



# ACCESSNI PERFORMANCE AND ACTIVITY REPORT

1 APRIL 2020 - 31 MARCH 2021

## Glossary:

<b>Basic Check</b>	Provides unspent criminal record information. Cost is £18.
<b>Standard Check</b>	Provides both spent and unspent criminal record information. The “position applied for” must be exempt from Rehabilitation of Offenders legislation. Cost is £18.
<b>Enhanced Check</b>	As per Standard checks, plus relevant police “non-conviction” information and where eligible, check of lists of those barred from working with vulnerable groups. The “position applied for” must be prescribed in AccessNI Regulations. Cost is £33 (but free to volunteers).

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## **Section 1 - Introduction**

1. This document sets out details of AccessNI's activity and performance over the 12 month period 1 April 2020 to 31 March 2021 against targets and where appropriate, compares this to previous years.
2. 2020/21 saw a significant drop in applications (22%) due to the covid-19 pandemic. This was particularly noticeable in the reduced number of applications from the voluntary and community sector. AccessNI staff were required to work from home and adopt new processes and procedures to ensure that the service was maintained. In addition as a response to the pandemic, AccessNI introduced an emergency free of charge "barred list" check procedure between March and September 2020, providing a response within 24 hours, to enable key employment positions to be filled quickly. Applicants were still required to make an application for an enhanced AccessNI check to ensure safeguarding was not impacted.
3. AccessNI set a target of issuing 60% of certificates digitally an increase of 10% on the previous year. The target was achieved with over 61% of certificates issued in this way. [Section 2]
4. AccessNI met most of the targets set by the Minister of Justice for the issue of certificates falling just slightly short of the 28 day target for enhanced checks. [Section 3]

5. AccessNI certificates provide a significant level of criminal record and other information on applicants thus contributing to the safeguarding of children and vulnerable adults in Northern Ireland. 4 applications from individuals not permitted to work with children and/or vulnerable adults were detected and appropriate action taken.

6. Changes were made, on an administrative basis to the Department of Justice's filtering policy (the non-disclosure of old and minor offences) in that;

- the automatic multiple conviction rule was no longer applied; and
- no non-court disposals on a criminal record awarded when the applicant was under 18 years of age were disclosed without a review by the Independent Reviewer of Criminal Record Certificates.

This led to a significant increase in the percentage of certificates issued with information filtered (or not disclosed).

7. The Independent Reviewer scheme operated throughout 2020/21. This scheme enables applicants to ask for an independent review of spent criminal record information disclosed on a certificate or, where all the criminal record information to be disclosed relates to a time when the applicant was under 18 years of age, for an automatic review to be undertaken. The scheme has worked smoothly with few delays and positive outcomes for the overwhelming majority of applicants. [Section 4]

8. AccessNI operates on a cost recovery basis. During 2020/21, AccessNI's operational costs remained static due primarily to the reduced number of applications, which in turn reduced expenditure.

9. Income from fees reduced compared to the previous year reflecting the lower number of applications received by AccessNI. Despite this, AccessNI achieved a small cost recovery surplus over the year. [Section 5]

10. 61 organisations registered for the first time with AccessNI during 2020/21 and at 31 March 2021, 763 statutory, private, voluntary and community groups currently have registration status, an increase of 31 over the year. 128 compliance visits were made to these organisations to ensure they were complying with the statutory based Code of Practice using on-line technology in the absence of being to undertake a physical visit. As a result, a number of organisations were asked to provide additional information to assure AccessNI of their compliance with the Code and 1 was de-registered as a direct result of the visit. AccessNI was able to continue Registered Body training events using on-line technology and 268 persons attended these. [Section 6]

11. AccessNI continued to work with the UK Central Authority for the exchange of criminal record information (ACRO) to obtain criminal record information on nationals from 12 EU Member States. This work continues even after the UK's exit from the European Union. [Section 7].

12. AccessNI resolved 4 disputes raised by applicants where AccessNI had made an error [Section 8]. A new applicant survey was created during the year that showed a high level of satisfaction with the AccessNI service [Section 9].

