

**EXPLANATORY MEMORANDUM TO**  
**THE POLICE ACT 1997 (CRIMINAL RECORDS) (DISCLOSURE)**  
**REGULATIONS (NORTHERN IRELAND) 2008**

**2008 No. 542**

**1. Introduction**

1.1 This explanatory memorandum has been prepared by the Northern Ireland Office and is laid before Parliament by Command of Her Majesty.

1.2 It contains information for the Joint Committee on Statutory Instruments.

**2. Description**

2.1. The instrument gives effect to those sections of Part V of the Police Act 1997 which make provisions that will allow individual data subjects and specified third parties to obtain disclosure of criminal records. The individual will be able to obtain details of his or her unspent convictions, if any, whereas the specified third parties will be able to obtain details of an individual's spent and unspent convictions and any other relevant information about him or her which the police are holding. The intention behind the instrument, insofar as individual data subjects are concerned, is to give them a right of access, upon payment of a prescribed fee, to information about their unspent convictions, if any, which is recorded on police records. Insofar as third parties are concerned, who chiefly will be employers and volunteering organisations providing services to vulnerable groups, the instrument will enable them to make informed and safer recruitment decisions which should reduce the risk of taking on persons with an unsuitable background. Other employers, who are responsible, for example, for making appointments to sensitive posts of a fiduciary or judicial nature; will be able to obtain the same or a lower level of disclosure but only where the position to be filled is specified in, or otherwise covered by the Rehabilitation of Offenders (Exceptions) Order (Northern Ireland) 1979.

2.2. Part V of the Police Act 1997 also provides that the Secretary of State shall be responsible for exercising any and all functions in connection with the disclosure of criminal records to individual data subjects and specified third parties, unless he delegates responsibility for those functions to someone else. The Secretary of State has delegated his responsibility in this regard to Access Northern Ireland, or AccessNI for short. Employers and volunteering organisations, who employ individuals to work with, for example, vulnerable groups, will wish to use the services on offer from AccessNI given they are required by statute, for example, the Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003, to be satisfied as to those individuals' suitability for working with children or vulnerable adults. The highest level of disclosure will be available from AccessNI for such individuals, who are or will be, working with vulnerable groups. This is called an Enhanced Disclosure and it will reveal not only details of all of the individual's convictions, both spent

and unspent, but also details of any relevant ‘non-conviction’ information about him or her, which the police are holding. Decisions as to the relevance of this ‘non-conviction’ information and whether or not to disclose it, will be the responsibility of a chief officer of police. If a chief officer of police decides the information is relevant and can be disclosed, it will be disclosed to the third party who countersigned the individual’s application for a disclosure. The third party concerned, will be registered with AccessNI as a Registered Body and as such, it will be required to comply with a Code of Practice; the relevant provisions of this instrument; and, the Police Act 1997 (Criminal Records) (Registration) Regulations (Northern Ireland) 2007.

### **3. Matters of special interest to the Joint Committee on Statutory Instruments**

3.1 None

### **4. Legislative Background**

4.1. Sections 112(1)(b), 113B(9), 114(1)(b), 116(1)(b), 125(1) and (5) of Part V of the Police Act 1997 are the bases of these regulations.

4.2. Section 122 of Part V of the Police Act 1997, is the base for the Code of Practice with which Registered Bodies are required to comply as regards, for example, the fair treatment of disclosure information it receives about an individual data subject; and, the handling and secure storage of such information.

### **5. Territorial Extent and Application**

5.1. This instrument applies to Northern Ireland.

### **6. European Convention on Human Rights**

6.1. As the instrument is subject to the negative resolution procedure and does not amend primary legislation, no statement is required.

### **7. Policy background**

7.1. Insofar as the instrument will bring sections of the Police Act into operation, it will not change the policy of that Act and to this extent; public interest is expected to be minimal.

7.2. The instrument will enable employers and volunteering organisations in Northern Ireland to make more informed and safer recruitment decisions in that it will require them to carry out extensive checks on the identity and previous history of the subject of the disclosure. It will also, as registered users of the new disclosure service, give them access to a wide range of police and government records, which cannot be accessed currently.

