

**SURREY COUNTY COUNCIL TRANSPORT CO-ORDINATION CENTRE**  
**AUTHORISED IDENTIFICATION BADGE SCHEME FOR DRIVERS & PASSENGER**  
**ASSISTANTS**

1 June 2019

**This document details the policy for assessing the suitability of an individual to be deployed on the provision of transport for children and vulnerable adults and the ongoing management of their performance to ensure continued suitability.**

**Overview**

The Transport Coordination Centre's (TCC) approach to the application and the decision in key respects 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 unfettered, unsupervised access to children and vulnerable adults, towards whom the Council has a safeguarding duty.

As the process will involve an assessment of risk to clients in these vulnerable groups, in cases where there is doubt or where the decision is finely balanced, the Council will exercise caution and refuse the application, rather than giving the individual the "benefit of the doubt" and granting 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.

With that in mind, in order to ensure the decision-making process is as objective as possible and evidence based, it will focus upon four areas: -

- A. What is disclosed about the applicants criminal history;
- B. What is disclosed from the TCC's interaction with Safeguarding;
- C. What is known about the applicant from their previous history, if any, with the TCC.
- D. What is found during additional checks by the TCC

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

All applications must be submitted on line or 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.**

**The Decision Making Process**

- A. Criminal History
- B. Information from Safeguarding
- C. Information held / previous history with the TCC
- D. Additional checks by the TCC

**A. Criminal History**

All applicants will be required to provide evidence of their identity. The suitability decision will be based mostly on the Disclosure and Barring Service (DBS) Enhanced Disclosure, although in some cases it will also include overseas criminal history checks if the applicant has lived outside the UK for a period of longer than 3 months since the age of 16. It is essential, therefore, that every applicant agrees and accepts the accuracy of the information disclosed on his or her DBS Enhanced Disclosure or their overseas criminal history check (if applicable). If they do not agree with the document, they will have to resolve this with the DBS or the local Police Authority for amendment / correction. No application will proceed and no decision will be made on an application that is supported by a DBS Enhanced Disclosure or overseas criminal history check that is in dispute. **It is important to highlight that for future renewals the applicant must register with the DBS update service within 30 days of the date the Disclosure is issued. Failure to register with the DBS update service within 30 days will mean that the applicant will not be able to renew their TCC Authorised ID and they will be treated as a new applicant.**

#### Assessment of DBS Disclosure and Previous Convictions

Consideration of the DBS 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;
- any additional information provided at the discretion of the Chief Constable of the Police

As the position involves unsupervised contact with children and / or vulnerable adults, the role falls within one of the “exceptions” to the provisions of the Rehabilitation of Offenders Act 1974 regarding ‘spent’ convictions (see attached Appendix 1). Because of the extreme vulnerability of the clients transported by the TCC, spent criminal convictions and all other relevant matters will still be considered, including items that have been “filtered”.

A caution (or reprimand or warning) will be considered as if it were a conviction, as cautions are an admission of guilt and that the offence did take place. However the disposal, or sentence, that is issued upon a conviction will also be considered and given appropriate weight in the overall decision, and as this is not applicable to a caution they will carry less weight overall than a conviction with any notable disposal / sentence.

A criminal offence may not permanently disbar the individual from applying for a Badge. Each case will be considered on its merits, and the applicant may present additional / supporting information for consideration. The decision of the TCC can be appealed against (see further below).

Standards enforced by Borough and District Councils for the Private Hire and Hackney Carriage Licensing have been used as guideline but have been modified due to the increased need for caution in the assessment of applicants' suitability for this type of work. The applicant will generally have unsupervised access to children and vulnerable people, hold a position of responsibility and will need to be suitable to deal with and manage some challenging behaviour and the special needs of some of our clients.

The following guidelines indicate, in general, the **minimum** period that must have elapsed after the date of the offence or the end of a custodial sentence (if applicable) until an application will be considered. These are general guidelines and should not be considered as an exhaustive list. Offences older than the guidelines will be considered and may lead to a refusal if the Authorised Officers believe that the offence itself, the disposal of the offence, or a consistency/pattern in offences, are cause for concern.

