisation (pursuant to s19(1) or (2) of the Vetting Act), in respect of the person and which is of such a nature as to reasonably give rise to a *bona fide* concern that the person may (i) harm any child or vulnerable person (ii) cause any child or vulnerable person to be harmed; (iii) put any child or vulnerable person at risk of harm; (iv) attempt to harm any child or vulnerable person; or (v) incite another person to harm any child or vulnerable person.

### 3. The Vetting Process for Non-Irish-Domiciled Students

#### Police Clearance Certificates

Any student (aged 18 or over) who has been resident outside of Ireland for a continuous period of six months or more, is required to provide an original Police Clearance Certificate from the jurisdiction where they were previously resident. This Police Clearance Certificate must cover the period of residency in that country and confirm whether the student has any record of convictions whilst residing there. If this Certificate is not in English, the student must provide a certified English version.

If the student cannot provide a Police Clearance Certificate from a particular jurisdiction,<sup>4</sup> then the student may be asked to provide a statutory declaration to explain that a Police Clearance Certificate cannot be provided and that they have no criminal convictions current or pending. The statutory declaration should indicate if there is:

- (a) information regarding any criminal activity, or other information, which may include:
  - (I) particulars of the event and record i.e. convictions and any pending prosecutions; and/or
  - (II) any statements of concern relating to the person which may reasonably give rise to a concern that the person may: (i) harm any child or vulnerable person (ii) cause any child or vulnerable person to be harmed; (iii) put any child or vulnerable person at risk of harm; (iv) attempt to harm any child or vulnerable person; or (v) incite another person to harm any child or vulnerable person;

**or**

- (b) a statement that there is no criminal record or statements of concern relating to the person, specifically that the student does not have any convictions or concerns that would make them unsuitable to undertake relevant work or activities that involve having access to, or contact with, children or vulnerable persons.

Any disclosures will be evaluated in accordance with the procedures set out in section 5 below.

Delays in returning Police Clearance Certificate(s) may be deemed a breach of the Student Code of Conduct and the student may be subject to disciplinary procedures. The student is responsible for ensuring that the relevant documentation has been submitted to the RCSI Registry.

### 4. All Students - Provisional Registration

The student signs the RCSI Student Agreement in advance of registration, accepting that their registration is dependent upon the vetting requirements being met.

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<sup>4</sup> This could be in the case of political upheaval in the country in question.

The student's continued registration on a programme is strictly subject to RCSI receiving and being satisfied with the required documentation as appropriate:

- Vetting disclosure received from the NVB
- Police Clearance Certificate(s)/Statutory Declaration(s)
- Evidence of good standing from Sponsors

## 5. RCSI's Consideration/Evaluation of Information Contained in Vetting Disclosures

The decision regarding the student's suitability to undertake relevant work or activities on behalf of RCSI, and the decision to continue the student's registration, is at the discretion of the Vetting Liaison Officer in consultation with the Associate Director for Academic Affairs, and subject to the relevant RCSI regulations and policies.

In all cases, a copy of vetting disclosures will be retained on the student's file.

RCSI may classify the vetting disclosures as follows:

### a) **No criminal record/no specified information**

If a nil disclosure is returned, the student's registration will be completed/confirmed.

### b) **Minor offences (including prosecutions or convictions)/specified information**

With regard to minor offences, i.e. offences which, within the relevant RCSI guidance and at the absolute discretion of the Vetting Liaison Officer are not considered to pose any risk to children or vulnerable adults, and which have been declared in advance by the student, the Vetting Liaison Officer will record these on the student's file.

If the criminal record/specified information has not been disclosed by the student, the Vetting Liaison Officer will write to the student seeking an explanation for the non-disclosure. This non-disclosure constitutes a breach of the Code of Conduct and may mean the student is subject to disciplinary proceedings which could result in their expulsion/discontinuation.

### c) **Serious offences (including prosecutions or convictions)/specified information**

With regard to serious offences, i.e. offences which, in RCSI's view, could potentially indicate a risk to children or vulnerable adults, the Vetting Liaison Officer will inform the Associate Director for Academic Affairs, who will review the matter under the RCSI Disciplinary Regulations. The Vetting Liaison Officer will write to the student to inform them that their return is being considered under the Disciplinary Regulations.

If the criminal record/specified information has not been disclosed by the student, the Vetting Liaison Officer will write to the student seeking an explanation for their non-disclosure. This failure to disclose constitutes a breach of the Code of Conduct. The student will be informed that their return to the programme is being considered under the Disciplinary Regulations which could result in a sanction up to and including expulsion/discontinuation.

The student's ongoing registration is conditional upon RCSI receiving a vetting disclosure, and being satisfied with the contents; as well as being satisfied that the person is suitable for the role. RCSI can, therefore, decide to discontinue the student based on information contained in a vetting disclosure. This decision will take into account the safety of children and vulnerable adults and may also be impacted by the requirements of relevant professional bodies.

## **6. Completion of the Vetting Process**

Students who have satisfactorily completed the vetting process will be approved to continue on the register as students of RCSI.

RCSI reserves the right to pause or terminate the student's registration if the student does not comply with the vetting requirements.

## **7. Appeals**

If the student is dissatisfied with a decision made as a result of the Vetting process, the student may appeal to have their case reviewed under the RCSI Appeals Regulations if:

- New evidence that directly impacts the decision becomes available
- There is evidence of procedural or administrative irregularity that may have impacted the decision

To appeal, students should follow the RCSI appeals policy.<sup>5</sup>

## **8. Re-vetting**

RCSI may require all students undertaking relevant work or activities on behalf of RCSI to be re-vetted in accordance with section 20 of the Vetting Act (once commenced).

Given the duration of degree programmes, RCSI reserves the right, at its discretion, to require students to undergo a further vetting process at any time.

Students are also under a continuing obligation to disclose to the RCSI Garda Vetting Liaison Officer and/or the Director of Academic Affairs any criminal investigation,<sup>6</sup> criminal charge, pending prosecution and/or conviction of an offence arising during their studies whether in the Republic of Ireland or elsewhere.

## **9. Costs**

The student is liable for any costs that may arise as part of the University's vetting process.

## **10. Confidentiality and Data Protection**

All information submitted and received as part of the vetting process will be managed and protected in line with the Vetting Act and according to data protection law.

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<sup>5</sup> The RCSI Student Appeals Policy is available on the [SARA Moodle page](#).

<sup>6</sup> Criminal investigations include being arrested or interviewed under caution by a police officer whether in the Republic of Ireland or elsewhere.



