



South Ayrshire Council & Strathclyde Partnership for Transport

Guide to the Strathclyde Partnership for Transport Disclosure Scotland vetting of drivers and escorts for Additional Support Needs transport.

This guide covers the Strathclyde Partnership for Transport functions on behalf of South Ayrshire Council on the vetting of drivers and escorts suitability for use on Additional Support Needs school transport contracts.

Contractors are reminded that it is their responsibility to ensure that they must not deploy any driver/escort on Additional Support Needs school transport contracts until formal written notification has been received from SPT of the suitability of the driver/escort and they have been issued with their Identity badge by the Council. Doing so may result in the suspension from or termination of the contract(s).

Regulated Work

The Protection of Vulnerable Groups (Scotland) Act, 2007 does not specifically define Regulated Work, but instead outlines circumstances when work will be considered as "Regulated". Any work where a person is in sole charge of children or has unsupervised contact with children is classed as Regulated Work. The same also applies for "protected" adults. Any person who undertakes Regulated Work must be a member of the PVG Scheme.

About this Guide

This guide is aimed at providing contractors with information on the Disclosure Scotland process operated by South Ayrshire Council and SPT for ASN contractors.

Contractors are advised that they should read this guide and retain it for future reference.

A separate guide is available for mainstream schools contractors.

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1. Contractor's responsibilities

Contractors are responsible for ensuring all staff employed on contracts have the correct clearance from the Council via SPT. No person may be deployed on a contract unless the contractor has received a letter from SPT confirming the person is suitable for use on South Ayrshire Council Additional Support Needs school contracts.

Contractors must check applications carefully before sending them to SPT, paying particular attention to the need for applicants to provide a complete 5 year address history, as well as making sure that all other details are correctly shown on the application.

Any application that does not have a mandatory field completed, if other details are not provided, or if the application is incorrectly completed **will be returned** to the contractor for correction. Contractors must ensure that applications are correctly completed **before** sending them to SPT.

Contractors are responsible for ensuring that they use the correct postage when sending applications to SPT, taking into account the size and weight of the envelope or package. If there is insufficient postage on your mail, Royal Mail is unlikely to deliver the item and can hold mail for up to 6 weeks before returning to the sender.

Please note that SPT cannot be held responsible for any failure by Royal Mail to deliver mail on time or if mail goes missing in the post.

It is the contractor's responsibility to contact the Disclosure Team if they do not hear anything from SPT regarding any applications submitted after 6 to 8 weeks.

2. SPT checking of documentation etc.

SPT staff will check to ensure that applications and other documentation etc. have been completed correctly. It is the contractor's responsibility to ensure that all details are correct and that all forms are correctly completed before sending them to SPT.

Incomplete and/or illegible applications will be returned to the Contractor for correcting. Any application where a mandatory field has not been completed or where it has been incorrectly completed will be returned for completion or correction. If the Contractor then fails to return all the documentation etc. properly completed within 14 days of the date of SPT's returning the application, it will be taken that the application has been withdrawn and SPT will close the file. **No further action will be taken by SPT.**

Contractors will then be required to submit a new application if they wish the driver or attendant to be cleared for use on South Ayrshire Council ASN contracts.

3. Disclosure Scotland's responsibilities

Once Disclosure Scotland has processed the application, a PVG Scheme Record will be sent to both SPT and the individual applicant. Should the individual driver/attendant have a query regarding the content of the PVG Scheme Record he/she **should contact Disclosure Scotland** direct in this respect **and not SPT or the Council**. Disclosure Scotland's telephone number is **0870 609 6006**.

4. Disclosure Scotland seeking further information

Disclosure Scotland may require further information from an applicant. When further information is requested, it is the responsibility of the applicant to provide the information **direct to Disclosure Scotland and not SPT**. If the applicant fails to provide the information, or fails to provide the information within a reasonable time, Disclosure Scotland may terminate the application and notify SPT.

Once notified by Disclosure Scotland of the decision to terminate an application, SPT will close the file **and no further action will be taken**. If the individual still requires clearance a fresh application will have to be made.