13. In addition to its performance activity, AccessNI successfully transferred the hosting of its IT infrastructure from the NICS shared service contract to IT Assist in November 2020, without any disruption to services. Work has commenced on the procurement of a new IT supplier to support, develop and maintain the IT system. It is anticipated the new supplier will be appointed by September 2021. [Section 10]

14. Looking to 2020/21, the key challenges will be to;

- Meet Ministerial targets for the issue of checks;
- Complete legislation to comply with the Supreme Court ruling on filtering of old and minor convictions;
- Review the AccessNI filtering scheme;
- Appoint a new supplier for the supply, maintenance and development of the AccessNI line of business system;
- Introduce improvements to the AccessNI service;
- Comply with accessibility regulations by amending the application forms;
- Develop a retention and disposal policy in relation to information on applicants and others held by AccessNI and update the AccessNI privacy statement;
- Improve AccessNI's ability to use management information;

- Monitor income and expenditure against AccessNI's cost recovery model;
- Monitor compliance among registered organisations with the AccessNI Code of Practice

## Section 2 - Applications Received and Processed

Tables 1 and 2 show the number of applications received and processed by AccessNI in 2020/21 compared to the previous two years.

**Table 1 – Applications received**

Disclosure type	April 2018 - March 2019	April 2019 - March 2020	April 2020- March 2021	% change 19/20 to 20/21
<b>Basic (B)</b>	33,505	32,613	30,730	-5.8%
<b>Standard (S)</b>	6,142	4,883	4,145	-15.1%
<b>Enhanced (E)</b>	112,823	115,068	84,105	-26.9%
<b>Total</b>	152,470	152,564	118,890	-22.1%

**Table 2 – Applications processed**

Disclosure type	April 2018 - March 2019	April 2019 - March 2020	April 2020- March 2021	% change 19/20 to 20/21
<b>Basic (B)</b>	31,051	30,258	29,074	-3.9%
<b>Standard (S)</b>	5,774	4,531	3,965	-12.5%
<b>Enhanced (E)</b>	109,075	116,005	84,814	-26.9%
<b>Total</b>	145,900	150,794	117,583	-22%



## **Covid-19**

The pandemic had a significant effect on the number of applications received by AccessNI, particularly in the spring and early summer of 2020. In late March 2020, AccessNI established an additional emergency (24 hour turnaround) procedure to enable “barred list only checks” to be made by employers on employees and volunteers required to deal specifically with the Covid crisis. These checks enabled employers to get staff into work quickly pending receipt of the enhanced certificate. This service ended on 9 September 2020 and a total of 4,971 barred list checks were made and returned to employers within 24 hours. AccessNI also gave priority to, processed and issued over 500 certificates for those involved in the vaccination of the public against Covid.

## **Volunteer certificates**


Where an applicant meets the statutory definition of a volunteer, no fee is payable for the certificate. The percentage of “free” disclosures (for volunteers) is 12.9% of all enhanced checks provided. This was a significant reduction on last year’s figure of 25.6% and underlines the impact of the pandemic on the voluntary sector.

## **Digital certificates.**

In July 2018, Access introduced digital certificates for all types of disclosures where no criminal record or other information was included in that certificate, or where the applicant lives outside the UK. Digital certificates are delivered to the nidirect account used by the applicant when making their on-line application. The applicant can share the certificate by email with an employer, but

the certificates are “invalid” if printed out. Digitally issued certificates allow applicants to receive their certificate more quickly than the traditional postal method using paper certificates. Paper certificates, posted to the applicant are used for all certificates that disclose information. Applicants can also opt for a paper certificate as part of the application process.

**Table 3 – Digital certificates**

Target	Achievement	
60% of certificates issued digitally by 31 March 2021.	61.3% of certificates issued digitally over the year.	

For 2021/22, AccessNI has set a challenging target of achieving 63% of certificates delivered digitally by 31 March 2022.

### **PSNI referrals**

Approximately 27% of enhanced applications were referred to PSNI. Referrals are made to PSNI where the applicant;

- has been matched to a criminal record;
- has been matched to information on a police database;
- is undertaking work with children at the applicant’s home;  
or
- lives or has lived in the Republic of Ireland within the last 5 years

On referral of an application, PSNI determine if information should be disclosed on the applicant’s AccessNI certificate using a statutory test defined within legislation. Referrals are made to police forces in Great Britain also.

