

Transport Safeguarding Policy

January 2019

Purpose

The Staffordshire County Council Transport Safeguarding Policy should be read in conjunction with the previously issued safeguarding documents, and training provided to ensure Staffordshire's contracted services protect both passengers and contractors from any potential risks and enable vulnerable persons who may be at risk to be identified.

The policy is consistent with current legislative requirements, best practice and serious case review investigations in other local authority areas.

The Council will work in partnership with licencing authorities and contractors to maintain safeguarding standards and achieve the best possible outcomes in delivering transport services for vulnerable young people.

The Council's Safeguarding on Transport Policy should also be read in conjunction with the Council's Mainstream and SEN Instructions to Contractors documents.

The Council's transport safeguarding policy is harmonised with the Staffordshire District and Stoke-on Trent Licencing Authorities in the delivery of DBS assessments, update service sign-ups and the delivery of accredited training.

Background

The Policy provides guidance to any person on the Council's Operator Framework in the provision of contracted transport services for vulnerable children and young people.

The Council seeks to ensure that its statutory responsibilities are discharged to ensure that:

- children, young persons and vulnerable adults are safe;
- children and young people are protected from harm and have a duty to report matters of concern that could relate to the safety and/or welfare of children and vulnerable persons to the relevant authorities;
- transport services are provided only by fit and proper persons and does not pose a threat (in any form) to the public;
- transport services are provided by duly trained and accredited persons;
- vehicles used to convey passengers are safe and fit for the purpose;
- the service is professionally provided;
- service users have confidence in the provided service

For clarity, where the "County Council" or "Council" is referred to in this policy, this means the Transport & the Sustainable County unit of the County Council.

Scope

The Transport Safeguarding Policy supersedes any previous policy/policies related to safeguarding provisions in the delivery of transport services.

The Council expects all transport service providers to demonstrate commitment to promotion of and compliance with these objectives.

Review of the Policy

The policy will be formally reviewed every year. However, it will be the subject of continuous evaluation and, if necessary, formally reviewed at any time. At the time of review all relevant stakeholders will be advised.

Legislative framework

The operation of the Council's service is undertaken in accordance with relevant legislation, applicable licence conditions, the Regulators' Codes and the Department for Transport PCV, Taxi and Private Hire Vehicle Licencing requirements and such other guidance that may be issued or updated by the Department for Transport and other Government departments.

Services will be provided in accordance with all primary legislation relating to PCV operations, hackney carriage and private hire licencing, and reflects the changes to, or contained within the Deregulation Act 2015, in accordance with the Equality Act 2010, Children's Act, Human Rights Act 1998, Data Protection Act, Health and Safety Act, Employment Acts and the Council's aligned policies and Road Traffic Acts 1988 and other relevant legislation and relevant legal case law.

Conditions

The Council will adopt any reasonable conditions that it deems necessary and appropriate, within the remit of the Framework Agreement and the contractual Terms and Conditions, to ensure that proprietors, operators, drivers and vehicles comply with relevant legislation and the fundamental purpose of the Policy, i.e. to protect the safety and welfare of the public.

DBS Principles

The Council aims to provide a clear, consistent and responsive DBS clearing service to prospective operators, drivers and transport assistants. This includes the provision of guidance and advice to DBS applicants.

The Safeguarding on Transport policy provides guidance on the criteria that will be used:

- to assess suitability when an enhanced DBS clearance is being undertaken;
- the circumstances in which a suitability interview will be required;
- safeguarding procedures/advice to underpin the training provided.

The suitability criteria that will be applied will in some instances be stricter than that applied by some licencing authorities. This reflects the vulnerable nature of many of the passengers being carried on contracted transport and the fact that the Council's contracted home to school transport

requirements are classified as “regulated activity”. It cannot be assumed that because an individual has passed an enhanced DBS check elsewhere, e.g. through a licencing authority, that they will automatically be similarly cleared by the County Council.

