



Transportation Services

Safeguarding Guidance and Procedures

1st May 2021

Contents

1. Introduction	3
2. The Importance of Ensuring Appropriate Safeguarding	3
3. Disclosure and Barring Service	5
4. Other Disclosures	6
5. Risk Assessment Process	6
6. Appeal Process	8
7. Appendix One - Guiding Principles for Offences	9
8. Appendix Two – The Role of the Driver and Passenger Assistant	13

1. Introduction

- 1.1 This guidance outlines the East Riding of Yorkshire Council's Transportation Services approach to ensuring transport provided for children (including those with Special Educational Needs), vulnerable adults and older people is as safe as possible. It provides a framework to support staff and external contractors providing transport to ensure they meet their safeguarding duties. It also outlines what people using transport arranged through the Transportation Services (our passengers) and their relatives or representatives can expect from the Transportation Services in relation to transport safeguarding.
- 1.2 This guidance is based on appropriate legislation and Government guidance, including the Department for Education's Home to School Transport Statutory Guidance. It reflects the procedures adopted by the East Riding Safeguarding Children's Partnership and Adults Boards and guidance issued by the Disclosure and Barring Services (DBS).
- 1.3 Councils have a duty to provide transport for children (including those with Special Educational Needs), vulnerable adults and older people who meet the appropriate criteria to enable them to access statutory services and/or discretionary services where this exists. This duty includes the provision of transport to and from schools or educational placements, respite and day centres and other activities provided under the Council's statutory responsibilities.
- 1.4 This document outlines the safeguarding requirements Transportation Services expects its staff and partner agencies to meet and provides a statement of principles for use by those providing transport to develop and ensure the effectiveness of their safeguarding arrangements. It also describes the outcomes desired from the application of appropriate safeguarding procedures. To assist staff and partner agencies Transportation Services has produced the Role of the Driver and Passenger Assistant card (See Appendix Two).

2. The Importance of Ensuring Appropriate Safeguarding

- 2.1 The importance of multi-agency partnerships in ensuring that children and vulnerable adults are kept safe is fully recognised by the East Riding of Yorkshire Council. The Council is committed to this approach to safeguarding and expects all others involved in the provision of contracted transport services, arranged by Transportation Services to adopt a similar ethos. The Council has a Local Authority

Designated Officer (LADO) to be involved in the management and oversight of allegations against people that work with children. Any allegations made against adults working/volunteering with children must be reported to the LADO within 24 hours. The LADO will advise the designated managers in Transportation Services in respect of allegations against those who work with children.

2.2 The duties of local authorities in respect of safeguarding children are significant. Councils have statutory functions defined in the Children Act 1989 and the Children Act 2004 which include specific duties in respect of children experiencing need or suffering or likely to suffer serious harm. Other local agencies such as the police also have a duty under these Acts to consider the need to safeguard and promote children's welfare in the course of carrying out their functions. In respect of vulnerable adults the Care Act 2014 places duties on local authorities to:

- Make enquiries, or cause others to do so, if it believes an adult is experiencing, or is at risk of abuse or neglect. An enquiry should establish whether any action needs to be taken to prevent or stop abuse or neglect and if so by whom.
- Set up a Safeguarding Adults Board (SAB).
- Arrange where appropriate for an independent advocate to represent and support an adult who is the subject of a safeguarding enquiry or Safeguarding Adult Review (SAR) where the adult has "substantial difficulty" in being involved in the process and where there is no other suitable person to represent and support them.
- Co-operate with each of its relevant partners, as set out in Section 6 of the Care Act 2015 in order to protect the adult. In their turn each relevant partner must also co-operate with the local authority.

2.3 Everyone has a right to be transported safely and when transportation is arranged by Transportation Services it is fully committed to ensuring an efficient and effective service. All those involved in organising, contracting and delivering this provision needs to understand this expectation and this will require active communication and monitoring of all aspects of Transportation Services provision, including close co-operation with licensing authorities within and external to the Council.

2.4 There are two operational areas for which Transportation Services is responsible and where this guidance and procedures are critical to ensure operational compliance:

- Internal Fleet Transport.
- External Contracted Transport, through the Passenger Transport Dynamic Purchasing System (DPS) for bus and taxi transportation.

The process adopted for each operational area will be broadly similar to ensure the principals of safeguarding are maintained.

