

Criminal Convictions Policy

Area Code	ADM
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Approving Authority:	VP Academic Affairs and Registrar

1. Purpose

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.

2. Scope

This document applies to all applicants, including those applying to the Institute through the Central Applications office (CAO) and the Postgraduate Applications Centre (PAC), are requested 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 Institute policy on Garda vetting.

3. Reference Documents

Children Act 2001

4. Policy Description

4.1 Definitions

A relevant criminal conviction (“Relevant Conviction”) is

- a) Any conviction in Ireland or abroad for an offence against the person, whether of a violent nature or sexual nature (whether or not 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).
- c) 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.

4.2 Admission of an applicant with a Relevant Conviction

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.

4.3 Students Placements

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 the only suitable candidates are allowed to undertake the programmes.

4.4 Garda Vetting

The Institute uses the Garda Central Vetting Unit (GCVU) vetting office 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.

4.5 Relevant Conviction of a prospective Applicant

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

4.6 Disclosure Information Request

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 purpose 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 purpose 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 not later than May 1st.

4.7 Information from Third Parties

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.

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), that 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.

4.8 Disclosure of Relevant Conviction

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

- The seriousness of the offences;
- The number of any offences;
- The time elapsed since the offences;
- Whether the offence shows 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 not 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.

4.9 Application process

- a) Where an applicant has declared or disclosed 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.
- b) 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 Relevant 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.

- c) The Standing Committee shall consider the application and the evidence received in relation to it. It shall have regards 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 and must include information about the right to appeal. 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.
- d) 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.
- e) 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. The outcome of the appeal must include reference to the Office of the Ombudsman.
- f) If a student receives 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 4.4 above may again be considered.

4.10 Membership of the Standing Committee:

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

4.11 Office of the Ombudsman:

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 is fair, independent, and free to use.

The Ombudsman will ask you for details of your complaint and a copy of our decision or response to an appeal. The best way to contact the Ombudsman is by:

- Clicking on the 'Make A Complaint' link at www.ombudsman.ie
- Or writing to: Office of the Ombudsman, 6 Earlsfort Terrace, Dublin 2, D02 W773
- Or calling the Ombudsman on 01 636 5600 if you have any queries or if you need help making your complaint.

5. Records Generated by the Policy

Records in relation to this policy are retained by the Student Affairs area

6. Revision History

Revision No	Description of Change	Approved by	Issue Date
000	New Policy	Academic Council	14/06/2013
001	Revised to new format, No change to content	VP Academic Affairs and the Registrar	02/07/2020
002	Change to contact information for Ombudsman. No other change.	Head of Student Affairs	30/06/2021