

# Convictions Policy

*This policy relates to applicants to all Pontifical University courses*

## **Pontifical University, St Patrick's College, Maynooth Policy Statement on Applicants with Criminal Convictions**

1. Pontifical University, Maynooth (the “**University**”) 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 University. However, the University 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.

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.

2. In reaching a decision regarding the admission of an applicant with a Relevant Conviction, the University 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 University 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. The Master's Degree in Theology (specialising in Pastoral Theology), requires students to undertake placements that could 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 University is committed to ensuring that only suitable candidates are allowed to undertake this programme.

The University 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 University.

## Process

4. The University will take any Relevant Conviction of a prospective applicant into account when considering applications for admission to any 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.

All applicants, including those applying to the University through the Central Applications Office (CAO) and those applying directly to the University for postgraduate programmes, are required to disclose any Relevant Conviction when applying for admission to the University. If information relating to offences is not given or is given in incomplete form, then the University 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.

5. The University requests that any information on offences, or any disclosure documents, be sent under separate, confidential cover, to the Admissions Officer, Pontifical University, St Patrick's College, Maynooth, Co. Kildare. 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 University 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 University by an applicant in the admissions process, the Relevant Conviction will be reviewed by the Registrar and the Admissions Officer as part of the admissions process. In many cases, the Registrar and the Admissions Officer 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 University 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 us the applicant's case will, as stated above, be considered initially by the Admissions Officer and the Registrar. 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.

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 an Ad Hoc Committee on the Admission of Students with Criminal Convictions. 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 Ad Hoc Committee. The Ad Hoc 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 Registrar or the Ad Hoc Committee may consult with the Head of Security and the Director of Student Services 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 University staff members. As set out above, a decision to attach such conditions can only be taken by the Ad Hoc Committee.

9. An applicant has the right to appeal any decision of the Ad Hoc Committee to the Deputy President. Appeals must be registered by writing to the Deputy 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.

**Indicative Ad Hoc Committee:**

Registrar

Dean

Director of Postgraduate Studies (for applications to postgraduate programmes)

Head of Security

Director of Student Services

Legal Representative

**Pontifical University, St Patrick's College, Maynooth procedure for Garda Vetting (Under review)**

**Background**

The Master's Degree in Theology (specialising in Pastoral Theology) programme, offered by the Pontifical University, St Patrick's College, Maynooth requires students to undertake placements, with external agencies, which will bring them into contact with the public and in which they will assume positions of trust. To ensure the protection of the public, and justify public trust and confidence, the University is committed to ensuring that only suitable candidates are allowed to undertake this programme.

St Patrick's College, Maynooth uses the Garda Central Vetting Unit (GCVU) vetting service to assess the suitability of such applicants, and may also require applicants to provide an Enhanced Disclosure by the completion of an affidavit at the time of registration.

St Patrick's College, Maynooth requires students to be Garda Vetted before they fully complete their registration as a student of the University.

**Garda Vetting Process**

The following sections describe the details of the various stages that are involved in the Garda Vetting process.

#### Stage 1:

Completion of student section of form.

Applicants who have been provisionally offered, and have accepted, a place on the programme are sent a Garda Vetting Form and the instructions for completion of the form. This documentation highlights for students the importance of full disclosure. Where an applicant is under 18 years of age, they must arrange the completion of an additional form 'Garda Vetting Parent/Guardian Consent Form'.

#### Stage 2:

Students complete provisional registration during first year registration process. They acknowledge at registration that their registration process is not complete until they have satisfied Garda Vetting requirements for the programme.

#### Stage 3:

Completion of Admissions Office section of form.

Students return their completed confidential form to the Pastoral Theology Director for checking. The Director completes a batch summary sheet which is then forwarded to the Authorised Signatory in the NUIM Admissions Office, along with the Garda Vetting application form(s). Once the Authorised Signatory is satisfied that all sections of the form are duly completed, the form is signed. Then, in line with the requirements of the GCVU, the batch summary form and the forms are forwarded to the GCVU in Thurles.