7.3. Regulation 4 of the instrument provides that a fee of £26 shall be levied for a Basic Disclosure; £28 for a Standard Disclosure; and £30 for an Enhanced Disclosure. Although the instrument requires that the disclosure applicant pays the relevant fee, this does not preclude the employer from helping the applicant meet all or some of the cost. Fees must be paid in all cases except where the applicant is a volunteer working for a non-profit making organisation

## **8. Impact**

8.1 A Regulatory Impact Assessment is attached to this memorandum.

## **9. Contact**

Philip Melarkey at the Northern Ireland Office, Tel: 028 90528680, or e-mail: [Philip.melarkey@nio.x.gsi.gov.uk](mailto:Philip.melarkey@nio.x.gsi.gov.uk); can answer any queries regarding the instrument.

## **The Police Act 1997 (Criminal Records) (Disclosure) Regulations (Northern Ireland) 2008.**

1. These regulations are based on Part 5 of the Police Act 1997<sup>1</sup>, or Part 5 for short. The implementation of Part 5 is not in itself a regulatory measure, or indeed one that imposes any obligation on any person, but entails the provision of a new service to help employers and voluntary organisations make safer recruitment decisions. However, as the fees associated with the new system may have an economic impact in some areas, particularly the voluntary sector, an impact assessment has been carried out.

### **2. OBJECTIVE**

2.1 The Government believes that as part of its commitment to creating a safer Northern Ireland and to increasing public confidence, Part 5 of the Police Act should be commenced and implemented. This means putting in place a checking system in Northern Ireland, which provides a reliable, secure, expeditious and accessible service to customers, facilitating safer recruitment and the protection of the vulnerable; and which uses all relevant available information effectively.

2.2 The system will allow, on payment of a fee, checks to be made on criminal records and other relevant information held by the police and government departments. Three different levels of check will be delivered as follows:

- **A Basic Disclosure (BD)** which will be issued only to people applying on their own behalf and who will be able to choose whether to show it to others, including employers, on request. The BD will show convictions held in national records but, in accordance with the Rehabilitation of Offenders (Northern Ireland) Order 1978, will not include convictions which are ‘spent’ nor will it include cautions.

- **A Standard Disclosure (SD)** which will be available to people working in positions exempted under the Rehabilitation of Offenders Act. This will include people who have regular contact with those aged under 18 or those of all ages who may be vulnerable for other reasons. The SD will also be relevant for people entering certain occupations and professions such as barristers, vets and accountants. It will contain all convictions on record including ‘spent’ convictions and, in addition, details of any cautions, reprimands or warnings held. If a job or voluntary position involves regular contact with children or vulnerable adults in education or healthcare, an SD will also give information on government department lists of those unsuitable to work with children or

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<sup>1</sup> 1997 c. 50

vulnerable adults in these areas. These lists are held by the Department of Health, Social Services and Public Safety and the Department of Education.

- **An Enhanced Disclosure** (ED) will be available for people in posts involving greater contact with children or vulnerable adults. Such work involves regularly caring for, training, supervising or being in sole charge of people in these categories. They will also be issued for various others such as applicants for gaming and similar licences. As well as all the information that would be on an SD, EDs may also contain information that is held locally by the police, including relevant non-conviction information.

### **(3) BACKGROUND AND INTRODUCTION**

3.1 At present, the system for using police records in employment checking is by arrangement rather than statute. There are a number of inherent weaknesses to this system, in particular there is often uncertainty both as to the type of information which can be released and to the scope of organisations and individuals who can receive it. Further, the lack of a comprehensive system creates the possibility of abuse of the subject access rights available to individuals under the Data Protection Act 1984, where employers or others require individuals to apply to the PSNI for a copy of their full criminal record.

3.2 The Secretary of State commissioned a former senior civil servant to undertake a comprehensive review of this area and to produce recommendations for improvement and reform. *Inter Alia*, this review confirmed the need for the implementation of **Part 5**. On the basis of these recommendations a multi-departmental implementation team, the Employment Checking Review Implementation Team (ECRIT), was established to urgently address this issue. ECRIT consisted of officials from the Northern Ireland Office (NIO), the Department of Education for Northern Ireland (DE), the Department of Health, Social Services and Public Safety for Northern Ireland (DHSSPS) and the Police Service of Northern Ireland (PSNI).

### **(4) RISK ASSESSMENT**

4.1 There are two critical risks associated with the implementation of Part 5, both for organisations and for individuals, relating both to the continuance of the present non-statutory arrangements and to the establishment of a new fee charging system. These are discussed below.

