

The suitability of applicants to join or remain on the register of Approved Driving Instructors (ADI)

Vetting procedures

Regulation The Road Traffic (Driving Instructor Licensing) (No.2) Regulations of 2009, issued under the Road Traffic Act 1968, provides the legal framework for driving instruction and directs that any person giving driving instruction for reward must have his/her name entered on the Register of Approved Driving Instructors (ADIs) with the Road Safety Authority (RSA).

In addition to meeting the requirements of the RSA qualification process, a person who wishes to become an ADI must satisfy the Registrar that he or she is a person of good repute and in particular, must meet the following general requirements:

- Be tax compliant and in possession of a 6 Digit Tax Clearance Access Number
- Hold a full driving licence in the category for which instruction is to be delivered
- Be vetted by the ADI Registrar and/or the Garda National Vetting Bureau.

When submitting an application for entry onto the Approved Driving Instructor (ADI) Register, applicants are required to submit a Garda Vetting Form and to declare details of all convictions and/or cases where proceedings are pending to the RSA. In assessing whether a person is of good repute, the Registrar will make the necessary enquiries with An Garda Síochána and/or other bodies.

In particular, the Registrar will use the services of the Garda National Vetting Bureau (GNVB) to obtain criminal record disclosures in order to assess the suitability of persons applying for inclusion on the Register of ADIs. In undertaking this suitability assessment, the RSA will act at all times within the framework of the Regulation and other relevant legislation including the Children Act 2001 and Section 85 of The Road Traffic Act 2010 amending the 1968 Road Traffic Act.

The Registrar and the RSA undertake to treat all applicants for positions fairly and not to discriminate unfairly against any applicant on the basis of a conviction or other information revealed. The RSA is committed to the fair treatment of candidate Approved Driving Instructors (cADIs) and ADIs, regardless of race, gender, ethnicity, religion, sexual orientation, age, physical/mental disability or previous criminal background. The RSA actively promotes equality of opportunity for all with the right mix of talent, skills and potential and welcomes applicants from a wide range of candidates, including those with criminal records.



Having a criminal record will not necessarily bar an applicant from being accepted as an ADI. Before reaching a decision on whether or not a person is of “good repute”, the Registrar will assess the risk that they are likely to pose to their students by considering factors such as:

- Whether the conviction is relevant
- The seriousness of any offence
- The length of time since the offence occurred
- Whether there is a pattern of offending behaviour
- Whether their circumstances have changed since the offending behaviour
- The circumstances surrounding the offence and any explanation
- Evidence of rehabilitation.

However, applications from those convicted of serious violent, sexual, financial or drug-related offences are unlikely to be successful, regardless of when the offences are committed. The Registrar is also unlikely to accept applications from those whose name is or has been on the Sex Offenders Register or from those who are or have been banned from working with children.

All registration forms for ADIs and supporting information will contain a statement that a check will be required as part of the suitability, or “good repute”, criterion. Vetting information will only be seen by those who need to see it as part of the suitability assessment process. The RSA will ensure that all those in the RSA who are involved in that process have been suitably trained and/or managed as appropriate.

The RSA undertakes to give applicants the opportunity to correspond with the Registrar about the nature and circumstances of a conviction before refusing registration or removing an ADI from the Register.

The RSA will ensure that applicants who do not agree with the information on their vetting are advised of the correct procedures to dispute the report with the issuing body. No decision on an applicant’s suitability will be taken until any such dispute is resolved.

RSA statement on secure storage, handling, use, retention and disposal of vetting information

As an organisation using the services of the Garda National Vetting Bureau (GNVB) to help assess the suitability of applicants for inclusion or to remain on the Register of Approved Driving Instructors (ADIs), the RSA complies fully with the GNVB requirements regarding the correct handling, use, storage, retention and disposal of information so obtained. The RSA also complies fully with its obligations under the Data Protection Acts 1988—2003 and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of such information.



Storage and access

Vetting information will be kept securely in designated, lockable, non-portable storage cabinets. Access will be strictly controlled and limited to those who are entitled to see it as part of their duties.

Handling

Vetting information will only be passed to those who are authorised to receive it in the course of their duties. The RSA will maintain a record of all those to whom vetting information has been revealed and recognises that it is an offence to pass this information on to anyone who is not entitled to receive it. Transportation of Garda records, vetting information or related documents will be carried out at all times by courier or other secure means to authorised persons.

Usage

Vetting information will only be used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

Retention

Once a suitability decision has been made, the RSA will not keep vetting information for any longer than is necessary. This is generally for a period of up to six months, to allow for consideration and resolution of any disputes or complaints. If, in very exceptional circumstances, it is considered necessary to keep vetting information for longer than six months, the RSA will consult the GNVB as appropriate about this and will give full consideration to the data protection and human rights of the individual before doing so. Throughout this time, the usual conditions regarding safe storage and strictly controlled access will prevail.

Disposal

Once the retention period has elapsed, the RSA will ensure that any vetting information is immediately destroyed by secure means, for example, cross-shredding and pulping. While awaiting destruction, vetting information will not be kept in any insecure receptacle (for example, a waste bin or confidential waste sack). The RSA will not take or keep any photocopy or other image of the vetting or any copy or representation of the contents of disclosed information. However, notwithstanding the above, the RSA may keep a record of the date of issue of a Garda disclosure, the name of the subject, the type of information requested and the position for which the information was requested, the unique reference number of the disclosure and the details of the suitability decision taken.

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