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.

Applicants with serious offences, such as murder, manslaughter or manslaughter/culpable homicide while driving, terrorism, or any offences (including attempted or conspiracy to commit offences) that are similar to these will be refused if the applicant has a conviction that involves loss of life. Consideration may only be given if a minimum of 10 years have passed since the completion of any sentence following conviction for the following offences:

- Arson
- Malicious wounding or grievous bodily harm, which is racially aggravated
- Actual bodily harm
- Grievous bodily harm
- Robbery
- Possession of firearm
- Riot
- Assaulting a police officer
- Resisting arrest
- Any racially aggravated offence
- Common assault
- Affray
- Domestic violence
- Harassment, alarm or distress, intentional harassment or fear of provocation of violence
- Any offences (including attempted or conspiracy to commit offences) similar to those above

Consideration may only be given if a minimum of 5 years have passed since the completion of any sentence following conviction for the following offences:

- Obstruction
- Criminal damage
- Any offences (including attempted or conspiracy to commit offences) similar to those above

Two or more convictions for a violent offence will normally result in an application being refused.

Weapons offences (not a firearm) – 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. Two or more convictions for a weapons offence will normally result in an application being refused.

Sexual and indecency offences – These are highly relevant due to the vulnerability of our clients. Applicants with sexual and indecency offences that involve a third party will generally not be considered suitable at any time.

Such offences include: -

- Rape
- Assault by penetration
- Offences involving children or vulnerable adults
- Trafficking, sexual abuse against children and / or vulnerable adults
- Making or distributing obscene material
- Possession of indecent photographs depicting child pornography
- Sexual assault
- Indecent assault
- Exploitation of prostitution
- Soliciting (kerb crawling)
- Any sex or indecency offence that was committed in the course of employment as a taxi or PHV driver
- Making obscene / indecent telephone calls
- Indecent exposure
- Any offences (including attempted or conspiracy to commit offences) similar to those above

Applicants who are or have ever been on the Sex Offenders Register (or similar) 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 5 years have elapsed since offence or the completion of any sentence (if applicable).

Such offences include: -

- Theft
- Burglary
- Fraud
- Benefit Fraud
- Handling or receiving stolen goods
- Forgery
- Conspiracy to defraud
- False representation
- Obtaining money or property by deception
- Other deception
- Fare overcharging

- Any offences (including attempted or conspiracy to commit offences) similar to those above

Two or more convictions for a dishonesty offence will normally result in an application being refused. Applicants or existing TCC Authorised Identification badge holders that are found to have intentionally misled the council, or lied as part of the application process will normally be rejected or refused.

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. Applicants with drug offences of possession will not be considered until 10 years have elapsed since the date of offence or since the completion of any sentence and / or licence period, whichever is greater. There will then be full consideration of the nature of the offence and quantity/type of drugs involved.

Applicants will not normally be considered if there is an offence related to the supply of drugs.

If there is evidence of previous persistent drug use, misuse or dependency, a specialist medical examination (in accordance with DVLA Group 2 medical standards) and a satisfactory medical report may be required before an Authorised Identity Badge is granted. If the applicant had been an addict, they would be required to show evidence of 10 years free from drug taking after detoxification treatment.

Drink related offences –

Without motor vehicle – Applicants with a single offence will not normally be considered until a minimum of one year has elapsed, but multiple offences would not be considered until a 2 year period has passed since the last offence.

With motor vehicle – Applicants with a single offence will be generally only be considered after 5 years have elapsed since the reinstatement of the licence. Where there are multiple offences, applicants will only be considered after 10 years of the latest reinstatement.

Driving offences involving the loss of life - A very serious view is taken of any applicant who has been convicted of a driving offence that resulted in the loss of life.