The Council will be mindful of the needs of the applicant, but this will be balanced against the duty that the Council has to protect the safety and welfare of the public, Council contractors and their staff.

Where applications are to be determined, the Council’s Safeguarding Officer will take into consideration:

- the facts of the application;
- any information and/or evidence provided by other interested parties including, but not restricted to, officers from the Council with responsibility for safeguarding and officers from Staffordshire Police

There is no automatic right of appeal although suitability interviews will be conducted as directed.

Partnership Working

The Council aims to work in partnership with other relevant agencies/bodies when dealing with DBS applications. Such partnerships will include, but are not restricted to, the Traffic Commissioner’s office, relevant hackney carriage and private hire trade associations, neighbouring local authorities, Staffordshire Police, Driver and Vehicle Standards Agency (DVSA), Revenues and Benefits teams and consumer groups and the Council’s, Police, Staffordshire Trading Standards and the Staffordshire Responsible Bodies Group (RBG).

However, the Council will ensure that all relevant provisions relating to the effective administration of DBS process are consistently and robustly enforced in order to ensure safe transport provision.

Through agencies working together and sharing information, the Council aims to identify and prevent sexual exploitation, disrupt the activities of perpetrators, protect children and young people and prosecute perpetrators of sexual exploitation. Sharing information with Staffordshire Police and Staffordshire Safeguarding Children’s Board helps to protect young people from harm. Safeguarding children and young people is everyone’s business and everyone’s responsibility.

Child sexual exploitation is a crime that can affect any child, anytime, anywhere – regardless of their social or ethnic background.

Sexual exploitation of children and young people involves exploitative situations, contexts and relationships where young people (or a third person or persons) receive something, e.g. food, accommodation, drugs, alcohol, cigarettes, affection, gifts, money, etc. as a result of them performing, and/or another or others performing on them, sexual activities. Violence, coercion and intimidation which are commonly involved in such exploitative relationships.

Child sexual exploitation involves perpetrators grooming youngsters and using their powers to sexually abuse them. Sexual exploitation of children and young people can take many forms, whether it occurs through a seemingly ‘consensual’ relationship with an older friend, or a young person having sex in return for attention, gifts, alcohol or cigarettes.

Drivers of PCV vehicles, hackney carriages and private hire vehicles, and passenger assistants are in an excellent position to help identify victims of sexual exploitation because, through the transport services they provide, drivers and operators regularly come into contact with children and young people. This means that licenced drivers and private hire operators are in an ideal position to help protect young people.

If you have reason to suspect that a child is being abused or at risk of abuse it is your responsibility to report your concerns to and share information with Staffordshire Police (Tel: 101) and Staffordshire Safeguarding Childrens Board (Tel: 01785 277151).

Further information about Staffordshire Safeguarding Children Board can be found

at: <http://www.staffsscb.org.uk/Home.aspx>

Disclosure & Barring Service (DBS) Certificates

As of end 2016, all contractor driving staff and passenger assistants undertaking regulated activity, and proprietors/office staff managing personnel undertaking regulated activity, and responsible for the day to day management of staff deployed on contract transport were enhanced DBS cleared and badged by the County Council. It was additionally required that all Council contracted staff engaged in regulated activity sign up to the DBS update service on issue of their enhanced DBS certificate and maintain annual membership.

Personnel involved in the delivery of the Council's transport services are required to undertake an enhanced DBS check and due to the nature of the occupation such personnel are deemed to be an exempt occupation under the provisions of the Rehabilitation of Offenders Act 1974 (by virtue of the amended Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975).

The effect of this, in relation to PCV drivers, hackney carriage and private hire drivers, and transport assistants is to render the Rehabilitation of Offenders Act 1974 not applicable and therefore convictions are never regarded as 'spent'. As a result, all convictions and cautions, will be taken into account when considering a person's suitability to deliver the Council's transport services.

