



ACCESSNI PERFORMANCE AND ACTIVITY REPORT

1 APRIL 2019 - 31 MARCH 2020

Glossary:

Basic Check	Provides unspent criminal record information. Cost is £18.
Standard Check	Provides both spent and unspent criminal record information. The “position applied for” must be exempt from Rehabilitation of Offenders legislation. Cost is £18.
Enhanced Check	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 2019 to 31 March 2020 against targets and where appropriate, compares this to previous years.

2. 2019/20 overall saw a similar number of applications received as in the previous year, with a greater number of enhanced, but fewer basic and standard applications. The number of applications processed continued to rise and shows an increase of 3.3% on last year and 6.5% on 2017/18. [Section 2]

3. AccessNI met all of the targets set by the Minister of Justice for the issue of certificates where these lay within its control. However, AccessNI was unable to meet the targets for the issue of some enhanced certificates due to PSNI backlogs at the beginning of the financial year and more lately due to the COVID-19 crisis. [Section 3]

4. AccessNI set a target of issuing 50% of certificates digitally an increase of 10% on the previous year. This target was achieved with over 54% of certificates issued in this way. Indeed, in March 2020, over 57% of certificates were issued digitally, the highest ever figure in a single month.

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.

2 applications from individuals not permitted to work with children and/or vulnerable adults were detected. A further individual was found to have a conviction that included a disqualification order that did not permit them to work with children. [Section 4]

6. The Department of Justice's filtering policy (the non-disclosure of old and minor offences) requires the automatic disclosure on a standard or enhanced certificate of every conviction where an applicant has more than one conviction. In January 2019, the UK Supreme Court ruled that while the current filtering policy operates in accordance with the law, the automatic disclosure of all information where an applicant had more than one offence was disproportionate. Separately, the Court found the disclosure of youth cautions to be a category error. On 16th March 2020, the Minister of Justice agreed that on an administrative basis, pending legislation, that;

- The automatic multiple conviction rule should be dropped.
- That all non-court disposals on a criminal record awarded when the applicant was under 18 years of age would not be disclosed without a review by the Independent Reviewer of Criminal Record Certificates.

7. The Independent Reviewer scheme operated throughout 2019/20. This scheme enables applicants to ask for an independent review of information disclosed on a check or, where the information relates to a time when the applicant was under 18 years of age, an automatic review to be undertaken. The scheme

has worked smoothly with few delays and positive outcomes for the overwhelming majority of applicants.

8. Over 2019/20, AccessNI's operational costs reduced by 14% due primarily to:-

- Significantly lower expenditure on legal costs – in 2018/19 AccessNI incurred expenditure on the Gallagher JR that escalated to the Supreme Court.
- Reduce expenditure on IT costs as no in-year system accreditation was required.
- Lower postage costs due to increase in use of digital certificates.

9. Income also reduced by just under 5%, mainly due to the reduced fees charged for basic and standard checks from 1 April 2019. [see Section 5]

10. 61 organisations registered for the first time with AccessNI during 2019/20 and at 31 March 2020, 732 statutory, private, voluntary and community groups had registration status, an increase of 1 over the year. A total of 215 compliance visits were made to these organisations to ensure they were complying with the statutory based Code of Practice. As a result, a significant number of organisations were asked to provide additional information to assure AccessNI of their compliance with the Code and 5 were de-registered as a direct result of the visit. [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. [Section 7].

12. AccessNI met targets in respect of the transfer of telephone calls from members of the public to the nidirect contact centre [Section 8] and in reducing the number of disputes raised by applicants as a result of AccessNI errors [Section 9]. Applicants also expressed satisfaction with regard to the on-line processes for both application and dealing with their disputes.

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

- Meet Ministerial targets for the issue of checks;
- Increase the percentage of certificates issued digitally;
- Introduce legislation to comply with the Supreme Court ruling on filtering of old and minor convictions;
- Review the AccessNI filtering scheme;
- Meet the challenges posed by the COVID-19 crisis;
- Transfer the AccessNI IT infrastructure from BT to ITAssist;
- Procure a new supplier for the supply, maintenance and development of the AccessNI line of business system;
- Respond to challenges arising from Brexit;
- Continue to work with Home Office with regard to the introduction of the National Law Enforcement Datasets;
- Improve AccessNI's ability to obtain and use management information; and
- Monitor income and expenditure against AccessNI's cost recovery model.

