

The Driving Standards Agency (DSA) now require Enhanced Disclosure criminal record checks for Potential Driving Instructors (PDIs) wishing to start the qualifying process to join the Register of Approved Driving Instructors (ADIs) and all existing ADIs who wish to renew and remain on the register.

The criminal record checks will be carried out by Disclosure Scotland (for Scottish based applicants) and the Criminal Record Bureau (CRB – for applicants from elsewhere in Great Britain). The DSA has appointed two “umbrella” bodies to assist PDIs and ADIs in the Disclosure application process. All PDIs and ADIs should, in the first instance, contact the relevant umbrella body shown in the following table.

Type of Applicant for DSA Registration	Umbrella Body	Contact Details
PDI Applicants	Capita Recruitment Vetting Services	Tel. 0870 850 2455 Email dsacrb@capita.co.uk
ADI Applicants	TMGCRB	Tel. 0115 969 4616 Email dsa@tmgcrb.co.uk

Further information on the DSA and umbrella body processes is available on the following FAQ's prepared by the DSA.

CRIMINAL RECORD CHECKS FOR PDIS AND ADIS - FAQs

Who is being checked?

Enhanced level criminal record checks will be undertaken on all PDI's wishing to join the register and all existing ADI's who wish to renew and remain on the register. In addition a one off check will be carried out on all existing ADI's, the cost of which will be met by the DSA.

Where will the information come from?

The Driving Standards Agency (DSA) will use the services of the Criminal Records Bureau (CRB) and Disclosure Scotland (DS) to obtain criminal record Disclosures which DSA will use to assess the suitability of persons applying for inclusion on the Register of Approved Driving Instructors.

Why.....?

Are the checks being carried out at all...

Currently, the process for joining the Register involves self-declaration – the person applying is asked to tell DSA about any motoring or non-motoring offences they have committed, but this is not checked or verified. As the PDI/ADI is in a position of trust and spends the majority of his or her working day alone with another person in their car, it is felt that the checks are essential for the safety of pupils and the integrity of the industry.

Are the checks at Enhanced level....

An enhanced disclosure includes spent and unspent convictions. We will also be notified if an individual has been registered as a sex offender or banned from working with children in any way. Legally, as ADIs work in a regulated position with children under the age of 18, we are entitled to receive enhanced level checks.

Is there a one-off check of existing ADIs as well.....

As it would take 4 years for every existing ADI to be checked at renewal stage, we will also be conducting a one-off exercise of checking all ADIs within about 18 months. These ADIs will be checked in order of expiry date (i.e., those who have just renewed without a check will be done first, as otherwise we would have to wait 4 years for them to come round for checking at renewal stage)

When do the checks start?

From 12 March 2007, everyone who applies to start the ADI qualifying process will need to have a criminal record check before they can be approved to start. However, there are certain conditions that must be fulfilled before you can get your check done.

Also on 12 March 2007, we will begin to check all existing ADIs. On that date our contractor TMG CRB will begin to issue to all ADIs a disclosure application pack. We expect it will take about two years to contact and check all registered ADIs.

From Autumn 2007 we will also require ADIs who are renewing their registration or re-registering to obtain a criminal record disclosure.

Who will administer the checking process?

DSA has contracted with two 'umbrella bodies' who will carry out the checks on our behalf. These are professional organisations whose business it is to carry out these checks on behalf of organisations such as our own, so they have the benefit of experience and expertise. The function

of the umbrella bodies will be to check applicants' forms for accuracy and completeness and to liaise with CRB and DS on behalf of DSA.

The two umbrella bodies are **Capita Recruitment Vetting Service (CRVS)**, who will process the checks for new applicants who wish to start the ADI qualifying process, and **TMG CRB** who will process the checks on existing and renewing ADIs.

How do PDI applicants and ADIs get a disclosure?

PDI applicants should contact Capita Recruitment Vetting Service (CRVS) on 0870 850 2455. CRVS will check that the applicant does not need to be directed to DSA in the first instance. If they meet the criteria, they will be sent a disclosure application pack in the post.

ADIs who are being checked in the one-off exercise will be sent a disclosure application pack by TMG CRB. They will not have to request it. TMG will start sending out the packs on 12 March 2007 and we expect that it will take about 2 years to contact and check all registered ADIs (over 41,000).

