

SVP NORTH REGION – POLICY FOR ACCESS NI CHECKING

Category	Safeguarding
Policy Name	AccessNI Checking
National Management Council Approval date:	Regional Council Approval August 2019
Reference	SG 01 2018
Policy Web Page	www.svp.ie

SVP Northern Region Policy Statement

SVP Northern Region is committed to safe recruitment and selection procedures of employees and volunteers (member volunteers and non-member volunteers) including ACCESSNI checking in line with relevant legislative provisions. We utilise ACCESSNI checking to help assess the suitability of applicants for positions of trust.

SVP complies fully with ACCESSNI code of practice regarding the handling, use, storage, retention and disposal of disclosure applications and disclosure information. We also comply fully with obligations under the Data Protection Act 2018 and other relevant legislation pertaining to the safe handling, storage, retention and disposal of disclosure information.

The appropriate level of checking, Basic, Enhanced or Enhanced with Barring Disclosures, will be applied to each employee / volunteer undertaking SVP activities.

Guiding Principles

- ACCESS NI is the system for the disclosure of an individual's criminal history to help organisations make safer recruitment decisions.
 - SVP is a responsible body and therefore can process applications for basic checks. The 'lead signatory' (or Counter Signatories) process applications and are the first point of contact for ACCESSNI checking in SVP North Region.
 - Lead and Counter Signatories in SVP are the Regional Manager (Lead), and MSOs Counter signatories.
 - There are difference levels of disclosure certificates available through ACCESS NI each returning different levels of information.
1. Basic Disclosure – a basic check discloses unspent convictions only. It can be applied for by the individual or via a responsible body. For SVP applicants apply as individuals and SVP assist with administration aspects of the process. A basic check is not suitable for roles working with children or adults at risk.
 2. Enhanced Disclosure with Barring – is applied for via a registered body (VolunteerNow) and discloses the same information as 'standard disclosure' as well as any information contained in the 'Barred List' and/or additional police information.

Ireland

- For SVP – all members, volunteers and employees undergo Basic Disclosure check. Volunteers and employees who meet the criteria for access and contact with children or adults who may be at risk (regulated activity) undergo Enhanced Disclosure.

For further information including a full list of specified offences please see the Department of Justice Northern Ireland website:

<http://www.dojni.gov.uk/index/accessni/disclosures/list-of-specified-offences---april-2014.pdf>

ACCESS NI CHECKING PROCEDURE

Category	Safeguarding
Policy Name	
National Management Council Approval date:	Regional Council Approval August 2019
Reference	SG 012018
Policy Web Page	www.svp.ie

1. SCOPE

The following procedures, guidance and forms apply to the application of the AccessNI Checking Policy.

SVP Home Visitation:

Those carrying out home visitation will require a basic check as described in the role description for a Home Visitation member.

SVP Shops:

The role of Shop Manager will require a basic check if deemed required.

SVP Special Works:

A basic disclosure is required. Enhanced or Enhanced with barring disclosure may be required depending on the nature of the contact with children or adults who may be at risk. Risk assessment should be carried out per service – this is the responsibility of the Service Manager.

Regional Employees:

All Regional staff require a basic check with the exception of the Youth Development Office who will require an enhanced check due to the nature of the role working within schools and with young people.

4. ACCESS NI PROCESS SVP NORTH REGION

- Agree role requires vetting based on above.
- Applicant submits form to Lead Signatory (or counter signatory).
- Form submitted to ACCESSNI on line.
- Information/certificate returned to applicant. If there are no relevant disclosures the Lead Signatory (or Counter Signatory) informs Service Manager – applicant may commence in role.
- If there are unsuitable disclosures commence risk assessment and decision making process.

1. RECRUITMENT OF EX-OFFENDERS

Policy Statement

1. The Society of St Vincent de Paul complies fully with the Service Level Agreement, issued by the Department of Justice in connection with the use of information provided to registered persons, their nominees and other recipients of information by Access NI under Part V of the Police Act 1997, for the purposes of assessing Applicant's suitability for employment purposes, voluntary positions, licensing and other relevant purposes. We undertake to treat all applicants for positions fairly and not to discriminate unfairly or unlawfully against the subject of a Disclosure on the basis of conviction or other information revealed.
2. This policy is made available to all Disclosure applicants at the outset of the recruitment process.
3. The Society of St Vincent de Paul is committed to equality of opportunity (see separate Equal Opportunities Policy) to following practices, and to providing a service which is free from unfair and unlawful discrimination. We ensure that no applicant or member of staff is subject to less favourable treatment on the grounds of gender, marital status, race colour, nationality, ethnic or national origins, age, sexual orientation, responsibilities for dependants, physical or mental disability political opinion or offending background, or is disadvantaged by any condition which cannot be shown to be relevant to performance.
4. The Society of St Vincent de Paul actively promotes equality of opportunity for all with the right mix of talent, skills and potential, and welcomes applications from a wide range of candidates, including those with criminal records. The selection of candidates for interview will be based on those who meet the required standard of skills, qualifications and experience as outlined in the essential and desirable criteria.
5. We will request an Access NI Disclosure only where this is considered proportionate and **relevant** to the particular position. Where an Access NI Disclosure is deemed necessary for a post or position, all applicants will be made aware at the initial recruitment stage that the position will be subject to a Disclosure and that The Society of St Vincent de Paul will request the individual being offered the position to undergo an appropriate AccessNI Disclosure check.
6. We undertake to ensure an open and measured and recorded discussion on the subject of any offences or other matters that might be considered relevant for the position concerned e.g. the individual is applying for a driving job but has a criminal history of driving offences. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of the conditional offer of employment/volunteering.
7. We ensure that all those in The Society of St Vincent de Paul who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of Disclosure information. We also ensure that they have received appropriate guidance and training in the relevant legislation relating to employment of ex-offenders