Section 2 - Applications Received and Processed

Tables 1 and 2 show the number of applications received and processed by AccessNI in 2019/20 compared to the previous two years.

Table 1 – Applications received

Disclosure type	April 2017 - March 2018	April 2018 - March 2019	April 2019- March 2020	% change 18/19 to 19/20
Basic (B)	28,448	33,505	32,613	-2.6%
Standard (S)	4,051	6,142	4,883	-20.4%
Enhanced (E)	111,479	112,823	115,068	2%
Total	143,978	152,470	152,564	0.06%

Table 2 – Applications processed

Disclosure type	April 2017 - March 2018	April 2018 - March 2019	April 2019- March 2020	% change 18/19 to 19/20
Basic (B)	26,768	31,051	30,258	-2.6%
Standard (S)	3,971	5,774	4,531	-21.7%
Enhanced (E)	111,027	109,075	116,005	6.4%
Total	141,586	145,900	150,794 ¹	3.4%

¹ The difference between applications received and processed is due to several factors including incomplete and returned applications and reflects AccessNI's operational position at two given points in time

On-line applications

AccessNI set a target to move to 100% on-line applications by October 2019. This was achieved and there has been no unfavourable comment from either applicants or organisations registered with AccessNI.


Covid-19

In late March 2020, AccessNI established an emergency (24 hour) procedure to enable “barred list only checks” to be made by employers on employees and volunteers required to deal specifically with the crisis. These checks enabled employers to get staff into work quickly pending receipt of the enhanced certificate.

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. Digital certificates are delivered to the nidirect account used by the applicant when making their on-line application. From that account the applicant can share the certificate by email with an employer. Digitally issued certificates allow applicants to receive their certificate more quickly than the traditional postal method. This, in turn means they can begin work without delay.

Table 3 – Digital certificates

Target	Achievement	
50% of certificates issued digitally by 31 March 2020.	54% of certificates issued digitally over the year with 57% delivered digitally in March 2020.	

For 2020/21, AccessNI has set a challenging target of achieving 60% of certificates delivered by 31 March 2021.

PSNI referrals

Approximately 26% 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

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

Table 4 – Police Referrals for 2019/20

	PSNI	Other GB forces
Number of enhanced applications referred	30,432	4,931

Commentary

This was a busy year, in terms of applications processed by AccessNI, with an increase in the number of applications processed over the two previous years, mainly due to the introduction of more efficient processes.

The percentage of “free” disclosures (for volunteers) is 25.6% of all enhanced checks provided. This is around 3-4% greater than in other parts of the UK and slightly less than last year’s figure of 26.4%.

AccessNI’s top 28 customers requested 58,833 applications (39% of all applications made). The top 5 customers in 2019/20 (Last year’s figures in brackets) were;

Education Authority	10,074 (9,733)
BSO Recruitment (Health Service)	6,295 (6,254)
Ulster GAA	4,555 (2,956)
Security Industry Authority	3,739 (4,837)
Premiere Employment	2,539 (2,529)

Section 3 - Customer Service Standards

AccessNI service standards are to issue:

- 99% of basic checks 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

The table below shows AccessNI's achievement against the targets.

Table 5 – Service Standard Results – April 2019-March 2020

Type	Target	Achievement	
Basic check submitted via body	99% within 7 days	99.9%	✓
Basic check submitted by public	95% within 14 days	99.6%	✓
Standard check	99% within 7 days	99.6%	✓
Enhanced check	70% within 10 days	86.1%	✓
	95% within 21days	93.3%	X
	99% within 28 days	95.5%	X

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

Table 6 - Average Issue Time (calendar days)

Type	April 2017- March 2018	April 2018- March 2019	April 2019 – March 2020
Basic Check	2.5	2.2	2.3
Standard Check	1	1	1
Enhanced Check	6.8	6.6	7.0

Commentary

AccessNI was able to meet the challenging targets for the issue of all types of certificates where these targets were within its control. Where applications had to be referred to PSNI, AccessNI fell short, by a narrow margin, of the targets for issue of enhanced checks within 21 and 28 days. This was due to PSNI reducing an accumulated backlog of checks during the first half of the year and subsequent difficulties arising from the COVID-19 crisis.

