

Dear Education Committee Members,

I am submitting evidence to the Committee's Strategic Review of Current SEN Provision, particularly in relation to Phase 2 stakeholder perspectives and the Committee's interest in EA responsibilities for transport, vetting, and safeguarding. As a parent of a young child with significant special educational needs, our experience with EA-managed home-to-school transport revealed multiple operational failures—drivers arriving without required safety equipment, inadequate identification, vehicles unsuitable for a nonverbal child with complex needs, and repeated failure to provide a chaperone. These issues undermined confidence in the system and forced us to withdraw from the service.

I am also aware of a separate case involving SEN transport where, for valid reasons, there were serious safeguarding concerns about a driver. While I cannot provide details due to confidentiality, the situation highlighted potential weaknesses in EA vetting, ongoing risk assessment, and communication between operational and safeguarding teams. These concerns directly relate to the Committee's examination of EA workforce suitability and statutory duties under the SEN Reform Agenda Delivery Plan.

In response to these matters, I submitted a Freedom of Information request to the Education Authority, and the attached responses point to gaps in how suitability checks, risk factors, and safeguarding information are managed and monitored. I raised these issues directly with the EA Chief Executive Richard Pengelly and other senior management members. However, I received no sense that the concerns were being taken seriously; instead I encountered deflection, barriers, and a lack of meaningful engagement. I believe these failures may be indicative of broader systemic shortcomings, and I hope this evidence assists the Committee in evaluating whether current reforms are adequately addressing practical safeguarding risks for our most vulnerable children.

The FOI disclosures also highlight several concerning gaps in EA policy and practice which, in my view as a parent, pose serious safeguarding risks:

- **The EA does not retain any record of criminal convictions** for drivers or escorts after the initial check, meaning past risk information cannot be revisited by safeguarding staff or managers.
- **There is no requirement for periodic re-checking or continuous monitoring**, so changes in circumstances or emerging risks cannot be detected.
- **Most decisions rely on EA panel discretion**, with no clear criteria for assessing the relevance or seriousness of offences, resulting in inconsistent and potentially unsafe judgements.

- **Serious offences do not automatically disqualify applicants**, and someone could be approved for SEN transport work even where their background would reasonably raise safeguarding concerns.

Please find attached the full FOI response and all appendices provided by the Education Authority for your further consideration. I hope this information is useful to the Committee as part of your ongoing inquiry.

Best regards,

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Policy on the Correct Handling, Use, Storage, Retention and Disposal of Disclosure Applications and Disclosure Information

General Principles

As an organisation using AccessNI to help assess the suitability of applicants for positions of trust, the Education Authority (EA) complies fully with AccessNI's Code of Practice regarding the correct handling, use, storage, retention and disposal of Disclosure Applications and Disclosure information. We also comply fully with obligations under the Data Protection Act 1998 and other relevant legislative requirements with regards to the safe handling, storage, retention and disposal of Disclosure Information.

Storage and Access

Disclosure information is to be kept securely, in lockable, non-portable, storage containers with access strictly controlled and limited to those who are entitled to see it as part of their duties.

Handling

In accordance with section 124 of the Police Act 1997, Disclosure information is only passed to those who are authorised to receive it in the course of their duties. We maintain a record of all those to whom Disclosures or Disclosure information has been revealed. We recognise it is a criminal offence to pass this information to anyone who is not entitled to receive it.

Usage

Disclosure information is only used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

Retention

Once a recruitment (or other relevant appointment, regulatory or licensing) decision has been taken, we do not keep Disclosure information for any longer than is necessary. We comply with AccessNI's Code of Practice requirement to ensure that all Disclosure certificates will be destroyed once a decision, recruitment or otherwise has been made and will be retained no longer than six months from the date of issue.

Disposal

Once the retention period has elapsed, we will ensure that any Disclosure information is immediately destroyed by secure means, i.e. by shredding, pulping or burning. While awaiting destruction, Disclosure information will not be kept in any unsecured receptacle (e.g. waste-bin or confidential sack). We will not keep any photocopy or other image of

the Disclosure or any copy or representation of the contents of a Disclosure or any other relevant non- conviction information supplied by police. However, despite the above, we may keep a record of the date of issue of a Disclosure, the name of the subject, the type of Disclosure requested, the position for which the Disclosure was requested, the AccessNI unique reference number of the Disclosure Certificate and the details of the recruitment decision.

