

## ESCORTS AND DRIVERS AUTHORISED IDENTIFICATION BADGE SCHEME GUIDANCE NOTES



**WOKINGHAM  
BOROUGH COUNCIL**

### 1. OVERVIEW

The Corporate Transport Unit's (CTU) approach to the application and decision to issue an authorised identification badge will be based upon the paramount consideration that the individual should be a fit and proper person to be granted a position of responsibility involving unsupervised access to children and vulnerable adults, towards whom the Council owes a safeguarding duty.

As the process will involve an assessment of risk to people in these vulnerable groups, in cases where there is doubt or where the decision is finely balanced, the Council will generally exercise its discretion towards caution and refuse the application. The overarching responsibility of the Council is to protect vulnerable members of society; it is not to provide employment to those in the driving trade.

In order to ensure the decision-making process is as objective as possible and evidence based, it will focus upon two areas: -

- A. What is disclosed about the applicant from the Authorised Identification Badge Scheme Application Form and the required supporting documents / checks;
- B. What is known about the applicant from their previous history, if any, with the CTU;

It will also take into account additional / supporting information provided by the Applicant in specified circumstances set out below.

All applications must be submitted in writing through, and supported by, a current operator providing transport services to the Council. Speculative applications by individual applicants without the support of an operator will not be processed.

### 2. THE DECISION-MAKING PROCESS

All applicants will be required to complete and submit an Authorised Identification Badge Scheme Application Form, and must satisfy the following requirements:

#### 2.1. Identity

To prove their identity, all applicants must provide an authenticated form of photographic identification (e.g. photographic driving licence or national identification card).

Applicants from outside the EU must provide proof that they are entitled to remain and work in the Country e.g. a passport with a valid stamp from the Home Office to say that they have leave to remain in the Country indefinitely or a passport with a valid UK visa, which allows the holder to work as School and Adult Social Care Services escort or driver (student visas will not be accepted), and which has a least six calendar months remaining at the time of application.

#### 2.2 Criminal Records Checks

CTU will check with the Criminal Records Bureau (CRB) for the existence and content of any criminal record held in the name of the applicant. Consideration of the CRB Enhanced Disclosure will be based upon:

- the offence(s) disclosed;
- the disposal / sentence issued for that offence;
- the time that has passed since that offence;
- if multiple offences, any patterns in the offending behaviour;

Therefore it is essential that every applicant agrees and accepts the accuracy of the information disclosed on his or her CRB Enhanced Disclosure. If they do not agree with the document, they will have to correct this with the CRB or the local Police Authority. No application will proceed and no decision will be made on a CRB Enhanced Disclosure that is in dispute.

The role falls within one of the “exceptions” to the provisions of the Rehabilitation of Offenders Act 1974 as to ‘spent’ convictions. Any reference to “conviction(s)” will include cautions (or reprimand or warning), endorsable fixed penalties and / or convictions (both spent and unspent).

A criminal offence may not permanently disbar the individual from applying for a Badge. Each case will be considered on its merits. The following examples are given as general guidelines and should not be considered as an exhaustive list. The applicant may present additional / supporting information for consideration. The decision of the CTU can be appealed against (see further below).