#### *Doing Nothing*

4.2 Allowing the **current systems to continue** would not afford the most effective protection to the vulnerable and to employers. The scope of the current regime does not include all of those who would have legitimate access to criminal and police records under Part 5. Therefore a risk arises that employers are not able to properly protect vulnerable people in their care or their business. Action is required to ensure that, as far as is possible, mechanisms are in place to reduce the likelihood of unsuitable people being appointed to sensitive posts. Further, the abuse of the current subject access regime, whereby potential

employers require job applicants to provide information about their criminal records, would continue unchecked. The Office of the **Information Commissioner** has expressed particular concern about this practice.

4.3 Due to the nature of the risk, the degree of threat to the vulnerable is not fully known. For example, the present scale of the **risk to children** has historically been difficult to quantify. It has been calculated that nearly three-quarters (72%)<sup>2</sup> of sexually abused children did not report the abuse at the time. However, as an indication of scale, a large study found that between 1980 and 2001, almost **70,000**<sup>3</sup> crimes were reported involving gross indecency with a child and unlawful sexual intercourse with a female child in the UK. This figure excludes other reported offences against children, such as other types of physical or mental abuse. Clearly, if this figure represents only a quarter of the actual picture, there is a huge threat to be addressed.

4.4 Looking more specifically at the issue in Northern Ireland; between the years 2002/ 03 and 2003/ 04, the number of recorded sexual offences, including offences against children, increased overall by **21.2%**; in 2003/04 this represented some **5,335** recorded offences against children<sup>4</sup>. Whilst this growth may, in part, be the result of increased reporting, the overall figures are considered to under represent the scale of the problem particularly when it is considered that in 2001/02, there were some **2,270** child protection investigations<sup>5</sup>.

4.5 A further key risk area is **internal fraud** which impacts upon businesses across the UK. KPMG's 'Fraud Barometer', shows that the total number of fraud cases in the UK rose by **14%** in 2004. In all, 174 fraud cases came to court last year, with a total value just under **£330 million**; management and employees accounted for a third of all cases, defrauding their companies of around **£106 million**<sup>6</sup>.

4.6 It is not suggested that access to an individual's criminal or police record would prevent all such criminal activity as outlined above. However, the Government believes that when integrated as part of a **robust employment decision making process** and where effective mechanisms to **monitor and control** employees are in place, a Part 5 check would provide a valuable tool to assist employers to safeguard those in their care and to protect their business. To be most effective, the system must be accessible to all those with a legitimate need and must be sustainable in the long term.

#### *Charging Fees*

4.7 Previously, the system in Northern Ireland was free of charge at the point of use, although there was clearly a cost to Government. The issue of **costs** is dealt with more specifically below, in particular the impact on those users who will now have to pay for checks is considered, as well any associated

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<sup>2</sup> Cawson et al., 2000, Child Maltreatment in the UK: A Study of the Prevalence of Child Abuse and Neglect, NSPCC

<sup>3</sup> Source: **National Criminal Intelligence Service**

<sup>4</sup> NISRA: Recorded Crime in Northern Ireland 2003/ 2004

<sup>5</sup> Source: **NSPCC**

<sup>6</sup> Source: **National Criminal Intelligence Service**

administrative costs. Part 5 is explicitly a fee paying system, this is in recognition of the fact that once the scope of access is widened, the cost to Government of running the system increases. The charging of fees is intended to allow a system which provides timely and effective access to all those with a legitimate need to be self funding and not a burden on the public purse. It should be noted that checks will continue to be free for unpaid volunteers. Further, it should be remembered that only those who wish to use the system must pay for it: Part 5 does not create any obligations to check staff. However, the charging of fees itself creates a number of risks.

4.8 If fees are set too **high**, some organisations may find it difficult to meet the costs, therefore risking appointing someone unsuitable to a sensitive post as they have not completed a check. As a result, employers may opt out of making a check in cases when it would have been appropriate and prudent to do so.

4.9 Conversely, if the fees are set too **low**, requests for checks will increase leading to potential abuse of the system. There would be a temptation for employers to request a check as part of the initial sifting rather than at the point of offering a job. Similarly, employers may be more inclined to seek a check even where there is insufficient sensitivity attached to the post to justify a check; this could be to the disadvantage of candidates with previous convictions.

4.10 Finally, a further risk arising from low fees is that it could **attract organisations from the rest of the UK** seeking cheaper checks thereby overloading a system developed to address the specific needs of Northern Ireland.

4.11 In setting the fees we have sought to ensure that a balance is struck between the competing needs set out above, whilst maintaining sufficient funds to run an effective disclosure service.