Policy on the Recruitment of Ex-Offenders

1. The Education Authority (EA) complies fully with the Code of Practice, issued by the Department of Justice, in connection with the use of information provided to registered persons, their nominees and other recipients of information by AccessNI under Part V of the Police Act 1997, for the purposes of assessing Applicant's suitability for employment purposes, voluntary positions, licensing and other relevant purposes. We undertake to treat all applicants for positions fairly and not to discriminate unfairly or unlawfully against the subject of a Disclosure on the basis of conviction or other information revealed.
2. This policy is made available to all Disclosure applicants at the outset of the recruitment process.
3. The EA is committed to equality of opportunity (see separate Equal Opportunities Policy) to following practices, and to providing a service which is free from unfair and unlawful discrimination*. We ensure that no applicant or member of staff is subject to less favourable treatment on the grounds of gender, marital status, race, colour, nationality, ethnic or national origins, age, sexual orientation, responsibilities for dependents, physical or mental disability, political opinion or offending background, or is disadvantaged by any condition which cannot be shown to be relevant to performance.
4. The EA actively promotes equality of opportunity for all with the right mix of talent, skills and potential, and welcomes applications from a wide range of candidates, including those with criminal records. The selection of candidates for interview will be based on those who meet the required standard of skills, qualifications and experience as outlined in the essential and desirable criteria.
5. We will request an AccessNI Disclosure only where this is considered proportionate and **relevant** to the particular position. This will be based on a thorough risk assessment of that position and having considered the relevant legislation which determines whether or not a Standard or Enhanced Disclosure is available to the position in question. Where an AccessNI Disclosure is deemed necessary for a post or position, all applicants will be made aware at the initial recruitment stage that the position will be subject to a Disclosure and that the EA will request the individual being offered the position to undergo an appropriate AccessNI Disclosure check.
6. In line with the Rehabilitation of Offenders (Exceptions) (Northern Ireland) Order 1979 (as amended in 2014), the EA will only ask about convictions which are defined as "not protected" for the purposes of obtaining a Standard or Enhanced disclosure.
7. We undertake to ensure an open and measured and recorded discussion on the subject of any offences or other matters that might be considered relevant for the position concerned, e.g. the individual is applying for a driving job but has a criminal history of driving offences. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of the conditional offer of employment.

8. The EA may consider discussing any matter revealed in a Disclosure Certificate. We are only able to discuss what is contained on a Disclosure Certificate, and not what may have been sent under separate cover by the Police, with the subject of that Disclosure before considering withdrawing a conditional offer of employment.

9. We ensure that all those in the EA who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of Disclosure information. We also ensure that they have received appropriate guidance and training in the relevant legislation relating to employment of ex-offenders (e.g. the Rehabilitation of Offenders (Northern Ireland) Order 1978).

10. We undertake to make every subject of an AccessNI Disclosure aware of the existence of the Code of Practice, and to make a copy available on request.

HAVING A CRIMINAL RECORD WILL NOT NECESSARILY DEBAR YOU FROM WORKING WITH THE EA. THIS WILL DEPEND ON THE NATURE OF THE POSITION, TOGETHER WITH THE CIRCUMSTANCES AND BACKGROUND OF YOUR OFFENCES OR OTHER INFORMATION CONTAINED ON A DISCLOSURE CERTIFICATE OR PROVIDED DIRECTLY TO US BY THE POLICE.

*We are only able to discuss what is contained on a Disclosure Certificate and not what may have been sent under separate cover by the Police.



Guide to Criminal Record Checks for EA Drivers/ Escorts and Private Operators of Bus/ Taxi Drivers/ Escorts

Version Control			
Version	Owner	Date	Changes
0.1	Transport Business & Performance & Safer Resourcing (HR)		First Draft

Background

Education Authority (EA) Transport Service is responsible for ensuring that approximately 93,000 pupils are transported to school and college daily. Over 50,000 pupils are carried on public transport (Translink, Metro & NIR), approximately 9,000 on Private Operators' Vehicles and over 20,500 using the EA fleet.

EA Transport Service is responsible for ensuring that approximately 9,000 pupils with SEN are transported daily. The EA Transport Division employ approximately 660 drivers and 550 escorts and have approximately 280 Private Operators contracted via the EA Dynamic Procurement System (DPS).

The EA Safer Resourcing Team and Private Operator Compliance Unit are required to ensure approximately 2000 drivers and 800 escorts complete AccessNI Enhanced Disclosure checks in accordance with the Department of Education Circulars 2012/19 and 2013-01 (updated September 2015), as these roles are deemed to be 'Regulated Activity' under the Safeguarding Vulnerable Groups (NI) Order 2007.

