



# ACCESSNI PERFORMANCE AND ACTIVITY REPORT

1 APRIL 2018 - 31 MARCH 2019

## Glossary:

<b>Basic Check</b>	Provides unspent criminal record information. Cost is £26.
<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 £26.
<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 2018 to 31 March 2019 against targets and where appropriate, compares this to previous years.
2. 2018/19 saw an increase (6%) in the number of applications received compared to 2017/18, while the number of cases processed by AccessNI increased by 3%. In July 2019, AccessNI introduced digital certificates for all types of disclosures. Digital certificates are delivered to the nidirect account used by the applicant when making their on-line application. From that account they can share the certificate by email with an employer.
3. AccessNI met all of the targets set by the previous Justice Minister 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 checks due to PSNI delays during the final 5 months of the year.
4. 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. 6 applications from individuals not permitted to work with children and/or vulnerable adults were detected. One individual was successfully prosecuted after being detected seeking to work in regulated activity while barred. That individual received a 3 year suspended prison sentence.

5. 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 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. AccessNI is considering how the policy and legislation can be amended to give effect to the Court's determination.

6. The Independent Reviewer (of criminal record information) scheme operated throughout 2018/19. 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.

7. Over 2018/19, AccessNI's operational costs increased by 16% (to include specific one-off costs), while receipts increased by just under 5%. AccessNI has reviewed its cost recovery model and fees for basic and standard checks were reduced to £18 from 1 April 2019.

8. 80 organisations registered for the first time with AccessNI during 2018/19 and at 31 March 2019, 731statutory, private, voluntary and community groups had registration status. A total of 274 compliance visits were made (up almost 50% on 17/18) 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 8 were de-registered as a direct result of the visit.

9. 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 9 EU Member States. AccessNI extended this project to a further 3 EU Member States from December 2018. 1,413 referrals were made to EU Member States and 6 disclosures of information were made on AccessNI certificates.

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

11. Looking to 2019/20, the key challenges will be to;

- Meet Ministerial targets for the issue of checks;

- Consider whether an Update Service can be delivered in Northern Ireland;
- Provide the ability for applicants seeking basic checks to upload identity documents with their application;
- Move to a system of on-line only applications;
- 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;
- Develop a strategy to deal with the outcome of the Supreme Court case in the absence of Ministers; 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 2018/19 compared to the previous two years.

**Table 1 – Applications received**

<b>Disclosure type</b>	<b>April 2016 - March 2017</b>	<b>April 2017 - March 2018</b>	<b>April 2018- March 2019</b>	<b>% change 17/18 to 18/19</b>
<b>Basic (B)</b>	25,056	28,448	33,505	18%
<b>Standard (S)</b>	4,342	4,051	6,142	51.7%
<b>Enhanced (E)</b>	107,266	111,479	112,823	1.2%
<b>Total</b>	136,664	143,978	152,470	5.9%

**Table 2 – Applications processed**

<b>Disclosure type</b>	<b>April 2016 - March 2017</b>	<b>April 2017 - March 2018</b>	<b>April 2018- March 2019</b>	<b>% change 17/18 to 18/19</b>
<b>Basic (B)</b>	22,934	26,768	31,051	16%
<b>Standard (S)</b>	3,867	3,971	5,774	45.4%
<b>Enhanced (E)</b>	104,679	111,027	109,075	-1.8%
<b>Total</b>	131,480	141,586	145,900 <sup>1</sup>	3%

<sup>1</sup> The difference between applications received and processed is due to several factors, including abandoned and incomplete applications and reflects AccessNI's operational position at two given points in time.

## **On-line applications**

The table below shows AccessNI performance against the target set for receipt of on-line applications;

**Table 3 – On-line applications**

<b>Target</b>	<b>Achievement</b>	
Receive by 31 March 2019 90% of applications on-line	99% of applications were received on-line during 2018/19	✓

AccessNI proposes to move to 100% on-line applications by October 2019 and has advised registered organisations accordingly.