2.5 All drivers must have undertaken a Safeguarding/Child Sexual Exploitation course recognised and approved by the Council. If a contractor wishes to undertake their own training of staff then any course must first be approved by the Council. This training will be valid for 3 years, after which a further course of training will be required.

3. Disclosure and Barring Service

3.1 All drivers and passenger assistants undertaking work for Transportation Services will be subject to an enhanced Disclosure and Barring Service (DBS) check. The requirements are as follows:

Requirement	Internal Fleet Transport	External Contracted Transport (PCV)	External Contracted Transport (CT)	External Contracted Transport Hackney Carriage or Private Hire
Enhanced DBS Check	✓	✓	✓	✓
DBS Checked against Children's Barring List	✓	✓	✓	✓
DBS Checked against Adult's Barring List	✓		✓	✓
Subscribe to and maintain at all times on-line DBS Update Service	✓	✓	✓	✓
Consent to Council carrying out checks against DBS Update Service	✓	✓	✓	✓

3.2 Where any DBS check indicates a conviction or caution then the individual will be subject to the Risk Assessment Process (see Section 5) to assess their suitability to undertake Transportation Services contracts. Appendix One provides information on the Guiding Principles for Offences.

3.3 Where a contractor is made aware that an individual is arrested for an offence or receives a conviction or caution they must immediately inform the Supervising Officer. The Supervising Officer will determine if there is a requirement to remove or suspend any individual from undertaking Transportation Services contracts and to undertake the Risk Assessment Process.

3.4 Where a removal or suspension is considered appropriate by the Supervising Officer the contractor will be notified by telephone and the removal or suspension will be confirmed in writing.

4. Other Disclosures

4.1 If Transportation Services are in receipt of a disclosure or any other information from another agency (i.e. Licensing/LADO/Police) which causes concerns for the safety of the public the Supervising Officer will remove or suspend any individual from undertaking Transportation Services contracts. The Supervising Officer will undertake the Risk Assessment Process to assess the individual's suitability to resume Transportation Services contracts.

4.2 Where a removal or suspension is considered appropriate by the Supervising Officer the contractor will be notified by telephone and the removal or suspension will be confirmed in writing.

4.3 It is recognised that this can be stressful for both the individual and contractor and Transportation Services will seek a resolution as quickly as possible. However investigations can be outside the direct control of Transportation Services. Contractors can request an update on the investigation from Transportation Services.

5. Risk Assessment Process

5.1 The Risk Assessment Process will take place where the Supervising Officer is made aware of any conviction or caution on an individual's DBS check or where other information or intelligence is received from another agency which causes concerns for the safety of the public.

- 5.2 The Risk Assessment Process will only assess an individual's suitability to undertake East Riding of Yorkshire Council, Transportation Services contracts and will not assess that individual's suitability to work for any company.
- 5.3 The individual will be invited to a meeting with two Senior Managers from Transportation Services or the Council's Licensing Team (if the driver/operator is licenced by the Council). The individual can have another person of their invitation present at the meeting. The purpose of this meeting is for the individual to assist the investigation by confirming information on the DBS certificate or disclosure of information or intelligence, their mitigation and for those interviewing to consider the information being shared by the individual and its reliability, investigate matters ensuring follow up on issues raised during the interview.
- 5.4 Interviewees must bring with them their current DBS certificate.
- 5.5 Transportation Services will use other records and information available when determining the suitability of individual's to be deemed safe and suitable to undertake Transportation Services contracts. This may include information held by Transportation Services, Licensing Services, the Council or other authorities.
- 5.6 Once the investigation has gathered the information to make a decision this will be collated into a Safeguarding Risk Assessment and a recommendation with full reasons will be made by the assessing officers to the Head of Housing, Transportation and Public Protection. Advice will be sought from the colleagues within the Safeguarding Teams, Licensing Manager or Human Resources as relevant to the case. A final decision on suitability with reasons will then be made by the Head of Housing, Transportation and Public Protection.
- 5.7 Once a final decision has been made Transportation Services will contact the individual in writing to confirm the decision. This will usually be via the operator, but where an individual provides a contact address then direct contact will be made. If a suspension is necessary the reason the individual has been suspended and the length of suspension will be made clear. If an individual is deemed not safe and suitable the reason will be made clear to the individual. The appeal process will also be explained in writing.
- 5.8 Once a suspension period has lapsed an individual will be able to reapply to be considered a safe and suitable driver and this will be dealt with through the Risk Assessment Process.