The conditions of any Private Operator being appointed to the EA DPS requires:

All drivers (and escorts where required) will obtain Enhanced Access NI clearance via EA prior to being deployed on EA runs. Please note: EA do not accept Access NI certificates held prior to working for EA. The Access NI clearance must be applied for via the EA Access NI team. - DPS

The EA Safer Resourcing Team process the Enhanced Disclosure applications. Through NIDirect, the team track the issue of the Enhanced Disclosure Certificates and request the unclear certificates to access any disclosures. Appendix 1 provides further information on the AccessNI Enhanced Disclosure.

Following the assessment of any disclosures, candidates are notified by the EA Safer Resourcing Team to advise if they have clearance prior to commencing work. If clearance has not been granted, candidates are advised they are not eligible and are offered the right to appeal the decision to an EA Panel. Appendix 2 provides an explanation of the disclosures and guidance on how criminal history is assessed.

Appendix 3 details the EA ANI Enhanced Disclosure Process.

This document provides guidance for the main areas of offences and is **not** a comprehensive list of all criminal offences, any offences outside this guidance will be considered on an individual basis and a decision will be reached at the discretion of the EA.

Convictions and Disposals

Drink Driving Related

Category 1 – Very Serious (Higher culpability and greater harm)

Category 2 – Serious (Higher culpability and lesser harm or lower culpability and greater harm)

Category 3 – Less Serious (Lower culpability and lesser harm)

Offences			
Level of Seriousness Category	Offence	Period of Exclusion 1 st Offence*	Period of Exclusion 2 nd Offence**
1	Driving/ attempting to drive with excess alcohol – seriousness determined by alcohol on breath of sample.	5 years	9 years
1	Driving / attempting to drive while unfit through drink / drugs	5 years	9 years
1	Failure to provide specimen for analysis while driving or attempting to drive a vehicle.	5 years	9 years
2	In charge of a vehicle while unfit through drink or drugs	3 years	7 years
2	In charge of a vehicle with excess alcohol	3 years	7 years
2	Failure to provide specimen for analysis while in charge of a vehicle.	3 years	7 years

*Additional Information and Offences may be taken into consideration by the panel, all decisions will be at the discretion of the panel

** Period of Exclusion for 2nd Offence will be taken into consideration within a 10-year period of the date of the 1st Offence, all decisions will be at the discretion of the panel.

Motoring Offences

Category 1 – Very Serious (Higher culpability and greater harm)

Category 2 – Serious (Higher culpability and lesser harm or lower culpability and greater harm)

Category 3 – Less Serious (Lower culpability and lesser harm)

Offences			
Level of Seriousness Category	Offence	Period of Exclusion 1 st Offence*	Period of Exclusion 2 nd Offence (within 10 years)**
1	Causing death, or grievous bodily injury by dangerous driving	10 years and discretion of Panel	Discretion of Panel
1	Causing death, or grievous bodily injury by careless driving under the influence of drink or drugs	10 years and discretion of Panel	Discretion of Panel
1	Aggravated vehicle taking causing death or grievous bodily harm.	10 years and discretion of Panel	Discretion of Panel
1	Causing death or grievous bodily injury by driving unlicensed, uninsured or while disqualified	10 years and discretion of Panel	Discretion of Panel
2	Dangerous driving	7 years and discretion of Panel	Discretion of Panel
2	Causing death or grievous bodily injury by careless or inconsiderate driving	7 years and discretion of Panel	Discretion of Panel
2	Careless and inconsiderate driving with fine	1 years	2 years
2	Driving when disqualified	2 years	5 years
3	Using a handheld mobile phone while driving	1 year	2 years
3	Minor Motoring Offences such as; Driving without insurance/ Failure to stop after an accident, failing to report an accident. Speeding/ No PSV certificate/ Failure to rectify vehicle defects/ Failing to obey a Traffic Sign/ Failing to drive with due care and attention	No period of exclusion, a formal note may be held on file.	1 year if second minor offence occurs within 3 years.

*Additional Information and Offences may be taken into consideration by the panel, all decisions will be at the discretion of the panel

** Period of Exclusion for 2nd Offence will be taken into consideration within a 10-year period of the date of the 1st Offence, all decisions will be at the discretion of the panel.

Drug Related Offences

Three categories of drugs are Class A, Class B and Class C according to how dangerous they are, Class A would be considered the most dangerous category.

