

Newsletter

Issue 19: Autumn 2015

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4/2015	Implementation of the Justice Act (NI) 2015
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Welcome to the autumn 2015 edition of the AccessNI Newsletter. Since the last email issued in June we have been very encouraged by the number of RBs that have embraced the e-applications solution on the NI Direct website. In the final week of September almost 90% of applications were received on-line and this has been a major factor in allowing us to achieve and sustain the quick turnaround times which I know you require. We are also pleased that we are returning an ever increasing percentage of checks within just a few days of the application being received.

There have been other changes. On 2 November many of the criminal record provisions in the Justice Act (NI) 2015 commenced. I would strongly encourage all signatories to familiarise themselves with the content of our circular 4/2015 issued on 7 October (please see link below).as these will make quite a difference to the AccessNI process.

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:-

3/2015	Access to overseas criminal records in Holland and Latvia
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RB Training

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

- 10th December 2015
- 28th January 2016
- 23th February 2016

The above events will be held at the Dundonald Ice Bowl, commencing at 10.00am, and last approximately 2½ hours. The events are primarily, but not exclusively, for those already approved as Countersignatories.

If you would like to reserve a place on a training event please send an e-mail to our mailbox providing your name and contact details and someone from the team will be in touch. You can register your interest at:-

ani@accessni.gov.uk

If you would like someone from AccessNI to provide training in your area please do contact our Helpline to make enquiries. As a general rule, we would ask that you agree to host the event and we would seek to be assured that a minimum of 15 Countersignatories will attend.



AccessNI Helpline

You will know that the AccessNI helpline transferred to the NI Direct Call Centre from 1 July. The Customer Service Representatives [CSVs] in the Call Centre have been trained to respond to queries about AccessNI. The CSVs work from scripts in order to answer the routine calls – it should be noted however that many of the answers they can provide are already available on the AccessNI web pages on NI Direct., at:-

<http://www.nidirect.gov.uk/accessni>



We would encourage you to make use of the website to find the information you need.

We have noted that there continues to be a high volume of calls to the Call Centre seeking updates on the progress of applications. This service is available on the on-line Case Tracking solution and the CSVs will direct you to this tool in response to such queries.



Justice Act (NI) 2015

The Justice Act (NI) 2015 became law on 24 July following Royal assent. This is a wide ranging piece of legislation that incorporates a number of changes that impact on a number of disclosure related processes. Many important changes were commenced on 2 November 2015, including:-

- Single certificate issued to the applicant only;
- Applicants can appeal police information on certificates with the Independent Monitor;
- The issue of statutory guidance to chief officers of police; and
- Changes to the statutory test for police.

You will find all the changes set out in AccessNI Circular 4/15 at:-

<https://www.dojni.gov.uk/articles/accessni-circulars>

I would strongly recommend that you read this carefully.

Further changes are on the way;

- January 2016 – introduction of a filtering review scheme. This will enable applicants, subject to certain restrictions, to ask an independent reviewer to review the disclosure of criminal history information on their certificate, if they believe that disclosure was disproportionate in relation to their application;
- Spring 2016 – introduction of the portable certificate, through the Update Service.

More information about these changes will be provided before they happen.

Single Certificate

The change that has the greatest impact for registered bodies is that they no longer automatically receive a copy of the applicant's certificate. The Minister understands the added burden this creates for organisations, but it is clear from European and domestic law that a system that allows the disclosure of potentially sensitive information about an individual without giving that individual an opportunity to challenge could be unlawful.

However, where applications are made on-line to AccessNI, the case tracking system will show when the certificate has been issued and if no information is included on that certificate. This means that employers can proceed to make a recruitment decision. Registered Bodies will however have to ask an applicant to share with them those certificates where there is information to understand whether the information is details of a criminal history, police information, or the individual's barred status.

For those who continue to countersign paper applications, you can only find out if a certificate has issued or whether there is information on it by keeping in touch with the applicant or completing the relevant case status form at;

<http://www.nidirect.gov.uk/accessni-registered-bodies-case-tracking-update-form.pdf?rev=0>

Organisations that countersign paper application forms may wish to consider again switching to the on-line system. Staff at AccessNI would be very happy to help you with this.

On-line System

We have been very pleased with the first six months of this new system. Uptake of e-applications have been very high (and continue to grow) and has allowed us to maintain encouraging turnaround times.



Such has been the success of the solution, the project has been shortlisted as a finalist in the UK IT Project Team of the Year category, and is up against 9 other IT projects from across the UK. The winner will be announced on the 18th November; we hope that you will join us in wishing the team the best of luck.