5. SPT forwarding information to South Ayrshire Council

As SPT acts on behalf of South Ayrshire Council, it is South Ayrshire Council that makes the decision on the suitability of each applicant. SPT will arrange to forward a copy of the PVG Scheme Record, where appropriate, to the Council to enable the Council to make a decision on the suitability of the applicant to be used as a driver and/or escort on ASN school transport contracts.

6. South Ayrshire Councils' decision on the suitability of drivers/escorts

It is South Ayrshire Council that decides on suitability of drivers and escorts, **not SPT**. A decision on each applicant's suitability, as determined by the Council, will be sent to the contractor by SPT as soon as is possible.

Although a copy of the letter to the contractor will also be sent to the individual driver/escort, it is the responsibility of the contractor to ensure the individual applicant is fully aware of the Council's decision, and if required, details of appeals procedures which will be outlined in the letter from SPT.

Drivers/escorts who are not barred from Regulated Work and who are deemed suitable will normally be subject to a re-vetting exercise **every three years**. The Council reserves the right to insist that any individual driver/escort be the subject of a re-vetting exercise **at any time**.

Contractors **must not** use drivers/escorts previously deemed suitable but for whom their validity period has expired until they receive a letter from SPT confirming that the individual has been deemed suitable by the Council and has collected their new Council issued identity badge.

South Ayrshire Council Children & Community department will make their decisions on suitability based on each individual's circumstances. These decisions may be different to decisions made by other Council departments.

For taxis and licenced private hire drivers, the grant of a licence following the checks by the Council in relation to the licence application, does not mean that the individual will be automatically considered to be "suitable" to undertake regulated work. Regulated work requires a separate vetting process to be undertaken as those involved will need to be members of the Protection of Vulnerable Groups scheme (PVG scheme) administered by Disclosure Scotland.

The granting of a taxi/or private hire licence will involve a "disclosure" check which is different, but if an individual is going to undertake "Regulated Work" for example, driving on a school transport contract, then a separate check under the PVG scheme will also require to be undertaken. This is a more stringent check aimed at providing more information than a normal "disclosure" check as the individual concerned will be undertaking Regulated Work.

The council will decide on an individual's suitability once a Scheme Record has been issued and depending on circumstances, the council may deem a person to be either "suitable" or unsuitable", irrespective of whether or not the person holds a taxi/private hire licence. This is due to the Council, as "commissioning body" having a duty to ensure that those employed on schools transport contracts have been given in depth vetting and are considered to be suitable persons for that type of work.

7. Unsuitable drivers/escorts

Under no circumstances can a contractor use any driver or escort who has been deemed unsuitable by South Ayrshire Council. Doing so may result in suspension from, or termination of the contract.

If the Council deems a person to be unsuitable, an appeal can be made by the individual. The appeal must include a written statement setting out the full reasons for the appeal and include all information that the appellant feels is relevant in order to enable the Council to make a decision. Details of the appeals procedure will be in the letter sent to both the applicant and the employer.

The Council will consider the information provided by the individual then make a decision on suitability. If the appeal is allowed and the individual deemed suitable, the Council will advise SPT in writing and SPT will then issue a letter confirming clearance once confirmation has been received from the Council. In most cases, the Council will send SPT a copy of the letter sent to the applicant following their appeal. If the Council decides that the person is still deemed to be unsuitable, the Council will confirm that decision to the applicant.

South Ayrshire Council can deem a person to be unsuitable **at any time** even if the person has previously been deemed to be suitable and in such cases, when the council notifies SPT in writing of such a decision, SPT will immediately cancel any current clearance for that person. Both the contractor and individual concerned will be notified in writing. In such cases, the individual concerned can appeal to the council and details will be in the letter sent to both the applicant and the employer.

8. Timescales

It is the Contractors' responsibility to determine when to submit the appropriate documentation for any individual employed so as to obtain clearance in good time. For those whose current clearance is due to expire it is recommended that applications are made in sufficient time to enable the new clearance to be obtained before the current clearance expires.

SPT aims to process applications within 3 to 4 working days of receipt and when Scheme Records are received, again SPT will endeavour to process these within 3 to 4 working days. Please note that SPT **has no control** over the length of time Disclosure Scotland takes to process applications.

