

SURREY COUNTY COUNCIL
TRANSPORT CO-ORDINATION CENTRE
AUTHORISED IDENTIFICATION BADGE SCHEME FOR DRIVERS & ESCORTS

THE ASSESSMENT OF SUITABILITY FOR AN AUTHORISED IDENTIFICATION BADGE: TRANSPORT PROVISION FOR VULNERABLE CHILDREN AND VULNERABLE ADULTS

OVERVIEW

1. The Transport Co-ordination 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 owes a safeguarding duty.
2. 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, rather than towards 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.
3. With that in mind, in order to ensure the decision-making process is as objective as possible and evidence based, it will focus upon three areas: -
 - A. What is disclosed about the applicant from the required supporting documents / checks;
 - 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;

It will also take into account additional / supporting information provided by the Applicant, and the result of any interview of the applicant, in specified circumstances set out below.

4. All applications must be submitted online and be 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. Supporting Documents

1. All applicants will be required to provide evidence of their identity, age, address and any necessary licensing information (e.g. driving licence, Hackney Carriage / Private Hire licence, PCV licence). In most cases the documentation decision will be based solely on the Disclosure & Barring Service (DBS) Enhanced Disclosure; however in some cases it will also include their overseas criminal history checks if they have lived abroad for a period longer than 6 months during their adult life.

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

Assessment of DBS check and Previous Convictions

3. 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
4. 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 as to ‘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.
5. 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.
6. However, 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).
7. 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 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.
8. 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 (ABH and upwards, including aggravated robbery/theft) will not be considered until at least 10 years have elapsed. Generally applicants with minor offences (such as battery, common assault and using threatening, abusive, insulting words or behaviour) will not be considered until 3 years have 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.
- 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 one year has elapsed, and those where less than 5 years have elapsed will not be deemed suitable to work with vulnerable adults.
- 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 single offences of possession will not be considered until 3 years have elapsed. Applicants with multiple offences of possession will not be considered until 6 years have elapsed since the most recent offence. It will be at least 8 years after the completion of detoxification treatment before an application will be considered if the individual was an addict. In the case of supply offences, it will be at least 5 years for a single offence and 10 years for multiple offences before an application will be considered.
- Drink related offences –
With motor vehicle – Applications with a single offence will be generally only being considered after 5 years have elapsed since the reinstatement of the licence. Where there are multiple offences, applicants will only be considered after 8 years of the latest reinstatement.
Without motor vehicle – An isolated offence would not debar an applicant, but multiple offences in a 5 year period would not be considered until a 2 year period has passed since the last offence.
- Traffic offences – 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 – 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.
12. 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 make a final decision on the application.
 13. Any Enhanced Disclosure which includes 'any other relevant information' stated on the Enhanced Disclosure at the discretion of the local Police Authority will be considered by the TCC for decision. 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. 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.
 14. If the applicant accepts this discretionary information as accurate then two Authorised Officers and the Contracts & Control Team Leader will make the decision regarding this applicant. The Contracts & Control team Leader will also be involved in decisions where there are multiple convictions where the minimum period has been met but doubt remains as to whether to reject the application; or where other reports are made which bring the applicant's suitability into question.

B. Information from Safeguarding

15. The TCC will also make its own checks of 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

16. The TCC officers will also consider any information / previous history held about the applicant by the TCC. 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 TCC. 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 TCC Officers will document their concerns and give their reasons why they came to this conclusion.

Suitability Interviews

17. Most applications will be either rejected or approved based on the consideration of information as set out under A, B and C above. However, in circumstances where there is an element of doubt over the suitability of the applicant (for example, where the applicant has spent convictions / multiple convictions where the minimum period has been met but doubt remains as to whether to reject the application; or other reports bring suitability into question) but for which a reasonable explanation may be accepted, the Contracts & Control Team Leader may wish for an interview to be held with the applicant to judge their suitability, in the context of allowing the applicant to provide any explanation they may wish give, or any additional information to provide 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).
18. Requests for interviews are at the sole discretion of the Contracts & Control Team Leader and the applicant does not have the right to insist upon a meeting. If an interview is held, another TCC Officer will also attend the meeting and the Contracts & Control Team Leader (or their authorised proxy if the Contracts & Control Team Leader nominates another Officer to carry out their interview function) may ask for their professional opinion from the interview but the Contracts & Control Team Leader will make the final decision.

