

CTY Ireland Garda Vetting Policy

1. Background

All posts at CTYI require staff to undertake activities that will bring them into contact with children, and in which they will assume positions of trust. To ensure the protection of the public, and promote public trust and confidence, CTY Ireland 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 CTY Ireland, DCU or acts on behalf of CTY Ireland, DCU who will have unsupervised access to children in the course of their employment/engagement. (Section 26 of the Sex Offenders Act 2001 defines relevant work in the context of posts that will be subject to Garda vetting).

<http://www.irishstatutebook.ie/eli/2001/act/18/section/26/enacted/en/html>

Each applicant/existing staff member must disclose any relevant information relating to the process of Garda Vetting to DCU. 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 DCU.

By signing and returning the preliminary acceptance 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 Furthermore, the applicant consents to the offer of employment being withdrawn if they are now deemed unsuitable, in light of the information obtained through the Garda Vetting process.

In addition, applicants are required to complete the "Acceptance of Position" form and return it to the Centre at least 10 working days before the commencement of their employment (Appendix 1).

3. Garda Vetting of Applicants

This policy applies to anyone who is employed and/or engaged by CTY Ireland, DCU or acts on behalf of CTY Ireland, DCU who will have unsupervised access to children in the course of their employment/engagement. (Section 26 of the Sex Offenders Act 2001 defines relevant work in the context of posts that will be subject to Garda vetting).

<http://www.irishstatutebook.ie/eli/2001/act/18/section/26/enacted/en/html>

All job applicants who are intended to be employed in an area where they will have unsupervised access to children in the course of their employment/engagement must complete the Garda Vetting

Form and authorise CTY Ireland to conduct a background check via the Garda Central Vetting Unit (GCVU). The vetting process will be carried out by CTY Ireland. CTY Ireland has an authorised signatory (Orla Dunne) who is the liaison between CTY Ireland and the GCVU.

CTY Ireland uses the services of the GCVU in conjunction with Overseas Clearance Certificates to conduct background checks on applicants for positions in which they would have unsupervised access to children in the course of their employment/engagement. This process enabled CTY Ireland to assess the suitability of applicants.

4. The Garda Vetting Procedure for Applicants

The following sections outline the various stages that are involved in the Garda Vetting process:

Stage 1: Advertisement

All posts identified will explicitly state in both the advertisement and job description that the post will be subject to Garda Vetting.

Stage 2: The Offer/Contract

Following completion of the recruitment and selection process, the candidates deemed suitable for appointment will be offered the position subject to them satisfying the Garda Vetting requirements for the role. This will be explicitly reflected in the offer letter and/or contract, which will be accompanied by a Garda Vetting form. Instructions of how to furnish police certificates where the prospective employee resided abroad for periods of more than 6 months will also be provided.

Stage 3: Completion of CTYI Invitation to Online Vetting

The candidate must sign and return the completed confidential form to the Authorised Signatory at CTYI with a copy of photographic identification no later than 5 working days before the programme commences. The Authorised Signatory will then upload the information to the online Garda Vetting system create an invitation which will be emailed to the candidate for completion.

Stage 4: Completion of the Garda Vetting Online Form by Candidate

The candidate must then complete the Garda Vetting form online and submit to the GCVU for processing. The GCVU will process the information and submit it to the Authorised Signatory for review, after this a disclosure will be made available, which will indicate if the candidate has any previous convictions or prosecutions pending recorded, or if there is any specialised information which may be relevant to the organisation.

Stage 5: Confirmation of GCVU response by Authorised Signatory

Where the information provided on the Garda Vetting application form indicates a previous conviction or pending court appearance, or where the GCVU returns a disclosure indicating a previous conviction or pending court appearance, the candidate will meet with the Authorised Signatory, CTYI Director and a representative from DCU HR. The candidate is entitled to bring along another person to this meeting. At this meeting the following will be clarified:

- 1) That the information supplied by the GCVU is correct
- 2) That the candidate does not agree that the information supplied by the GCVU is correct, in which case the Authorised Signatory will request the GCVU 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 CTYI Director and classified as follows:

- 1) No convictions recorded
- 2) Minor Offence
- 3) Serious & Very Serious Offences

Thereafter, the university will deal with the information as outlined in Stage 7.

Stage 7: University response to information provided by GCV Unit/Police Clearance

- 1) No Convictions Recorded
 - a) Where no convictions have been recorded, the offer of employment will be confirmed (subject to all other conditions associated with the offer being met).
- 2) Minor Offence
 - a) 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, the University response is different depending on whether or not the candidate openly disclosed the offence:
 - i) If the offence has not been disclosed the Director and agreed decision makers will meet to discuss and assess the potential with the prospective employee to seek an explanation for the non-disclosure.
 - ii) If a satisfactory explanation is received the offer of employment will be confirmed (subject to all other conditions associated with the contract being met).
 - iii) 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).
 - b) If the offence has been disclosed the offer of employment will be confirmed (subject to all other conditions with the offer being met).
- 3) Serious and Very Serious Offences
 - a) With regard to serious and very serious offences, i.e. offences, the nature of which could potentially indicate a serious risk to children or other members of the public, the prospective employee will be required to meet with the relevant decision makers and advised that owing to the nature of their conviction(s) the offer of employment no longer stands and is being withdrawn.

Stage 8: Completion of Garda Vetting Procedure

Staff members who have satisfactorily completed Garda Vetting (and all other conditions of the appointment process) will be deemed to be a staff member of the CTY Ireland, DCU.

The university requires staff members in relevant posts (i.e. where they have unsupervised access to children) 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.

5. International Police Vetting

If the candidate has resided outside Ireland for a period of 6 months or more they must also furnish a Police Clearance 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 candidate resided in the UK, further information can be obtained at <https://www.mygov.scot/disclosure-types/>. Further information regarding clearance for most other non-EU countries can be viewed at www.canadavisa.com/canadian-immigration-police-clearance.html.

6. Updating Garda Vetting for Existing Staff

All staff will be required to undergo the Garda Vetting process outlined above every three years.

A staff member who works directly with children and who has been convicted and or has a case pending and/or is subject to disciplinary action or sanction relating to children must withdraw from working in any position or on any project which involves contact with children until the matter has been considered in full and a decision is taken on the appropriate course of action.

7. Decision Makers – Garda Vetting

Where it is established that an applicant/existing staff member has a criminal conviction the following decision-makers will make determinations on behalf of CTY Ireland, DCU.

- Dr. Colm O'Reilly (Director, CTY Ireland)
- Orla Dunne (Residential Coordinator and Garda Vetting Officer, CTY Ireland)
- Representative from the CTY Ireland Academic Advisory Board
- Representative from DCU HR

8. Disclosure of Criminal Convictions

It is CTY Ireland's policy to ask all applicants for positions within CTY Ireland, which involve unsupervised access to children in the course of their employment, if they have previously been convicted of a criminal offence.

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, without informing their employer of their conviction. All CTYI staff and job applicants must inform DCU 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).

9. 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 University Secretary and will be heard by the following:

- Senior Representative from HR

None of the original decision-makers shall hear the appeal. Full details of the original decision together with any further submissions from the applicant will be considered in full and a decision will be communicated to the applicant by the Authorised Signatory. This decision shall be final and binding.

10. Storage of Information

All correspondence with the Garda Central Vetting Unit will be treated as sensitive and strictly confidential and will be securely filed. Only the CTYI director and Authorised Signatory will have access to this information.