**Table 4 – Police Referrals for 2020/21**

	PSNI	Other GB forces
Number of enhanced applications referred	22,936	3,893
Number of disclosures made	263	4

**Commentary**

While this was a less busy year for AccessNI due to the pandemic, the processing operation was disrupted as staff had to work from home. Initially, staff had to process applications using iPads and a small number of core staff had to remain in the office to check possible matches of applicants to criminal records. The situation improved when laptops became available and remote access to the Police National Computer (PNC) was achieved. Most staff continue to work from home and some element of home working will be retained when the pandemic allows a return to the office.

AccessNI’s top 30 customers requested 53,729 applications (45.2% of all applications made). The top 5 customers in 2020/21 (Last year’s figures in brackets) were;

Education Authority	8,054 (10,074)
BSO Recruitment (Health Service)	5,460 (6,295)
Security Industry Authority	2,794 (3,739)
Western Health and Social Care Trust	2,482 (1,977)
Northern Health and Social Care Trust	2,240 (2,273)

## Section 3 - Customer Service Standards

AccessNI service standards, set by the Minister of Justice, are to issue:

- 99% of basic checks made via Responsible bodies within 7 days
- 95% of basic checks submitted directly by a member of the public within 14 days
- 99% of standard checks within 7 days
- 70% of enhanced checks within 10 days;
- 95% of enhanced checks within 21 days; and
- 98% of enhanced within 28 days

**Table 5 – Service Standard Results – April 2020 - March 2021**

Type	Target	Achievement	
Basic check submitted via body	<b>99% within 7 days</b>	<b>100%</b>	✓
Basic check submitted directly by public	<b>95% within 14 days</b>	<b>99.4%</b>	✓
Standard check	<b>99% within 7 days</b>	<b>99.8%</b>	✓
Enhanced check	<b>70% within 10 days</b>	<b>95.2%</b>	✓
	<b>95% within 21days</b>	<b>97.4%</b>	✓
	<b>99% within 28 days</b>	<b>98.1%</b>	x

The table below shows the average number of days to issue a check compared to previous years.

**Table 6 - Average Issue Time (calendar days)**

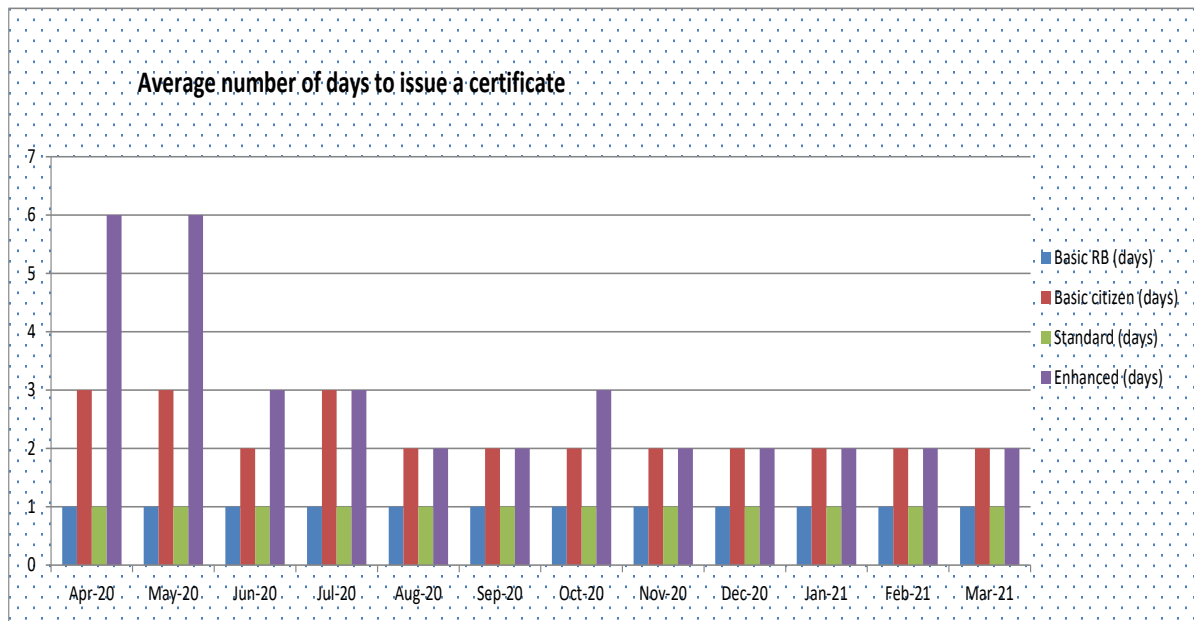
<b>Type</b>	<b>April 2018- March 2019</b>	<b>April 2019 – March 2020</b>	<b>April 2020- March 2021</b>
Basic Check via RB	<b>1.0</b>	<b>0.9</b>	<b>0.5</b>
Basic check by citizen	<b>3.0</b>	<b>2.3</b>	<b>2.1</b>
Standard Check	<b>1</b>	<b>1</b>	<b>0.7</b>
Enhanced Check	<b>6.6</b>	<b>7.0</b>	<b>2.8</b>

