

Policy Title: Student Vetting

Policy Number: ADM / 017

Date 11/06/2018	Date Policy to 29 April	
Approved:	take effect: 2016	
Written by	Gerry Hegarty Student Services Manager	
Approved by:		
Approving Authority:	Academic Council 11/06/2018	
Head of Function responsible:	Colin McLean Registrar	
Reference Documents:	National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016	

Revision History

Revision No	Description of Change	Issue Date	Status
004	Added course		Approved by Academic council 11/6/2018
003	Updates Appendix 4	January 2018	Approved by Academic Council 12 February 2018
002	Updated		Approved by Academic Council
001	Updated		Approved by Academic Council
00	New policy and Procedure consequent on The National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016 coming into force	April 2016	Approved by Academic Council

1. Purpose

1.1 Background

The National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016 (**the Act**) provides a statutory basis for mandatory vetting of persons (including students) who wish to undertake work placements and/or any other activities that amount to “*Relevant Work or Activities*” for the purpose of the Act.

In summary, the phrase “*Relevant Work or Activities*” encompasses a wide array of work and activities that involve contact with or access to children and/or vulnerable adults. Schedule 1 of the Act sets out a list of what specifically constitutes “*Relevant Work or Activities*” for the purpose of the Act. A copy of Schedule 1 is attached at Appendix 1.

1.2 Purpose of this Policy

In so far as student placements are concerned, the Act states that “*a provider of any course of education, training or scheme*” shall not “*make arrangements for the placement of a person as part of such education, training or scheme, if a necessary and regular part of such placement requires the participation of the person in relevant work or activities, unless the organisation receives a vetting disclosure from the Bureau in respect of that person*”.

IT Sligo 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. To meet our obligations under the Acts, registration on these programmes is conditional on students successfully clearing the Student Vetting process described below.

To this end, it is necessary for IT Sligo and the organisation accepting the student’s placement to ensure a vetting disclosure is obtained from the National Vetting Bureau (NVB) for every student who is to take part in such a placement. IT Sligo will usually have responsibility for obtaining the vetting disclosure and sharing the outcome with the placement provider concerned.

2. Scope

All students or applicants in receipt of an offer, on the following courses will be subject to Vetting:

Undergraduate Programmes

SG134 Applied Sport with Business
SG135 Tourism with Event Management(level 7)
SG148 Tourism with Event Management(level 8)
SG147 Sport with Business
SG235 Performing Arts(Theatre Design)
SG236 Performing Arts (Acting)
SG243 Social Care Practice
SG241 Performing Arts
SG242 Early Childhood Care and Education
SG435 Health Science and Physiology
SG447 Health Science and Physical Activity
Public Health & Health Promotion (add-on)
Certificate in Introductory Counselling Skills

Post Graduate Programme

Masters of Arts in Social Work

IT Sligo reserves the right to request any student to undergo the Institute's Garda Vetting procedures. Any student who may be dealing with children and other vulnerable groups may be requested to undergo Garda Vetting even where this is incidental to participation in the programme concerned. Students holding positions of trust (Class reps, Peer Mentors, Officers of Clubs and Societies) may be subject to Garda Vetting so that only suitable candidates will be allowed take up such positions. Students applying for admission to the college who have a criminal conviction should notify the Student Affairs Manager in advance in accordance with the provisions of the IT Sligo Criminal Convictions Policy. Students who fail to do so may encounter difficulties further into their studies that may prevent them from being able to achieve the learning outcomes for their chosen programme.

3. Procedure Description

4. 3.1 Student Vetting

Student Vetting refers to the process where students/prospective students receive a vetting invitation form from the Institute. This form is returned to the Institute. Proof of identity is established from the existing student records systems. The Institute will forward the student's details to the National Vetting Bureau (NVB). The NVB will send an email to the student/prospective student, instructing them to complete the full vetting form. Once this is returned to the NVB, it will be checked against the NVB databases for any "*criminal record*" and any "*specified information*" in relation to the student. For the purpose of the Act and indeed this policy, the terms "*criminal record*" and "*specified information*" have the following meanings.

