

Surrey School Travel & Assessment Team Authorised Identification Suitability Policy

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Overview

This document details the policy for assessing the suitability of an individual to be cleared to work in regulated activity with children and vulnerable adults on **Surrey Schools Travel and Assessment Team (SSTAT)** transport contracts, the process to apply and renew their clearance as well as the ongoing management of their performance to ensure continued suitability.

The SSTAT approach to the application and the decision in key respects will be based upon the paramount consideration that the individual should be of adult age and be a fit and proper person to be granted a position of responsibility involving 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. The SSTAT Authorised Identification (ID) Badge is not a licence under legislation such as Local Government (Miscellaneous Provisions) Act 1976, Private Hire Vehicles (London) Act 1998, or alike. It is only clearance to work in regulated activity with children and vulnerable adults on SSTAT contracts.

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

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

Application for a SSTAT Authorised ID Badge

All applications must be booked online 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.

Applications can be booked online - [SSTAT Authorised Identity Badge Appointments - Surrey County Council](#). Please ensure that the 'Booker' email is the Operators email and that the 'Applicant' email is that of the individual driver/PA – This will ensure that both Operator and applicant are kept informed of the progress of the application by automated notifications.

The applicant will attend a 20 minute interview in person with a SSTAT officer to complete an Enhanced DBS Disclosure Application as well as additional checks by the SSTAT. They will need to provide the required documentation to complete the DBS application - [ID checking guidelines for Standard/Enhanced DBS check applications from 22 April 2025 - GOV.UK](#).

The SSTAT will only use Option One as the way to view and validate documents - [ID checking guidelines for Standard/Enhanced DBS check applications from 22 April 2025 - GOV.UK](#) If the applicant cannot provide the required documents to complete Route 1 of the ID checking process then they must contact the SSTAT prior to their appointment

The applicant will also be required to provide proof of their Right to Work, their National Insurance number and 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) for their application to be considered. Drivers will also need to provide their Driving License and their professional licensing (Hackney Carriage / Private Hire / PCV) as applicable.

Renewal of a SSTAT Authorised ID Badge

SSTAT Authorised ID 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 below. 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 applicant must be registered with the DBS Update Service - [DBS Update Service - GOV.UK](#). The applicant will need their Enhanced DBS certificate number from their SSTAT Authorised ID application, no other Enhanced Disclosures registered with the DBS Update Service are acceptable given the specific nature of the role working in regulated activity with children and vulnerable adults. The

applicant must register for the Update Service within 30 days of the certificate being issued.

In rare circumstances applicants may be informed by the DBS that the DBS is unable to automatically issue a DBS certificate and will instead issue a DBS certificate manually. If the applicants are issued with a manual DBS certificate, the applicant will not be able to subscribe to the Update Service. If this is the case, the applicant will be informed when you try to register with the Update Service. These applicants will need complete a new application for a SSTAT Authorised ID Badge instead of being able to use the online renewal process.

The SSTAT 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 SSTAT recommend at least two months. If the individual does not have a current valid badge, then they must not work on SSTAT contracts, no exceptions will be made for individuals in the process of reapplying.

Renewal applications can be completed online - [Surrey School Travel and Assessment Team \(SSTAT\) annual authorised identity badge renewal - Surrey County Council](#)

In the event that a renewal application is unsuccessful, the same rights of appeal set out below will apply to that decision.

The Decision-Making Process

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

A. Criminal History

All applicants will have to provide evidence of their identity. The suitability decision will be based mostly on the Disclosure and Barring Service (DBS) Enhanced Disclosure (including a check of the POCA [Protection of Children Act] and POVA [Protection of Vulnerable Adults] list [see Appendix 1]). 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 their 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 SSTAT 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 SSTAT, 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, which 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 SSTAT 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 particularly 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 has 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 has 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 SSTAT Authorised ID 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.

Drink Related Offences –

Without Motor Vehicle –

Applicants with a single offence will not normally be considered until a minimum of 1 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 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.

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 8 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 a Person with substance use disorder, they would be required to show evidence of 10 years free from drug taking after detoxification treatment.