- Offences involving violence and threatening behaviour – These offences are highly relevant as some of the clients can be very challenging and the safety of the passengers is absolutely paramount. For serious offensives such ABH and upwards, including aggravated robbery/theft, Applicants will not be considered until at least 10 years have elapsed. Lesser offensive such as using insulting words or behaviour will not be considered until at least 3 years have elapsed.
- Sexual offences – These are highly relevant due to the vulnerability of our clients. Applicants with indecency offences will generally not be considered until 20 years have elapsed. Applicants with a physical sexual offence will generally not be considered suitable at any time.
- Dishonesty – These offences are highly relevant due to the position of trust held by drivers and escorts. Generally applicants will not be considered until at least 3 years has elapsed.
- Weapons offences – These offences are highly relevant given the position of responsibility that drivers and escorts hold. Applicants with weapons offences will not be considered until a minimum of 10 years have elapsed.
- Drug offences – These are highly relevant due to their effect on driving and the position of responsibility the individual will be given with our impressionable clients. These are more serious than alcohol offences as there has been a decision to interact with an illegal substance. Generally applicants will not be considered until at least 3 years has elapsed.
- Drink related offences –  
In control of a motor vehicle – These offences are highly relevant due to their effect on driving and the position of responsibility that drivers and escorts hold. Generally applicants will not be considered until at least 3 years has elapsed since the reinstatement of the licence  
Not in control of a motor vehicle – An isolated offence may not debar an applicant, but multiple offences would result in a review of the “fit and proper” status.
- Traffic offences – Consideration will be given to the number, type and period of time over which the offences have been committed. Major traffic convictions where this has resulted in a ban from driving, applicants will only be considered after 3 years has elapsed since the reinstatement of the licence. Applicants with multiple offences would not be considered until 5 years has elapsed.
- Multiple Offences – Multiple convictions or a series of convictions over a period of time are likely to give greater cause for concern and may demonstrate a pattern of inappropriate behaviour, which will be taken into account.

When an applicant has offences on their documents it will be considered by two Authorised CTU Officers who will record their professional opinion and make a final decision on the application.

### **2.3 Training and Experience**

The applicant will generally have unsupervised access to vulnerable people, hold a position of responsibility and will need to be suitable to deal with and manage some challenging behaviour and special needs of some of our clients.

All applicants must be able to show that they have undergone relevant training by providing a relevant training certificate, or have gained relevant experience (verified by the current operator) through previous employment, to meet these needs to a standard acceptable to the CTU.

Where the current Operator has confirmed their commitment to provide relevant training, in section 2 of the Application Form, this must be completed within:

- **3 calendar month** of the application being submitted for Applicants **without** relevant previous experience in the role of Escort / Driver.
- **12 calendar months** of the application being submitted for Applicants **with** relevant previous experience in the role of Escort / Driver but **not in possession** of a PATS training certificate.
- **no less than 3 years** following the previous date when PATS training was received for Applicants **with** relevant previous experience in the role of Escort / Driver and **who holds** a current PATS training certificate.

A Badge will only be issued when confirmation that the training has been successfully completed. Temporary identification will be issued in the interim period if all other factors relating to the applicant have been satisfactorily assessed.

Current examples of acceptable standards are: (this is not an exhaustive list)

- Passenger Assistant Training Scheme (PATS)
- MiDAS Training
- Similar accredited training schemes e.g. Readibus / Keep Mobile
- Specific disability training e.g. Autism awareness training, Epilepsy awareness / Buccal training.

## **2.4 Drivers Identification badges**

The transport operator must ensure that any driver or vehicle operated or employed by them holds a correct and current licence. CTU will issue a drivers badge only as a means of formal identification. It is NOT a “driving licence” and does not give or imply that the holder has any rights or authority to drive a vehicle.

### **Schools and Community Services Operators License or Private Hire Operators.**

Small vehicles adapted to carry 8 or fewer passengers (excluding the driver) would normally be operated under a Schools and Community Services Operators License or Private Hire Operators License issued by a Local Authority. The drivers of such vehicles must hold a valid license which includes a valid driver’s badge. CTU will refuse all applications to issue a driver badge where Private Hire or Hackney Carriage licensing regulations apply.

### **Public Service Vehicle Operators License and Section 19 Permit holders.**

Vehicles adapted to carry nine or more passengers (excluding the driver) would normally be operated under a Public Service Vehicle Operators License issued by the Traffic Commissioner or under Section 19 permits for “not-for-profit” operators. CTU would normally only consider issuing drivers badges for this category of vehicle.

All applicants for a Drivers identification badge under this category will be required to provide evidence that they hold the necessary driving license. Drivers will normally need to hold a PCV licence category D1 or D on their license. However, special licensing arrangements can apply in specific circumstances under Section 19 permits. CTU will seek the advice and guidance of Community Transport Association (CTA) or the Vehicle & Operator Services Agency (VOSA) to clarify the regulations where necessary. If CTU remains in any doubt that the applicant holds the correct driving categories, the CTU Officers may refuse to issue a drivers badge and will document their concerns, giving their reasons why they came to this conclusion.

