

# Passenger Transport – Spot Bid (Short-term Contracts) Dorset Travel

GENERAL SERVICE SPECIFICATION Version 1

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**1 INTRODUCTION**

- 1.1 This general specification applies to all passenger transport services contracted by Dorset Council, for example transport for Mainstream Home to School children, Special Educational Needs children, Children in Care, Adult Social Care and Supported Public routes.
- 1.2 These standards are what the Council would expect their own employees to meet
- 1.3 The following applies in addition to the Terms and Conditions and any individual Route Conditions of Contract and Route Schedules.
- 1.4 The Council reserves the right to make minor amendments to these specifications from time to time where this improves the safety and efficiency of services and Service Providers will be given reasonable notice of any changes. Where changes involve additional cost to the Service Provider, then such changes must be made by agreement between the Council and the Service Provider.

**2 SERVICE PROVIDER'S PERSONNEL**

- 2.1 The Service Provider should ensure that all of its personnel deployed on the services are suitably instructed, trained and qualified to cater for the general needs of the passengers with whom they will come into contact. The Service Provider must ensure that its personnel are fully aware of the characteristics of each route and any special requirements and can provide advice about other public transport services in the vicinity.
- 2.2 The Service Provider's personnel must at all times be clean, presentable and properly dressed in uniform or other clothing, suitable for the performance of the services and the reasonable sensitivities of service users. The official identification badge issued by the Council must be worn by all personnel and kept visible at all times whilst providing the services.
- 2.3 All personnel should be made fully aware of the Service Provider's obligations under the contract as it affects them in the performance of their tasks.
- 2.4 The Service Provider's recruitment policies must ensure that all personnel are suitable in competence, temperament and attitude to the nature of the services on which they are to be deployed.
- 2.5 The Service Provider should ensure that each driver is trained in each of the following areas:
  - driving skills
  - customer care
  - emergency procedures, fire safety and vehicle evacuation
  - first aid
  - safeguarding

and holds the minimum qualifications, as detailed in Annexe 1. Evidence of qualifications may be required by the Council before the issue of an identification badge where appropriate.

- 2.6 The Service Provider will ensure that its personnel comply with any additional requests for training from the Council around individual service needs.
- 2.7 The Service Provider should ensure that all personnel assigned to the performance of the services should be proficient in the English language to the extent necessary to:
- carry out their duties safely and efficiently
  - respond effectively to any emergency situation and be able to summon assistance
  - communicate appropriately with passengers, service users, parents/carers and Council staff (including staff of schools and other Council establishments) to provide information and respond to social interaction; and
  - provide any necessary written reports.
- 2.8 Any personnel involved in the driving of vehicles on the services should have a current full driving licence applicable to the vehicle they are driving, with no more than 6 penalty points endorsed. Any such licence (along with an access code to the DVLA website) must be produced to an authorised officer of the Council, or at the Council's main offices or other agreed location within five days of any request. The Council will assess the relevance and circumstances of all conviction information in accordance with the Council's policy on the recruitment of ex-offenders, however, the Council will not normally agree that individuals may drive on Council contracts if they have been convicted for either drink driving or any drugs offence(s) within the past five years. (See Annexe 2 - Driver Acceptance Criteria for further details)
- 2.9 The Service Provider should ensure that all personnel involved in the provision of the services abide by all conditions on medical fitness imposed by the DVLA or other relevant licensing authority. Where any concern arises over the medical fitness of any driver providing the services, the Council reserves the right to require a medical examination of that driver and a report on his fitness to undertake provision of the services to be provided by his GP, at the Service Provider's expense.
- 2.10 The Council reserves the right to check independently the validity of any driving licence held by the Service Provider's personnel, and the Service Provider will, on the Council's request, promptly obtain and provide to the Council signed forms of consent for such checks from all personnel who may from time to time drive vehicles in the performance of the services.
- 2.11 All personnel must treat service users with courtesy, fairness and respect at all times, and avoid inappropriate behaviour towards any service user including, without limitation, foul or abusive language, derogatory or suggestive comments and inappropriate physical contact. The Service Provider shall ensure that all personnel are issued with a copy of the Council's "Code of Conduct and Good Practice – Guidance for Drivers who work with Children & Young People" in Annexe 3 and "Code of Conduct and Good Practice – Guidance for Drivers who work with Vulnerable Adults" in Annexe 4, and that they understand and comply with its terms.
- 2.12 The Council reserves the right to request immediate removal of any driver from a DCC route (and return of their badge) if they display attitudes or behaviour that indicate they are unsuitable to work with children, young people or vulnerable adults, in the opinion of the Council.
- 2.13 All personnel shall, on request, give details of their name, employer and employer's address to any service user or employee of the Council (including staff of schools

and other Council establishments), and produce for inspection any form of identification issued by the Council, Service Provider or relevant licensing authority.

- 2.14 The Service Provider should ensure that its personnel do not act in a manner likely to bring discredit to the Council, or to cause alarm, distress or harm to any service user or Council personnel. Under such circumstances the Council reserves the right to request immediate removal of the driver from the route (and return of their badge).

