



Independent
Monitor

Independent Monitor Annual Report 2024



This is the twelfth Annual Report of the Independent Monitor (IM) for the disclosure and barring regime. This report covers the period from January to December 2024. This is my first annual report as the newly appointed Independent Monitor, a post I took up in late January this year. I would like to pay tribute to my predecessor, Julia Wortley who held this post for the last 6 years and the detail and statistics I report on all took place during her tenure and reflects the effort she and her team put into this important work.

Introduction

There are no new recommendations in this Report, and I have provided an update on all previous IM recommendations. The Safeguarding Minister wrote to my predecessor on 22nd October 2024 with her response to the 2023 Annual Report. The Minister's letter was published with last year's Report.

Overview of the year

There remains a high level of demand across the disclosure and barring regime in England, Wales, with Northern Ireland seeing decline. In 2024, demand for Enhanced Criminal Records Certificates (ECRC) issued by the police with 'additional information' rose by 2.0% for the Disclosure and Barring Service (DBS) with a decrease of 11.7% for Access NI (ANI). In 2024, the DBS issued 5,182 additional disclosure certificates on Enhanced Criminal Records Certificates, and ANI made 279 such disclosures. These cases are where the police have assessed non-conviction information set against the tests outlined in the Statutory Guidance and decided there should be a disclosure. Almost all cases dealt with by the police do not result in a disclosure.

The disclosure regime has an important responsibility for assessing, understanding and where appropriate sharing intelligence which is indicative of risk. The regime is there to protect the public, in particular children and vulnerable adults, and continues to respond well to the significant operational demands.

IM Referrals

With regard to the ECRC regime, the DBS referred 195 disclosure dispute cases to the office of the Independent Monitor, whilst ANI referred 3. The figure of 198 disputes referred is an increase recorded by the Independent Monitor, a rise of 32.9% on the previous year, 2023. To put this in further context, in 2022 there were 129 cases referred for an IM review, and in 2023, 149. Whilst this is a significant growth over recent years, the numbers have to be seen in the context of the 5,461 certificates issued with additional information, of which only 3.6% resulted in a dispute and an IM review. This growth represents additional demand for the IM process, and in comparison, in 2023 2.76% were disputed to the IM's office and in 2022, 2.54%.

Northern Ireland

The Justice Act (Northern Ireland) 2015 extended the role of the Independent Monitor to include the review of disclosure disputes made in Northern Ireland. As stated above, three disputed case was referred by ANI for an independent review this year.

As part of the statutory duties, I have also reviewed a sample of ten randomly selected disclosure cases from Northern Ireland this year. Several learning points were identified through this exercise, but no significant concerns. Detailed feedback from this sampling exercise has been provided to the Police Service of Northern Ireland for their consideration.

Sampling of Disclosure Cases in England and Wales

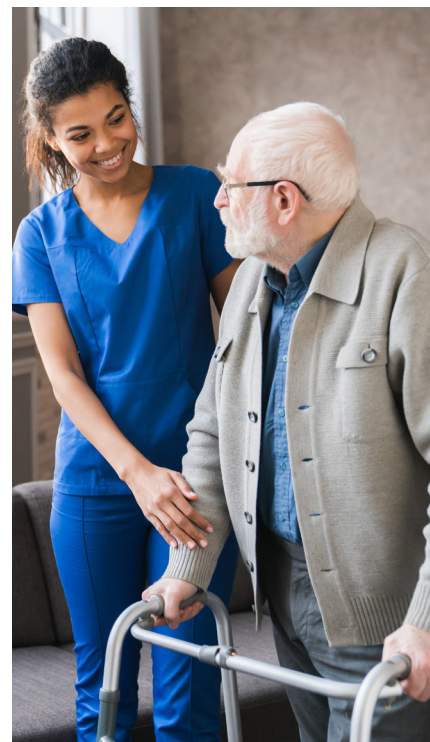
As required under section 119B of the Police Act 1997, I have also undertaken a dip sampling exercise of disclosure decisions taken by police forces across England and Wales in 2024.

As part of my role, I am required to carry out a dip sampling of cases and in May and June this year, I sampled a total of fifty randomly selected disclosure decisions from 2024, drawn from five different police forces across England and Wales. This is in addition to the sample of cases from the Police Service of Northern Ireland referred to above. Half these cases were where there had been a non-conviction intelligence hit that was discarded, meaning after assessment and applying the statutory tests, the force decided the material should not be disclosed on a Certificate. The other half were cases where the decision making was that the detail was indicative of risk, met the statutory tests and should be disclosed.

