 <b>Licensing and Regulatory Committee</b>		<b>Agenda Item No.</b>  <b>4</b>
<b>Title</b>	Introduction of Mandatory Safeguarding Training	
<b>For further information about this report please contact</b>	Marianne Rolfe, Regulatory Manager, Tel: 01926 456320 Email:marianne.rolfe@warwickdc.gov.uk	
<b>Wards of the District directly affected</b>		
<b>Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?</b>	Yes/No If yes state why	
<b>Date and meeting when issue was last considered and relevant minute number</b>		
<b>Background Papers</b>	Report of inspection of Rotherham Metropolitan Borough Council dated February 2015 by Louise Casey CB. LGA Tackling child sexual exploitation – a resource pack for councils LGA Taxi and PHV licensing – Councillors Handbook.	

<b>Contrary to the policy framework:</b>	Yes/No	
<b>Contrary to the budgetary framework:</b>	Yes/No	
<b>Key Decision?</b>	Yes/No	
<b>Included within the Forward Plan? (If yes include reference number)</b>	Yes/No	
<b>Equality Impact Assessment Undertaken</b>	Yes/No (If No state why below)	
<b>Officer/Councillor Approval</b>		
<b>Officer Approval</b>	<b>Date</b>	<b>Name</b>
Chief Executive/Deputy Chief Executive		
Head of Service	08/02/16	Richard Hall
CMT		
Section 151 Officer		
Deputy Monitoring Officer	08/02/16	
Finance		
Portfolio Holder(s)	08/02/16	Moira Ann Grainger
Legal	08/02/16	Warwickshire Legal Services
<b>Consultation &amp; Community Engagement</b>		
Discussions with the Driver and Operator Forum regarding the correct, most suitable and successful way to raise awareness of CSE. In addition work discussions with Warwickshire Police, Warwickshire County Council, Public Health England.		
<b>Final Decision?</b>	Yes/No	
<b>Suggested next steps (if not final decision please set out below)</b>		
Recommendation 2.3 is a change to the Scheme of Delegation to be considered by Council on 24 February 2016		

## 1. **Summary**

- 1.1 This report asks for committee agreement to introduce a mandatory course on the subject of Safeguarding training for all applicants of a Hackney Carriage Private Hire Drivers Licence.

## 2. **Recommendation**

- 2.1 That the committee agree that from 1<sup>st</sup> April 2016 Hackney Carriage Private Hire Drivers Licence (HCPH DL) will not be renewed or granted unless the driver can demonstrate that they have undertaken a Prevention of Child Sexual Exploitation (CSE) training course provided by the Warwick District Council's Nominated Trainer.
- 2.2 That the committee agree that all private hire operators and call handlers employed by those private hire operators must be trained in safeguarding and that a condition to that effect is applied to a Private Hire Operators licences upon renewal.
- 2.3 The committee recommends to Council that it delegates to officers the power to refuse the licence of a person who fails to or refuses to attend the prevention of CSE course, in the same manner that officers have delegated powers to refuse the licence of a person who fails to attend the disability awareness course.
- 2.4 That the committee acknowledge that current licenced drivers will be sent before the Licensing and Regulatory Committee if they refuse to undertake or fail to attend a prevention of CSE training course with the nominated trainer.

## 3. **Reasons for the Recommendation**

- 3.1 The primary role of the licensing authority is the protection, safety and wellbeing of the public.
- 3.2 A number of high profile recent safeguarding cases around the country have been publicised in particular relating to Child Sexual Exploitation (CSE), some involving Hackney Carriage and Private Hire Drivers.
- 3.3 The Hackney Carriage and Private Hire trade including both the drivers and operators carry out hundreds of fares on a daily basis. Some of those fares are journeys taken by vulnerable people. The proposal will increase and raise awareness of all aspects of safeguarding vulnerable persons.
- 3.4 The inspection report into the Rotherham Metropolitan Borough Council highlighted that local authorities were not doing everything that they could to safeguard the users of hackney carriages and private hire vehicles.
- 3.5 These recommendations will bring Warwick District Council in line with good practise being demonstrated in Hackney Carriage Private Hire licensing around the country.

