



AccessNI Newsletter

Issue 41: Autumn 2023



Welcome to the Autumn 2023 edition of the AccessNI Newsletter.

Introduction

Welcome to the AccessNI Newsletter for Autumn 2023. Thank you for the feedback we have received on the new style of this Newsletter; it has been mostly positive, and we're glad you like it.

In this edition we have again provided some articles that explain aspects of the wider criminal history disclosure process that will hopefully help you get the most out of that process for the benefit of your organisation. Firstly, I'd like to introduce Sean Maskey, the new DBS Regional Outreach Adviser for Northern Ireland – AccessNI looks forward to working with Sean and we wish him well in his new role.

One of the key developments over the summer months has been the publication of 11 AccessNI training videos on the DoJ YouTube channel. The relevant article in this Newsletter provides details on how to access these videos, but I would personally like to commend these to you. I believe they are a comprehensive set of training videos that provide advice and guidance on many aspects of the disclosure function and a great deal of care has been taken to ensure key messages have been included. We've decided to discontinue the previous virtual training sessions as we believe there's more detail in the videos than would have been provided in the

virtual sessions, and you can now take the training at a time of your choosing.

I would encourage you to take a few minutes to read over the article provided by PSNI on the vital role they play in the disclosure process. Some 25% of Enhanced applications are referred to police for them to consider any information they hold on an individual that might be relevant for the position being applied for and, in police's view, ought to be disclosed in the interests of wider safeguarding. I cannot overstate the importance of this aspect of the disclosure process in seeking to protect the most vulnerable in our society and I am grateful to PSNI for taking the time to set this out for us.

Finally, those of you who have been using AccessNI services for a while will know that the autumn period is the busiest time of the year for processing disclosures, with applications often exceeding 1,000 per day – this includes an increased volume of checks being referred to police. Whilst we will endeavour to process the checks as quickly as possible, it is likely that our turnaround times will slow slightly during this peak period. As ever, your understanding and patience at this time is much appreciated.

Brian Thomson
General Manager, AccessNI

3rd Party Disclosure Applications

DO NOT use your Signatory Account to process applications.

You should also not use your own NIDirect account to process applications.

AccessNI will be contacting those that still use generic accounts to create applications.

[Further information](#) available below.

A significant number of applications are being submitted via 3rd Party Accounts. This means that an individual, other than the applicant, has created an account on the nidirect website and submitted an AccessNI application through this account on behalf of an applicant. Some nidirect accounts have submitted a significant number of applications, and some of these accounts are linked to existing Signatories with AccessNI.

Whilst the on-line system facilitates submission of applications from 3rd party nidirect accounts, there are issues that are of concern to AccessNI, in relation to protections for our RBs, namely:

- i) Potential for Data Protection breach in instances where digital certificates have been requested. This is because the digital certificate will be issued to the nidirect account that the application was submitted from, meaning that in these circumstances, the applicant will not receive the certificate;
- ii) Where this happens the disclosure legislation (which requires the certificate to be issued to the applicant) has not been complied with. This gives rise to the potential for a legal challenge if the applicant does not receive their digital certificate - with consequences for the owner of the 3rd party account that submitted the application;
- iii) Where an individual does not create their own nidirect account they may be unable to use a wide range of government services through the nidirect website – such as booking MOTs, ordering birth certificates, applying for a taxi driver licence, etc;
- iv) To reduce the risk of the above issues arising, particularly i) and ii) AccessNI strongly recommends that RBs desist from using 3rd party accounts and encourage applicants to create their own nidirect account when seeking to submit a disclosure application;
- v) Such is the importance of protecting personal citizen information AccessNI would suggest that this should happen in every instance, with the only exception to this being when an application is submitted via a 3rd party account for reasons of a 'personal / family relationship';
- vi) When an application is submitted from a 3rd party account, it is imperative that the box is checked at step 8 requesting a paper certificate; and
- vii) AccessNI will continue to monitor this situation and raise any significant concerns directly with individual Registered / Responsible Bodies.

Trustees of Children's Charities'



Firstly, what constitutes a Children's Charity? A charity which engages in Regulated Activity with children – even if that is not the sole purpose of the charity, qualifies as a Children's Charity.

If a Church or other faith-based organisation that are duly constituted as a 'charity' targets children, this qualifies them as a children's charity for the purposes of disclosure and barring.

The Trustees of a Children's Charity are eligible for an Enhanced disclosure without the barred list check unless they also provide a Regulated Activity role within the organisation which would create eligibility for an enhanced disclosure with the relevant barred list check.

Submission of Disclosure Applications



If your organisation plans to submit a high volume of disclosure applications (100+) to AccessNI over any weekend period, could you please provide AccessNI with advance notice. This will ensure AccessNI has the relevant resources in place to meet our set target times.

Updating of Account Information



The AccessNI Code of Practice requires all Signatories to keep account information up to date including name, address and contact details. AccessNI requests all Signatories to check their contact details on the nidirect account. AccessNI staff are having problems contacting Signatories using the number provided on the nidirect account, this could be due to a change in hybrid working arrangements. Please log in and where necessary update your account to record correct names, addresses, contact numbers and email addresses. Thank you for your co-operation.