Notification of TCC Decision

19. If the applicant is successful they will be notified in writing and their Badge will usually be issued within 10 working days.
20. 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

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 Contracts & Control Team Leader (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 Contracts & Control Team Leader has already been involved in the decision making process, the appeal will immediately move to Stage 2.

Stage 2

2. If an Applicant has had an appeal heard at Stage 1, but again 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 TCC Manager who will review all the issues relating to the decision, as well as reasons given by the Applicant for the request of an appeal.

Stage 3

3. If the Applicant wishes to bring a further appeal against the decision made by the TCC Manager, then the appeal will be directed to the Appeal Panel for consideration and their decision will be final and binding.
4. The Appeal Panel will be constituted by either 2 or 3 people and will consist 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.

The Appeal Process

5. 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 Enhanced Disclosure; any safeguarding concerns, TCC information or other relevant information. Applicant's will also be allowed to submit any relevant information that they feel may give the TCC 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).
6. An Authorised Officer of the TCC (preferably but not necessarily one the officers who made the original decision) will also attend so that they can give their professional opinion and explain to the TCC Manager / Chair of the Appeal Panel the basis for TCC officers' decision to refuse the application, and their opinion on the impact of any new information provided by the applicant, where applicable.

APPLICATIONS TO RENEW AN AUTHORISED IDENTIFICATION BADGE

1. 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.
2. The TCC 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 up to 3 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.
3. In the event that a renewal application is unsuccessful, the same rights of appeal set out above will apply to that decision

SUSPENSION / WITHDRAWAL OF AN AUTHORISED IDENTIFICATION BADGE

1. 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.
2. Examples of the type of issues which may trigger a reassessment and which may result in suspension of the Authorised Identification Badge in order to carry out an investigation 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 TCC 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.
3. When the above situations or investigations result in findings that indicate a failure in performance or suitability, the Authorised Identification Badge will be subject to the Driver and Escort Penalty Points Scheme (see attached Appendix 2)

LIABILITIES: AUTHORISED IDENTIFICATION BADGE SCHEME

1. 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 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.

2. 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.
3. 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.
4. 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).
5. 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.
6. The Council will not accept liability for any expense derived from an overlapping of badge clearances due to the variable length of this process

Rehabilitation of Offenders Act 1974

The Rehabilitation of Offenders Act 1974 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.¹ Consequently, a convicted person is not 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. These situations appear to fall into two categories:

- 1) Exceptions due to sentence
- 2) Exceptions due to job or employment class

Exceptions due to sentence

There are certain sentences that are excluded from rehabilitation under the Rehabilitation of Offenders Act 1974 section 5(1), which consists of:

- Life imprisonment
- Imprisonment or detention in a young offender institution exceeding 30 months (2 ½ years)
- Sentence of preventative detention
- Sentence of detention during Her Majesty's pleasure
- Sentence of custody for life

If an individual is sentenced with one of the above their conviction never becomes spent. It is important to note that this relates to the actual sentence imposed, and therefore it also applies to a suspended sentence, not just the time actually spent in prison.²

Exceptions due to job or employment class

There are specific job categories and classes of employment, which are exempt under the Act. These exceptions can be found under Schedule 1³ of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as amended.⁴ If a person were to apply for a position that fell within an exempt category they would be obligated to disclose all cautions and convictions both spent and unspent.