Applicants will not normally be considered if there are offences relating to: -

- Causing death by dangerous driving
- Causing death by careless driving whilst under the influence of drink or drugs
- Causing death by careless driving
- Causing death by driving: unlicensed, disqualified or uninsured drivers
- Any similar offences, including attempt or conspiracy to commit any of the above

Traffic offences – Where this has resulted in a ban from driving, driver applicants will only be considered after 5 years has elapsed since the reinstatement of the licence. Driver applicants with multiple offences would not be considered until 8 years has elapsed.

Traffic offences such as obstruction, some speeding offences (usually dealt with by means of a fixed penalty), pedestrian crossing offences, traffic light offences, waiting in a restricted area, or offences of a similar nature may not ordinarily merit refusal.

Traffic offences such as driving without due care and attention, reckless driving, more serious speeding offences (usually dealt with by a court), or offences of a similar nature will give rise to serious doubts about a driver applicant's suitability to be a driving professional. A driver applicant with any such convictions will be required to show a period of at least 1 year free of such convictions. For driver applicants with more than one offence this should normally be increased to 2 years. Traffic Offences will not normally be applied against passenger assistant applicants, but they may be considered if there are multiple offences that bring in to question the responsibility of the individual.

In cases where the courts have imposed a disqualification from driving, the periods stated above will normally commence from the date of the restoration of the licence.

In this policy, the term "disqualification" refers to the period served, in order to take account of the fact that a court may reduce the period of disqualification from driving. An applicant must provide evidence in advance to prove that the court agreed a reduction in the period of disqualification.

Multiple Offences – in cases of multiple offences of the same character or multiple offences of a mixed character, any of the minimum periods before an application will be considered may be increased at the Council's discretion. In every case, the minimum period will be taken as the time elapsed since the most recent offence.

People banned from working with children or vulnerable adults – A serious view is taken on any applicant that has been banned from working with children or vulnerable adults, and any applicant that has been banned will not normally be considered.

#### Outstanding Charges or Summonses

If the individual is the subject of an outstanding charge or summons this must be disclosed to the TCC at the point of application. Their application may 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 the individual's conviction history indicates a possible pattern of unlawful behaviour or character trait, then in the interests of our clients' safety the application may either be put on hold until proceedings are concluded, or it may be rejected.

#### Non-Conviction Information

The Council will take into account intelligence which has not led to a conviction. This may include but not be limited to information regarding acquittals, circumstances in which convictions were quashed due to misdirection to the jury, circumstances where the decision was taken not to prosecute, situations where the person has been arrested and bailed but not yet charged, and complaints from the public. In considering the most appropriate action to take following the receipt of information, the credibility of both the witness / complainant and the licence holder will be taken into account. If an applicant has been arrested or charged, but not convicted, for a serious offence, which suggests he could be a danger to our clients, consideration may be given to refuse the application or to revoke an existing TCC Authorised ID badge. In assessing the action to take our clients safety will be of paramount concern. Decisions will be made on balance of probability.

#### Applicants with Periods of Residency outside the UK

If an applicant has lived outside the UK for a period of longer than 3 months since the age of 16, the applicant will need to provide a certificate of good conduct (or equivalent criminal record check), from that country (or countries) at the application appointment. Because of the potential lifetime relevance for some of the most serious offences mentioned in this policy, the Council will need to ensure that sufficient background checks are conducted for those applicants who have lived overseas. For EU nationals a disclosure that is similar to the UK DBS will be required, for those countries for which similar checks are not available, the council will require a certificate of good conduct / police character certificate authenticated by the relevant embassy.

#### Summary

Whilst a criminal history in itself may not automatically result in refusal and a current conviction for a serious crime need not bar an applicant permanently from becoming authorised, in most cases, an applicant would be expected to have remained free from conviction for 3 to 10 years (detailed above), before an application is likely to be successful. If there is any doubt about the suitability of an individual to be authorised, the Council will be mindful of the need to protect our clients and caution will be exercised. While it is possible that an applicant may have a number of convictions that, individually, do not prevent a licence from being granted, the overall offending history will be considered when assessing an applicant's suitability. A series of offences over a period of time is more likely to give cause for concern than an isolated minor conviction. Some discretion may be afforded if an offence is isolated and there are mitigating circumstances, but the overriding consideration is the protection of our clients.