## **3. INFORMATION HELD / PREVIOUS HISTORY WITH THE CTU**

The CTU officers will also consider any information / previous history held about the applicant by the CTU. This could include reference to any performance issues, previous breach of the code of conduct for drivers and escorts, complaints and any previous sanctions taken by the CTU. Usually isolated performance issues that were satisfactorily resolved will not prevent the application being considered but repeat or multiple incidents / issues or any patterns of behaviour will be regarded more seriously.

Even isolated incidents, if sufficiently serious, may be considered to be enough to prevent the application being considered further. The CTU Officers will document their concerns and give their reasons why they came to this conclusion.

#### **4. NOTIFICATION OF CTU DECISION**

If the applicant is successful they will be notified in writing and their Badge will usually be issued within 10 working days.

If the Applicant is unsuccessful and the decision is taken to refuse a Badge the Applicant will be informed in writing and given the reason(s) why the Authorised CTU Officers felt they were not suitable. The decision letter will allow the Applicant to make an informed decision as to whether they wish to appeal the decision.

#### **5. APPEALING THE DECISION**

##### **Stage 1**

Applicants who wish to appeal the decision made on their suitability must make their appeal, in writing and supported by reasons for the appeal, within 14 days of the date of the decision letter. The appeal will be passed to the CTU Manager (if they have not already been involved in the decision making process) who will review all the issues relating to the decision, as well as reasons given by the Applicant for the request for an appeal.

If the CTU Manager has been involved in the original decision making process, then the appeal will be directed to the Appeal Panel for consideration.

##### **Stage 2**

If the Applicant wishes to bring a further appeal against the decision made by the CTU Manager, then the appeal will be directed to the Appeal Panel for consideration and their decision will be final and binding.

In cases where the Stage 1 appeal was considered by the Appeal Panel because the CTU Manager was involved in the original decision making process, the Stage 2 appeal will be considered by the Policy and Schools Access Officer and their decision will be final and binding.

The Appeal Panel will be constituted by either 2 or 3 people and will consist of the Policy and Schools Access Officer Manager with either a member of legal services and / or an officer from Adult Services or Children's Services.

Stage 2 Appeals will include a formal interview / discussion with the applicant about the basis of the original decision taken by CTU officers – any incidents stated on the Enhanced Disclosure; any safeguarding concerns, CTU information or other relevant information. Applicants will also be allowed to submit, in advance of an appeals meeting, any relevant information that they feel may give the CTU Manager / Chair of the Appeal Panel a better judgment of their character (such as stable family life; support network; community / charitable work; previous employment / professional history, personal and employment references, etc).

An Authorised Officer of the CTU (preferably but not necessarily one of the officers who made the original decision) will also attend so that they can give their professional opinion and explain to the CTU Manager / Chair of the Appeal Panel the basis for CTU officers' decision to refuse the application, and their opinion on the impact of any new information provided by the applicant, where applicable.

## **6. APPLICATIONS TO RENEW AN AUTHORISED IDENTIFICATION BADGE**

Badges are usually issued for a maximum duration of 3 years. The applicant's suitability will be looked at afresh at each application for a badge. Consideration of the 'renewal application' will also follow the procedure set out above. The previous approval of an applicant for a badge will not necessarily result in their application at renewal being successful, as the factors that the Council must take into account may have altered since the last application as a result of changes in law, council policy or intervening events which may have brought the applicant's suitability into question.

The CTU will not send out reminders to reapply when the badge is expiring. It is up to the individual to ensure that they have allowed enough time for their renewal to be processed – the CTU recommend up to 3 months. If the individual does not have a current valid badge then they must not work on CTU Transport contracts, no exceptions will be made for individuals in the process of reapplying.

In the event that a renewal application is unsuccessful, the same rights of appeal set out above will apply to that decision.