- Criminal Record means:
 - a) A record of the person's convictions whether within or outside the state, for any criminal offences, together with any ancillary or consequential orders made pursuant to the convictions concerned, and/or
 - b) A record of any prosecutions pending against the person, whether within or outside the state for any criminal offence,

- Specified Information means:

Information concerning a finding or allegation of harm to another person that is received by the NVB from:

 - a) The Garda Síochána pursuant to an investigation of an offence or pursuant to any other function conferred on the Garda Síochána by or under any enactment or the common law, or
 - b) A scheduled organisation as defined in the Act

Which information is of such a nature as to reasonably give rise to a bone 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.

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 IT Sligo's Vetting requirements, IT Sligo reserves the right to reject their application and, where applicable, withdraw the course offer and/or cancel their registration.

3.2 General Principles

3.2.1 Where in this policy and procedure reference is made to any named Institute office-holder, such reference is to be read as including reference to his/her appointed nominee.

3.2.2 If the student fails or refuses to engage with the procedure provided for herein the Institute has the right to continue with the procedure.

3.2.3 Should a student be unwilling or unable to participate at any level of this Policy and procedure or to attend a meeting/assessment, the Institute may nonetheless follow this Policy and procedure where it is reasonable to do so. The Institute may, where it is reasonable to do so, deal with issues on the basis of written reports and/or statements in the absence of the student. In addition, the Institute may consider any request from a student to proceed with a meeting in his/her absence on the basis of written reports and/or a written statement from the student.

3.2.4 The Institute cannot guarantee the acquisition of suitable work placements for students. Work placements are provided at the discretion of the placement provider.

3.3 Student Vetting Procedure

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 IT Sligo and/or give information in an incomplete or inaccurate form are liable to have their applications rejected and/or course offers withdrawn and/or registration cancelled by IT Sligo.

The Vetting Process will be carried out in stages as follows:

Stage 1. Completion of Vetting Invitation

Students (or prospective students) are sent a Vetting invitation in person or by post, together with the instructions for its completion. The Liaison Person for student vetting with the NVB is the Student Affairs Manager, IT Sligo. The form must be returned to the Liaison Person within one week of receipt. An applicant who is under 18 years of age at the point of completing the Vetting form must complete and submit an additional Vetting Parent/Guardian Consent Form.

Stage 2. Completion of NVB form online

Student details from the completed Vetting Invitation form will be entered into the NVB database. The NVB will then email the student with further instruction to complete the next stages of the process online. Once the 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 and will search against their databases for any information of relevance. For each application they will return a disclosure to the Liaison Person.

Stage 4. Verification of Information Disclosed

The disclosure will contain Nil information if the NVB have no relevant information to reveal. If the disclosure contains details of a criminal record and/or specified information, the Liaison Person will as soon as is reasonably practicable make available a copy of the vetting disclosure to the student concerned. If the student does not agree that the information supplied by the NVB is correct, and wishes to have it verified, they will be advised to contact the NVB to review the information disclosed and confirm or amend its initial response.

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 will be deemed to have cleared the vetting process. If information is disclosed 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.

Stage 6. Assessment of any criminal record/specified information disclosed

(a) Vetting disclosures containing details of a criminal record/specified information deemed to be of a minor nature

In the event the Liaison Person considers a disclosure to be minor (for instance, a disclosure the nature of which is not considered to pose any risk to children, vulnerable adults or the wider community) then the information contained on the vetting disclosure may be discussed with the student by the Liaison person and if the Liaison Person is satisfied thereafter to clear the student as having passed the vetting procedure, he/ she will do so.

If, however, the Liaison person is not fully satisfied to deem the student to have cleared the vetting process, then the Liaison Person can refer the matter to stage 6 (b) below.

(b) Vetting disclosures containing details of a criminal record or specified information deemed to be of a more serious nature and/or referrals by the Liaison Person where he/she has not cleared the student under Stage 6(a).

In the event the Liaison Person considers a disclosure to be serious (for instance a disclosure the nature of which could indicate a potential risk to children, vulnerable adults or the wider community) or if for some reason the Liaison person is not satisfied to deem the employee to have cleared the vetting process under stage 6(a) above, then the matter will be referred to a Student Vetting Review Committee comprising the IT Sligo Liaison Person, the relevant Head of Department and/or the relevant Programme Coordinator. The Student Vetting Review Committee 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. Please see Appendix 2 attached for a non-exhaustive list of the factors that are taken into account when considering criminal records/specified information contained on an NBV vetting disclosure.