Please note that UK nationals who have lived/worked abroad or foreign nationals who have previously lived in another country before moving to the UK will additionally be required to hold or access a Certificate of Good Conduct. In practice this will mean:

- Private Hire and Hackney Carriage drivers have to produce a new DBS, (enhanced check), certificate obtained via their local licencing authority and evidence of signing up to the DBS update service; licencing authorities have indicated that they will accept an enhanced DBS check via the County Council with DBS update service for licencing purposes.
- PCV drivers must apply for an enhanced DBS check through the County Council and sign up to the DBS update service.
- Passenger assistants must continue to be enhanced DBS checked through the County Council as present, but it is additionally required that passenger assistants sign up to the DBS update service.

- Proprietors / office staff with responsibility for the day to day management of staff deployed on contract transport must be identified by the contractor and then must be enhanced DBS checked through the County Council and sign up to the DBS update service. It is assumed that as an absolute minimum that proprietors and named contract managers have this responsibility, but it is the contractor's responsibility to identify the relevant staff.

The purpose of signing up to the DBS update service is two-fold:

- to simplify re-checking of enhanced DBS clearances in future years; and
- to aid re-checking in the event of a safeguarding investigation.

Enhanced DBS clearances will be subject to re-checking every three years, or other intervals as may be notified by the County Council from time to time. The first recheck will be at between two and three years to enable the expiry dates for ID badges to be phased across the year.

It will be the Contractor's sole responsibility to ensure that their staff have signed up to the DBS update service on application for, or issue of, an enhanced DBS certificate. The County Council strongly recommend that contractors give consideration to reimbursing their staff the £13 per annum fee that is currently charged for this service.

Staff who have not been enhanced DBS cleared will be prohibited from working on County Council contracts until such time as clearance is obtained.

Enhanced DBS clearances undertaken through the County Council will be subject to a charge to cover the costs of the check, including administration. This charge will be reviewed periodically and you will be notified in advance of any alteration to charges.

The Council follows the Disclosure and Barring Service (DBS) Code of Practice for:

Registered Persons and Other Recipients of Disclosure Information (April 2009) and abides by the handling of DBS certificate information requirements on the secure storage, handling, use, retention and disposal of disclosure certificates and certificate information. Further information about the DBS can be found at:

<https://www.gov.uk/government/organisations/disclosure-and-barring-service>

The Council will accept an Enhanced DBS disclosure report issued as part of an application made through a separate organisation providing:

- it is to the same standard;
- that it is presented to the Council within three months of the date of issue by the DBS;
- that the applicant has subscribed to the DBS Update Service;
- that the applicant has authorised the Council to access the relevant online record;
- that the applicant has received accredited Level 1 Safeguarding training, or has DBS clearance and undertakes the required Level 1 training.

The Council requires the use of the DBS Update Service for all applicants. Further information can be found at:

<https://www.gov.uk/dbs-update-service>

Information will be shared between Staffordshire County Council and the Staffordshire District Licencing Teams about individuals and businesses that apply and/or tender to deliver passenger transport contracts in accordance with Framework Terms and Conditions, Licencing Policy and the Data Protection Act

The Transport and Connected County Unit can be contacted by email at:

transportcontracts@staffordshire.gov.uk

Licenced drivers and transport assistants provide a public service. The Council will not permit any licenced driver or transport assistant to work on the council's contracts unless it is satisfied that they meet all criteria to be deemed a fit and proper person.

In considering the fit and proper person test all applicants on initial application and renewal must:

- complete an enhanced Disclosure and Barring Service (DBS) check;
- pay the DBS check and/or training fee;
- undertake Level 1 Safeguarding training;
- sign-up to the DBS update service.

When assessing the fitness of an applicant to be DBS cleared, the Council will consider the applicant's criminal history as a whole, together with all other relevant evidence, information and intelligence. Particular attention will be given to patterns of behaviour, irrespective of the time-scale over which they have occurred, both in terms of proven criminal offences and other behaviour/conduct that may indicate that the applicant could put the safety and welfare of the public at risk.