### **3 SAFEGUARDING AND DISCLOSURE & BARRING SERVICE CHECKS**

- 3.1 The performance of these services involves contact with children and vulnerable adults, which is 'Regulated Activity' as defined in the Safeguarding Vulnerable Groups Act 2006, and therefore require the personnel involved to have satisfactory Disclosure and Barring Service (DBS) clearance. Personnel employed under this specification are exempt from the provisions of the Rehabilitation of Offenders Act 1974.
- 3.2 The Service Provider must, before its personnel perform any of the services under this agreement:
- obtain a written declaration, from each of its personnel who are deployed in the performance of the Service Provider's obligations under the contract, whether he or she has any convictions.
  - forward to the Council each such declaration with an application for DBS Enhanced Disclosure (specifically for Child and Adult Workforce Driver), Identity Check Form, copy of driving licence (both sides if PCV licensed) and Driving Licence Summary Sheet, together with copy of Private Hire/Hackney licence details (if applicable), the associated fee and one passport size/quality photographs attached to the Driver/Passenger Assistant Identity Badge application form;
  - satisfy itself that all such personnel have received a satisfactory DBS Enhanced Disclosure; and ensure that all such personnel have been cleared and issued with the appropriate identification badge by the Council before permitting personnel to work on Council contracts. Use of any non-cleared personnel on the services will be treated as a serious breach of this contract.
- 3.3 These procedures may be subject to change from time to time and Service Providers will be given reasonable notice of any changes in writing.
- 3.4 The Council will confirm the suitability of the personnel to perform the services. Checks conducted by other registered bodies and not by the Council are not acceptable to the Council except where specifically agreed.
- 3.5 The Service Provider must ensure that no person who discloses any convictions, or who is found to have any convictions following the results of a DBS Enhanced check, is deployed in the performance of the Service Provider's obligations under the contract without the Council's prior written consent, such consent not to be unreasonably withheld or delayed.
- 3.6 Any concern raised about the conduct of any personnel may be investigated through the formal process established by the Dorset Safeguarding Children Board (DSCB) or Dorset Safeguarding Adults Board (DSAB), which may include reference to the Police and / or other licensing authorities, and may result in the suspension of the personnel from all services whilst the investigation is conducted.

- 3.7 The Service Provider, on becoming aware that any of its personnel has been convicted of a criminal offence, received a police caution, been bound over by a court or become liable to pay a motoring penalty, must immediately inform the Council of this fact and all the relevant circumstances. If the Service Provider becomes aware that any of its personnel has a case pending in a criminal court, it must immediately consult with the Council. Service Provider must have a procedure in place for reviewing the status of any convictions or points on their drivers' licences regularly and at least once per year. These details will be made available to the Council on request.
- 3.8 The Service Provider should report to the Council any circumstances identified by their personnel that are unusual or give cause for concern in respect of any passenger's safety and well-being.
- 3.9 Drivers who are not born in the UK and have been resident overseas for any period since the age of 21 will be required to provide a Certificate of Good Conduct (or equivalent) from the relevant embassy to cover the period when they were resident overseas. This shall be provided in addition to the DBS check and it is the responsibility of the applicant driver to arrange for its provision.
- 3.10 Failure to comply with the provisions of Paragraph 3 will be a serious breach of the contract and may lead to immediate termination.

### **Badges**

- 3.11 The Council will issue a badge to drivers who meet the requirements in the General Specifications. There will be no charge for this badge. The exception will be if a driver is working for more than one approved Service Provider. In such case they will be liable for payment to cover the additional badge (£15). A driver cannot work for more than two approved Service Providers.
- 3.12 It is the responsibility of the Service Provider to ensure that all drivers wear Dorset Council badges when operating on Council routes.
- 3.13 It is the responsibility of the Service Provider to return driver badges to the Council, when a driver leaves their employ. There will be a charge levied (£15) if this does not happen. There will also be a charge (£15) for replacement of any lost or damaged badges.
- 3.14 The Council reserves the right to change these charges periodically.
- 3.15 If there are problems with providing enhanced DBS checks for drivers in time for the start of the contract, that are due to circumstances beyond the control of the Council or the Service Provider, then the Council may approve a driver temporarily based on a self-declaration of their criminal history on an HR14a form.
- 3.16 The Council reserves the right to inspect all driver records at any time during the Contract and without notice.

### **Safeguarding**

- 3.17 The Service Provider shall comply with the requirements of the Dorset Multi-Agency Safeguarding Adults Policy and Procedures, these can be found at: <https://www.dorsetcouncil.gov.uk/care-and-support-for-adults/dorset-safeguarding->

[adults-board/dorset-safeguarding-adults-board.aspx](https://adults-board/dorset-safeguarding-adults-board.aspx). and any subsequent amendments or policies and procedures issued by the Council. The Service Provider shall evidence compliance with these procedures.

- 3.18 Where it relates to the Services, the Service Provider shall fully adopt and implement the Pan-Dorset Safeguarding Children Partnership (PDSCP) policies and procedures located at <http://pandorsetscb.proceduresonline.com/contents.html>. The Service Provider shall follow and fully implement the prescribed procedures in relation to safer recruitment in the PDSCP i.e [http://pandorsetscb.proceduresonline.com/g\\_safe\\_rec.html](http://pandorsetscb.proceduresonline.com/g_safe_rec.html) and all other child safeguarding procedures as they have been or may be amended from time to time. The Service Provider shall evidence compliance with these procedures.

