

**CESHIRE EAST AND CESHIRE WEST & CHESTER BOROUGH  
COUNCILS.**

**INTEGRATED TRANSPORT SERVICE**

**TRANSPORT CONTRACT DRIVER/ESCORT BADGE APPLICATION  
PROCESS.**

**Background information.**

It is the Integrated Transport Service's (ITS) responsibility on behalf of both Councils (the Council) to ensure all drivers and escorts who operate Council contracted services have undergone a full enhanced Criminal Records Bureau (CRB) check. For the purposes of this document a "contracted service" includes contracts transporting children with complex and special needs (including social care), mainstream education, community services and registered local bus services to and from schools and colleges (operates term time only).

The following document will highlight the contract identification badge process. This will include the CRB application procedure, the criteria as to what a decision is based upon and the appeal process if the individual applicant is initially deemed unsuitable to work on Council contracts.

The current system that the Council has in place requires that all drivers and escorts must renew their contract identification badge every three years. The renewal of the badge is dependent on the information declared on the new CRB disclosure (plus other relevant information). There is also a system in place to utilise a CRB disclosure that has been obtained via the local Taxi Licensing body for taxi drivers who have recently renewed their Private Hire/Hackney badge (further details can be found below).

There are four stages to the CRB process, (1) application form/verification, (2) application process and (3) application/disclosure return and (4) appeal.

**STAGE 1 - Application form/verification**

The application verification stage can be split as follows;

- a) New applicants are required to take the necessary documentation to their local Council bus information offices (see appendix 2 for office locations). The documentation required is stipulated in the CRB guidance plus a recent passport sized photo and the current fee. The office inspector will then transfer the relevant details onto the application form and issue the applicant with a receipt.
- b) To apply using a CRB disclosure recently used by the local Taxi Licensing body the driver must produce the original CRB disclosure and their new Private Hire/Hackney badge. Copies of both documents will be countersigned to verify that originals have been seen. These documents, signed passport sized photo and current fee will then be

sent to the Council's Employee Service Centre (ESC) for stage 2 of the process. ("recently used" refers to a maximum of 3 months since the issue of the CRB disclosure. The issue date of a new application for a contract identification badge will coincide with the issue date of the CRB disclosure. For existing badge holders, the badge date will be carried forward from the date of the previous badge.

- c) Drivers/escorts who are currently in possession of an identification badge will receive notification eight weeks prior to it expiring. If they wish to renew their badge a request for a form will be required. The procedures in (a) will then apply. If renewed, the badge date will be carried forward from the date of the previous badge.
- d) Disclaimer process – a typical timescale for an application to be processed by the CRB may range from 2 to 10 weeks. In considering the variation within this time period, ITS have implemented a disclaimer process. **This is only applicable to existing drivers and escorts renewing their badge and not new applications.** This process ensures that an applicant can continue to drive or escort on contracts. On receipt of the eight week reminder the driver/escort must apply (as in section c above) within the first two weeks of the eight week period. This will ensure that the CRB are in receipt of the individual application for a minimum of six weeks. If the Council has not received the applicant's disclosure by the end of the six week period (badge expiry date), the applicant can sign a disclaimer. The applicant must sign this document stating that they have no criminal convictions/cautions or any other declaration since their previous CRB check that may compromise their suitability to continue to operate on contracts. Failure to declare will result in their application being revoked.

**With all the above scenarios it must be the individual applicant who presents the above information.**

## **STAGE 2 – Application Process**

All applications are currently processed at the Council's Employee Service Centre (ESC) on behalf of the ITS. The ESC have a number of counter signatories who further verify all the documentation and ensure that the details on the application form will be acceptable to the CRB.

Details of the applications are then recorded on the vetting database. Information held on the database tracks when applications were received, were sent to the CRB and disclosure information received by the Council etc. The ESC will ensure that any additional information for example a medical certificate (if an escort is over the age of 70) or if an applicant has lived in the UK for less than 5 years a certificate of Good Behaviour from the applicant's country (embassy) of origin is required. All information relevant to the driver/escort application will be considered at this stage. A driver/escort that has a clear CRB and no additional information will then be issued with the contract identification badge. If there are offences or allegations on the

disclosure (or relevant information from other sources) the ESC will send the disclosure through to the ITS for further analysis (see stage 3).

If an application for a badge via the taxi licensing route has been received the ESC will write to the appropriate counter signatory to seek clarification that there is no additional information recorded by them for the particular applicant. Once this clarification has been received back, clear disclosures will be processed and a badge issued. Disclosures with offences or relevant information advised will be sent to the ITS for further analysis (see stage 3).

Spreadsheets recording all payments are continuously up-dated.

### **STAGE 3 –REVIEW**

In the majority of cases a decision will be made to issue a badge as the applicant is found to be suitable to operate on transport contracts.

For all disclosures that are returned which are not clear because for example there are offences disclosed, the Council will write to the applicant to advise them that their application is unsuccessful. They are advised that they may ask for this decision to be reviewed. The letter states that if they fail to ask for a review within ten days, the ITS will inform their employer as to their unsuitability and confirm refusal to issue the identification badge. **(ITS accept no responsibility as to whether the Contractor employs or does not employ the driver or escort. The decision is based solely on the person's suitability to drive or escort on Council contracts).**

If the applicant requests a review they will be required to give a full account of the circumstances surrounding any conviction, caution or incident. Two character references will be required from people who the applicant has known for at least two years and who is aware of all the circumstances of the conviction and who must refer to it in their reference. No family references are allowed. All references are followed up to confirm origin.