Where South Ayrshire Council has to make a decision as to an applicant's suitability, SPT will send the relevant information to the Council within 3 to 4 working days. The Council may take some time to determine an applicant's suitability. In some cases, the Council may wish to interview the applicant and that will add further time to the process.

For these reasons, it is recommended that applications be made sufficiently far in advance to take these factors into account and that although most applications can be dealt with within 6 to 8 weeks, there are occasions when an application will take longer to process. Contractors should take this into consideration and should allow up to 12 weeks when planning when their staff require re-vetting.

Contractors are responsible for contacting the Disclosure Team if they do not hear anything from SPT regarding any applications submitted after 6 to 8 weeks.

9. Re-vetting

Re-vetting will be by means of an application for a PVG Scheme Record Update using the "**Existing PVG Scheme Member Application**" form. Provided that this shows that there has been no change to the Vetting Information since the original Scheme Record was issued, a further clearance can be issued.

If the Scheme Record Update shows that there has been a change to the Vetting Information on the Scheme Record, it will be necessary to apply for a full **Scheme Record** using the "**Existing PVG Scheme Member Application**" form. The Scheme Record will be provided to the Council(s) to enable a decision to be made on the suitability of the applicant.

There is a strict timescale for this and it is the **contractor's responsibility** to ensure that the Scheme Record application is made within the timescale in order to qualify for the reduced fee. If the contractor fails to meet this timescale, the full fee for a Scheme Record will be payable in addition to the fee already paid for the Scheme Record update.

South Ayrshire Council may determine that a person cannot be used on any contract pending a decision on suitability. In such cases the person must not be used on any schools transport contract until clearance is provided by SPT.

10. Employing persons who are already PVG Scheme Members

If you take on a new employee who is a PVG Scheme Member and who is not already cleared by South Ayrshire Council, an application for a fresh Scheme Record to enable a decision to be taken as to the person's suitability for employment on ASN contract work will need to be made.

11. Drivers/escorts transferring from one South Ayrshire Council ASN transport employer to another.

Where a driver/escort transfers from one employer to another, provided that the individual already has a South Ayrshire Council issued ASN identity badge, the clearance can be transferred to the new employer. A SPT **VODA4-C** form will need to be submitted along with two passport sized colour photographs for the new South Ayrshire Council identity badge.

12. Drivers/escorts transferring from a non South Ayrshire Council ASN transport employer to a South Ayrshire Council ASN transport employer

Clearances issued by other Councils cannot be transferred to South Ayrshire. In these cases, an application for a fresh Scheme Record/Scheme Record Update will need to be made to enable a decision to be taken by the Council as to the person's suitability for employment on ASN contract work.

11. Notification of change of address or other details

Individuals who are PVG Scheme Members should notify the Council, SPT and Disclosure Scotland of any changes to their details, e.g. change of address, telephone number etc. as this can prevent delays in processing applications for scheme records.

If an individual changes their name or gender, it is a requirement of the PVG Act that the person notifies Disclosure Scotland within 3 months of the change taking effect.

12. PVG Scheme Records

Under no circumstances should contractors send to SPT originals or copies of any PVG Scheme Records provided by Disclosure Scotland, unless asked to do so as part of a re-vetting process. Where an original document is sent to SPT, it will be returned to the individual by recorded delivery post. Please note that SPT cannot be held responsible for mail that goes missing in the post.

13. Council issued identity badges

Any person employed on South Ayrshire Council ASN work must be in possession of a valid identity badge issued by the Council and this must be worn so as to be clearly visible when working on any ASN contract.

If a badge is lost, this should be reported, giving full details in writing to:

**South Ayrshire Council,
Educational Services,
Pupil Services,
County Buildings,
Wellington Square,
Ayr, KA7 1DR**

Replacement badges will require the submission of two passport sized photographs and the council may make a charge for the issue of the replacement badge.

14. Contract monitoring

Contractors are reminded that contracts are monitored by both South Ayrshire Council staff and SPT's Compliance Inspectors. Where SPT undertakes the monitoring, a report will be forwarded to the Council highlighting any failure to meet the contract requirements to enable the Council to take any action they deem appropriate.