## **Digital certificates.**

In July 2018, Access introduced digital certificates for all types of disclosures where no criminal record or other information was included in a certificate. Digital certificates are delivered instantly to the on-line account of the applicant and they in turn can share the certificate as required, by email. This is a popular alternative and the initial target for their use by customers has been met.

**Table 4 – Digital certificates**

<b>Target</b>	<b>Achievement</b>	
40% of certificates issued digitally by 31 March 2019.	45% of certificates issued digitally Aug 18- March 19	✓

## **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 home; or
- lives in the Republic of Ireland.

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 all other parts of the UK.

### **Commentary**

This was a busy year, in terms of applications processed by AccessNI, with a marked increase in the number of applications processed over the two previous years, mainly due to a larger number of basic applications. The increase in standard applications reflects the triennial anniversary of the introduction of the Security Industry Authority in Northern Ireland. The next annual increase in standard applications can be expected in 2021/22.

The percentage of “free” disclosures (for volunteers) is 26.4% of all enhanced checks provided. This is around 3-4% greater than in other parts of the UK and slightly down on last year’s figure of 26.7%.

AccessNI's top 28 customers requested 55,782 applications (37% of all applications made). The top 5 customers in 2018/19 were;

Education Authority	9,733
BSO Recruitment (Health Service)	6,254
Security Industry Authority	4,837
Ulster GAA	2,956
Premiere Employment	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 2018-March 2019**

Type	Target	Achievement	
Basic check submitted via body	<b>99% within 7 days</b>	<b>99.85%</b>	✓
Basic check submitted by public	<b>95% within 14 days</b>	<b>98.80%</b>	✓
Standard check	<b>99% within 7 days</b>	<b>99.81%</b>	✓
Enhanced check	<b>70% within 10 days</b>	<b>83.59%</b>	✓
	<b>95% within 21 days</b>	<b>91.77%</b>	X
	<b>99% within 28 days</b>	<b>95.51%</b>	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)**

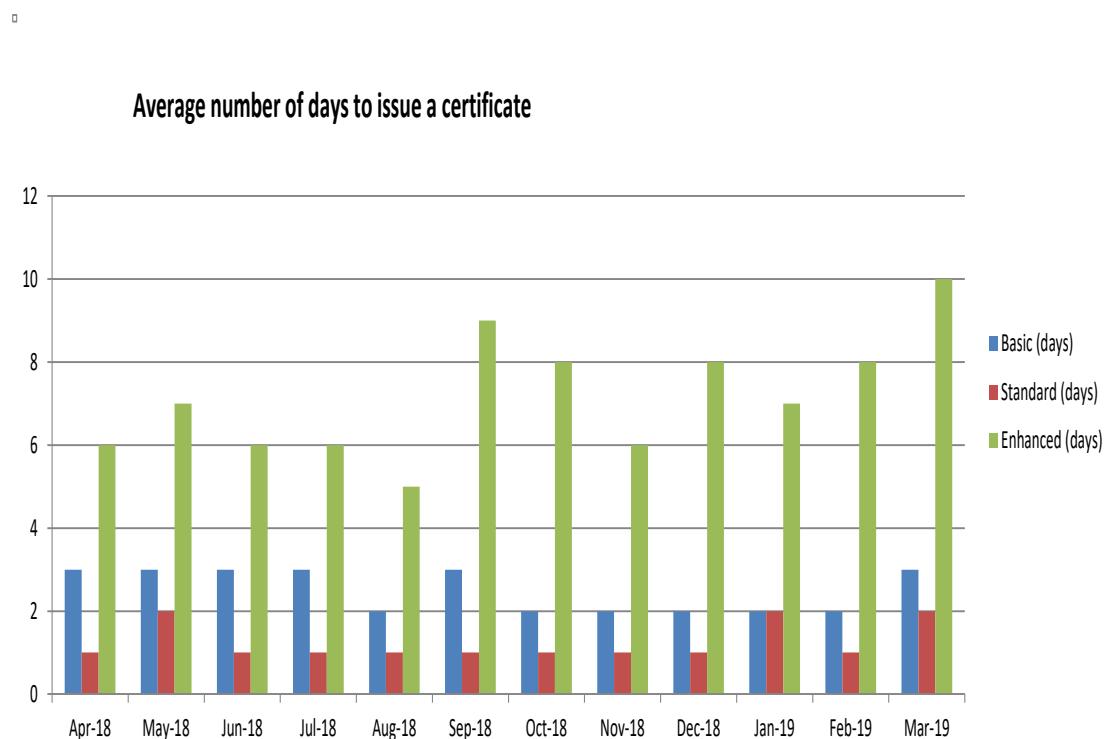
Type	April 2016- March 2017	April 2017- March 2018	April 2018 – March 2019
Basic Check	2.5	2.5	2.2
Standard Check	1	1	1
Enhanced Check	7.5	6.8	6.6