Stage 7. Communication of the outcome of student vetting

Following completion of the process, the student will be advised of the outcome by the Liaison Person. Where students have successfully cleared the vetting process, this outcome will be shared with the Placement Provider where a written agreement (Appendix 4) exists between the Institute and the Placement Provider.

If the outcome of the evaluation by the Student Vetting Review Committee is that the student is not suitable to enter/continue in the programme then their application will be rejected and/or their course offer will be withdrawn and/or or their registration will be cancelled.

3.4 Appeal of the decision of the Vetting Review Committee

In the event that the student is dissatisfied with the decision of the IT Sligo Student 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 Registrar, requesting a review of the case. The Registrar will assemble an Appeal Committee on Garda Vetting to review the decision. The IT Sligo Appeals Committee on Vetting will comprise the Registrar (or nominee) (Chair) and two members of Academic Council that do not have a conflict of interest. The members of the IT Sligo Student Vetting Appeals Committee will not have been involved in any prior decisions related to the case.

3.4.1 Grounds of Appeal

A student may appeal the decision of the IT Sligo Student Vetting Review Committee on any of the following grounds:

- i. Incorrect process - There was a procedural error which gives rise to a reasonable doubt as to whether the IT Sligo Student Vetting Review Committee would have reached the same decision if it had not occurred;
- ii. New evidence – There is new evidence which the IT Sligo Student Vetting Review Committee was unaware of when making its original decision which might reasonably have resulted in a different decision;
- iii. Other Specified/stated grounds – There are grounds to the effect that the IT Sligo Student Vetting Review Committee’s decision was based on erroneous information or interpretation.

The IT Sligo Appeals Committee on Vetting shall consider each appeal on 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 IT Sligo Appeals Committee on Garda Vetting for the case under review. In evaluating an appeal, the IT Sligo Appeals Committee on student Vetting may speak with the Liaison Person, Programme Coordinator and Head of Department 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 IT Sligo Appeals Committee on Vetting may seek further written information from the appellant (student). The IT Sligo Appeals Committee on Vetting may decide to uphold the decision or amend the outcome of the Vetting procedure outlined above 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, Programme Coordinator and the Head of Department concerned. The decision of the Appeal Committee on Student Vetting will be final and binding.

3.5 Section 14 A Exception

Section 14 A of the Act specifies certain convictions that are not required to be disclosed for the purposes of vetting disclosures. See Section 14A of the Act attached at Appendix 3 for details of same. Other than in the limited circumstances outlined in Section 14 A, all convictions will be disclosed on any vetting disclosure that issues from the NVB and must be disclosed by the student as usual as part of the vetting disclosure application process.

3.6 Duration of an IT Sligo Garda Vetting clearance

Normally, the Institute's Garda Vetting Procedure will be implemented in Year 1 of the relevant programme. However, it could occur later.

Students should be aware that IT Sligo 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 will be vetted or re-vetted if information concerning their suitability to work with children or vulnerable adults comes to the attention of IT Sligo.

Students on any programmes subject to this policy and who become the subject of a criminal charge/prosecution/conviction during the course of their studies are required to immediately notify IT Sligo's Student Affairs Manager.

4.0 Records

Records generated under this procedure will be held by the Admissions Office in accordance with the provisions of the Data Protection Acts.

APPENDIX 1**SCH.1 [2012.], [No. 47.], Section 2.****National Vetting Bureau (Children and Vulnerable Persons) Act 2012****SCHEDULE 1****PART 1****RELEVANT WORK OR ACTIVITIES RELATING TO CHILDREN**