### **Commentary**

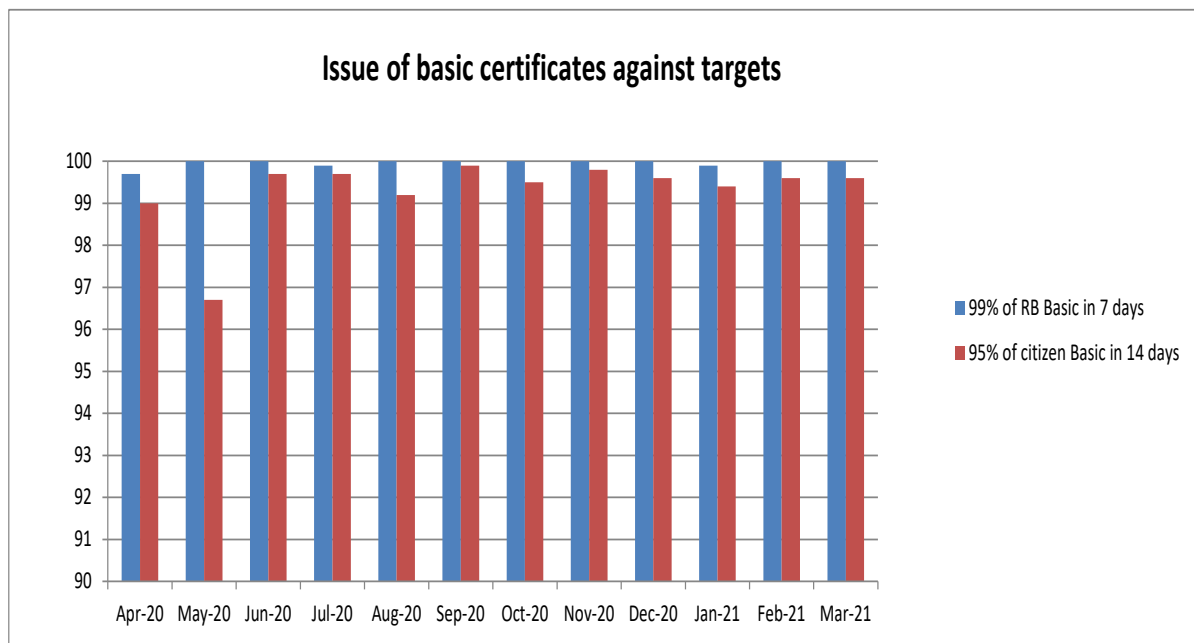
AccessNI, with the assistance of PSNI was able to meet most of the challenging Ministerial targets for the return of certificates after receipt of applications. The average time to issue a certificate has reduced over the past 3 years with a significant reduction this year in respect of enhanced certificates.

The graphs below provide further information about the processing of applications.