Driving offences Involving the Loss of Life –

A 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 1 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 Barred from working with Children or Vulnerable Adults –

A serious view is taken on any applicant that has been placed on either the children's or adults barring lists. If any applicant that has been barred from regulated activity with either group 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 SSTAT 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 applicant 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 SSTAT 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) for their application to be considered. 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. Further guidance is available at –

[Countries A to F: applying for a criminal records check for someone from overseas - GOV.UK](#)

[Countries G to P: applying for a criminal records check for someone from overseas - GOV.UK](#)

[Countries Q to Z: applying for a criminal records check for someone from overseas - GOV.UK](#)

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 an Authorised Identity Badge 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 SSTAT Officers who will record their professional opinion and the Contracts Manager (or a Senior Transport Officer in their absence) will consider the application and either support or reject the recommendations.

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 SSTAT 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 SSTAT Officers and the Contracts Manager. 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 SSTAT will not make a decision on an Enhanced Disclosure that the applicant states are not accurate.

B. Information from Safeguarding Teams

The SSTAT may also make its own checks with Safeguarding teams in Surrey County Council to ensure that there is no adverse information relevant to the applicant's suitability for the role may also require checks to be made with Social Services and the Local Authority Designated Officer team.

C. Information Held / Previous History with the SSTAT

The SSTAT officers will also consider any information or previous history held about the applicant by the SSTAT. 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 SSTAT. 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 SSTAT Authorised ID Badge revoked for performance issues resulting in accumulation of 12 performance points and the

need to hold disciplinary hearings. In general, after the third revocation, it would be considered that they are not suitable to hold a SSTAT Authorised ID Badge. However isolated incidents, if sufficiently serious, may be considered to be enough to prevent the application being considered further. The SSTAT officers will document their concerns and give their reasons why they came to this conclusion.

D. Additional Checks by the SSTAT

The SSTAT officers will also make additional checks on the applicant's suitability to undertake the role. The SSTAT 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.

The applicant will also need to provide a signed SSTAT Authorised ID Badge application declaration and approved Operators will also have to provide confirmation that the applicant has been recruited in line with Safer Staffing Recruitment guidelines.

All of these additional checks must be suitably completed before the SSTAT will consider issuing a SSTAT Authorised ID Badge.

Training

Prior to the issue of any new SSTAT Authorised ID, the applicant will be required to complete the nominated Safeguarding Training course and provide the relevant certification to the SSTAT. Currently the SSTAT require the Blue Lamp Trust Safeguarding eLearning course - [safeguarding-elearning | THE BLUE LAMP TRUST](#)

Passenger assistants will also be required to provide certification from a one-day (usually around 4 hours) classroom-based first aid training which should cover essential skills and knowledge to handle emergencies during transportation, ensuring the safety and well-being of children. There is no nominated provider for this training. If the Operator is unsure if the training they have identified is appropriate then they will need to discuss further with the SSTAT.

Notification of the SSTAT Decision

Once all the documentation is complete, a satisfactory DBS disclosure is received and the application is successful, the badge will be issued to the chosen Operator, usually within 10 working days.

If the applicant is unsuccessful and the decision is taken to refuse a badge the applicant will be informed accordingly and given the reason(s) why the authorised SSTAT officers felt, they were not suitable. The decision notification will allow the applicant to make an informed decision as to whether they wish to appeal the decision.

It is important to note that all information must be sent into SSTAT within 3 months of the issue date of the DBS Certificate, otherwise the application will be closed and the applicant will need to start a new application for a SSTAT Authorised ID Badge.

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 notification. The applicant will be invited for an appeal hearing which will be conducted by two SSTAT 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 SSTAT 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 Manager 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 Manager 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 people consisting of the managers from SSTAT Leadership. 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 SSTAT officers – any incidents stated on the DBS enhanced disclosure, any safeguarding concerns, SSTAT information or other relevant information. Applicants will also be allowed to submit any relevant information that they feel may give the transport officers, Contracts Manager 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 SSTAT, 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 SSTAT officers, Contracts Manager or Chair of the Stage 3 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 SSTAT Authorised ID Badge

Badges are issued for a period of one year. The SSTAT 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 SSTAT recommend at least two months. If the individual does not have a current valid badge, then they must not work on SSTAT contracts, no exceptions will be made for individuals in the process of reapplying. The applicant must be registered with the DBS Update Service to apply via online renewal.

Renewal applications can be completed online - [Surrey School Travel and Assessment Team \(SSTAT\) annual authorised identity badge renewal - Surrey County Council](#)

To complete the renewal application the applicant will need their National Insurance number, Enhanced DBS certificate number, driving licence number and Authorised ID Badge number. If they are renewing a driver's Authorised ID Badge, they will also need their valid Hackney Carriage / Private Hire license ready to upload. If they are renewing a passenger assistant Authorised ID Badge, they will be required to upload a valid first aid certificate.

