

ACCESSNI PRE-APPOINTMENT CHECKING SYSTEMS IN NORTHERN IRELAND

Background

The Pre-Employment Consultancy Service (PECS) had been operated by the DHSSPS since 1982 to assist agencies in screening out unsuitable people when recruiting to positions with substantial access to children and to adults with learning disabilities. The Protection of Children and Vulnerable Adults (NI) Order 2003 (POCVA) enhanced these arrangements for safeguarding vulnerable members of society. From April 2005 the system for vetting those who work with children was known as the Protection of Children (NI) Service (POC (NI)). From 1st April 2008 the system for providing organisations with criminal history information about anyone seeking paid or unpaid work in certain defined areas will be administered by AccessNI.

AccessNI was established by a joint programme between the Northern Ireland Office, the Department of Health, Social Services and Public Safety, the Department of Education and the Police Service of Northern Ireland.

AccessNI should be used to complement each agency's own child protection measures and all agencies entrusted with the care or training of children need to have robust recruitment and staff/volunteer selection procedures, which are enhanced after appointment by appropriate training, supervision and appraisal processes.

AccessNI should only be used as part of an overall recruitment policy. It provides organisations registered with them with a central means of checking the suitability of an individual seeking work with children. The use of AccessNI by organisations has a deterrent effect but should **never** be relied upon to screen out all abusers. It is not a foolproof guarantee of suitability. AccessNI provides a means for accessing any information which might have a bearing on an individual's suitability.

LEVELS OF DISCLOSURE FROM ACCESSNI

There will be **3** different levels of disclosure. Individuals will be able to access a Basic Disclosure. Standard and enhanced disclosures can only be accessed by registered employers.

1. **BASIC DISCLOSURE**

An individual may apply for their own criminal record certificate which will disclose any unspent convictions recorded on police systems.

2. **STANDARD DISCLOSURES**

An employer seeking to employ a person in the occupations listed in the Exceptions Order to the Rehabilitation of Offenders (NI) Order 1978, is eligible for a **standard** disclosure which contains details of both spent and unspent convictions.

3. **ENHANCED DISCLOSURE**

All **regulated positions** under the Protection of Children and Vulnerable Adults (NI) Order 2003 will be subject to an **enhanced disclosure**. An enhanced disclosure provides the full criminal history and any relevant non-conviction information. *(N.B. All positions of those working or managing those working with children or vulnerable adults are required to undertake an Enhanced check)*

WHAT IS ACTUALLY CHECKED

AccessNI searches the following databases for every application.

- The Criminal Record Viewer – which contains the NI criminal record, and
- The Police National Computer – which contains the GB criminal record. In respect of a basic check the “spent” element of the criminal record is removed. For Standard and Enhanced checks, the full record is disclosed

For Standard and Enhanced Disclosures, the following sources will also be searched if E4 and E5 on the Disclosure Certificate Application Form are ticked, meaning the position applied for involves working with children or vulnerable adults:

- Disqualification from Working with Children (DWC (NI) List)
- Disqualification from Working with Vulnerable Adults (DWVA (NI))
- List 99 held by DCSF
- DoH PoCA and PoVA lists
- Unsuitable Persons List held by DE
- Relevant Scottish Lists

For Enhanced Disclosures only, AccessNI will ask relevant Police Forces throughout the UK for any additional non-conviction material, including cases pending, which the Police consider relevant for Disclosure.

Access NI Disclosure Certificate Application Form

Applicants should complete Parts A,B and C of this form, while UBTI completes Parts E, F and G (part D can be ignored as it applies to basic applications only)

N.B. Part A – put an X in enhanced box only.

Cost

There is a charge for every AccessNI disclosure, but **qualifying volunteers will be given disclosures free of charge**. Access Northern Ireland will provide free disclosure services to [volunteers](#). For the purposes of AccessNI's services, and subject to the exclusions set out below, they have defined a volunteer as follows: Anyone who gives their time in a position in a non-profit organisation, free of charge, doing something for the good of the community or a voluntary group (for which they may get travelling and other out-of-pocket expenses) and which is not for their own benefit or for the benefit of a close relative.

Exclusions to this policy i.e.volunteers who must be paid for;

- (i)where the person is volunteering directly for a Statutory organisation; or
- (ii)where the person is volunteering for a non-profit organisation in a position which delivers statutory services under contract or in a specific project, for which that organisation has received funding from the government which includes provision covering the costs of disclosures for volunteers.