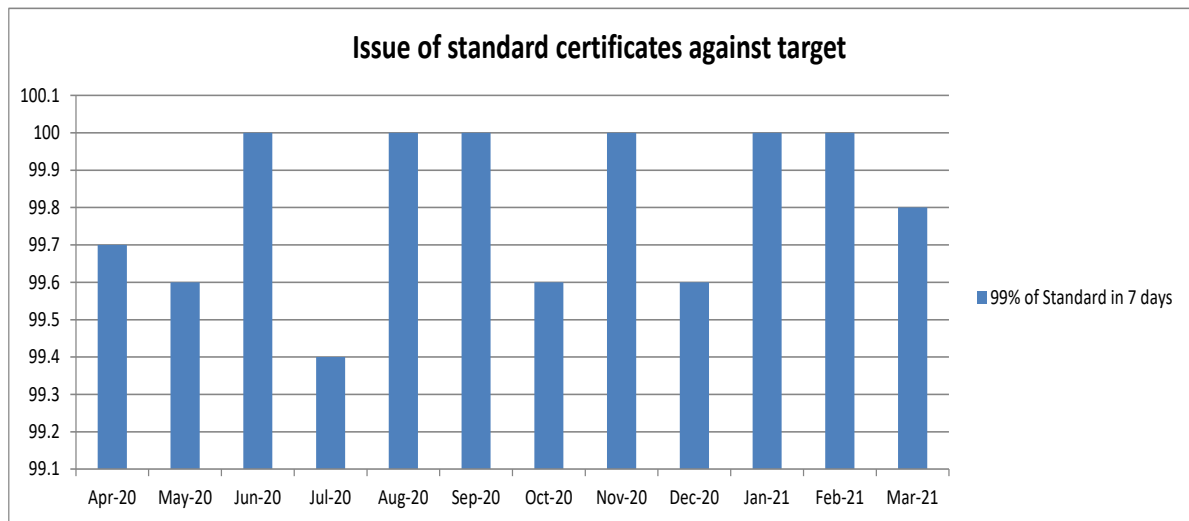
**Figure 1 – average certificate issue time (days) 2020/21**



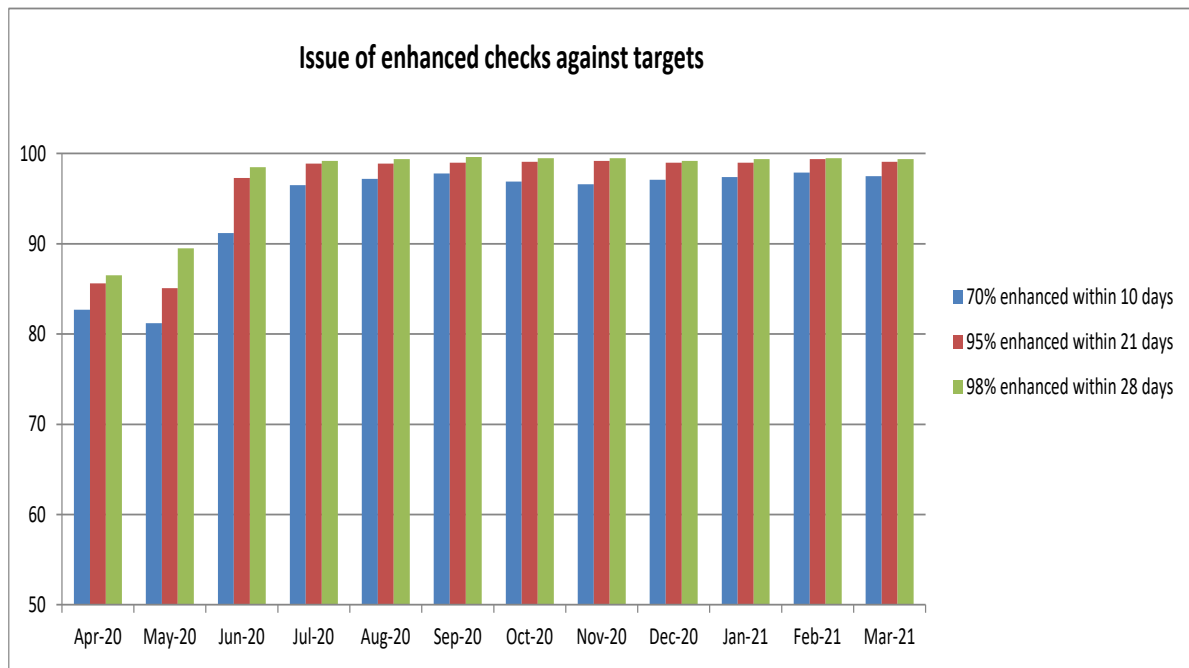
**Figure 2 – issue of basic certificates 2020/21**



**Figure 3 – Issue of standard certificates 2020/21**



**Figure 4 – Issue of Enhanced certificates 2020/21**





## Section 4 - Information disclosed on certificates

The table below sets out the total number of certificates processed and the number on which information was disclosed.

