



THAMES VALLEY
POLICE

**Vale
of White Horse**
District Council



OXFORDSHIRE
COUNTY COUNCIL

South Oxfordshire
District Council
Listening Learning Leading

Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

Joint Operating Framework for Transporting Children/Adults with Care and Support Needs and Taxi Licensing in Oxfordshire

Between

Oxford City Council
South Oxfordshire District Council
Vale of White Horse District Council
West Oxfordshire District Council
Cherwell District Council
Thames Valley Police
Oxfordshire County Council

November 2015

To be reviewed November 2016

OSAB
Oxfordshire Safeguarding Adults Board

OSCB
Oxfordshire Safeguarding Children Board

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1. Introduction: Local and National Context

Safeguarding children and adults with care and support needs is a top priority for all agencies working in Oxfordshire and we believe that they have an equal right to protection and should be listened to if they express concerns about safety.

It is recognised that there are risks involved in transporting children/adults with care and support needs and also the opportunity provided by taxi drivers to spot the signs and alert the appropriate authorities to concerns about the safety of children/adults with care and support needs. In addition taxis regularly transport passengers who may be vulnerable, for example when the passenger is under the influence of drink or drugs or is travelling alone. There is a need to promote the highest safeguarding standards to protect both passengers and drivers.

Discriminatory, offensive, violent and bullying behaviour is unacceptable and complaints will be acted upon.

The Oxfordshire Joint Operating Framework for Transporting Children/Adults with Care and Support Needs and Taxi Licensing was commissioned by the Child Sexual Exploitation Sub-Group of Oxfordshire Safeguarding Children Board and is the result of collaboration between the City and District Councils, the county council and the police with the intention of involving health partners in the next stage if appropriate.

It provides a single set of minimum standards for agencies with responsibilities for transporting children/adults with care and support needs in Oxfordshire, including addressing vetting, training, awareness raising, information sharing, policy alignment, enforcement activity and quality assurance and monitoring.

It is also a direct result of the learning from the Bullfinch investigation into historical child sexual exploitation in Oxford, the subsequent Serious Case Review into child sexual exploitation of Children A-F (published in March 2015) and the findings of the Stocktake Report set up to review Oxfordshire's current approach to tackling child sexual exploitation (published in July 2015).

In May 2013 the Bullfinch investigation resulted in seven men being sentenced to a total of 95 years in prison for a range of child sexual exploitation offences in Oxford. The Serious Case Review identified that a number of the victims had spoken of being transported by taxi to locations where offences took place. The review recommended that Taxi Licensing Authorities in Oxfordshire seek harmonisation of licensing standards across the county and this Operating Framework is a product of that work. The review identified the legal loopholes that require a closer working relationship between authorities.

Overall the 2015 Stocktake Report was positive about the local progress made and it also included a recommendation relating to transport and taxi licensing.

“Oxfordshire county council and all district councils must work more closely together to ensure that the regulation of the contracts to transport vulnerable children and taxi licensing across Oxfordshire is more robust”.

At a national level in February 2015, a report was published into the failings of Rotherham Borough Council to protect young people in the city from child sexual exploitation. The report, written by Louise Casey, made a number of recommendations and observations to improve the authority's Taxi Licensing Authority function and these have also been taken into account in drawing up this framework. Examples of good practice in Sheffield and other areas have also informed its development.

2. Background Information

2.1 Legal Framework

Taxi and private hire vehicle legislation is primarily concentrated in the Town Police Clauses Act 1847 (hackney carriages) and the Local Government (Miscellaneous Provisions) Act 1976 (both hackney carriage and private hire).

The legislation provides a broad framework for the licensing of drivers, vehicles and operators but the detail of how this is done, including standards and conditions, is the responsibility of individual councils. There are a number of other Acts which also have an impact; for example the Equalities Act 2010, which enables regulations to improve disabled access to taxis.

Deregulation Act 2015

In March 2014 the Government published amendments to what became the Deregulation Act 2015. In effect this Act has reduced some of the safeguards operating previously.

Section 10 of the deregulation Act 2015 makes a requirement on Authorities to set a standard duration of three years for a taxi and Private Hire Vehicle (PHV) driver's licence and a standard duration of five years for a PHV operator's licence. A lesser period may be specified only if appropriate in a particular case.

In addition, section 11 of the Act makes changes to cross border hiring by allowing a PHV operator to sub-contract a PHV booking to another operator who is licensed in a different licensing district. The onus is on the original operator who accepts the booking and subsequently passes it on, to retain the liability for the satisfactory completion of that journey. It is also clear there is a duty on the operator who takes the booking to keep a full record and to report the full record of that journey.

2.2 Terminology

a) The Licensing Authority

Each Oxfordshire district council provides the Licensing Authority function for hackney carriage and private hire drivers, vehicles and operators within their local authority area. A private hire operator does not employ its drivers; they are self-employed. A number of drivers may drive the same vehicle if they have the appropriate licence, and the vehicle proprietor holds the appropriate motor insurance.

It is the authority's responsibility to:

- set the local framework including driver, vehicle and operator standards and conditions, and specifically for hackney carriage the tariffs and appropriate number of licensed vehicles
- consider applications and granting, reviewing, suspending or revoking licences
- Investigate and respond to complaints concerning hackney carriage or private hire drivers/operators
- undertaking inspection and enforcement activities of all licence holders

The Licensing Authority has the power to attach conditions to private hire drivers, private hire vehicles and private hire operators under the 1976 Act. Hackney carriage drivers and vehicles are dealt with by way of byelaws adopted following the 1847 Act. It should be noted, that many Councils now issue Hackney Carriage and Private Hire Driver Dual Licences meaning that the conditions relating to private hire can be attached to such a licence.

b) Hackney Carriage Vehicles

HCVs commonly known as taxis or cabs are able to wait on a taxi rank and be hailed on the street within the district within which they are licensed. The vehicle can only be driven by a hackney carriage driver licensed by the same authority as the vehicle. They can be booked directly by a customer or operate as a private hire vehicle for a private hire operator anywhere in the country.

c) Private Hire Vehicles

PHVs include a range of vehicles such as minicabs, executive cars, limousines and chauffeur services. These vehicles must be pre-booked through a private hire operator and cannot legally be hailed on the street or wait on a rank. Should a passenger get in a PHV which has not been pre-booked the licensed driver is operating unlawfully and their insurance will be invalidated. The vehicle can only be driven by a private hire driver licensed by the same authority as the vehicle and operator, and all bookings must be provided to the driver by the operator.

d) Public Service Vehicles

PSVs carry over eight passengers and are licensed by the Department for Transport, not local authorities.

e) A "Fit and Proper Person"

The "fit and proper" test considers whether someone should serve the public, with particular regard to the range of passengers that a driver may carry. For example, the elderly, unaccompanied children, people with disabilities, those who have had too much to drink, lone women, foreign visitors and unaccompanied property. The test is centred upon:

Honesty and trustworthiness – drivers often have knowledge that a customer is leaving a house empty and have responsibilities for passengers who are vulnerable or do not know the locality.

Not abusive – drivers can be subject to unpleasant or dishonest behaviour. Drivers are expected to avoid confrontation, and to address disputes through the proper legal channels.