After careful consideration of each case sampled, relevant learning points were identified through this exercise, but no significant concerns were identified. I have provided individual feedback to each of the police forces concerned, for their consideration. I have also shared all generic learning from this sampling exercise through the National Disclosure Forum and more locally through the Regional Disclosure Fora, and with the National Police Chiefs Council (NPCC) national lead for the subject.

My headline observation from the dip sampling supported by the cases which I have independently reviewed to date, is that the police service of England, Wales and Northern Ireland is vigilant in assessing information, intelligence and non-conviction data set against the statutory tests. The reality is that in many cases where there has been an intelligence hit, the decision by the force is to 'discard' the hit, meaning the information is not disclosed. This can be for a variety of reasons and is sometimes a very difficult balancing decision as the intelligence has to be credible, serious, current and in line with the prescribed purpose, and the disclosure must be necessary and proportionate.

The reality is that where there is a decision to discard, there is information and data about an individual, but it is not disclosed, meaning that risk at some level has been identified, but has not been deemed necessary or proportionate to include on a Certificate. Making this assessment this is a real challenge for the staff, the supervisors and the managers of the forces, working to the statutory guidance and the DBS Quality Assurance Framework, and I pay tribute to the work done by forces and the DBS central team.



Judicial Reviews

A Judicial Review is the final recourse available to anyone who disputes the information disclosed by police on their Enhanced Criminal Records Certificate. No Judicial Reviews involving the Independent Monitor have reached a Court outcome during this reporting period.

Timeliness of IM Disclosure Dispute Handling

The Statutory Disclosure Guidance states that disclosure decisions should be made in a timely manner. I continue to pay close attention to the speed with which IM disclosure disputes are resolved. This responsibility is shared at different stages between the DBS /ANI, the police and my own office.

There has been a slight increase in terms of the timings of review and dispute resolution within my office, mainly attributed to the previous IM finishing and me starting as the new MI in later January this year. In 2023 the figure was 28.3 days and in 2024 this rose to 33.4 days. The police aspect of dealing with certificate disputes continues to improve. In 2024 the average days for the police stood at 22.1 days. This pattern builds on improvements already made in the previous two years. In 2023, the average number of working days taken by the police to complete their review at the first stage of the dispute process was 22.5 days. In 2022 the average time taken was 43 days and in 2021 the average was 67 days.

Revised Home Office Statutory Disclosure Guidance

Throughout 2023 the Home Office undertook a consultation exercise with key stakeholders, including the previous IM, regarding the Statutory Disclosure Guidance. Following this consultation and revision exercise, the Fourth Edition of the Home Office Statutory Disclosure Guidance was published on 14th February 2024¹. This guidance provides a clear decision-making process, outlines the statutory tests and is supported by the DBS Quality Assurance Framework and a variety of relevant case law.

¹ <https://www.gov.uk/government/publications/statutory-disclosure-guidance>

Recommendations from Previous IM Annual Reports

2014 Annual Report

Please see Appendix B.

Progress Report

Please see Appendix B.

Engagement

I am able to report that throughout 2024 the previous IM continued to engage with a wide range of stakeholders, through online and face to face meetings. This engagement also included regularly attending police National and Regional meetings and being an active member of the NPCC Disclosure Portfolio Group. In 2024 there were regular meetings with policy and operational leads from the Home Office, DBS, ANI, NPCC and police disclosure units to identify any ongoing issues or concerns. I will continue this engagement during my tenure as the Independent Monitor.

Independent Monitor's Secretariat

The IM Secretariat administer the growing IM caseload and provide general support for the office of IM. I am very appreciative of the continuing dedication, hard work and flexibility of the IM's Secretariat in 2024, and particularly so for assisting my swift introduction to the role since late January.

Summary and Conclusion

All the statutory functions of the Independent Monitor have been successfully fulfilled throughout the year.

In 2024 a total of 198 disclosure dispute cases were referred to the office of Independent Monitor for independent review. This is the highest number of referrals since 2017 received by the office of the IM in a calendar year, however the proportion of IM case referrals where there is a dispute by the applicant is still less than 3.6% of all police ECRC disclosures made, meaning that over 96% of police Certificate disclosures are not challenged. A full break down of how those IM dispute cases were finalised is provided below.

There are no new recommendations in this Annual Report and all previous IM Recommendations have now been closed.



Mick Creedon
Independent Monitor



The table at Appendix B summarises all previous IM recommendations and actions. Progress on any outstanding recommendations is summarised below.

