



# **Guidance for Individuals Viewing Self-Employed Workers or Personal Employees AccessNI Checks**

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## **Introduction**

A personal employee or someone who is self-employed can obtain an AccessNI enhanced check on themselves if they will be working in a position of regulated or controlled activity -

[Regulated activity - children](#) or [regulated activity - vulnerable adults](#).

As a private individual looking to take on the services of a self-employed person or a personal employee, as part of your recruitment considerations, you can ask to view their AccessNI enhanced certificate, to ensure it is the appropriate type of check for the role.

## **The application process**

As a private individual you cannot apply for an AccessNI check on behalf of the self-employed or personal employee you are looking to recruit. They need to do this themselves via an AccessNI approved Umbrella Body. Information on the application process is available on the nidirect website:-

[AccessNI checks for self-employed or personal employees | nidirect](#)

## **Viewing an AccessNI disclosure certificate**

As part of your decision-making process, you should ensure you view a digital AccessNI disclosure certificate. The self-employed individual or personal employee should share their disclosure certificate with you via the “share” link on their AccessNI account. Copies or digital photographs are not acceptable and must be rejected.

You will receive an email to inform you that the self-employed individual or personal employee has shared their certificate with you and the relevant link in the email should be selected to view the certificate. This link will remain live for five calendar days, however you can only view it **ONCE**. This is a security feature to prevent the certificate being shared further without the applicant’s consent.

Please note that information disclosed on AccessNI certificates is regarded under the Data Protection Act as “sensitive personal data” as it may consist of information in relation to the commission or alleged commission of any offence. In accordance with section 124 of the Police Act 1997, disclosure information should only be passed to those who are authorised to receive it, in the course of their duties. It is a criminal offence to pass this information to anyone who is not entitled to receive it.

If you are unsure whether an AccessNI certificate is genuine, or you think that it may have been altered, you should contact AccessNI at [ani@accessni.gov.uk](mailto:ani@accessni.gov.uk).

You should check –

- the AccessNI certificate to make sure that the details the self-employed individual or personal employee has supplied you with match what is on their certificate eg full name, DoB, etc.
- barred list checks have been requested for the correct group(s) that the self-employed individual or personal employee will be working with ie children, vulnerable adult groups or both.
- if any criminal conviction information or police intelligence has been released on the certificate. If it has, please read the next section.
- the date the certificate was issued. AccessNI certificates are only accurate and up-to-date on the day they are issued.

**If the AccessNI certificate presented by the self-employed individual or personal employee states that they are barred from the group (children or adults) they are seeking to work with you must not employ them. They are committing a criminal offence by seeking work in regulated activity whilst barred and you should report them to the police.**

## **Information to be considered on an AccessNI disclosure check**

AccessNI checks are just one part of considering whether an individual is suitable for a role. There are other elements of safer recruitment decision making to consider and you may wish to look at guidance from other relevant organisations, for example -

- NIACRO (Northern Ireland Association for the Care and Resettlement of Offenders)
- NSPCC (National Society for the Prevention of Cruelty to Children)
- Skills for Care (Safer Employment resources)

In general, all applicants for positions should be treated fairly and not discriminated unfairly against on the basis of a conviction, caution or other information revealed. However, if the information disclosed on the certificate makes you feel worried about the safety of a child or vulnerable adult the individual is due to be working with this should be your main consideration.

AccessNI would suggest that open and measured discussions take place on the subject of any offences or other matter that might be revealed on an AccessNI check with the applicant.

Please note that AccessNI certificate information must only be used for a specific employment suitability decision. AccessNI certificate information must not be shared with any third party.

You should not keep any photocopy or other image of the certificate or any copy or representation of the contents of a certificate.

## **Misconduct Concerns**

If you suspect any criminal conduct you should report this to the police.

There is also further guidance from other organisations on how to approach misconduct concerns.

Please refer to this guidance from the NSPCC in relation to those working with children -

<https://www.nspcc.org.uk/keeping-children-safe/reporting-abuse/>

For concerns about the conduct of personal employees working with adults please refer to this guidance -

<https://www.skillsforcare.org.uk/Recruitment-support/Support-individual-employers-PAs/Individual-employers/Employing-a-PA-Toolkit/Sorting-out-problems.aspx>

## **Contact AccessNI**

Contact the AccessNI customer helpline to get advice or help with an application by phone 0300 200 7888 or email [ani@accessni.gov.uk](mailto:ani@accessni.gov.uk)