**4 SERVICE PROVIDER'S VEHICLES AND EQUIPMENT**

**Vehicles and Equipment**

- 4.1 The Service Provider should maintain all vehicles and equipment in a safe, serviceable and clean condition. Dorset Travel do not specify a maximum age or minimum value for vehicle used on these contracts. However, the vehicles must be well-presented, safe, secure, reliable and suitable for the route and the service users. The vehicles should be able to consistently deliver the service without delays and Service Providers may be asked to remove vehicles from the contract where vehicles regularly do not meet these requirements.
- 4.2 All vehicles must be appropriately licensed and conform to all relevant standards set out in statute or licensing authority regulations.
- 4.3 The vehicle must have adequate stowage space for luggage and any special equipment required which will retain its contents in the event of a collision.
- 4.4 Any vehicle or equipment used in the provision of the services must comply with all relevant legislative requirements in its construction, roadworthiness, licensing, insurance and use.
- 4.5 All vehicles used on the services should be adequately heated and ventilated and be kept in a clean and tidy condition and free from damage both internally and externally. Internal lighting should be of a standard sufficient to clearly illuminate the exit doors and any steps within the vehicle or at entrances, and to provide internal illumination during the course of the journey.
- 4.6 All vehicles must carry the following emergency equipment in a visible and readily accessible position:
- A fire extinguisher approved by the Chief Fire Officer, and regularly serviced in accordance with his recommendations.
  - A first aid kit approved for PSV use.
  - A hazard warning triangle to ECE R27 standard.
  - A high-visibility vest for each member of the Service Provider's personnel.
  - A webbing/seatbelt cutter.
- 4.7 All vehicles must be right-hand drive.
- 4.8 Vehicles must not be used for towing whilst carrying service users, unless specifically requested by the Council.
- 4.9 Substitution by a non-compliant vehicle will not be permitted other than in very exceptional circumstances. Any such substitution must be reported immediately to the Council.



**5 OPERATION OF THE SERVICES**

**Timing of operation**

- 5.1 The Service Provider should inform the school and the Council as soon as possible on the same day when any services are delayed significantly. For example, when a road has been closed due a collision or the collision has caused long delays.

**Safety of Operation**

- 5.2 All personnel should comply with all relevant legislation.
- 5.3 Where any vehicle is fitted with a CCTV system capable of recording images of passengers, such system will only be operated in accordance with any requirements agreed with the Council, and with the Service Provider's obligations under this contract and the Data Protection Act 1998. Recorded images will be retained for a maximum period of one month and made available to the Council on request to assist in the investigation of any complaint, incident, or allegation. If so, required by the Council, the system will be temporarily disabled, and each camera be covered while providing services to this specification. The Service Provider will ensure that its personnel comply with this condition.
- 5.4 Where vehicles are the subject of frequent breakdowns the Service Provider may be asked to provide evidence to the Council that regular checks have been recorded.
- 5.5 Drivers must be sufficiently rested before commencing duties to ensure that they do not pose a risk to the safe operation of their route and, where appropriate, comply with the Public Service Vehicle Driver's Hours Regulations.
- 5.6 Only one service user may be carried in each available seat.
- 5.7 Drivers should use reasonable endeavours to ensure that all passengers being conveyed are safely seated and, where appropriate, wearing their seat belts throughout the journey. Any persistent non-compliance with the driver's instructions must be reported to the school and the Council.
- 5.8 Occasionally a service user may refuse to leave the vehicle when it arrives at his destination, or a carer may not be present to meet a child or vulnerable adult where so required. If such a situation occurs, the driver must first notify the school or other relevant establishment immediately so that guidance can be given. The driver may be asked to transport the service user to an alternative address, for which additional payment may be made. As a last resort the driver should take the child to a place of safety (eg occupied Council premises). The Council must be informed of any additional journeys immediately.
- 5.9 If a service user causes damage to the vehicle which is not the result of any fault of the Service Provider, full details regarding the damage and the circumstances must be supplied to the Council as soon as possible and prior to any arrangements for repair or valeting being made. Alternative arrangements may apply on specific routes and these will be included on the individual Route Conditions of Contract.



**Communications**

- 5.10 Service Providers shall provide the Council with contact details of relevant officers within their organisations to facilitate communication between various parties involved in the service.
- 5.11 Service Providers shall establish effective communications with schools and other relevant establishment to resolve any day-to-day issues, such as behaviour on transport, late or cancelled routes and adverse weather. The Council should also be informed of any problems over transportation so that the Council's website can be updated to improve communications.
- 5.12 Service Providers must inform the Council of any issues that involve the Police or could be considered a safeguarding risk.

**Other Operational Specifications**

- 5.14 Smoking, vaping or use of e-cigarettes is not permitted by anyone in any vehicle used under the contract, nor is it permitted on or in clear view of Council premises.
- 5.15 Personnel should not eat or drink during any journey on a route.
- 5.16 Vehicles must not be refuelled during any journey on a route.
- 5.17 The driver should not make any additional stops or diversions that are not part of the contracted route.
- 5.18 The Service Provider must invoice for the services provided according to the rates set out in the pricing schedule.

**6 TREATMENT OF SERVICE USERS**

**General**

- 6.1 All service users must be treated in a professional manner and with courtesy, fairness, and respect at all times. Their rights to choose, self-determination and dignity must be respected as far as practicable.
- 6.2 If a professional valet of the vehicle is required following a spillage, sickness or other damage caused by an entitled student, full details must be supplied to the Council as soon as possible and prior to making arrangements for the valeting to be done. Alternative arrangements may apply on specific routes and these will be included on the individual Route Conditions of Contract.
- 6.3 Some service users may exhibit challenging behaviour. Any behaviour problems involving service users must be reported to the Council as soon as reasonably practicable and should be dealt with in accordance with agreed procedures and / or the advice of relevant officers. Physical restraint should never be used on any service user unless there is imminent danger of serious harm to them or another person.