Powers under which the Independent Monitor operates



The Independent Monitor is appointed by the Secretary of State under section 119B of the Police Act 1997 and has four statutory duties, one of which is to publish an Annual Report, another is to make relevant recommendations to the Secretary of State. The other two IM functions relate directly to the disclosure of information on a person's Enhanced Criminal Records Certificate.

In accordance with section 119B of the Police Act 1997 the Independent Monitor must review a sample of cases in which police non-conviction information is included, or not included, on Enhanced Criminal Record Certificates under section 113B (4) of the Act. The purpose of these reviews is to ensure adherence to Home Office Statutory Guidance on disclosure and compliance with Article 8 of the European Convention of Human Rights (ECHR). Following these 'dip sampling' reviews, the Independent Monitor provides feedback to the relevant police forces.

Under section 117A of the 1997 Act, the Independent Monitor has another role to consider those cases within which a person believes that the information disclosed by police within an Enhanced Criminal Records Certificate is either not relevant to the workforce for which they are applying, or that it ought not be disclosed.

When a request for an enhanced Certificate is made, the applicant's details are referred to any police force which may hold information about the applicant. This enables the force to check their records for any information which they reasonably believe to be relevant to the prescribed purpose for which the Certificate is sought and to consider if it ought to be disclosed. Following a decision by police to disclose information, if an applicant wishes to dispute the relevance and/or proportionality of the disclosure, the first stage of the IM review process is undertaken, at the request of the IM, by the relevant disclosing police force. If the applicant is dissatisfied with the outcome of the police review, the case is then referred to the IM for an independent review of their disclosure dispute.

Operation of the Secretariat and function of the Independent Monitor

The Independent Monitor's responsibility to review referrals in which an applicant disputes information disclosed by police forces was introduced by the Protection of Freedoms Act 2012 (PoFA). A small Secretariat to support the Independent Monitor to perform this function was set up in October 2012 and currently has an establishment of two full time staff.

Prior to October 2012 and the changes introduced in PoFA, anyone who was dissatisfied with the accuracy or relevance of the information that appeared on their enhanced Certificate only had recourse to appeal to the Chief Constable of the relevant police force. If the applicant was dissatisfied with the outcome of this, or the wording of the text, then their only option was to request a Judicial Review of the disclosure decision. Such action would be costly to the applicant and to the DBS in both time and resource.

The Independent Monitor's role now acts as an additional layer of review before a person may resort to Judicial Review.

Since September 2012 to the end of December 2024, the Independent Monitor has received a total of 2,521 case referrals.

Once a case is received, the IM Secretariat will ask the police for information relating to the case and the applicant for any additional representations they wish to make. On receipt of any further representations, the case is put to the Independent Monitor for review. Case papers include the disclosure Certificate provided by the DBS, along with any written representations and supporting documentation submitted by the applicant.

When reviewing a dispute, the IM follows the Statutory Guidance and considers:

1. Whether the information provided is accurate
2. Whether the information provided is relevant to the prescribed purpose for which the certificate has been obtained (since 2012 this is generally for work within the 'child' and/or 'adult' Workforces rather than for a specific role); and
3. Whether the information ought to be disclosed, including;
 - a) What is the legitimate aim of the disclosure?
 - b) Whether the disclosure is necessary to achieve that legitimate aim; and
 - c) Whether the disclosure is proportionate, striking a fair balance between the rights of the applicant and the rights of those whom the disclosure seeks to protect.

All criteria are considered equally, there is no weighting. Once the IM has made a decision, the Secretariat will write to the applicant, the DBS and the relevant police Chief Officer informing them of the Independent Monitor's decision.



Clarification

The Independent Monitor does not deal with general customer complaints about the DBS. These are dealt with through the DBS complaints procedure. The IM's role is to consider referrals from applicants disputing the inclusion of 'additional information' within their enhanced disclosure Certificates issued by the DBS. Such Certificates are required for those who wish to work with children and vulnerable adults and in some other specific jobs such as taxi driving.



Independent Monitor Case referrals: 2024 Summary

The chart below shows the number of referrals received by the Independent Monitor in 2024 and how they were subsequently resolved. These figures are shown in comparison with previous years.

‘Uphold’ refers to cases where the police disclosure has been supported by the IM in its entirety and unamended.