¹ Rehabilitation of Offenders Act 1974 (section 1(1) & www.crb.homeoffice.gov.uk

² www.crb.homeoffice.gov.uk

³ Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 s3 (a)

⁴ Given authority under Rehabilitation of Offenders Act 1974 s 4(4), s7 (4)

Applicability to the current context is:

- Children - Paragraph 14A⁵ provides that this includes any work, which is, regulated activity relating to children within the meaning of Part 1 of Schedule 4 of the Safeguarding Vulnerable Groups Act 2006.
- Vulnerable Adults – Paragraph 12A⁶ provides that this includes any work, which is, regulated activity relating to vulnerable adults within the meaning of Part 2 of Schedule 4 of the Safeguarding Vulnerable Groups Act 2006.

(Part 2 of Schedule 1 of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as amended, relates to Excepted Professions, Offices, Employments, Work and Occupations and also includes what is considered to be a regulated activity under the Safeguarding Vulnerable Groups Act 2006.

How can we treat them?

The Criminal Records Bureau website provides a practical advice guide regarding employing ex-offenders⁷. The guidance states that the suitability of employing a person with a criminal record will vary depending on the nature of the job and the nature and circumstances of the conviction. Consequently, it is important to weigh the applicant's skills, experience and conviction against the risk assessment criteria for the job in question.

When employers are trying to decide the relevance of an offence to a particular post, the CRB recommends employers consider points such as:

- Whether the post involves one-to-one contact with children or other vulnerable groups
- Whether the nature of the job will present any opportunities for the post holder to reoffend
- Level of supervision
- Amount of contact with the public
- Whether the post involves any direct responsibility for finance or items of value

Advice is also given for the situation where a criminal record is disclosed that does not directly relate to the post. It is advised that employers should discuss the offence with the applicant to find out how long ago it was, how serious it was and whether there were any circumstances that led to the offence being committed.

⁵ Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, Schedule 1, Part 2

⁶ Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, Schedule 1, Part 2

⁷ CIPD – Employing Ex-Offenders: A Practical Guide (www.crb.homeoffice.gov.uk)

People banned from working with children or vulnerable adults

Children

The guidance from NACRO⁸ 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.

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 girl 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.

⁸ NACRO – Recruiting ex-offenders: the employer’s perspective (www.crb.homeoffice.gov.uk)

It is important to also consider the term 'working with children' as it covers a number of areas. According to the Guide on the Protection of Children, broadly these are:

- Employment in certain establishments that provide functions for children such as schools, children's homes and children's hospitals. All staff, whether primary or secondary carers or ancillary staff are deemed to be primary carers;
- Employment in day-care premises, except where the work takes place in a different part of the premises to where day-care activities are situated, or if it occurs during times of the day when children are not being looked after;
- Caring for, training, supervising or being in sole charge of children
- A position where normal duties involve unsupervised contact with children. This would cover, for example, a minicab firm whose drivers are employed to transport unaccompanied children on a regular basis, but not those who do this on an irregular or one-off basis
- Child employment. Where the young person is under the age of 16, those responsible for caring for them in the course of their employment are covered by the definition;
- Positions of influence and control over children, which could place them at risk.

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.

Schedule 4 of the Safeguarding Vulnerable Groups Act 2006

Part 1 – Regulated Activity relating to Children

- (1) An activity is a regulated activity relating to children if—
 - (a) it is mentioned in paragraph 2(1), and
 - (b) it is carried out frequently by the same person or the period condition is satisfied.

- (2) An activity is a regulated activity relating to children if—
- (a) it is carried out frequently by the same person or the period condition is satisfied,
 - (b) it is carried out in an establishment mentioned in paragraph 3(1),
 - (c) it is carried out by a person while engaging in any form of work (whether or not for gain),
 - (d) it is carried out for or in connection with the purposes of the establishment, and
 - (e) it gives that person the opportunity, in consequence of anything he is permitted or required to do in connection with the activity, to have contact with children.