### **Commentary**

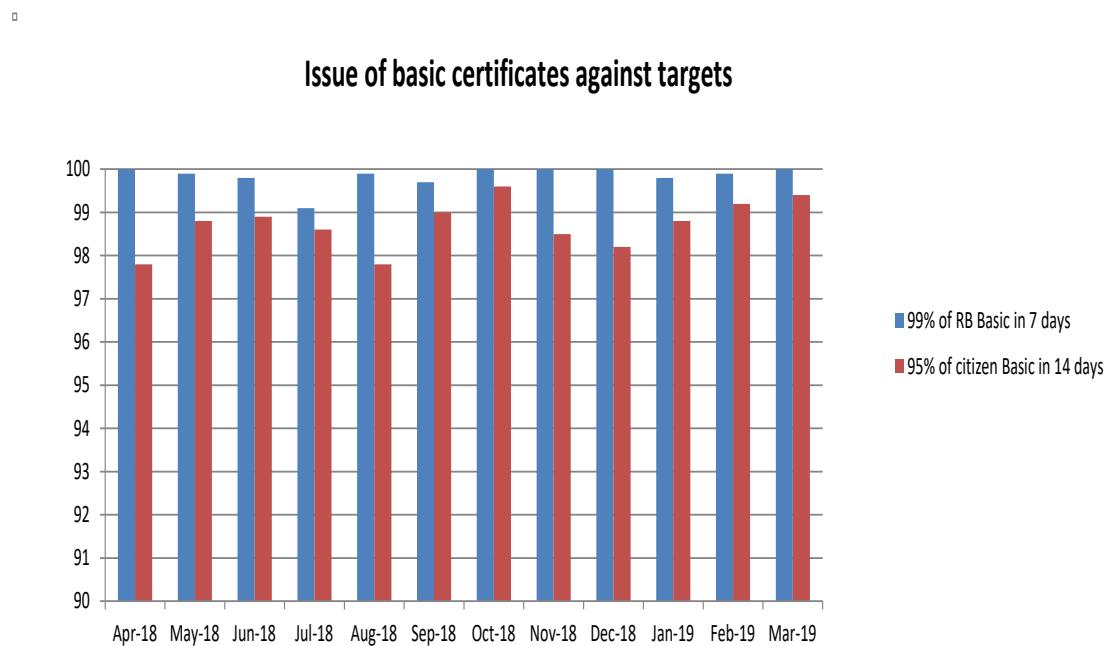
AccessNI was able to meet the challenging targets for the issue of all types of certificates where these targets were within its control. Where applications had to be referred to PSNI, AccessNI fell short, by a narrow margin, of the targets for issue of enhanced checks within 21 and 28 days. This was due to PSNI accumulating a backlog of checks during the second half of the year.