**7 VARIATION OF THE SERVICES**

7.1 The long-term nature of these contracts means that changes to the services (a 'Variation') are likely to be required during the contract period. The parties undertake to co-operate in continual review of the services to improve their value and / or quality, and the implementation of agreed service variations.

7.2 Reasonable notice will be deemed to have been given if it is either:

i] one month's notice for changes to the specification which the Council considers will result in more or less staff being required or significantly more costs being incurred by the Service Provider; or

ii] one full working days' notice in any other case.

7.3 In the event of a service variation the contract price may also be varied. Such variation in the contract price shall be calculated by the Council and agreed in writing with the Service Provider and shall be an amount which properly and fairly reflects the nature and extent of the service variation, in accordance with any prices tendered for variations. Otherwise, the pro-rated contract price prevailing at the time of the service variation shall be used as the basis for valuing such variation, insofar as may be reasonable. The Council reserves the right to re-tender a route if changes are made, including the removal of a service user. This notice period will be covered by 7.2(i)

7.4 The Service Provider shall promptly provide such information as may be reasonably required to enable such a variation in the contract price to be calculated.

7.5 In the event of dispute, the matter shall be determined in accordance with the dispute resolution procedure at Clause 33 of the Terms and Conditions.

7.6 Neither the Service Provider nor its personnel may change the timing or operation of any route or routes without agreement of the Council and confirmation in writing. The Service Provider is encouraged to discuss with the Council proposals to improve the efficiency or standards of the Services.

**Cancellation**

7.7 Service Providers must inform the Council immediately of any routes that are cancelled on the day. Any payment for such cancellations must be agreed by the Council. Please refer to the specific Route Conditions of Contract for any further conditions around cancelled routes.

**8 PUBLICITY**

8.1 The Service Provider must ensure that passengers are given adequate notice of any planned changes to a route, not less than seven days in advance, and that all information sources are promptly updated and the Council advised.

**9 EMERGENCIES AND ADVERSE WEATHER**

- 9.1 Where there is a major or ongoing disruption to a route then the Service Provider should advise the school or other relevant establishment without delay in order that appropriate action can be taken.
- 9.2 For all other transport, if problems are identified that will cause delay of more than 15 minutes to the scheduled operation of the route, the school and the Council must be informed immediately.
- 9.3 The Service Provider shall ensure that all drivers are given comprehensive instructions and training on action and contacts in the event of any breakdown or other incident. In such a case, relevant emergency services and / or other appropriate assistance must be summoned as soon as practicable. If this task has to be delegated to another person, the driver must seek confirmation that it has been done.
- 9.4 In the event of breakdown whilst on a route or on the way to start a route, a suitable replacement vehicle shall be provided within one hour, or such shorter time as the Service Provider has tendered. Any replacement vehicle should meet the route specification, but where this is not possible the Service Provider must contact the Council to determine the appropriate action. If necessary, Service Users must be evacuated in accordance with paragraph 9.5
- 9.5 In the event of accident or fire affecting the vehicle or any service user whilst on a route, the driver must ensure the safety of all service users as the top priority. Unless it is deemed safest for service users to remain on the vehicle, they must be evacuated as quickly as possible and escorted to a safe refuge. The driver must ensure that all service users are safe before attending to other duties and must remain with them if necessary until he can put them in the charge of another suitable person.
- 9.6 Any accident or incident which causes death, serious injury or serious damage must be reported to the school and the Council immediately, with a written report to be submitted within 24 hours. In the case of minor incidents, a written report must be provided within seven days.
- 9.7 In adverse weather conditions, the Service Provider should use its best endeavours to provide services as scheduled. The decision whether to operate the route must be taken locally, and the Service Provider will be expected to liaise with the School, other relevant establishment, or the Council in order to determine the most appropriate action. The Council should be kept informed. The Service Provider should use its best endeavours to advise relevant schools / establishments of the adjustments that have been required. If weather conditions deteriorate, the driver should seek guidance from the Service Provider or school if they feel that there is any risk to the safe completion of the journey.

**10 COMMENTS AND COMPLAINTS**

- 10.1 The Council will inform Service Providers in writing of all relevant comments and complaints received. The Service Provider shall inform the Council in writing of any relevant comments (including compliments and complaints) about the services or their operation which it receives directly.
- 10.2 The Service Provider must operate a complaints procedure for dealing with complaints from service users regarding the provision of the services and should provide a copy to the Council when requested.
- 10.3 The Service Provider should make the complaints procedure known to service users or their representatives by means which are appropriate to their needs and circumstances.
- 10.4 The Service Provider should deal with complaints promptly, courteously and efficiently in accordance with its procedure supplied to the Council, and record in writing (the "Complaints Record") all complaints received relevant to the services and the steps taken by the Service Provider in response to them.
- 10.5 The Service Provider and its personnel should co-operate fully with the Council in investigating and resolving complaints, and every endeavour should be made to take actions that will reduce or prevent re-occurrence of the complaints so that services are improved.
- 10.6 If the Service Provider is investigating or dealing with any complaint, subject to the specifications, the Council will not intervene or carry out separate investigations unless it reasonably considers that the Service Provider's action is inadequate. The Council will notify the Service Provider of its intention to intervene or start its own investigation, which will not absolve the Service Provider from responsibility for completing its own procedures. Where it reasonably believes it necessary, the Council reserves the right to direct the Service Provider to provide redress to the complainant and / or to implement actions to prevent or mitigate any recurrence.
- 10.7 For other types of transport, if a service user or his carer remains dissatisfied following the investigation of a complaint, as outlined above, they will be informed of the Children's Services formal complaints procedure as appropriate, which may then be instigated if so instructed.