## 4. **Policy Framework**

- 4.1 The introduction of mandatory safeguarding training of Hackney Carriage Private Hire Drivers and the imposition of the condition on Private Hire Operators Licences will support the council priorities with regard to children

who are or may be subject to sexual exploitation and the safeguarding of other vulnerable persons.

#### **4.2 Fit for the Future**

- 4.2.1 The introduction of mandatory training for safeguarding will promote the benefits of living and working in Warwick District and will contribute to making Warwick a great place to live, work or visit.
- 4.2.2 Fits within the health and wellbeing priority and safer communities themes within the sustainable communities strategy of the council.

#### **4.3 Impact Assessments**

- 4.3.1 An equality impact assessment has been completed which will highlight the positive and negative impacts of the introduction of mandatory safeguarding training. There is no negative impact identified on protected characteristics.

#### **5. Budgetary Framework**

- 5.1 After the 1<sup>st</sup> April 2016 the courses will be paid for by the drivers/applicants directly to the nominated course provider. The evidence of course attendance forms part of the application process and therefore has no financial impact on the Council.
- 5.2 The paid courses to be held in March 2016 will cover the costs incurred by the Council for room hire.
- 5.3 The future courses should have a minimal impact upon officer time as the procedures for organising the courses have been created, as has the organisation paperwork and the intention is to continue to use the same training provider.

#### **6. Risks**

- 6.1 By failing to implement safeguarding training for drivers, Warwick District Council could be viewed as not undertaking all necessary measures in protecting the public who use hackney carriage and private hire vehicles.
- 6.2 Drivers could be unaware of the impact of failing to report a concern of CSE and unwittingly become associated with the case. Any person who transports a child whom they have concern may be subject to CSE and does not report it to the relevant authorities may be subject to a charge of Trafficking.

#### **7. Alternative Option(s) considered**

- 7.1 That the safeguarding training is voluntary only and is not introduced as a requirement of Hackney Carriage Private Hire Driver Licence application.
- 7.2 We have run 6 free courses and had 64% attendance of the current licenced drivers. There were sufficient places provided for all of the current licenced drivers to attend. If the courses were not made mandatory, officers believe that this voluntary attendance rate would significantly drop until there was no attendance. Therefore, this is not recommended as a suitable alternative option.

7.3 That safeguarding training is not introduced as a requirement of the application to become a Hackney Carriage Private Hire Driver. Failing to introduce suitable training on this subject area may leave the Council open to criticism and significant challenge in the event of an incident occurring.

## 8. **Background**

8.1 In a report of inspection of Rotherham Metropolitan Borough Council by Louise Casey CB dated February 2015, inspectors considered whether RMBC took and continued to take sufficient steps to ensure that only fit and proper persons are permitted to hold a taxi licence. Inspectors concluded that this was not the case and one of the issues picked up on was that communication between licencing, the police and children's safeguarding was not sufficient and that CSE had 'not been given the priority and visibility it required'.

8.2 Licensing officers and the Drivers and Operators Forum would like to introduce a mandatory CSE training course into the requirements for an applicant to undertake prior to a Hackney Carriage Private Hire Drivers Licence being granted.

8.3 In addition, the forum and officers would like to require all current Hackney Carriage Private Hire Drivers licenced with Warwick District Council to undertake this course.

8.4 The Rotherham report highlights that the safety of the public should be of the uppermost concern of any licencing and enforcement regime and that 'there is nowhere more important than in taxi licencing where sometimes vulnerable people are unaccompanied in a car with a stranger'.

8.5 Throughout 2015 the Drivers and Operators Forum have been reviewing what can be done to spread the message of the 'Something's not right campaign' and have discussed during the forum what would be the best method of increasing awareness of safeguarding.