A good and safe driver – passengers paying for a transport service rely on their driver to get them to their destination safely. They are professional drivers and should be fully aware of and comply with all Road Traffic legislation and conditions attached to the licence.

f) Enforcement

Councils do not have the power to stop vehicles; only the police can do this. Therefore officers can only intervene when a vehicle is stationary, and they are unable to do anything if it drives off except follow up at a later date. Councils can only take action against a vehicle or driver that it has licensed, so **cannot** enforce against a vehicle or driver licensed elsewhere whilst operating in their area, **unless** they have been given delegated authority by the licensing authority. Officers **can** enforce against hackney carriages licensed elsewhere if the driver is plying for hire within the officer's district as they are operating as an unlicensed hackney carriage.

g) Cross Border Hiring

The biggest risk to the safety of the public and the reputation of the taxi and private hire trade is the legal loophole that allows a driver and vehicle to be licensed as hackney carriage by one Licensing Authority and operate as private hire vehicle in another authority's area. The driver does not require a licence from the Licensing Authority where the driver carries out the Private Hire work. The Local Government Associations Councillors Handbook for Licensing describes the issue very well:

“... the issue of cross-border hiring is perhaps the most acute problem facing many councils today. In one recent example, a driver applied to a council for a licence only to be refused after the police presented concerns to the licensing committee; the driver then applied to the neighbouring council, which was given the same information by the police but chose to licence the driver. The driver now operates in the first council's area and there is nothing they can do to stop it.”

h) When is Taxi Driving a Regulated Activity?

Taxi Drivers who work under contract to transport children frequently i.e. once a week or more or more than 3 times in a 30 day period, are considered as partaking in regulated activity. This is a prescribed position in Police Act Criminal Record Regulations and therefore they are subject to an enhanced DBS check, which will list all known information on the applicants DBS report.

i) When is Taxi Driving not a Regulated Activity?

Taxi driving licensing applications are a different prescribed position in Police Act Criminal Record Regulations and although they are subject to an enhanced check. Which includes Children and Adult List checks, Taxi Driving, per se, is not regarded by DBS as a regulated activity.

Therefore the enhanced DBS report for a taxi driver applicant will not include all known information, and areas such as police comments will be excluded from the report.

Taxi driving cannot be a regulated activity for adults (whilst driving a taxi) in accordance with a Department of Health directive. However an application for an enhanced check, without a check of the adult barred list, when the taxi driver is working under contract to take adults who would

have fallen under the pre September 2012 definition of a vulnerable adult, to or from places they would be receiving health or personal care or an activity arranged solely for a 'vulnerable adult' e.g. adult day care centre or therapy class. This is a different prescribed position in Police Act Criminal Record Regulations and therefore can have an enhanced check only.

k) The Disclosures and Barring Update Service

The Disclosures and Barring update service must be applied for within 21 days after the applicant has been issued with a Disclosures and Barring Service report. The service will then only supply information or list offences which have occurred after the date of that original check.

As a result Licensing Authorities must ensure that the original DBS report application was made at an enhanced level, and have sight of that original report.

Authorities responsible for the transportation of children/adults with care and support needs must ensure that the update service subscription was based on an enhanced check for the role of a 'taxi driver', and they must have sight of the original DBS check report.

Therefore any update service subscription should ideally be applied for following a DBS report issued via the Transportation Authority.

All applicants who subscribe to the update service must grant the Authority the right to check their DBS update service. By granting the Authority the right to this information the Licensing Authorities would not breach the Data Protection Act.

However if an Authority request a check against the wrong workforce, they will be in breach of guidance provided to you by the DBS and the Data Protection Act 2008 principles as you would be requesting excessive information for the purposes of employment. The police make their relevancy decision against the workforce. This may put organisations at risk of asking for information they are not entitled to see, because the police chose to reveal information relating to an incorrect workforce or alternatively at risk at not being provided with relevant information you are entitled to see if a workforce was not noted on the application form.

When you request an update check against a certificate in the Update Service you will be asked to legally declare you have the right to request the information at that level. You should think of it as being able to submit a new application .So If you used a certificate, provided by DBS as a consequence of submitting a taxi driver licence application certificate for a role which is only with children AND there were there to be an update on the certificate against the adults barred list you would not be able to legally submit a new application with a request of the adults list to see that information as the role is with children.

3. Oxfordshire's Minimum Standard for Safeguarding

3.1 Vetting

a) Documents Checklist to obtain a Hackney Carriage and Vehicle for Hire

All licensing authorities will ensure the following documents/processes are in place.

New Hackney Carriage and Private Hire Drivers Licence	Renewal licence
Application Form	Application Form
Passport and Proof of National Insurance number or other document from a prescribed list e.g. P45, full birth certificate, work permit	Passport and Proof of National Insurance number or other document from a prescribed list
Proof of address- 1 proof within 2-3 months	Proof of address - proof within 2-3 months
Visa, residency card/proof of entitlement to work in the UK	Visa, residency card/proof of entitlement to work in the UK
Photographs for ID badge 2 minimum passport size	Photographs for ID badge 2 minimum passport size
Current licence to drive a motor vehicle minimum months 12 and DVLA mandate consent form	Current licence to drive a motor vehicle minimum months 12
English language competency assessed during appointment, followed by the knowledge test, including verbal assessment. If spoken English is not deemed adequate application will be denied and referred to a spoken English course	
Knowledge Test (including safeguarding)	
Safeguarding and disability awareness course	
Medical report As listed in the DVLA Group 2 Guidance: https://www.gov.uk/guidance/current-medical-guidelines-dvla-guidance-for-professionals	
Enhanced DBS check for 'other workforce' and 'children and adults' every 3 years*.	Every 3 years.
Taxi Drivers will be expected sign up to the Update Service (A5 leaflet will be provided)	DBS – A renewal licence will not be given unless the DBS check has been returned, or a check can be made on the Update Service
Face to face interview held	Every 3 years
Information leaflets issued	Information leaflets issued

Further details on Knowledge Test and Safeguarding and Disability Awareness Training are provided in the Training Section below.

*If an Authority requires a DBS check for the role of taxi driver and that person falls within regulated activity for children (such as schools contract transportation), then two separate checks should be requested.

The first check, for the role of a 'Taxi driver', does not fall within the requirements for regulated activity, and as such that check must be listed as 'other work force' on the DBS application. By specifying 'other work force' on the DBS application the level of information which may be disclosed on the enhanced report is restricted.

This first DBS check is applied to all licensing Authorities, where the applicant is applying for a Hackney Carriage/Private Hire driver's licence.

Good practice to be considered:

- Extension of possession of driving licence to longer than 12 months
- ESOL 2 as a requirement
- Driver Standards Agency Test or equivalent
- Face to face interview held on an annual basis
- Information leaflets are issued at every appointment
- To see 2 proof of addresses

b) Vetting to become approved transport provider with the County Council for children and adults with care and support needs

Taxi drivers who work under contract to transport children frequently are considered as partaking in regulated activity and so a second DBS will be undertaken potentially providing additional intelligence because the driver is to have substantive contact with children. This check falls within the requirements of regulated activity, and as such the check must be listed as 'Taxi driver' on the DBS application. By specifying 'taxi driver' on the DBS the level of information on the enhanced report is not restricted.

When a driver applies for a badge or renewal with the county council, the vetting process covers the following:

- Collation of full details on the driver.
- Information sharing with the licensing authority
- DBS checking through initial face to face appointment to check documents
- Checks on whether the driver is known to Children's Social Care because of any safeguarding concerns regarding his own family.
- Risk assessment if there is a concern following process identified in g) below.

c) Licences

The Deregulation Act 2015 makes a requirement on Authorities to issue a licence for a maximum duration of 3 years, or less – but if less must be done so on a "case-by-case" basis.

Good practice to be considered:

- To issue 3 year driver licences only to those who have attained the OSCB Safeguarding Training and Awareness Certificate

d) Code of Conduct for Taxi Drivers and Hackney Cab drivers and drivers and escorts of contract holders at the County Council

To be made available as appropriate. Non compliance with the Code of Conduct will result in a review of the Licence and appropriate action will be taken (as set out below).

e) Enforcement Procedures

Enforcement Procedures for Licensing Authorities – Warning System

Issue of warning (appropriate and proportionate to the incident reported and in line with the district council's enforcement policies).

Issue of higher level warning (appropriate to incident and having regard to history)

If caught for a criminal offence /plying for hire a request will be made for an interview to be held in accordance with Police and Criminal Evidence Act. (PACE may only be used when the authority is investigating with a view to prosecution).

