

Working **together** for  
**fairness, justice** and **safety**



# COUNTERSIGNATORY INFORMATION PACK

(Registered Bodies Only)



Department of  
**Justice**

An Roinn Dlí agus Cirt

Máinnystrie O tha Laa

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## Section 1 – Introduction

- 1.1 If you are reading this document it is likely because you or an organisation you are involved with has identified a potential need to undertake criminal history disclosure checks as part of a recruitment process.
- 1.2 The purpose of this Information Pack is to assist Employers and Voluntary Groups to better understand the roles, services and functions of AccessNI, and know how to engage with and get the best out of the criminal history disclosure service. Following the guidance in this pack will help organisations to successfully countersign disclosure applications to AccessNI in order that they might obtain relevant criminal history information so that safer and more-informed recruitment decisions can be made.
- 1.3 A series of [hyperlinks](#) (pre-fixed with a ) have been inserted throughout this document which, if selected, will take the (online) reader to web pages with further information on the specific subject matter.

### Background

- 1.4 AccessNI provides a Criminal History Disclosure Service from the Department of Justice in Northern Ireland. AccessNI commenced operations in April 2008 and operates in accordance with [Part V of the Police Act 1997](#). Similar disclosure services exist in England and Wales ([Disclosure and Barring Service](#)) and Scotland ([Disclosure Scotland](#)) – it is imperative that organisations seek disclosure checks from the relevant service in the jurisdiction where the position being recruited will be located.
- 1.5 AccessNI's services can be used by individuals or organisations where an employer requires a job applicant to supply criminal history information. Some organisations are required to consider the suitability of an applicant for certain positions or to ensure that they are not barred from working with vulnerable groups. Some examples are given below:
  - where an organisation intends to employ individuals in Regulated Activity within the meaning of the Safeguarding Vulnerable Groups (NI) Order 2007;
  - where an organisation recruits staff who work in positions covered by the Rehabilitation of Offenders (Exceptions) Order (Northern Ireland) 1979;
  - where an organisation supplies staff to other organisations and is required to carry out recruitment checks; or
  - where an organisation has agreed to apply for Disclosures on behalf of other organisations.

## AccessNI Commitments

1.6 In delivering our service AccessNI seeks to:

- Enable employers/organisations in Northern Ireland to make safer and more-informed recruitment/placement decisions.
- Provide a service which supports enhanced protective measures for children and vulnerable people in our society.
- Provide an accurate and timely disclosure service
- Provide value for money.

1.7 Detailed information on AccessNI can be found on the nidirect website at:-

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

1.8 Part V of the Police Act 1997 (the Act) allows individuals to obtain a certificate of their own unspent criminal record – or a certificate that there are no such convictions. This is known as the **Basic check**.

1.9 The Act also allows for the selective release of criminal and police records to an applicant when they are being considered for appointment to certain types of posts. There are two levels of check here:

- **Standard check** of an individual's entire criminal record, spent and unspent Convictions, Cautions, informed Warnings and Youth Conference Plans (as appropriate); and
- **Enhanced check** in addition to information on a Standard Check, relevant police non-conviction information and a check of lists from across the UK of those barred from working with children and/or vulnerable adults.

1.10 This Information Pack is primarily for the use of those persons who will be countersigning Standard or Enhanced checks. These are known as registered persons and the organisations they work for as Registered Bodies. All references in this document to Registered Bodies apply equally for Umbrella Bodies, except where specifically highlighted.

## Section 2 – About Our Service

- 2.1 Spent convictions and non-conviction information can only be disclosed where there is a statutory entitlement. This is to protect the individual from inappropriate disclosure of their personal information. Employers cannot obtain details of spent convictions or non-conviction information except where there is a statutory entitlement.
- 2.2 There are two pieces of legislation that restrict the positions that qualify for a Standard or Enhanced check:-

- Anyone who works in the occupations listed in the **Rehabilitation of Offenders (NI) (Exceptions) Order 1979** (as amended) is eligible for a Standard check.
- Any position that falls into above category **and** meets the definition of a Prescribed Purpose, per paragraph 9 of the **Police Act 1997 (Criminal Records) (Disclosure) Regulations (Northern Ireland)** is eligible for an Enhanced check.

- 2.3 A Prescribed Purpose includes positions that fall within the definition of Regulated Activity. The Department of Health (NI) has published guidance setting out the factors employers are legally required to consider when asking an individual to apply for a Standard / Enhanced check. This Department of Health (NI) guidance covers both positions in relation to vulnerable adults and children and can be viewed at the following links:-

- 🔗 [Regulated Activity – Adults](#)
- 🔗 [Regulated Activity - Children](#)

- 2.4 Applications for Standard and Enhanced checks must be made by the individual applicants and countersigned by Counter Signatories in AccessNI-approved Registered Bodies. The AccessNI online solution enables disclosure applications to be completed, submitted and approved electronically via the portal on the nidirect website.
- 2.5 The AccessNI disclosure certificate will be issued directly to the applicant's online account.

### Registration

- 2.6 Organisations are required to apply to AccessNI, and become a **Registered Body** before they can countersign applications for Standard or Enhanced checks.

Organisations will be required to submit 20 disclosure requests per year in order to retain Registered Body status.

