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Our Ref: JCP\25\208

Kathy O'Hanlon
Clerk to the Committee for Justice
Room 242
Parliament Buildings
Ballymiscaw
Stormont
Belfast BT4 3XX

18 September 2025

Dear Kathy,

ACCESSNI BRIEFING FOR JUSTICE COMMITTEE MEETING ON 2 OCTOBER 2025

SUMMARY

Business Area: Justice Delivery Directorate
Issue: Briefing on the AccessNI elements of the Justice Bill
Restrictions: Official – Policy in development.
Action Required: To note the written briefing ahead of the oral briefing on
Thursday 2 October 2025
Attendees: John Paul Napier, Brian Thomson and Amanda Jenner.

This briefing note has been prepared for the attention of the Justice Committee members in advance of AccessNI officials attending the Committee meeting on 2 October to provide briefing and Q&A on the AccessNI Filtering Scheme.

BACKGROUND

2. AccessNI is the criminal history disclosure service for Northern Ireland. AccessNI was established in April 2008 to provide disclosure services in accordance with Part V of the Police Act 1997.

3. AccessNI provides all three levels of check as set out in the legislation. The table below provides an overview of information disclosed, along with demand volumes for 2024/25:-

Level of Check	Purpose	Information Disclosed	Demand 2024/25
Basic	General employment purposes, including civil service and public bodies.	Unspent convictions.	45,494
Standard	Primarily Security Industry Authority licences, but also other professional occupations, including accountants and legal professionals.	Spent and unspent convictions, cautions, diversionary youth conferences and informed warnings*	5,618
Enhanced (with or without a barred list check)	Primarily for those working with children or vulnerable adults - typically sought for roles undertaking Regulated Activity as defined in Safeguarding Vulnerable Groups (Northern Ireland) Order 2007.	As per Standard check, plus relevant police 'non-conviction' information and barred list information. Also, relevant EU conviction information for those working with children.	129,190
Total			180,302

* Subject to filtering

4. All applications for AccessNI checks are submitted digitally via the nidirect portal. AccessNI undertakes searches against applicant details and discloses appropriate criminal record information held the Police National Computer (PNC).

5. The product of the AccessNI service is a disclosure certificate. From 1 September 2025 all certificates have been issued digitally to the applicant's personal, and verified, nidirect account. The applicant's account includes functionality which allows them to digitally share their disclosure certificate with their employer / voluntary group.



6. There are currently 741 organisations registered with AccessNI to obtain disclosure checks¹. The top 10 organisations, in terms of number of applications sought, in 2024/25 were:-

Organisation Name	Number of checks
Education Authority	14,908
BSO Recruitment & Selection	6,498
Ulster Council GAA	5,458
Security Industry Authority	4,416
The UK Recruitment Co Ltd	4,106
Irish FA Foundation	3,294
Department of Education	2,426
NHSCT	2,282
Experian	2,214
Ulster University	2,148

¹ Organisations requesting less than 20 checks per year are required to use the services of an Umbrella Body.

**POLICE FORCE REFERRALS**

7. For Enhanced checks, AccessNI makes referrals to relevant UK police forces to consider the disclosure of non-conviction information that they hold. These referrals are based upon the outcome of searches of nominal records contained in the Police Local Exchange (PLX) database. The following table shows details of the number of police referrals in 2024/25:-

Force	No. of referrals	Proportion of Enhanced checks	Number of disclosures
PSNI	32,396	25.1%	232
GB Forces	6,937	5.4%	13

8. For Enhanced checks, arrangements are as also in place for AccessNI to seek relevant conviction information from An Garda Síochána for individuals who have lived in the Republic of Ireland in the last 5 years. In 2024/25, 2,885 cases were referred to the Garda for consideration.

9. Also for relevant Enhanced checks, mostly including those seeking to work in Regulated Activity, AccessNI undertakes searches of lists detailing those barred in the UK from working with children and/or vulnerable adults. In 2024/25, nine persons were found to be on a barred list. Article 11 of the Safeguarding Vulnerable Groups (NI) Order 2007 sets out that it is an offence for an individual to seek to work in Regulated Activity whilst barred – details of these individuals have been passed to the Disclosure and Barring Service for consideration for prosecution.