ITS will make a judgement of the applicant's suitability on the basis of the additional information. If ITS is still concerned about the applicant's suitability they will be offered an interview with two members of staff from ITS.

If, following the interview, the applicant is still deemed unsuitable, this will be confirmed in writing and the applicant informed of the right of appeal. The applicant must register an appeal within 14 days of being informed that the application is denied.

### **STAGE 4 APPEAL**

A request for an appeal must be made in writing and must be received by ITS within 14 days of the date of the letter informing the applicant that their application is denied.

All the associated material will be sent to Head of Strategic Support in the Children and Young People's Services, who will then conduct a final interview with the applicant, consider all the relevant information and make a decision. If the appeal is denied, the applicant will receive a letter informing them of their unsuitability. Their employer will be informed in due course.

If the applicant's appeal is successful they will be issued with a badge immediately.

**In both cases the decision is final.**

Date: 2009

## **APPENDIX 1 – CRITERIA**

The decision whether to issue a Contract Identification Badge is made at the discretion of the Council. In deciding whether to issue a Contract Identification Badge, the Council will take into consideration the following matters. It is the responsibility of all applicants to obtain the information he or she intends to put forward in support of their application and to bear the costs of doing so:

The applicant must provide the following and it is the responsibility of the applicant to provide the information if those circumstances apply:

1. CRB check. If a CRB result identifies an offence(s) of any nature ( and whether or not the Rehabilitation of Offenders Act 1974 applies) or any advisories ITS will have to carefully consider whether it is appropriate to issue a Contract Identification Badge. In deciding whether to do so, ITS will consider factors such as:

- 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
- 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?

ITS when assessing the suitability of a driver or escort, has been granted an exemption from applying the rehabilitation period directives. Therefore, certain offences that would otherwise be classed as “spent” may be considered when assessing an application.

The type of offences/allegations that have a major influence on an applicant’s suitability are as follows;

- Violence including grievous bodily harm, assault, battery etc
- Indecency
- Sexual nature
- Drugs related
- Those related to vulnerable people
- Carrying or the use of weapons.
- harassment, discrimination or racism

The above is not a comprehensive list.

2. Any other information of any nature which comes to the attention of the Council by whatever means and/or which the Council considers relevant and which is requested to be provided to the Council by the applicant, such as :

a. Three references. Two references must be from previous employers. Employer references must be on headed paper and signed by a director or partner of the employer, and who must identify themselves as such. Every reference must be signed by the person writing it. The Council reserves the right to contact every referee to verify the reference. If a reference does not satisfy the requirements of this paragraph it will not be considered. If an applicant does not have an employment history, then an alternative referee may be accepted, such as from a teacher or G.P. or a social worker. A reference from a member of the applicant’s family is not acceptable; and/or

b. Full employment details for the previous 10 years, stating name and address of employer, job held, dates of employment and reason for leaving. The Council may contact previous employers to verify information given by the applicant even if the employer is not named as a referee. If at any time during the 10 year period an applicant has been employed by the Council ( or its predecessors Cheshire County Council or any of the 6 Cheshire District Councils) the applicant must state the name of his or her line manager who must also be a referee. The Council may take into account the applicant’s work history whilst in its employment or that of the 6 District Councils including but not limited to periods of sickness and/or disciplinary proceedings and/or grievance matters; and /or

c. Details of any medical condition which has the potential to impact upon the applicant’s ability to perform driving duties, together with a letter from the applicant’s GP or Consultant which confirms the

applicant's ability to perform driver/escort duties and management of the occupants of the bus;and/or

d. Details of any transport licence issued from a neighbouring authority or licensing authority; and/or

e. Certificates from relevant training courses.

3. The information provided in support of the application for a Contract Identification Badge will be considered in accordance with the Council's policies on child protection and adult protection in force at the time of the application, together with the Council's statutory duties. If an applicant fails to provide information which is relevant and which falls into any of the criteria above, and which later comes to the attention of the Council, the Council reserves the right to withdraw the Contract Identification Badge without notice. A right of appeal will exist in these circumstances.

For the purpose of the above document "the Council" refers to Cheshire West and Chester and Cheshire East Councils.

## **APPENDIX 2**

### **Bus Station Addresses**

#### **Ellesmere Port**

Transport Information Kiosk  
Ellesmere Port Bus Station  
Civic Way  
Ellesmere Port  
CH65 0AP

#### **Chester**

Transport Information Kiosk  
Chester Bus Exchange  
Princess Street  
Chester  
CH1 2EF

#### **Northwich**

Transport Information Kiosk  
Market Traders Car Park  
Watling Street  
Northwich  
CW9 5EX

#### **Crewe**

Transport Information Kiosk  
Crewe Bus Station  
Delamere Street  
Crewe  
CW1 2JA

#### **Macclesfield**



Transport Information Kiosk  
Macclesfield Bus Station  
Queen Victoria Street  
Macclesfield  
SK11 6LP