- 2.7 The process for registration is straightforward (taking 2-3 weeks) and requires the organisation to provide details of their role, the number and types of disclosures they may require per annum, and details of a (usually) senior staff member who will be the organisation's 'Lead' Signatory. AccessNI will undertake some checks to be satisfied that the organisation is suitable to be a Registered Body and, upon confirmation, will email the Lead Signatory providing registration details.
- 2.8 Applications to become a Registered Body must be submitted via the nidirect portal – the relevant web page can be accessed at the following link:-

 [Apply online to become Registered Body](#)

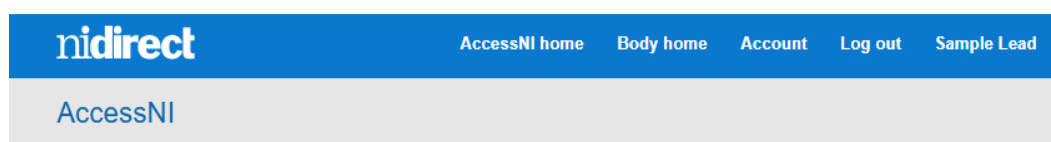
- 2.9 Online Government services in NI are delivered through NIDA online accounts administered through the nidirect platform. If you have one of these already you should use it as your identity will already have been verified. You may have created one to apply for a COVID certificate, a driving licence or to use MyCare; you must now use it to make applications to AccessNI.
- 2.10 If you do not have a NIDA account, you must create one, known as a NIDA LOA2 account. This is a straightforward process requiring the account holder to upload three identity documents and a selfie. Nidirect will conduct a digital identity check to verify the identity of the account holder. Once the identity of the account holder has been verified and the nidirect account created, the account holder can log in and complete the application.
- 2.11 The cost of registration is £195 and includes the registration of the Lead Signatory. This fee must be paid in full before registration can be confirmed.
- 2.12 On successful completion of registration, the Lead Signatory will be issued with the following reference numbers:

|                                        |                                                                                                                                                                                                        |
|----------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Registered body reference number       | Reference number relating to the organisation registration.                                                                                                                                            |
| A lead/countersignatory number         | The signatory will need this number to log into their account. It is their responsibility to protect this information and use it only as required when completing and approving AccessNI applications. |
| A personal identification number - PIN | This number may be passed to applicants to allow them to complete their on-line application. When completed the application will appear in the Signatory's                                             |

|            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            | application work queue for checking and approval. If the Signatory account becomes inactive, this PIN will no longer be valid and recruitment material needs to be revised to provide details of a new PIN.                                                                                                                                                                                                                                                                                                  |
| A Body PIN | This number may be passed to applicants to allow them to complete their on-line application. When completed the application will appear in the Lead Signatory applications work queue for checking and approval. The lead signatory should select the 'View All' function which will permit all signatories to process these applications. The Body PIN will never become inactive or invalid. This PIN will remain active when a Signatory leaves to allow continuity for AccessNI disclosure applications. |

The organisation should decide which PIN number they wish to circulate to their applicants to meet their business need.

- 2.13 The Lead Signatory will also be able to log on, view and edit their nidirect account. The Registered Body Homepage for their account looks like this:



## Registered body homepage

### Registered body homepage

[View details of applications](#)

[Manage AccessNI account](#)

[Edit personal details](#)

[Track status of applications](#)

[Manage countersignatories](#)

[Manage applications access](#)

- 2.14 Uniquely, Lead Signatories have additional functionality to:

- View details of all applications submitted for approval;

- Promote or delete Countersignatories via the 'Manage countersignatories' option; and
- Reassign an application to another Signatory via 'View details of applications' option.
- Activate the 'View All' function to permit all Signatories to view and process all applications via 'Manage applications access'.

## Countersignatories

2.15 A Lead Signatory can arrange for further Countersignatories to be added via the nidirect portal. Each additional Countersignatory costs £13; this charge will be invoiced at the end of the month in which the Countersignatory's registration is approved. AccessNI would recommend that organisations register at least one other Signatory in addition to the Lead Signatory.

2.16 Countersignatories must create their own nidirect account, complete the countersignatory application form and upload the relevant identity documents before a Lead Signatory can register them with AccessNI (see paragraph 2.10). The relevant link on the nidirect portal is as follows:

 [AccessNI Registered Bodies - Signatories](#)

2.17 AccessNI will carry out checks to ensure that all Signatories are suitable persons to receive disclosure information. This will include checks against criminal record information and other non-conviction information held by law enforcement agencies. AccessNI reserves the right not to register any individual considered not to be a suitable person to have access to disclosure information.

2.18 AccessNI aims to process additional Countersignatory applications within three weeks. Upon confirmation of registration, each Countersignatory will receive a unique 10-digit Counter Signatory number (which they should protect) and a six-digit PIN number. An organisation will need to share a Signatory PIN or the Body PIN with applicants to make an application online.

2.19 It is the responsibility of the Lead Signatory to ensure that the details of Countersignatories within their Registered Body are accurate and up-to-date on the nidirect portal. This is a statutory requirement and failure to do this could affect the organisation's registration status.

2.20 An AccessNI Countersignatory **should not use their Signatory account to make any applications as this will corrupt the Registered Body account**. The Signatory account is purely for the approval of an applicant's disclosure application.

