

Guidance for Assessing Bodies 033

Licence Management Decisions

Background

The annual approved contractor scheme (ACS) assessment provides assurance that approved contractors applying to use the licence management service, and those already authorised to use the licence management service, meet or continue to meet the licence management eligibility criteria and approval conditions.

This document provides information on the licence management eligibility criteria and approval conditions. It supplements:

- Guidance for Assessing Bodies 032 ('Licence Management Assessment')
- The ACS Self-Assessment Workbook Assessor Guide
- The Licence Management Manual

The following criteria will be assessed by us prior to approval to use the licence management service— this information is provided for information only:

1. Eligibility criteria 1.3.2

The SIA's Senior Information Risk Owner reviews and signs off each business's completed Code of Connection. This follows a desk top review, and 'sign-off' means that we are assured that the information security arrangements meet the licence management eligibility criteria. We retains the right to conduct further enquiries or site-based checks before sign-off where it has concerns.

2. Eligibility criteria 1.2.1

Some businesses are identified as having ACS improvement needs at the time of the licence management application and prior to approval. Where these are being acted on or have been addressed, and identified as not being directly relevant to the licence processing activity or to present a significant risk to the integrity of the licence management service or the approved contractor scheme, the criteria is assessed as met.

3. Eligibility criteria 1.2.2

In order to determine whether 1.2.2 is met or not met, we will consider records of any interventions (compliance, intervention or investigation cases). In addition, we will interrogate intelligence held on our systems. A risk product will summarise relevant points which will be considered as part of the recommendation to the decisions panel.

Some businesses will be subject to interventions. Where these are not considered to be directly relevant to the licence processing activity, or to present a significant risk to the integrity of the licence management service or the approved contractor scheme, the criteria is assessed as met.

Where we have concerns (e.g. nature, seriousness or scope) about the intelligence or intervention, we will liaise with the relevant analyst, and where necessary request further intelligence and/or products to inform the recommendation.

Any concerns about compliance with this criterion are considered in full prior to the recommendation and report to the decisions panel (pre-eligibility and pre-approval). A further intelligence check immediately prior to the decisions panel meeting should ensure that the latest position is taken into account.

Note: The decisions panel is not routinely involved in reviewing the detail of intelligence reports or products, except where specifically requested. E.g. if a recommendation is not to approve, because of concerns, or for complex cases.

Any intelligence considered must be:

- a) relevant to the licence management service i.e. relate to the licence processing activities, including information security management and other licence management requirements
- b) timely i.e. include the last 12 months

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Any interventions considered must be relevant to licence management service. Those relevant to the ACS, and not specifically licence management service, should be dealt with in line with usual ACS processes.

Where interventions (compliance, intervention or investigation cases) are relevant, action is decided on a case by case basis, using the following as a guide:

- **If there is an open case** – Defer any decision until it is closed. This would normally be for a maximum of 30 days, except where an extension is agreed by our Partnership & Interventions team.
- **If there is a closed case** – Consider timeliness (e.g. if within the last 12 months, likely to be considered more serious than if more than 12 months ago), context, and risk.
- **If intelligence is such that an intervention is likely** – Defer decision or discuss at panel. Deferral would normally be for a maximum of 30 days in the first instance.

Scenarios where we might defer eligibility or approval for licence management:

- Where intelligence is likely to result in an intervention – for example, information indicates that individuals with fraudulent documents or without a right to work are thought to be working for the business and this is being dealt with as part of normal ACS processes;
- Where we become aware of a pending or imminent merger or acquisition that may impact ACS approval

Scenarios where we might refuse or withdraw eligibility or approval for licence management:

- If licence management eligibility criteria not met

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- If there is evidence to indicate that licence management conditions are unlikely to be met upon approval
- If there is a history of relevant Private Security Industry Act (2001) offences, that may not have been sufficiently serious to lead to withdrawal of the ACS approval, but which present a risk to licence management activity.
- Where there is a history of closed interventions that found relevant Private Security Industry Act (2001) offences but did not result in prosecution.
- Where there are ACS improvement needs that cannot be closed out within the normal timeframe, and by the time of the decision panel.

Scenarios where we might apply conditions or other sanctions:

- If exceptional circumstances (see Licence Management Exceptional Circumstances Policy) are agreed, but present an increased level of risk, such that without further action the business is at risk of falling below licence management requirements.
- Where specific risks are identified – see examples below.

Example 1

The business is approved for a single sector, but delivers services to a much wider range of licensable sectors and wishes to make licence applications using the licence management service for this wider group of individuals. We might decide that there is insufficient evidence from the ACS assessment to provide assurance that the business is competent to use licence management services for this wider group. In this case we could apply a condition that only allows them to make applications for the sector in which they have ACS approval.

Example 2

We may have evidence to suggest that certain employees are not sufficiently skilled or have an inappropriate screening history to act as key staff. In this case we might require

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the business to inform us of any changes to key staff, or bar certain individuals from operating as key staff.

Example 3

The business is found not to be meeting the licence management key performance indicator targets: we might decide to limit the volume of licence applications the business can make until such time as they demonstrate they are meeting the key performance indicator targets, or undertake further training.