



## **Filtering Arrangements for Disclosure of Criminal Record Information in Northern Ireland Effective 14<sup>th</sup> April 2014**

### **Introduction**

This briefing provides an update on the arrangements for disclosing information about criminal records in Northern Ireland. It explains how the new filtering scheme will work in principle, but if you need more information or advice on your specific circumstances, please contact NIACRO's Employment Advice Line on 028 9032 0157, or email us at [niacro@niacro.co.uk](mailto:niacro@niacro.co.uk).

### **What is filtering?**

Filtering means that some old and minor convictions and other information (such as cautions/ informed warnings/ diversionary youth conferences) will no longer be automatically disclosed on Standard and Enhanced Access NI checks. This means that some conviction information, which previously would have been disclosed, may not be in the future.

### **What will be disclosed?**

While cautions or convictions which fall within the filtering scheme will no longer be automatically displayed on Standard and Enhanced Access NI checks, remaining relevant conviction information held on the applicant, on the criminal record database, will continue to be disclosed.

#### **Note for Enhanced Disclosure Checks (EDCs):**

The PSNI may decide to include information about convictions/ cautions which have been filtered by Access NI on the basis that they might be relevant and ought to be disclosed. This will show up in the 'other information' section of the EDC.

### **I'm an employer - what do I need to do?**

The changes to the Rehabilitation of Offenders legislation to introduce the filtering scheme mean that employers, even for Excepted positions for which a Standard or Enhanced check can be carried out, can **no longer legally ask for details of all convictions.**

You may now only legally ask for details of convictions and information that is not subject to filtering. Here is an example question which you may wish to use for your pre-employment process about convictions:

**“Do you have any convictions, cautions, informed warnings or diversionary youth conferences that are not subject to ‘filtering’ as defined by the Rehabilitation of Offenders (Exceptions) Order (NI) 1979, as amended in 2014?”**

### I'm an applicant – how do I know if my information will be 'filtered'?

If you have more than one conviction, they will not be subject to the filtering process. If you have one conviction which is not for a specified offence, which are serious, mostly relating to sexual, violent or drug related offending, then it may be subject to filtering. This means that after a certain period, they will no longer be automatically disclosed on Standard and Enhanced AccessNI checked, as outlined in the table below. For a full list of specified offences, which are exempt from filtering, visit: <http://www.dojni.gov.uk/index/accessni/disclosures/filtering.htm>

As cautions, informed warnings and diversionary youth conferences are **not convictions** they will be considered separately to convictions. If the caution, informed warning or diversionary youth conference is not for a specified offence, then it may be filtered in accordance with the table below. If they relate to specified offences, then they will not be subject to filtering.

### Filtering guidelines

Disposal	Aged 18 or over at time of issue/conviction	Under 18 at time of issue/conviction
Conviction for <b>non-specified offence</b> [NB. only applies if there are no other convictions on the person's record]	11 years from the date of conviction	5 ½ years from the date of conviction
Caution/diversionary youth conferences for <b>non-specified offence</b>	6 years from date of issue	2 years from date of issue
Informed warnings for <b>non-specified offence</b>	1 year from date of issue	1 year from date of issue
Conviction or caution, diversionary youth conference or informed warning for <b>specified offence</b>	Will not be filtered	Will not be filtered
Conviction resulting in a custodial sentence (including suspended sentence) regardless of offence	Will not be filtered	Will not be filtered

For more information contact NIACRO's Employment Advice Line on 02890320157 or email [niacro@niacro.co.uk](mailto:niacro@niacro.co.uk)