- 1** Any work or activity which is carried out by a person, a necessary and regular part of which consists mainly of the person having access to, or contact with, children in—
 - a) an establishment which provides pre-school services within the meaning of Part VII of the Child Care Act 1991,
 - b) a school or centre of education, both within the meaning of the Education Act 1998,
 - c) any hospital or health care centre which receives, treats or otherwise provides services to children,
 - d) a designated centre within the meaning of section 2 of the Health Act 2007, in so far as it relates to an institution at which residential services are provided in accordance with the Child Care Act 1991,
 - e) a special care unit provided and maintained in accordance with section 23K of the Child Care Act 1991,
 - f) a children detention school within the meaning of section 3 of the Children Act 2001,
 - g) a reception or accommodation centre which provides residential accommodation services to applicants for asylum under contract to the Department of Justice and Equality.
- 2** Any work or activity which consists of the provision of home tuition by a person pursuant to the Scheme administered and funded by the Department of Education and known as the Home Tuition Scheme.
- 3** Any work or activity which consists of treatment, therapy or counselling provided to a child by a person in the course of that work or activity.
- 4** Any work or activity which consists of care or supervision of children unless the care or supervision is merely incidental to the care or supervision of persons who are not children.
- 5** Any work or activity which consists of the provision of educational, training, cultural, recreational, leisure, social or physical activities (whether or not for commercial or any other consideration) to children unless the provision of educational, training, cultural, recreational, leisure, social or physical activities is merely incidental to the provision of educational, training, cultural, recreational, leisure, social or physical activities to persons who are not children.
- 6** Any work or activity which consists of the provision of advice, guidance or developmental services (including by means of electronic interactive communications) to children unless the provision of the advice, guidance or developmental service is merely incidental to the provision of those services to persons who are not children.

- 7 Any work or activity as a minister or priest or any other person engaged in the advancement of F19 [any religious beliefs to children unless such work or activity is merely incidental to the advancement of religious beliefs to persons who are not children].
- 8 Work as a driver of a public service vehicle which is being used only for the purpose of conveying children.
- 9 The provision by a person, whether or not for commercial or other consideration, of accommodation for a child in his or her own home.
- 10 Any research work or activities (howsoever described) carried out in a university, institute of technology or other establishment at which third level education is provided where a necessary and regular part of the research work or activity involves contact with or access to children.
- 11 Any application by a person to carry on or manage a designated centre within the meaning of section 2 of the Health Act 2007.
- 12 Any application by a person for a declaration of eligibility and suitability within the meaning of section 3 of the Adoption Act 2010.
- 13 Any assessment of a person's suitability to act as a foster carer by or under section 39 of the Child Care Act 1991.
- 14 Any assessment by or under section 41 of the Child Care Act 1991 of a person's suitability to act as a carer of a child in respect of whom he or she is a relative.
- 15 Any work or activity which is carried on by a person, a necessary and regular part of which requires the person to have access to, or contact with, children pursuant to the following enactments:
 - a) Medical Practitioners Act 2007;
 - b) Nurses Act 1985;
 - c) Nurses and Midwives Act 2011;
 - d) Dentists Act 1985;
 - e) Health and Social Care Professionals Act 2005;
 - f) Pharmacy Act 2007;
 - g) Pre-Hospital Emergency Care Council Order 2000 (S.I. No. 109 of 2000);
 - h) Pre-Hospital Emergency Care Council (Establishment). Order 2000 (Amendment) Order 2004 (S.I. No. 575 of 2004).

Annotations Amendments:

F19 Substituted (29.04.2016) by Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016 (4/2016), s. 27(a), 5.1. No. 215 of 2016.

SCH.1 [2012.], [No. 47.], Section 2.

National Vetting Bureau (Children and Vulnerable Persons) Act 2012

PART 2

RELEVANT WORK OR ACTIVITIES RELATING TO VULNERABLE PERSONS

- 1** Any work or activity which is carried out by a person, a necessary and regular part of which consists mainly of the person having access to, or contact with, vulnerable persons in-
 - a) a school or centre of education, both within the meaning of the Education Act 1998, unless, in the case of a centre of education, the work or activity is merely incidental to work or activities undertaken in relation to persons who are not vulnerable persons,
 - b) any hospital or care centre which receives, treats or otherwise which provides services to vulnerable persons,
 - c) a designated centre within the meaning of section 2 of the Health Act 2007, in so far as it relates to an institution at which residential services are provided to vulnerable persons,
 - d) an approved centre within the meaning of Part 5 of the Mental Health Act 2001.
- 2** Any work or activity which consists of treatment, therapy or counselling provided to a vulnerable person by a person in the course of that work or activity.
- 3** Any work or activity which consists of the care (including the provision of health and personal social services and essential domestic services) of vulnerable persons unless the care is merely incidental to the care of persons who are not vulnerable persons.
- 4** Any work or activity which consists of the provision of educational, training, cultural, recreational, leisure, social or physical activities (whether or not for commercial or any other consideration) to vulnerable persons unless the provision of educational, training, cultural, recreational, leisure, social or physical activities are merely incidental to the provision of educational, training, cultural, recreational, leisure, social or physical activities to persons who are not vulnerable persons.
- 5** Any work or activity which consists of the provision of advice, guidance or developmental services (including by means of electronic interactive communications) to vulnerable persons unless the provision of the advice, guidance or developmental service is merely incidental to the provision of those services to persons who are not vulnerable persons.
- 6** Work as a driver of a public service vehicle which is being used only for the purpose of conveying vulnerable persons.
- 7** Any work or activity as a minister or priest or any other person engaged in the advancement of F20 [any religious beliefs to vulnerable persons unless such work or activity is merely incidental to the advancement of religious beliefs to persons who are not vulnerable persons].
- 8** The provision by a person, whether or not for commercial or other consideration, of accommodation for a vulnerable person in his or her own home.