6. Appeal Process

6.1 Appeals by an individual who has been suspended or deemed not safe and suitable to undertake East Riding of Yorkshire Council contracts must be made within 10 working days of the notification of the decision in writing under Confidential cover to:

Director of Communities and Environment
East Riding of Yorkshire Council
County Hall
Cross Street
Beverley
East Riding of Yorkshire
HU17 9BA

The applicant must state how this process has been misapplied and provide any supporting information with their appeal.

6.2 The decision of the Director of Communities and Environment will be final.

Appendix One

Guiding Principles for Offences

All staff carrying out contracts on behalf of Transportation Services must be assessed and confirmed as “safe and suitable” to do so. When considering whether a person is safe and suitable the following factors will be considered:

- The seriousness of any allegations, intelligence, offences or any other matter revealed
- The class/nature of the offences or allegations
- The age of the offence or allegation
- The age of the person at the time of the offence or allegation
- Whether the disclosure reveals a pattern of behaviour
- Whether the individual was honest in the information provided and shows remorse
- Mitigation offered on the matter
- Whether the applicant’s circumstances have changed since the offending behaviour or other relevant matters
- Any character reference provided by the applicant’s employer or previous employer
- Any other information that is deemed appropriate for consideration in determining whether a person is “safe and suitable”

Each application will be considered on its own merits and the table below is provided for guidance only and is not exhaustive.

Offence	Guiding Principles
Minor Motoring Offences	<p>Convictions for minor motoring offences will not normally prevent an individual being deemed “safe and suitable”. Examples of minor motoring offences being obstruction, waiting in a restricted street and speeding (less than 5mph over speed limit).</p> <p>Multiple occurrences of similar current offences, however could lead to the issue of a warning as to future driving standards.</p> <p>If sufficient penalty points have been accrued to require a period of disqualification of the driver’s driving licence then approved driver status may be granted after restoration of the driver’s driving licence and following the risk assessment process,</p>

	<p>but only after a period of 5 years has elapsed since the expiry of the disqualification.</p> <p>If any offence takes place whilst undertaking contract work for Transportation Services the risk assessment process will be entered into and the driver could be suspended pending the outcome of the risk assessment process.</p> <p>Where an individual fails to declare one or more offences and where such offences are subsequently discovered the individual may be suspended and the risk assessment process will be followed.</p>
Major Motoring Offences	<p>A conviction for reckless driving, driving without due care and attention or no valid insurance will result in the driver's immediate suspension and the risk assessment process will be followed.</p> <p>More than one conviction for this type of offence within the last 5 years will normally merit refusal to becoming an approved driver. No further application would then be considered until a period of 10 years free from driving offences.</p> <p>A conviction for causing death by careless or dangerous driving will result in immediate removal of approved driver status. No further application would then be considered.</p>
Drunkenness With a Motor Vehicle	<p>A serious view will be taken of convictions for driving or being in charge of a vehicle whilst under the influence of drink or drugs and/or failure to provide a specimen.</p> <p>A conviction will result in the driver's suspension and the risk assessment process will be followed.</p> <p>A conviction for this type of offence will normally merit refusal to becoming an approved driver. No further application would then be considered until a period of 10 years from the date of conviction.</p> <p>If there is any suggestion that the driver is an alcoholic or has had alcohol dependency in the last 10 years, a specialist medical examination will be arranged by the Council at the applicant's expense to determine suitability. If the applicant is found to</p>

	<p>be an alcoholic or have had alcohol dependency no further application would then be considered until a period of 10 years from the date of formal discharge from the alcohol service.</p>
Drunkenness Not in a Motor Vehicle	<p>A conviction for drunkenness will not normally prevent an individual being deemed “safe and suitable”.</p> <p>More than one conviction for this type of offence may indicate a medical problem requiring further examination and the risk assessment process will be followed.</p>
Drugs	<p>A serious view will be taken of cautions or convictions for drugs related offences (including the use of legal highs).</p> <p>An applicant with a conviction for a drugs related offence will be required to show a period of 10 years free of arrests and convictions before an application could be considered.</p> <p>An applicant known to have had an addiction will be required to show a period of 10 years after detoxification before an application could be considered. The applicant must provide evidence that they have been formally discharged from the drug service.</p> <p>If there is a suggestion that the applicant uses drugs a medical examination and testing may be arranged by the Council at the applicant’s expense to determine suitability.</p> <p>In relation to existing individuals, the nature of such offences is such that public safety will always take priority. Whilst any decision will be made having regard to the facts of the case, such a caution or conviction is likely to result in the individual being deemed not “safe and suitable”.</p>
Sexual Offences (including Indecency)	<p>Applicants with convictions for any sexual offence involving children or other vulnerable victims or any other convictions under the Sexual Offences Act 2003 will be considered as not suitable to be an approved driver.</p>
Violence	<p>A serious view will be taken of convictions or cautions for offences involving violence including domestic violence.</p>

