

James Button
Ridgeway, Upper Milton
Wells
Somerset
BA5 3AH

DECS Reference: TRO/0453095/22

11 November 2022

Dear Mr Button,

Thank you for your email of 11 October, regarding your concerns about Disclosure and Barring Service (DBS) checks for licensed drivers undertaking home to school contracts. Your query has been passed to me for response.

The Government recognises that taxis can be a high-risk environment which is why all licensed taxi drivers are eligible for the highest level of criminal record check from the DBS: an enhanced certificate with checks of the children's and adults' barred lists, as part of the 'other workforce', which licensing authorities use to inform their suitability to hold a licence. As well as a check of the barred lists, this certificate includes spent and unspent cautions and convictions (subject to filtering rules), plus any additional information thought by the local police to be relevant to the role. Whilst this is not based on these drivers being in 'regulated activity', in practice, the products of the check – an enhanced with checks of adults' and children's barred list – are the same as if they were in regulated activity with children and adults.

Regulated activities are roles that a barred individual is not allowed to do, and the workforce categories (child/adult/other) reflect which workforce they are barred from working in. In respect of conveying children specifically, a driver is defined as being in regulated activity in the children's workforce if they undertake this role frequently, e.g., once a week or more often. Therefore, a regular home to school contract falls within this definition. Further guidance on what activities constitute regulated activity with children has been published by the Department of Education (DfE): [Department for Education \(publishing.service.gov.uk\)](http://publishing.service.gov.uk).

You suggest that all hackney carriage and private hire drivers undertake regulated activity with children both when undertaking home to school contract work and when not. However, it is important to note that an employer recruiting a licensed hire driver for

regulated activity with children, with the requisite child workforce check of the children's barred list, would not be entitled in law to see information disclosed under the adult workforce, i.e., through an enhanced with adults' barred list check. Only an employer who was employing someone in regulated activity for children and adults, would be legally entitled to see information disclosed through an enhanced DBS with check of both adults' and children's barred lists, for both the children's and adults' workforces. This therefore necessitates the need for a separate enhanced check with a check of the children's barred list, for those deciding the suitability of hackney carriage and private hire drivers to undertake home to school contract work; further to the licensing-related enhanced DBS check with check of adults' and children's barred lists held by these drivers.

The Independent Review of the Disclosure and Barring Service Regime was launched on 24 February 2022. The Independent Review is focusing on identifying key issues of concern about the current regime; considering current responses to them; assessing and advising on risks and opportunities; and will make recommendations for improvement. Included in the terms of reference for the Independent Review is the consideration of the definition of Regulated Activity; the Review's terms of reference can be found here: [Deposited paper DEP2022-0184 - Deposited papers - UK Parliament](#). The Independent Review aims to complete before the end of this year and a summary of key findings from the Independent Review may be published as appropriate.

With regard to your open invitation to Baroness Vere to attend training events, please be advised that Mr Richard Holden MP was recently appointed as the Parliamentary Under-Secretary for the Department of Transport. You can write to him directly at richard.holden.mp@parliament.uk on any event that you would like to invite him to.

Thank you for contacting the Home Office.

Yours sincerely,

D Galway

Public Protection Unit

Email: Public.Enquiries@homeoffice.gov.uk