**11 MANAGEMENT INFORMATION**

- 11.1 Where issues or problems have been identified, the Service Provider should record all details and indicate what action is being taken to address the immediate problem, but also what action can be taken to prevent or reduce the likelihood of re-occurrence.
- 11.2 This data should be provided to the Council no later than the 10<sup>th</sup> of the following month.
- 11.3 The Service Provider shall provide copies of the Operator Compliant Risk Score (OCRS) supplied by the DVSA to the Council annually.
- 11.4 Any additional requirements for management information will be included in the individual Route Conditions of Contract document.

**ANNEXE 1 MINIMUM DRIVER QUALIFICATIONS**

The minimum driver qualifications required for drivers operating on Dorset Council contracts are detailed below.

*Table 1 Driver Category Qualifications Required*

<b>Driver Category</b>	<b>Qualifications Required</b>
Drivers of vehicles on PSV registered routes (including small vehicles)	Certificate of Professional Competence (CPC) as evidenced by a Driver Qualification Card.
Drivers of small vehicles do not need CPC or a DQC	

**Additional Training**

In addition to the above, Dorset Travel expects drivers to be trained to a suitable level in the following:

**Safeguarding**

Safeguarding must be in line with DSCB - Dorset Safeguarding Children Board and DSAB – Dorset Safeguarding Adults Board, the course must include Serious case reviews and what has gone wrong in the past, code of conduct, 'keeping children safe in education 2016', vulnerability of children, categories of abuse and child sexual exploitation. How to respond to and report concerns, including disclosures', T.E.D (Tell, Explain and Describe) questions, case studies and safer working practice.

- Safeguarding training must be provided by an organisation accredited by a Children’s Safeguarding Board.
- The driver must hold an in-date certificate showing they have completed the full course.
- Certificates are valid for three years at which time a refresher course must be completed.

**Customer Care**

This must incorporate infection control, health and safety, an understanding of autism and dementia how changing the way to communicate can make a difference for the child/adult.

The Equality Act 2010, Seatbelt and passenger safety, hazards and risks. Duty of care and legal responsibilities.

- The driver must hold an in-date certificate showing they have completed the full course.
- Certificates are valid for three years at which time a refresher course must be completed.

**Emergency/First Aid**

This training must incorporate CPR, use of Defibrillators, Unconscious casualty - recovery position, choking, wounds, bleeding and minor injuries. Broken bones, head injuries and responding to a child with a life threatening medical illness and asthma.

- First Aid training must be provided by an organisation accredited by an Awarding Body.
- The driver must hold an in-date certificate showing they have completed the full course.

- Emergency First Aid certificates are valid for three years at which time a refresher course must be completed with an organisation accredited by an Awarding Body.

The training course costs may be subject to change.

All the latest information on training is at [Professional driver training courses - Dorset Council](#)

[www.dorsetcouncil.gov.uk/professional-driver-training-courses](http://www.dorsetcouncil.gov.uk/professional-driver-training-courses)

Service Providers can either:

1. Confirm they can deliver/meet this training specification themselves, by providing details of the training. Certification must be provided to prove the driver has completed and is competent in the requirements of the course. If the training meets the specification, this will be accepted by Dorset Travel and will be included as part of the regular contract management review process to verify that training is being delivered to the correct level.

(or)

2. Request training to be provided by Dorset Travel. In which case they should note the charges for such training.

Any training requirements must be met within the first year of the contract.

If a provider cannot demonstrate they are meeting the Dorset Travel specification and declines to use DC's training, then this will be considered to be a breach of contract.

## ANNEXE 2 DRIVER ACCEPTANCE CRITERIA

The Council's decisions on whether or not to approve drivers is based primarily on evidence taken from the DBS checks (and certificates of good conduct from overseas embassies) as this is usually the only factual information available.

Where historical records of a driver also exist, then the Council will consider this information in addition to the DBS check. If these records indicate that a driver has a history of problematic performance or behaviour, then the Council may refuse an application for a badge, regardless of their criminal history.

Work involving children and vulnerable adults is one of the services exempt under the Rehabilitation of Offenders Act 1974. As such, the decision on whether or not to approve a driver is at the discretion of the Council and does not have to take into account the time elapsed since any previous convictions.

The Council seeks to apply a consistent approach across all contractors with a priority to safeguarding children and vulnerable adults. There are a few well-established guidelines that are used such as:

- No record on the DBS Children or Adults Barred lists
- No more than 6 penalty points on the driving licence
- No convictions for drink driving or drug offences within the last 5 years

The Council does not apply a blanket approach to previous convictions, but instead tries to focus on those convictions that have a significant bearing on the type of work being commissioned.

The Council takes into account the nature, seriousness and relevance of the offence or information. This may include one-off minor offences or offences committed as a juvenile.

If the applicant has had no drink or drug convictions in last the 5 years – the Council may still reject their application if their history of convictions indicates a long term problem with drink or drugs.

Violent or sexual offences committed during adulthood are also a concern – even if they happened some time ago – and may cause the Council to turn down a driver.

Many of the people on Council transport can exhibit challenging behaviours so it is important to ensure that drivers have the right temperament, attitudes and understanding to deal with this.

