

Equality, Diversity, Cohesion and Integration Screening



As a public authority we need to ensure that all our strategies, policies, service and functions, both current and proposed have given proper consideration to equality, diversity, cohesion and integration.

A **screening** process can help judge relevance and provides a record of both the **process** and **decision**. Screening should be a short, sharp exercise that determines relevance for all new and revised strategies, policies, services and functions.

Completed at the earliest opportunity it will help to determine:

- the relevance of proposals and decisions to equality, diversity, cohesion and integration.
- whether or not equality, diversity, cohesion and integration is being/has already been considered, and
- whether or not it is necessary to carry out an impact assessment.

| | |
|--|---|
| Directorate: Citizens & Communities | Service area: Licensing and Registration |
| Lead person: Kate Coldwell | Contact number: 3781563 |

1. Title: Three Yearly DBS Checks for the Hackney Carriage and Private Hire trade.

Is this a:

Strategy / Policy

Service / Function

Other

If other, please specify

2. Please provide a brief description of what you are screening

Currently the Taxi and Private Hire Section conducts a Disclosure and Barring Service (DBS) check on all drivers at the point of application and may also require existing licensed drivers to undertake a DBS check in other circumstances. There is no policy in place to direct that additional DBS disclosures be required during the lifetime of a licence.

Department of Transport (DfT) best practice guidance of March 2010 states it would be best practice for disclosures to be sought every 3 years in respect of licensed drivers. It is the implications attached to introducing a policy in line with this guidance which is now being screened.

3. Relevance to equality, diversity, cohesion and integration

All the council's strategies/policies, services/functions affect service users, employees or the wider community – city wide or more local. These will also have a greater/lesser relevance to equality, diversity, cohesion and integration.

The following questions will help you to identify how relevant your proposals are.

When considering these questions think about age, carers, disability, gender reassignment, race, religion or belief, sex, sexual orientation and any other relevant characteristics (for example socio-economic status, social class, income, unemployment, residential location or family background and education or skills levels).

| Questions | Yes | No |
|---|-----|----|
| Is there an existing or likely differential impact for the different equality characteristics? | √ | |
| Have there been or likely to be any public concerns about the policy or proposal? | | √ |
| Could the proposal affect how our services, commissioning or procurement activities are organised, provided, located and by whom? | | √ |
| Could the proposal affect our workforce or employment practices? | | √ |
| Does the proposal involve or will it have an impact on <ul style="list-style-type: none"> • Eliminating unlawful discrimination, victimisation and harassment • Advancing equality of opportunity • Fostering good relations | √ | |

If you have answered **no** to the questions above please complete **sections 6 and 7**

If you have answered **yes** to any of the above and;

- Believe you have already considered the impact on equality, diversity, cohesion and integration within your proposal please go to **section 4**.
- Are not already considering the impact on equality, diversity, cohesion and integration within your proposal please go to **section 5**.

4. Considering the impact on equality, diversity, cohesion and integration

If you can demonstrate you have considered how your proposals impact on equality, diversity, cohesion and integration you have carried out an impact assessment.

Please provide specific details for all three areas below (use the prompts for guidance).

- **How have you considered equality, diversity, cohesion and integration?**

It is the Taxi and Private Hire Sections job to make sure the Taxi and Private Hire trade in Leeds is operated in a professional manner and that the correct standards of public safety are met by drivers and Operators and all vehicles are safe and meet a reasonable standard of comfort. We are committed to providing a quality transport service within the Taxi and Private Hire trade and our overriding principle is the safety of the travelling public. The Council is alert to public expectations of passenger care and comfort.

Since 2000 the Taxi and Private Hire Licensing Section has conducted criminal records checks on all applicants. Prior to that checks were conducted by the West Yorkshire Police.

The information in a DBS disclosure is vital in the decision making process to ensure the Council meets its statutory requirement to ensure all drivers remain a 'fit and proper' person to transport passengers with particular care being taken with unaccompanied children and vulnerable adults. The necessity to undertake the enhanced DBS check is also in line with Best Practice Guidance.

A Standard disclosure contains details of any spent and unspent convictions, as well as cautions, reprimands and warnings, recorded by the police centrally. Additionally, enhanced disclosures may contain non-convicted information from local Police records which a Chief Police Officer thinks may be relevant in connection with the matter in question. The information provided is treated as strictly confidential and will only be used in relation to the application to become a licensed driver.

A criminal record will not necessarily prevent an individual from obtaining a licence. Any information disclosed will be treated fairly and new applicants and existing drivers alike will have the opportunity to make representations to the Taxi and Private Hire Licensing Section.

During the life time of a licence the Council can require a private hire driver by way of a condition placed upon their licence to undertake a DBS check but such a condition cannot be placed upon a Hackney carriage driver licence due to legislative shortfalls. The intention of this condition on a private hire driver was to deal with emerging issues and not a specific policy.

A points criteria system is used to ensure that decisions are made on hard criteria and are both consistent and fair in arriving at the decision.