## **(5) OPTIONS**

5.1 The 3 options for implementation are as follows -

(I) **Greenfield** (Disclosure Northern Ireland) – an entirely new checking body, distinct for Northern Ireland and equivalent to CRB/DS.

(II) **Outsourcing** – employment checking and associated services are delivered for Northern Ireland through pre-existing systems used by CRB/DS.

(III) **Enhancing existing systems** – Part 5 is operated using existing technologies and structures, with functions spread across a number of areas.

5.2 The Government, following consultation, has decided to implement Part 5 using the model described at **Option (III)**. The core reasons for the selection of this choice are set out below:

- It is the most **cost effective** option both in terms of capital and running costs. It therefore produces the lowest cost per check (see below)

- It provides **local control** over the system, in particular control over pricing policy and prioritisation of work.
- In our initial round of consultation, this was the clearly stated **customer preference**.
- It provides the **flexibility** to respond to future reforms in line with Northern Ireland's needs.

## (6) BENEFITS

6.1 With the establishment of any new system, there is inevitably a certain amount of disruption and transitional working. As noted above, perhaps the most significant change for Northern Ireland is the introduction of fees. It is therefore important that Government clearly sets out the benefits of reform, properly demonstrating why change is necessary. The Government has identified the following benefits flowing from the implementation of Part 5:

- The establishment of a **Legislative framework**. At present, there is a degree of uncertainty throughout the system arising from the lack of a statutory basis for the disclosure of criminal and police records. A legislative system will address this uncertainty, producing end to end improvements in processes through clear roles and responsibilities.
- **Faster delivery of checks**. A risk under the present system is that, due to delays in the system, employers often take risks and employ individuals without having had access to a completed check. The new system will significantly reduce present turnaround times and ensure that employers are able to effectively plan their processes around the timely delivery of a check.
- Checks on the basis of **UK wide records**. Part 5 will allow Northern Ireland to benefit from, for the first time, a system which automatically provides for a check against criminal records from across the UK. This manages the risk that some applicants may not reveal a true previous address history. In addition, it will allow Northern Ireland to be part of national reforms in this area.
- The move to a statutory system will also lead to greater **confidence**, both for customers and for those operating the system. Confidence amongst **employers** will increase with the knowledge that they now have accurate and timely information to assist with their recruitment decisions. A vital part of making the right decisions is having confidence; both in the information provided and the ability to make decisions on the basis of that information. Moreover, the Police, in disclosing sensitive non-conviction information, will do so in accordance with Part 5 whereas hitherto, they made disclosures of this nature on the basis of the common law.
- The increased **investment** generated by fees will ensure the system is able to cope with the rapidly growing demand for checks. As new systems for



regulating professions are introduced, employers and voluntary sector organisations increasingly appreciate the importance of checking their staff.

- **Increased access to checking.** As noted above, organisations face a number of risks which could be more effectively managed through the use of a Part 5 check. However, at present, access to checks is very strictly limited. The Police are regularly approached by organisations seeking checks on prospective employees, unfortunately, without a legislative basis for providing access, police must make decisions on a case by case basis, through reference to the common law. Protections are therefore reduced as those who would gain legitimate access under Part 5 are unable to do so. The new system will effectively address this, as Part 5 sets out very clearly which positions warrant disclosures, the type of disclosure this will be and, crucially, who can seek them.
- **Increased scope of checking.** Part 5 allows for the specification of additional sources of relevant information as part of the checking process.
- **Harmonisation with other systems in the UK.** England, Wales and Scotland have already established systems through Part 5. Given the significant amount of migration throughout the UK, it is crucially important that each checking body is able to properly work together and that consistency in the way each operates is achieved. It is the Government's view that the most effective way to ensure this is to establish systems based in the same legislation.
- **Matching pace with the Bichard reforms.** The recommendations of the Bichard report into the terrible events at Soham, represent a significant package of measures which will fundamentally change the way in Part 5 works. By moving to a Part 5 based system, the Government will be in the best position to implement the Bichard reforms in Northern Ireland, ensuring that the community will be able to benefit from the improved new systems and more effective safeguards. The Bichard reforms are mirrored in the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007<sup>7</sup> which is being commenced in stages in the autumn of 2008 and throughout 2009 by the DHSSPS for Northern Ireland.
- **Streamlined processes.** A key difficulty with present arrangements is the complexity of the processes and procedures, leading to confusion, bureaucracy and delay. The new system will provide a simplified one-stop-shop for all users.
- **Increased customer support.** An important feature of the new system will be more effective support for users, both in terms of written guidance on how to use the system and the information it provides, and one-to-one support directly from the checking body itself. This is something which has been identified as a critical deficiency in present arrangements.