HAVING A CRIMINAL RECORD WILL NOT NECESSARILY DEBAR AN INDIVIDUAL FROM WORKING WITH THE SOCIETY OF ST VINCENT DE PAUL. THIS WILL DEPEND ON THE NATURE OF THE POSITION, TOGETHER WITH THE CIRCUMSTANCES AND BACKGROUND OF THE INDIVIDUAL'S OFFENCES

6. RISK ASSESSMENT AND DECISION MAKING PROCESS

- SVP recognises that an offence listed in a disclosure is not necessarily a bar to volunteering or employment.
- SVP will review any information listed in a disclosure and in accordance with the ACCESS NI Code of Practice will consider the following when reviewing an applicant's suitability:
 - Whether the conviction or other matter revealed is relevant to the position in question.
 - The seriousness of any offence or other matter revealed.
 - The length of time since the offence or other matter occurred.
 - Whether the applicant has a pattern of offending behaviour or other relevant matters.
 - The circumstances surrounding the offence and the explanation(s) offered by the convicted person.

The Lead Signatory and National Safeguarding Manager will meet with individuals in person to discuss disclosure information. This information will then be assessed by a Decision Making Committee (consisting of Lead Signatory, National Safeguarding Manager. The Decision Making Committee will have the final decision as to the suitability of an appointment of a person whose application is subject to disclosure information. This decision will be taken in accordance with the Rehabilitation of Offenders (Northern Ireland) Order 1978 and will be after discussion with the individual applicant.

1. HANDLING, USE, STORING AND DISPOSING OF INFORMATION RELATING TO ACCESS NI

General Principles

As an organisation using AccessNI to help assess the suitability of applicants for positions of trust, St Vincent de Paul complies fully with Access NI's Code of Practice regarding the correct handling, use, storage retention and disposal of Disclosure Applications and Disclosure information. We also comply fully with obligations under the Data Protection Act and the General Data Protection Regulation EU legislation May 2018 and other relevant legislative requirements with regards to the safe handling, storage, retention and disposal of Disclosure Information.

Storage and Access

If an individual is asked to forward a copy of the certificate the disclosure information will be kept securely, in lockable, non-portable, storage containers with access strictly controlled and limited to those who are entitled to see it as part of their duties.

Handling

In accordance with section 124 of the Police Act 1997, Disclosure information is only passed to those who are authorised to receive it in the course of their duties. We maintain a record of all those

to whom Disclosures or Disclosure information has been revealed. We recognise it is a criminal offence to pass this information to anyone who is not entitled to receive it.

Usage

Disclosure information is only used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

Retention

Once a recruitment (or other relevant appointment, regulatory or licensing) decision has been taken, we do not keep Disclosure information for any longer than is necessary. We comply with AccessNI's Code of Practice requirement to ensure that all Disclosure certificates will be returned to the individual once a decision, recruitment or otherwise has been made and will be retained no longer than six months from the date of issue.

2. SECURITY

In seeking to ensure compliance with the Access NI Code of Practice, St Vincent de Paul implements the following steps when handling and storing Disclosure information.

St Vincent de Paul will ensure that:

- Disclosure information is not passed to persons who are not authorised to receive it under section 124 of Part V of the Police Act;
- Disclosure information is available only to those in the organisation who need to have access in the course of their duties;
- It will not retain Disclosure certificates for longer than is required for the particular purpose. This will be no longer than six months after the date on which recruitment or other relevant decisions have been taken; or after the date on which any dispute about the accuracy of the Disclosure information has been resolved. This period will only be exceeded in very exceptional circumstances which justify retention for a longer period;
- All sensitive and personal Disclosure information is stored when not in use in a locked and non-portable container in a secure environment;
- It co-operates with Access NI to undertake assurance checks as to the proper use and safekeeping of Disclosure information; and
- It reports to Access NI any suspected malpractice in relation to this policy or any suspected offence concerning the handling or storage of Disclosure information

Every disclosure may ultimately affect the suitability of a person to work with or have access in an unsupervised capacity with children or adults at risk. In addition to this the Society has a duty of care to protect its employees, members, property and reputation.

