

Absence of designated security service contracts

Background

An organisation is eligible to apply for approved contractor status if it provides designated security industry services under the Private Security Industry Act 2001, and meets the eligibility requirements as set out in Get Approved, April 2019. As a principle, any applicant that applies for approved contractor status and does not meet our eligibility requirements will not be eligible for approval and their application will be rejected.

Occasions may arise where approved contractors no longer meet our eligibility requirements. This may be due to a number of factors, for example the approved contractor wishes to expand into a new area of licensable activity or contracts have been lost since assessment/approval. This can present an increased risk to the ACS scheme, and where necessary we may withdraw approval or apply conditions to approvals to mitigate this risk.

Approved contractors who have lost contracts since their last assessment/approval may be allowed to continue to be approved for a limited period while they are not delivering designated security services. However, any assessment could be de-valued because the company may not be able to demonstrate any delivery of designated services for a certain period of time. As a minimum, in these circumstances, a company should be able to show the capability to trade and provide a service to its customers and provide evidence that they have done so.

Post approval

Relevant approval conditions (see Get Approved):

An approved contractor must:

- Continue to meet the ACS eligibility requirements (including being able to demonstrate supplying security industry services for at least 12 months i.e. evidence of having delivered security industry services under contract to a customer. Evidence might include written customer confirmation, contracts,

terms and conditions, time timeframes, invoices for 12 months, corresponding payslips)

- Remain 'fit and proper' for the duration of your approval. Breaches of the fit and proper conditions may result in withdrawal of your approval. In order to maintain your approval you must have (where applicable) a successful annual assessment. It is your responsibility to arrange and pay for an annual independent assessment by an ACS assessing body.

There may be occasions where you cease to provide designated security services in all or some approved sectors, and lose the ability to demonstrate that you continue to meet ACS requirements.

Where this is the case, you should notify us at an early opportunity. We will seek assurance as follows:

- a. The services must have been continuous over the last 12 months, although not necessarily with the same customer
- b. Where a contract is terminated or comes to an end, and results in an absence of any service delivery by the business:
 - i. the absence must be for no longer than one month between contracts
or
 - ii. the absence must be for no longer than 3 months over the course of the year where there are successive contracts.
and
 - iii. you must be able to demonstrate that any termination of the contract was not because of poor service

We will then consider the following options:

- I. If no designated security services for longer than 3 months over the course of the year we may:
 - Withdraw approvalAnd/or
 - Recommend that the assessing body does not to continue with the assessmentAnd/or

- Suggest the company voluntarily withdraws from scheme or sector

2. If no designated security services for one month or less between contracts or

Where the absence is for no longer than 3 months over the course of the last 12 months, we may:

- Allow the assessment to continue

And/or

- Allow continued approval, providing you can provide sufficient evidence from previous contracts to meet the requirements of the ACS self-assessment workbook, **and** apply conditions to the approval, such as:
 - require you to obtain a contract within the residual time permitted (i.e. total absence of designated security services should not exceed 3 months in total over a 12 month period)
 - require you to notify us when you obtain a contract
 - require you to have an additional assessment when you obtain a new contract

If a condition is not met, we may withdraw approval.

Where an approved contractor is approved for more than one sector but only has designated security service contracts in one sector, we may continue approval for the sector which provides designated security services but not for the sector with no contract.

3. If approved for more than one sector:

If approved for more than one sector and have no contracts at all – refer to 1 or 2 above.

If approved for more than one sector but only has a contract in one, we may:

- Allow the assessment of the inactive sector services to continue – refer to 1 or 2 above.