#### Stage 4:

Completion of Garda Central Vetting Unit section of the form.

The GCVU responds to the vetting request by ticking and signing one of the relevant sections of the form. The form and any attached documentation are returned in confidence to the Authorised Signatory.

#### Stage 5:

Confirmation of GCVU response by Authorised Signatory.

Where the information supplied by the GCVU is inconsistent with the response from the student the Authorised Signatory will meet with the student to clarify if the information supplied by the GCVU is correct. If the student does not agree that the information supplied by the GCVU is correct, the Authorised Signatory will request the GCVU to review their information and confirm or change their initial response.

#### Stage 6:

Evaluation of information.

Once the information has been confirmed, it is then reviewed by the Registrar, Director of Pastoral Theology and Authorised Signatory and classified as follows: · No previous

convictions recorded · Minor Offence · Serious Offence · Very Serious Offence.  
Thereafter the information will be dealt with by the University as outlined in Stage 7.

Stage 7:

University Response to information provided by GCVU

(a) No previous convictions recorded

The names of all students where no previous convictions have been recorded are indicated to the Pastoral Theology Director. Then the Director sends a copy of this information to the student and to the placement agency if a request is received from them. If a conviction is recorded, or is pending, the Authorised Signatory meets with the Director to consider the convictions.

(b) Minor Offence

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 or vulnerable adults, the University response is different depending on whether or not the student openly disclosed the offence:

(i) If the offence has been disclosed, the Director of the programme will notify the student, and the placement agency if a request is received from them. The full information will be provided to the placement agency if a request is received from them.

(ii) If the offence has not been disclosed the Authorised Signatory will meet with the student to seek an explanation for the non-disclosure.

If a satisfactory explanation is received the information will be provided to the placement agency by the Programme Director, and to the student. If a satisfactory explanation is not received the offence will be deemed to be a serious offence and will be dealt with as for section (c) (ii) below.

(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 student openly disclosed the offence.

(iii) If the offence has been disclosed the Authorised Signatory, Programme Director and Registrar will meet with the student to discuss the circumstances of the offence:

If there has been evidence of significant rehabilitation and/or evidence of appropriate behaviour modification by the student since the event took place, then the student will be advised that he/she will be allowed to continue in the programme and that all placement agencies, whether or not they request the information, will be advised of the offence.

If there is no evidence of significant rehabilitation and/or evidence of appropriate behaviour modification by the student, the student 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.

(iv) If the offence has not been disclosed the Programme Director and the Authorised Signatory will meet with the student. Other than in very exceptional circumstances, the student 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 student will be required to meet with the Authorised Signatory, Programme Director and Registrar and advised that owing to the nature of their conviction(s) they cannot continue in that programme of study.

Following the meeting the student will be advised in writing of the University's decision. The student may, within two weeks of the date of the letter, make an appeal to the Registrar to have his/her case reviewed by an Appeal Committee on Garda Vetting comprising of the Registrar and two members of the Faculty, duly appointed.

#### Stage 8:

Students who have satisfactorily completed Garda Vetting (and any other requirements of the registration process) will be deemed to be fully registered as students of the Pontifical University, St Patrick's College, Maynooth.

#### **Additional Documentation Requirements**

An applicant who has resided outside of Ireland, including Northern Ireland, for three years or more, after the age of 18, is required to provide the following supporting documentation when submitting their Garda Vetting Application Form:

A recent (less than one year old) original police clearance from the jurisdiction(s) of previous residence\*.

\* St Patrick's College, Maynooth reserves the right to seek a sworn declaration where a satisfactory police/criminal records disclosure is not available.

Admissions Office, Pontifical University, St Patrick's College, Maynooth, Co. Kildare, Ireland.

Tel: +353 1 7084772 | Fax: +353 1 7083441 | E-mail: [admissions@spcm.ie](mailto:admissions@spcm.ie)