The average time to issue a certificate has remained consistent over the past 3 years.

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

Figure 1 – average certificate issue time (days) 2019/20

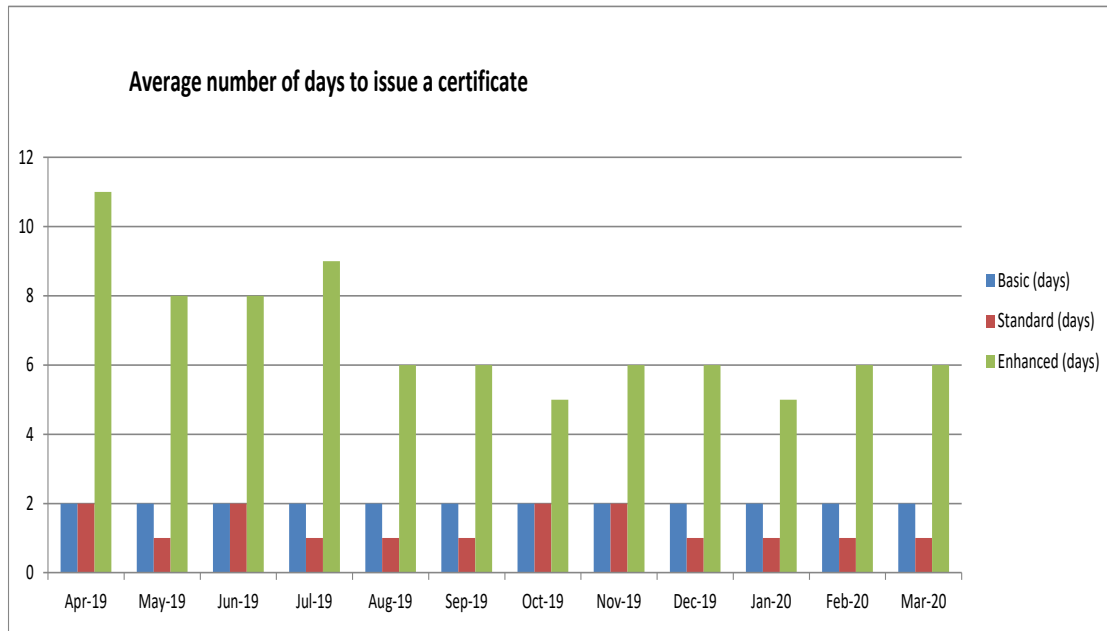