It must also be recognised that the Council will consider all criminal history, behaviour and conduct irrespective of whether the specific history, behaviour or conduct occurred whilst drivers were directly engaged in PCV, hackney carriage or private hire, or transport assistant work at the time, or whether they occurred during the drivers' own personal time.

UK Nationals Previously Abroad / Foreign Nationals – Certificates of Good Conduct

The County Council recognises that many of you employ staff who were previously resident in another country before moving to the UK – either UK citizens who have spent periods living/working abroad, or non-UK citizens who have moved to the UK. In these instances, an enhanced DBS check may not provide any information in respect of the period an individual was resident in another country. Therefore, where a member of staff has been resident in another country prior to moving to the UK, the County Council requires that in addition to the enhanced DBS check referred to in this policy, that the individual acquires a Certificate of Good Conduct from the relevant consulate(s)/embassy(s). Please note that a Certificate of Good Conduct will not be required where the individual concerned moved to the UK prior to their 16th birthday.

Applicants who have not been resident within the United Kingdom prior to submitting an application, will be required to produce a certificate of good conduct or equivalent document, (at their own cost), issued by the relevant Embassy or High Commission. Such a certificate must be authenticated, translated and sealed by the Embassy or High Commission. In the event that an applicant is unable to obtain a certificate of good conduct, they may submit a statutory declaration with regard to their conduct, which must be completed in the presence of a practising solicitor. The Council may contact the relevant Embassy, High Commission, solicitor or other appropriate body to verify any documents provided.

Detailed information on how to obtain a certificate of good conduct can be found at the website: <https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>

The process and timescales for obtaining a certificate varies country by country. You are advised that where one or more members of staff require a certificate of good conduct that this is given immediate attention. The website link above provides detailed country by country information on the application process. In some cases, a certificate can take weeks or months to obtain. Unlike an enhanced DBS check, the individual concerned must apply directly to the relevant consulate/embassy to obtain a certificate of good conduct. The County Council is unable to process such applications, nor cover any associated costs.

If, for any reason, a certificate of good conduct cannot be obtained for an individual member of staff, please contact the County Council immediately for further advice.

DBS Applications

The application form(s) must be fully completed and include all relevant information, supporting documentation and payment of the appropriate fee. If any part of the application form is incomplete, or relevant information, or supporting documentation is not provided, the applicant will be requested to provide the missing information/documentation and will be informed that the application will not be processed until such time as all required information/documentation is provided.

A criminal record does not automatically prevent or bar an applicant from being cleared through the Council's DBS check processes. However, it will be a significant factor when determining whether a person is a fit and proper person to work on the Council's regulated activity transport services.

Where an applicant has criminal convictions, these will be considered in line with the guidance set out below. The principal consideration will be to ensure the safety and welfare of vulnerable young people.

The full fee for the licence² (which includes the cost of the DBS check, badging and training), is payable at the time the application is submitted.

The Council's policy is that the fees charged should meet the costs incurred by the Council in administering, processing and training Council contracted home to school personnel.

English speaking

Applicants must be able to converse orally and in writing in English to a standard that would be reasonably expected of a person undertaking a role as a PCV, hackney carriage driver, private hire driver, transport assistant, or transport manager or administrator. This includes the ability:

- to clearly understand guidance and instructions;
- to direct vulnerable persons in the event of accident or incident;
- to act on the instructions of officials, eg, emergency service personnel;
- to support vulnerable persons;
- to produce written reports, eg, accident or incident reports;
- present evidence to, eg, public inquiries or courts.

Safeguarding Training

All drivers, passenger assistants and depot personnel involved in the management and administration of the Council's regulated activity transport services must attend and successfully complete basic safeguarding training provided by the County Council, or a local licensing authority, if their training is provided to Staffordshire Safeguarding Children's Board Level One Accreditation. The Council can notify contractors of those local licensing authorities that provide accredited level one training. The purpose of adopting a common standard of training is to minimise any duplication, i.e. with the aim that contracted staff will only have to attend a course once to meet both licensing authority and County Council requirements. The current course is of half-day duration and normally provided at the County Council's offices in Stafford; delivery of training at other venues may be arranged.