ADIs who are renewing their registration will be advised to contact TMG for a disclosure application pack once we have a start date for these checks.

Who needs to send their application form in to DSA before they get their check?

Anyone who:

- Has any endorsements or fixed penalty points on your driving licence
- is disabled in any way that means that they can only drive cars with an automatic transmission, or manual cars which have special adaptations fitted
- has not held a full GB, Northern Irish or EU car driving licence
- has not held it for at least four out of the last six years
- has been disqualified from driving at any time in the last four years

should NOT obtain a criminal record disclosure yet. They should instead send their ADI 3 in to Nottingham in the usual way. The ADI section will consider the application and let the individual know if their application can proceed. If so, they will then be told to get a criminal record disclosure.

What should individuals do with their disclosure?

PDI applicants:

Once their application has been processed by CRB or DS, individuals will automatically receive a copy of their disclosure report at the same time that DSA receives it. Providing they have no dispute with CRB or DS about the information in the disclosure, they should complete the ADI 3 application form and send it in to DSA in Nottingham. They do not need to send their disclosure certificate: they only need to write the Disclosure Reference Number on the DSA form.

Registered ADIs:

Once their application has been processed by CRB or DS, individuals will automatically receive a copy of their disclosure report at the same time that DSA receives it. They need do nothing with this. DSA will use their copy to consider if the individual poses a risk to pupils and is a "fit and proper" person.

Renewing ADIs:

Once their application has been processed by CRB or DS, individuals will automatically receive a copy of their disclosure report at the same time that DSA receives it. Providing they have no dispute with CRB or DS about the information in the disclosure, they should complete the ADI 37A or ADI 37B application form and send it in to DSA in Nottingham. They do not need to send their disclosure certificate: they only need to write the Disclosure Reference Number on the DSA form.

Can applicants use old-style forms (ADI 3, ADI 37A, ADI 37B)?

If they are using an old-style form they should write the number somewhere clearly on the form. Alternatively, copies of the new form with the new fuller Notes for Guidance will be available from DSA in Nottingham or can be downloaded from our websites www.dsa.gov.uk and www.transportoffice.gov.uk. The renewal and re-registration forms will be available once we have confirmed the start date for those checks.

How do DSA make a decision on “fit and proper”?

DSA will then link the application form with their copy of the Disclosure certificate using the Disclosure Reference Number. DSA will then consider the information both documents to assess if the applicant poses a high, medium or low risk to pupils and is a “fit and proper” person to join or remain on the ADI Register.

Will there be any change to the current process of judging “fit and proper”?

Disclosure information will be treated in the same way as the DSA currently handle any information used as part of “fit and proper” considerations. The DSA will write to a PDI or ADI to seek their views if there is any offence which may affect their application. No decision will be made until a period of 28 days has elapsed.

Is there any appeal process?

Anyone who is unhappy with the Registrar’s decision to refuse or remove registration may appeal to the independent Transport Tribunal. This process is set out in The Road Traffic Act of 1988 and is no different to the current process when the Registrar finds an ADI to be not ‘fit or proper’.

What about those who are going through the qualifying process already? What about those on a trainee licence?

In the case of existing PDIs, the individuals in question will be allowed to go through the qualification period before a check is carried out. This is because DSA considers it unfair to delay qualification by introducing a check part way through, in light of the fact that a PDI only has two years to qualify. Those who are successful in qualifying will be checked in the normal course of checking existing ADIs.

How will existing ADIs be notified of the process to get their check before they renew?

At the moment, an ADI whose licence is up for renewal will receive a reminder a month before the renewal is due. Because of the extra time it will take to get a disclosure, the ADI will receive his or her reminder six months before the renewal is due.

Why are DSA delaying the checks of renewing ADIs until later in the year?

Because of the need to communicate the above change in the renewal process and to embed the new culture, the checks on renewing ADIs will not begin until several months after the checks on new PDIs have begun.

How often will checks of established ADIs be undertaken?

CRB/ DS checks will be made on every ADI at every renewal, not just the first renewal after the checks have been introduced.