Figure 2 – issue of basic certificates 2019/20

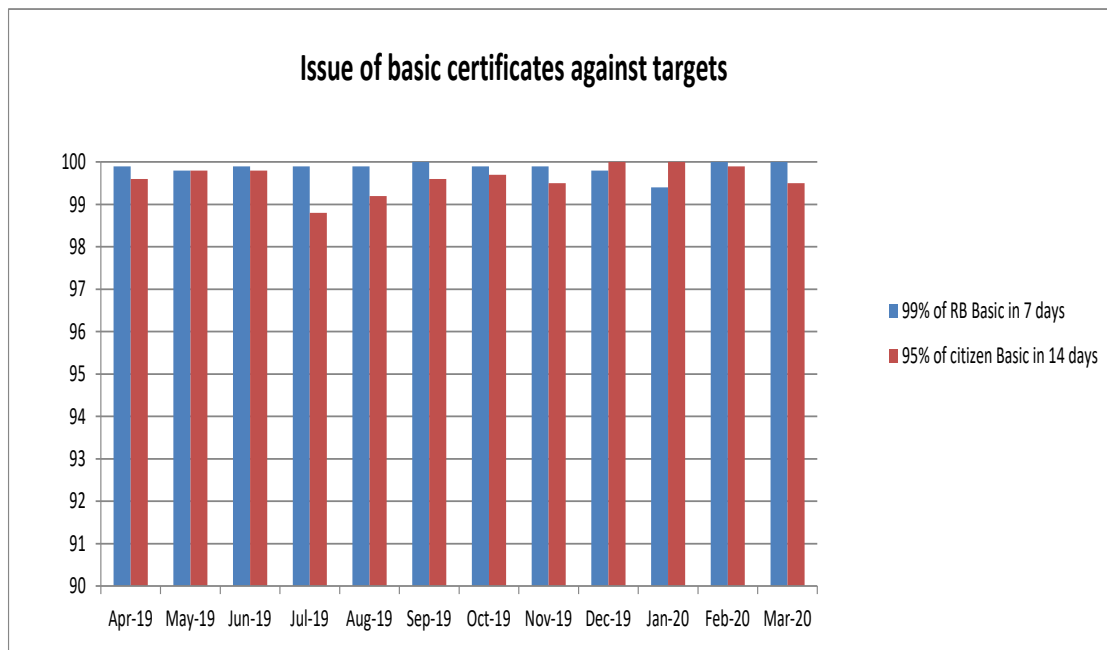


Figure 3 – Issue of standard certificates 2019/20

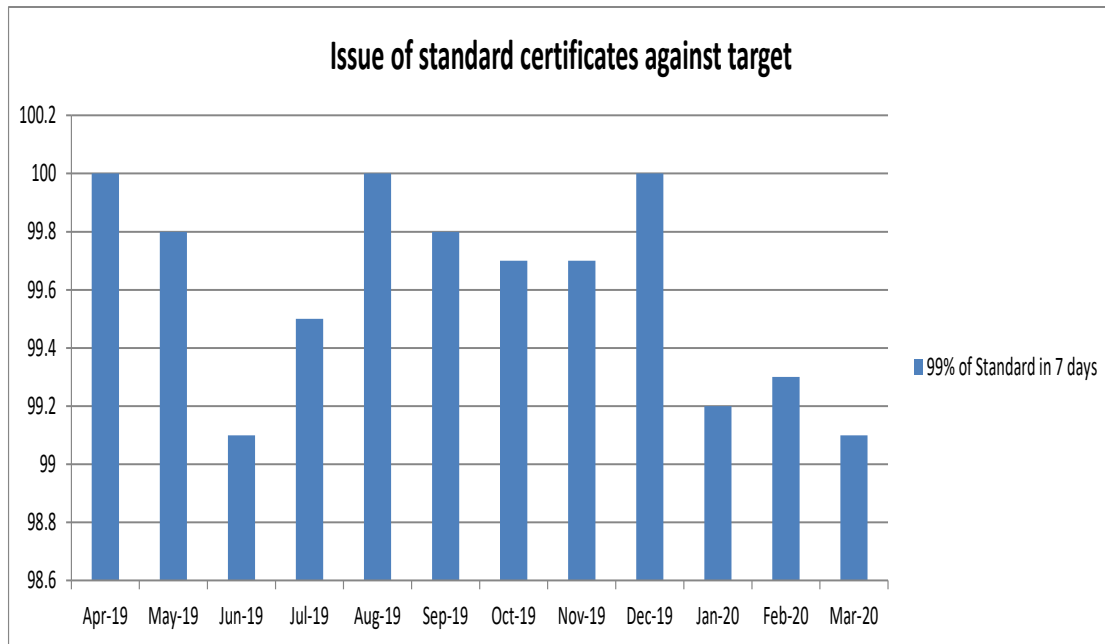
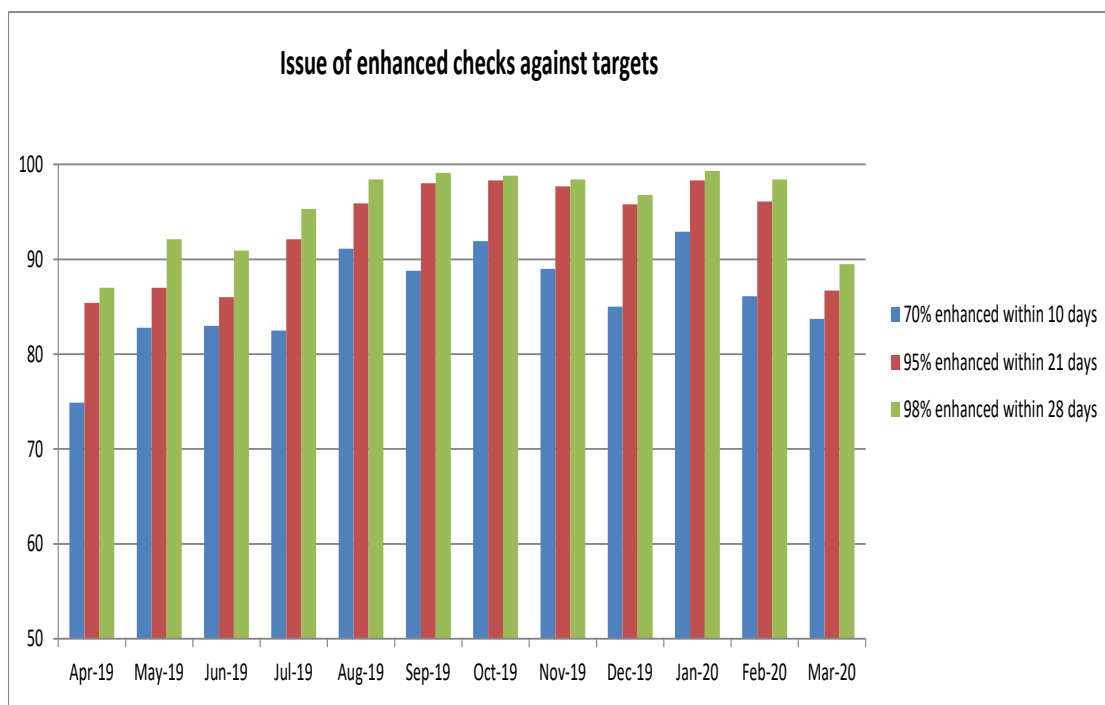