### **Challenges to our decisions**

No system for vetting drivers is ever going to be perfect. It is ultimately a matter of judgement and if the Council has any concerns then it will err on the side of caution. The Council believes that this is something that parents and carers will support.

A contractor may have more knowledge of a driver's character or past history that causes them to disagree with the Council's decision. However, the Council has no practical way of verifying this.

As safeguarding is a Council priority, contractors and their drivers are asked to accept the decision of the Council as final on such matters.



## **ANNEXE 3 CODE OF CONDUCT AND GOOD PRACTICE – GUIDANCE FOR DRIVERS WHO WORK WITH CHILDREN & YOUNG PEOPLE**

### **Introduction**

Everyone expects high standards of behaviour from adults who work with children and young people. When individuals accept a role that involves working with children and young people, they need to understand and acknowledge the responsibilities and trust inherent in that role.

The vast majority of adults who work with children act professionally and aim to provide a safe and supportive environment which secures the well-being and very best outcomes for children and young people. There are instances, however, where the behaviour of adults can give rise to allegations of abuse being made against them. Allegations may be genuine, malicious or misplaced. They may arise from differing perceptions of the same event but when they occur, they are inevitably distressing and difficult for all concerned.

This guidance has been produced to help drivers working with children and young people to establish safe and responsive environments which safeguard children and young people and reduce the risk of adults being falsely accused of improper or unprofessional conduct. This guidance has been produced on the basis of the following underlying principles:

- The welfare of the child is paramount (Children Act 1989);
- It is the responsibility of all adults to safeguard and promote the welfare of children and young people. This responsibility extends to a duty of care for those adults employed, commissioned or contracted to work with children and young people
- Adults who work with children are responsible for their own actions and behaviour and should avoid any conduct which would lead any reasonable person to question their motivation and intentions.
- Adults should work, and be seen to work, in an open and transparent way.
- The same professional standards should always be applied regardless of race, gender, sexuality or religious beliefs.

### **Duty of Care**

The Children Act 2004, through the “Stay Safe” outcome of the “Every Child Matters Change for Children” programme, places a duty on organisations and individuals to safeguard and promote the well-being of children.

All adults who are employed, commissioned or contracted to work with, or on behalf of, children and young people, whether paid or voluntary, have a duty to keep children and young people safe and to protect them from sexual, physical and emotional harm. Children and young people have a right to be treated with respect and dignity.

The Council has a contract arrangement in place with organisations to provide a transport service on its behalf to the Council’s Service Users. Under this arrangement, the Service Provider is responsible for employing suitable drivers able to deliver this service within the requirements of their contract arrangement with the Council. Service Providers should understand that both they and their individual drivers have a duty to ensure that children and young people are kept safe and protected from sexual, physical and emotional harm. It is expected, as part of their induction training and ongoing supervision, for contractors to ensure that their drivers fully comprehend and practise the recommended code of behaviour when working with children and young people.

## **Procedures of Managing Allegations Against People Who Work With Children**

Dorset Safeguarding Children Board has developed procedures for their work with children and their families, where there are concerns about a child's safety and well-being within the county of Dorset.

These procedures will be followed where a driver has alleged to have:

- Behaved in a way that has harmed, or may have harmed, a child or young person.
- Possibly committed a criminal offence against or related to, a child or young person; or
- Behaved towards a child(ren) or young person(s) that indicates s/he is unsuitable to work with children and/or young people.

There may be up to three strands in the consideration of an allegation:

- A police investigation of a possible criminal offence.
- Enquiries and assessment by Children's Services about whether a child is in need of protection or in need of services.
- Consideration by an employer of disciplinary action in respect of the individual.

## **Code of Behaviour/Good Practice of Drivers**

The following code of behaviour has been written as a guide of good practice to safeguard children and young people and reduce the risk of drivers being falsely accused of improper or unprofessional conduct.

Please note that this list is not exhaustive and should act only as a guide to Service Providers and their drivers.

### **a) Power and Positions of Trust**

Drivers should always maintain appropriate professional boundaries and avoid behaviour which might be misinterpreted by others.

### **b) Confidentiality**

Drivers may have access to confidential information about children and young people to undertake their responsibilities. They should never use this information for their own purpose or others' advantage (including that of partners, friends, relatives, or organisations).

Information must never be used to intimidate, humiliate, or embarrass the child or young person.

Confidential information about a child or young person should never be used casually in conversation or shared with any person other than on a need-to-know basis.

If a driver is in any doubt about whether to share information or keep it confidential, he/she should seek guidance from a senior member of staff or nominated child protection person through the Dorset Travel Operations Manager.

**c) Gifts, Rewards and Favouritism**

Drivers should not accept any gift that might be construed as a bribe by others or lead the giver to expect preferential treatment.

There are occasions when children or parents may wish to pass small tokens of appreciation to adults, e.g. at Christmas or as a “thank you” and this is acceptable. It is not acceptable, however, to receive gifts on a regular basis or of any significant value.

It is unacceptable for a driver to give such personal gifts or rewards to children and young people. This could be misinterpreted as a gesture either to bribe, or single out the child or young person. It might be perceived that a ‘favour’ of some kind is expected in return.

**d) Infatuations**

Drivers need to be aware that it is not uncommon for children and young people to be attracted to an adult in a position of trust and/or develop a heterosexual or homosexual infatuation.

A driver who becomes aware that a child or young person may be infatuated with themselves or a colleague, should report this to the Dorset Passenger Transport Operations Manager at the earliest opportunity so that the appropriate action can be taken.