When reaching the highest warning level a decision will be made by senior management or to refer to relevant licence committee or take further action under delegated powers.

Referral to Law and Governance department/legal adviser to consider prosecution will be made for criminal offences and plying for hire.

Appeals can be made to the Magistrates Court.

Enforcement and Quality Monitoring for Oxfordshire County Council Transport Hub

Monthly quality assurance meetings are held with the Local Authority Designated Officer (LADO), the Transport Hub and the Adult Social Care Safeguarding Manager to review all complaints and investigations.

An agreed escalation process is in place to the Designated Officer (LADO) and Adult Safeguarding.

Complaints and providers are classified by risk (Red, Amber, Green) based on number of complaints, level of seriousness, compliance with contract requirements and any other soft information.

Providers who are classified as Red are not allocated work. Providers rated as Amber are given a specified time period to make agreed improvements or become Red.

The Information Sharing Protocol requires the Transport Service to notify the licensing authority of all concerns.

f) Action and criteria for decision making if there is a conviction or intelligence

All past convictions, warnings, reprimands, Anti-Social Behaviour Orders (ASBOs), cautions, community service orders, restraining orders and fixed penalties (including traffic offences) will be considered against Home Office guidelines. The Rehabilitation of Offenders Act 1974 as

amended by the Legal Aid, Sentencing and Punishment Act 2012 sets out the period after which all convictions, warnings, reprimands, ASBOs, cautions, community service orders, restraining orders and fixed penalties (including traffic offences) are regarded as 'spent' and which would not normally necessitate disclosure.

In 2002 the Rehabilitation of Offenders Act was amended so as to exclude hackney carriage and private hire drivers from the effects of the 1974 Act. Applicants for such licences are now required to disclose all convictions, warnings, reprimands, ASBOs, cautions, community service orders, restraining orders and fixed penalties (including traffic offences) including those that would previously have been regarded as spent under the Act. The council will use the Rehabilitation of Offenders Act 1974 as guidance but in every case the individual facts will be considered in accordance with the criteria set out in policies

The Local Government Miscellaneous Act 1976 (Licensing of Hackney Carriages (47) and Private Hire Vehicle's (48) provides that Councils can set a criteria of how the provisions will be implemented: <http://www.legislation.gov.uk/ukpga/1976/57/part/II>

The following information must be disclosed on every application form, or within 7 working days of the conviction.

Traffic Convictions

Major Traffic offences

Plying for hire

Drunkenness

Drugs

Police Bail

Police recommendation

Indecency Offences /sex offence register

Violence

Dishonesty

Behaviour Guidelines issued

Police Investigations/Cautions

Note: Some Motoring Offences are notifiable only for a period of 3 years

Conviction/serious crime

All spent offences are to be considered at every application.

Crime and Criminal Offences need not result in permanent bar but there would be an expectation that there would be at least 3 years or more (depending upon nature of offence) of being free from conviction. In addition there can be exclusions for offences such as sexual offences and drugs offences, requiring at least 5 years clear from convictions.

Cautions and Convictions are never treated as spent in relation to licensed drivers, and an Authority can refuse a licence to any person where they believe that older offences would lead to concerns that the person is not fit and proper.

The proposed taxi licensing data set would collect data on drivers with convictions being licensed to enable monitoring of standards in relation to this area.

Applicants are required to inform the Authority of all offences, cautions, arrests, or Police investigations. If non-compliance occurred this would be taken into account in assessing the risk in relation to the driver.

The Policy statements set out the “minimum” criteria applicable, not the “maximum” criteria applicable.

g) Risk Management Process

Where there is a conviction the Licensing Authority will follow the risk management process identified below and if the taxi company is seeking to become an approved transport provider with the county council a second risk management process will be undertaken.

The Licensing Authority Process

Where it is considered that there is a concern and that action may be required District Council's will share this information with the Transport Hub, which will undertake further checking, including with the Local Authority Designated Officer (LADO) and Adult Safeguarding.

The Licensing Authority licence number will be included and specify the licensing authority to enable faster sharing of information if any relevant matter appeared on the applicants DBS. Further details are to be found in the Information Sharing Protocol Section.

Investigation and risk assessment undertaken based on seriousness and date of the offence.

Depending on risk level a recommendation is made to a Sub-Committee/Member Panel/Officer with delegated powers to determine outcome.

There is a right of appeal to officer/member panel and final appeal to Magistrates Court.

County Council will be informed of this decision

Oxfordshire County Council Process

A request for driver to bring a copy disclosure and completed questionnaire

Risk Assessment Panel held

Risk Assessment undertaken (based on the scoring set out in the County Council Risk Assessment Guidance)

- Panel to make a recommendation
- A decision letter is sent including information on how to Appeal
- Appeal meeting with an Independent Panel of senior managers and /or members
- A decision letter is sent giving information on how to Appeal
- Districts will be copied into this letter

h) Information Sharing where there is a New Offence

Taxi drivers do not come under the 'notifiable occupation' regulations and consequently there is differential practice regarding whether and when the police will inform licensing authorities of a new offence or arrest using the definition 'pressing social need', because the interpretation of this is subjective.

Thames Valley Police Force is reviewing whether a strategic approach could be taken to this so that all offences by taxi drivers within agreed categories could result in an automatic notification but currently there is differential practice across the force command areas within Oxfordshire.

Risk Assessment processes followed in accordance with previous section.

3. 2 Mandatory Safeguarding Training

All Licensing Authorities will ensure that taxi drivers attend the mandatory safeguarding training being commissioned by Oxfordshire County Council so a single standard is in place. This will be established in early 2016 and a training programme is being developed. In the interim Licensing Authorities will ensure that the minimum standard outlined in a) is met.

In the longer term it will be reviewed whether the elements of the Disability Awareness and Safeguarding are covered in the county council training.

a) Local Knowledge and Safeguarding Test

New applicants must pass a knowledge test: Hackney Carriage and Private Hire Tests. Questions will be posed relating to the Safeguarding of Children and Vulnerable Persons and specific training is not provided.

The test is devised so that applicants can prove that they have sufficient knowledge of the conduct required of licensed drivers and local traffic regulations, and display an awareness of the issues relating to the safeguarding of children and vulnerable persons.

It covers the following areas:

- The local geography of the district and surrounding region, including the location of public buildings such as hospitals, leisure centres and important regional transport links such as airports or train stations.

- The Councils' hackney carriage and private hire licensing policy (as set out in this handbook), taxi law.
- The Highway Code.
- Safeguarding and child sexual exploitation.
- Equal opportunities and disability awareness.

There is an 80% pass mark. If the test is failed the driver will be invited to take the test again after a further test fee has been paid, and then allocated a retest date.

English language competency is also tested as part of the initial vetting process.

b) County Council Disability and Safeguarding Training

A training course is in the process of being developed and commissioned by Oxfordshire County Council.

This will include:

- Safeguarding
- Human trafficking
- Child sexual exploitation
- Exploitation of vulnerable persons
- Disability awareness
- Code of Conduct

Abingdon and Witney College have been commissioned to deliver the new training course for Oxfordshire County Council contracted drivers and escorts in Oxfordshire. For phase one, all drivers and escorts have been sent a training workbook to revise and are then required to attend Unipart House, with ID, and sit a written test. If they fail the written test they are then required to attend face to face training and retake the exam.

It is necessary to go through a second procurement round to secure a long term training provider. Future training will be provided in face to face workshops followed by a written exam. No badges will be issued or renewed without written certification that the applicant has passed the safeguarding training.

The current training manual is outlined in Appendix 1.

c) Transition from existing district training provision to the County Council training

- All Oxfordshire Licensing Authorities have agreed that all drivers will attend the mandatory Oxfordshire County Council training.
- Once all Oxfordshire County Council drivers and escorts have been trained the programme will be rolled out to all districts. This is planned for early 2016. The roll out will start with West Oxfordshire because they do not currently have any appropriate training in place
- A considerable number of district drivers will be picked up in the Oxfordshire County Council training.
- New and existing drivers will receive face-to-face training.
- Costs of training will be defined as we develop a specification for the second phase of face to face training and further discussions will take place about how training will be funded/charged for.

