

# AccessNI Newsletter

## Issue 28: Autumn 2018

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### Welcome

First of all, welcome to our new look seasonal Newsletter. We thought the old format was getting a little tired (after 10 years!) so we took this opportunity now to update it. We intend to run similar articles that keep you abreast of developments in the criminal history disclosure field, and also provide advice on how to get the most out of the service that we provide. We hope you like it.

On the subject of change, AccessNI has undergone significant changes since our last Newsletter. The introduction of Digital Certificates and NIDA log-in are now settling down and things are working well. I am grateful to all our signatories for bearing with us during the inaugural period of this change.

Looking forward, we are now entering what is traditionally are busiest time of the year. We are expecting this year to be no different than previous years and we are geared up to respond to the increased demand. As in previous years you should expect that our turn-around times will slow down a little as we seek to manage the high volume of demand, which might be in excess of 1,000 applications on any given day. Please keep an eye on our website to monitor the turn-around times; you may wish to adjust your lead in times for disclosure applications accordingly.

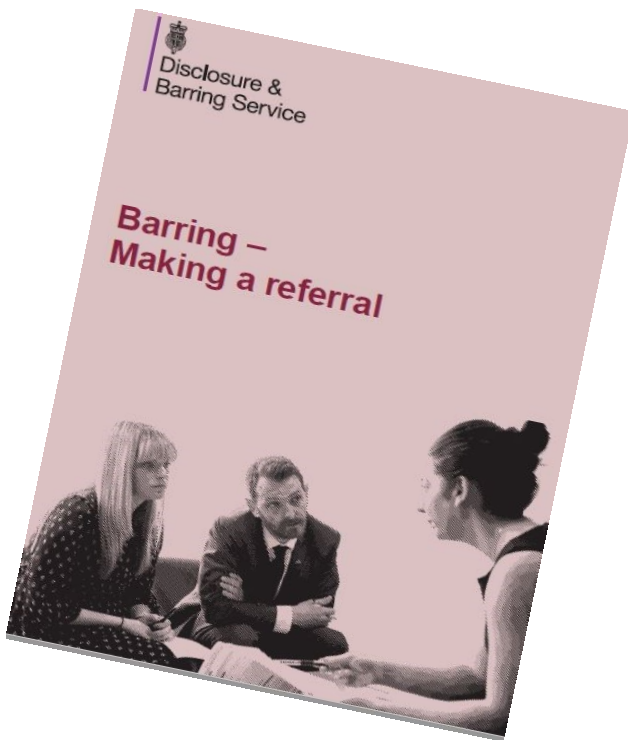
**Tom Clarke**  
General Manager

### NIDA

AccessNI went live with digital certificates and NIDA log-ins on 18<sup>th</sup> July. The digital certificates element of the change has gone well and nearly 40% of all certificates issued now are by digital means into the NIDA account opened by the applicant. This means certificates are received without any delay and without having to rely on the postal service. We hope to increase this percentage through time and AccessNI will be considering other opportunities to maximise the impact of this change.

We realise that the NIDA log-ins didn't go according to plan. Some signatories and organisations found they had no difficulty in creating NIDA accounts and linking to their previous applications and were able to process applications on day 1. Others did however, find considerable difficulty both in creating new NIDA accounts and then subsequently in being able to link these accounts to previous applications. For those who did have problems, we are sorry for the inconvenience and frustration caused. All of the main issues are now resolved and while there may be still one or two isolated problems, it should be 'business as usual' for everyone. If you do encounter any difficulties regarding this particular matter please do not hesitate to contact us – the sooner we're aware of a problem the sooner we can get it addressed for everyone.

On a more positive note, during the month of June, AccessNI delivered over 91% of enhanced checks within 10 days. This is, in conjunction with our police partners, one of our best ever performances and exceeds the service provided by the other UK disclosure agencies. This prompt service helps more people to get into work and volunteering positions quickly. If you want to know more about AccessNI's performance go to: <https://www.justice-ni.gov.uk/publications/accessni-monthly-performance->



## Duty to refer

### “Duty to refer employees to Disclosure and Barring Service”

Many applications for enhanced checks will require AccessNI to check if the applicant is included in the lists of those individuals who are not allowed to work with children and/or vulnerable adults. The Disclosure and Barring Service (DBS), based in Liverpool has the responsibility for taking decisions about barring for persons who live and work in Northern Ireland and provide these lists to AccessNI to allow us to make the relevant checks.

Employers already know that it is an offence to employ anyone or allow them to volunteer to work with vulnerable groups, if they are on one or both lists. However, employers or voluntary organisations who offer work with children or adults in regulated activity, also have a legal duty to report or refer an employee or volunteer to the DBS in certain circumstances. This in turn enables DBS to decide if that person should be included on the lists. In that way appropriate safeguarding decisions can be taken.

The leaflet at the link below, sets out clearly for you when you must refer someone to the DBS and how you should do this. We would refer you specifically to pages 6 and 7 of the booklet.

AccessNI would encourage you to read this carefully and ensure that everyone in your organisation is made aware of this requirement, especially those that work directly with children or adults.

AccessNI would also suggest that umbrella bodies, include the link to this booklet as part of your SLA with client organisations. For organisations that work with groups or organisations across Northern Ireland but process applications for AccessNI checks centrally, we would suggest that you provide the link to this document to all those groups so they are also aware of their responsibilities.”