Category 1 – Very Serious (Higher culpability and greater harm)

Category 2 – Serious (Higher culpability and lesser harm or lower culpability and greater harm)

Category 3 – Less Serious (Lower culpability and lesser harm)

Offences			
Level of Seriousness Category	Offence	Period of Exclusion 1 st Offence*	Period of Exclusion 2 nd Offence (within 10 years) **
1	Possession & Intent to supply Class A drugs	10 years	Discretion of Panel
1	Possession & Intent to supply Class B drugs	7 years	Discretion of Panel
1	Possession of a Class A drug	5 years	8 years
2	Possession & Intent to supply Class C drugs	5 years	Discretion of Panel
2	Possession of a Class A drug for personal use	2 years	4 years
2	Possession of a Class B drug	3 years	6 years
2	Possession of a Class B drug for personal use	1 year	3 years
3	Possession of a Class C drug	2 years	3 years
3	Possession of a Class C drug for personal use	1 year	2 years

*Additional Information and Offences may be taken into consideration by the panel, all decisions will be at the discretion of the panel

** Period of Exclusion for 2nd Offence will be taken into consideration within a 10-year period of the date of the 1st Offence, all decisions will be at the discretion of the panel.

Other Offences

Violent Offences

Offences			
Level of Seriousness Category	Offence	Period of Exclusion 1 st Offence*	Period of Exclusion 2 nd Offence (within 10 years) **
1	Murder	Discretion of Panel	Discretion of Panel
1	Manslaughter	Discretion of Panel	Discretion of Panel
1	Possessing a firearm / weapon with ammunition / explosives with intent or in suspicious circumstances	10 years	Discretion of Panel
1	Threats to kill	7 years	Discretion of Panel
1	Grievous bodily harm	7 years	Discretion of Panel
2	Possessing a weapon	5 years	7 years
2	Possessing a firearm	5 years	7 years
2	Actual bodily harm	3/ 5 years	Discretion of Panel
2	Harassment with violence / fear	3/ 5 years	Discretion of Panel
2 / 3	Robbery	3/ 5 years	7 years
3	Common Assault	Discretion of panel	Discretion of Panel
3	Common Assault (racial / religious)	Discretion of Panel	Discretion of Panel
3	Harassment	1 / 2 years	Discretion of Panel
3	Theft (relevance to role)	Discretion of Panel	Discretion of Panel
3	Burglary	1 / 2 years	3/ 5 years at Discretion of panel
3	Criminal Damage (offences range relevance to role to be considered)	1 / 2 years	3/ 5 years at Discretion of panel
3	Disorderly Behaviour (relevance to role to be considered)	1 month	2 years
3	Breach of a Restraining Order (relevance to role and individual circumstances are considered)	1 year	3/ 5 years at Discretion of panel

*Additional Information and Offences may be taken into consideration by the panel, all decisions will be at the discretion of the panel

** Period of Exclusion for 2nd Offence will be taken into consideration within a 10-year period of the date of the 1st Offence, all decisions will be at the discretion of the panel.

Safeguarding/ Child Protection/ Barred List

It is an offence for someone who is on the Barred List to apply to work in Regulated Activity and for a registered body to employ them.

Offences			
Level of Seriousness Category	Offence	Period of Exclusion 1 st Offence*	Period of Exclusion 2 nd Offence (within 10 years) *
1	Sexual Offences/ Child Protection / Barred List/ Indecent Assault	Unlimited	Unlimited
1	Sexual Assault	Unlimited	Unlimited
1	Sexual Assault of Child	Unlimited	Unlimited
1	Sexual Communication with a Child	Unlimited	Unlimited
1	Causing / Inciting Sexual Exploitation of a child	Unlimited	Unlimited
1	Abuse of Position of Trust (sexual activity with child)	Unlimited	Unlimited
1	Causing Person to Engage in Sexual Activity without Consent	Unlimited	Unlimited
1	Voyeurism	Unlimited	Unlimited
1	Indecent Assault	Unlimited	Unlimited
1	Carnal Knowledge of girl under 17 and boy under 14	Discretion of panel	Discretion of panel
1	Indecent behaviour	Discretion of panel	Discretion of panel
1	Assault of girl under 17 and boy under 14	Discretion of Panel	Discretion of Panel
1	Child Abuse (non-sexual)	Discretion of Panel	Discretion of Panel

*Additional Information and Offences may be taken into consideration by the panel, all decisions will be at the discretion of the panel

** Period of Exclusion for 2nd Offence will be taken into consideration within a 10-year period of the date of the 1st Offence, all decisions will be at the discretion of the panel.