When an applicant has offences on their documents it will be considered in relation to the above guidelines by two authorised TCC officers who will record their professional opinion and the Contracts & Control Team Leader (or a Senior Transport Officer in their absence) will sign off their support of their recommendation on the application.

Any Enhanced Disclosure which includes 'any other relevant information', declared on the Enhanced Disclosure at the discretion of the local Police Authority, will also be considered by the TCC before a decision is made. Although there may have been no clear decision made by the police or courts on this incident, the fact that this information has been included demands that this information be seriously considered. The decision will be made by two authorised officers and the Contracts & Control Team Leader. If the applicant does not feel that this information is accurate or true then they must dispute

this with the DBS and/or the Local Police Authority. The TCC will not make a decision on an Enhanced Disclosure that the applicant states is not accurate.

## **B. Information from Safeguarding**

The TCC may also make its own checks with Safeguarding to ensure that there is no adverse information relevant to the applicant's suitability for the role. This will include, as a minimum, a check of the POCA and POVA list (see Appendix 1) and may also require checks to be made with Social Services.

## **C. Information Held / Previous History with the TCC**

The TCC officers will also consider any information or previous history held about the applicant by the TCC. This could include records of any performance issues, previous breach of the code of conduct for drivers and passenger assistants, complaints and any previous sanctions taken by the TCC. Usually isolated performance issues that were satisfactorily resolved will not prevent the application being considered, but multiple incidents or issues, or any patterns of undesirable behaviour, will be regarded more seriously. In general a 3 strikes rule will be applied against applicants that have had their TCC Authorised Identification Badge revoked for performance issues resulting in accumulation of 12 performance points and the need to hold a disciplinary hearings. In general after the third revocation it would be considered that they are not suitable to hold a TCC Authorised Identification Badge. However isolated incidents, if sufficiently serious, may be considered to be enough to prevent the application being considered further. The TCC officers will document their concerns and give their reasons why they came to this conclusion.

## **D. Additional Checks by the TCC**

The TCC officers will also make additional checks on the applicant's suitability to undertake the role. The TCC will check the applicant's right to work in the UK, with the Home Office if necessary. Each applicant will also undergo an English language test at their application appointment to ensure their communication skills are suitable for the work to be undertaken. Drivers will also be subject to a driving licence check and will need to supply confirmation of their professional licensing arrangements (Hackney Carriage / Private Hire / PCV) in order to ensure that they are appropriate to work for their chosen Operator. All of these additional checks must be suitably completed before the TCC will consider issuing a TCC Authorised Identification Badge.

## **E. Safeguarding Training**

Prior to the issue of any new TCC Authorised ID the applicant will be required to complete the Barnardo's Safeguarding Adults & Child Sexual Exploitation Training course and provide the relevant certification to the TCC.

## **Notification of the TCC Decision**

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



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 TCC 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.

### **Appealing the Decision**

#### **Stage 1**

Rejected applicants who wish to appeal the decision must do so in writing, including reasons for the appeal, within 28 days of the date of the decision letter. The applicant will be invited for an appeal hearing which will be conducted by two TCC officers, who will review all the issues relating to the decision as well as reasons given by the applicant for requesting that the decision be reversed.

#### **Stage 2**

If the applicant wishes to appeal against the decision made by the two TCC officers at the appeal hearing, then they must do so in writing within 28 days of the notification of the outcome of their appeal hearing including any mitigating circumstances that should be considered. The appeal will be directed to the Contracts & Control Team Leader for consideration. After a further hearing, the applicant will be notified of the decision.