## Umbrella Body

- 2.21 Some organisations may wish to register as an [Umbrella Body](#). An Umbrella Body is an organisation which has registered with AccessNI to make applications for Basic or Standard and Enhanced Disclosures on behalf of other organisations. Umbrella Bodies also process Standard and Enhanced disclosure applications for self-employed workers or personal employees when they meet the eligibility criteria. Some smaller organisations may not be able or wish to become a Registered Body in their own right and may prefer to use the services of a larger organisation which has already registered with AccessNI and can deliver all of the necessary services on their behalf, including processing the disclosure applications. Umbrella Bodies must also adhere to the minimum threshold of 20 applications per year.
- 2.22 In using the AccessNI service, Umbrella Bodies must develop a Service Level Agreement with their client organisations where they will be processing **more than five checks in a 12 month period**. A sample SLA can be found at the following link:

 [AccessNI SLA for an Umbrella Body](#)

Where an Umbrella Body will be processing **five checks or less in a 12 month** period for a client organisation a Service Provision Letter and Applicant Information Leaflet should be issued to the client organisation. A template Service Provision Letter and Applicant Information Leaflet is available at the link below:

 [Umbrella Body Documents](#)

- 2.23 AccessNI maintains an online database of all Umbrella Bodies - this database contains details of Umbrella Bodies willing to assist other organisations with processing disclosure applications and includes details of the fees they charge. The Umbrella Body database can be found at the following link:

 [Umbrella Body Database](#)

## Registered Body Training

- 2.24 AccessNI offers two different on-line training webinars to AccessNI Signatories, each webinar lasting approximately 90 minutes. The training is provided free of charge and can be booked by any Signatory at the link provided below:-

 [AccessNI training for Signatories](#)

## AccessNI Searches

2.25 Upon receipt of a completed application and depending upon the level of check being sought, AccessNI performs searches against a range of UK-wide databases, including:

- a) Law Enforcement Data Service (LEDS), which holds details of all UK criminal records; and

For Enhanced checks only -

- b) Disclosure and Barring Service's intelligence nominal index for UK police forces - AccessNI can request law enforcement agencies to search their records and provide details of any information they reasonably believe to be relevant to the position for which the application is being made and ought to be disclosed;
- c) Relevant Barred Lists, including the Scottish Government's list of persons who are not permitted to join their PVG scheme;
- d) Where an individual is either currently resident in the Republic of Ireland, or has lived there in the previous 5 years, PSNI will ask *An Garda Síochána* (ROI Police) to determine whether they have any relevant information, for example convictions in the Republic of Ireland. PSNI will share such information with AccessNI for inclusion on the disclosure certificate; and
- e) For applicants working in Regulated activity with children, and in addition to d) above, AccessNI seek criminal record information from the home countries of EU citizens from the following countries:-

- Albania
- Austria
- Belgium
- Bulgaria
- Croatia
- Cyprus
- Czech Republic
- Denmark
- Estonia
- Finland
- France
- Germany
- Greece
- Hungary
- Italy
- Latvia

- Lithuania
- Luxembourg
- Malta
- Netherlands
- Poland
- Portugal
- Romania
- Slovakia
- Slovenia
- Spain
- Sweden

## Overseas Applicants

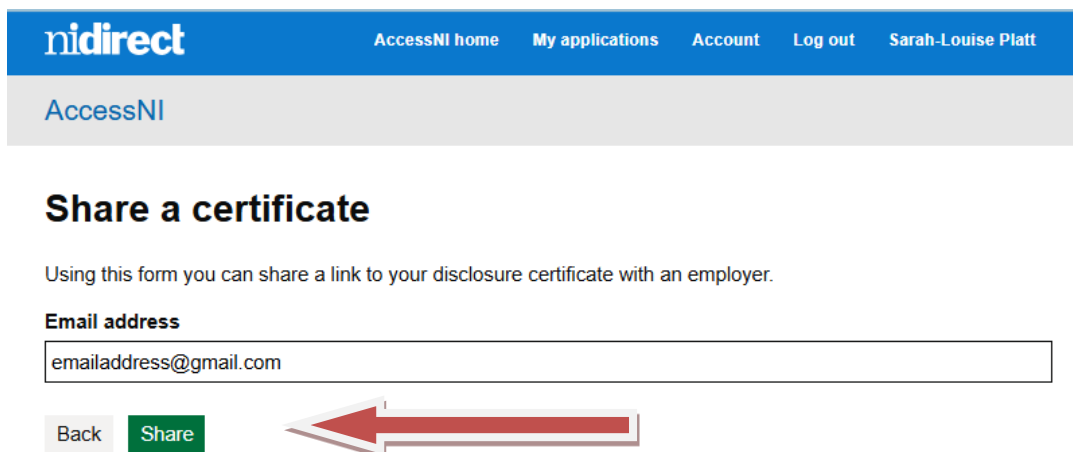
- 2.26 If recruiting people from overseas and an organisation wishes to check their overseas criminal record, an AccessNI disclosure may not provide a complete picture. This is because AccessNI cannot currently access criminal records held overseas with the exception of the countries listed in para 2.24 d) and e).
- 2.27 In a number of cases, overseas criminal records are held on the Law Enforcement Data Service and these would be revealed as part of an AccessNI disclosure. In addition, many EU countries will record offences committed by UK citizens in those countries on LEDS.
- 2.28 It is considered good recruitment practice, where possible, to obtain a Certificate of Good Conduct and any other references from potential overseas employees, although you may find that the standard of police checks varies from country to country.
- 2.29 If you wish to establish the standard of a Certificate of Good Conduct or overseas criminal record check, you will need to contact either the authorities in a particular country or their official representative in the UK. Further information can be found at the following web page:

 [Criminal record checks of overseas applicants](#)