- 9** Any research work or activities (howsoever described) carried out in a university, institute of technology or other establishment at which third level education is provided where a necessary and regular part of the research work or activity involves contact with or access to vulnerable persons.
- 10** Any assessment of a person's suitability to act as a care representative under section 21 of the Nursing Homes Support Scheme Act 2009.
- 11** Any application by a person to carry on or manage a designated centre both within the meaning of section 2 of the Health Act 2007.
- 12** Any work or activity which is carried on by a person, a necessary and regular part of which requires the person to have access to, or contact with, vulnerable persons pursuant to the following enactments:
- a) Medical Practitioners Act 2007;
 - b) Nurses Act 1985;
 - c) Nurses and Midwives Act 2011;
 - d) Dentists Act 1985;
 - e) Health and Social Care Professionals Act 2005;
 - f) Pharmacy Act 2007;
 - g) Pre-Hospital Emergency Care Council (Establishment) Order 2000 (5.1. No. 109 of 2000);
 - h) Pre-Hospital Emergency Care Council (Establishment) Order 2000 (Amendment) Order 2004 (S.I. No. 575 of 2004).

Annotations Amendments:

F20 Substituted (29.04.2016) by Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016 (4/2016), s. 27(b), 5.1. No. 215 of 2016.

APPENDIX 2**Factors that are taken into account when considering criminal records/specified information disclosed on an NVB vetting disclosure.**

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, Institute 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 criminal record or specified information disclosed on a vetting disclosure:

- Nature of the offence(s);
- Seriousness of the offence(s);
- Sentence imposed;
- Whether there is a pattern of recidivism or repeat offending;
- 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.

A copy of the Assessment Form below will be kept on file.

Student Garda Vetting Assessment Template

Student Name: **Student No:**

Course Title:

The following points were considered in the assessment (delete as appropriate):

The extent to which the offence(s):

- Give rise to concerns about a person’s suitability to practice their chosen profession.
- Is/are relevant to participation in the programme
- Give rise to concerns about the student’s suitability to have one-to-one contact with children or other vulnerable groups?
- Would require the individual to receive supervision as part of their programme/future work?
- Give rise to concerns about the person in question having direct responsibility for finance or items of value?
- Give rise to concerns about the student’s suitability to have direct contact with the public?
- Give rise to a risk to the safety of other students, employees, customers, clients or property?

Also considered:

- The extent to which it is likely the student will be presented with opportunities to re-offend in the course of programme/future work?
- The length of time since the offence occurred & age at the time of offence
- Any relevant information offered by the applicant about the circumstances, which led to the offence being committed, for example, the influence of domestic or financial difficulties?
- Was the offence a one-off, or part of a history of offending?
- Have the applicant’s circumstances changed since the offence was committed?
- In what country was the offence was committed?
- What degree of remorse, or otherwise, is expressed by the applicant and their motivation to change?
- Any evidence the applicant produces to support the view that the applicant is unlikely to offend again.

The information supplied by Garda Central Vetting Unit on the student named above has been assessed by reference to the criteria outlined and we have concluded that the student is suitable/not suitable for continued participation in the programme and that s/he can be recommended/cannot be recommended for placement.

Programme Coordinator Signature: Date: /..... /.....

Head of Department Signature: Date: /..... /.....

Student Affairs Manager Signature: Date: /..... /.....

APPENDIX 3

Pr. 3, S. 14. [2012.], [NO. 47.]