Part 2 – Regulated Activity relating to Vulnerable Adults

- (1) Each of the following is a regulated activity relating to vulnerable adults if it is carried out frequently by the same person or the period condition is satisfied—
- (a) any form of training, teaching or instruction provided wholly or mainly for vulnerable adults;
 - (b) any form of care for or supervision of vulnerable adults;
 - (c) any form of assistance, advice or guidance provided wholly or mainly for vulnerable adults;
 - (d) any form of treatment or therapy provided for a vulnerable adult;
 - (e) moderating a public electronic interactive communication service which is likely to be used wholly or mainly by vulnerable adults;
 - (f) driving a vehicle which is being used only for the purpose of conveying vulnerable adults and any person caring for the vulnerable adults pursuant to arrangements made in prescribed circumstances;
 - (g) anything done on behalf of a vulnerable adult in such circumstances as are prescribed.

The Penalty Points Scheme

- 1.1. An Authorised Officer of the Transport Co-ordination Centre will issue penalty points when an offence has been witnessed by an Authorised Officer, an agent of the Council and/or admitted by an individual, or an investigation has found substantiated complaints against the individual.
- 1.2. In some instances points will be issued after a conviction, caution, reprimand or warning. The amount of points issued in these instances will be at the discretion of the Contracts & Control Team Leader.
- 1.3. Applicants will be told verbally of the issue of points at the scene if possible, and if not then they will be told over the telephone. The Authorised Officer will then send a formal Penalty Points Notice by recorded delivery to the individuals contact address.
- 1.4. The individuals Operator will be notified when a Penalty Points Notice has been issued and the amount of points added, but they will not be told the reason for the issue of penalty points.
- 1.5. Points will be cumulated over a two-year rolling period from the date of the issue of the notice.
- 1.6. When an individual cumulates a total of 12 points within a two year rolling period they will be placed under suspension (as per the Incidents and Allegations procedure – see section 10).
- 1.7. Where requested the individual will be appointed a time to face a disciplinary hearing in front of the nominated committee, so that the individual may present their case as to why their TCC Identification should not be revoked. It should be considered that by reaching 12 points the individual has failed to meet the service standards required by the TCC and so the TCC Identification should be revoked. An Officer of the TCC will attend this hearing in order to give their professional opinion to the committee should they be asked.
- 1.8. Where no disciplinary hearing is requested or the hearing finds no reason to reverse or reduce the points issued, the TCC Identification will be revoked.
- 1.9. Where possible the individual will be invited to attend a disciplinary meeting with two Officers of the TCC when 9 points have been cumulated. This is so that the individual understands the expectations placed upon them when they carry out TCC contracts and bookings. A written warning will also be issued at this meeting to ensure the individual is aware of their situation.
- 1.10. Once a two-year period has passed those points will be wiped from the individuals record, however a copy of the notice will remain in their file indefinitely.
- 1.11. Individuals will have to place a new application should they wish to obtain another TCC Identification.

Full list of the penalty points applicable:

PENALTY CODE	DRIVER OFFENCE	POINTS APPLIED
V1	Failure to keep the interior and exterior in a clean and tidy condition, odour free (including smoke) and free from obvious damage	4
V2	Driving a vehicle on TCC contracts that is not in a roadworthy condition	12
V3	Failure to display Private Hire/Hackney Carriage plates,	6