Are examiners going to be checked as well as ADIs?

DSA is actively examining the possibility of conducting these checks for all its Driving Examiners too. Legal advice is currently being sought.

Will everyone with a criminal record be prevented from being a PDI or ADI?

Having a criminal record will not necessarily bar anyone from being accepted as a Potential or Approved Driving Instructor. Before reaching a decision on whether or not a person is “fit and proper”, DSA will assess the risk that they are likely to pose to their pupils by considering factors such as:

- Whether the conviction is relevant
- The seriousness of any offence
- The length of time since the offence occurred
- Whether there is a pattern of offending behaviour
- Whether their circumstances have changed since the offending behaviour
- The circumstances surrounding the offence and any explanation.

DSA’s published statement on how we consider the suitability of ex-offenders to apply to join or remain on the ADI Register is available on the DSA and transport office websites. (also attached as Annex to this document)

How will DSA store the disclosures, and dispose of them?

Disclosure information will be kept securely in designated, lockable, non-portable storage cabinets. Access will be strictly controlled and limited to those who are entitled to see it as part of their duties.

DSA’s published statement on how we store, handle, use, retain and dispose of disclosures and disclosure information is available on the DSA and transport office websites. (also attached as Annex to this document)

What training have DSA staff who are going to consider the disclosures received?

All those in DSA who are involved in that process have been suitably trained to identify and assess the relevance and circumstances of offences, and managers have received specialist training from NACRO and NSPCC. All staff have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders, such as the Rehabilitation of Offenders Act 1974.

What if individuals disagree with the information shown on the disclosure?

Anyone who does not agree with the information on their disclosure can raise a dispute with the issuing body (CRB or DS). The umbrella body who provided the disclosure (either CRVS or TMG) can assist in disputes.

How are the checks being paid for?

From 2 April 2007 the cost of the ADI Part 1 will increase by £25 to £75 to cover the cost of the criminal record checks for new PDIs.

The checks of existing ADIs will be funded from historical surpluses in the ADI account at DSA.

DSA are currently considering the impact of criminal record checks on ADI registration and renewal fees as part of its review of these fees, as stated in DSA's 2006/7 Business Plan.

What if I already have a disclosure? Do I need to get another one?

Yes, for three reasons:

- When an enhanced level disclosure is produced the police will provide us with any additional information that they consider would be relevant to the position. So if someone has had a disclosure produced for assisting in schools, for example, it may not include information which would be relevant to being a driving instructor.
- Even if a disclosure had been produced in their role as a driving instructor, we also need to have the most up to date information possible. If we were to accept existing disclosures we would have to set a cut-off date, which would be arbitrary and open to criticism.
- It would be difficult for us to administer if some ADIs produced disclosures done for their driving school and others didn't and could end up being more costly for the user in the long term.

THE SUITABILITY OF EX-OFFENDERS TO APPLY TO JOIN OR REMAIN ON THE REGISTER OF APPROVED DRIVING INSTRUCTORS

The Driving Standards Agency (DSA) will use the services of the Criminal Records Bureau (CRB) and Disclosure Scotland (DS) to obtain criminal record Disclosures which DSA will use to assess the suitability of persons applying for inclusion on the Register of Approved Driving Instructors. DSA will comply fully with the CRB and DS Codes of Practice and undertakes to treat all applicants for positions fairly. We undertake not to discriminate unfairly against any subject of a Disclosure on the basis of a conviction or other information revealed.

DSA is committed to the fair treatment of Potential Driving Instructors (PDIs) and Approved Driving Instructors (ADIs), regardless of race, gender, ethnicity, religion, sexual orientation, age, physical/mental disability or previous criminal background.

We actively promote equality of opportunity for all with the right mix of talent, skills and potential and welcome applications from a wide range of candidates, including those with criminal records.

Having a criminal record will not necessarily bar you from being accepted as a Potential or Approved Driving Instructor. Before reaching a decision on whether or not a person is "fit and proper", we will assess the risk that they are likely to pose to their pupils by considering factors such as:

- Whether the conviction is relevant
- The seriousness of any offence
- The length of time since the offence occurred
- Whether there is a pattern of offending behaviour
- Whether their circumstances have changed since the offending behaviour
- The circumstances surrounding the offence and any explanation.