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10. Finally, in terms of search criterion, and for those EU nationals whose disclosure application indicates they are seeking to work or volunteer with children in NI, AccessNI can obtain criminal record information from the individual's country of origin. AccessNI has arrangements in place, through the Association of Chief Police Officers' Criminal Records Office (ACRO) to make referrals to 15 EU countries; details of the volume of referrals during 2024/25 are as follows:-

Country	Referrals	Country	Referrals	Country	Referrals
Bulgaria	51	Holland	42	Poland	595
Cz Republic	28	Hungary	70	Portugal	231
France	43	Italy	105	Romania	199
Greece	9	Latvia	76	Slovakia	73
Germany	97	Lithuania	224	Spain	107

11. This EU process resulted in 19 matches being made to criminal records held in EU states, with 15 disclosures included on Enhanced certificates in 2024/25.

12. Details of disclosure certificates issued with information disclosed (inc convictions, cautions, barred list information, police information etc) in 2024/25 are as follows:-

Level of Check	Certificates with disclosure information	
Basic	1,191	2.6%
Standard	741	13.2%
Enhanced	5,884	4.6%
Total	7,816	

ACCESSNI PERFORMANCE

13. The following table sets out AccessNI performance targets, along with the latest position (as at end of July 2025):-

Target	YTD		Average Turnaround
	Performance	RAG	
99% of RB Basic in 7 days	100.0%	Green	1 day
95% of citizen Basic in 14 days	100.0%	Green	1 day
99% of Standard in 7 days	100.0%	Green	1 day
70% Enhanced in 10 days	78.2%	Green	5 days*
95% Enhanced in 21 days	94.3%	Red	
98% Enhanced in 28 days	97.4%	Red	

*c75% of Enhanced checks are completed within 2 days of receipt.

DISCLOSURE DEVELOPMENTS AND FILTERING OF CRIMINAL RECORD INFORMATION

14. When AccessNI commenced operations in April 2008, the Police Act required the disclosure of ‘every relevant matter’ held on ‘central records’. Operationally for AccessNI, this meant the disclosure of all relevant criminal records held on the PNC – essentially the inclusion on disclosure certificates of all convictions, cautions, and other non-court disposals. At that time, the only exception to this was that information on Basic checks was subject to spending rules within the 1978 Rehabilitation of Offenders Order. For the higher-level Standard and Enhanced checks, and given that the specific roles were exempt from the rehabilitation rules, the full criminal record was disclosed in accordance with the legislative requirements.

15. In 2011, Sunita Mason (the Government’s Independent Adviser for Criminality Information) was appointed by the then Justice Minister to carry out a review of the legislative framework for criminality information in Northern Ireland. In her report ‘Review of the Criminal Records Regime in Northern Ireland : A Managed Approach’ Mrs Mason made a number of recommendations aimed at delivering a more restricted approach to disclosing criminal record information as part of the AccessNI disclosure process in Northern Ireland.

16. Mrs Mason found that the release of minor and old information ‘*can be disproportionate*’. She noted that it ‘*cannot be appropriate that a single minor offence from 30 years ago, which the individual has put behind them in all other aspects of their lives, suddenly appears on a criminal records check relating to volunteering work with children*’.

17. Recommendation 10 of Mrs Mason’s review sought the introduction of a scheme to ‘*filter out convictions which are both old and minor and criminal information such as cautions for disclosure purposes.*’ However, Ms Mason noted that the requirement for wider public protection needs meant that certain types of conviction should always be disclosed, for example, if they related to assault and violence against the person, aggravated criminal damage, arson, drink driving, drug related offences, robbery and sexual offences – which, in time, became the List of Specified Offences.

18. Similarly, and in response to a judicial review challenge, the Court of Appeal (in 2013) found that the ‘blanket’ approach to criminal records disclosure was incompatible with Article 8 of ECHR.