**e) Social Contact**

A driver should not establish or seek to establish social contact with children and young people for the purpose of securing a friendship or to pursue or strengthen a relationship. This includes seeking to obtain the child or young person’s telephone, mobile telephone number or e-mail address; and/or providing your own details to the child or young person. It is also inappropriate for the driver to engage in any form of texting with the child or young person.

If a child or parent seeks to establish social contact, or if this occurs coincidentally, the driver should report this to the Dorset Travel Contracts Manager at the earliest opportunity so that the appropriate action can be taken.

**f) Sexual Contact**

Any sexual behaviour by a driver towards a child or young person is both inappropriate and illegal. Children and young people are protected by the same laws as adults in relation to non-consensual sexual behaviour. They are additionally protected by specific legal provisions regardless of whether the child or young person consents or not.

Drivers should be aware that consistently conferring special attention and favour upon a child might be construed as being part of a ‘grooming’ process, which is an offence.

**g) Physical Contact**

It is crucial in all circumstances that drivers only touch children with their permission and in ways which are appropriate to their professional or agreed role and responsibilities. Physical contact should never be secretive, or for the gratification of the driver, or represent a misuse of authority.

h) Behaviour Management

All children and young people have a right to be treated with respect and dignity. Corporal punishment is unlawful. Where children display difficult or challenging behaviour, the driver should immediately report their concern to the Dorset Travel Operations Manager so that the appropriate guidance can be given.

Drivers should not use any form of degrading treatment to punish a child. The use of sarcasm, demeaning or insensitive comments towards children and young people is not acceptable in any situation.

i) Photography and Videos

It is not appropriate, under any circumstances, for a driver to take photographs of the child or young person for their personal use or for the purpose of being presented as a gift to the child or young person or their parent/guardian.

j) Supervision and Support

Once recruited, drivers should be well informed, trained, supervised and supported so that they are less likely to become involved in actions which can lead to harm or be misinterpreted and possibly lead to false allegations being made against them.

## **ANNEXE 4 CODE OF CONDUCT AND GOOD PRACTICE – GUIDANCE FOR DRIVERS WHO WORK WITH VULNERABLE ADULTS**

### **Introduction**

Everyone expects high standards of behaviour from staff who work with vulnerable adults. When people accept a role that involves working with vulnerable adults, they need to understand and acknowledge the responsibilities and trust inherent in that role.

The vast majority of people who work with vulnerable adults act professionally and aim to provide a safe and supportive environment which secures the well-being and very best outcomes for vulnerable passengers. There are instances, however, where the behaviour of staff can give rise to allegations of abuse being made against them. Allegations may be genuine, malicious, or misplaced. They may arise from differing perceptions of the same event but when they occur, they are inevitably distressing and difficult for all concerned.

This guidance has been produced to help drivers working with vulnerable adults to establish safe and responsive environments which safeguard passengers and reduce the risk of staff being falsely accused of improper or unprofessional conduct. This guidance has been produced based on the following underlying principles:

- The welfare of the vulnerable adult is paramount.
- It is the responsibility of all staff to safeguard and promote the welfare of vulnerable adults. This responsibility extends to a duty of care for people employed, commissioned, or contracted to work with vulnerable adults.
- Service Providers who work with vulnerable adults are responsible for their own actions and behaviour and should avoid any conduct which would lead any reasonable person to question their motivation and intentions.
- Service Providers should work, and be seen to work, in an open and transparent way.
- The same professional standards should always be applied regardless of race, gender, sexuality, or religious beliefs.

### **Duty of Care**

All Service Providers who are employed, commissioned, or contracted to work with, or on behalf of, vulnerable adults, whether paid or voluntary, have a duty to keep vulnerable adults safe and to protect them from harm. This includes neglect, sexual, physical, and emotional harm. Vulnerable adults have a right to be treated with respect and dignity.

The Service Provider is responsible for employing suitable drivers able to deliver the service within the requirements of their contract arrangement with the Council. Service Providers should understand that both they and each of their employees have a duty to ensure that vulnerable adults are kept safe and protected from harm. It is expected, as part of their induction training and ongoing supervision that contractors will ensure their drivers fully understand and adhere to the recommended code of behaviour when working with vulnerable adults.

### **Procedures of Managing Allegations Against People Who Work With Vulnerable Adults**

Bournemouth, Poole and Dorset Local Authorities and partner organisations have produced the Multi-Agency Safeguarding Adults Policy 20<sup>th</sup> April 2015. The policy makes it clear that

anyone who suspects harm or abuse has a duty to report it. The matter can then be fully assessed and if necessary, appropriate steps taken to safeguard the adult(s) at risk.

If you suspect an adult is being harmed or abused please contact the Adult Safeguarding Triage Team on 01929 557712, 08:40-17:20 Monday to Thursday and 08:40-16:00 Friday. Outside of these hours, please call the Out of Hours Service on 01305 657279.

Please refer to the specific Route Conditions of Contract for the latest contact details.

Procedures will be followed where a driver has alleged to have:

- Behaved in a way that has harmed, or may have harmed, a vulnerable adult.
- Possibly committed a criminal offence against or related to, a vulnerable adult; or
- Behaved towards a vulnerable adult in a way that indicates s/he is unsuitable to work with vulnerable adults.