## AccessNI Certificates

- 2.30 The product of the work undertaken by AccessNI is a certificate disclosing any relevant criminal history information or confirming that no information is held.
- 2.31 A digital disclosure certificate will be issued electronically to the nidirect account of the applicant only.
- 2.32 The applicant should share their disclosure certificate by selecting the 'share' link and by entering the email address of the recipient. If the disclosure certificate is to be

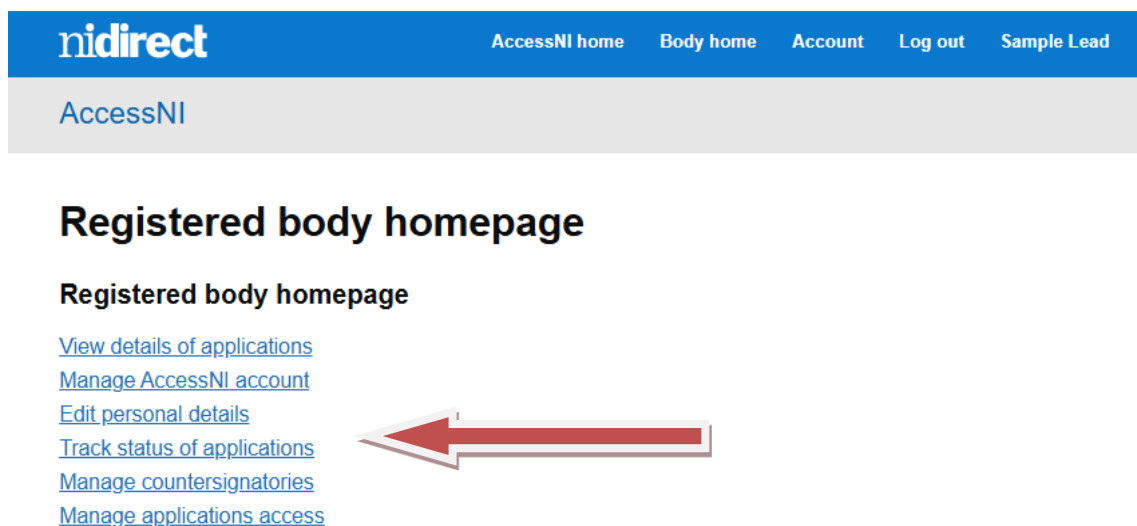
shared with multiple recipients each email address should be entered separately. A sample of the share screen has been provided below:-



- 2.33 The recipient will have a 5-day window to view the disclosure certificate and they can only view it **ONCE**. If the recipient does not view the disclosure certificate within this timeframe or if they need to view the disclosure certificate for a second time they can request the applicant to share their digital certificate again.

## Case Tracking

- 2.34 Signatories can use the Case Tracking facility on their nidirect accounts to track progress of online applications.



- 2.35 The Case Tracking will indicate when AccessNI commence working on an application, and if / when the case is referred to a 3<sup>rd</sup> party / police force.

- 2.36 Where the status of an application in Case Tracking indicates ‘Certificate issued’ and has the suffix (N) beside this, the Signatory will know that the certificate has been issued with no information on it. **Where there is no (N), then the Signatory will know that the certificate has been issued with some information contained within it.** In such circumstances, the Signatory will need to ask the applicant to provide a copy of the certificate for consideration. AccessNI has a sample letter that the Registered Body can send to the applicant as provided at the link below:

 [Sample letter requesting AccessNI certificate](#)

- 2.37 Please note that the applicant’s view of case tracking will not have the suffix (N). It will simply indicate a certificate has been issued - this is because the applicant actually receives a copy of the certificate.
- 2.38 Where a digital certificate is issued to the applicant they will have to log into their nidirect account where they have the option to ‘Share’ their certificate. To do this, the applicant will input an email address for the recipient and the recipient will have a three-day opportunity to view the certificate. Where the certificate is not viewed within the 3 days the applicant should be asked to ‘Share’ their certificate again.
- 2.39 Registered Bodies should note that once the status of a certificate changes to certificate issued, this will **remain on the case tracking system for a period of 90 days only**. After that period of time it will be removed from a Signatory’s account. An option is available within Case Tracking to download, print out and keep a copy of when certificates are issued (export to CSV button). This may be especially useful where organisations are required to show to a regulator that a certificate has been obtained on any individual.

## Disclosure Charges

- 2.40 AccessNI operates on a full cost recovery basis and is required to levy charges for the services it provides. The current costs are:-

|                       |     |
|-----------------------|-----|
| ➤ Basic Disclosure    | £16 |
| ➤ Standard Disclosure | £16 |
| ➤ Enhanced Disclosure | £32 |

- 2.41 Please note that these charges are subject to change, but these changes will be published in advance.

## Payment

- 2.42 Applications for Standard and Enhanced Disclosures must be paid for (where payment is appropriate) on account; AccessNI cannot accept payment for these type of disclosure applications by any other means.

**If the incorrect level of disclosure has been submitted to AccessNI, a refund cannot be made when the certificate has been processed.**

- 2.43 Invoices are issued to Lead Signatories (or their Finance Department at the Lead Signatory's request) on the first day of each calendar month. Invoices will include details of all chargeable disclosures issued during the previous month. For reconciliation purposes, invoices will include summary details of each disclosure making up the sum total of the invoice.
- 2.44 Invoices must be paid within 30 calendar days. AccessNI's preference is that payment is made by electronic BACS transfer. If this is not possible, payment can be accepted by cheque, and should be sent to AccountNI in Goodwood House. It is imperative that the invoice number is referenced on all payments so that we can associate the payment to the correct account.
- 2.45 Failure to make payment within a satisfactory time could result in the organisation being de-registered.

