

FROM THE OFFICE OF THE JUSTICE MINISTER



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Our Ref: JCP\25\178

Kathy O'Hanlon  
Clerk to the Committee for Justice  
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16 July 2025

Dear Kathy,

**AccessNI Filtering amendments in the Justice Bill**

Thank you for your letter of 2 July which included a copy of the Research and Information Service's (RAISE) briefing paper to the Committee for Justice in relation to AccessNI Filtering amendments in the Justice Bill.

The Department has considered the content of the RAISE briefing paper and would regard this as a full and accurate summary of the AccessNI filtering journey over the past number of years, and the outcome of the Review of the List of Specified Offences in 2023 which have resulted in the current proposed legislative amendments in Clause 29A of the Justice Bill. The Department would not seek to contradict any of the points noted in the paper.

The Department would respond to each of the six scrutiny points in the RAISE briefing paper as follows:-

### Scrutiny Points:

1. **When will the Department change the name of the List of Specified Offences to the List of Non-Filterable Offences as outlined in the 2023 consultation? How will the Department communicate this change to the wider public? Will this just apply to the list maintained on the public website by AccessNI? Will there be literature providing further clarity on the filtering scheme, including the manner in which non-filterable offences are treated?**
  - The Department would propose to change the name of the List of Specified Offences to the List of Non-Filterable Offences when Clause 29A of the Justice Bill is commenced.
  - The name change will apply to the List as published on the nidirect website (and maintained by AccessNI).
  - The Department will communicate this change in two main ways. Firstly, by issuing a detailed operational Circular and secondly, by inclusion of an article in an appropriate seasonal Newsletter. Both these forms of media are issued to all organisations and signatories registered with AccessNI.
  - The Department will also update information and guidance on the nidirect and DoJ websites, including specific guidance on the operation of the wider Filtering Scheme.
  
2. **Will the Department promote greater awareness of the role of the Independent Reviewer? And that offences on the list can be removed from Standard or Enhanced checks, subject to consideration on appeal to the Independent Reviewer?**
  - The Department will update relevant guidance published online, including the Operation of the Criminal Records Filtering Review Scheme which sets out in some detail the role of the Independent Reviewer, including factors to be considered in taking decisions.
  - The Department will also update guidance on AccessNI pages on the nidirect website.
  - At present the reverse of a paper disclosure certificate contains details about certificates, including how to request a review by the Independent Reviewer. From September 2025 AccessNI certificates will only be available digitally. To ensure key

information is not lost to the applicant, AccessNI plan to include a hyperlink in the digital certificate which, if selected, will provide the applicant with further information about the certificate, including how to request a review by the Independent Reviewer.

**3. How does AccessNI currently identify offences that cannot be filtered from a certificate? And is the existing manual system using the Police National Computer operating in accordance with Section 113A(6D)? Is there a potential risk of inadequate or inappropriate disclosures being made? Will AccessNI produce a single, clear publicly available list online of offences that can never be filtered and will this be consistent with Schedule 8ZA?**

- All criminal record information to be considered for inclusion on a disclosure certificate is extracted from the Police National Computer (soon to be replaced by the Law Enforcement Data System – LEDS).
- The List of Specified Offences is derived from offences set out in section 113A(6D) of the Police Act 1997. Offence codes for these offences are incorporated within the filtering algorithm in the AccessNI Disclosure System. This allows for relevant offences to be highlighted and not filtered as part of the disclosure process. In addition, all disposal information, including filtered disposals, are reviewed by AccessNI operators prior to the disclosure certificate being filtered; this additional step helps mitigate the risk of inadequate or inappropriate disclosures being made.
- When Clause 29A is commenced AccessNI will publish the List of Non-Filterable Offences on the nidirect website (in the same way as the current List of Specified Offences is published). The List of Non-Filterable Offences will include all offences as listed in Schedule 8ZA.

**4. What practical difference will listing offences individually by name/section in Schedule 8ZA make for users, for example job applicants and prospective employers? Will these changes help to balance the right of an offender to rehabilitation with the need to ensure that information relevant to an assessment of an individual's suitability to hold a particular employment or role?**

- As noted in the 2023 Public Consultation following the Department's review of the List of Specified Offences, section 113A(6D) of the Police Act is difficult to navigate,

meaning it is not always straight-forward (certainly to the lay person) to identify offences that cannot be filtered from Standard and Enhanced checks. Listing offences individually by name/section in Schedule 8ZA will significantly improve ease of understanding for this aspect of the Filtering Scheme.