Figure 4 – Issue of Enhanced certificates 2019/20



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

Type	Certs processed	PNC	PSNI	GB forces	UK lists
Basic	30,258	834 2.7%	N/a	N/a	N/a
Standard	4,531	811 17.9%	N/a	N/a	N/a
Enhanced	116,005	7,109 6.1%	357²	22	2

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

² Police information may have been 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

Type	Certs with information filtered	Certs with convictions filtered	Certs with cautions filtered	Certs with both filtered
Standard	235	87	145	3
Enhanced	2,406	759	1,610	37
Total	2,641	846	1,755	40

On 16th March 2020, the Minister of Justice agreed that on an administrative basis, pending legislation, 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.
- That all non-court disposals on a criminal record awarded when the applicant was under 18 years of age would not be

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

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	463	395	68
Review request	136	125	11
Total	599	520	79

Commentary

Table 7 highlights that the percentage of basic certificates containing information is low (2.7%). This is due to the fact that only unspent convictions and no non-court disposals are disclosed on such certificates. There are a significant percentage of certificates where information is found (in excess of 15%), 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 17.9%.

Of the applications made for enhanced certificates 12,190 (10.5%) were matched to information held on PNC or had police information disclosed. As with standard checks not all the information can be disclosed. Therefore the number of checks where information was disclosed reduced to 7,109. Of these checks, 381 contained information from police or a notification that an applicant was on the barred list.

2 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. In addition, a single applicant was found to have a conviction that disqualified them from working with children.

All cases were reported to the PSNI for consideration of prosecution. Two individuals were prosecuted during the year for making applications in the previous year for regulated work, while “barred” for undertaking such work. In one case the applicant was convicted and received a conditional discharge, while the other received a police caution.

Table 8 identifies that of the certificates found to have information prior to issue, over 30% have information filtered from them.

Table 9 shows that the majority of information considered by the Independent Reviewer is removed from the certificate after that review. The Minister of Justice has requested a review of the current filtering policy and this will be undertaken during 2020/21.

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 the actual income from fees charged and expenditure on staff and non-staff costs together with notional costs charged in 2019/20 and compares with this with the previous 2 years.