3.3 Safeguarding Materials and Information

Safeguarding information is disseminated to drivers and operators in a similar way across all the Oxfordshire Licensing Authorities.

The minimum standards are set out to ensure new applicants understand their safeguarding responsibilities through the successful completion of the knowledge and disability awareness tests. Until Mandatory training is in place across the county, safeguarding awareness-raising for existing drivers is through web-based information and leaflets that an officer talks through with all drivers at interview.

Information and Materials is in accordance with national 'Say Something if You See Something' guidance on tackling child sexual exploitation.

- All drivers – Web-site information: All Licensing Authorities must include safeguarding information on their taxi licensing web-pages. Specific references should be made to child sexual exploitation, human trafficking and transportation of vulnerable people. Advice on what to look for, what to do and reporting mechanism must be included.
- All drivers – Application Pack or handbook: Safeguarding information must be included in the driver's application pack or handbook. Specific references should be made to child sexual exploitation, human trafficking and transportation of vulnerable people. Advice on what to look for, what to do and reporting mechanism must be included.
- All drivers – Safeguarding Information Leaflet. All drivers must be given a safeguarding information leaflet when being interviewed for a licence. Officers must talk through the leaflet so the driver is fully aware of its content. The leaflet must include advice on what to look for, what to do and reporting mechanism must be included.
- A5 Leaflet on Update Service must be issued.
- All drivers - Safeguarding Business Card – all drivers must be given a business card sized information sheet with reporting telephone numbers and email addresses, to be easily accessible in their vehicle.
- New drivers – safeguarding training and testing must be included in the Licensing Authorities "Local knowledge test" and "Disability Awareness training". Safeguarding questions must be included in the tests with a required pass rate.
- Operators - Application Pack or handbook: Safeguarding information must be included in the operator's application pack or handbook. Specific references should be made to child sexual exploitation, human trafficking and transportation of vulnerable people. Advice on what to look for, what to do and reporting mechanism must be included.
- Operators – Safeguarding Information Leaflet. All Operators and their staff must be given a safeguarding information leaflet when being inspected. Officers must talk through the leaflet so the driver is fully aware of its content. The leaflet must include advice on what to look for, what to do and reporting mechanism must be included.

Good practice to be considered:

- Higher standard – Internal plate information for hackney carriages. All London hackney carriage style vehicles must display an internal plate for passengers to easily identify the licence number of the vehicle from inside the car.

3.4 Client Risk Assessment

- Oxfordshire County Council has commenced a programme of Risk Assessment for all clients conveyed on Oxfordshire County Council commissioned services.
- All High Risk clients, as identified by Children, Education and Families were completed by the end of October 2015.
- The programme will then be moved out to all Special Schools and then to Adult services.
- To initiate a Risk Assessment a Transport Information Form is sent to parent, carer or social worker. This gathers relevant information including a photo of the client to enable the Risk Assessment to be completed.
- Following the completion of the Risk Assessment a passenger passport is then produced. This is attached to the student school bag, with a copy being retained by the Service Provider.

3.5 Escorts/drivers

There is no difference in the processes for vetting, training and supporting escorts/drivers by Oxfordshire County Council.

4. Information Sharing

- The Information Sharing Schedule for the exchange of transporting children/vulnerable adults and taxi licensing information sits under the Information Sharing Protocols of the Oxfordshire Safeguarding Children Board, the Oxfordshire Safeguarding Adults Board and the Oxfordshire Safer Communities Partnership and can be found at Appendix 2.
- The Schedule supports the exchange of information necessary to prevent and detect crime, and support and protect children and vulnerable adults.
- Information exchanged between licensing authorities and Oxfordshire County Council will ensure that decisions on complaints, enforcement, suspension and revocation, convictions and public safety concerns are shared in a secure and timely manner.
- The information will be used to risk assess drivers, investigate complaints fairly and proportionately and ensure that those denied licences or having a licence revoked in one area are not able to get a licence in another Oxfordshire authority.
- Each Local Police Area must have an arrangement to regularly identify and pass on information of concern, as governed by the common law duty. Data sets to be reviewed include Command and Control, Niche and Custody systems.
- Oxfordshire County Council has no powers to enforce or undertake investigations regarding the licensing of vehicles, operators or drivers. Such matters should (if they arise) be passed to the Districts and Police who do have the powers to enforce and investigate.
- Failure to share information results in drivers / vehicles / operators continuing to carry children, vulnerable persons, and all of the public when action could have been taken to remove them from being able to.
- All allegations concerning those who work with children must be passed to the Local Authority Designated Officer (LADO) and Adult Safeguarding without delay. Details are included in the Information Sharing Schedule in Appendix 2.

5. Policy Alignment and Intended Use Policy

The biggest risk to the safety of the public and the reputation of the taxi and private hire trade is the legal loophole that allows a driver and vehicle to be licensed as hackney carriage by one Licensing Authority and operate as private hire vehicle in another authority's area. The driver does not require a licence from the Licensing Authority where the driver carries out the Private Hire work.

The Local Government Associations Councillors Handbook for Licensing describes the issue very well:

“... the issue of cross-border hiring is perhaps the most acute problem facing many councils today. In one recent example, a driver applied to a council for a licence only to be refused after the police presented concerns to the licensing committee; the driver then applied to the neighbouring council, which was given the same information by the police but chose to licence the driver. The driver now operates in the first council's area and there is nothing they can do to stop it.”

To try and address this issue, Licensing Authorities must:

- Identify and address key policy differences, thus removing some of the incentives to be licensed elsewhere. To this end, Oxford City Council has removed its age limit criteria, introduced a discount for “green” vehicles, and changed its livery and vehicle requirements.
- Consider the introduction of an Intended Use Policy to deal with drivers who are not working predominantly in the area in which they are licensed.
- In areas without an Intended Use Policy, Licensing authorities can still refuse an application where there is no intention to work in the licensing authority district. This will be easier for renewal licenses where evidence has been gathered by neighbouring authorities.

Good practice to be considered:

- The introduction of an Intended Use Policy would be best practice

6. Delegated Enforcement and Joint Operations

- Licensing authorities will delegate authority to enforce taxi licensing legislation and this will be requested by each licensing authority. Relevant training in the licensing conditions must be provided
- Licensing Authorities must contribute to an annual schedule of enforcement operations in areas where “out of town” vehicles are operating
- Licensing Authorities must undertake an annual schedule of enforcement operations with Oxfordshire Transport Hub to address issues relating to school transport and the transportation of adults with care and support needs

7. Policy Alignment and Intended Use Policy

A range of performance measures have been agreed to monitor the effectiveness of the Joint Operating Framework. Criteria will be agreed for measuring complaints in measure 1 below.

This performance framework will report to the Child Sexual Exploitation Sub-Group of Oxfordshire Safeguarding Children Board from 1st January 2016.

A review process will be set up to test out the implementation of the Joint Operating Framework.

If one agency is concerned about how any partner is operating within this framework there is the opportunity to escalate either within that organisation or through Oxfordshire Safeguarding Children Board/Oxfordshire Safeguarding Adults Board escalation routes.