THE FILTERING SCHEME 2014

19. In April 2014 the Department of Justice amended to section 113A of the Police Act 1997 to place the ‘rules’ for the newly introduced Filtering Scheme on a legislative footing. The following table sets out the circumstances in which criminal record information could be filtered from Standard and Enhanced checks under the Scheme:-

Conviction or disposal	18 or over at time of conviction / disposal	Under 18 at time of conviction / disposal
Conviction for single non-specified offence	Filtered after 11 years	Filtered after 5½ years
Cautions for non-specified offences	Filtered after 6 years	Filtered after 2 years
Diversionary Youth Conferences	n/a	Filtered after 2 years
Informed warning for non-specified offence	Filtered after 1 year	Filtered after 1 year



20. The Scheme includes two exclusions for which conviction/ disposal information must always be disclosed, namely:

- a) If the court disposal resulted in a custodial sentence,
- b) If the offence was included on the List of Specified Offences (serious, violent and sexual offences).

THE REVIEW MECHANISM AND THE INDEPENDENT REVIEWER (2016)

21. In March 2016, following advice received from the Attorney General for Northern Ireland, the Department, through the Justice Act 2015, introduced the Review Mechanism which established the role of the Independent Reviewer (IR) of Criminal Record Certificates. The IR was given two specific roles:-

- a) To automatically review, before issue, any disclosure certificates where all spent convictions and/or non-court disposal information on a certificate related to a period when the individual was under 18; and
- b) To review any certificates where the applicant considered that the disclosure of 'spent' information was not relevant to the position they were applying for or was disproportionate in respect of safeguarding children and vulnerable adults.

22. In undertaking this role the IR can, following review, uphold the decision to disclose some or all of the available criminal record information, or no longer disclose any of the information. In considering cases, the IR can avail of additional information from police, the Department of Justice (including Youth Justice Agency) and the Probation Board. Guidance has been published on the DoJ website setting out the six principles to be applied by the IR in taking decisions to retain or remove a conviction / non-court disposal, namely:-

- a) The IR must not remove details of a criminal record from a certificate unless satisfied that this would **not undermine safeguarding of vulnerable groups or pose a risk of harm to the public.**



- b) The IR must have regard to the **relevancy** of convictions / disposals disclosed on the certificate
- c) The disclosure of information must be **proportionate**.
- d) The IR must afford the applicant the opportunity to make **representations**.
- e) The IR must **maintain a clear audit trail** to record each decision-making process.
- f) The IR must take **timely decisions**.

23. The Review Mechanism allows the IR to consider, for removal from the disclosure certificates, spent convictions including both those that resulted in a custodial sentence and those in relation to offences on the List of Specified Offences. In doing so, the IR must have regard to their first guiding principle at paragraph 22(a) above.

24. Should the IR decide to remove a conviction /non-court disposal, the police retain powers to include any information they hold, in relation to that matter, on an Enhanced disclosure certificate if they consider it is relevant for the role the applicant is seeking to undertake – to date, police have never used this extended power.

25. In 2019, the Supreme Court delivered judgement on a group of cases involving individuals who had been convicted or received cautions in respect of relatively minor offending which could impact their ability to obtain employment if disclosed. The court held that two elements of the filtering scheme were disproportionate, namely:-

- a) **The Multiple Convictions Rule:** The filtering rules as introduced in 2014 meant that where a person had more than one conviction, no filtering took place and all convictions were disclosed. The Supreme Court said that this rule did not achieve its purpose of indicating propensity as it applied irrespective of the nature, similarity, number of time intervals of offences. The Court judged that the rule was disproportionate and incompatible with Article 8 of ECHR.

- b) **Non-Court Disposals for under 18s:** The Court also ruled that the disclosure of non-court disposals for under 18s was disproportionate and incompatible with Article 8. The Court said that the purpose of these disposals were specifically designed to avoid damaging effects later in life through disclosure.