**Table 7 – Disclosures of information on certificates**

<b>Type</b>	<b>Certs processed</b>	<b>PNC</b>	<b>PSNI</b>	<b>GB forces</b>	<b>UK lists</b>
<b>Basic</b>	<b>29,074</b>	<b>772</b> <b>2.65%</b>	<b>N/a</b>	<b>N/a</b>	<b>N/a</b>
<b>Standard</b>	<b>3,965</b>	<b>579</b> <b>14.6%</b>	<b>N/a</b>	<b>N/a</b>	<b>N/a</b>
<b>Enhanced</b>	<b>84,814</b>	<b>4,981</b> <b>5.9%</b>	<b>263<sup>1</sup></b>	<b>4</b>	<b>4</b>

### **Key**

**PNC** – UK criminal record information disclosed

**PSNI** – non conviction information released by PSNI and provided on enhanced checks

**GB forces** - non conviction information released by GB police forces and provided on enhanced checks.

**UK lists** – matches against lists held by Disclosure and Barring Service (DBS) & Scottish Government lists of those barred from working with vulnerable groups

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<sup>1</sup> Police information may have be included in certificates that also have criminal record information disclosed, that is in the PNC column.

## **Filtering**

AccessNI filters old and minor convictions from standard and enhanced certificates, before they are issued, in line with legislation. The following table sets out the impact filtering had on disclosure certificates.

**Table 8 – Impact of filtering**

<b>Type</b>	<b>Certs with information filtered</b>	<b>Certs with convictions filtered</b>	<b>Certs with cautions filtered</b>	<b>Certs with both filtered</b>
<b>Standard</b>	491	365	101	25
<b>Enhanced</b>	3,966	2,416	1,383	167
<b>Total</b>	4,457	2,781	1,484	192

On 16<sup>th</sup> March 2020, the Minister of Justice agreed that on an administrative basis, pending legislative change, that;

- The automatic multiple conviction rule should be dropped.
  - This means that all convictions may be filtered after a period of 11 years has elapsed since the date of the conviction unless;
    - The offence was a serious or “specified” offence;
    - or
    - The offence resulted in a period of imprisonment.
- No non-court disposals on a criminal record awarded when the applicant was under 18 years of age would be disclosed

without a review by the Independent Reviewer of Criminal Record Certificates.

This has led to a significant increase in the number of certificates where information was filtered during 2020/21 (approximately 60%) compared with previous years (30%). However, AccessNI consider this has not impacted the safeguarding of vulnerable groups as serious offences, including those with a sentence of imprisonment, are always disclosed.

### **Independent Reviewer of Criminal Record Certificates**

The criminal record review scheme enables an Independent Reviewer to examine cases where;

- Prior to issue, all the information on a certificate relates to a time when the individual was under 18 (auto-referral); and
- After the issue of a certificate, where an individual requests a review on the basis that it was disproportionate for that information to have been released (review request).

The table below sets out the extent and outcome of the Independent Reviewer's work.

**Table 9 – Work of Independent Reviewer**

Type	Referred/Received	Information removed	Information retained
Auto-referral	329	303	26
Review request	100	94	6
<b>Total</b>	429	397	32

### **Commentary**

Table 7 highlights that the percentage of basic certificates containing information is low (2.7%) as only unspent convictions and no non-court disposals are disclosed on such certificates. There are a significant percentage of certificates where information is found, but cannot be disclosed due to the application of the Rehabilitation of Offenders (NI) Order 1978.

For standard certificates, over 1 in 4 applicants are matched to information held on PNC. However, not all of the information can be disclosed (for example impending prosecutions) and after the application of the filtering process and cases where the Independent Reviewer removes information, the percentage of certificates where criminal record information is disclosed is 14.6%.

Of the applications made for enhanced certificates 10,195 (12%) were matched to information held on PNC or had police information disclosed. Due to filtering, not all the information can be disclosed. Therefore, the number of checks where information

was disclosed reduced to 4,981. Of these checks, 271 contained information from police or a notification that an applicant was on the barred list.