National Vetting Bureau (Children and Vulnerable Persons) Act 2012

F13 [Certain convictions are not required to be disclosed

14A. – (1) This section applies to a conviction by the District Court of a in respect of an offence where the following conditions are met in respect of the conviction:-

- a) the person to whom the conviction relates shall be a natural person and have attained the age of 18 years at the date of the commission of the offence which is the subject of the conviction concerned;
- b) the offence shall not be an excluded offence;
- c) not less than 7 years has passed since the effective date of conviction;
- d) the person shall have served or otherwise undergone or complied with any sentence imposed, or order made by the court in dealing with the person in respect of the conviction concerned.

(2) Subject to subsection (4), this section shall apply in respect of one single conviction only and where a person has more than one conviction this section shall not apply to that person.

- e) (3) Where in any proceedings before a court, a person is convicted of 2 or more offences which are committed simultaneously or arise from the same incident, and the court in passing sentence, imposes more than one sentence in respect of those offences, the convictions imposed shall be regarded as one single conviction.

(4) Subsection (2) shall not apply to a conviction imposed on a person in respect of an offence:

- a) under the Road Traffic Acts 1961 to 2014, other than section 53(2) of the RoadTraffic Act 1961,
- b) under section 37A of the Intoxicating Liquor Act 1988,
- c) under section 4, 5, 6, 7, 8, 8A (4) or 9 of the Criminal Justice (Public Order) Act 1994.

1 (5) In this section:

'effective date of conviction' means, in relation to the imposition by the district Court of a sentence for an offence, the date on which the sentence becomes operative in accordance with the order of the court; 'excluded offence' means:

- a) an offence specified in Schedule 3, or
- b) an offence specified in Part 1 or 2 of Schedule 1 of the Criminal Justice (Spent Convictions and Certain disclosures) Act 2016.

2 For the purposes of this section a criminal conviction of a person by the District Court:

- a) which is appealed by the person to the Circuit Court, and
- b) is affirmed or varied by the Circuit Court, shall, as so affirmed or varied by the Circuit Court be treated as if it were a conviction of the District Court.

Annotations Amendments:

F13 Inserted (29.04.2016) by Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016 (4/2016), s. 21, 5.1. No. 215 of 2016.

Editorial Notes:

E4 The section heading is taken from the amending section in the absence of one included in the amendment.

APPENDIX 4

Agreement on Student Vetting – IT Sligo and

Enter name of placement provider

In summary, the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016 (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.

In the Acts, a child is defined as a person under the age of 18 years. A vulnerable person means a person, other than a child, who is suffering from a disorder of the mind, whether as a result of mental illness or dementia, has an intellectual disability, is suffering from a physical impairment, whether as a result of injury, illness or age, or has a physical disability, which is of such a nature or degree as to restrict the capacity of the person to guard himself or herself against harm by another person, or that results in the person requiring assistance with the activities of daily living including dressing, eating, walking, washing and bathing.

The Act states that a relevant organisation shall not permit any person to undertake relevant work or activities on behalf of the organisation unless the organisation receives a vetting disclosure from the National Vetting Bureau in respect of that person. A person who contravenes this section shall be guilty of an offence. **There is an exception to this requirement where two or more relevant organisations have in place a joint agreement in writing in accordance with Section 12 (3A) of the Act.**

Relevant organisations include any person (including a body corporate or an unincorporated body of persons) who employs, enters into a contract for services with or permits any person to undertake relevant work or activities, a necessary and regular part of which consists mainly of the person having access to, or contact with, children or vulnerable adults. A relevant organisation can also mean a provider of courses of education or training, including internship schemes, for persons and, as part of such education or training or scheme, places or makes arrangements for the placement of any person in work experience or activities where a necessary part of the placement involves participation in relevant work or activities. In accordance with Section 12 (3A) of the Acts, both parties to this agreement agree to the employment, contracting, permitting or placement of IT Sligo registered students to undertake relevant work or activities.

Under this agreement, IT Sligo will be solely responsible for carrying out student vetting in accordance with the Acts and both parties to this arrangement agree to share information relating to this placement and to the sharing of the outcome of the Garda Vetting process and each party will be entitled for the purposes of the Acts to rely on any vetting disclosure obtained by the other. All information relating to this arrangement shall be treated with in strictest confidence in accordance with the provisions of the Data Protection Acts.

Signed: _____
IT Sligo Representative

Date: _____

Signed: _____
Placement Provider

Date: _____

End of Document