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<sup>7</sup> 2007 No. 1351 (N.I. 11)

## (7) COSTS

7.1 The costs of adopting Part 5 will have implications for both the Government and employers; specific consideration is given to small business below.

7.2 There will be a number of **direct costs** for organisations seeking access to criminal records, these will include:

- the cost of **each check** will be £26 for a basic; £28 for a standard and £30 for an enhanced.
- the cost of **registration** to use the scheme will be a one-off fee of £150.
- the cost of each additional **counter signatory will be** £10

### *Business Users*

7.3 Although the system will not be mandatory; it is projected that some organisations may face additional administrative costs arising from the need to apply for, receive, handle and securely store, criminal records certificates. However, these costs should be negligible if the business already has robust employment practices in place, as the check should simply be part of the overall administrative process involved in selecting an individual for employment. This process should already involve the handling of sensitive information (i.e. personnel records) and therefore costs involved in the handling and storage of certificates should likewise be minimum. Further, as it is envisaged that a check should take place only when a decision to employ has been made in principle, the cost of checking can be kept to the absolute minimum.

7.4 Clearly, where employers increase their level of checking under Part 5, they will face additional costs. Research commissioned by the Home Office prior to the establishment of a Part 5 based checking system in England and Wales suggested that such additional costs would vary massively across the business sector. However they estimated that, on average, additional checks would represent a cost of **1.2%** per employee on top of current costs in the small businesses sector, where such increases would be felt more sharply. This would seem to be a reasonable increase, given the benefits outlined above. It should also be noted that it is clearly open to any business to recover the costs of the check from the applicant.

### *The Voluntary Sector*

7.5 The impact of charging will be felt by the voluntary sector as they will be one of the core users of the new scheme. Northern Ireland has a huge and varied scope of voluntary organisations, performing a number of vital roles in the life of the community, with often stretched resources. For example, there would be virtually no after-school sports clubs if it were not for volunteers. Overall, we estimate that the voluntary sector will account for around **40%** of all checks under the new system. The imposition of charges in this context would leave many smaller organisations unable to afford them. Therefore they may find themselves unable to continue as an organisation or, alternatively, they may choose to take risks with unchecked staff. It is the Government's intention

to safeguard these organisations and to shield them, in so far as this is possible, from the impact of the new charges in two ways.

7.6 Firstly, checks for unpaid volunteers within the AccessNI definition, will be **free**, therefore organisations will be able to check all of their members who are in relevant roles at no cost. For some organisations, there may be an administrative impact as well. In order to lessen this burden, such voluntary bodies can use the services of Umbrella Bodies, for which there may be fee, to manage the administrative obligations on their behalf.

#### *Indirect Costs*

7.7 At the time of writing, data is not available to provide details of any other additional costs arising indirectly for businesses and organisations from the implementation of this policy.

#### *Impact*

7.8 At this stage we do not know how many organisations will be affected by this policy change as it is not a mandatory scheme. However, it should be noted that under the **Protection of Children and Vulnerable Adults regime**, such checking will become effectively mandatory for ‘regulated’ bodies, within the meaning of the Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003<sup>8</sup>.

#### *Conclusion*

7.9 While some organisations may face a small increase to costs as a result of the implementation of Part 5, these additional costs arise from the need to pay for a more effective and comprehensive checking service, in which customers can have greater confidence. The Government believes that, in light of the risks which will be addressed and the deliverable benefits, this cost represents value for money. It is confident that the social and environmental outcome of the benefits of Part 5 will far outweigh any potentially negative economic implications.

## **(8) EQUITY AND FAIRNESS**

8.1 The Northern Ireland Office is fully committed to promoting equality of opportunity and good community relations in all its policies. As part of the consultation process an **Equality Screening Assessment** was conducted and the result indicated that the implementation of Part 5 should not have an adverse impact on any of the categories listed under Section 75.

8.2 In any consideration of the effects of this legislation, it is important to note that a disclosure under Part 5 should never be the deciding factor in an employment decision. An employer must consider any material disclosed within the context of good employment practice. Therefore, the fact that an employer is aware of a criminal conviction will not automatically prevent a candidate from being successful in an employment competition. Balanced

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<sup>8</sup> 2003 No. 417 (N.I. 4)

against the aims of the legislation, it is the Government's opinion that the implementation of Part 5 will not have an adverse impact on anyone within the scope of Section 75.