## Volunteers

- 2.46 AccessNI provides free Standard and Enhanced checks to volunteers. For the purposes of AccessNI's services and subject to the exclusions set out below, a volunteer has been defined as follows:

A person engaged, or to be engaged, in an activity for a non-profit organisation or person, which involves spending time unpaid (except for travel and other out-of-pocket expenses) doing something which amounts to a benefit to some third party other than, or in addition to, a close relative.

- 2.47 It is important that the provision of free disclosures operates fairly and efficiently. AccessNI regularly checks eligibility for volunteer disclosure certificates and will discuss applications with the Registered Body where there is a question over eligibility.
- 2.48 Under the relevant legislation, a **non-profit organisation or person** is one which does not distribute its surplus funds to owners or shareholders. AccessNI will not provide free of charge disclosures to organisations who do not meet this provision.

2.49 Volunteers within the two specific and narrowly defined categories set out below, are excluded from eligibility for free disclosures. The exclusions attached to the delivery of statutory services or funding supplied for defined projects. In each case, the exclusion is not intended to remove support from volunteers, but rather to recognise the provision of Government funding from another source. The exclusions apply to applications from volunteers:-

- in connection with an activity in which the volunteer is engaged, or is to be engaged, directly for a Statutory Body; or
- in circumstances where a sum to include the cost of a disclosure fee in connection with the activity which the volunteer is engaged, or to be engaged, in has been provided out of public funds.

## Service Standards

2.50 AccessNI has service standards that reflect our performance targets for processing disclosure checks. These are:-

| TYPE                                         | PERFORMANCE TARGET                                                                                                                                                  |
|----------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Basic / Standard checks<br>(via body online) | To issue: <ul style="list-style-type: none"><li>▪ 99% within 7 calendar days</li></ul>                                                                              |
| Basic check<br>(direct by citizen, online)   | To issue <ul style="list-style-type: none"><li>• 95% within 14 calendar days</li></ul>                                                                              |
| Enhanced checks<br>(online)                  | To issue: <ul style="list-style-type: none"><li>▪ 70% within 10 calendar days</li><li>▪ 95% within 21 calendar days</li><li>▪ 98% within 28 calendar days</li></ul> |

2.51 The extended time for Enhanced checks reflects the extra work required in seeking input from external law enforcement agencies. Signatories can obtain details about up to date turnaround times at:-

 [Turnaround times](#)

2.52 AccessNI also has a set of published service standards for handling:-

- Correspondence;
- Disputes;
- Complaints; and
- Data Protection Queries.

2.53 AccessNI's full published service standards are available at:-

 [Public Service Standards](#)

## Code of Practice

2.54 AccessNI requires all Registered Bodies to comply with a statutory based  [Code of Practice](#).

2.55 This document has been approved by the Information Commissioner and essentially forms the basis of the relationship between AccessNI and each Registered Body. It therefore is an extremely important document and all Signatories must become familiar with it.

2.56 The Code is intended to ensure that all the information provided is handled confidentially and sensitively and used fairly by organisations who receive it. Criminal record information is regarded, under the Data Protection Act 2018 as sensitive personal information and therefore access to, and use of it, must be treated with that in mind.

2.57 While a copy of the disclosure certificate is not provided to the Registered Body, there are times when they will ask an applicant to provide them with the certificate, or share their digital certificate, so that the information contained in it can be viewed. All information must be held securely and should be disposed of when decisions based on the information have been taken. This is typically once the recruitment decision has been taken.

2.58 In relation to data handling, storage and disposal of disclosure information, each Registered Body is required to have a policy in place. A sample of the policy can be found at the following link:-

 [AccessNI Sample Policy Statement](#)

2.59 In addition each Registered Body is required to have a policy on the Recruitment of Ex-Offenders. A sample of the policy can be found by clicking on this link:-

 [Sample Policy Recruitment of Ex-offenders](#)

2.60 The AccessNI Compliance Team will monitor the Registered Bodies to ensure compliance with the Code of Practice. This is done through a programme of Compliance Audits, where a member of the AccessNI team will visit or schedule an

online meeting with the Registered Body and ask a number of questions about compliance with the Code of Practice and review their ID checking processes. The Compliance Team also investigates reported issues of concern and will refer to other information in assessing the on-going status of a Signatory / Registered Body. AccessNI has a number of sanctions available should non-compliance become an issue; these include suspension and de-registration of Lead and Countersignatories.

- 2.61 AccessNI aim to visit with Registered Bodies at least once in a 3-year rolling cycle; but retain the right to undertake ad hoc visits should the need arise.

## Disputes, Appeals and Complaints

- 2.62 AccessNI has an on-line procedure for handling disputes against the accuracy of information on disclosure certificates. If an applicant wishes to **dispute** the information on their certificate they should log into their AccessNI account where they have the option to View, Share or Dispute/Appeal their disclosure certificate.

- 2.63 Disputes can be in relation to:-

- The accuracy of any police or criminal record information (*AccessNI will deal with relevant police forces to resolve this*);
- The extent to which the police information disclosed is relevant or ought not to have been disclosed (*AccessNI will deal with the relevant police force, but if the dispute cannot be resolved the case may be referred to the Independent Monitor*).