Measure	Reporting schedule	Target	Performance against target	Comment	Who will report this
1 Number of * substantiated complaints received * unsubstantiated complaints received * Proportion of Category 4 complaints resolved with a satisfactory outcome, following consultation with LADO or Area Service Manager (Safeguarding)	6-monthly	monitor only	158	Qm Team to receive Bon Solon training to help them classify outcomes as substantiated and unsubstantiated	Sandra Pearce/ District Councils
2 Number of allegations which reach the threshold criteria for LADO referral or adult safeguarding alert	Quarterly	monitor only	7 allegations referred to LADO team. which represents 7.5% of all complaints		Barry Armstrong; Jo Taylor Palmer
3 Proportion of drivers who have received the appropriate safeguarding training (either e-training or course attendance) in the last 3 years	6-monthly from September 2015	100%	18%	In addition, one company procured face to face training for all their staff	Sandra Pearce
4 Number of enforcement actions * banned * declined * suspensions * revoked	Quarterly	monitor only			District councils

5	Number of drivers with an enforcement action in one district council area applying in another area	Quarterly	monitor only			District councils
6	Information Sharing * % of concerns raised by the transport hub shared with the licensing authority * % of concerns raised by the licensing authority shared with the transport hub	Quarterly	monitor only			Sandra Pearce / district councils
7	Number of drivers granted a licence following a conviction - those above not used by the county council <i>Measure 7 TBC</i>	Quarterly	monitor only			Sandra Pearce / district councils

8. Health Partners

None of the local health organisations commission patient transport for children locally, except South Central Ambulance Service who have robust arrangements in place.

The position in relation to whether local health organisations commission patient transport for adults with care and support needs is being ascertained to see whether they should be included in this framework.

9. Neighbouring Authorities

Work will be instigated with neighbouring authorities as a second phase of this development once the Joint Operating Framework has been agreed locally in order to seek the adoption of a similar framework in their areas. In the first instance the Independent Chair of OSCB will write to all neighbouring authorities to request that they co-operate with their neighbouring Licensing Authority in Oxfordshire to develop a local Joint Operating Framework.

November 2015

To be reviewed November 2016

KEEPING VULNERABLE PASSENGERS SAFE

Training Manual for Drivers and Escorts of Children,
Young People and Vulnerable Adults in Oxfordshire



Foreword

The Transport Department at Oxfordshire County Council is pleased to provide for you this training package in Keeping Vulnerable Passengers Safe throughout our county.

We are keen to train and support all staff who assist in transporting children, young people and vulnerable adults, as you have a key part to play in keeping everyone safe.

Oxfordshire County Council will offer you a range of methods in training, assessment and support to assist you, so that everyone understands our safeguarding requirements.

Our message to all our valued transport drivers and escorts is a simple one – that safeguarding is everyone's responsibility.

This important and valuable training will enable you to ensure that your passengers receive the very highest standard of safety at all times.

Yours sincerely

Alexandra Bailey (Service User Manager)

Hannah Farncombe (Head of Safeguarding)

Jo Taylor Palmer Area Service Manager Safeguarding - Adults



What is the purpose of this training pack?



This training pack is for everyone who transports children, young people and vulnerable adults in Oxfordshire. It gives you more details about our duty of care, which has been set out in the 'Driver and Passenger Assistant Guidelines on Oxfordshire County Council Contracts' that you have already signed to obtain your Oxfordshire County Council Badge.

The pack explains what you need to know, and what needs to be done, to keep all passengers safe.

Reminder

The County Council's Guidelines have already given you guidance on:

- Picking up and dropping off passengers.
- Transporting passengers.
- Behaviour with passengers.
- Conversations with passengers
- Physical or sexual contact
- Confidentiality
- Who to contact with concerns

This training pack on how to keep vulnerable passengers safe will provide you with more detailed information on our countywide safeguarding practice.

What happens next?

Please read the contents of this pack with care. You can check your understanding with the quiz at the end of the pack. You will be invited to attend an assessment where we will set a simple tick box test on the contents of this pack to check your understanding. Trainers will be present at the assessment sessions to answer any questions you may have.



The key message of this training is that **safeguarding is everyone's responsibility**.

Approximately 10,000 young people and approximately 1,000 vulnerable adults are transported by Oxfordshire County Council per year.

Please answer the following questions to help you understand more about safeguarding and what is required to put it into practice.

Q. What do we mean by children?

A. People are legally considered children until their 18th birthday.

Q. What do we mean by vulnerable young people and adults?

/

A. Vulnerable young people or adults are those who have particular needs. Some people may be vulnerable to abuse by others because they need help to speak, move or understand or have mental health problems

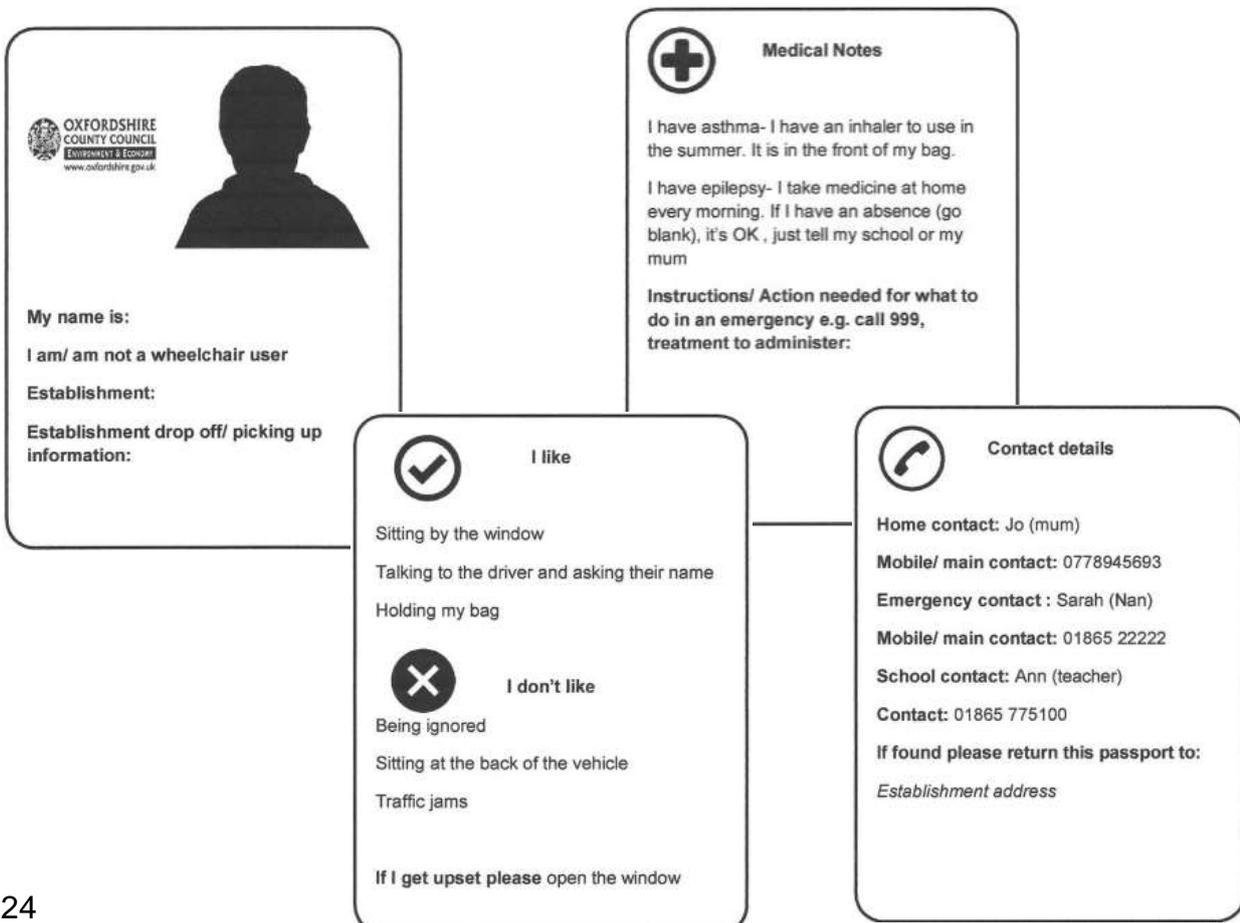
Q. It may be that you are already transporting vulnerable passengers – how would you know this?