	An applicant with a conviction or caution for an offence involving violence will be required to show a period of 10 years free of convictions before an application could be considered.
Dishonesty	<p>Due consideration will be taken of convictions or cautions for offences involving dishonesty.</p> <p>An applicant with a conviction or caution for an offence involving dishonesty will be required to show a period of 5 years free of convictions or cautions before an application could be considered. However some discretion may be appropriate if the offence is isolated and there are mitigating circumstances.</p>

The above table is for guidance and all cases will be considered on its own merits. If the applicant has declared other offences not listed above these will be considered as part of the risk assessment process.

Appendix Two

The Role of the Driver and Passenger Assistant Card

Safeguarding Children, Young People & Vulnerable Adults

The Role of the Driver and Passenger Assistant

Safeguarding children or vulnerable adults - the action we take to promote their welfare and protect them from harm - is everyone's responsibility. Everyone who comes into contact with a child or vulnerable adult and their families has a role to play. **You are in a position of trust** and at the same time you are vulnerable to allegations or complaints if you do not follow the following advice. **If a child or vulnerable adult tells you something or you notice other concerns about them:**

- Listen and take what they say seriously.
- Don't ask questions that lead them into saying things or attempt to investigate yourself.
- Make factual notes as soon as possible including, date, time, those present and what was said, seen or heard.
- Be honest and do not let them think you can sort out the situation. Explain you will pass the information onto someone who can help. Tell them it will be dealt with confidentially but that you cannot 'keep secrets'.

Report any conversations or any concerns that you have immediately to your manager. You or your manager or operator should then contact:

A. Safeguarding Children Hub (Mon to Thur 8:30am-5:00pm, Fri 8:30am-4:30pm)

(01482) 395500

safeguardingchildrenshub@eastriding.gov.uk

B. Safeguarding Adults Team (Mon to Thur 8:30am-5:30pm Fri 8:30am-4:30pm)

(01482) 396940

safeguardingadultsteam@eastriding.gov.uk

C. Out of Hours (all other times)

(01482) 393939

Email - As above Children or Adult

If there are immediate concerns about the safety of a child, young person or vulnerable adult you should **ring 999, ask for the Police** and then inform your manager or operator as soon as possible.

Transportation Services should also be informed of any issues.

If you have concerns about the conduct or behaviour of driver colleagues towards a child or vulnerable adult you must report these in the same way as other concerns and to the Council's Taxi Hub if it concerns an East Riding licensed driver.

To minimise the risk of misunderstandings arising and possible allegations drivers MUST NOT:

- × Become over-friendly in any way with children or vulnerable adults or engage in any form of relationship, infatuation, show favouritism or share any personal information about themselves
- × Intentionally or without appropriate reason touch a child or vulnerable adult.
- × Administer medication.
- × Photograph or film children or vulnerable adults. Show children or vulnerable adults films, pictures or images.
- × Engage in social media, internet or mobile phone communication with children or vulnerable adults.
- × Shout, swear or make personal, humiliating or otherwise offensive comments, even if you have been provoked.
- × Offer sweets, money, drinks, cigarettes or gifts during the journey or outside of work to passengers or their carers.
- × Stop anywhere other than specified pick up and drop off points except in emergencies
- × Change the route if asked to by your passenger other than with management authorisation.
- × Have social contact outside the workplace especially if living in same town/village.

DO: Maintain clear appropriate boundaries and be professional.
To protect yourself report anything about a child or vulnerable adult's behaviour or attitude towards you that gives you cause for concern or unease. Your manager or operator will then log these concerns and consider appropriate action.



March 2021