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/442338/DBS\\_Barring\\_Making\\_a\\_referral\\_A5\\_8pp](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/442338/DBS_Barring_Making_a_referral_A5_8pp)



## Disclosure Certificate Applications

When checking disclosure applications it would be helpful if checks could be made to ensure names, addresses and post codes are shown as case-sensitive, prior to being submitted to AccessNI — this will ensure such information is properly displayed on disclosure certificates. In addition, Umbrella Bodies submitting disclosure applications on behalf of other organisations should ensure the correct level of check is being requested for the position applied for. AccessNI will return applications unprocessed if we are unclear about the level of check.

## Compliance

### Forename / Surnames on Applications

We have noted a high number of applications submitted to AccessNI where the applicant has only provided one forename – in some RBs in excess of 50% of applications have been found to have a single forename. There are, of course, many people who only have one forename, but the current rate of 50%+ seems excessive and leads us to conclude that applicants are not always providing all forenames, and some Signatories are not always checking the details on the application against ID documentation. Indeed we have been able to confirm this position by checking previous applications and liaising with some RBs.

Similar issues arise with regard to Surnames insofar as we receive a number of applications where the applicant has provided their title as Mrs, but no previous / maiden names are provided on the application.

Accurate checking of ID, and ensuring that full and correct information is transcribed on to the application, is an extremely important aspect of the role that a Signatory undertakes; short comings in this regard might lead to AccessNI missing key criminal history information that would otherwise have been included in the Disclosure Certificate had the applicants full name history been provided. In a worst case scenario, this could lead to a risk to vulnerable people. Signatories are reminded of the need therefore to be thorough in their approach not only to checking the ID of the applicant but also in ensuring that all the details have been included in the application.

AccessNI take this matter very seriously. As part of our Compliance approach, AccessNI staff undertakes a random check of applications against ID documentation held by RBs during an Audit visit; this will include a cross reference with the details provided on the disclosure application. Any short comings in this regard will be reflected in the Compliance report and will have implications for Registration if not satisfactorily addressed. RBs (and in particular Umbrella Bodies) will wish to ensure processes involving 3<sup>rd</sup> Party ID checks are robust and that appropriate sharing of ID documentation allows for the Signatory to verify the content on the application prior to submission to AccessNI.

## Digital Certificates

AccessNI has noted that a number of signatories have completed and counter-signed application forms on behalf of an applicant where a digital certificate has been requested and sent this to AccessNI from the signatories NIDA account. This should not be done under any circumstances as the link to view and share the certificate will only be sent to the signatory and not the applicant. This is not only in contradiction of the legislation, but it may well not comply with the Data Protection Act 2018.

As set out in paragraph 4 of AccessNI Circular 3/2018, (please see link provided below):-

<https://www.justice-ni.gov.uk/sites/default/files/publications/justice/ani-circular-32018-digital-certificates.pdf>

digital certificates cannot be issued where an application has been submitted using a generic email address for an organisation or where the email address for the countersignatory has been used. The acceptable options are for a signatory to:-

- ask the applicant to open a NIDA account and submit their application to them via the PIN number (preferred option); or
- request a paper copy of the certificate at the relevant section of the application form.

### Delivery details

If there is no information to disclose, you will be sent a digital AccessNI certificate.

If information is to be disclosed, you will receive a paper certificate by post.

If you need a paper certificate check the box below. Paper certificates take longer to deliver. This option is only available if you live in the UK.

\* If applicable, do you want the paper certificate sent to your current address?

Yes  No

If you need further clarification or information, please contact AccessNI directly through the normal channels.

## Registered Body Training

It is disappointing to note that at the Registered Body training session held in June, only 28 people turned up, despite 45 places being reserved.

Places for this training course are in high demand. It would be appreciated, if you are unable to attend on the date you have booked, if you contact AccessNI as soon as possible as it may present an opportunity to reallocate your place to another signatory.

It has also been noted that a few signatories advised they were not aware of the change in start time for the June training, or that the slides had been issued. As this information is issued directly by email, it is imperative that signatory's provide the correct contact email when booking a training event. Updates on AccessNI Training events is available at the following link:-

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

## Important court cases



Four cases involving the disclosure of criminal record information on certificates were heard in the UK Supreme Court in June 2018, including one from Northern Ireland. The local case is challenging the legislation that requires AccessNI to always disclose convictions where there is more than a single offence on the criminal record. The outcome is expected to be known in autumn and dependent on what the Court determines, we will be in touch with all Registered Bodies at that time.

In addition, in another Disclosure and Barring Service case, (AR), the UK Supreme Court found that a police force had correctly disclosed information about a person who had faced a serious charge but had been subsequently found 'not guilty' in court. However, the Supreme Court has said that more guidance and support needs to be provided for employers when considering information on certificates —AccessNI is currently considering this.

## Registered/Responsible Body Review

Registered and Responsible Bodies are reminded that a minimum of 20 disclosure applications should be processed in the 12 month period ending 31 March 2019, we are almost 6 months into this review period. The annual review will be completed in April 2019 and where a registered organisation has not met this requirement, deregistration proceedings will commence.

## AccessNI PIN Numbers

RBs are reminded to ensure the correct PIN numbers are passed out to applicants. AccessNI is experiencing a high volume of calls and emails due to incorrect PIN numbers being provided. If you are registered with AccessNI as a Registered AND a Responsible Body please **NOTE** that you will have a separate PIN number for each registration and you should ensure the correct PIN is issued when requesting a disclosure application to be completed.

## New UK Criminal Records Trade Body (CRTB)

You might be interested to know that a network of Registered Bodies are to form a group of criminal record check professionals. Please see the link provided below for more information:-

<https://www.gov.uk/government/news/announcing-the-new-uk-criminal-records-trade-body-crtb>

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[www.nidirect.gov.uk/accessni](http://www.nidirect.gov.uk/accessni)