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

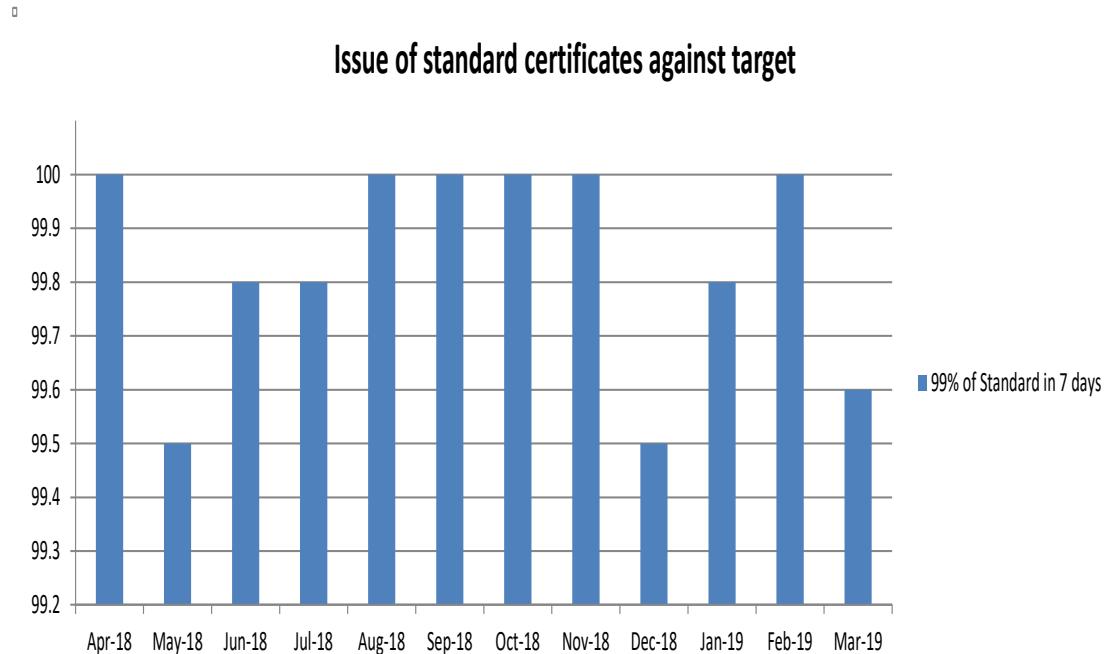
**Figure 1 – average certificate issue time (days) 2018/19**



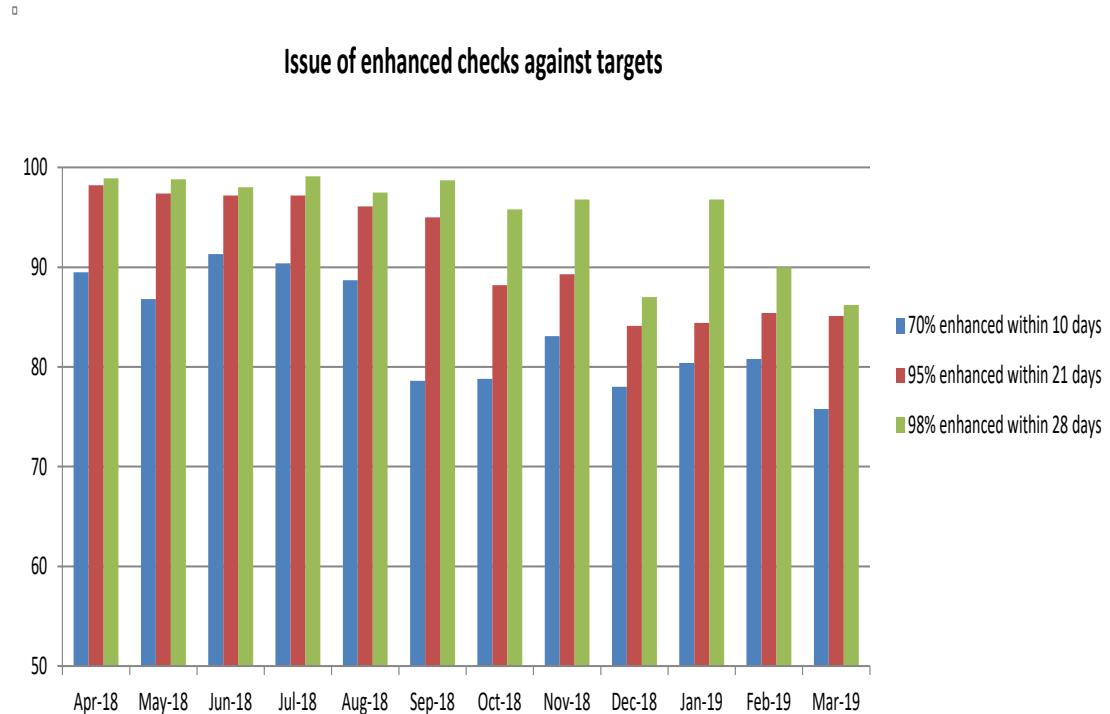
**Figure 2 – issue of basic certificates 2018/19**



