

Access Northern Ireland (Access NI) Pre-appointment checking systems

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 has been 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 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

Levels of disclosure

There are three different levels of disclosures. Individuals can access a Basic Disclosure. Standard and Enhanced Disclosures can only be accessed by Registered Bodies.

- **Basic disclosure**

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

- **Standard disclosure**

An employer seeking to employ a person in the occupations listed in the Exemptions Order to the Rehabilitation of Offenders (NI) Order 1978 is eligible for a standard disclosure. This level of disclosure will provide criminal record information including spent and unspent convictions and cautions. It will not provide soft intelligence information or barring information.

- **Enhanced disclosure**

This level of disclosure will provide criminal record information including unspent and spent convictions and cautions. It will clearly indicate whether the applicant is on the Independent Safeguarding Authority's Barred List for Children and/or Vulnerable Adults. It will also provide Soft Intelligence.



From 12 October 2009 all post involving regulated activity with children or vulnerable adults (as defined by the Safeguarding Vulnerable Groups (NI) Order) must subject to an Enhanced Disclosure.

Registering With AccessNI

To apply for AccessNI's services as a Governing Body you **must** be registered. You should examine AccessNI's guidance at www.accessni.gov.uk to consider your position and assess whether you qualify. Registration costs £150 – this is non-refundable.

A Governing Body may qualify to use Access NI

- where your Governing Body has a duty of care towards children or vulnerable adults;
- where your Governing Body recruits staff/volunteers who work in positions specified in or otherwise covered by the Rehabilitation of Offenders (Exceptions) (Northern Ireland) Order 1979;
- where your Governing Body supplies staff/volunteers to other organisations/club's and is obliged to carry out recruitment checks; or
- where your Governing Body has agreed to apply for disclosures on behalf of other organisations/club's.

Firstly a Governing Body must decide if they wish to register as a Registered Body or an Umbrella Body. Smaller Governing Bodies may also wish to consider linking with other organisations under an Umbrella Body. The Child Protection in Sport Unit advice is that most Governing Bodies register as an Umbrella Body who can act on behalf of other club's/organisations, passing on disclosure information to them without the need for those club's/organisations to be registered.

How to Register to Use access NI

If you have decided your Governing Body will need to become a Registered Body, there is a simple 3 step process to enable you to register:

- 1) Photocopy and complete the Registration Form for Employers/Organisations which can be obtained from Access NI web site. Provide details of your organisation; the purposes for which you will require disclosures; and provide the name (and details) of your Lead Counter-signatory. For initial registration please ensure that you enclose 3 identity documents (as set out in the web-site) for the Lead Signatory. Please use photocopies.
- 2) Send the completed form to Access Northern Ireland, PO Box 1085, Belfast, BT5 9BD, together with the registration fee. Details of any costs for the Disclosures are available by accessing their web-site. The Registration form asks you to indicate how you plan to pay for both Registration and subsequent applications. Registration forms which are not accompanied by the correct payment will not be processed and will be returned.
- 3) Your Governing Body will be registered with AccessNI once your application has been validated, payment has been processed and the lead person from the organisation named on the application form has successfully undergone an Enhanced Check. The



purpose of this check is to ensure you are a suitable person to receive Disclosure information. Therefore a disclosure certificate for the lead person will not be provided but instead a letter of acceptance or rejection will be issued.

Once your organisation has been registered, you can pay to add additional counter-signatories to your registration, each of whom will also have to successfully undergo an Enhanced Check. Lead Counter-signatories and other nominated Counter-signatories will be responsible for managing your disclosure application processes and will be the first point of contact for AccessNI. These roles require an Enhanced level check to be successfully completed before they can be registered as approved counter-signatories. When registering your organisation with AccessNI, the one-off payment includes having the Lead Counter-signatory checked to Enhanced Level but it does not include having the additional counter-signatories checked. In view of this, a £10 fee will be levied by AccessNI for each additional Counter-signatory that is checked. Identity documents do not need to be enclosed for adding counter-signatories, but Lead Signatories must confirm they have checked Counter Signatory's identity in section H.

The Registration application form to use AccessNI is relatively straight forward and there is explanatory guidance on www.accessni.gov.uk The main questions that may cause confusion are;

B17 – “I confirm that the organisation is entitled to ask the exempted questions under the Rehabilitation of Offenders (Exceptions) Order (Northern Ireland) 1979.”

An ‘exempted question’ relates to the Standard and Enhanced disclosure process. Ordinarily, due to the Rehabilitation of Offenders (Northern Ireland) Order 1978, an employer is entitled only to request an individual's unspent record. However, exceptions are made in the Rehabilitation of Offenders (Exceptions) Order 1979 which lists the circumstances in which an employer may apply for a Standard or Enhanced disclosure. An application for a disclosure in these cases is said to be an ‘exempted question’. A sports coach or volunteer working with young people would be an example of an Enhanced position therefore Governing Bodies should tick this box.

B18– “I confirm that the organisation is likely to countersign Disclosure Applications under Section 113A and/or 113B of Part V of the Police Act 1997 at the request of bodies or individuals asking the exempted questions (*Umbrella Bodies only*).”

Organisations should tick this box if they are registering as an Umbrella Organisation to administer the AccessNI checks for their clubs or other organisations.

Disclosure Applications

There is a separate application form for seeking disclosure information on individuals. Applicants

- Complete section B, D (E & F if necessary) & signs G
- Complete forms in block capitals (black ink)
- Provide previous 5 years address histories
- Provides ID

Currently do not complete section C - ISA part



Registered (umbrella) Body

- Make sure ID belongs to applicants
- Complete sections A, H (I if necessary) and sign J
- Clarify in full purpose of applicants role
- Require enhanced check

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.

For further clarification or assistance in completing forms please contact Access Northern Ireland, PO Box 1085, Belfast, BT5 9BD, 0300 200 7888, accessni@ani.x.gsi.gov.uk

Turn-around time

AccessNI 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.

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 can not be involved in these recruitment decisions for clubs under their membership, either by;

- Supporting their club 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 can not 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.

The Child Protection in Sport Unit deliver training on managing information returned from AccessNI, if as a Governing Body you are interested in this training please contact Paul Stephenson on 020 3222 4246. The Child Protection in Sport Unit can also assist Governing Bodies to understand the decision making process on information returned.

Sign up now to the CPSU E-Newsletter - We can email you the latest information about child protection in sport, simply complete the [online registration form](#).

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