#### **Stage 3**

If the applicant wishes to appeal the decision of the Contracts & Control Team Leader at the stage 2 appeal hearing, then they must do so in writing within 28 days of the notification of the outcome of their appeal hearing including any mitigating circumstances that should be considered. The appeal will be directed to an appeal panel of 2 or 3 people consisting of the Group Manager for Travel and Transport, with either a member of legal services and/or an officer from Adult Services or Children's Services. Their decision will be final and binding. After this final appeal hearing, the applicant will be notified of the decision.

### **The Appeal Process**

Appeals will include a formal interview / discussion with the applicant about the basis of the original decision taken by TCC officers – any incidents stated on the DBS enhanced disclosure, any safeguarding concerns, TCC information or other relevant information. Applicants will also be allowed to submit any relevant information that they feel may give the transport officers, Contracts & Control Team Leader or Chair of the appeal panel a better judgment of their character, such as stable family life, support network, community or charity work, previous employment and professional history, personal and employment references, etc.

An authorised officer of the TCC, preferably but not necessarily one of the officers who made the original decision, may also attend so that they can give their professional opinion and explain to the other TCC officers, team leader or Chair of the appeal panel, the basis for the original decision to refuse the application, and, where applicable, their opinion on the impact of any new information provided by the applicant.

### **Applications to Renew a TCC Authorised Identification Badge**

Badges are issued for a period of one year. The applicant's suitability will be looked at afresh at each application for a badge and 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, information regarding the applicant or intervening events which may have brought the applicant's suitability into question.

The TCC currently 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 TCC recommend at least two months. If the individual does not have a current valid badge then they must not work on TCC 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.

### **On-Going Management of Suitability**

In general an individual's suitability to continue to hold a TCC Authorised Identification Badge is managed by the Contracts & Control Team, using the penalty points system laid out in the Code of Conduct for Drivers & Passenger Assistants. For full details and a comprehensive list of offences that will result in the award of penalty points, refer to the Code of Conduct for Drivers and Passenger Assistants.

However, if there are significant safeguarding concerns a TCC Authorised Identification Badge may be revoked without being processed under the penalty points system in the Code of Conduct for Drivers and Passenger Assistants. The overarching responsibility of the Council is to protect vulnerable members of society.

### **Training Requirements**

All individuals will have completed either Comprehensive Safeguarding or Disability Awareness classroom training before their first TCC Authorised ID renewal. All individuals will have to complete the other outstanding Comprehensive Safeguarding or Disability Awareness classroom training before their second TCC Authorised ID renewal. Failure to have fulfilled this requirement will result in the suspension of the TCC Authorised ID until the necessary training has been completed.

### **Suspension / Revocation of a TCC Authorised Identification Badge**

The issue of a TCC Authorised Identification Badge does not preclude the Council from reviewing the holder's suitability to hold a TCC Authorised Identification Badge at any time during its currency, at its sole discretion. Further, not every TCC Authorised Identification Badge holder's performance is going to meet the Council's standards, with each individual's suitability and performance being monitored constantly, using the TCC's penalty points system. An individual's suitability to hold a TCC Authorised Identification Badge may be reassessed at any time and in the event of an incident occurring that requires further investigation, the individual's TCC Authorised Identification Badge may be suspended while the matter is investigated and all the facts

are established and assessed. There are some scenarios which mean that the TCC cannot divulge any detail of an allegation against an individual whilst their TCC Authorised Identification Badge remains suspended pending investigation.