15. Listing by the Scottish Ministers

The PVG Scheme is designed to allow continuous monitoring of Scheme Members and in circumstances where Disclosure Scotland considers an individual should be considered for listing on the Children's List or the Adult's List or both, details of the individual will be referred to the Scottish Ministers so that they can consider whether or not the individual should be listed. Disclosure Scotland will notify both the individual and the Registered Body that the individual is being considered for listing.

In cases where Disclosure Scotland notifies SPT that an individual is being considered for listing under section 30 of the Protection of Vulnerable Groups (Scotland) Act 2007, SPT will consult South Ayrshire Council.

This may result in a decision by South Ayrshire Council that the individual is no longer deemed "suitable" for use on ASN contracts and both the contractor and individual will be notified in writing. In these cases, the existing clearance for South Ayrshire Council will be cancelled and the individual will not be able to be deployed on any South Ayrshire ASN contract operated on behalf of the Council. This does not prevent the person from continuing to work for the employer on other non-Council or SPT work.

If Disclosure Scotland notifies SPT that an individual who has been under consideration for listing by the Scottish Ministers is no longer under consideration and has not listed, South Ayrshire Council will be consulted and the Council will advise SPT of their decision as to the suitability of the individual.

In these cases it is possible that South Ayrshire Council may want to see a new Scheme Record before making a decision as to suitability and the individual will need to apply for a Scheme Record using the PVG Scheme Existing Member Application form. It is possible that the Council may decide that the person can be deemed “suitable” without the need for a further Scheme Record.

If an individual who has been under consideration for listing is subsequently placed on the lists, any clearance for use on any contract will be **terminated immediately**. In these cases, both the contractor and any associated companies will be notified that the individual is no longer cleared for use on any Council ASN or SPT administered contract.

Contractors should note that in all cases, SPT does not make any decisions as to an individual's suitability and decisions as to an individuals' suitability rests with the Councils and SPT will act on the instructions of the Council.

16. Additional PVG Forms

Additional **Application to join PVG** forms and **Existing PVG Scheme Member Application** forms are available from Disclosure Scotland and not SPT. Disclosure Scotland's address and telephone number is shown below:

Disclosure Scotland
PO Box 250
Glasgow,
G51 1YU

Telephone: 0870 609 6006

17. Additional SPT forms

Additional SPT VODA1-C and VODA4-C forms are available from the SPT website at:

www.spt.co.uk/disclosure-scotland/

The South Ayrshire Council forms can be found in the ASN Contractors section under the heading “Disclosure Scotland - South Ayrshire Council ASN Contractors”.

18. Fees

All fees are set by the Scottish Ministers and are outwith the control of SPT. For full details of the current scale of fees, please see the Disclosure Scotland website at www.disclosurescotland.co.uk

Please note that SPT currently does not charge any administrative fees.

19. Changes of contractor details

It is the contractor's responsibility to advise both the Council and SPT **in writing** of any changes to their address, telephone number, e-mail address etc. within 7 days.

20. Enquiries

If further assistance is required (including confirmation that forms etc. have been received by SPT), please telephone 0141 333 3106 or 0141 333 3408 between 0900 and 1600 (Monday – Thursday) and 0900 – 1500 (Fridays). The office is closed on Public Holidays.

If you wish to discuss any Disclosure related matters in person you must make an appointment by contacting the Disclosure Team at the above numbers.

We cannot advise on the suitability of any individual by telephone. All such enquiries must be made in writing. Enquiries can only be made in respect of persons for whom an application has already been submitted.

All correspondence **to SPT** should be addressed to:

**The Disclosure Team,
Bus Operations Department,
Strathclyde Partnership for Transport,
131 St. Vincent Street,
GLASGOW,
G2 5JF.**

Telephone: 0141 333 3106 or 0141 333 3408

For enquiries relating to the ASN contracts and identity badges, please contact South Ayrshire Council at the following address:

**South Ayrshire Council,
Educational Services,
Pupil Services,
County Buildings,
Wellington Square,
Ayr, KA7 1DR**

Telephone: 01292 612285