8.6 The Drivers and Operators Forum are in full agreement that a course should be delivered and that it is an extremely important subject area. The forum have voted for a compulsory course as they believe it is only way all drivers will attend.

8.7 Warwickshire Police and Barnardos have been working with licencing officers to identify methods and approaches to increase awareness of Child Sexual Exploitation and ensure that all licence holders are helping to protect our vulnerable members of society.

8.8 In order to identify the existing will within the trade for such a course, six free of charge prevention of CSE training events were provided in January 2016. These were allocated to existing drivers on a first come first served basis.

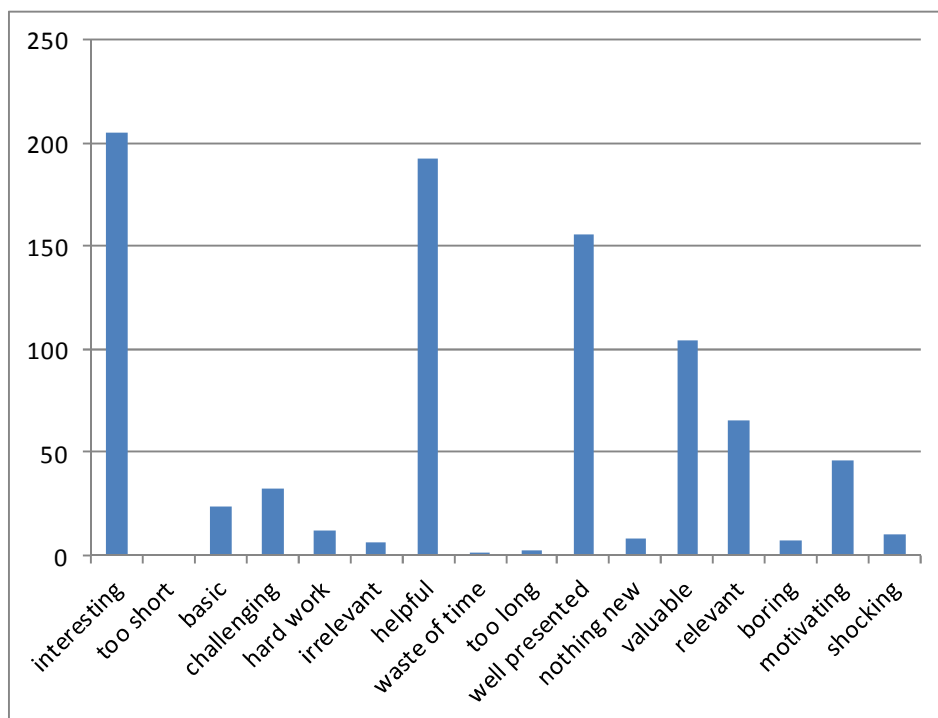
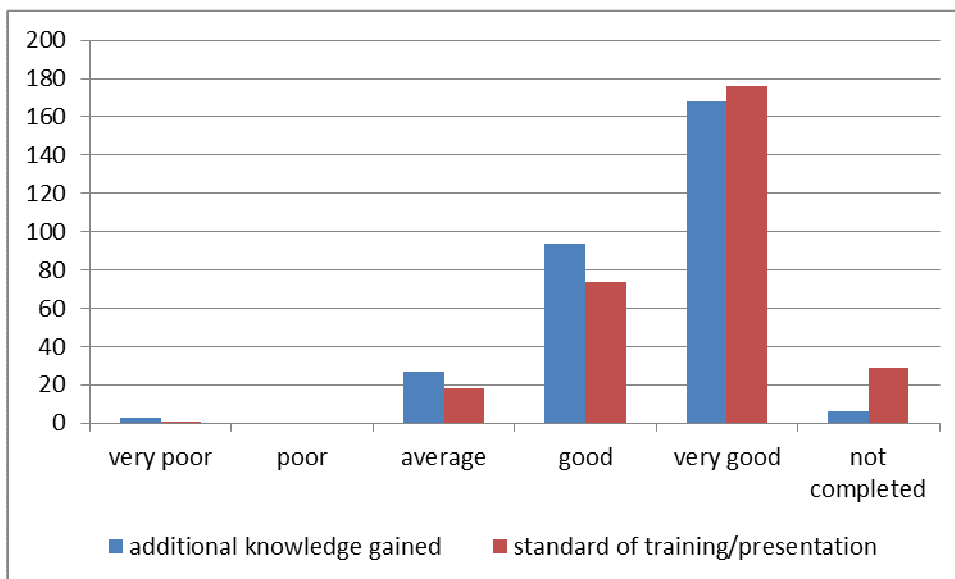
8.9 The aim of the course was to raise awareness. Licenced drivers can often be first on a scene, at the request of a hiring, collecting victims of various types of criminal activity and taking them to places they request. If Hackney Carriage Private Hire Drivers can be trained to look out for the signs of potential CSE and know where to report their concerns to, they can help stop vulnerable persons being exploited.