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 SSTAT Authorised ID Badge is managed by the Contracts 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 SSTAT Authorised ID 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 must have completed both Comprehensive Safeguarding and Disability Awareness classroom training before their first SSTAT Authorised ID Badge renewal, preferably as soon as possible after receiving their first Authorised ID Badge. Failure to have fulfilled this requirement will result in the suspension of the SSTAT Authorised ID until the necessary training has been completed.

Operators can book group training directly with the nominated provider at a discounted rate, or individual appointments online - [SSTAT Tutor-Led Training Courses - Surrey County Council](#)

Refresher Training has been designed to update the applicant's knowledge of safeguarding and disability awareness, obtained previously on the classroom based training courses. Once a period of 3 years has passed since the completion of the first classroom-based training, applicants must complete the refresher training and send the certificate to us before the 3 years has expired since the first classroom course was completed.

Training can be completed online - [Home to School Transport: Safeguarding & SEND Awareness \(HST1\) – Spectrum Courses Ltd](#). You will need to create an account to view the course content. Please ensure you complete the correct course - Home to School Transport: Safeguarding & SEND Awareness (HST1)

Suspension / Revocation of a SSTAT Authorised ID Badge

The issue of a SSTAT Authorised ID Badge does not prevent the Council from reviewing the holder's suitability to hold a SSTAT Authorised ID Badge at any time

during its currency, at its sole discretion. Furthermore, not every SSTAT Authorised ID Badge holder's performance is going to meet the Council's standards, with each individual's suitability and performance being monitored constantly, using the SSTAT's penalty points system. An individual's suitability to hold a SSTAT Authorised ID Badge may be reassessed at any time and in the event of an incident occurring that requires further investigation, the individual's SSTAT Authorised ID 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 SSTAT cannot divulge any detail of an allegation against an individual whilst their SSTAT Authorised ID 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 SSTAT Authorised ID Badge should be held by the Operator. It should be considered that by reaching 12 points the individual has failed to meet the service standards required by the SSTAT and the SSTAT Authorised ID 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 SSTAT Authorised ID 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, the SSTAT Authorised ID Badge will be revoked and the SSTAT will seek evidence that the badge has been destroyed. In general, where a badge is revoked the individual will be able to re-apply for a SSTAT Authorised ID Badge two years after the incident. However severe cases will be considered and may affect the individual's suitability to hold a SSTAT Authorised ID Badge in the future. If a SSTAT 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 three strikes rule will be applied against applicants that have had their SSTAT Authorised ID Badge revoked for performance issues resulting in accumulation of 12 performance points and the need to hold disciplinary hearings. In general, after the third revocation, it would be considered that they are not suitable to hold a SSTAT Authorised ID Badge. Any penalty points accrued by the individual will be considered by the SSTAT when examining an application to renew a SSTAT Authorised ID Badge and may result in refusal.

Liabilities: The SSTAT Authorised ID Badge Scheme

As set out at in the Overview section, the Council's SSTAT Authorised ID 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 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. The SSTAT Authorised ID Badge is not a licence under

legislation such as Local Government (Miscellaneous Provisions) Act 1976, Private Hire Vehicles (London) Act 1998, or alike. It is only clearance to work in regulated activity with children and vulnerable adults on SSTAT contracts.

In circumstances where the council has to suspend a SSTAT Authorised ID 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 SSTAT Authorised ID 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 SSTAT Authorised ID 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 SSTAT Authorised ID 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 SSTAT Authorised ID Badge works, are terminated for any reason, the Council will not accept any financial liability towards the holder of the SSTAT Authorised ID 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 SSTAT Authorised ID Badge clearances due to the variable length of this process.

APPENDIX 1 - 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 spent¹. 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 BARRED FROM WORKING WITH VULNERABLE CHILDREN OR ADULTS

Children

The guidance from NACRO² (National Association for the Care and Resettlement of Offenders) provides that people will be barred 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 barred are those:

- On a list held under Section 142 of the Education Act 2002 (List 99)

Rehabilitation of Offenders Act 1974 (section 1(1) & www.crb.homeoffice.gov.uk)
² NACRO – Recruiting ex-offenders: the employer’s perspective www.crb.homeoffice.gov.uk)

- 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 barred 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 barred from working with vulnerable adults if they are included on the Protection of Vulnerable Adults (POVA) list.

Similar to 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 barred from such work to obtain it, and for an employer knowingly to employ a barred person.