4 persons who applied for an enhanced check were found to be on one of the UK lists of those barred from working with children or vulnerable adults. Where there is proof an individual received notification of their bar, such cases are reported to the PSNI for consideration of prosecution and 2 such investigations are currently underway. A further 2 persons are under police investigation in relation to a variety of offences in relation to AccessNI applications.

In a separate case in November 2020 an applicant received a sentence of 2 years imprisonment, suspended for 2 years for offences of fraud as a result of the applicant attempting to alter information included on a disclosure certificate.

Table 9 shows that the majority of information considered by the Independent Reviewer is removed from the certificate after that review.

## Section 5 - Income and Expenditure

AccessNI operates a cost recovery model requiring the income derived from the receipts generated from disclosure applications to offset AccessNI expenditure. The table below sets out the difference between income from fees charged and expenditure on staff and non-staff costs together with notional costs charged in 2020/21 and compares with this with the previous 2 years.

**Table 10 – AccessNI cost recovery position**

	<b>April 2018- March 2019 (£000s)</b>	<b>April 2019- March 2020 (£000s)</b>	<b>April 2020- March 2021 (£000s)</b>	<b>Percentage change for 20/21 against 19/20</b>
<b>Expenditure inc. depreciation and notional costs</b>	<b>£3,383</b>	<b>£3,019</b>	<b>£3,026</b>	<b>.0023%</b>
<b>Income</b>	<b>£3,658</b>	<b>£3,481</b>	<b>£3,049</b>	<b>-12.4%</b>
<b>Cost Recovery Surplus</b>	<b>£275</b>	<b>£462</b>	<b>£23</b>	

## **Commentary**

In 2020/21, AccessNI's income decreased, mainly due to the reduction in applications caused by the pandemic, though was boosted by a surge in applications for basic checks from several large Responsible Bodies in the last 3 months of the financial year. In terms of expenditure, AccessNI's costs remained at the same level as the previous year. As a result, AccessNI's cost recovery surplus in 2020/21 was £23k.

## Section 6 – Compliance work with organisations

AccessNI has a network of registered bodies that countersign applications for standard and enhanced certificates in accordance with Part V of the Police Act 1997 and a number of responsible bodies that countersign applications for basic certificates on the basis of an SLA with AccessNI. At 31 March 2021, 763 organisations in Northern Ireland and wider afield were registered with AccessNI.

All organisations are bound by a statutory Code of Practice that sets out their obligations as part of registration with AccessNI. AccessNI has a number of measures in place to ensure compliance with the Code including visits to organisations to test their level of compliance. The table below sets out information about AccessNI's compliance work through visitation;

**Table 11 – Compliance visits**

	<b>Visits made 20/21</b>	<b>De-Registrations</b>	<b>Visits made 19/20</b>	<b>De-Registrations</b>
<b>Registered body</b>	<b>128</b>	<b>1</b>	<b>215</b>	<b>5</b>

During 2020/21, fewer physical visits could be made due to the pandemic. In summer 2020, virtual visits were established using on-line technology, enabling compliance work to re-start. It is anticipated that some level of physical visits can be re-established in due course, but virtual visits have proved successful and



popular. This will allow for organisations to opt for the methodology that suits them best.

AccessNI runs a monthly training programme for signatories to assist them in complying with the Code of Practice. This is useful for both existing signatories that wish to refresh their knowledge of AccessNI issues and for new signatories. This too, was impacted by the pandemic in that venues to hold the events were unavailable and the sessions would have not complied with the relevant regulations in relation to gatherings. However, the training programme re-commenced in October 2020, using on-line technology. In 2020/21, a total of 6 such events were held (24 sessions) and approximately 268 persons attended with many attending more than a single session.

## Section 7 – EU referrals

During 2020/21, AccessNI continued its project with the UK's central authority for the exchange of criminal records (ACRO), to obtain information about EU nationals from 12 Member States working with children in Northern Ireland. The list of countries is;

Bulgaria	Italy	Portugal
France	Latvia	Romania
Germany	Lithuania	Slovakia
Hungary	Poland	Spain

1,251 referrals were made to these EU Member states in 2020/21 (see Table 12 below). From these referrals a total of 12 matches were made to criminal records held in the EU Member states and 6 disclosures were made on enhanced AccessNI certificates.