Contractor staff may be required to periodically attend safeguarding refresher training in order to maintain their authorisation to work on County Council contracts.

Training sessions will be subject to a charge to cover the costs of providing and administering this training.

The Council requires all personnel engaged on Council contracted home to school transport to attend Level 1 Safeguarding and Child Sexual Exploitation Awareness training.

Identity Badges

There is a requirement to hold a County Council identity badge for all contractor staff, ie, — drivers, passenger assistants, and identified proprietors/base staff.

All drivers and passenger assistants must wear their County Council issued identity badge visibly on their person at all times during the operation of contracted transport. No other ID badge previously issued by the County Council will be valid and must be returned.

Contractor staff must have been enhanced DBS cleared, (including a certificate of good conduct if relevant), be signed up to the DBS update service and have successfully completed safeguarding training before a badge can be applied for and issued. Badges will remain the property of the County Council and must be returned at any time upon request to the County Council. Each badge

will carry an expiry date after which it ceases to be valid and will additionally carry details of any exclusions that the County Council may, at its discretion, apply, for instance, in certain circumstances the Council may authorise that a badge holder can act as passenger assistant, but not driver (e.g. because of driving offences).

Contract staff not in possession of a County Council identity badge will be prohibited from working on County Council contracted transport and/or managing drivers and transport assistants work allocation to regulated activity.

In future years, badges will be renewed upon application which will include a re-check of enhanced DBS clearance, (via the update service), and refresher safeguarding training, (if a notice has been issued that this is required).

Charges

DBS check, training and issue of an ID badge will be currently charged at £54 per person to include all three elements. Where a valid DBS certificate and DBS update service login is provided, a charge of £10 per person will be made to cover the cost of training and identity badge. These charges may not cover the full cost to the County Council of delivering these safeguarding improvements and may be subject to notified change.

Please note that contractors must co-ordinate bookings / enhanced DBS clearances for all of their staff with the County Council. The Council will not accept applications, nor enter into correspondence from individual members of contractors staff, or private individuals.

DBS Update Registration lasts for 1 year and currently costs £13 per year and must be renewed annually at the individuals or companies cost. It is the responsibility of individuals and the contracted companies to ensure that Update Registrations are maintained.

Guidance and Instructions to Contractors

In order to assist contractors with these new requirements, the County Council's Safeguarding Transport policy provides guidance on the criteria that will be used to assess suitability when an enhanced DBS clearance is being undertaken; the circumstances in which a suitability interview will be required; and that safeguarding procedures/advice to underpin the training provided are consistent with the Mainstream and SEN Instructions to Contractors documents, which will be updated and revised as legislation and case law requires.

The suitability criteria that will be applied may in some instances be stricter than that applied by some licencing authorities. This reflects the vulnerable nature of many of the passengers being carried on contracted transport. It cannot be assumed that because an individual has passed an enhanced DBS check elsewhere, e.g. through a licencing authority, that they will automatically be similarly cleared by the County Council.

Contractual Provisions

The Safeguarding on Transport policy is consistent with the existing contractual clauses in both the 2011 and 2015 Frameworks. Contractors are reminded that section 2.2.2 of the Call-Off conditions in both frameworks states that "the contractor shall ensure that all Staff supplying the services shall

do so with all skill, care, and diligence and shall possess such qualifications, skills and experience as are necessary for the proper supply of Services”.

The Special Conditions of Contract section 4.5 provides that the County Council has absolute discretion to withdraw permission for any member of contractor staff to work on County Council transport contracts, where in the Council’s reasonable opinion passengers would be at risk, or it would be undesirable.

Section 5 of the Special Conditions of Contract requires that Contractors comply with the Instructions to Contractors for SEN Transport and Mainstream Transport.

