

Newsletter

Issue 20: Winter 2016

AccessNI, PO Box 1085, Belfast BT5 9BD
☎: 0300 200 7888 | www.nidirect.gov.uk/accessni

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Welcome to the winter 2016 edition of the AccessNI Newsletter. The last few months have seen considerable change in AccessNI and we are very grateful to you for your help and patience with this.

Some of the highlights are;

Over 90% of applications are now received on-line and many are processed and returned to applicants within 1 day. In addition, the backlog of cases with PSNI has fallen sharply and the police have taken steps to ensure this improvement can be sustained. PSNI now have fewer than 15 cases outstanding for a period in excess of 25 days.

3 cases have been referred to the Independent Monitor, where applicants believed that police information on their certificates was not relevant or ought not to have been disclosed. We await the outcome of both applications.

22 applications have been made to the UK Central Authority to find out if applicants who have come from or, where born in, Holland and Latvia and who want to work with children have a criminal record in their home country. By the end of April 2016 we should have a clearer idea of the next steps in this pilot project and whether it will be expanded to other EU countries.

A further major change will take place in March 2016 when the Independent Reviewer begins his work and further information about this can be found in the Newsletter.

Tom Clarke
General Manager

Circulars

AccessNI Circulars are available at the following link:-

<http://www.dojni.gov.uk/-accessni-circulars.htm>

Circulars issued since the last Newsletter was published:-

1/2016	Criminal Record Review scheme/Independent Reviewer.
2/2016	Revised Code of Practice

RB Training

The next series of Registered Body Training Events have been scheduled for the following dates:-

- 15th March at 10am; and
- 21st April at 1pm

These events will be held at the Dundonald Ice Bowl and last approximately 2-2½ hours. They are primarily, but not exclusively, for those already approved as Countersignatories.

If you would like to reserve a place please contact AccessNI on 02890 522927.

Feedback from these sessions remains very positive, but a small number of attendees have expressed disappointment that some areas of interest haven't been covered. The sessions aim to provide information about;

- AccessNI, including the relevant legislation;
- On-line completion of applications by applicants and registered bodies;
- Eligibility of applications;
- AccessNI processes including what information is disclosed and when information on a criminal record might not be disclosed; and
- Registered Bodies obligations under the Code of Practice.

While the session does cover the **principles** of eligibility of applications, we **do not** provide advice on whether specific jobs or roles are in “regulated activity” or eligible for enhanced checks, or indeed whether a barred list check is required. This is not AccessNI’s role. This is a matter for the Registered Body as only they can understand exactly the role their applicant will undertake.

If you plan to attend one of these sessions for this specific and sole purpose, you are likely to be disappointed.



De-registration

AccessNI can within legislation de-register organisations that fail to comply with regulations laid down in legislation or the Code of Practice. AccessNI takes this very seriously – many of you will have been visited by a member of our compliance team.

AccessNI has recently de-registered one organisation that was failing to comply with the regulations and the Code. This organisation now has to seek their AccessNI checks by other means.

In addition, within the provisions of the Justice Act (NI) 2015, AccessNI can now refuse to accept the registration of a de-registered body, even where they can demonstrate their procedures and practices would be compliant with both the regulations and the Code.

Criminal Record Review Scheme - Independent Reviewer

Circular 1/2016 provided information about the Criminal Record Review scheme that will start on 1 March 2016. In simple terms from that date the Independent Reviewer (IR) will be able;

- At the request of an applicant, to review any conviction or non-court disposal information on their Standard/Enhanced certificates, where they believe that disclosure was disproportionate. Applicants have 90 days after the issue of a certificate to make such a request. The IR will not accept any request to review convictions unless they are “spent” under the Rehabilitation of Offenders (Northern Ireland) Order 1978; and
- Where all offending to be disclosed was for a period of time that a person was under 18, and providing that any offences are spent, to automatically review that information before the certificate is issued.

The purpose of this scheme is to ensure that disclosure of criminal record and other information by AccessNI is proportionate. Vulnerable groups must be protected. To this end, the IR cannot, remove any information that could undermine the safeguarding of children or vulnerable adults or pose a risk to public safety. However, the IR must balance this against individual applicant’s rights to privacy as set out in Article 8 of the European Convention of Human Rights.

RBs may wish to inform applicants about this service, though information about the IR can be found on the back of each certificate issued and on the NI Direct web-site.

Further information and more detailed guidance about the operation of the scheme can be found at;

<https://www.dojni.gov.uk/publications/guidance-operation-criminal-records-filtering-review-scheme>

Revised Code of Practice

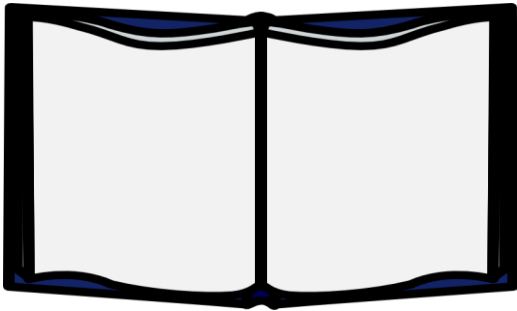
With the changes that came into effect on 2 November 2015 and in particular as RBs no longer receive a copy of every certificate, the current Code of Practice and Explanatory Guide became out of date. The Code has been revised and published. You can find this at

<http://www.nidirect.gov.uk/accessni-code-of-practice.pdf>

We hope the revised Code is easier to follow and understand. It more clearly sets out the obligations of RBs and there is an emphasis on RBs ensuring that in handling information made available to them they do so in line with the Data Protection Act 1998 and in particular the data protection principles set out in that Act.

AccessNI will, as a result of the publication of the new Code further amend the format of its compliance visits to organisations, though visits since November 2015 have taken account of the fact that certificates are no longer delivered routinely to RBs.

as soon as possible. It may however be, given the number of such cases that either the Body has decided not to proceed with an application, or the applicant has advised the body it does not wish to continue with his or her application. In such circumstances, bodies can reduce or “clear” their queues by rejecting the application or returning it to the applicant.



Update Service

In the previous Newsletter, we said we believed the Update Service (portable checks) would commence in Spring 2016. It is now clear that will not happen. We understand this will cause disappointment not least because we have provided several dates for the commencement of this service, none of which have come to fruition.

We are however dependent on the Disclosure and Barring Service as they will be undertaking the monitoring on behalf of AccessNI of those in the Update Service against changes to their criminal record etc. DBS are currently modernising this service and it is not possible for Northern Ireland applicants to join until they do so.

We understand that the Update Service can be extended to Northern Ireland later in 2016 and we will keep you informed of developments.

Application Queues

AccessNI is aware there are a large number of applications (in excess of 8,000), sitting with Registered and Responsible bodies. Case tracking will show applicants that such applications are being held by bodies and not countersigned and referred to AccessNI.

We know that in some cases this is caused by a problem with the system that fails to remove applications that have been abandoned by an applicant from a RBs queue. We are working to fix this