

CHESHIRE EAST AND CHESHIRE WEST AND CHESTER SHARED SERVICES MEMBER COMMITTEE

REPORT TO: SHARED SERVICES MEMBER COMMITTEE

Date of Meeting:	16 December 2009
Report of:	Richard Turley Head of Highways and Transport
Subject/Title:	TRANSPORT CONTRACT BADGE POLICY

1.0 Report Summary

- 1.1 To agree and adopt the attached policy for the issue of badges (referred to as the “Contract Identification Badge” throughout this report) authorising drivers and escorts employed by third parties to operate vehicles in relation to transport contracts across the boroughs of both Councils.

2.0 Recommendations

- 2.1 To adopt the attached policy for the issue of Contract Identification Badges authorising drivers and escorts employed by third parties to operate vehicles in relation to transport contracts across the boroughs of both Councils.

3.0 Reasons for Recommendations

- 3.1 Following the judgment of the High Court after a Judicial Review of the former County Council’s procedure, it is necessary to issue a new policy specifying in particular the criteria to be used in deciding whether to issue a Contract Identification Badge to an applicant.

4.0 Wards Affected

- 4.1 All wards within the boroughs of Cheshire East and Cheshire West and Chester

5.0 Local Ward Members

- 5.1 All Members of both councils.

6.0 Policy Implications including - Climate change None - Health None

- 6.1 This policy when adopted will replace the existing policy and procedure operated by Integrated Transport Shared Service.

7.0 Financial Implications for Transition Costs (Authorised by the Borough Treasurer)

7.1 There are no additional costs to be incurred by either Council.

8.0 Financial Implications 2009/10 and beyond (Authorised by the Borough Treasurer)

8.1 There are no additional costs to be incurred by either Council.

9.0 Legal Implications (Authorised by the Borough Solicitor)

9.1 The policy has been written in conjunction with the Legal Services of both Councils, and is approved by both.

10.0 Risk Management

10.1 The policy is required to comply with the Judgment of the High Court. Failure to adopt a new policy may lead to further court action.

11.0 Background and Options

11.1 The County Council operated a scheme whereby Contract Identification Badges were issued to drivers who operated vehicles on contracts awarded by the County Council to taxi and transport companies/firms. A challenge was brought by a driver who had applied for a Contract Identification Badge but who was denied a badge. He challenged the policy on the basis that it did not disclose the criteria to be applied by the County Council in deciding whether to issue a badge.

11.2 A Contract Identification Badge is an ID badge that entitles the driver/escort to operate on Shared Service contracts. A firm undertaking a contract could be transporting children to a mainstream or special school or social services clients to day centres. Every driver or escort employed either by the Councils or by a third party firm who undertakes such transport duties must have a Contract Identification Badge. The Badge is personal to the person to whom it is issued, so that the person can change employer within the administrative areas of both of the Councils and still keep their Badge. The Badge is issued for a period of 3 years. On the expiry of the Badge an application for renewal must be made if the driver/escort wished to continue to operate on Council contracts.

11.3 Since 1994, the policy of the County Council was to undertake a criminal record check in relation to drivers/escorts. Prior to the existence of the Criminal Records Bureau which was established in February 2002, the County Council used the Police to undertake searches against the Police National Computer.

- 11.4 Since February 2002, and to date, in order to obtain a Contract Identification Badge an applicant must submit a fee and form to allow a search to be made at the Criminal Records Bureau (CRB). The processing of CRB applications is now undertaken by Employee Services, a Shared Service. Both Councils are a registered body for the purposes of undertaking CRB checks. This gives the Councils the authority to check disclosure applications and validate information provided by an applicant.
- 11.5 When the CRB check has been returned to Employee Services, if the search is clear then it is usual for a Contract Identification Badge to be issued to the applicant. If a search shows the existence of an offence which is disclosed by the CRB (such as offences of violence or of a sexual nature) then further information is sought from the applicant. Further information is also sought if a search discloses no offences but the relevant Police Force has used its discretion to supply other relevant information or information may be reviewed from other sources such as from an employer. Then an officer decision is made as to whether or not the driver is suitable to receive a Contract Identification Badge.
- 11.6 When deciding whether to issue a Contract Identification Badge, regard is had to the Home Office guidelines issued in the Circular 47/93 and also to guidance which was produced by the County Council. The sources refer to matters which are required to be considered such as follows:-
- *Does the post involve substantial access to children or vulnerable adults?*
 - *Does the position involve 1:1 contact with children or vulnerable adults?*
 - *Is the position unsupervised?*
 - *Is the situation an isolated one?*
 - *Is there regular contact with the same child or group of children?*
 - *Are the children particularly vulnerable?*
 - *Are the children under the age of 16?*
 - *Do the children have a physical or learning disability?*
 - *Is there the likelihood of personal care being given?*
 - *Is there access to a service user's home?*
 - *Is there access to a Care Centre?*
 - *The seriousness and relevance of any offence whether it be custodial or by way of a substantial fine, bind over order etc.*
 - *The seriousness and relevance of any additional information where an offence is not recorded*
 - *The age of the driver or escort at the time of the offence or allegation in comparison to the date of the application.*
 - *A pattern of offences or allegations (number of offences/allegations of a similar nature over a period of time).*
 - *Length of time between offences or allegations.*

- *How recent is the latest offence or allegations?*

11.7 If, after consideration of further information and/or an interview of the applicant, the application is turned down, the applicant has the right of appeal to the Head of Strategic Support (Children's Services). The decision of the Head of Strategic Support is final.

12.0 Overview of Year One and Term One Issues

12.1 The policy may be subject to change from time to time as policy and procedures change, or if there is a change in the law.

13.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

Name: Steve Williams

Designation: Senior Manager Integrated Transport Service.

Tel No: 01244 973041

Email: steve.williams@cheshirewestandchester.gov.uk