The provisions of Section 4.6 of the Special Conditions of Contract relating to DBS clearance and identity badges are replaced by the requirements set out in the policy and contractual documents.

Any breach of the conditions will be investigated via the standard compliance procedure set out in Section 8 of the Call-off Conditions of the relevant Framework.

Suitability Requirements

The Council conducts enhanced disclosures from the Disclosure and Barring Service (DBS) of any applicant for a driver licence. The Council follows the DBS’s Code of Practice on the fair use of disclosure information.

The Council abides by the DBS’s Policy on the secure storage, handling, use, retention and disposal of disclosure information, which is available on request.

So that the Council receives relevant information as quickly as possible in order to take appropriate and proportionate action to protect public safety, it is the Council’s policy to require applicants to register for the DBS’s update service and to nominate the Council to receive updates. More information about the DBS can be found on their website at:

<https://www.gov.uk/government/organisations/disclosure-and-barring-service>.

The Council is also entitled to use other records and information that may be available in assessing enhanced DBS applications, eg, information held by a licencing authority or other licencing authorities, information disclosed by the police.

It is an offence for any person knowingly or recklessly to make a false declaration, or to omit any material particular in giving information required by the DBS enhanced application. Where an applicant has made a false statement or a false declaration on their application will normally be refused.

DBS Criteria

There may be occasions where it is appropriate to depart from the guidelines, for example where the offence is a one-off, or there are mitigating circumstances, or alternatively where there are many or continuous offences which may show a pattern of offending and unfitness.

A person with a conviction for a serious offence may not be automatically barred from DBS enhanced clearance, based on the following:

a) Remaining free of conviction for an appropriate period;

b) Showing adequate evidence that he or she is a fit and proper person, licence holder (the onus is on the applicant to produce such evidence).

c) Simply remaining free of conviction may not generally be regarded as adequate evidence that a person is a fit and proper person to be engaged in regulated activity.

Personnel employed on the council's home to school transport contracts for vulnerable persons will require enhanced DBS clearance for work with children, adults or other regulated activity work

Offences which will normally result in an application being refused include:

- Offences involving violence that involved the loss of life;
- Murder
- Manslaughter
- Manslaughter or culpable homicide while driving
- Terrorism offences

Or any similar offences (including attempted or conspiracy to commit), which replace the above.

- Rape
- Assault by penetration
- Offences involving children or vulnerable adults
- Sexual assault
- Indecent assault
- Exploitation of prostitution
- Trafficking for sexual exploitation
- Grooming
- People trafficking
- Kidnap or Abduction
- Possession of indecent photographs, child pornography etc.
- Assault/ill treatment/abandon a child/young person to cause unnecessary suffering/injury. Children and Young Person Act 1933 S.1(1)
- Indecent exposure
- Soliciting (kerb crawling)

Or any similar offences (including attempted or conspiracy to commit), which replace the above

- Any applicant who is currently on the Sex Offenders Register
- Actual bodily harm which is racially aggravated
- Common assault which is racially aggravated
- Possession of firearm with criminal intent
- Malicious wounding or grievous bodily harm which is racially aggravated
- Supply of drugs
- Causing death by dangerous driving
- Causing death by careless driving whilst under the influence of drink or drugs
- If there is any suggestion that the applicant is alcohol and/or drug dependent
- Causing death by driving: unlicensed, disqualified or uninsured drivers.

or any similar offences

DBS clearance to work on the Council's home to school contracts will also not normally be granted where the applicant has a conviction for an offence or similar offence(s) which replace the below

offences and the conviction is less than 10 years prior to the date of application:

- Arson
- Grievous bodily harm with, or without intent
- Robbery
- Riot
- Assault on Police officers
- Violent disorder
- Stalking or Harassment, Protection From Harassment Act 1997 and S4A (1)(b) (i) and (ii) Fear of violence (stalking involving fear of violence, serious alarm or distress)
- Racially-aggravated criminal damage
- Racially-aggravated offence
- Possession of a weapon
- Aggravated burglary
- Drink driving/driving under the influence of drugs
- Breach of orders, eg molestation
- Driving without due care and attention.
- Failing to stop after an accident.
- Failing to report an accident.