The Society of Saint Vincent de Paul considers the following non-exhaustive list to be reasonable grounds to refuse an individual access to or contact with children, young people or adults at risk:

- | |
|---|
| <ul style="list-style-type: none"> - The individual has been charged with, or has a conviction for, a sexual offence; |
|---|

- **The individual has been charged with, or has a conviction for, an offence that relates to the ill treatment or neglect of children or adults at risk;**
- **The individual has been charged with, or has a conviction for, the ownership, production, possession or distribution of child pornography.**

While The Society of Saint Vincent de Paul considers the following non exhaustive list of offences to be particularly relevant, each case will be considered on a case by case basis regarding eligibility for membership / employment or seasonal volunteering:

- Offences against the person, e.g. assault, harassment, coercion;
- Breaches in trust, e.g. fraud, theft, larceny;
- Offences against property e.g. arson, armed robbery;
- Drug related charges / convictions;
- Domestic violence;
- Offences against the state.

3. PROCEDURE TO BE FOLLOWED IN THE EVENT OF A DISCLOSURE

Disclosures in respect of any individual vetting subject are predicated on checks conducted by AccessNI against details provided in the Access NI application form and will contain data in respect of the applicant.

In the case of relevant disclosures, the appointed SVP member with responsibility for vetting will:

- Contact the applicant by phone and arrange a meeting when suitable.
 - Verify the disclosure with the Regional Manager.
 - Inform the applicant in person and in privacy of the nature of the disclosure and give them an opportunity to respond.
 - Make note of the applicant's response.
 - Relate the significance of the disclosure in relation to the position applied for to the applicant and note their response.
- Give consideration to the applicant's self-disclosure, or lack thereof, of the offence on the original application form.
 - Inform the applicant of the internal policy of the Society with regard to disclosures received and the requirement to invoke the risk assessment process.
 - If applicant disputes the content of the disclosure in any way, note the basis of the dispute as related by the applicant and resort to the dispute handling mechanism. Decisions made based on data received in Access NI disclosures are entirely a matter for the Society but legal advice will be sought if necessary on a confidential basis.
- Following the risk assessment process the appointed member for vetting and those appointed with responsibility for the protection of children or vulnerable adults will meet the applicant to inform them of the decision made.

4. DISPUTE HANDLING MECHANISM

In cases where an applicant disputes the disclosure the following procedure should be followed;

- Notes should be made of the applicants response to the disclosure
- The exact basis of the dispute should be recorded
- The appointed member responsible for vetting should ask the applicant to resubmit the application to the AccessNI for a re-check with a covering report outlining the basis of the dispute as indicated by the applicant.
- In any case where there has been an error in completing the original Access NI application form the applicant should complete a new application form and both forms should be submitted with the request for a re-check.
- If following a re-check the applicant still disputes the data, arrangements will be made for further procedures to be implemented so as to resolve the dispute.
- Decisions made at the end of any Dispute Procedure are entirely a matter for the Society.

11. ACCESS NI RECHECKING

There is no defined time frame for re-checking required by legislation. Members, non member volunteers and employees will undergo rechecking every three years or more often as deemed necessary.

12. ACCESS NI RETROSPECTIVE CHECKING

The AccessNI checking service came in to legislation in 2008, pre this date the Police service conducted checks. Members, non member volunteers, and employees involved in SVP activities prior to January 2008 will undergo the AccessNI process relevant to their role (see above) prior to end of March 2018.

13. REFUSAL TO COMPLY WITH ACCESS NI CHECKING, RE-CHECKING AND RETROSPECTIVE CHECKING

In the unlikely event that a member, non member volunteer, employee refuses to comply with any aspect of this ACCESS NI policy and procedure their continued membership / employment will be considered in relation to the safety and welfare of children or adults at risk and in the context of the relevant membership (SVP Rule Article 5) or employee policy and procedures. This may include termination of membership or employment.

Appendix I

Insert applicants name and address

ACCESSNI CERTIFICATE No:

Thank you for completing your Access NI application form.

Due to revised Access NI procedures, St Vincent de Paul does not receive a copy of your disclosure certificate. In order to complete our vetting process and verify your disclosure, I would be grateful if you could complete and return the consent declaration below and post it with your certificate to me at the address above.

Please mark your envelope 'CONFIDENTIAL' and for my attention. You should also write your return address on the back of the envelope.

Alternatively you can bring it into our offices in person but please phone in advance to make an appointment.

Your certificate will be securely held by St Vincent de Paul and will be treated as strictly confidential. Only those involved in the decision making process will be able to view it.

You will be informed once a decision has been reached and your certificate will be posted back to you.

If you have any questions or concerns please contact me at the number above.

Yours sincerely

Membership Support Officer

CONSENT DECLARATION

I confirm my consent for St Vincent de Paul to hold my certificate until a recruitment decision is made. This is on the understanding that St Vincent de Paul will return the certificate to me once that decision is made.

Signed _____ Dated _____

Please send/provide this completed consent form to St Vincent de Paul with your disclosure certificate.