ID Checking

In response to a number of requests, AccessNI has published updated guidance to assist signatories with issues they may encounter when checking the identity of applicants. This guidance includes useful hints and tips and is available on our website at:-

<http://www.nidirect.gov.uk/accessni-guidance-for-signatories-on-identity-checking.pdf>

If the guidance doesn't cover your particular circumstances in any individual case, please get in touch with us.



PSNI Delays

Many RBs will have experienced delay in AccessNI returning some applications that have been referred to PSNI. This can be frustrating especially as the RB does not know why a case has been referred and particularly so where after a lengthy delay no information is provided on the certificate.

PSNI senior management have undertaken a full and comprehensive review of their processes. As a result, in just a few weeks, the backlog of cases with PSNI has reduced by around 80%. Currently there are fewer than 300 AccessNI cases with PSNI and 11 with other police forces across the UK, where the application was passed to a force more than 25 days ago. This is lowest figure that has been achieved for some time. The PSNI and AccessNI are working closely together to make further improvements and in particular to quickly identify cases referred to PSNI where the information about an applicant is irrelevant to their application. This will further speed up the process for some applicants.

There will always be a number of applications where it will take a significant amount of time for police to consider the information they hold and determine whether they reasonably believe it to be relevant and if it ought to be disclosed. This is a key element in the Northern Ireland Assembly's safeguarding policy and police must be given the time to make the correct decision. However the incidence of cases with lengthy delays has and will continue to reduce.

EU Pilot – Overseas criminal record information

On 1st October AccessNI joined with the Disclosure and Barring Service in a Home Office pilot project to check criminal record information on applicants who have indicated they are Dutch or Latvian or were born in these countries and are seeking to work in regulated activity with children in Northern Ireland. Where an individual meets the criteria, AccessNI will through the UK central authority, determine whether the applicant has a criminal record in those jurisdictions and disclose appropriate information on their certificate

While we may not have many applicants from either of these two countries (they were chosen as they do not require information about the applicant other than that we currently gather from our application form) if the pilot is successful it will be extended to other EU countries. This could be useful for a wider group of applicants and Registered bodies.

To date a small number of referrals have been made to the UK central authority by AccessNI and been processed within the relevant EU country.



Hints and Tips

HINT 1 – Update email addresses

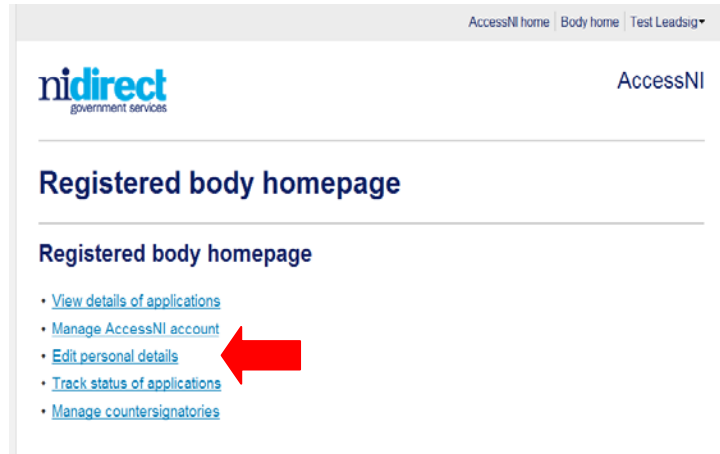
Signatories are responsible for maintaining their own account details – AccessNI cannot do this. This is imperative for 2 reasons:-

- To ensure compliance with the Code of Practice
- To ensure that correspondence and emails are correctly directed to you.

You can check and update you details by simply logging into the on-line portal at:-

<https://accessni.nidirect.gov.uk/Account/LogIn>

and selecting the option to Edit personal details from the Registered Body homepage:-



HINT 2 – Position Applied For

Signatories should note that the Position Applied For field is limited to 100 characters on the e-application – you should consider this before you commence inputting information into the field on line.

HINT 3 – Capital letters

Quite a number of online application forms are completed in lower case. That is the where an applicant records the name “john smith” rather than John Smith or has an address of “1 anyroad, anytown”, rather than 1 Anyroad, Anytown. If

AccessNI processed applications received this way, the certificate would be printed in lower case.

To prevent this happening, AccessNI staff will, at present, amend the details on the application to insert capital letters where appropriate. However, this is taking up a considerable amount of time, which could be spent in processing applications.

We would ask Registered, Responsible and Umbrella bodies to request applicants to complete forms correctly, using capital letters appropriately..