The project continued after Brexit, thanks to an agreement made between the UK Government and the EU to replace the EU directive under which the information could be obtained prior to Brexit. AccessNI will extend this project to an additional 3 EU Member states from April 2021, Czech Republic, Greece and Holland.

Where an applicant lives or has lived during the past 5 years in the Republic of Ireland and seeks work with children or vulnerable adults in Northern Ireland, their application is automatically

forwarded to PSNI who liaise with An Garda Siochana. Any relevant information found is disclosed on certificates.

**Table 12 - EU referrals**

<b>Country</b>	<b>Referrals</b>	<b>Country</b>	<b>Referrals</b>
<b>Bulgaria</b>	<b>44</b>	<b>Lithuania</b>	<b>136</b>
<b>France</b>	<b>52</b>	<b>Poland</b>	<b>356</b>
<b>Germany</b>	<b>81</b>	<b>Portugal</b>	<b>107</b>
<b>Hungary</b>	<b>53</b>	<b>Romania</b>	<b>145</b>
<b>Italy</b>	<b>83</b>	<b>Slovakia</b>	<b>55</b>
<b>Latvia</b>	<b>45</b>	<b>Spain</b>	<b>94</b>

## Section 8 – Disputes

AccessNI deals with substantive disputes where the applicant questions the conviction or other information provided on the certificate. The figures below refer solely to occasions where AccessNI staff make an error, for example, selecting a criminal record that does not belong to the applicant. It does not include those instances where the criminal record is inaccurate.


The table below sets out the number of disputes upheld compared to the previous year.

**Table 15 – Disputes upheld in 2020/21**

	<b>Total Upheld April 2019 – March 2020</b>	<b>Total Upheld April 2020- March 2021</b>
<b>Substantive</b>	<b>8</b>	<b>4</b>

Table 16 sets out achievement against the target for the number of substantive disputes upheld;

**Table 16 – Achievement for substantive disputes**

	<b>Target</b>	<b>Achieved</b>	
<b>Substantive</b>	<b>No less than 1 certificate in every 11,000 certificates issued to have an error</b>	<b>1 certificate in every 29,463 certificates contained an error</b>	

## **Section 9 – Applicant Survey**

In August 2020, AccessNI introduced a new survey of applicants who had received certificates to gauge their views, through a series of seven questions, on the service provided. The survey also aimed to provide verification that Registered and Responsible organisations were adhering to the AccessNI Code of Practice. Each month, 200 randomly selected applicants were surveyed.

To March 2021, 8 such surveys were undertaken and a response rate of just under 22% was achieved. Of those that responded (348), just under 95% rated the service provided by AccessNI as “good” or “very good”, with the remainder stating that the service was “satisfactory”. There were no ratings of “poor” or “very poor”.

Only 5 persons responding to the survey stated they had not received their certificate in “good time”.

It was also clear from the survey that there was a high rate of compliance by Registered and Responsible organisations to the Code of Practice. AccessNI did however, based on the survey findings, take the opportunity to remind organisations, through its Spring 2021 Newsletter, to inform applicants about the Code of Practice and to ensure that identity documents are always checked as part of the application process.

The survey will continue in 2021/22.

## **Section 10 – AccessNI IT**

During 2021, AccessNI has made a number of important changes to its IT system. Since 2015, support for the IT system is provided through the NI Civil Service's shared service contract. This contract ends in 2022 and AccessNI has made several changes to prepare for this.

In November 2020, AccessNI successfully transferred the hosting of the IT infrastructure from the shared service contract to IT Assist, the NI Government IT platform, with no disruption to services. In early 2021, a specification for the support, maintenance and development of the IT system was released to tender with the expectation of appointing a new supplier in autumn 2021.

AccessNI is also working to ensure its application process meets the accessibility regulations. An audit has been carried out of the current processes and significant changes will be made in summer 2021 to the application forms to comply with the Regulations.

Finally, a number of issues with the IT system were resolved including the upgrading of the system to enable AccessNI staff to automatically filter old and minor convictions from certificates.