- 2.64 More information about disputes and how to raise a dispute can be found on the website at:-

 [Disputing AccessNI Certificates](#)

- 2.65 An applicant can appeal information disclosed on their certificate in relation to:-

- Criminal record information disclosed on a standard or enhanced certificate which shouldn't be there;
- Criminal record information which isn't relevant to the position they are applying for;
- The proportionality in disclosing the criminal record information (AccessNI will refer the matter to the Independent Reviewer).

More information about this can be found in the appeal section of the website at:-

 [Appeal an AccessNI certificate](#)

- 2.66 If you wish to make a **complaint** about any aspect of the service provided by AccessNI you should refer to the AccessNI Complaints Policy which can be found at the link provided below:-

 [AccessNI Complaints Policy](#)

- 2.67 In submitting your complaint, please provide as much information as possible with regard to the matter about which you are complaining. This will allow us to fully investigate the matter and provide as full a response as possible. We endeavour to respond to complaints as quickly as we can and aim to respond to 90% of complaints within two weeks of receipt.

## **Customer Support**

- 2.68 Registered and Umbrella Bodies can seek assistance by calling our dedicated Helpline number **(0300 200 7888)** which is available from **08.30 to 17.00 Monday to Friday**. Calls will initially be answered by a member of nidirect call centre staff. If they are unable to answer your query, the call will be transferred to a member of staff in AccessNI. However, many queries can be answered through the information on the nidirect website and we would urge you to visit this before calling. Where applications have been made online AccessNI would expect Registered Bodies to use case tracking to answer queries in relation to the progress of a case.
- 2.69 **Please note that AccessNI staff cannot make a recruitment decision following the issue of a Disclosure Certificate. Nor can AccessNI staff provide advice regarding the level of disclosure that may be required for a certain position.**

## Section 3 – Disclosure Application Process

- 3.1 The process for making an application for Standard and Enhanced Disclosures from AccessNI is straightforward; the online system is intuitive and designed to help people easily follow and work through the application process easily.

### Applicant

- 3.2 To make an online application for a disclosure check, an applicant must first open their own account on the nidirect website. Nidirect will conduct a digital identity check using identity documentation and the address will be verified using central records eg DVA or Passport office. An email address and a password of the applicant's own choice are required along with three identity documents and a selfie. Creating an account lets an applicant track the progress of their case. An online application cannot be made unless a nidirect account is opened. Registered Bodies can direct applicants to the relevant page on the nidirect portal at the following link:-

 [Create nidirect account](#)

- 3.3 You may wish to embed this link on your recruitment documentation.
- 3.4 Once an applicant has successfully created an account they can then log in and begin the application process. The first step in the process is for the applicant to enter a six- digit PIN number. This is the number that a Signatory or organisation were given when they registered with AccessNI (do not give out the 10 digit Countersignatory number). If this is successful the applicant will be presented with a page which confirms both the name of the Registered Body and the Signatory.
- 3.5 From this point forward, applicants simply complete their personal details into the relevant boxes of the application or verify the information pre-populated from the nidirect account. The system uses in-built validation to ensure, where possible, fields are correctly completed, including provision of a full five-year home address history. Once an applicant has completed each page the information is automatically saved. There are 12 pages in all for an applicant to complete.
- 3.6 An applicant will be required to upload two identity documents to the application form so that the information provided on the application can be verified. To avoid delays, where possible the applicant should upload their birth certificate issued at the time of their birth (or another suitable document that confirms their name at birth and date of birth) and a second document that contains both their current name and a photographic image of them.
- 3.7 At the conclusion of the process, the applicant submits the application and it will instantly appear in the relevant work queue of the Signatory for the PIN number that

was provided. A confirmation email provides the applicant with their reference number and a link to allow them to track the progress of their application.

## Signatory

- 3.8 The Signatory will be sent an email to advise them whenever an application has been forwarded to their nidirect account. The Signatory can find the application by logging into their account and selecting the '**view applications button**' option on their Registered Body Homepage – this option lists all applications awaiting their attention.
- 3.9 Upon selecting an individual case, the Signatory should ensure acceptable identity documents have been uploaded to the AccessNI disclosure application.
- 3.10 The Signatory will be able to view the details that the applicant has entered on their application. The Signatory must check these details are correct, ensuring names (including middle and maiden names), addresses, date of birth, etc are validated against the ID documentation uploaded with the application.
- 3.11 Signatories are unable to edit name details on an application, the name has been verified and approved by nidirect when the account was created. If an AccessNI Signatory recognises a discrepancy, the application should be returned to the applicant who will need to update the information on their nidirect account.
- 3.12 Signatories should pay particular attention to the provision of middle names and previous surnames on an AccessNI application as this is not a requirement for the nidirect account. Where it is clear that all forenames/middle names or previous surnames have not been entered the application should be returned to the applicant for amendment. This is because the applicant signs a declaration to the effect that the information they have provided is true. If a Signatory amends the application in a material way this could invalidate the applicant's declaration. If Signatories do choose to amend the application, they must advise the applicant of the change they have made (and retain a copy of this notification).
- 3.13 Once a signatory is content that the information provided by the applicant on the application is correct, and has clicked the appropriate button to proceed with the application, they have the option to add further details of the position. Example job applied for and reference number.
- 3.14 Specific attention should be given to the 'position applied for'. Signatories must ensure this is correctly completed and, in particular for applications for Enhanced checks, that it is for one of the prescribed positions set out in AccessNI Regulations. In addition, Signatories must only seek a check of the lists of those who are not allowed to work with children and adults where they are working in Regulated Activity. Guidance on the level of criminal record checks for jobs/roles has been provided below:-