Chart 1

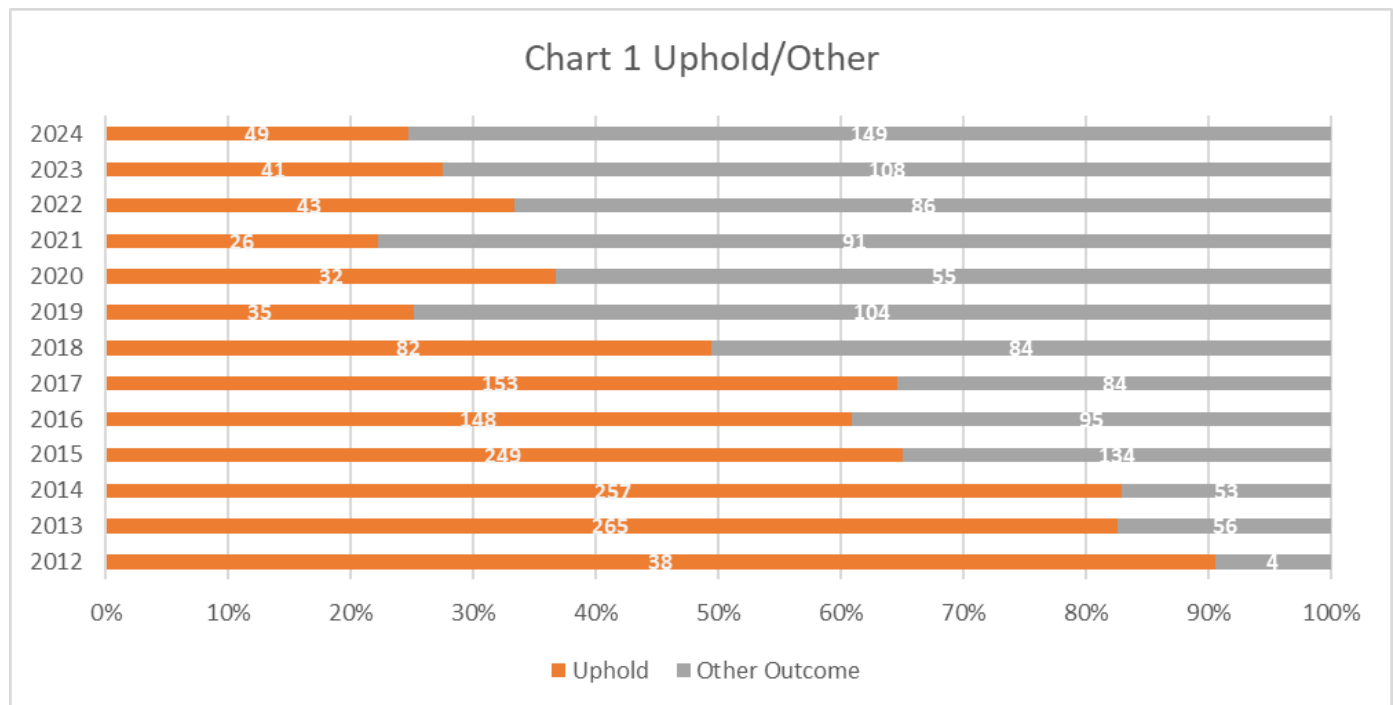
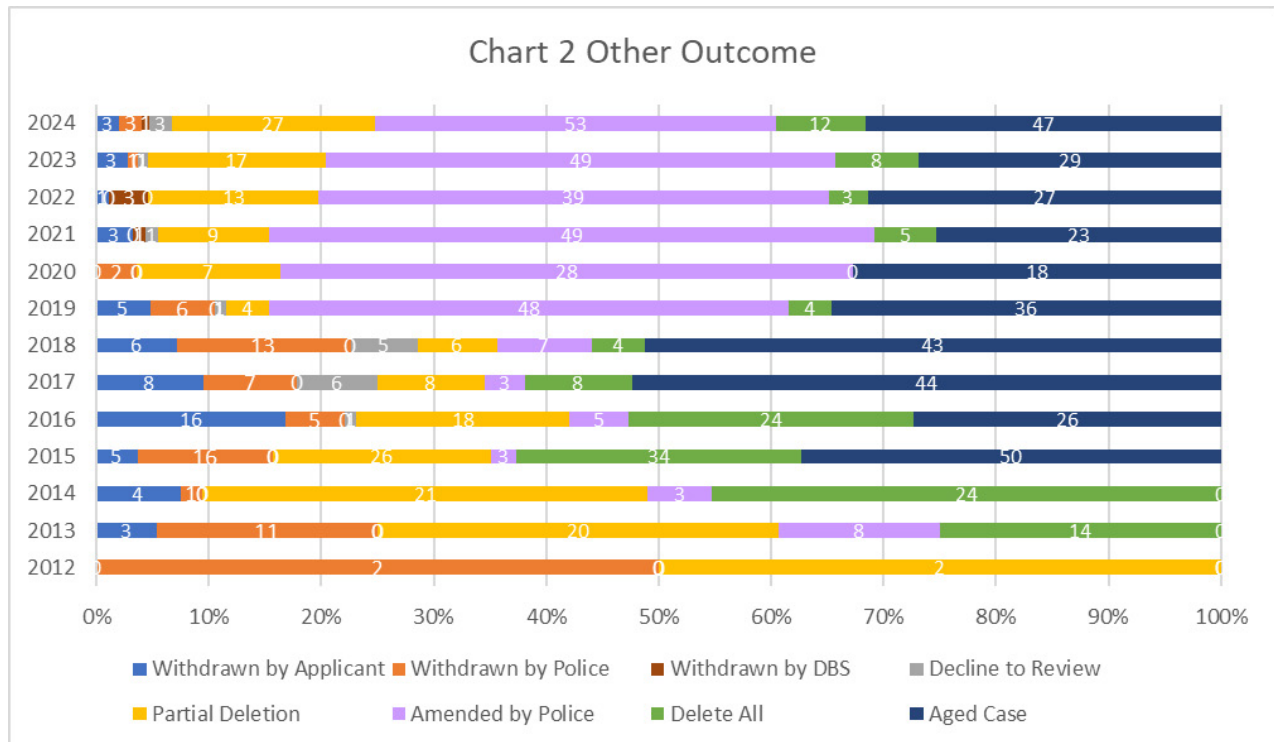


