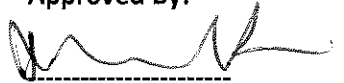


Written By:

  
Gerry Hegarty  
Student Affairs Manager

Approved By:

  
Brendan McCormack, PhD  
Registrar

**Policy Title: IT Sligo Policy regarding Applicants with Criminal Convictions**

1. This policy relates to applicants to all IT Sligo Programmes. IT Sligo (the “Institute”) actively promotes equality of opportunity and is keen to encourage a diverse student population with a wide range of talents, backgrounds and experiences. Having a criminal conviction will not necessarily prevent an applicant from gaining admission to the Institute. However, the Institute will take any relevant criminal convictions of a prospective applicant into account when considering applications for admission, and reserves the right to refuse to admit an applicant where his/her previous criminal conviction makes it inappropriate for him/her to be admitted.

All applicants, including those applying to the Institute through the Central Applications Office (**CAO**) and the Postgraduate Applications Centre (**PAC**), are required to disclose any Relevant Conviction when applying for admission to the Institute. If information relating to offences is not given or is given in incomplete form, then the Institute reserves the right at any stage (including after an offer of a place has been made, or after registration) to reject the application. Applicants also agree where required to submit to additional criminal record checks and submit to the Institutes policy on Garda Vetting.

A relevant criminal conviction (“**Relevant Conviction**”) is:

- a. any conviction in Ireland or abroad for an offence against the person, whether of a violent or sexual nature (whether or not a custodial sentence was imposed in respect of such conviction); or
- b. any conviction in Ireland or abroad for an offence involving unlawfully supplying controlled drugs or substances where the conviction concerns commercial drug dealing or trafficking (whether or not a custodial sentence was imposed in respect of such conviction).

For the avoidance of doubt, a conviction or finding of guilt to which section 258 of the Children Act, 2001 applies is not considered to be a Relevant Conviction<sup>1</sup>.

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<sup>1</sup> Children Act 2001

## Process

2. In reaching a decision regarding the admission of an applicant with a Relevant Conviction, the Institute will balance the interests of the applicant (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. In addition, the Institute may take into account the demands of various professional bodies and requirements under the law to protect special categories of people, for example children and vulnerable adults.

3. A number of the Institute's programmes, especially in the areas of education, community and youth work, require students to undertake placements that will bring them into contact with children or vulnerable adults and in which they will assume positions of trust. Having regard to the protection of the public, the Institute is committed to ensuring that only suitable candidates are allowed to undertake these programmes.

The Institute uses the Garda Central Vetting Unit (GCVU) vetting service to assess the suitability of such applicants, and in some cases, may also require applicants to provide an enhanced disclosure by the completion of an affidavit. Therefore, offers on these programmes are conditional and could subsequently be withdrawn if applicants do not meet the Garda Vetting requirements of the Institute.

4. The Institute will take any Relevant Conviction of a prospective applicant into account when considering applications for admission to any IT Sligo course, and reserves the right to refuse to admit an applicant where his/her previous criminal conviction makes it inappropriate for him/her to be admitted.

5. The Institute requests that any information on offences, or any disclosure documents, be sent under separate, confidential cover, to the Student Affairs Manager, IT Sligo, Ash Lane, Sligo. We assure applicants that this information will be only used for the purposes of processing their applications and will only be seen by those who need to consider it as part of our admissions process and that it will not be retained longer than is necessary for the purposes of admission. Applicants are also entitled to access their personal data and to have any inaccurate, incomplete or misleading data amended or erased. Applicants for undergraduate study should note that the information should be submitted as early as possible but no later than May 1st.

6. The Institute may require the applicant to provide information from other third parties who may have a view on the above matters. The parties may include probation officers and others who are professionally or personally involved in the rehabilitation of or familiar with the applicant.