There may be one or more elements to be considered in responding to an allegation:

- To seek a police investigation into a possible criminal offence.
- Enquiries and assessment by Adult and Community Services about whether a vulnerable adult is in need of protection or in need of services or both.
- Consideration by an employer of disciplinary action in respect of the individual.

### **Code of Behaviour/Good Practice of Drivers**

All vulnerable adult passengers should be treated with dignity and respect at all times. The following Code of Behaviour has been written as a guide of good practice to safeguard vulnerable adults and reduce the risk of drivers being falsely accused of improper or unprofessional conduct.

Please note that this list is not exhaustive and should act only as a guide to Service Providers and their drivers.

#### **a) Power and Positions of Trust**

Drivers should always maintain appropriate professional boundaries and avoid behaviour which might be misinterpreted by others.

#### **b) Confidentiality**

Drivers may have access to confidential information about vulnerable adults in order to undertake their responsibilities. They should never use this information for their own purpose or others' advantage (including that of partners, friends, relatives, or organisations).

Information must never be used to intimidate, humiliate, or embarrass the vulnerable adult.

Confidential information about a vulnerable adult should never be used casually in conversation or shared with any person other than where this can be justified on a need-to-know basis.

If a driver is in any doubt about whether to share information or keep it confidential, he/she should seek guidance from a senior member of staff or the nominated person through the Dorset Travel Safeguarding Lead (See Route Conditions of Contract for latest details)

c) Gifts, Rewards and Favouritism

Drivers should not accept any gift that might be construed as a bribe by others or lead the giver to expect preferential treatment.

There are occasions when vulnerable adults or carer may wish to pass small tokens of appreciation to adults, e.g. at Christmas or as a “thank you” and this is acceptable. It is not acceptable, however, to receive gifts on a regular basis or of any significant value.

It is unacceptable for a driver to give such personal gifts or rewards to vulnerable adults. This could be misinterpreted as a gesture either to bribe, or single out the vulnerable adult. It might be perceived as grooming and that a ‘favour’ of some kind is expected in return.

d) Social Contacts

Drivers need to be aware that whilst it is appropriate to be personable and friendly nothing should be done which might lead a passenger to perceive this as a characterising a more personal relationship.

A driver, who becomes aware that a vulnerable adult may be misconstruing the nature of the relationship, should report this to the Dorset Travel at the earliest opportunity so that the appropriate action can be taken.

A driver should not establish or seek to establish social contact with vulnerable adults for the purpose of securing a friendship or to pursue or strengthen a relationship. This includes seeking to obtain the vulnerable person’s telephone, mobile telephone number or e-mail address; and/or providing your own details to the vulnerable person. It is also inappropriate for the driver to engage in any form of texting with the vulnerable person.

If a vulnerable adult or carer seeks to establish social contact, or if this occurs coincidentally, the driver should report this to the Dorset Travel at the earliest opportunity so that the appropriate action can be taken.

e) Sexual Contact

Any sexual behaviour by a driver towards a vulnerable adult is both inappropriate and illegal. Vulnerable adults are protected by the law in relation to non-consensual sexual behaviour. Drivers should be aware that consistently conferring special attention and favour upon a vulnerable adult might be construed as being part of a ‘grooming’ process, which is an offence.

f) Physical Contact

It is crucial in all circumstances that drivers only touch vulnerable adults with their permission and in ways which are appropriate to their professional or agreed role and responsibilities. Physical contact should never be secretive, or for the gratification of the driver, or represent a misuse of authority.

g) Behaviour Management

All vulnerable adults have a right to be treated with respect and dignity. Where vulnerable adults display difficult or challenging behaviour, the driver should immediately report their concern to Dorset Travel so that the appropriate guidance can be given.



Any attempts at restraint, or physical contact for retribution is potentially a criminal assault and could well be investigated as such. The only exception to this might, depending on the specific circumstances, be to protect the passenger or another person from imminent serious harm.

Drivers should not use any form of degrading treatment to punish a vulnerable adult. The use of sarcasm, demeaning or insensitive comments towards vulnerable adults and young people is not acceptable.

h) Photography and Videos

It is not appropriate, under any circumstances, for a driver to take photographs of the vulnerable adult for their personal use or for the purpose of being presented as a gift to the vulnerable adult or their parent/guardian/carer.

i) Supervision and Support

Once recruited, drivers should be well informed, trained, supervised and supported so that they are less likely to become involved in actions which can lead to harm or be misinterpreted and possibly lead to false allegations being made against them.

The employing organisation should ensure that training and resources are available to ensure that drivers are fully aware of and understand their obligations when working with vulnerable adults.

As part of their induction, drivers should be given clear instructions on tasks and limits that apply to them within their role. They also need to be familiar with safeguarding requirements and the accepted code of conduct.

j) General

Drivers should never:

- Engage in sexually provocative or rough physical games, including horseplay.
- Make sexually suggestive comments in front of, about, or to, a vulnerable adult, even in fun.
- Let allegations made by a vulnerable adult go by without being addressed.
- Deter vulnerable adults from making allegations through fear of not being believed.
- Do things of a personal nature for vulnerable adults that they can do themselves, unless instructed otherwise by the Adult Services Team.
- Invite or allow a vulnerable adult to stay with them at their home.
- Use sexist or racist language.

Should a Service Provider have any queries or concerns about any of the above or wish to seek clarity on any issue not outlined above, please contact the Dorset Travel Safeguarding Lead on telephone number 01305 224237. In critical circumstances where there are serious concerns about imminent or immediate potential or actual risks of harm to vulnerable adults the Police should be contacted immediately.

