



Improving Bus Passenger Safety through the Driver Licensing System – Dec 07

1. Introduction

- 1.1 This consultation is submitted by Unite the Union, the UK's largest trade union with 2 million members across the private and public sectors. The union's members work in a range of industries including manufacturing, financial services, print, media, construction, transport and local government, education, health and not for profit sectors.
- 1.2 The union's current membership in the Passenger Services Trade Group is nearly 100,000. The Passenger Services Trade Group represents workers in all areas of passenger services including bus, coach, taxi, and tram and rail workers in 150 large local companies. The Passenger Services Trade Group of Unite is the largest trade union representing drivers, engineers, admin staff, inspectors and managers employed in the UK bus industry.
- 1.3. Approximately 90% of Britain's local service bus drivers, in most companies from the south coast of England to the furthest tip of Scotland, from Ulster Bus across to every town and village on the North Sea coastline, are in this powerful trade group. The union has a unique overview of the issues facing the bus industry, rather than the more partial views of the company or its customers, each of whom have their own agenda.
- 1.4. Unite welcomes this opportunity to respond to this consultation which Unite believes this is another step towards creating the professional accreditation that we believe our bus driver members rightly deserve.

2. Option Analysis

Option 1 – Self declaration process (Status Quo).

- 2.1 The current self declaration process is not an acceptable option because it places the complete onus on the individual worker, for identifying convictions. If the individual chooses not to declare them then it is likely they will remain unknown.

Option 2 – Operators required to validate the applicant’s declaration.

2.2 In the same way as it is not acceptable for the onus to be placed on an individual worker Unite strongly opposes placing the responsibility for conducting checks with the employer. Presumably this option unlike option 4 assumes the operator would validate the applicant’s declaration without the benefit of a supporting CRB/Disclosure Scotland check. This could not be acceptable as the operator would be in no position to validate on any other basis than “to the best of my knowledge” or on the basis of an assertion of good character. This would simply not be robust enough to be acceptable.

Option 3 – Applicant required to produce a current Criminal Record Bureau/Disclosure Scotland certificate.

2.3 Placing the responsibility on the applicant to produce a current CRB/DS has the capacity to go wrong with the possibility of a counterfeit certificate also becoming a potential problem.

2.4 It is impractical to require all PCV drivers to seek their own CRB/Disclosure Scotland checks at the start of their career and at the required intervals throughout their career as their PCV licence comes up for renewal. It would act as a strong disincentive to new drivers entering into the industry, whilst for existing PCV drivers it could prove problematic for some to process their application in time, thus holding up PCV renewals and temporarily preventing themselves from driving. This could have implications for employers in delivering the service.

2.5 In addition those who have not previously undergone a CRB/DS check would fall outside the scope of this option which would not be a fair playing field.

Option 4 – Operators required to validate the declaration from an applicant, supported by a Criminal Records Bureau/Disclosure Scotland certificate.

2.6 Placing the responsibility on the operator/employer is not acceptable. Employers vary considerably in their approach to this issue creating wide inconsistencies in dealing with CRB checks and their ultimate responses to the results. For instance smaller employers with high staff turnover and recruitment and retention problems are far less likely to be rigorous in their approach than certain high profile employers who may be more conscious of their public image. Unite is concerned that our members could experience widely differing standards according to who they work for, including the possibility of being exposed to harsh

and unreasonable treatment by some employers for relatively minor CRB check results.

- 2.7 In addition those who have not previously undergone a CRB/DS check would fall outside the scope of this option which would not be a fair playing field.

Option 5 – Mandatory Standard or Enhanced Criminal Records Bureau and Disclosure Scotland checks.

- 2.8 This is Unite's preferred option because it is conducted by an independent body in the DVLA, which takes out any possible bias of an individual applicant or operator/employer.
- 2.9 Unite then agrees that after the DVLA has conducted its check that if it identifies any relevant information then the details should be sent to the regional traffic commissioner for consideration to determine the application because the regional traffic commissioner is best placed to make the correct decisions based on their greater local knowledge of any individual applicant.
- 2.10 This method has the advantage of establishing universally common standards across the entire industry. The Traffic Commissioners have a strong reputation for justice with firmness, and with well-established procedures for handling appeals, dealing with trade union representation etc in a fair manner. For these reasons Unite is confident that its members would have complete trust in this sensitive and difficult issue being dealt with by the DVLA and the Traffic Commissioners in the manner proposed in option 5.

3. Checks Paid For

- 3.1 Unite believes that the operators/employers should pay for the CRB/DS checks in all instances because it is directly in their interest to make sure that their drivers are of the legal standard to be driving their buses with passengers on board. It is the company who would be implicated if a situation did occur and the company could be held legally and therefore financially responsible for any wrong doing of their employee.
- 3.2 Operators/employers should use their training bond budgets to finance these checks.

4. Frequency of Checks

- 4.1 Unite believes that it is logical that the CRB checks should be linked to the application/renewals of the Certificate Professional Confidence which will be every 5 years.
- 4.2 So the other option would be our recommendation and would be CRB/DS check with CPC first application/renewals at 5 yearly intervals until the holders 65th birthday and subsequent annual renewals.
- 4.3 Unite would like to stress a note of caution with regards to Age Discrimination legislation. Unless the CRB checks are linked with the CPC application/renewals then Age Discrimination legislation could be broken if the CRB checks are done in isolation.

5. Recommendations

- 5.1 Unite believes that Option 5 – Mandatory Standard or Enhanced Criminal Records Bureau and Disclosure Scotland checks is the best option.
- 5.2 Unite believes that operators/employers should pay for the checks in all instances because it is directly in their interest to make sure that their drivers are of the legal standard to be driving their buses with passengers on board. It is the company who would be implicated if a situation did occur and the company could be held legally and therefore financially responsible for any wrong doing.
- 5.3 Unite believes that it is logical that the CRB checks should be linked to the application/renewals of the Certificate Professional Confidence which is every 5 years.
- 5.4 Unite believes that the other option of CRB/DS check with CPC first application/renewals at 5 yearly intervals until the holders 65th birthday and subsequent annual renewals.