- The purpose of the Filtering Scheme, and the specific review periods build into the Scheme, are designed to ensure that criminal record information is disclosed in a proportionate manner where the removal of old and minor disposals can be take place, whilst at the same time ensuring that serious, violent and sexual offences continue to be disclosed in the interests of safeguarding and public protection.
- The review mechanism, and the role of the Independent Reviewer, allows for individual's to challenge the inclusion of spent criminal record information on Standard and Enhanced checks. When deciding on whether to review, amend or remove information on a disclosure certificate, the Independent Reviewer will consider a number of factors, including the nature of the role the individual is seeking to undertake.
- It will be the responsibility of the new Non-Filterable List Committee to review offences on the List and to decide if they should remain, be amended (with conditions) or removed.

**5. How often is it anticipated that new offences be added to Schedule 8ZA? Will the terms of reference establishing the non-filterable list committee be shared with the Justice Committee? Should consideration be given to wider representation on the non-filterable list committee?**

- It is anticipated that the new Non-Filterable List Committee will meet twice a year to consider any new offences for inclusion on the List. The Committee will make recommendations for List amendments to the Justice Minister who, if content will seek a change to Schedule 8ZA via the negative resolution route.
- It remains an option to widen the representation of the Non-Filterable List Committee. The need for this will be considered in consultation with Committee members to ascertain any key knowledge gaps that may need to be addressed to improve the decision making within the Committee. It may be that the Committee might invites individuals / policy officials on an ad hoc basis (for example) to present the context of new offences, before a decision is taken on whether to include on the

List or not. The Department considers that membership of the Committee should be sufficiently restricted to comprise a workable group of interested parties with significant operational and policy responsibility for development of legislation, frameworks and guidelines in relation to both criminal record disclosure practices and safeguarding / public protection.

- The core membership of the Committee must comprise representatives from DoH, PSNI, AccessNI and the Independent Reviewer in accordance with the legislative provisions in draft Clause 29A.
- The Department would be content to share the Terms of Reference of the new Committee with the Committee for Justice in due course.

**6. Should there be a wider review of the system of disclosure of criminal records given the complex legal framework in this area? And consideration be given to expanding eligibility for more offences to be filtered?**

- There have been a number of refinements to the Filtering Scheme since it was first introduced in 2014, including:
  - a) The introduction of the Review Mechanism and the role of the Independent Reviewer in 2016.
  - b) Extension of the role of the Independent Reviewer (on an administrative basis in March 2020) to consider all youth non-court disposals – Clause 29 of the Justice Bill seeks to place the arrangement on legislative footing.
  - c) The removal of the multiple-conviction rule in 2021.
  - d) The Review of the List of Specified Offences, which is ongoing and the proposals from which are the subject of Clause 29A in the Justice Bill.
- The role of the Non-Filterable List Committee will extend to considering opportunities to reduce (or place conditions) on offences that cannot be filtered. It would be pragmatic to allow a period of time in order to assess the impact of this key change before considering the need for further or wider reviews of the system of criminal records disclosure.

I trust this addresses the scrutiny points in the RAISE briefing paper and assists in the Committee's scrutiny of the Bill. Officials will be happy to provide any further clarification required.

FROM THE OFFICE OF THE JUSTICE MINISTER



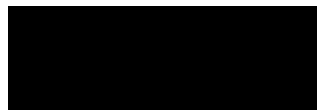
Department of  
**Justice**

An Roinn Dlí agus Cirt

Máinnystrie O tha Laa

[www.justice-ni.gov.uk](http://www.justice-ni.gov.uk)

Yours sincerely



**DAVID GRAHAM  
DALO**



**Northern Ireland Assembly  
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02 July 2025

**Justice Bill – AccessNI Filtering Arrangements**

Dear David

At its meeting on 26 June 2025, the Committee for Justice considered the Assembly Research and Information Service's paper on the proposed AccessNI Filtering Amendment. The Committee agreed to forward the paper to the Department for response to the scrutiny points included.

I should appreciate a response by 30 July 2025.

Yours sincerely

*Kathy O'Hanlon*

**Kathy O'Hanlon  
Clerk to the Committee for Justice**

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