Or any similar offences (including attempted or conspiracy to commit), which replace the above.

DBS clearance to work on the Council's home to school contracts will also not normally be granted where the applicant has a conviction for an offence or similar offence(s) which replace the below

offences and the conviction is less than 5 years prior to the date of application:

- Common assault
- Assault occasioning actual bodily harm
- Battery
- Affray
- Resisting arrest
- S.4 Public Order Act 1986 offence (fear of provocation of violence)
- S4A Public Order Act 1986 offence (intentional harassment, alarm or distress)
- Drunk and Disorderly
- Fraud
- Possession of drugs
- Obstruction
- Criminal damage
- [Driving or being in charge of a vehicle without insurance](#)

Or any similar offences (including attempted or conspiracy to commit), which replace the above.

DBS clearance to work on the Council's home to school contracts will also not normally be granted where the applicant has a conviction for an offence of similar offence(s) which replace the below

offences and the conviction is less than 3 years prior to the date of application:

- Theft
- Burglary
- S5 Public Order Act 1986 offence (harassment, alarm or distress)
- Benefit fraud
- Handling or receiving stolen goods
- Forgery
- Conspiracy to defraud
- Obtaining money or property by deception
- Other deception
- Taking a vehicle without consent
- Using a mobile phone whilst driving

Or any similar offences (including attempted or conspiracy to commit), which replace the above.

If the individual is the subject of an outstanding charge or summons their application can continue to be processed, but the application will need to be reviewed at the conclusion of proceedings.

If the outstanding charge or summons involves a serious offence and/or the individual's conviction history indicates a possible pattern of unlawful behaviour or character trait, then in the interests of public safety the application will be put on hold until proceedings are concluded or the licence may be refused.

If an applicant has, on more than one occasion, been arrested or charged, but not convicted, for a serious offence which suggests he/she could be a danger to the public, the application may be refused.

If intelligence is provided through the DBS which would provide sufficient concern that the applicant could be a danger to vulnerable children and adults, the application may be refused.

All criminal records will be reviewed against the afore listed.

Additional Proprietor DBS Application Criteria

Proprietors have wider company and corporate responsibilities, including the management of personnel engaged in regulated activity, against which enhanced DBS updates applications will be assessed.

DBS clearance to undertake the Council's home to school contracts, and consistent with the Council's Operational Framework, will also not normally be granted where the applicant has a

conviction for an offence of similar offence(s) which replace the below offences:

- Corporate manslaughter
- Health and Safety breach(es)
- Employment law breach(es)
- Company Director ban(s)
- Financial law breach(es)
- Fraud
- Operating a business which is a front for criminal activity, eg, money laundering, drug handling, illegal loan operations

Summary

The safe carriage of vulnerable persons on Council home to school work is of paramount importance, supported through Level 1 safeguarding training, individual assessments and sign-up to the DBS update service. The Council's requirements enhance user confidence in the contracted services and the standing of the industry.

The Staffordshire County Council Transport Safeguarding Policy should be read in conjunction with the safeguarding documents and training provided to ensure Staffordshire's contracted services protect both passengers and contractors from any potential risks and enable vulnerable persons who may be at risk to be identified.

The policy is consistent with current legislative requirements, best practice and serious case review investigations in other local authority areas.

The Council will work in partnership to maintain safeguarding standards and achieve the best possible outcomes in delivering transport services for vulnerable young people.

The Council's Safeguarding on Transport Policy should also be read in conjunction with the Council's Mainstream and SEN Instructions to Contractors documents.

The Council's transport safeguarding policy is harmonised with the Staffordshire District and Stoke-on Trent Licencing Authorities in the delivery of DBS assessments, update service sign-ups and the delivery of accredited training and supersedes previous policy.