Appendix 1 – AccessNI Enhanced Disclosure

EA Drivers and Escorts are required to obtain Enhanced Access NI clearance via EA prior to being deployed on EA Transport runs. The AccessNI Enhanced Disclosure Certificate will provide details such as:

- Spent and unspent convictions from the Police National Computer.
- Cautions, informed warnings and other non-court disposals from the Police National Computer. Note: some old minor convictions and non-court disposals on a criminal record may be filtered in line with government guidance - these result in certain conviction information not appearing in a certificate. Further information on Independent Review can be found on [Independent Review of ANI](#).
- Inclusion in the Adults or Children's Barred Lists which are held by the Disclosure and Barring Service (DBS).
- Information held by the police that is relevant to the role applied for.

An Enhanced Disclosure Certificate can disclose non-conviction information. The Police Act 1997 allows Police forces to consider any non-conviction information that they hold regarding a person and decide whether it should be disclosed in the interests of public safety. This could include an incident that didn't go to court or information about an ongoing police investigation.

Note also not all information held by the police will be disclosed. The police operate with wider UK policing guidance and a pressing social need test for disclosure.

Disclosure and Barring Service (DBS)

The Disclosure and Barring Service retains lists of individuals (for England, Wales & NI) who have been barred from working with children and / or vulnerable adults; the Scottish Government holds a similar list. For individuals working in Regulated Activity, ANI conduct a search of these lists. It is an offence for someone who is on a barred list to apply to work in Regulated activity and for a registered body to employ them. Further information can be found on [Disclosure and Barring Service \(gov.uk\)](#). As per the terms of the DPS contract *"The Operator will be responsible for the acts of his employees. The Operator will be responsible for ensuring that no inappropriate individuals are used in the performance of this contract. All drivers and escorts will be subject to a satisfactory EA Enhanced Access NI check and must be entitled to work in the UK without any additional approvals. The Operator must retain records to verify that the driver or escort has current and appropriate permission to work in the UK and to provide copies to EA on request. The EA reserves the right to terminate any run where this proves not to be the case or require the replacement of the driver or escort concerned"*.

Specified Offences

Specified offences are serious crimes that will always appear on an AccessNI Enhanced Disclosure Certificate no matter when the crime occurred or the offender's age when convicted. Specified offences include:

- murder, manslaughter, kidnap, hijack, money laundering
- violence
- sexual crimes
- safeguarding or child protection matters

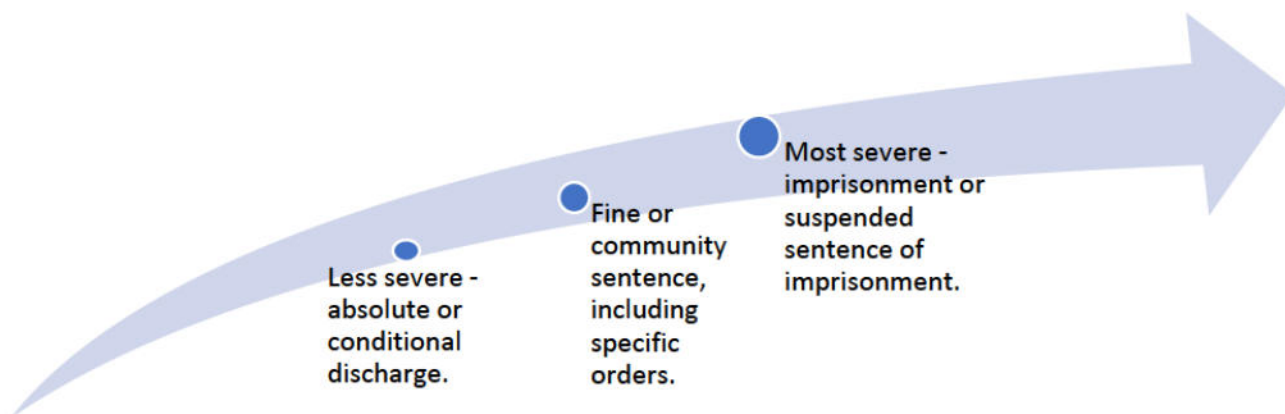
Appendix 2 - Understanding Disclosures on an Enhanced Disclosure Certificate & Assessment of Criminal History.

Convictions

A conviction is the result of an offence tried at court where the individual was determined guilty.

- Spent Conviction - a conviction that has reached a set period as defined by the Rehabilitation of Offenders (NI) Order 1978 and is no longer required to be declared to an employer (subject to exemptions). Spent convictions must be declared where a person is seeking to work with children or vulnerable adults and is eligible for an enhanced AccessNI check.
- Unspent Conviction - a conviction that has not yet reached the set period as defined in the Rehabilitation of Offenders (NI) Order 1978.