7. Where a Relevant Conviction has been disclosed to the Institute by an applicant in the admissions process, the Relevant Conviction will be reviewed by the relevant departmental academic staff member and the Student Affairs Manager as part of the admissions process. In many cases, the

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Section 258 of the Children Act 2001 provides that where a person is under 18 years at the date of the commission of an offence (other than an offence that falls to be tried by the Central Criminal Court), they may not be required to disclose the conviction after three years has elapsed since the conviction, and provided they have not been convicted during that 3 year period.

relevant departmental staff member and the Student Affairs Manager may go on to seek further background information on circumstances surrounding the Relevant Conviction. In particular they may consider any or all of the following:

whether the Relevant Conviction or other matter revealed is relevant to the programme on offer (including any secondments or placements);

the seriousness of any offences;

the number of any offences;

the time elapsed since the offences;

whether the offences show a pattern of behaviour that seems to be recurrent and ongoing;

whether the offences involve violence or threats of violence;

whether the circumstances surrounding the offences were unique;

whether the applicant's circumstances have now changed; and

what evidence the applicant produces to support the view that the applicant is unlikely to offend again.

The Institute may also have regard to any representations made by or on behalf of the applicant in relation to the application.

8. Where an applicant has declared or disclosed a Relevant Conviction to the Institute the applicant's case will, as stated above, be considered initially by the Student Affairs Manager and the relevant academic staff member. If the applicant's case is straightforward, it may be decided at that stage that an offer will not be refused because of the Relevant Conviction.

If the applicant's case requires further consideration, the applicant's case will be referred to the Registrar. The Registrar may decide that an offer of a place will not be refused because of the Relevant Conviction, or may refer the application to the Standing Committee on the Admission of Students with Criminal Convictions (the "**Standing Committee**"). A decision to refuse an application for admission or to attach conditions to an offer of a place because of a Relevant Conviction can only be taken by the Standing Committee. The Standing Committee shall consider the application and the evidence received in relation to it. It shall have regard to any representations made by or on behalf of the applicant and may make such inquiries as it sees fit. It shall notify the applicant of the outcome of its deliberations as soon as practicable. Such notification shall always be in writing. If admission has been refused because of a Relevant Conviction, then the notification will give the reasons why. If admission has been approved subject to conditions, then on accepting an offer of a place, the applicant will be deemed to have accepted such conditions.

Any of the Student Affairs Manager, the Registrar or the Standing Committee may consult with the Head of Security as to whether, having regard to the Relevant Conviction, if an offer of a place was to be made, any conditions should be attached to an offer of a place. Depending on the nature of the conditions being considered, it may be necessary to consult with other Institute staff members

including the Head of the Department to which any proposed condition relates. As set out above, a decision to attach such conditions can only be taken by the Standing Committee.

9. An applicant has the right to appeal any decision of the Standing Committee to the President. Appeals must be registered by writing to the President within 14 days of receiving written notice of the outcome of a hearing.

10. If a student obtains a Relevant Conviction after admission then the matter shall be dealt with under the procedures set out in the Code of Discipline for Students. Factors mentioned under paragraph 7 above may again be considered.

Membership of the Standing Committee:

Registrar, Student Affairs Manager, Head of Department, Head of School, Programme Coordinator, Head of Security, Legal Representative

11. If an applicant feels that they have been unfairly treated or are not satisfied with our decision in relation to this policy, it is open to them to contact the Office of the Ombudsman. By law the Ombudsman can investigate complaints about any of our administrative actions or procedures as well as delays or inaction in your dealings with us. The Ombudsman provides an impartial, independent and free dispute resolution service.

Contact details are as follows:

Office of the Ombudsman  
18 Lower Leeson Street  
Dublin 2  
Tel: Lo-call 1890 22 30 30  
Tel: 01 639 5600  
Fax: 01 639 5674  
Email: [ombudsman@ombudsman.gov.ie](mailto:ombudsman@ombudsman.gov.ie)  
[www.ombudsman.ie](http://www.ombudsman.ie)

## 12. Revision History

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Revision No	Description of Change	Approved by	Issue Date
0	New Policy	Academic Council	14/6/2013