26. In response to this 2019 judgement, the Department of Justice introduced two changes to the Filtering Scheme (initially on an administrative basis) in March 2020 to:-

- a) Remove the Multiple Convictions Rule, thereby requiring each conviction to be considered for filtering in its own right and irrespective of other convictions that may be present on an individual's record. This change was set on a legislative footing in June 2021.
- b) Extend the role of the IR to consider all Youth Non-Court Disposals even when offending is both under and over the age of 18 years, and to decide on the appropriateness for inclusion on Standard and Enhanced disclosure certificates. Clause 29 of the Justice Bill seeks to amend Schedule A of the Police Act 1997 to place this arrangement on a legislative footing.

LIST OF SPECIFIED OFFENCES - CLAUSE 29A OF JUSTICE BILL

27. The List of Specified Offences is derived from s113A(6D) of the Police Act 1997 and contains details of serious, violent and sexual offences, including matters relevant to safeguarding and child protection. Convictions for offences on this List are excluded from the Filtering Scheme (subject to a review decision taken by the IR).

28. The Department of Justice commenced a review of the List of Specified Offences in 2023. Aside for some minor amendments, the List has not been reviewed since the Filtering Scheme was first introduced in 2014. The Review sought to consider:-

- The ease of use and understanding / application of the legislative provisions;
- Updates to the List for inclusion of appropriate offences introduced since 2014; and
- Existing listed offences, for consideration of amendment / removal from the List.



29. The main findings / proposals from the Review were:-

- a) To amend the name of the 'public facing' List on the nidirect website to 'List of Non-Filterable Offences'. It is considered that this new name not only helps avoid confusion with other specified lists in legislation but also more accurately describes the actual purpose of the List.
- b) In order to address the complex and difficult navigational aspects of s113A(6D), and to allow citizens to more easily understand offences that are filterable or not, it was proposed to replace the offences listed at section 113A(6D) of the Police Act with a new Schedule to the Police Act setting out a more detailed and user friendly list of offences that cannot be Filtered. To streamline the maintenance of the List, the Department (in Clause 29A) is proposing that future amendments to this new Schedule are made by way of an Order subject to the negative resolution procedures before the Assembly.
- c) To establish a new Non-Filterable List Committee (comprising the IR, and representatives from Department of Health, PSNI and AccessNI) to undertake regular reviews of new and existing offences and to ensure the List remains up-to-date, proportionate and fit for purpose.

30. Proposals emanating from this Review were the subject of a 12-week Public Consultation in the summer of 2023. There was broad to unanimous support for the changes proposed by the Department.

31. The provisions in Clause 29A of Justice Bill seek to amend section 113A of the Police Act to implement the improvement proposals emanating from the Review. The amendments seek to streamline arrangements for maintenance and ease of understanding of the List, and to provide greater certainty in this area.

FROM THE OFFICE OF THE JUSTICE MINISTER



Department of
Justice

An Roinn Dlí agus Cirt

Máinnystrie O tha Laa

www.justice-ni.gov.uk

32. Annex A shows statistical information in relation to cases considered under the Filtering Scheme and the Review Mechanism for 2024/25.

I trust this is useful.



**DAVID GRAHAM
DALO**

Enc. Annex A



Annex A

ADDITIONAL ACCESSNI STATISTICAL INFORMATION 2024/25

Filtering Stats

	Level of Check		Total	
	Standard	Enhanced		
No. of cases reviewed	931	8,658	9,589	7.1%*
Convictions filtered	457	3,557	4,014	
Cautions filtered	137	1,665	1,802	
Both filtered	37	356	393	
Total filtered	631	5,578	6,209	4.6%*

* as percentage of total applications received.

Independent Reviewer

	Total referrals	Information removed	Information retained	% removed
1. Auto Referrals	612	593	19	96.9%
2. Review Requests	160	156	4	97.5%
3. Youth NCDs	168	166	2	98.8%

1 = All information on certificate relates to a time when application was u18.

2 = Review requests by applicant (querying proportionality / relevance of disclosure).

3 = Reviews of Youth Non-court disposals.