Table 10 – AccessNI cost recovery position

	April 2017 - March 2018 (£000s)	April 2018- March 2019 (£000s)	April 2019- March 2020 (£000s)	Percentage change for 19/20 against 18/19
Expenditure inc. depreciation and notional costs	£2,740	£3,383	£3,019	-10.7%
Income	£3,498	£3,658	£3,481	-4.8%
Cost Recovery Surplus	£758	£275	£462	

Commentary

In 2019/20, AccessNI's income decreased, mainly due to the reduction in the fees charged for basic and standard checks, even though a larger number of checks were processed than in 2018/19.

In terms of expenditure, AccessNI's costs reduced significantly. This is primarily due to one-off expenditure incurred during 2018/19 in defending the Supreme Court case and undertaking security checks on the AccessNI IT system. Going forward, we anticipate that expenditure will remain in line with 2019/20, with inflationary increases only.

As a result, AccessNI's cost recovery surplus in 2019/20 rose to £462k.

A new Business Model was approved by DoF in January 2020 which required disclosure fees for 2020/21 to remain at existing levels.

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 2020, 732 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

	Visits made 18/19	De-Registrations	Visits made 19/20	De-Registrations
Registered body	273	11	215	5

During 2019/20, a lower number of visits were made due to a lengthy period of absence of a member of staff and laterally due to the Covid-19 crisis.

AccessNI also undertakes an annual review of the registered organisations. As a result, 41 Registered bodies and 9 Responsible bodies lost their status with AccessNI as they completed less than 20 disclosures in the year.

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. In 2019/20, a total of 12 such events were held and approximately 287 persons attended.

Section 7 – EU referrals

During 2019/20, 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

A total of 1,6,73 referrals were made to these EU Member states in 2019/20 (see Table 12 below).

From these referrals a total of 14 matches were made to criminal records held in the EU Member states and 11 disclosures were made on enhanced AccessNI certificates.

Table 12 - EU referrals

Country	Referrals	Country	Referrals
Bulgaria	60	Lithuania	204
France	87	Poland	451
Germany	128	Portugal	140
Hungary	65	Romania	163
Italy	89	Slovakia	51
Latvia	72	Spain	163

Section 8 – Telephone calls to AccessNI


In common with many other Departments providing direct services to the public, AccessNI uses NiDirect to field initial telephone calls. NiDirect only pass calls to AccessNI where they are unable to answer them from the scripts provided by AccessNI. The following table sets out how calls were dealt with in 2019/20 and makes a comparison with the previous year.

Table 13 – Telephone calls about the AccessNI service

	Received	Dealt with by NiDirect	Transferred to AccessNI
2018/19	25,350	14,958	10,392
2019/20	18,145	11,405	6,740

AccessNI set a target of requiring NiDirect to handle at least 50% of all calls made in the year and the table below sets out the achievement made against that.

Table 14 – Telephone call target

	Target	Achieved	
Calls handled by NiDirect	At least 50%	63%	

Section 9 – 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 2019/20

	Total Upheld April 2018 – March 2019	Total Upheld April 2019- March 2020
Substantive	9	8

The table below sets out achievement against the target for the number of substantive disputes upheld;

Table 16 – Achievement for substantive disputes

	Target	Achieved	
Substantive	No less than 1 certificate in every 11,000 certificates issued to have an error	1 certificate in every 14,500 certificates contained an error	

Section 10 – Ratelt results

AccessNI introduced nidirect’s “Ratelt” facility during 2016/17 into the on-line application and case dispute processes. This enables individuals completing on-line application forms to rate their experience of the on-line process. This is a simple 1 to 5 rating and only those making a low rating (4 or 5) can leave further information about their concerns. The table below sets out the results for the year;

Table 17 – Ratelt results 2019/20

Type	Rating 1	Rating 2	Rating 3	Rating 4	Rating 5	Total
On-Line Apps	44,601	17,130	7,008	447	348	69,534
Case Dispute	21	9	5	2	3	40

The results are two fold in that;

- Approximately 46% of applicants use the Ratelt facility, a high percentage of overall applicants; and
- 98.8% of applicants rated their experience of the on-line application process as at least satisfactory. For on-line case disputes, 87.5% of applicants rated their experience of the site as at least satisfactory.