8.10 314 of the existing 488 licenced drivers attended the voluntary training courses. (64%)

8.11 The course covered;

- Safeguarding children and vulnerable persons
- Legislation with regards to Human Trafficking
- Making referrals
- Signposting to relevant agencies

8.12 The feedback from the courses delivered are provided below:



8.13 The training courses were delivered by Barnardos Child Sexual Exploitation Service in line with request from the Drivers and Operators Forum. The forum believed that the message would be more readily accepted by the Hackney Carriage Private Hire drivers from a charity organisation working in the field. This has proven to be effective in the course delivery by the Guide Dogs in relation to disability awareness.

- 8.14 From 1<sup>st</sup> April 2016, the recommendation is that attendance upon a prevention of CSE course is made a compulsory requirement for all Hackney Carriage Private Hire Drivers licences.
- 8.15 There are three further courses available to drivers in March 2016. Due to the limitation of the funding provided for the original six courses, these cannot be held free of charge and will require a payment for attendance.
- 8.16 Following these courses, licenced drivers will have received 9 opportunities to attend a prevention of CSE training event.
- 8.17 A Hackney Carriage Private Hire Drivers licence is 3 years in duration. If the mandatory requirement is introduced for all licence holders to undertake the course before their licence requires renewal, it would take until the end of 2019 to ensure that all drivers had been trained in prevention of Child Sexual Exploitation.
- 8.18 Therefore, it is proposed that all licenced drivers must have attended the course by the 1st April 2016. There are currently 174 drivers who did not attend one of the free courses provided in January 2016.
- 8.19 Given the additional three opportunities to attend a prevention of CSE training event in March, it is proposed that any driver that fails to undertake the course by the 1<sup>st</sup> April will be asked to appear before the Licensing & Regulatory Committee in order to explain the reason for their failure to attend.
- 8.20 It is also proposed that to cover those licences which expire between the March courses and 1<sup>st</sup> April 2016, officers are requesting delegated powers allowing the Regulatory Manager to refuse to grant, or renew a driver's licences where the applicant had not undertaken the Child Sexual Exploitation course.
- 8.21 The Regulatory Manager already holds this delegated position for Knowledge Test and Disability Awareness Courses.
- 8.22 Ongoing courses are being organised with Barnardos to be of a suitable frequency to allow new applicants to attend the course without causing an adverse delay to their application. These courses would be attended at the driver's expense in line with other requirements such as the Disability Awareness, Driver Standards Agency Test and Knowledge Test.
- 8.23 Additional CSE prevention activities with the Hackney Carriage and Private Hire Drivers continue at each of the fleet inspection events. Representatives of Warwickshire County Council Public Health Team speak with each driver attending the event on various subjects including the prevention of Child Sexual Exploitation. The drivers welcome this conversation.