**Figure 3 – Issue of standard certificates 2018/19**



**Figure 4 – Issue of Enhanced certificates 2018/19**



## **Section 4 - Information disclosed on certificates**

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

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

Type	Checks processed	PNC	PSNI	GB forces	UK lists
<b>Basic</b>	<b>31,051</b>	<b>794</b> <b>2.55%</b>	<b>N/a</b>	<b>N/a</b>	<b>N/a</b>
<b>Standard</b>	<b>5,774</b>	<b>1,019</b> <b>17.6%</b>	<b>N/a</b>	<b>N/a</b>	<b>N/a</b>
<b>Enhanced</b>	<b>109,075</b>	<b>5,876</b> <b>5.4%</b>	<b>322</b>	<b>13</b>	<b>6</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

## **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
<b>Standard</b>	262	104	155	3
<b>Enhanced</b>	1,961	580	1,362	19
<b>Total</b>	2,223	684	1,517	22

## **Independent Reviewer**

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
<b>Auto-referral</b>	410	363	47
<b>Review request</b>	103	86	17
<b>Total</b>	513	459	64

**Commentary**

Table 7 highlights that the percentage of basic checks containing information is low (2.5%). This is due to the fact that only unspent convictions and no non-court disposals are disclosed on such checks. There are a significant percentage of checks 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 checks, over 1 in 4 applicants (26.8%) 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 checks issued where criminal record information is disclosed is 17.6%.

Of the applications made for enhanced checks 10,355 (9.5%) were matched to information held on PNC or had police information

disclosed. Identical limitations as for standard checks apply on the information that can be disclosed. Therefore the number of checks where information was disclosed reduced to 5,876. Of these checks, 341 contained information from police or a notification that an applicant was on the barred list.

6 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 one case the applicant was convicted of working in regulated activity while barred and making a false statement to obtain an AccessNI check and received a suspended prison sentence. 2 cases are still under investigation by PSNI while in 3 others no further action could be taken by the Disclosure and Barring Service or a no prosecution was directed by the Public Prosecution Service.

Table 8 identifies that of the certificates found to have information prior to issue, almost 27% 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. This suggests that AccessNI's filtering policy should be extended to include other categories of minor offences and a review of such offences is underway. This would remove the need for some offences to be reviewed as a matter of routine by the Independent Reviewer.

## **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 2017/18 and compares with this with the previous 2 years.

**Table 10 – AccessNI cost recovery position**

	<b>April 2016 - March 2017</b>	<b>April 2017- March 2018</b>	<b>April 2018- March 2019</b>	<b>Percentage change for 18/19 against 17/18</b>
	(£000s)	(£000s)	(£000s)	
<b>Expenditure inc. depreciation and notional costs</b>	£2,645	£2,740	£3,383	+23.5%
<b>Income</b>	£3,321	£3,498	£3,658	+4.6%
<b>Cost Recovery Surplus</b>	£676	£758	£275	

## **Commentary**

In 2018/19, AccessNI's income increased in line with the increase in applications processed, particularly in basic applications.