## (9) THE SMALL FIRMS' IMPACT TEST

9.1 There are over **59,000** small to medium sized enterprises (SMEs) in existence in Northern Ireland, accounting for over **99%** of all businesses, **79%** of employment and **75%** of overall turnover<sup>9</sup>. Clearly, any policy which has an impact in this area will have significant implications for the economy of Northern Ireland.

9.2 As noted above, where an employer increases the level of checking they undertake, there will be an economic impact. However, providing they are already operating best management practice methods, this impact should not be disproportionately large. Further, the core market areas<sup>10</sup> for SMEs in Northern Ireland are:

- agriculture;
- forestry;
- fishing;
- wholesale;
- retail;
- repair;
- construction;
- transport;
- storage; and
- communication.

We project that only one of the above (transport) is likely to attract any significant levels of checking under a Part 5 system, as the legislation currently stands. Through **DVLNI**'s existing public transport licensing scheme, which charges a fee to the applicant, such checks are already taking place, therefore the impact of Part 5 in this area is likely to be minimal.

9.3 Government is committed to reducing the administrative burden placed on SMEs. This is something we have sought to take into account in the design of the system, and we have addressed the issue of bureaucracy in three ways:

- **Streamlined processes**, a one-stop-shop combined with end to end improvements in the checking system;
- **Effective written guidance**, covering how to make applications and how to treat a disclosure – this will include a written code of practice for registered bodies; and

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<sup>9</sup> Source: **Federation of Small Businesses (FSB)**

<sup>10</sup> Source: **FSB**

- **Dedicated customer support**, an integral part of the new scheme will be a helpline to assist users negotiate the system.

9.4 Taking all of the above into account, the Government does not believe that these new measures represent a risk to SMEs, nor will they have a disproportionate economic impact.

## (10) ENFORCEMENT AND SANCTIONS

10.1 It will be a criminal offence, punishable by up to 6 months imprisonment, to falsify a disclosure certificate. Once an organisation has come within the scope of the system as a registered body, a number of offences are associated with Part 5. Under the new system it will be an offence to improperly disclose, or use, any certificate received. Again, such offences will attract a sentence of up to 6 months. Non-compliance with Part 5 or regulations made under it or with the **Code of Practice** can result in sanctions against registered bodies, including de-registration.

## (11) MONITORING AND REVIEW

11.1 The system will be monitored and reviewed throughout its lifespan in Northern Ireland and mechanisms will be built into the new system to encourage adherence with the Code of Practice amongst users. Governance arrangements will be established to ensure continuous improvement of the service, through policy development and modernisation. The Government will also continuously monitor the impact of Part 5 and act where any unforeseen consequences emerge. The Government also intends to review the cost of checks after an appropriate period, particularly in relation to the overall policy, viability and desirability of full cost recovery but also in relation to the appropriate balance of risks and fees between the various sectors.

## (12) CONSULTATION

12.1 Prior to the publication of this document, consultation was carried out with the three main checking organisations in the UK i.e. the Criminal Records Bureau for England and Wales; Disclosure Scotland; and, the PSNI's Criminal Records Office. There has also been a series of public information sessions in various parts of Northern Ireland. There has also been a series of events for key stakeholders and delivery partners, seeking their opinions on the way forward.

12.2 In addition, NIO held an Interactive Consultation Event on 30 November 2004 in connection when it was drawing up its policy on Part 5 and this involved representatives from all the main interested bodies.

## (13) SUMMARY AND RECOMMENDATION

13.1 The Government's policy is to introduce a robust employing checking system in line with Part 5 of the Police Act 1997. This will be achieved through the use of existing systems and technology. The system will be accessible to all

those with a legitimate need to check criminal records and will ensure high standards of protection for the vulnerable through the timely provision of criminal record certificates. It is important that the cost of this new system is transparent and borne by those using the system in Northern Ireland. The benefits of putting such a system in place, as described above, outweigh the impact of the reforms required.

**(14) DECLARATION AND PUBLICATION**

**Declaration and publication**

“I have read the regulatory impact assessment and I am satisfied that the benefits justify the costs.”

Approved by Paul Goggins, Minister of State, Northern Ireland Office, on 27 February 2008.

**Contact point**

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