

AccessNI Checks

What are the different types of AccessNI check available?

Each type of AccessNI check consists of the following criminal record searches:

| Level of check | Unspent Convictions | Spent Convictions | Caution | Relevant Police Information | Barred Lists |
|--------------------------|---------------------|-------------------|---------|-----------------------------|-------------------------------|
| Basic AccessNI check: | Yes | No | No | No | No |
| Standard AccessNI check: | Yes | Yes | Yes | No | No |
| Enhanced AccessNI check: | Yes | Yes | Yes | Yes | Yes *if Regulated Activity |

Examples of roles needing AccessNI checks:

Below are some examples of roles that need AccessNI checks.

Please note: This is for guidance only and should not be considered a substitute for legal advice. **It is the responsibility of the employer/recruiting organisation to determine if eligibility exists in line with the current legislation.**

| Nature of work | Legal Obligation | Type of AccessNI Check |
|--|--------------------------------------|------------------------|
| Working beyond the passenger security check in an airport (for example, as an airport employee, in a shop or on the runways) | Department For Transport Regulations | Basic |
| Posts in the Northern Ireland Civil Service and certain other public bodies | - | Basic |
| A role where it is in the interest of a customer/employer to obtain a criminal record history; e.g: working in a Position of trust, handling cash or working in premises unsupervised. | - | Basic |
| Visa Applications | - | Basic |

| Nature of work | Legal Obligation | Type of AccessNI Check |
|--|--|---------------------------------------|
| Barrister | Rehabilitation of Offenders (NI) Order 1978 | Standard |
| Accountant | Rehabilitation of Offenders (NI) Order 1978 | Standard |
| Actuary | Rehabilitation of Offenders (NI) Order 1978 | Standard |
| Pharmaceutical Chemist | Rehabilitation of Offenders (NI) Order 1978 | Standard |
| Solicitor | Rehabilitation of Offenders (NI) Order 1978 | Standard |
| Veterinary Surgeon | Rehabilitation of Offenders (NI) Order 1978 | Standard |
| Working in a Care or Residential Home with Adults | Department Of Health Standards | Enhanced |
| Healthcare Professional such as a GP, Pharmacist, Nurse, Dentist, Surgeon Or Specialist Practitioner | Department Of Health Standards | Enhanced |
| Working in Domiciliary Care with Adults | Department Of Health Standards | Enhanced |
| Working in a Day Care setting with Children and Childminding | Department Of Health Standards | Enhanced |
| Taxi-Driving Licence | Road Traffic (Ni) Order 1981 | Enhanced, Without A Barred List Check |
| Fostering Children | Children's Act 1989 Or Children's(NI) Order 1987 | Enhanced |
| Adoption of Children | Adoption (Ni) Order 1987 | Enhanced |
| Working in a School | Department Of Health Standards | Enhanced |

| Nature of work | Legal Obligation | Type of AccessNI Check |
|--|--------------------------------|------------------------|
| Social Worker | Department Of Health Standards | Enhanced |
| Teacher / Trainer / Tutor / Coach / Instructor | Department Of Health Standards | Enhanced |

Volunteers

Standard and Enhanced checks for volunteers are eligible to be processed at a reduced fee.

For the purposes of AccessNI checks, a Volunteer is defined as follows:-

“A person engaged, or to be engaged, in an activity for a non-profit organisation or person, which involves spending time unpaid (except for travel and other out-of-pocket expenses) doing something which amounts to a benefit to some third party other than, or in addition to, a close relative”

Under the relevant legislation, a non-profit organisation or person is one which does not distribute its surplus funds to owners or shareholders.

Volunteers within the two specific and narrowly defined categories set out below, are not eligible for reduced fee Volunteer AccessNI checks:

1. the delivery of statutory services: where a volunteer is engaged, or is to be engaged, directly for a Statutory Body
2. funding supplied for defined projects: in circumstances where a sum to include the cost of a disclosure fee in connection with the activity which the volunteer is engaged, or to be engaged, in has been provided out of public funds.

Information about each Type of AccessNI check in more detail:

Basic AccessNI checks:

A Basic AccessNI check is a check for Unspent Convictions and can be obtained for anyone for any reason

Standard AccessNI checks:

A Standard AccessNI check is a check for:

- spent and unspent convictions
- informed warnings and other non-court disposals from the Police National Computer
- Some old and minor convictions and non-court disposals on a criminal record may not be disclosed. Fixed penalty tickets and parking fines aren't included in a standard check.

The Standard AccessNI check is restricted by law and only available where the position or role in question is exempt from the Rehabilitation of Offenders (NI) Order 1978, for example certain specified occupations, licences and entry into certain specified professions.

A Standard AccessNI check is **not** suitable for roles working with children or vulnerable adults.

The Standard AccessNI check is required for the following roles:

- Barrister
- Solicitor
- Veterinary Surgeon
- Actuary
- Accountant
- Pharmaceutical chemist

Enhanced AccessNI checks:

An Enhanced AccessNI check discloses an individual's full criminal record, and checks:

- spent and unspent convictions from the Police National Computer
- cautions, informed warnings and other non-court disposals from the Police National Computer
- information held by the police that is relevant to the role applied for
- information held by the Disclosure and Barring Service (the childrens' and/or adult's barred list checks). Note: only for positions considered as regulated activity

Note: Some old and minor convictions and non-court disposals on a criminal record may be filtered. Fixed penalty tickets or parking fines aren't included in an enhanced check.

Enhanced AccessNI checks are restricted by law and can only be obtained for certain roles. The role will usually involve working closely with children or vulnerable adults.

Regulated Activity:

An Enhanced AccessNI check for a role that involves "regulated activity" will include a check with the Disclosure and Barring Service (DBS).

They keeps lists of people who are unsuitable for work with children and vulnerable adults. These are known as the childrens' and adults' barred list checks.

An employer must:

1. know if a position is regulated activity
2. know the level of check required and when to search the barred lists
3. not employ an individual or engage a volunteer in regulated activity who is on a barred list

The Enhanced AccessNI check is also available for some other specific positions (but without a check of the DBS barred lists), including those working with vulnerable people (but not in regulated activity) or judicial appointments.

Regulated Activity with Children:

This is a role where an individual works unsupervised with children:

1. once a week or more or intensively (four days in a row or overnight), **and**
2. in a specific role or a specific place.

For example role which:

- teach, train, instruct, care for or supervise children
- provide advice/guidance on well-being to children
- drive a vehicle only for children
- work in a school, children's home or a childcare premises with the opportunity for contact with children
- provide personal care, for example washing, dressing or healthcare to children
- are a registered childminder
- are a foster-carer

Regulated Activity with Vulnerable Adults:

For the purposes of AccessNI check, Vulnerable Adults are people who are 18 years or over who are receiving treatment or care.

Roles considered as Regulated Activity with Vulnerable Adults are roles that:

- give healthcare as a GP, pharmacist, nurse, dentist, surgeon or specialist
- give personal care such as dressing or washing
- provide social work
- help with general household work such as handling cash, shopping or paying bills
- help manage personal affairs such as legal papers
- bring an adult in a vehicle to receive personal care, healthcare or social care

Additional Information relating to AccessNI checks

Checking an Applicant's ID

An employer/Organisation should verify each individual's identity.

This involves checking proof of their:

- full name
- date of birth
- permanent address on a utility bill (gas, electric, landline telephone)
- photographic ID on a current passport or driving licence

For any further information, please contact Niacro on

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