## Employer obligations

- 3.15 Umbrella Bodies should note that where the application seeks details of the organisation that this automatically defaults to their name. If they wish to change this to the name of the client organisation that requested their service, they should over-type this with their client's name.
- 3.16 Once the Signatories have reviewed the summary of the information they have entered, they complete the declaration and finish by clicking the 'Confirm and Proceed' button. The application is automatically transferred to the AccessNI work queue and is available for processing.
- 3.17 Signatories can track the progress of applications by logging in and selecting **Track status of applications**.
- 3.18 Once AccessNI has completed its work on an application a certificate will be issued to the applicant (either digitally or 1<sup>st</sup> class post) and the case tracking system is updated accordingly. Please note the Signatory will not be notified by email when a certificate has been issued, therefore the Signatory should monitor the case tracking on their nidirect account on a regular basis.

## **Eligibility**

- 3.19 AccessNI reserves the right to return applications where there does not appear to be a legislative entitlement for a Standard / Enhanced check. For example, an application for the position of Administrative Assistant would not appear to meet the criterion for an Enhanced check; as such AccessNI may seek additional information about the position.
- 3.20 Registered Bodies must note that it is their legal responsibility to ensure there is a legal entitlement; AccessNI cannot be responsible for erroneous applications in this regard. Registered bodies and signatories should be aware that it is a **criminal offence** to make a false statement for the purposes of obtaining a certificate.

## **Identity Verification**

- 3.21 **This is an extremely important aspect of the disclosure process.** If not conducted properly this can compromise the accuracy and integrity of the disclosure process and may result in safeguarding risks to those in vulnerable groups.
- 3.22 Signatories must ensure that Identity Documents have been checked in line with the AccessNI guidance which can be viewed on the website at the following link:-

## [Guidance for Signatories Approving AccessNI Applications](#)

- 3.23 A list of acceptable documents is available at the same link.

3.24 AccessNI is aware that some individuals may seek to undermine the criminal justice system by providing fraudulent names, addresses, etc. to law enforcement agencies, and/or prospective employers. Registered Bodies should ensure they have details of all the applicant's previous names, for example, their maiden name in the case of a married woman or particular to Northern Ireland, where an individual now uses an Irish variation of their name having previously used an English spelling. This is important as criminal records are not updated when a person amends their name. Whilst AccessNI have measures in place to help identify such instances, the risk of erroneous disclosure is greatly reduced if full and thorough checks are carried out at the point of application completion.

3.25 The following tips may help Countersignatories in checking applicant's identity:-

- Ensure that all names provided on the Disclosure Application correspond to those on ID documentation provided by the applicant. All names should be included on the Disclosure Application.
- Check email addresses used by the applicant as this can indicate the use of other surnames or middle names.
- Ensure documents verifying the applicant's address(es) are recent – not more than 3 months old.
- If in doubt, challenge the applicant or seek alternative evidential support. Do not assume that there is nothing untoward.

Passports are regarded as a more verifiable way of checking identity; however, even these are not fool-proof.

3.26 If the disclosure process is compromised as a result of insufficient checks to verify the applicant's identity, AccessNI will refer the matter to the Registered Body for redress.

3.27 AccessNI may seek to de-register any Signatory found not to be thoroughly checking applicants' identity documents prior to submitting disclosure applications to AccessNI.

### **Guidance on Recruiting People with Conflict-Related Convictions**

3.28 The NI Executive has issued guidance for employers on the recruitment of people with conflict-related convictions. The Employers' Guidance is a voluntary document designed to help employers follow best practice in recruiting people with convictions arising from the period of conflict in Northern Ireland, provided that these are in respect of activities which took place pre-April 1998.

- 3.29 It aims to reduce barriers to employment and enhance the re-integration of people with conflict-related convictions by encouraging employers to allow political ex-prisoners to compete on an equal basis with other applicants.
- 3.30 It represents additional good practice to be read alongside existing legislative provisions such as the principles contained in Fair Employment legislation.
- 3.31 Further information on the Employers' Guidance has been provided below:

 [Recruiting People with Conflict-Related Convictions](#)

## Duty to Refer

- 3.32 If you are a regulated activity provider or fall within the category of personnel supplier, you must make a referral when **both** of the following conditions have been met:

**Condition 1:** you withdraw permission for a person to engage in regulated activity with children and/or vulnerable adults. Or you move the person to another area of work that isn't regulated activity.

This includes situations when you would have taken the above action, but the person was re-deployed, resigned, retired, or left. For example, a teacher resigns when an allegation of harm to a student is first made.

**Condition 2:** you think the person has carried out 1 of the following:

- engaged in relevant conduct in relation to children and/or adults. An action or inaction has harmed a child or vulnerable adult or put them at risk or harm or;
- satisfied the harm test in relation to children and/or vulnerable adults. Eg there has been no relevant conduct but a risk of harm to a child or vulnerable adult still exists or
- been cautioned or convicted of a relevant (automatic barring either with or without the right to make representations) offence

The duty to refer applies even when a report has been made to another body such as a Health and Social Care Trust or the PSNI. It also applies irrespective of whether another body has made a referral to the DBS. A person who is under a duty to refer and fails to refer to the DBS without reasonable justification is committing an offence, with a **potential penalty of a fine**.