The objective of the system is to define a 'fit and proper person' and to ensure that the applicant fulfils the requirement of being a fit and proper person before a licence is issued. All applicants will be considered on their individual merits.

The system incorporates three criteria, as supplied by the Police. These criteria are:

- (i) Date of conviction
- (ii) Type of offence
- (iii) Sentence imposed

If a conviction is spent in terms of the rehabilitation period required by the Rehabilitation of Offenders Act 1974, then generally that conviction will not be taken into account and the points system will not form part of the application process. However, there may be some circumstances where the Council do take into account spent convictions.

The criteria use 9 points as the maximum number of points which can be held in order to obtain a licence. If an application demonstrates 10 or more points the application would be refused. If an applicant is the subject of current criminal investigations and/or currently being prosecuted for criminal offences, the application will be dealt with on the basis that they *could* be convicted of the offence.

In deciding whether applicants are fit and proper, the Council may consider any other relevant information provided to it by external agencies. If in those circumstances there are 10 or more points, the application would be refused.

A refusal of an application will be given in writing, detailing the reason for the refusal and informing of the right to appeal against the decision to the Magistrate's Court in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1976.

To explain the requirement for a DBS check, the Council issues 'A Guide to Obtaining a Licence' which is free and included within all new application packs. The Guide is written in plain English and sets out the requirements placed upon applicants before any fee is taken. In addition, applicants are given a one hour appointment with a Licensing Officer to submit their application form and complete and submit the DBS form. At this appointment, Officers explain the process in more detail, making the applicant aware of, and checking their understanding of, each stage of the process. We also place our guidance on the Taxi and Private Hire Licensing Sections internet site.

Were the submission and processing of the check to move online, further written guidance and support documents will be produced by the Taxi and Private Hire Licensing Section to assist applicants.

Were the submission and processing of the checks to transfer to the Business Support Centre (BSC), the same level of explanation and support would be offered.

The introduction of a three yearly DBS check in line with best practice guidance would contribute to a risk reduction in respect of public safety.

Additionally, the Council's Internal Audit team have identified that the introduction of such a policy would have safety and compliance benefits.

Consultation

As an amendment to the existing DBS policy which would impact on existing licensed drivers, a three month consultation period was undertaken (ending 5 October 2012) and the representative views presented to the Licensing Committee in October 2012 prior to approval. This gave an opportunity for the trade, travelling public and any other interested stakeholders to comment on proposals.

The consultation proved very supportive of a move to three yearly DBS checks in line with other occupations also involved with young children and vulnerable adults on a daily basis.

- **Key findings**

The safe licensing and monitoring of licensed drivers is a statutory responsibility for the Council and contributes significantly to the safety of the travelling public and it is recognised that those who are licensed by the Taxi and Private Hire Licensing Section are the biggest providers of transport in the evening and night time economy.

There are strong reasons for the introduction of the three yearly DBS policy and the Council could be at risk if the Department for Transport (DfT) guidance is not followed. In addition, the adoption of the policy would meet the Councils statutory requirement to ensure drivers are 'fit and proper' in a proportionate manner.

There are three important elements in the licensing regime; the information stage to let potential applicants make an informed decision; the scrutiny stage of the application (the 'fit and proper person' test); followed by training drivers to the expected standards of service. These three areas contribute not only to safer communities but also add favourably to the image of Leeds by emphasising the ambassadorial role of drivers within a key passenger service industry.

The information we have available, will make available, for potential applicants allows them to make informed decisions about their chances of being granted a licence at no cost.

The comments received in response to the public consultation exercise are generally very supportive of the introduction of such a policy to ensure that the travelling public feel safe and secure when travelling in a private hire vehicle or Hackney carriage.

- **Actions**

(think about how you will promote positive impact and remove/ reduce negative impact)

Ensure that our guidance and publications continue to be written in plain English and that support is offered via officers prior to applications and the DBS form being submitted.

Ensure that any changes to legislation are duly noted and updated as applicable within this policy.

Ensure that this policy continues to be administered fairly and each driver's returned DBS

disclosure is assessed within the current convictions criteria policy.

Ensure that we continue to consult fully regarding any proposed changes to DBS policy.

Ensure any changes to our DBS policy are communicated widely and appropriately.

5. If you are **not already considering the impact on equality, diversity, cohesion and integration you **will need to carry out an impact assessment.****

Date to scope and plan your impact assessment:

Date to complete your impact assessment

Lead person for your impact assessment
(Include name and job title)

6. Governance, ownership and approval

Please state here who has approved the actions and outcomes of the screening

| Name | Job title | Date |
|---------------|-----------------------------|-------------|
| Kate Coldwell | Service Development Officer | 15.11.2013 |

7. Publishing

This screening document will act as evidence that due regard to equality and diversity has been given. If you are not carrying out an independent impact assessment the screening document will need to be published.

Please send a copy to the Equality Team for publishing

| | |
|---|------------|
| Date screening completed | 15.11.2013 |
| Date sent to Equality Team | |
| Date published (To be completed by the Equality Team) | |