Chart 2 breaks down the 'other outcome' category (in Chart 1 above), to show in more detail how cases in which the disclosure was not 'upheld' were finalised.

Chart 2



There was another increase in the total number of referrals made to the IM in 2024, representing the highest number of dispute cases referred for an IM review since 2017. However, the percentage of disputed disclosures being referred to the IM has only marginally increased. In 2023, 2.76% of all disclosures made across England, Wales and Northern Ireland were disputed and subsequently referred to the IM for independent review. However, in 2024 this figure rose to 3.63% of all disclosures made.

With some disputes, the information disclosed could be clarified through amendment. In such cases, the disclosure text is amended by the police during the dispute review process. These cases are categorised in Chart 2 as 'amended by police' and constitute 36% of all 'other outcomes' in 2024.

Again, there were three cases this year in which the applicant decided that they were content with the disclosure text as amended by police and subsequently withdrew their request for an independent IM review. These cases are recorded in Chart 2 as 'Withdrawn by applicant'. The police withdrew the disclosure upon review of three cases in 2024.

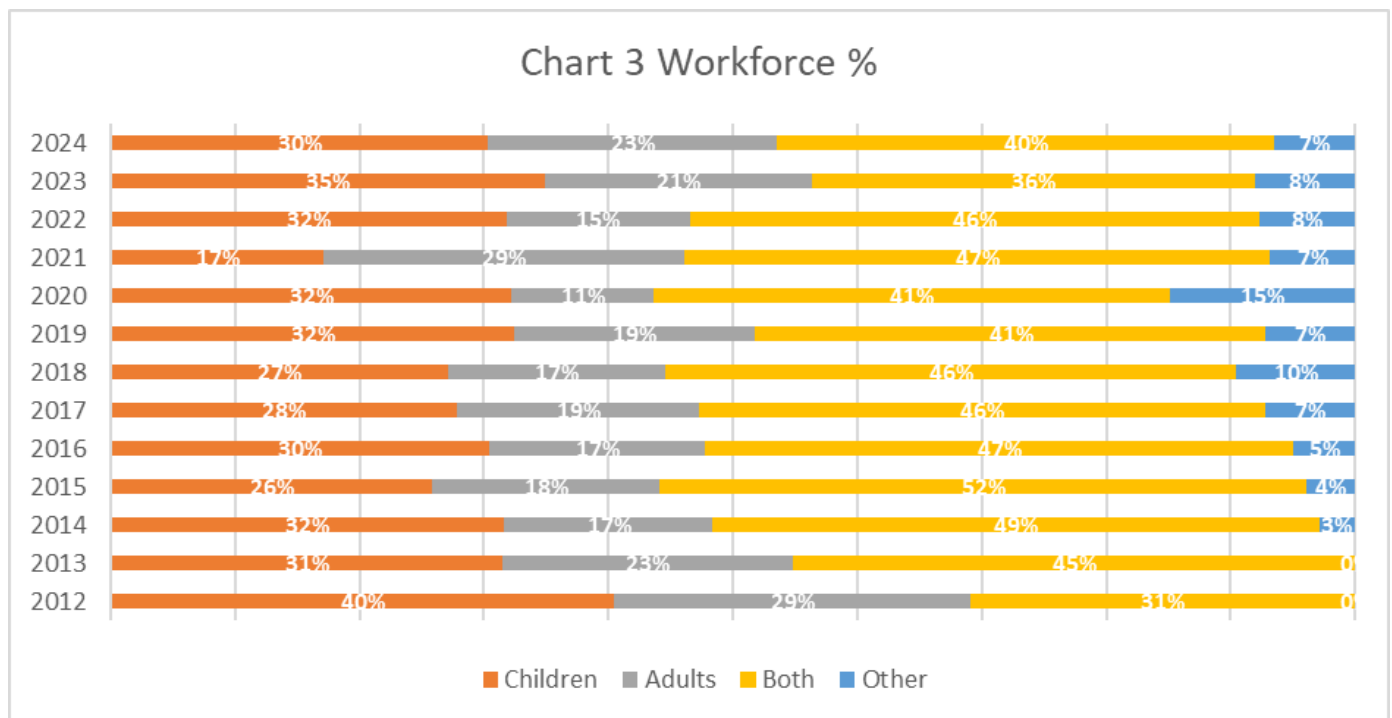
The previous IM's policy remains in place of not reviewing further 'out-of-time' disputes when they are raised more than three months after the Certificate was issued and in which the 'prescribed purpose' no longer exists, or it is reasonable to believe that this is the case. These out-of-time dispute cases are recorded in Chart

2 as “aged cases” and constitute 32% of all “other outcomes” in 2024.

Workforces

Chart 3 (below) provides a comparison of the relevant workforces for which applicants have applied. Chart 3 shows that the proportion of cases in each Workforce remains generally consistent with previous years, but with an increase in the percentage of ‘Adult Workforce’ and ‘Child Workforce’ applications, with a corresponding decrease in the Child & Adult Workforce(s). However, most disputes (40% of IM case referrals) are still from applicants who have applied for both the Child and Adult workforce(s).

Chart 3