When an individual cumulates a total of 12 points within a two year rolling period they will be placed under suspension and their TCC Authorised Identification Badge should be returned to the TCC. It should be considered that by reaching 12 points the individual has failed to meet the service standards required by the TCC and the TCC Authorised Identification Badge should be revoked. The individual may request a disciplinary hearing in front of two transport officers, so that the individual may present their case as to why their TCC Authorised Identification Badge should not be revoked. If a disciplinary hearing has not been requested within 28 days of the notification of the Penalty Points then the case will be considered closed and the TCC Authorised Identification Badge will be considered as revoked. In general where a badge is revoked the individual will be able to apply again for a TCC Authorised Identification Badge two years after the incident. However severe cases will be considered and may affect the individual's suitability to hold a TCC Authorised Identification Badge in the future. If a TCC Authorised ID Badge is revoked the individual will be notified of a date that they may be eligible to apply again, if appropriate. In general a 3 strikes rule will be applied against applicants that have had their TCC Authorised Identification Badge revoked for performance issues resulting in accumulation of 12 performance points and the need to hold a disciplinary hearings. In general after the third revocation it would be considered that they are not suitable to hold a TCC Authorised Identification Badge. Any penalty points accrued by the individual will be considered by the TCC when examining an application to renew a TCC Authorised Identification Badge and may result in refusal.

### **Liabilities: The TCC Authorised Identification Badge Scheme**

As set out at in the Overview section, the Council's TCC 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 unfettered, 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 TCC Authorised Identification 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 TCC Authorised Identification 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 TCC Authorised Identification Badge acts unreasonably in pursuing an appeal or points in an appeal which clearly lack merit, then the Council in its discretion may 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 TCC Authorised Identification Badge pursues 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 TCC Authorised Identification Badge works, are terminated for any reason, the Council will not accept any financial liability towards the holder of the TCC Authorised Identification 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 TCC Authorised Identification Badge clearances due to the variable length of this process.

**Rehabilitation of Offenders Act 1974**

The Act provides that if a person convicted of an offence refrains from re-offending during a specified period (known as the rehabilitation period) then their conviction becomes spent<sup>1</sup>. Consequently, a convicted person is not normally obliged to reveal or admit the existence of their conviction, for example when applying for a job.

**Exceptions**

However, there are some situations in which people are required to declare their convictions regardless of whether they are spent or unspent, including individuals working or intending to work with children and/or vulnerable adults.

For full details of The Rehabilitation of Offenders Act, please check the government website: <https://www.legislation.gov.uk/ukpga/1974/53>

**People banned from working with children or vulnerable adults**

**Children**

The guidance from NACRO<sup>2</sup> provides that people will be banned from working with children if they are considered unsuitable to work with children and are on a list maintained by the Department for Education and Skills and also the Department for Health. People who are banned are those:

- On a list held under Section 142 of the Education Act 2002 (List 99)
- On the Protection of Children Act (PoCA) list
- On the National Assembly of Wales list
- Aged 18 or over convicted of certain specified offences against those aged under 18 (or 16 in some instances) and given a hospital or guardianship order or a custodial sentence of 12 months or more. Suspended sentences of 12 months or more are treated as qualifying sentences.

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<sup>1</sup> Rehabilitation of Offenders Act 1974 (section 1(1) & [www.crb.homeoffice.gov.uk](http://www.crb.homeoffice.gov.uk)

<sup>2</sup> NACRO – Recruiting ex-offenders: the employer’s perspective ([www.crb.homeoffice.gov.uk](http://www.crb.homeoffice.gov.uk))

A person will also be banned if they have been convicted of certain specified offences under Schedule 4 of the Criminal Justice and Court Services Act 2000, examples include:

- Intercourse with a person aged under 16
- Offences relating to child pornography
- Gross indecency with a child.
- Abduction and false imprisonment
- Abuse of trust
- Assault occasioning actual bodily harm
- Homicide and threats to kill
- Incest, and cruelty to children
- Offences relating to prostitution
- Rape, and indecent assault
- Supplying a class A drug to a child
- Wounding and causing grievous bodily harm.

### **Vulnerable Adults – POVA List**

Under the Care Standards Act 2000, a person is banned from working with vulnerable adults if they are included on the Protection of Vulnerable Adults (POVA) list.

Similar to with the POCA list, care staff may be placed on the list if they have been dismissed, resigned, retired, made redundant, transferred or suspended on the grounds of misconduct which harmed or put at risk of harm a vulnerable adult.

It will be an imprisonable offence for anyone banned from such work to obtain it, and for an employer knowingly to employ a banned person.