## **7. SUSPENSION / WITHDRAWAL OF AN AUTHORISED IDENTIFICATION BADGE**

The issue of an Authorised Identification Badge does not preclude the Council reviewing the holder's suitability to hold a badge at any time during its currency, at its sole discretion. Further, not every badge holder's performance is going to meet the Council's standards, so suitability and performance is something which may be reassessed at any time. There will also be circumstances when the Council will decide to reassess suitability and may decide to suspend the badge during the period that any investigation is carried out and/or the badge holder's suitability is being reassessed.

Examples of the type of issues which will generally trigger a reassessment and which may result in suspension of the Authorised Identification Badge, and/or immediate withdrawal or ultimately its removal (following an investigation or a period of suspension), are as follows, which is not intended to be an exhaustive list:

- a. Any new criminal investigation, conviction or caution;
- b. Any safeguarding issues being raised / investigated / upheld;
- c. Anti-social behaviour, including attitude towards service users their family or other carers / people with responsibilities towards their welfare;
- d. Complaints received about the badge holder's suitability by service users, their family or other carers / people with responsibilities towards their welfare;
- e. Any breach of the Council's code of conduct for drivers and escorts or poor performance of the services;
- f. Random inspection / observation visits by CTU Officers which give rise to concerns over the badge holder's performance;
- g. Any other issues (whether related to the performance of the services or not) which bring the badge holder's suitability into question, including fraud, dishonesty, or any other behaviour which could bring the Council's reputation into question.

Following a complaint and/or investigation / reassessment of suitability, the sanctions that the Council may impose on a badge holder are as follows, again, this is not necessarily an exhaustive list:

- a. Immediate withdrawal of the badge with a permanent sanction against any further application being made;
- b. Immediate withdrawal of the badge with a minimum period before any further application can be made;
- c. Suspension of the badge for a period at the Council's sole discretion;
- d. Reissue of the badge with conditions attached;
- e. Final written warning with any further issue / breach, howsoever arising, resulting in immediate withdrawal of the badge without a right of appeal;

## **8. RETURN OF AUTHORISED IDENTIFICATION BADGE**

The Council's Authorised Identification Badge is not transferable. The badge must immediately be returned to the CTU when a Escort's / Driver's employment with the Operator supporting the application ceases.

## **9. LIABILITIES: AUTHORISED IDENTIFICATION BADGE SCHEME**

As set out at in the Overview section, the Council's Authorised Identification Badge scheme is for the purpose of assessing applicants' suitability with the paramount consideration that the individual should be a fit and proper person to be granted a position of responsibility involving unsupervised access to children and vulnerable adults. It is not to provide employment to those in the driving trade and does not present a guarantee of employment, or continued employment, by an operator for provision of the services.

In circumstances where the council has to suspend a badge to investigate complaints / allegations, the Council will not compensate that person for any alleged loss of income, or any other costs howsoever arising, for the period of suspension. This will be the case even if the allegations prove to be unfounded. This will also apply for any period in circumstances where the Council decides to withdraw the badge altogether. Equally the Council will not compensate for any period that an application, or an appeal is being considered. The Council's duty of care towards vulnerable groups is paramount and must always be the guiding principle for any of its decisions.

If an applicant / holder of a badge pursues points on an appeal against a decision by the Council not to grant or renew a badge that will result in the Council incurring significant additional costs which are unreasonable, the Council may at its discretion refuse to incur those additional costs unless the applicant (or the operator putting the applicant forward) wishes to fund those costs.

If an applicant / holder of a badge pursue vexatious appeals against a decision by the Council not to grant or renew a badge, the Council may at its discretion refuse to continue further with the appeal, or claim any wasted costs it has incurred from the applicant (or the operator putting the applicant forward).

If the services of an operator, for whom the holder of a badge works, are terminated for any reason, the Council will not accept any financial liability towards the holder of the badge and will be under no obligation to find them alternative work.

The Council will not accept liability for any expense derived from an overlapping of badge clearances due to the variable length of this process.