

Newsletter

Issue 25: Autumn 2017

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Contents:

- Introduction – General Manager
- Open Data
- Umbrella Body Review
- Returned Applications
- Cancellation of Disclosure Applications
- Lead Signatory Positions with Registered / Responsible Body Organisations
- Sample Letter to Request Certificate
- Pre-employment Application Form
- Finance



Welcome to the Autumn 2017 edition of the AccessNI Newsletter. We would be very grateful if you could take a few minutes to read this as it contains useful information and updates about various AccessNI issues.

The majority of AccessNI checks continue to be returned promptly enabling employment and volunteering vacancies to be filled quickly. However, for a minority of enhanced applications that must be referred to PSNI, we know that delays are being experienced and that sometimes these can be in excess of 2 months after an application is submitted to AccessNI.

We are continuing to work closely with PSNI and some improvement in turnaround times has recently been made. However, we appreciate that there is more that can be done. Please continue to refer to the NIDirect website as information about return of checks is updated weekly.

AccessNI continues to take steps to improve its service. We are not yet in a position to provide an Update Service (portable disclosure checks), but important steps have recently been taken along that road and we hope to make a further announcement about this before the end of this year. We have also been exploring the potential to offer digital certificates on-line, rather than paper certificates to applicants, where there is no information provided on that certificate. Here again, we hope to be able to make a further announcement about this initiative later in 2017.

Our revised compliance strategy continues to roll out. We are making many more visits to organisations than previously, we have taken our popular RB training sessions outside Belfast and we are trialling an AccessNI surgery, where appointments can be booked in advance with AccessNI staff in Derry/Londonderry

later this month. Further information will be available on the website and through direct communications.

Finally, AccessNI has provided “easier to reach” information on the Department of Justice website including matters such as AccessNI performance, filtering of criminal records and regulated activity/enhanced checks. You can follow the link below;

<https://www.justice-ni.gov.uk/articles/about-accessni>

Please don't hesitate to contact us by telephone or e-mail if you have any queries.

Tom Clarke
General Manager

Open Data

AccessNI has published data to www.OpenDataNI.gov.uk in line with the Northern Ireland Open Data Strategy. This includes the number of applications submitted by each Registered, Responsible and Umbrella body for 2016/17. This information will be updated on a regular basis.

OpenDataNI brings together, in one place, a range of data from government departments and other public sector organisations. The data is available under an Open Government Licence which means that it is free to copy, adapt, commercially exploit and publish.

For further details, you can view a copy of the strategy here –

<https://www.finance-ni.gov.uk/sites/default/files/publications/dfp/Open-Data-Strategy-2015-18.pdf>



➤ Umbrella Body Review

The Compliance Team is currently undertaking the annual review of Umbrella Body organisations registered with AccessNI.

Letters have been issued to all Open and Closed Umbrella Bodies to ensure AccessNI records are correct.

If you are processing **ANY** disclosure applications for other organisations but did not receive a review letter from AccessNI please contact AccessNI on 02890 526498.

If you wish for your organisation to become registered as an Umbrella Body please send an email to the following mailbox –

accessni-compliance@accessni.gov.uk

Returned Applications

When applications are returned to a Countersignatory requesting more information on Position Applied For (PAF), as to how it qualifies for the level of check requested, some organisations return the application to AccessNI with the PAF unchanged and send an email to the ANI mailbox with the additional information. This is not the correct procedure for amending the details. The PAF on the application must be updated with the additional information before returning the case to AccessNI.

Cancellation of Disclosure Applications

If an applicant withdraws their application for a position after a disclosure application has been completed and submitted to AccessNI, the RB should contact AccessNI to request the application to be cancelled. If the certificate has not been issued, AccessNI can cancel the application with no charge to the organisation. If the RB rings to cancel the application after the disclosure certificate has been issued, it cannot be cancelled and the RB will be invoiced for the disclosure.

➤ Lead Signatory Positions with Registered/Responsible Body Organisations

As you are aware the Compliance Team undertake compliance audits with all organisations registered with AccessNI. Recently, a second round of visits have been undertaken with some organisations and the Team are finding that there is a lack of contingency planning in place to ensure the knowledge and role held by the lead signatory is being shared/divulged with other signatories, to ensure greater continuity if a lead signatory is not available.

AccessNI request all registered organisations to ensure –

- there is more than 1 counter-signatory allocated to their AccessNI account to ensure the organisation is always in a position to process disclosure applications.
- the lead signatory updates and passes on all their knowledge of the disclosure process to another countersignatory to ensure continuity if the lead signatory would become unavailable.

The AccessNI Compliance Team will continue to provide support and guidance to a registered/responsible body but they cannot be relied on to train staff on the duties and obligations of the lead signatory in relation to the AccessNI Code of Practice during a compliance audit.

If you are registered with AccessNI but currently find that your organisation has no lead signatory or countersignatory please inform AccessNI using the mailbox –

accessni-compliance@accessni.gov.uk



Sample Letter to Request Certificate

AccessNI updated the NI Direct website with a revised sample letter for organisations to request a Disclosure certificate. This revised sample letter incorporates a consent form/slip to be completed by an applicant allowing the Registered/Responsible Body to hold the disclosure certificate until a recruitment decision has been made. See link provided below:-
<https://www.nidirect.gov.uk/publications/sample-letter-requesting-accessni-certificate>

Pre-employment application form– question about disclosure of convictions

At a recent RB training event a number of organisations asked if they could include a question on their employment/volunteer application form about previous convictions.

Employers can of course ask any potential employee/volunteer for details of previous convictions. Normally an employer/voluntary organisation may only ask for information about convictions that are not “spent” under the Rehabilitation of Offenders Order (NI) 1978. The exception to this is where a job position is exempt from this restriction as it is specifically identified in the Rehabilitation of Offenders Order (Exceptions) (NI) 1979. In these circumstances an employer can ask for details of both spent and unspent convictions. All eligible applications for Standard and Enhanced checks have such an exemption.

However, restrictions remain as to the extent to which even these organisations can ask for information about previous convictions. In 2014, following a change in legislation, employers cannot require an applicant to provide information about old and minor convictions or non-court disposals that will be filtered from the applicant’s AccessNI certificate. Indeed it would be unlawful to do so. More information about convictions and non-court disposals that can be filtered can be found at the following link;

<https://www.nidirect.gov.uk/articles/information-disclosed-about-you>

scroll to the section entitled “Filtering criminal records”

This means that an employment application form cannot require an applicant to simply “provide information about **all previous convictions and/or warnings**”.

The following is an example of a question that could be asked on an application form for an applicant who is applying for a job that would require a standard or enhanced check;

“Please provide information about previous convictions, including cautions and other warnings you may have received (excluding parking fines/bye-law offences etc.). You are not required to and should not provide information about old and/or minor offences that will be not be disclosed by AccessNI”.

To help applicants understand what information might not be disclosed by AccessNI, you can provide the same link to them as set out in this article.

You may wish to seek further advice from your own Human Resource or legal teams.”

➤ Finance

All organisations are reminded that AccessNI’s payment terms state that invoices should be paid within 30 calendar day.

If any organisations would like to switch from hard copy invoices to electronic copy, the Lead Signatory should advise accessni-finance@accessni.gov.uk with details of the relevant contact email address.