The disposal set against an offence may be an indicator of the seriousness with which the court has treated the offence:



Non-court Disposal (NCD)

A NCD is used to deal with minor offending, and to help 'divert' people away from the formal criminal justice system. They can only be used where the person admits they have offended, and where the offence is at the lesser end of the scale of criminal activity. It is not a conviction, but does form part of a person's criminal history and can be disclosed on an enhanced check.

- Caution - a formal warning about future conduct given by a senior police officer, at the direction of the Public Prosecution Service, after a person has committed an offence. Used as an alternative to a charge and possible prosecution where it is not considered to be in the public interest to institute criminal proceedings. An individual MUST admit the offence before a caution can be given.
- Informed Warning – (less serious than a caution) delivered by police, at the direction of the Public Prosecution Service, as an alternative to taking an offender to court. An informed warning stays on the criminal record for 12 months.
- Youth Conference Plan – (equivalent to a caution) administered by Youth Justice Agency (children only), this is a plan for the young person who offended aimed at preventing further offending and make amends to the victim.

How Criminal History is Assessed

In considering a person's suitability for employment measured against information disclosed on their AccessNI certificate, the following should be considered:

Relevance - would you consider the information disclosed to reasonably be relevant to the work the applicant is seeking to do.

How relevant is the information to the work?

- Could any previous offence have an impact on the person undertaking the work?
- Do you consider knowing about this offence(s) undermines the safeguarding of vulnerable groups?

How serious is the information?

- Does the information relate to a conviction in a court, or a police caution, etc?
- Was the outcome less serious, e.g. a caution / discharge, or was the applicant fined, subject to an order, or given a period of imprisonment?

How current is the information?

- How old is the offence(s) and what age was the applicant at the time of offending? If a long time ago, or the applicant was very young, is it reasonable to believe it is still relevant for the work?
- Is there repetition of similar offences?

Proportionality - if you decided not to employ a person as a result of the information on their certificate would this be a proportionate response.

Protection of vulnerable groups

- Would a decision not to employ improve or enhance the safeguarding of children or vulnerable adults.
- Is it possible to employ the person and monitor their performance / behaviour?

What is the impact on the individual?

- Would a decision not to employ have an entirely detrimental and disproportionate impact on the person?

What is the impact on the employer?

- Would you be denying employment to someone who could safely contribute to the organisation?
- Might you be leaving your organisation open to legal action if your decision was disproportionate?

- **Have I given the applicant an opportunity to provide their side of the story about the background to the offences or information on their certificate?**

Has further information been requested from the person to gain an insight to the offences and the surrounding circumstances.