In terms of expenditure, AccessNI's costs rose significantly. This is primarily due to one-off expenditure including significant sums in defending the Supreme Court case and undertaking security checks on the AccessNI IT system. The receipt of additional applications also increases costs proportionally. AccessNI anticipate that overall expenditure will fall from the 2018/19 level in 2019/20.

As a result, AccessNI's cost recovery surplus in 2018/19 reduced to £275k.

## **Section 6 – Compliance work with organisations**

AccessNI has a network of registered bodies that countersign applications for standard and enhanced checks in accordance with Part V of the Police Act 1997 and a number of responsible bodies that countersign applications for basic checks on the basis of an SLA with AccessNI. At 31 March 2019, 731 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- Registratio ns	Visits made 17/18	De- Registratio ns
Registered body	274	8	184	N/a

During 2018/19, with the benefit of additional resources and improving the efficiency of visits, AccessNI was able to undertake 49% more visits than in the previous year.

AccessNI also undertakes an annual review of the registered organisations. As a result, 44 Registered bodies and 8

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 2018/19, a total of 17 such events were held and approximately 511 persons attended. A pilot event, inviting signatories of organisations that had recently registered with AccessNI was introduced. This proved successful and will be extended into 2019/20.

## **Section 7 – EU referrals**

During 2018/19, AccessNI continued its project with the UK's central authority for the exchange of criminal records (ACRO), to obtain information about EU nationals working with children in Northern Ireland. In December 2018, AccessNI extended the scope of the project to include 3 further Member States bringing the total to 12. The full list of countries is;

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

A total of 1,143 referrals were made to EU Member states in 2018/19 (see Table 13 below). AccessNI stopped making referrals to both Poland and Romania in November 2018 due to the very lengthy delays in obtaining results from these countries, preventing employment decisions being made in a timely fashion. This decision will be reviewed in 2019/20

From these referrals a total of 13 matches were made to criminal records held in the EU Member states and 6 disclosures were made on enhanced AccessNI certificates.

**Table 12 - EU referrals**

Country	Referrals	Country	Referrals
Bulgaria	15	Lithuania	133
France	54	Poland	270
Germany	131	Portugal	128
Hungary	19	Romania	95
Italy	113	Slovakia	52
Latvia	22	Spain	111

## **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 2018/19 and makes a comparison with the previous year.

**Table 13 – Telephone calls about the AccessNI service**

	<b>Received</b>	<b>Dealt with by NiDirect</b>	<b>Transferred to AccessNI</b>
2017/18	24,336	13,001	11,335
2018/19	25,350	14,958	10,392

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**

	<b>Target</b>	<b>Achieved</b>
<b>Calls handled by NiDirect</b>	At least 50%	59%

## **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 201819**

	<b>Total Upheld April 2017 – March 2018</b>	<b>Total Upheld April 2018- March 2019</b>
<b>Substantive</b>	<b>15</b>	<b>9</b>

The table below 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>1 certificate in every 11,000 certificates issued to have an error</b>	<b>1 certificate in every 16,211 certificates contained an error</b>	✓

## **Section 10 – RateIt results**

AccessNI introduced nidirect’s “RateIt” 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 – RateIt results 2018/19**

Type	Rating 1	Rating 2	Rating 3	Rating 4	Rating 5	Total
On-Line Apps	40,998	16,390	6,872	532	370	65,162
Case Dispute	21	9	5	1	1	37

The results are two fold in that;

- Approximately 43% of applicants use the RateIt facility, a high percentage; and
- 98.6% of applicants rated their experience of the on-line application process as at least satisfactory. For on-line case disputes, 94.6% of applicants rated their experience of the site as at least satisfactory.