



Security Industry Authority

Approved Contractor Scheme
Exceptional Circumstances Policy
For Subcontracting

Background

Your business must only sub-contract security industry services to other ACS businesses, except in exceptional circumstances where explicit authority is given by us as detailed under Get Approved, condition of approval 12. Your customers have a reasonable expectation that their security service will be provided only by approved companies.

The new requirements are detailed in the SIA ACS Self-Assessment Workbook (April 2019), indicator 2.4.1. Your business will be assessed against and must meet these requirements from 1 April 2019

We recognise that exceptional circumstances may arise when, in order to offer a particular security service to a customer, it is necessary to use subcontractors that are not approved. If such circumstances are notified to us in advance and if we agree that there are exceptional circumstances, then the use of a non-approved subcontractor may be authorised on a temporary basis. In the event that an application cannot be made in advance, i.e. to meet a customer requirement at very short notice, where public safety may be at risk, then an application must be made to us within 5 working days of deployment of the subcontractor.

Process:

1. You must make any application for authorisation to use a non-approved subcontractor to us in advance or within 5 working days of deployment when this has been required at very short notice;
2. Your customer(s) must agree to the potential use of a non-approved contractor;

3. You must provide a detailed a plan setting out how the subcontractor was selected and why, where and when the subcontractor will be used, and include this with your application; and
4. Justify your approach, explaining why the service required by the customer must be such that it cannot adequately be provided using only approved contractors.

Exceptional circumstances

To date, a number of exceptional circumstances scenarios have been identified; However this list is not intended to be exhaustive.

The scenarios identified are:

- Requirement to provide a security service in a particular location where no approved contractors can achieve the service standards required (e.g. response time);
- Requirement to provide a security service of a specialised nature (e.g. dog handling) where no approved contractors can achieve the service standards required;
- Requirement to provide a security service of a temporary or seasonal nature (e.g. major events) where no approved contractor has sufficient capacity and/or skills to meet customer needs.
- Requirement to provide a security service at very short notice or in an emergency where health and safety considerations may dictate that the first available supplier is used.

We will review any application for exceptional circumstances on a case-by-case basis having regard to your particular circumstances. By their very nature, exceptional circumstances will be unpredictable.

Exceptional Circumstances Policy

The issues we will take into account in determining whether exceptional circumstances apply are:

- Your business demonstrates a pattern of responsible behaviour with regard to meeting ACS requirements.
- Your business is expected to have taken all reasonable action to provide its services without use of non-approved contractors.
- The exceptional circumstances must not call into question or be at odds with the integrity of the ACS or wider SIA aims and objectives – for example if the exceptional circumstances may lead to an overall reduction of standards or to increased risks to public safety.
- The exceptional circumstance(s) should be deemed to be unavoidable – for example if the situation could have been avoided by earlier action. The steps you took to address, avoid, remedy and/or improve the situation will be taken into account. If it is deemed you significantly contributed to the position or there is evidence of planning to use non-approved subcontractors in advance of the exceptional circumstance(s) arising, this will also be taken into account.
- Your business should be able to show that it has used its best endeavours to ensure that the need to seek to use non-approved contractors is minimised.
- We will not usually accept as exceptional any circumstance(s) caused by business decisions or changes subject to normal commercial risks or which could have been avoided or foreseen. In assessing whether this may apply, we will consider the intention behind the business decision or change. Further, although your circumstances may cause some degree of difficulty or hardship, such cases are unlikely to be able to fulfil the ‘exceptional’ criteria based on this factor alone.

Making a Decision

We will normally respond to requests for exceptional circumstances within five working days. We may seek further information from you to support the application for exceptional circumstances.

If we agree to the request, you will be notified in writing through your online business account of the authorisation to use a non-approved contractor and any conditions attached to that authorisation (for example, if applicable, which sectors and which contracts it applies to, and/or any further verification required). The authorisation will also specify an expiry date. This authorisation may be used in the event of an independent assessment to support conformance with ACS requirements.

Where we decide to refuse a request in accordance with this policy, we will provide the reasons for doing so in writing.

Review and appeal

The exceptional circumstances criteria will be subject to review to ensure they continue to meet the objectives. If you are not satisfied with a decision under this policy you are able to seek an independent review of the decision by contacting us through your business account – selecting ‘contact the SIA – I want to make a business enquiry’ and quoting ‘ACS Internal Review’; Or by writing to:

ACS Internal Review
Approved Contractor Scheme
PO Box 74957
London E14 1UG

Any review will be carried out by the Deputy Director of Operations and will be handled in accordance with our normal complaints handling procedures.

Security Industry Authority Approved Contractor Scheme
For business enquiries, please contact us through your online portal account.

www.sia.homeoffice.gov.uk/acs