However applications from those convicted of serious violent, sexual, financial or drugs offences are unlikely to be successful, regardless of when the offences were committed. We are also unlikely to accept applications from those whose name is, or has been, on the Sex Offenders Register, or from those who are or have been banned from working with children.

All registration application forms for Potential and Approved Driving Instructors and supporting information will contain a statement that a check will be required as part of the suitability, or "fit and proper", criterion.

We guarantee that Disclosure information will only be seen by those who need to see it as part of the suitability assessment process. We will ensure that all those in DSA who are involved in that process have been suitably trained to identify and assess the relevance and circumstances of offences. We will also ensure that they have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders, such as the Rehabilitation of Offenders Act 1974.

We undertake to give applicants the opportunity to correspond with us about the nature and circumstances of a conviction before refusing registration or removing an ADI from the Register. We will ensure that applicants who do not agree with the information on their Disclosure are advised of the correct procedures to dispute the report with the issuing body. No decision on an applicant's suitability will be taken until any such dispute is resolved.

We will make every subject of a Disclosure aware of the existence of the CRB and DS Codes of Practice and make copies available on request.

DSA STATEMENT ON SECURE STORAGE, HANDLING, USE, RETENTION & DISPOSAL OF DISCLOSURES AND DISCLOSURE INFORMATION

As an organisation using the services of the Criminal Records Bureau (CRB) and Disclosure Scotland (DS) to help assess the suitability of applicants for inclusion or to remain on the Register of Approved Driving Instructors, the Driving Standards Agency (DSA) complies fully with the CRB and DS Codes of Practice regarding the correct handling, use, storage, retention and disposal of Disclosures and Disclosure information. DSA also complies fully with its obligations under the Data Protection Act 1998 and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of Disclosure information.

Storage and access

Disclosure information will be kept securely in designated, lockable, non-portable storage cabinets. Access will be strictly controlled and limited to those who are entitled to see it as part of their duties.

Handling

In accordance with Section 124 of the Police Act 1997, Disclosure information will only be passed to those who are authorised to receive it in the course of their duties. DSA will maintain a record of all those to whom Disclosures or Disclosure information has been revealed and recognise that it is a criminal offence to pass this information on to anyone who is not entitled to receive it. Transportation of Disclosures, related documents or information will be carried out at all times by courier or other secure means to authorised persons.

Usage

Disclosure information will only be used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

Retention

Once a suitability decision has been made, DSA will not keep Disclosure information for any longer than is necessary. This is generally for a period of up to six months, to allow for consideration and resolution of any disputes or complaints. If, in very exceptional circumstances, it is considered necessary to keep Disclosure information for longer than six months, DSA will consult the CRB or DS as appropriate about this and will give full consideration to the data protection and human rights of the individual before doing so. Throughout this time, the usual conditions regarding the safe storage and strictly controlled access will prevail.

Disposal

Once the retention period has elapsed, DSA will ensure that any Disclosure information is immediately destroyed by secure means, i.e. cross-shredding and pulping. While awaiting destruction, Disclosure information will not be kept in any insecure receptacle (e.g. waste bin or confidential waste sack). DSA will not take or keep any photocopy or other image of the Disclosure or any copy or representation of the contents of a Disclosure. However, notwithstanding the above, DSA may keep a record of the date of issue of a Disclosure, the name of the subject, the type of Disclosure requested, the position for which the Disclosure was requested, the unique reference number of the Disclosure and the details of the suitability decision taken.

Use of Umbrella Bodies

DSA has contracted with organisations known as "umbrella bodies" to countersign applications for Disclosures and receive Disclosure information on our behalf. DSA will take all reasonable steps to satisfy itself that they handle, use, store, retain and dispose of Disclosure information in full compliance with the CRB and DS Codes of Practice and in full accordance with this policy. We will also ensure that the bodies themselves have such a written policy.

Any personal data supplied by DSA to the umbrella bodies, and databases maintained by the contractor on DSA's behalf, is managed in compliance with the Data Protection Act (1988). Personal data passed to the umbrella bodies will be to facilitate the mailing of Disclosure Application Forms and other related material.