	PCV disk or Section 19 permit	
V4	Failure to carry a fully charged fire extinguisher	3
V5	Failure to provide valid Hire & Reward Insurance within 7 days of a request to do so from an Authorised Officer	8
V6	Using an unlicensed and/or uninsured vehicle	12
V7	Failure to present a vehicle for inspection at a time, date and place designated by an Authorised Officer	4
V8	Failure to carry a first aid kit on the vehicle	2
V9	Failure to display the "School Bus" sign or the EU-approved child logo sign in the vehicle when conducting TCC contracts	2
V10	Failure to remove the "School Bus" sign or the EU-approved child logo sign in the vehicle when not conducting TCC contracts	2
V11	Failure to ensure that all passengers have clear access to the main exit (and rear exit on any minibus)	3
V12	Failure to ensure that no passenger under 8 years old will travel in the front seats (Taxis and Minibuses only)	3
V13	Failure to apply and maintain wheelchair tracking and/or securing systems appropriately	6
V14	Failure to apply and maintain any other equipment used in the TCC contract	4
A1	Failure to report an accident or supply a written report to the TCC	6
P1	Failure to be clean and presentable whilst working, including body odour (Clothing must be clean, smart casual as a minimum) and secure footwear suitable for driving must be worn	4
P2	Failure to reasonably assist passengers without good cause	6
P3	Driving a licensed vehicle without holding the appropriate driving licence/category	12
P4	Failure to notify change (within 7 days) of address, telephone number, email address or Operator employed by	4
P5	Failure to notify change (within 7 days) of medical condition which may affect the ability to drive	8
P6	Failure to notify after a criminal offence has been committed	8
P7	Failure to produce a valid DVLA Driver's Licence within 7 days of a request to do so by an Authorised Officer	3
P8	Failure to have a valid TCC Identification on board the vehicle whilst working on TCC contracts (or without written exemption)	4
P9	Failure for an individual to have completed their application and been issued with their TCC Identification before working on TCC contracts	12
P10	Failure to have a valid Private Hire/Hackney Carriage badge (if appropriate) on board the vehicle whilst working on TCC contracts (or without written exemption)	4
P11	Making a false statement or withholding information to obtain TCC Identification	12
P12	Failure to attend an appointment at a time appointed by the Council	4

P13	Driving in a manner contrary to the Road Traffic Act (or other legislation) whilst working on TCC contracts	12
P14	Using threatening or offensive language or behaviour	9
P15	Working outside of any conditions imposed on the Permit to Work	12
P16	Failure to inform the TCC of changes to the route or passenger details	4
P17	Transporting unauthorised passengers	6
P18	Working without a valid TCC Identification	12
P19	Failure to abide by an instruction of an Authorised Officer	6
P20	Failure to ensure that child passengers are handed over to an appropriate responsible adult	12
P21	Smoking whilst on duty during a TCC contract	6
G1	Any other offence as deemed by the appropriate Authorised Officer	2-12
O1	Points added after a criminal offence	2-12
PENALTY CODE	ESCORT OFFENCES	POINTS APPLIED
E1	Failure to be clean and presentable whilst working, including body odour (Clothing must be clean, smart casual as a minimum)	4
E2	Failure to reasonably assist passengers without good cause	6
E3	Failure to attend an appointment at a time appointed by the Council	4
E4	Making a false statement or withholding information to obtain TCC Identification	12
E5	Working outside of any conditions imposed on the TCC Identification	12
E6	Failure for an individual to have completed their application and been issued with their TCC Identification before working on TCC contracts	12
E7	Failure to notify change (within 7 days) of address, telephone number, email address or Operator employed by	4
E8	Failure to notify after a criminal offence has been committed	8
E9	Failure to have a valid TCC Identification on board the vehicle whilst working on TCC contracts (or without written exemption)	4
E10	Using threatening or offensive language or behaviour	9
E11	Failure to abide by an instruction of an Authorised Officer	6
E12	Failure to supply a written report (if requested to do so) after an accident or incident.	6
E13	Failure to ensure that child passengers are handed over to an appropriate responsible adult	12
E14	Sitting in the front of the vehicle during a TCC contract	6
E15	Leaving the vehicle whilst passengers are on board	9
E16	Smoking whilst on duty during a TCC contract	6
E17	Failure to carry out escorting duties, as decided by an Authorised Officer	2 to 9

E18	Working without a valid TCC Identification	12
G1	Any other offence as deemed by the appropriate Authorised Officer	2-12
O1	Points added after a criminal offence	2-12