## Section 4 – Roles & Responsibilities

### Countersignatory

#### 4.1 Countersignatories are responsible for:-

- Assessing positions to ensure that there is a legal entitlement for a Standard / Enhanced check;
- Ensuring that Disclosure Applications are correctly completed by the applicant;
- Providing any further information as requested by AccessNI in furtherance of a Disclosure Application;
- Checking that the appropriate identity documents have been uploaded to the AccessNI application;
- Ensuring AccessNI invoices are paid within the 30 days of the date of issue (as per AccessNI credit terms);
- Not unfairly discriminating against the subject of disclosure information on the basis of conviction;
- Ensuring that disclosure information is not passed to persons not authorised to receive it;
- Ensuring that the disclosure information is only made available to those who need to have access in the course of their duties;
- Obtaining written consent from an applicant when their disclosure certificate must be shared with another organisation or government body;
- Securely storing disclosure information and securely disposing once a recruitment decision is made;
- Ensuring that Disclosure information held by the Registered Body is securely destroyed within 90 days of the date of issue;
- Protecting AccessNI unique reference numbers that have been allocated to them. Access to individual signatory accounts on nidirect must not be given to anyone who is not an AccessNI signatory;
- Fully complying with the AccessNI Code of Practice;
- Complying with recommendations arising from AccessNI Compliance Audits; and

- Ensuring that contact names and details of Countersignatories held on the nidirect accounts are accurate and up-to-date.

### 4.2 AccessNI is responsible for:-

- Checking Disclosure Applications upon receipt, and returning those not correctly completed to the Countersignatory;
- Accurately processing Disclosure Applications within published service standards;
- Issuing Standard and Enhanced Disclosure Certificates to the Applicant;
- Ensuring that the case tracking process is up to date and accurate;
- Processing payments accurately and efficiently;
- Issuing invoices on the first day of every month;
- Following up outstanding debts as per established departmental procedures;
- Maintaining effective working relationships with law enforcement agencies and partner organisations;
- Providing an efficient and effective Customer Helpline facility;
- Providing a Disputes service that operates in line with published service standards;
- Providing a Complaints service that operates in line with published service standards;
- Responding to correspondence in line with published services standards; and
- Carrying out Compliance work to ensure Registered Bodies are complying with the Code of Practice.

## Section 5 – Useful Contact Numbers

5.1 You might find the following contact telephone number details useful:-

|                                                                                  |                      |
|----------------------------------------------------------------------------------|----------------------|
| AccessNI Customer Helpline                                                       | <b>0300 200 7888</b> |
| Citizen's Advice Bureau                                                          | <b>0808 223 1133</b> |
| Disclosure and Barring Service                                                   | <b>0300 020 0190</b> |
| Department of Education (DE)                                                     | <b>02891 279279</b>  |
| Department for the Economy (DfE)                                                 | <b>02890 529900</b>  |
| Department of Health (DoH)                                                       | <b>02890 520500</b>  |
| Disclosure Scotland                                                              | <b>0300 020 0040</b> |
| Information Commissioner's Office (NI)                                           | <b>0303 123 1113</b> |
| Northern Ireland Association for the Care and Resettlement of Offenders (NIACRO) | <b>02890 320157</b>  |
| Police Service of Northern Ireland [PSNI]                                        | <b>02890 650222</b>  |
| Northern Ireland Council for Voluntary Action [NICVA]                            | <b>02890 877777</b>  |
| Volunteer Now                                                                    | <b>02890 232020</b>  |



## Section 6 – Glossary of Terms

| Term                        | Interpretation                                                                                                                                                                          |
|-----------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>AccessNI</b>             | Criminal history disclosure service in Northern Ireland                                                                                                                                 |
| <b>An Garda Síochána</b>    | Police service in Republic of Ireland                                                                                                                                                   |
| <b>Applicant</b>            | Individual, or Registered Body, originating the Disclosure Application                                                                                                                  |
| <b>Approved Information</b> | Non-conviction information deemed by the Chief Officer to be disclosable under the terms of Part V of the Police Act 1997                                                               |
| <b>Basic check</b>          | Certificate disclosing details of an individual's unspent convictions                                                                                                                   |
| <b>DBS</b>                  | Disclosure and Barring Service – criminal history disclosure service in England & Wales that also undertakes the “barring” function in Northern Ireland and monitors the Update Service |
| <b>Data Sources</b>         | Law enforcement agencies to which referrals may be sought in respect of relevant non-conviction information                                                                             |
| <b>DoH</b>                  | Department of Health (NI)                                                                                                                                                               |
| <b>Disclosure Scotland</b>  | Criminal history disclosure service in Scotland                                                                                                                                         |
| <b>Enhanced check</b>       | Certificate disclosing details of spent and unspent convictions, relevant non-conviction information and details of barred lists (as appropriate)                                       |
| <b>nidirect</b>             | Government website in Northern Ireland used to access a range of information and services                                                                                               |
| <b>Registered Body</b>      | Organisation responsible for processing a Disclosure Application on behalf of an Applicant.                                                                                             |
| <b>Umbrella Body</b>        | An organisation that processes applications on behalf of third parties.                                                                                                                 |
| <b>Standard check</b>       | Certificate disclosing details of spent and unspent convictions.                                                                                                                        |