Turn-around time

Access NI seeks to have 90% of Enhanced Disclosures back with Registered and Umbrella Bodies within 4 weeks of receipt. This delay should be factored into the recruitment process.

What is an Umbrella Body

Definition

An Umbrella body is an organisation which has registered with AccessNI to make applications for [Standard](#) and [Enhanced](#) Disclosures on behalf of other organisations or [individuals who are eligible for disclosures](#), but do not wish to register.

The advice from the Child Protection in Sport Unit is that clubs do not become a [Registered Body](#) in their own right, but they should use the services of their Governing Body who should have already registered with AccessNI and can deliver all of the necessary services on their behalf, including processing the Disclosure Applications. These larger organisations are known as Umbrella Bodies.

UBTI have registered as an umbrella body.

Organisations wishing to become Umbrella Bodies must:

- Notify AccessNI when they apply to register they wish to be regarded as an Umbrella Body (B3 on Registration form) and must comply with AccessNI's guidelines including the Code of Practice.
- Tell their clubs and AccessNI if they are charging for the service and the cost of the service.
- Ensure that exactly the same arrangements apply in terms of the management of Disclosures and the requirement to comply with the [Code of Practice](#) includes the club using the Governing Body as an Umbrella Body, and
- Take responsibility for the handling of any information which they relay to any club and ensure that the club handles this information appropriately in line with the Code of Practice and the Data Protection Act.
- Not make any recruitment decisions as an Umbrella organisation, this remains the responsibility of the club when the Governing Body is only administering the checks for the clubs. The Governing Body can of course **advise** clubs that they must not allow anyone to represent the sport who may present a risk to children. Individual clubs should consider this advice carefully as it is important to ensure there is a consistency of decision-making across individual sports. A position where an individual is offered a post in one club having been turned down in another for a similar position would be untenable.

Clarifying last point above

Guidance from AccessNI is that Umbrella organisations should not make recruitment decisions for the organisations they assist with Disclosures. This does not mean that they cannot be involved in these recruitment decisions for clubs under their membership, either by;

- Supporting their clubs in making decisions by advising them on how to assess any potential risks arising from the AccessNI Certificate returned directly to the club via the Governing Body, or
- Insisting that all those involved in the sport even at club level are appointed via safe recruitment procedures that are managed by the Governing Body. The decision about who to recruit can remain with the club but the Governing Body would have a final say over who should not represent the sport and would be able to insist that a particular person does not volunteer in the sport. This would also mean that the Governing Body may decide that an individual can volunteer in the sport but when the club receives the information they may set a higher threshold and not recruit them.

Information returned to the Umbrella organisation from AccessNI should be returned to the club via the Governing Body. The individual applicant will also receive a copy of the Disclosure Certificate directly from AccessNI. The Disclosure certificate must be destroyed by the club once a recruitment decision has been made, but the individual is advised to retain their copy.

Clubs using Umbrella Bodies must :

- Comply with the model used by the Governing Body through which they are making their application, and adhere to the safe practices adopted by that Governing body and which are part of the compliance procedures expected by AccessNI
- Comply with AccessNI's Code of Practice and the Data Protection Act.
- Be aware that adhering to safe recruitment procedures could result in delays to their organisation's recruitment procedures.

Why Clubs may wish to use the services of an Umbrella Body:

- It will act as an interface between them and AccessNI;
- It will administer, process and acquire the AccessNI check on their behalf;
- It can offer advice and experience in handling and processing checks which could mean a more effective service for all;
- If only a small number of checks are carried out each year;
- They may not wish to pay AccessNI's registration fee;
- They may need help in compliance with the [Code of Practice](#);
- They may not have the necessary administrative resource or the relevant expertise in handling criminal record information.

GRANTING OF APPLICATION TO USE THE SERVICE

Organisations will be notified in writing about the outcome of their application and will be advised of their registration number. Lead and counter signatories will also have their own unique identification number. Checks cannot be submitted without these numbers.

Remember AccessNI is not a stand-alone service; it is only one step in a recruitment process and does not offer a guarantee of someone's suitability. It only provides information that may enable a Governing Body/club to make a more informed decision. Governing Bodies/clubs which do make volunteers and coaches aware that they use AccessNI as part of their recruitment procedures will deter many of those with unsuitable convictions from volunteering or working for the Governing Body/Club.