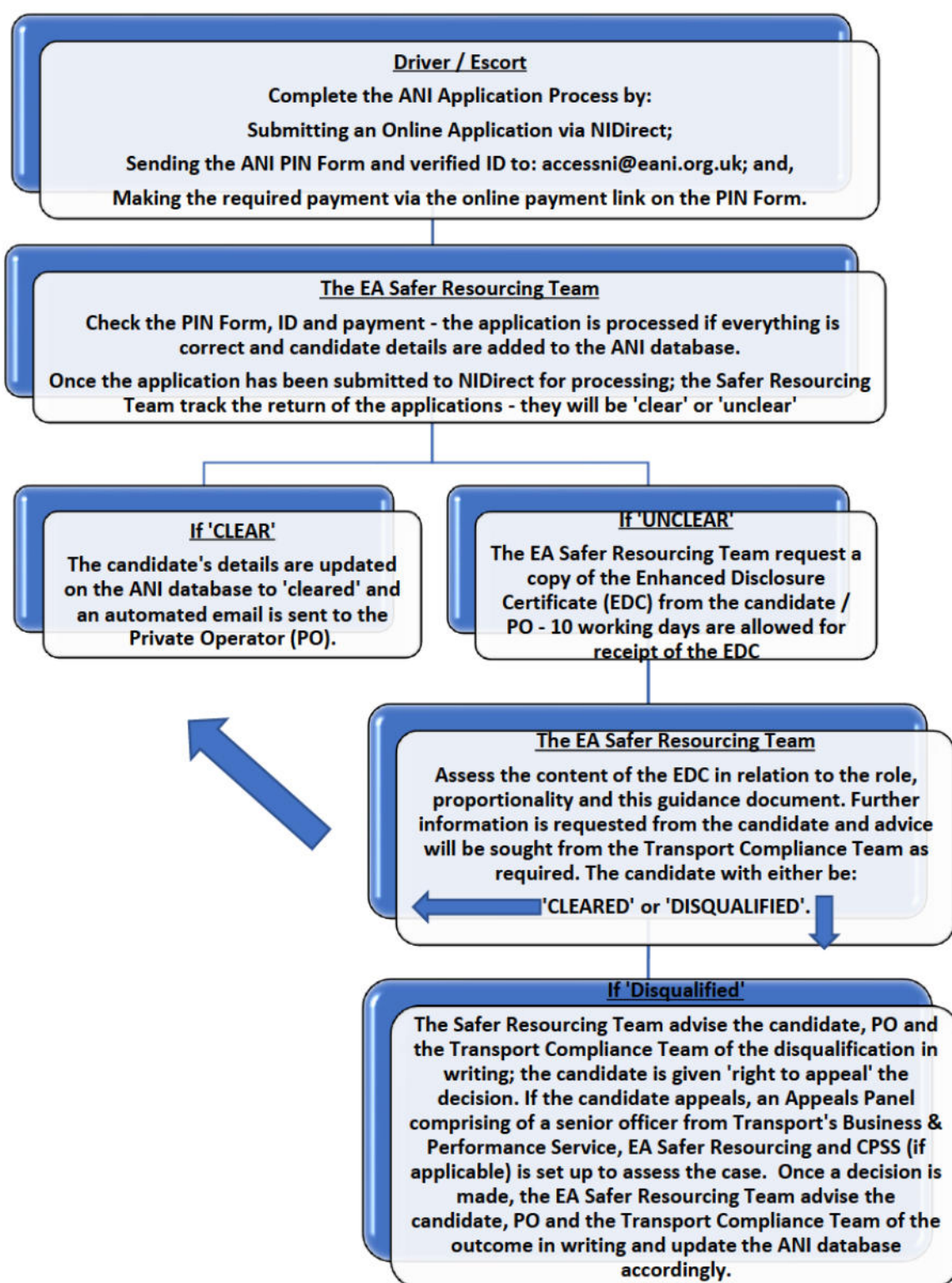
- **Have I correctly applied my policy on the recruitment of ex-offenders to this case?**

This policy emphasises the need to promote equality of opportunity for everyone, including individuals with criminal records. The ANI Code of Practice also requires organisations registered with AccessNI to obtain disclosure certificates to assess the suitability of potential employees, not to withdraw an offer of employment on the basis of information in an AccessNI criminal record check without first discussing the contents of that check with the applicant and providing appropriate reasons for the withdrawal of that offer.

- **Employing People with Conflict related Convictions**

Guidance under the Good Friday Agreement is aimed at reducing barriers to employment and enhancing the re-integration of people with conflict-related convictions – employers should ignore any conflict-related conviction unless it is considered to be materially relevant to the post concerned. Material Relevance is where the nature of or the circumstances pertaining to the conviction are such that it would render it inadvisable for the individual concerned to undertake the specific duties of a particular post.

Appendix 3 – EA Process Map of EA Criminal Record Check Process



Useful links/ Sources

[Types of Access NI Checks | nidirect](#)

[Endorsements and penalty points | nidirect](#)

[Penalty points guidance | nidirect](#)

[Regulated Activity and Enhanced checks | Department of Justice \(justice-ni.gov.uk\)](#)

[Information disclosed in a criminal record check | nidirect](#)

[Regulated activity with vulnerable groups | nidirect](#)

[List of Specified Offences - July 2022 | nidirect](#)

[EANI - Job Opportunities - Applicant Guidance Notes](#)

[Disclosure and Barring Service \(gov.uk\)](#)

EDUCATION AUTHORITY FREEDOM OF INFORMATION REQUEST RESPONSE

Sent via email on: 15 April 2025

EA Ref: FOI 15913

Dear Applicant

Re: Your Freedom of Information Request dated 07 March 2025, Our Reference FOI 15913

I write further to your recent request for information which the Education Authority received on 07 March 2025, for information relating to Criminal Convictions of Transport Personnel. Please see details of your request and our response below.

Request (in bold and italics):

Under the Freedom of Information Act 2000, I would like to request information regarding the criminal background of individuals involved in transporting children under EA arrangements, including both directly employed personnel and contracted taxi drivers.