Regional Outreach Officer for Northern Ireland



Disclosure & Barring Service

The Disclosure and Barring Service (DBS) has appointed Sean Maskey, as the new Regional Outreach Adviser for Northern Ireland.

Sean explains, “The Disclosure and Barring Service (DBS) plays an important role in Northern Ireland by helping to keep people safe from harm by managing and maintaining two Barred Lists – adults barred list and children’s barred lists.”

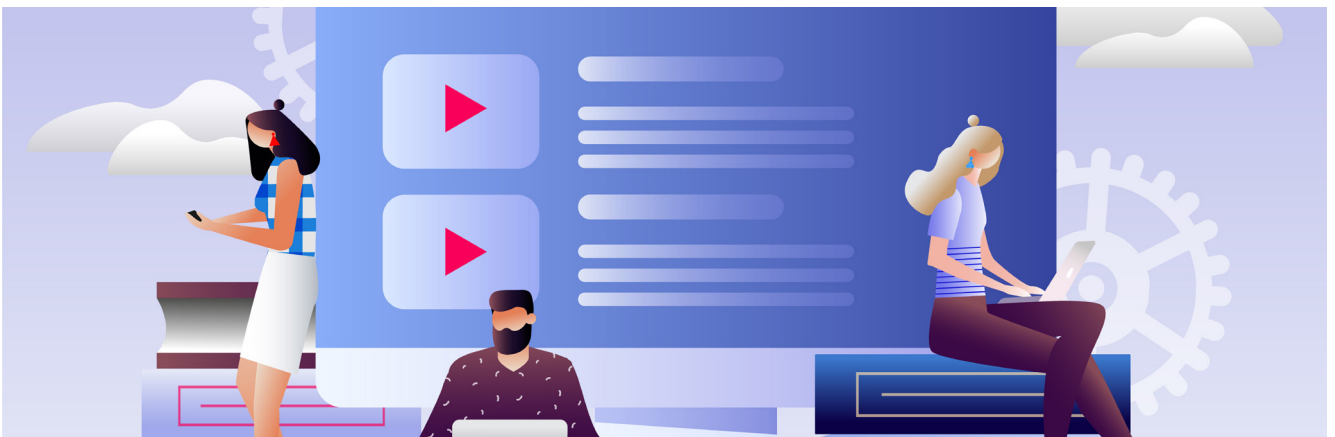
“As part of the DBS Regional Outreach team, I will work with organisations to identify how DBS can collaborate and provide dedicated support.”

“I will act as a single point of contact for organisations who have any barring-related queries or would like support where safeguarding, referrals, and the legal duty to refer are concerned.”

“I would hope to raise awareness of the services that DBS offer to organisations to help them to make safer employment decisions.”

If you have any enquiries, please contact Sean at Sean.Maskey@dbb.gov.uk .

AccessNI Training Videos



Signatories from Registered Bodies are no longer required to ‘book a place at an event’ for AccessNI training sessions. Training videos and transcripts are now available to everyone at the following link:-

<https://www.nidirect.gov.uk/articles/accessni-training>

New registered Signatories are strongly urged to watch these videos and established Signatories can refresh their knowledge by viewing the videos at a time convenient to them.

As AccessNI is always keen to make improvements please provide constructive feedback using the feedback survey on the training page.

PSNI - Protective Disclosure Unit



AccessNI is supported by the Police Service of Northern Ireland's Protective Disclosure Unit. Under section 113B(4) of the Police Act 1997, before issuing an Enhanced Criminal Record Certificate, AccessNI requests that the Protective Disclosure Unit provides any information the Chief Officer Delegate reasonably believes to be relevant and, in the Chief Officer Delegate's opinion, ought to be included in the certificate.

Each request is assessed by the Protective Disclosure Unit, with a decision-maker considering relevant information and the proportionality of disclosure, before potentially proposing a disclosure text. The matter of relevance is based on the role applied for. The opinion is then considered by a Disclosure Manager and finally the Chief Officer Delegate.

A disclosure text may offer additional non-conviction information or provide clarification or further detail in relation to a previous conviction. The aim of the additional disclosure text is to provide the Registered Body with the relevant information, allowing them to consider and mitigate any potential risk. Should a Disclosure be proposed, the Chief Officer Delegate will consider if representations are appropriate and, in many cases, will write to the applicant. At this point, the proposed disclosure text is included in the letter. The request for representations explains that the Protective Disclosure Unit would like to give the applicant the opportunity to agree with the text, or say why they believe that all or part of the information should not be disclosed, or request an amendment to the wording. It cannot be stressed enough that the representations will be considered and can make a real difference to the final decision.

Applicants may feel that evidence, or declarations from someone else, would support their representations. Any supporting information provided will be considered and could add to the representations. Although the Protective Disclosure Unit will set a date when the application will proceed in the absence of a response, the team is always happy to work with applicants, who are encouraged to keep the team advised of any delay or ask for more time if required.

Should a Registered Body or an applicant have any queries, specifically relating to the role of the Protective Disclosure Unit, please contact the team via its e-mail address at PDUEmploymentVetting@psni.police.uk

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