/

A. They may have special educational needs, autism, or have difficulty finding their way, making them vulnerable to others mistreating them. They may suffer from dementia and prove unable to retain information



Oxfordshire County Council is introducing a new 'Passport' (shown below) containing key information about each passenger. This includes a photo of the passenger, information about pick up and drop off points with times, passenger likes and dislikes, medical notes / emergency instructions and details of their home / school contact.



This information will either be provided in a small plastic wallet with paper notes (as shown in the sample), or in digital format which will be sent to the passenger's transport provider. The passport gives you all the information you need to know to keep your passengers safe. Please make sure you have read and understand these – and act on them. We will show you samples of these when we meet at the assessment centre.

At the moment these are provided for children and young people, and for adults with learning disability

Here are more questions for you to think about:

Q. We know from the news that vulnerable people have been abused in the past, but what does this sort of abuse have to do with people in Oxfordshire?

/

A. Did you know that in Oxfordshire in 2014:

- 504 children were subject to a Child Protection Plan.
- 462 children were 'looked after'.
- There were 5905 referrals about the safeguarding of children.
- There were 4,363 safeguarding alerts raised in respect of adults

Q. Are children and adults with disabilities abused more than or less than others?

/

- A. Children with disabilities are three times more likely to be abused.
- B. Adults with disabilities are 1.5 times more likely to be abused

EVERYONE NEEDS TO BE TREATED WITH RESPECT

What is abuse?

There are several types of abuse:

- Physical abuse
- Emotional abuse
- Sexual abuse
- Neglect

Q. What do you think are examples of physical abuse?

/

A. Hitting, shaking, throwing, poisoning, burning, drowning, and suffocating.

Q. What do you think are examples of emotional abuse?

/

A. Telling people they are worthless, unloved, inadequate, not valued for themselves; not worth listening to, figures of fun, including name-calling, prejudice and bullying.

Q. What do you think are examples of sexual abuse?

/

A. Encouraging a child or vulnerable adult to take part in or watch sexual activities. This includes any unwanted physical contact whether inside or outside of clothing.

Q. Is it always adult males who are abusers?

/

A. NO – women can commit sexual abuse, as can other children.

Q. Do abusers come from deprived backgrounds?

/

A. abusers come from all walks of life **Children and vulnerable adults are most commonly abused by those already known to them, whoever they are**

Q. What is neglect?

/

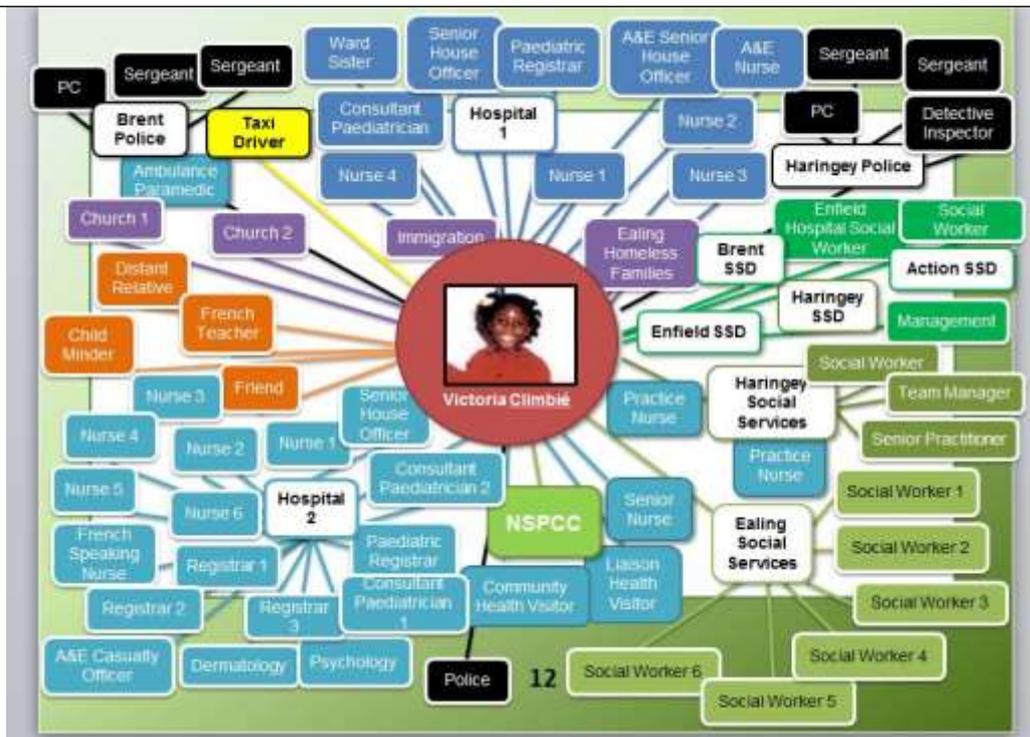
A. Continued failure to meet a child's or vulnerable adult's needs, such as failing to provide food, clothing, medical treatment and shelter, failing to protect from harm from others, or not responding to emotional needs.

What does all of this have to do with transporting children and vulnerable adults in Oxfordshire?

Case Study .1

You may have heard about the tragic death of Victoria Climbié, a young child who died from abuse. She had been seen by many different agencies, but no-one shared their concerns. Look at the chart (below) to see how many were involved in her case.

However, it was a taxi driver who took action because he was concerned about how she looked. This taxi driver took action to try and save her. He ignored her great aunt's wishes and drove to a paramedics' bay and raised the alarm. Sadly, Victoria died of her injuries when admitted to hospital, but the taxi driver had done his very best to save her. This is excellent practice.



Do you know of any cases where:

- Transport staff have helped safeguard a child or vulnerable adult?
- They have not helped safeguard a child or vulnerable adult?

Case Study .2

10 year old Lena was a child who had special educational needs, and was autistic. Like many children with autism she needed a clear routine, and any changes in her routine needed to be explained. If she became distressed music would always calm her down; she loved Jessie J.

One day, her usual driver and escort were not free, and another member of staff was sent.

Test Your Knowledge

Q. What should the replacement driver do?

A. Check details on Lena's passport.

Q. There are roadworks on the route, and a diversion: what should the driver and escort do?

A. Explain to Lena what has happened. Play her favourite music.

In this case study, if the driver follows the Passport instructions, Lena will travel calmly. If not, Lena could become distressed, she could start lashing out and may need to be restrained. Not only would Lena not be happy, but neither would her family. They may well complain.

THINK PASSPORT!

Case Study.3

A taxi driver was asked to pick up a male passenger at a health centre in Wantage to take him to an Oxford Hospital Site. This was out of hours and the passenger had mental health problems.

The taxi driver was advised to not make conversation with the passenger as it could trigger an over-reaction. The taxi driver followed the instructions given and the patient was taken safely to hospital. The driver had wanted to make conversation, but followed the instructions. By doing so he avoided causing distress to all concerned.

Case Study.4

A taxi driver was transporting an elderly lady from a care home to a day care centre, and noticed she kept putting a piece of tissue on her eye behind her glasses. He phoned the care home, and they sent out a care worker to the centre. The passenger was taken to hospital, as she needed urgent treatment. The passenger's family were grateful for the taxi drivers prompt action.

Health matters... you may know that:

+ Autistic children can struggle to understand what we mean, and with rules and boundaries. They can behave in unexpected ways, and feel very anxious moving from one place to another. When very upset they may not be able to hear what is being said. Each child is different with their own preferences and needs.

+ People with epilepsy can have seizures. It is important that you have read their passports or other information supplied, and know what to do. If they have a seizure you need to note how long this lasts, and pass this message on.

+ You may also transport vulnerable adults who have a mental health condition such as dementia, or a personality disorder; or someone with physical problems such as hearing or sight loss. You will be advised on the best way to meet the passenger's needs by their family or care professional.

Remember: you will need to follow the instructions and advice you are given. Don't allow yourself to be persuaded to drop passengers off at an unplanned venue; for example, this could mean that someone with dementia could get lost or get into difficulties. They might no longer be safe.