Specifically, I request the following information:

- 1. The total number of individuals currently employed or contracted by the Education Authority to transport children (including directly employed drivers and contracted taxi drivers).***

EA Response

Section 1(1)(a) of FOIA requires the Education Authority (EA) to inform a requester whether it holds the information specified in their request. We can confirm, by virtue of Section 1(1)(a) of the Freedom of Information Act, that the EA holds this information. The EA employs 630 EA drivers, both temporary and permanent. Additionally, there are 1,606 contracted Private Operator drivers, including Taxi and Bus drivers, who provide home-to-school transport for the EA Transport Service

- 2. The number of these individuals who have criminal convictions on record, as identified through AccessNI or other background checks.***

EA Response

Section 1(1)(a) of FOIA requires the Education Authority (EA) to inform a requester whether it holds the information specified in their request. We can confirm, by virtue of Section 1(1)(a) of the Freedom of Information Act, that the EA does not hold this information. The EA does not hold information on employee convictions. The EA follows procedures in accordance with Access NI's (Department of Justice) Code of Practice ensuring that disclosure information is not retained for longer than necessary. Disclosure retention

"To inspire, support and challenge all our Children and Young People to be the best that they can be."

Education Authority

Ballee Centre, Ballee Road West, Ballymena, BT42 2HS T: +44 (0)28 2566 1111 W: www.eani.org.uk

information is included within our management, handling and storage of disclosure information policy attached in Appendix A.

3. A breakdown of the nature of these convictions, including but not limited to:

- **Violent offenses (e.g., assault, firearms offenses)**
- **Sexual offenses**
- **Drug-related offenses**
- **Theft or fraud offenses**
- **Other serious offenses (please specify)**

EA Response

Section 1(1)(a) of FOIA requires the Education Authority (EA) to inform a requester whether it holds the information specified in their request. We can confirm, by virtue of Section 1(1)(a) of the Freedom of Information Act, that the EA does not hold this information. Please see response for Question 2.

4. The timeframe of these convictions, including how many occurred:

- **Within the last five years**
- **Between 5-10 years ago**
- **More than 10 years ago**

EA Response

Section 1(1)(a) of FOIA requires the Education Authority (EA) to inform a requester whether it holds the information specified in their request. We can confirm, by virtue of Section 1(1)(a) of the Freedom of Information Act, that the EA does not hold this information. Please see response for Question 2.

5. Details of any policies or guidelines used by the EA to assess the suitability of applicants with criminal convictions for roles involving child transport.

EA Response

Section 1(1)(a) of FOIA requires the Education Authority (EA) to inform a requester whether it holds the information specified in their request. We can confirm, by virtue of Section 1(1)(a) of the Freedom of Information Act, that the EA holds this information. The EA processes all Access NI applications in accordance with Access NI's (Department of Justice) Code of Practice. Where an employee has a conviction which is disclosed on their Enhanced Disclosure certificate, the EA carries out an individual assessment of the employee, using an assessment tool and guidance provided by Access NI (Department of Justice) to determine their suitability to the role. The EA's policy on the recruitment of ex-offenders is attached in Appendix B. The EA's Guide to Criminal Record Checks for Drivers/Escorts and Private Operators of Bus/Taxi Drivers/Escorts is also attached in Appendix C.

If you are dissatisfied with any aspect of this response or the way we have handled your request, you have the right to complain, within 40 working days of the date of this response, by writing directly to:

Information Governance Unit (IR)
Education Authority

"To inspire, support and challenge all our Children and Young People to be the best that they can be."

Education Authority

Ballee Centre, Ballee Road West, Ballymena, BT42 2HS T: +44 (0)28 2566 1111 W: www.eani.org.uk

40 Academy Street
Belfast
BT1 2NQ

Or by emailing: infogov@eani.org.uk

In that event we will conduct an internal review of our response, the outcome of which you will be notified of upon conclusion of the internal review.

If, after conclusion of the internal review process, you are dissatisfied with the outcome of your complaint, you have the right to complain further to the Information Commissioner's Office at the address below:

The Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 01 625 54 57 45/0303 123 1113, website: www.ico.org.uk

Please be aware that the Information Commissioner will be unlikely to make a decision until you have been through our internal review process first.

The EA uses your personal information such as name and email address in order to comply with our legal obligations to respond to your FOI request. For further information on how and why EA collects and processes your personal information please see the detailed Privacy Notices on our website <https://www.eani.org.uk/about-us/privacy/ea-privacy-notices>.

Please do not hesitate to contact me if you wish to discuss your request further. I may be contacted using the details provided below. Please quote reference number FOI 15913 in all communications to help us to deal with them more promptly.

Yours sincerely,

Rhianna Henderson

Rhianna Henderson
Information Governance Support Officer
Information Governance Unit
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“To inspire, support and challenge all our Children and Young People to be the best that they can be.”

Education Authority

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