Note: There were no disputes recorded in the ‘Other workforce’ category in 2012 or 2013 as Taxi Drivers were considered as a part of the Children’s workforce during those years.

Appendix A: Minister's letter



Home Office

Jess Phillips MP
Minister for Safeguarding and
Violence against Women & Girls

2 Marsham Street
London SW1P 4DF
www.gov.uk/home-office

Michael Creedon
Independent Monitor

24 October 2025

Dear Mick,

Thank you for your 2024 Annual Report which will be published on Gov.uk shortly.

As you took up post on 20 January 2025, your report provides a helpful overview of your predecessor's work in 2024 with a variety of stakeholders, including regional disclosure units, police forces and the Disclosure and Barring Service.

I also note you have made no new recommendations in this report.

Yours sincerely,

Jess Phillips MP
Minister for Safeguarding and Violence against Women & Girls

Appendix B: Table of previous recommendations

Recommendation	Year made	Status	Current position
Mental Health	2013	Accepted	Complete Amended Statutory guidance for mental health cases was issued in August 2015.
Home Based Occupations	2013	Partially Accepted	Complete DBS amended the applicant and 'RB' guidance in 2015 and promoted this in DBS News.
Workforce v Position Applied for	2013	Not Accepted	Issue raised again in 2014 Annual Report with previous response reiterated.
Registered Bodies	2013	Accepted	Complete DBS worked with NACRO and CIPD to develop guidance for employers on how to assess and handle information on a disclosure certificate.
Statutory Time limit for disputes	2014	Accepted. Closed as 'Partially Complete' with publication in February 2024 of the revised Home Office Statutory Disclosure Guidance.	Partially Complete New Primary Legislation is required to fulfil recommendation.
Formal process to review recommendations	2014	Accepted	Complete Meeting structure in place.
Police Disclosure Units to have access to Court Transcripts	2015	Accepted	Complete Policy and guidance re-issued to court transcript providers.
Development of guidance on Third Party Disclosures	2015	Accepted	Complete NPCC and Home Office have resolved the key issues.
Revision of the Statutory Disclosure Guidance	2019	Accepted	Complete Revised Statutory Disclosure Guidance Third Edition published in November 2021.