You may be advised not to make conversation with some passengers because they are too unwell to understand clearly. Please follow these instructions.

Could people you transport suffer abuse in other ways?

There are other ways in which people could suffer:

- Forced marriage (this is illegal, unlike arranged marriage).
- Domestic abuse – humiliation, violence and intimidation to punish or frighten.
- Human trafficking – where people are recruited to be exploited.
- Radicalisation – when people can become vulnerable to exploitation from terrorist movements. You may know of the “Prevent” plans to combat this? Female genital mutilation (FGM) - the practice of partially or totally removing the external genitalia of girls and young women for non-medical reasons. It is illegal in the UK and in many other countries.
- Child sexual exploitation (CSE) – a type of [sexual abuse](#) in which children are sexually exploited for money, power or status.. Children or young people may be tricked into believing they're in a loving, consensual relationship. They might be invited to parties and given drugs and alcohol. They may also be [groomed online](#).

How would you report a concern or worry about a passenger?

Drivers and escorts have just as much responsibility to safeguard vulnerable passengers as anyone else who works with vulnerable adults, young people and children.

- If you hear any information which causes concern this will need passing on to your office or manager.
- You should always report information you receive - it will not be your job to investigate this.

Always remember, you are part of a team:

We never dismiss reports about vulnerable passengers – safeguarding officers will always investigate.

What if the person you are concerned about is your manager?

If you are worried that your manager may be abusing a child you will need to report this either to the Transport Hub or the Local Authority Designated Officer for Child Protection (LADO) immediately. You will not be put at risk as the result of your actions, but your concerns will be investigated.

How do I report it?

- * If there is an urgent risk dial 999.
- * If you have a general enquiry dial 101.
- * If you need to report a safeguarding concern; report this to your office unless it concerns your manager.
- * For the Local Authority Designated Officer ring 01865 810603.

How to keep yourself safe

- If you find that a passenger becomes violent or aggressive, remain calm and avoid shouting. Give them space and report to your office.

It is important that you don't behave in a way that could put you or your passengers at risk

- Do not take an unplanned detour to take a passenger home.
- Do not give a vulnerable passenger your personal mobile number for any reason.
- Do not give gifts.
- Do not befriend passengers on social media.

You should:

- Be professional.
- Avoid swearing and aggression.
- Always wear your ID badge.
- Sit lone passengers in the back seat (unless other agreements have been made).

Report any concerns you have about:

- Locations for drop offs.
- Adults paying the fares for young people.
- Conversations in your vehicle.
- The adults meeting the young person.
- The vulnerable passenger's behaviour or language.
- Other warning signs – bruising, drugs, self-harm.

REPORT IT!

WE ARE ALL RESPONSIBLE FOR SAFEGUARDING: IT IS EVERYONE'S RESPONSIBILITY...

	QUIZ	Yes or No
1	Are you as responsible in safeguarding as anyone else working with vulnerable people (e.g. social workers or teachers)?	
2	Is it OK to give your personal mobile number to a vulnerable passenger to protect them?	
3	Should you take an unplanned detour when taking a vulnerable passenger home?	
4	If you are concerned about a workmate's behaviour, is it OK to have a quiet word with them and say no more?	
5	If you are worried that a vulnerable person is being abused, should you investigate the abuse?	
6	Is it OK to share confidential information about a young person or vulnerable adult with your manager?	
7	Is it emotional abuse when we tell our children off for being naughty?	

Please check the pack for the answers!

WE ARE ALL RESPONSIBLE FOR SAFEGUARDING: IT IS EVERYONE'S RESPONSIBILITY...

What should you do?

An elderly passenger does not look very well when she is picked up. You ask her next of kin, her daughter, if she is well enough to travel. On the way to the vehicle she collapses on the path.

Q. What do you do?

A. Ring for her to be taken to hospital.

In this particular case the hospital discharged the passenger, believing she was fit to go home. Unfortunately, she became very ill after being discharged, and was re-admitted. It was found that she had a blood clot in her leg. Afterwards, as the taxi company had taken appropriate action, the passenger's daughter wrote to thank them.

What should you do?

Q. You notice that a child or young person who often travels with you has bruises on her face and arms, looks unwell, but is saying very little.

A. Report your concern to your office, which will pass this concern to the L.A.D.O. (Local Authority Designated Officer).

KEEPING VULNERABLE PASSENGERS SAFE

Would you like extra help?

All drivers and escorts who accompany children, young people and vulnerable adults for Oxfordshire County Council, need to take a training course in how to keep our passengers safe. The pass rate for this course is 80%.

A training booklet for drivers and escorts explains what you need to know and what you need to do, so that everyone knows and understands what 'safeguarding' means.

Our key message is that keeping passengers safe is **everyone's responsibility**.

The training booklet has been written by College staff who teach adults. They have aimed to produce a short, readable manual, and will ask for feedback afterwards.

If you would like extra help in reading / writing / understanding this manual, we can help you. Please tick the boxes below for extra support.

- I would like extra help with reading
- I would like extra help with understanding the meaning of the questions
- I need other help

Please let us know what other help you may need

Please send this form to: Dr Heather Pike
Abingdon and Witney College
Holloway Road
Witney
OX28 1DA

Or e-mail: heather.pike@abingdon-witney.ac.uk

A team of trained tutors are happy to support you, and you will meet them at the Assessment Session, and afterwards when they will offer more help in small groups for those who did not pass the Assessment first time.

Who are the team?

Heather works in safeguarding and trains adults
Jo works with students learning English as a second language
Rachel works in training adults in English skills.

We are here to help!



Appendix 2: Information Sharing Schedule



INFORMATION SHARING AGREEMENT: SCHEDULE

The information exchange process is subject to the provisions of the Data Protection Act 1998 and the common law duty of Confidentiality. The information must not be used for any purpose other than that for which it is requested and must not be disclosed to an unauthorised person.

The powers to exchange information and the process for exchanging information for the purpose of Hackney Carriage & Private Hire Safeguarding and Public Protection are described in the associated Oxfordshire Safer Communities Partnership Information Sharing Protocol.

No information is to be accessed or shown to individuals who have not agreed and signed the Confidentiality Agreement. Any breach in confidentiality may result in sanctions described with the Confidentiality Declaration outlined at the end of this document. No information provided by partners to those procedures will be released to any third party without the permission of the owning partner.

Should this agreement at any time be required to be terminated the instigating Designated Officer must notify all relevant parties.

Name of Designated Officer instigating this procedure			
Julian Alison			
Post of Designated Officer			
Licensing Manager, Oxford City Council			
Date instigated	03.08.2015	Review date	03.08.2016
Schedule title			
Information Sharing Agreement (Hackney Carriage & Private Hire)			
Purpose of this information sharing process			
<p><i>(Please show how personal information is necessary or expedient for driver, vehicle and operator vetting processes and for reviewing the status of current licence holders and new applicants, and to prevent crime and disorder, and uphold our safeguarding obligations):</i></p> <ul style="list-style-type: none"> • All drivers licensed by the District Councils and those seeking to carry out transport services on behalf of the County Council are required to undertake an Enhanced Disclosure & Barring Services Check. • All drivers licensed by the District Councils are subject to enforcement actions taken following complaints made against them, or matters witnessed by Officers. • Suspending or revoking a County Badge does not stop the driver from still doing all other work given to him/her by the Operator. • A vehicle identified as being unfit for purpose will still be used if the correct authority is not informed. • An operator who may be carrying on illegal activities will still pose a threat to safeguarding and public safety if the other authorities are not informed. • Revoking a licence may result in the person seeking a licence from a neighbouring District. • To assist those authorised to make decisions as to the suitability of an applicant, or the continuing suitability of a current licence or badge holder, information obtained during the course of Officers' duties that may impact on the suitability of an applicant or current licence holder to maintain his/her status is required to be shared between all parties to this agreement in order to promote public safety. 			
Types of information exchanged under this Information Sharing Procedure			
<ul style="list-style-type: none"> • Details of licences / badges suspended or revoked (drivers, vehicles, operators) • Details of criminal investigations undertaken by Police and shared with any of the Authorities and County Council • Matters witnessed by Officers / complaints received that would lead to concerns in relation to public safety 			

- Matters witnessed by Officers / complaints received that would lead to concerns in relation to the safeguarding of children, young persons and vulnerable adults
- References by Licensing Authorities to County Council in relation to applicants for County badge
- And any other relevant / pertinent information

Transmission, storage and retention period of data exchanged under this information sharing process

- Any information printed off will be kept in the file in a locked drawer or cabinet, or electronically with access only provided to such persons authorised to see such information.
- Information shared verbally will be further supported in written form to ensure accuracy.
- Information shared by those signed up to this agreement will be the responsibility of the delegated officer giving it and receiving it.
- No information will be held for longer than is necessary.

Other officers identified for this information sharing process

I have read and understand the Confidentiality Agreement

Name	Post	signed
Julian Alison	Licensing Manager, Oxford City Council	
Rob Draper	Licensing Manager, Vale of White Horse District Council	
Rob Draper	Licensing Manager, South Oxfordshire District Council	
Nick Sutcliffe	Licensing Manager, Cherwell District Council	
Phil Measures	Licensing Manager, West Oxfordshire District Council	
Melissa Nutsford	Transport Services Manager, Oxfordshire County Council	
Andrew Thompson	Inspector, Oxford LPA, Thames Valley Police	

For Office use only

Organisational Signatories agreed Schedule meets ISP Requirements

Copy all Confidentiality Agreements received

Schedule Reference:	
Organisation holder:	
Initiating Designated Officer:	
Review date:	

POWERS AND RESPONSIBILITIES OF PARTNERSHIP AGENCIES:

DISTRICT	POLICE	COUNTY
Licence all hackney carriage & private hire drivers, vehicles, & private hire operators	Investigate criminal activity by all	Issue school transport badge to drivers working through contracted operators
Have power to refuse, enforce conditions, suspend, revoke, prosecute all licences	Have power to arrest, prosecute, recommend licence be suspended / revoked by district	Have power to refuse, suspend / revoke badge, & cancel contract with operator
Have power to inspect vehicles, seize records	Have power to inspect vehicles, seize records	N/A
Transporting all of public	Protecting all of the public	Transporting children and vulnerable persons
Receive complaints about drivers, vehicles & operators	Receive complaints about drivers, vehicles & operators	Receive complaints about drivers & vehicles
Power to caution (council), convict (court), suspend / revoke based on complaints (committee)	Power to caution or convict (via court)	N/A

SHARING OF INFORMATION: WHEN TO ASK AND WHEN TO GIVE INFORMATION

COUNTY COUNCIL:

- All applicants for new badge / renewal of badge: add in to vetting process “check with District” re: enforcement / complaint history.
- Any complaint about a driver / vehicle / operator to be shared with District.
- Any complaint relating to criminal activity to be shared with Police and District.
- Any additional relevant information arising from the county council DBS checking process.
- Any information arising from request for additional check if there is a conviction to inform the District’s risk management decision making.
- All relevant safeguarding concerns relating to a driver or operator to be shared with the appropriate licensing authority(s).
- All allegations relating to a driver working with children or adults with care and support needs must be sent to the Local Authority Designated Officer or Adult Safeguarding within one working day.
- All relevant safeguarding information to be provided by the Local Authority Designated Officer (LADO) or Adult Safeguarding upon receipt of a request from a licensing officer, in support of a sub-committee report. Appeals are heard within a Magistrate’s Court and are held in the public domain.

DISTRICT:

- Any request from County for their applicants re: enforcement / complaint history
- Any request from Police for their investigations re: enforcement / complaint history
- Any request from Police for driver / vehicle / operator details

- Any substantiated complaint relating to driver / vehicle re: public safety to be shared with County Council
- Any complaint relating to driver / operator re: criminal activity to be shared with Police (if also relates to public safety to be shared with County Council)
- Any driver / operator whose licence has been suspended or revoked to be shared with other Districts and the County Council
- All allegations relating to a driver working with children or adults with care and support needs must be shared with the County Council
- Any driver / operator issued sanctions by Committee to be shared with County Council

POLICE:

- Any requests from District for PNC Check as part of vetting process / Committee process.
- Any complaints about drivers / vehicles / operators to be passed to Districts and County.
- Any investigation into driver conduct, vehicle standards, operator obstructing Police obtaining information, to be shared with Districts and County.
- Any driver arrested (any reason) / stopped (motoring offences) to be shared with District and County.
- Any bail conditions applied to drivers to be shared with District and County.
- Any cautions / convictions to be shared with District and County.

Annex on Information Sharing: Information Sharing with the Local Authority Designated Officer (LADO) and Adult Referrals:

“Working together” (2015) requires that arrangements should be put in place to ensure that any allegations about those who work with children are passed to the designated officer (LADO) without delay. There are similar requirements for adults with care and support needs in the Care Act 2014.

The local authority has in place arrangements to provide advice and guidance on how to deal with allegations against people who work with children.

The role of the designated officer is to ensure that there are appropriate arrangements in place and to effectively liaise with the police and other agencies to monitor the progress of cases and ensure that they are dealt with as quickly as possible, consistent with a thorough and fair process. The Designated Officer also has a role to challenge organisations whose processes are not fair open and compliant.

A licensing authority should ensure that the designated officer is informed, within one working day, of all allegations that come to their attention.

Appropriate referrals should be made directly to the Designated Officer or through the safeguarding lead for transport.

Contact details as follows for children;

Barry Armstrong; barry.armstrong@oxfordshire.gov.uk Telephone: **01865 815956**
or lado@oxfordshire.gov.uk

or Melissa Nutsford; melissa.nutsford@oxfordshire.gov.uk telephone **07584217352**

Contact details as follows for adults;

Please call **the Adult Safeguarding Team** on **0845 050 7666** then pick **option 4:**

Information sharing

Information will be shared with district councils in line with legal requirements and locally agreed protocols. The basic principal is that the child's welfare is paramount and information will be shared where there is any potential safeguarding risk to a child or children identified in relation to a driver or an escort. The normal process would mean that if this individual or individuals have their Oxfordshire County Council badge removed, the appropriate district or districts will be informed of the reasons for this and the actions taken. In certain circumstances where there is a sensitive criminal investigation and at the request of Thames Valley Police, where they consider releasing information may interfere with an investigation, Oxfordshire County Council will not disclose until such time as agreement is reached with police.

The Designated Officer role is a statutory role and the process around this also statutory so it is important the Designated officer is informed about any allegation where the concern relates to a potential risk to children. This means that there should be a two way flow of information in line with the agreed protocol but requires referrals to and info to be shared with the designated officer where the referral criteria are met.

These criteria are; any adult employed or volunteering in a position where there is access to children where the adult is alleged to have:

- Behaved in a way that has harmed a child, or may have harmed a child;
- Possibly committed a criminal offence against or related to a child; or
- Behaved towards a child or children in a way that indicates they may pose a risk of harm to children

The requirements in the statutory guidance require organisations to make referrals under the above criteria within 24 hours so in the norm referrals should come straight to the Designated Officer rather than MASH. It is then for the Designated Officer to involve Police and or social care and other agencies as appropriate.

All other referrals relating to concerns about a child's welfare, where the concern does not relate to someone who is employed or volunteering in a position with children should be referred directly to the MASH in line with agreed existing protocols. Mash contacts are:

MASH-Children mash-children@Oxfordshire.gov.uk or telephone 0845050 7666

Where the concern relates to an adult with care and support needs, contact details are:

Please Call **the Adult Safeguarding Team** on **0845 050 7666** then pick **option 4**:

