

# GET APPROVED

Published as draft for consultation

April 2019

Version v6.2

# Contents

<b>Introduction</b>	4
About the SIA	
About the Approved Contractor Scheme (ACS)	
Benefits of approval	
<b>Which businesses are eligible to seek approval?</b>	6
<b>Getting approved</b>	7
Application process	
Category of approval	
Fees	
Annual return	
Change of legal entity	
Cancellation	
<b>Fit and proper conditions</b>	12
A Identity	
B Criminality	
C Financial probity	
D Integrity	
<b>The ACS Standard</b>	21
How to demonstrate conformance	
<b>Approval conditions</b>	24
<b>Additional conditions</b>	26
When the SIA may impose an additional condition	
Notification process	
Appeal process	
<b>Renewing your approval</b>	27

<b>Refusing approval</b>	28
Factual errors	
Mitigation	
<b>Withdrawing approval</b>	30
Withdrawal process	
Reapplication	
<b>Appealing an SIA decision</b>	31
<b>Compliance and enforcement</b>	32
Administrative sanctions	
Criminal offences	
<b>Contact us</b>	35

# Introduction

## About the SIA

The Security Industry Authority is a public body sponsored by the Home Office. We were established under the Private Security Industry Act 2001 which covers England, Wales, Scotland and Northern Ireland to regulate certain activities within the private security industry.

Our primary function is to raise standards in the private security industry and protect the public. We support the key priorities of the Home Office by contributing to the reduction and prevention of crime, and to public protection. We also have a responsibility to support business growth.

We have a number of statutory functions, including the following:

We license individual security operatives. Licensing covers manned guarding (including security guarding, door supervision, close protection, cash and valuables in transit, and public space surveillance using CCTV), key holding and vehicle immobilising. Licensing ensures that private security operatives are 'fit and proper' persons who are properly trained and qualified to do their job.

We set and approve standards of conduct and training - We do this by specifying the learning and qualifications required for individual licensing. Whilst it is the role of qualifications regulators to oversee the probity of assessment leading to a licence-linked qualification we set out the rules that we expect awarding organisations to follow.

We maintain a register of approved providers of security industry services - the voluntary Approved Contractor Scheme (ACS).

## About the Approved Contractor Scheme (ACS)

The SIA Approved Contractor Scheme ensures that a business is fit and proper (which includes criminality checks) and has been assessed as meeting the specified quality standards.

Businesses may apply on a voluntary basis to become approved contractors and be assessed against a range of criteria. If successful, we approve the security business and the business may then market itself as being part of the approved contractor scheme.

Approval to the approved contractor scheme provides purchasers of private security services with independent proof of a contractor's commitment to quality.

### Benefits of approval

As an approved contractor your business will benefit from the following:

- The approved contractor scheme gives your organisation the opportunity to distinguish itself as one of the best providers of private security services in the UK.
- Becoming an approved contractor offers valuable operational advantages:
  - The authority to deploy a small proportion of staff whose licence applications are pending, in the form of an SIA licence dispensation notice.
  - Certain approved contractors can benefit from our licence assist and licence management services, which give greater control over the licensing process.
- Inclusion in the register of approved contractors published on the SIA website.
- Authority to use the ACS accreditation mark on stationery, livery and websites.
- SIA approved contractor certificates, wall plaques and lapel badges (numbers issued according to the size of the accredited organisation).

# Which businesses are eligible to seek approval?

**Most businesses that provide licensable individuals under a contract to supply security industry services in the United Kingdom will be eligible to join the ACS.**

## To be eligible, you must:

1. Be a business that supplies at least 2 licensable operatives under a contract for security industry services;
2. Supply licensable individuals under a contract for security industry services. Labour providers are not eligible to seek approval to the approved contractor scheme;
3. Supply security industry services in the United Kingdom;
4. Supply security industry services under contract. In-house security providers are not eligible to join the ACS;
5. Hold at least one current contract for the supply for security industry services; and
6. Have been supplying security industry services for at least 12 months at the time of application.

If you make an application and you do not meet the above eligibility requirements your application will not be accepted (other than in exceptional circumstances where you can demonstrate to us why it is in the public interest that your business should be an approved contractor). Additionally, if we accept your application and later determine you are not eligible to be an approved contractor we will stop assessing your application and advise you that your application is no longer accepted.

Please check these requirements carefully before you apply as the ACS application fee is non-refundable and our decision not to accept an application is final.

If you are unsure whether you are eligible to apply to be an approved contractor, please contact us to discuss your circumstances before submitting an application.

# Getting approved

Your business must apply for approval for each of the sectors (listed below), that are regulated by us and the Private Security Industry Act 2001, in which they wish to hold themselves out as an approved contractor:

- cash and valuables in transit
- close protection
- door supervisors
- public space surveillance (CCTV)
- security guarding
- key holding
- vehicle immobilising (Northern Ireland only)

Approval lasts for 3 years from the date it is granted.

**To get approved, we must be satisfied that your business:**

- 1. Is a fit and proper business to be approved**
- 2. Conforms to the ACS Standard**

## Application process

### Submitting an application

Your application for approval does not necessarily need to be completed by a controlling mind of the business. However, a controlling mind responsible for the day-day management of the business must sign the application declaration on behalf of the business.

A decision will not be made on your application until all information we have requested has been provided. If you do not provide information within the timescales associated with any request, then your application will not be accepted. We will stop processing your application and your application fee will not be refunded.

### Standard route

After you have submitted your application, the required documentation, and paid the application fee, we will write to you to confirm that we have accepted your application and will schedule a pre-approval interview with a member of our staff.

Your pre-approval interview may be conducted over the phone or a member of our staff may visit your premise. The interview will cover questions to inform our assessment of your compliance with the fit and proper conditions and may also inform any special instructions

## Get Approved – Draft for consultation

that we give to the assessing body that undertakes your assessment against the ACS Standard.

We will then assess whether your business meets the fit and proper conditions. This assessment is based on the information you have provided on your application form and information obtained during your pre-approval interview. We may also seek to assess and verify wider information held by the SIA in respect of suitability under the fit and proper conditions.

If we require further information before we can take a decision on your application, we may place your application on hold. For example, if we are waiting for information about your business from a partner agency. If your application is placed on hold you will be notified of the reason and provided with an indicative timescale as to when we anticipate being in a position to make a decision on your application. Applications placed on hold will be periodically reviewed.

Once we have taken a decision as to whether your business meets the fit and proper conditions, we will write to you to advise you of our decision.

- If you do not meet the fit and proper conditions you will be advised that we are *minded to refuse* your application. We will provide the basis for our decision and invite you to supply us with further information to consider before we take a decision whether to refuse your application.
- If you meet the fit and proper conditions we will advise you to book an assessment against the ACS Standard with an authorised assessing body within a specified timeframe.

Upon receiving your assessment report from an assessing body, we will decide whether you meet the ACS Standard. If your assessment report indicates improvement needs, we will place your application on hold. You will have a period of not more than six months from the date that eligibility was granted to have a successful assessment, and for your assessing body to confirm your conformance to the ACS Standard.

We will then make a decision on your application and write to you to advise you of our decision. We may decide to:

- grant your approval;
- grant your approval subject to additional conditions; or
- refuse your approval.

If we decide to grant an approval, we will add the details of your approval to the register of approved contractors published on our website.

### Passport route

If you are applying via the passport route, we will follow the same process as outlined in relation to the standard route. However, when you submit your application, you are also required to submit your passport certificate. A valid passport certificate will be recognised as meeting quality requirements equivalent to the ACS standard route.

## Category of approval

Businesses are granted approval to operate as an approved contractor of a certain size.

Business Size	Licensable individuals
Micro ACS Businesses	0-10
Small ACS Businesses	11-25
Medium ACS Businesses	26-250
Large ACS Businesses	251+

We recognise that during the life of an approval, your business may grow. If you begin to supply an increased number of licensable individuals, and this moves your business into a larger 'size' category, it is a condition of approval that you notify us within 21 days of this occurring. Once notified, we may choose to conduct a further assessment against the ACS standard to ensure that you continue to conform with the ACS standard.

### How to calculate the size of your business

The size of your business depends on your head count of licensable individuals who carry out licensable conduct on behalf of or under the direction of your business.<sup>1</sup>

**Head Count = the total number of licensable individuals who carry out licensable conduct on behalf of or under the direction of your business.**

Your head count should include individuals who are provided on a full time, part time, casual and one off basis, and should represent the total number of licensable individuals you provided across all sectors of your business, regardless of the number of hours worked by those individuals. Your head count should also include any licensable directors, partners and managers.

## Fees

The size of your business will determine the amount of your application and annual registration fee.

### Application fee

---

<sup>1</sup> This head count of licensable individuals should be calculated based on the actual head count at the point you complete your ACS application form (at new approval, re-registration and renewal).

## Get Approved – Draft for consultation

An application fee must be paid when you apply for approval. This fee covers assessment of your application against the approval conditions and costs associated with your pre-approval visit.

The application fee is:

<b>Businesses</b>	<b>Application Fee (£)</b>
Micro businesses (0-10 licensable individuals)	£400
Small businesses (11-25 licensable individuals)	£800
Medium businesses (26-250 licensable individuals)	£1,600
Large businesses (251+ licensable individuals)	£2,400

This is a one off fixed fee. You will not be required to pay another application fee if you apply for approval in an additional sector or to renew your approval. However, if your application for approval is refused, or subsequently your approval is withdrawn, you will be required to submit another application fee to have your new approval application considered. Additionally, if you start providing services as a different legal entity you will need to make a new approval application and submit an application fee.

Payment will be required when you submit your approval application. Assessment of your application will not commence until cleared payment has been received.

This fee is payable whether your approval is granted or refused. You can withdraw your application at any time; however no part of the application fee is refundable, other than in exceptional circumstances.

### Annual registration fee

In addition to the application fee, a registration fee must be paid annually to maintain your approval. This covers our operational costs of maintaining the ACS.

Your first annual registration fee is payable on approval. Your subsequent registration fee will be due each year on the anniversary of the date you were granted approval.

The registration fee is £15 per licensable individual supplied.

Payment can be made using a variety of payment methods, including by telephone.

Failure to pay your registration fee by its due date may result in withdrawal of your approval.

You can cancel your approval at any time; however no part of any registration fee paid is refundable.

### Other costs

Please note that fees payable for assessment against the ACS standard or a passport accreditation scheme should be paid directly to the assessing body.

## Annual return

Once approved, you are required to supply an annual return evidencing your continued compliance with the ACS.

Your annual return should be submitted through your online business account, together with any specified supporting documentation, and should include:

- any updates or changes to the information provided with your original application or previous annual returns;
- a declaration as to continued compliance with all conditions of your approval; and
- any additional information requested by us to support the assessment of your approval; and
- organisations using the Licence Management service need to provide additional documents (Code of Connection).<sup>t2</sup>

We will review your approval based on your submission, and we may choose to inspect certain businesses based on the outcome of that review.

### Due date

Your annual return is due two weeks prior to your annual registration fee payment.

You will be able to upload your annual return to our online portal 8 weeks prior to the due date.

Failure to submit an annual return in good time may result in your approval being put at risk, and we may withdraw your approval.

## Change of legal entity

Approval is granted to a particular legal entity. If you start providing services as a different legal entity because of a merger, takeover or other re-structuring then you must apply for a new approval. This applies even if the key individuals remain the same and the new business is providing the same services as the old one.

You are not required to apply for a new approval if the controlling minds or name of your business changes, but the legal entity remains the same. However, in accordance with the approval conditions, you must notify us of any such changes in advance of, or in any event within 21 calendar days after, the change has occurred.

## Cancellation

You can cancel your approval at any time if you no longer wish to be an approved contractor. However, all fees paid prior to your cancellation are non-refundable.

# Fit and proper conditions

This section explains the conditions that must be satisfied and the information that is required to be supplied with your application in order to demonstrate that your business is fit and proper to be an approved contractor.

We will determine whether you are ‘fit and proper’ with reference to information relating to the four elements outlined below.

You must remain ‘fit and proper’ for the duration of your approval. Breach of the fit and proper conditions may result in withdrawal of your approval.

## A Identity

**We will take into consideration who controls your business and the licensable individuals you supply.**

**To do this we require verification of:**

- a) your business’s identity and contact details including all the controlling minds;**
- b) the identity and contacts details of any majority shareholders, if a private limited company;**
- c) your business’s legal entity status;**
- d) your business’s group organisational structure, if part of a group; and**
- e) the names and licence numbers of all licensable individuals supplied by the business.**

### Please note

- The definition of controlling minds is:
  - director and shadow director of an applicant business;
  - director and shadow director of any holding or parent company/ies above an applicant business in a company’s organisational structure, regardless of the country where the holding or parent company is incorporated;
  - partner, where the regulated business is a partnership;
  - sole trader of an applicant business; and
  - member of the body corporate, where the applicant business is a body corporate whose affairs are managed by its members.
- We will assess the information provided in the application form and undertake a variety of checks to satisfy ourselves as to the identity of your business, its controlling minds, shareholders and the licensable individuals it supplies.

**Supporting information to be provided**

- If your business sits within a group structure you should provide a copy of the group's organisational chart.

## B Criminality

**We will take into consideration any relevant pending charge or conviction information regarding your business and/or any of its controlling minds.**

### Please note:

- We may undertake further criminal record checks in relation to all controlling minds we consider relevant; even those individuals who have recently had their criminality assessed as part of the individual licence application process. In order to facilitate these checks, each relevant controlling mind will be required to provide consent to the checks and make a declaration as to any recent criminality i.e. in the past 12 months.
- We will determine which controlling minds are relevant with reference to:
  - the protection of the public;
  - the maintenance of public confidence in the SIA and the ACS; and
  - the importance of upholding proper standards of conduct and competence by approved businesses.
- Access to a person's criminal record is usually restricted under the provisions of the *Rehabilitation of Offenders Act 1974*. However, we are exempt from many of these restrictions and can take into account all disclosed convictions, including spent convictions. For more information regarding “filtering” of convictions, please see the Disclosure and Barring Service (DBS) website or, where applicable, the Access Northern Ireland or Disclosure Scotland websites.
- We will also perform open source checks (e.g. internet searches) against your business. To assist in these checks, your business must make a declaration when an application is lodged; declaring any pending charges or convictions it may have in the United Kingdom or elsewhere.

### What pending charge or conviction information is relevant to us?

- We will review all pending charge or conviction information, but will disregard any information that is not considered relevant as to whether the business is ‘fit and proper’ to be approved.
- In addition to our list of relevant offences for individual licensing, when considering whether a business is ‘fit and proper’ to be approved we will also take into account charges or convictions (in relation to the business itself and/or any of its controlling minds) for other types of offence we consider relevant, including, but not limited to:
  - Companies, banking or other financial services
  - Tax offences
  - Insolvency
  - Insurance
  - Market abuse and misconduct
  - Extortion / blackmail

## Get Approved – Draft for consultation

---

- Bribery and corruption
- Employment
- Health and safety
- Immigration
- Consumer protection
- Computer misuses
- Data protection
- Environment
- Equality

### **Supporting information to be provided**

- If any of the relevant controlling minds do not hold either a front line or non-front line individual licence, they must either apply for one or submit evidence as to why they are not licensable. If we agree that they are not licensable, we will contact the individual to arrange for the necessary identity and criminality checks to be undertaken.
- If any of the relevant controlling minds have lived or worked overseas or served overseas in the armed forces in the last five years, for a period of 6 continuous months or more, or if they are from a country where official sources are unable to provide a criminal record check, please see our website for more information.

## C Financial probity

**We will take into consideration any relevant financial and other circumstances of your business and any of the controlling minds.**

**In doing this, we will take into account:**

- a) Whether your business holds public liability and employers liability insurance of at least £5m;**
- b) Whether your business is compliant with company law, if your business is a company<sup>2</sup>;**
- c) Any County Court judgments (CCJ's), defaults or other adverse financial information registered (such as late payments on accounts) in relation to your business;**
- d) Whether all legal submissions to Companies House are up to date;**
- e) Whether your business is tax compliant. This includes all direct/indirect taxes and National Insurance contributions where appropriate; and**
- f) Whether all licensable individuals supplied by your business are employees, other than in exceptional circumstances**

### Please note

- When considering any County Court judgements, defaults or other adverse financial information we will consider each case on its individual facts and merits, and consideration will be given to:
  - how recent any information about your business is;
  - the length of time since any action was taken;
  - whether any judgements, fines or awards made have been satisfied;
  - whether your business is subject to any company voluntary agreements; and
  - whether any of the controlling minds are subject to individual voluntary agreements.

---

<sup>3</sup>The SIA definition of a company is taken from the Companies Act. In the Companies Act, unless the context otherwise requires— “company” means a company formed and registered under this Act, that is—

- (a) a company so formed and registered after the commencement of this Part, or
- (b) a company that immediately before the commencement of this Part—
  - (i) was formed and registered under the Companies Act 1985 (c. 6) or the Companies (Northern Ireland) Order 1986 (S.I. 1986/1032 (N.I. 6), or
  - (ii) was an existing company for the purposes of that Act or that Order, (which is to be treated on commencement as if formed and registered under this Act).

## Get Approved – Draft for consultation

- We will share your application, and your staff list, with HMRC in order to verify your tax status. In determining whether your business meets the financial probity criteria, we will take into consideration whether HMRC has any concerns regarding your business's tax / national insurance compliance. If HMRC advises that your business is not tax/national insurance compliant, we may refuse your application or may place your application on hold until HMRC's investigation has been concluded.
- In addition to information from HMRC, we will verify the following information:
  - If your business is registrable for VAT, evidence that it is VAT registered and that VAT payments have been made to the HMRC as and when they were due for at least 12 months.
  - If your business is liable for PAYE and National Insurance, evidence of your Employer Reference Number and HMRC returns showing payments made when due in respect of PAYE and National Insurance.
  - If your business submits a self-assessment, evidence of its HMRC Unique Taxpayer Reference Number and income tax paid, where appropriate.
  - If your business is required to pay corporation tax, evidence of its HMRC CT Reference Number and corporation tax paid, where appropriate.
- Given the nature of the private security industry, HMRC guidance indicates that the vast majority of licensable individuals supplied by private security businesses should be employees for both the purpose of tax and national insurance contributions, and in relation to benefitting from a contract of employment setting out employment rights. Or if the Agency legislation applies, the worker is treated as holding an employment with the agency. The agency is responsible for PAYE and national insurance contribution deductions. On this basis, we require you to demonstrate that all licensable individuals supplied are employees, other than in exceptional circumstances where you can evidence that self-employed individuals are being supplied in compliance with HMRC guidance ES/FS2. You can demonstrate this by completing HMRC's company employment status tool (CEST tool) and providing documentary evidence explaining how you came to a decision to input the information into the CEST tool.

If the CEST tool determines a self-employed engagement, you must also show that the Agency legislation doesn't apply by:

- 1) providing evidence that supervision, direction, control as to the manner in which the services are provided doesn't exist by anyone in the labour chain, and
- 2) your business would not be the intermediary responsible for the operation of PAYE and national insurance contributions.

Otherwise, your operatives will be agency workers and all remuneration received for services provided will be subject to PAYE/national insurance.

If in exceptional circumstances, licensable individuals are self-employed and not caught by the agency legislation, you may have to complete an Employment Intermediary Report.

- Please note HMRC are not bound by this fit and proper assessment. Whereupon, if we are satisfied with the due diligence that you carry out in determining the employment status of licensable individuals, it doesn't prevent HMRC from investigating these arrangements to determine the reality of the engagement(s).

### Supporting information to be provided

- Depending on the legal status of your business, you should submit the following supporting documentation to assist us in assessing your financial probity:
  - A public liability insurance certificate.
  - An employer's liability insurance certificate.
  - A copy of your VAT registration letter.
  - A screenshot/s showing VAT payments made in the last 12 months.
  - A copy of your HMRC registration letter for corporation tax.
  - A copy of your HMRC registration letter for self-assessment, showing your unique tax reference.
  - A screenshot of HMRC RTI electronic reference.
- You may be requested to provide additional information when your application is being processed.

## D Integrity

We will take into consideration the integrity of your business and its controlling minds.

In doing so, we will take into account:

- a. Any intelligence held which indicates your business or its controlling minds are not complying with the *Private Security Industry Act 2001*, any compliance action taken by us against your business or its controlling minds, and any charges or convictions of your business or its controlling minds under the *Private Security Industry Act 2001*.
- b. Any instance where your business or its controlling minds have misled us or any other regulatory body.
- c. Whether your business has contravened the requirements and standards of other authorities, including but not limited to the Department for Work and Pensions, HMRC, police forces, the National Crime Agency, the Serious Crime & Drug Enforcement Agency, the Health & Safety Executive, the Home Office (formerly UKBA), the Department for Business, Energy and Industrial Strategy, local authorities, and overseas authorities.
- d. Whether your business, or an associated business, has previously gone into insolvency, liquidation or administration.
- e. Whether any of your controlling minds have been an owner, director or partner concerned in the ownership or management of a business that has gone into insolvency, liquidation or administration whilst the person has been connected with that organisation.
- f. Whether your business or any of its controlling minds have been investigated, disciplined, censured or criticised by a regulatory body, professional body, court or tribunal, whether publicly or privately, in matters relating to any business with which they have been involved or private matters relevant to the ACS.
- g. Whether any of your controlling minds have been dismissed from, or asked to resign and resigned from, employment or from a position of trust, fiduciary appointment or similar.
- h. Whether any of your controlling minds are disqualified from acting as a director.
- i. Whether your business or any of its controlling minds have been influenced by a third party whom we consider not 'fit and proper'.
- j. Whether your business or any of its controlling minds are connected to someone who we regard as not 'fit and proper', or who has criminal connections.
- k. Whether there have been, or are currently, any significant complaints against your business.
- l. Whether your business is compliant with UK law.
- m. Whether your business has used or is using any misleading, inaccurate or inappropriate promotional or marketing information, or used any information that might undermine the integrity of the ACS. This includes website statements or images.

**Please note:**

- We will assess all relevant information in considering business integrity. We will assess the information provided in the application form, the supporting documentation and any other information available to us from our own and external sources e.g. we may receive information from partner organisations such as the police and other regulators; and we will conduct open source checks, such as internet searches, for relevant information.
- If you are aware of information that may have an impact on our decision, you should disclose this information. You will always be given an opportunity to provide mitigating information before we make a decision on your application. The non-disclosure of material facts is taken very seriously by us and will be viewed as prima facie evidence of dishonesty and/or lack of integrity.
- If no relevant adverse information regarding your business's integrity is identified, or such information is identified and we are satisfied with any mitigation you provide, we will consider this element satisfied.

**How we will determine what information is relevant**

- The fact that information is obtained which calls into question whether your business is fit and proper to be approved does not automatically mean that your application will be refused. Each case will be considered on its individual facts and merits, and consideration will be given to:
  - how recent the information about the business is;
  - the length of time since any warning or enforcement action was taken;
  - whether there are any active enforcement responses or sanctions;
  - whether your business is currently under investigation by any regulatory or enforcement authority;
  - whether there are any outstanding appeals; and
  - the public interest; being:
    - the protection of the public;
    - the maintenance of public confidence in the SIA and the ACS; and
    - the importance of upholding proper standards of conduct and competence by approved businesses.

**Supporting information to be provided**

- You are not required to submit any supporting documentation with your application to satisfy this element, unless you are aware of information that may have an impact on our decision. However you may be requested to provide information when your application is being processed. This information must be provided within the reasonable timescales provided in order for your application to be progressed.

# The ACS Standard

In addition to meeting the fit and proper conditions, you must conform to the ACS Standard.

The ACS Standard has been developed with a wide scope encompassing all aspects of a business. It provides a holistic view of how well an organisation is being managed and how well it services its customers and treats its staff. It encompasses the requirements of the relevant British Standards, ISO9001 and other management practices considered to demonstrate 'good practice'. However the ACS Standard is unique and you are not required to be accredited to ISO9001 or hold any other accreditation in order to meet the ACS requirements.

The ACS Standard consists of seven criteria, underneath each of which sits a number of indicators of good practice.

## **Criteria 1 – Strategy**

An SIA approved contractor has clear strategic direction enabling it to deliver value to all stakeholders.

The SIA approved contractor can demonstrate that it:

- 1.1 has a coherent plan and approach to business
- 1.2 has clear mechanisms for improving the standard of service delivery
- 1.3 handles internal and external communications effectively
- 1.4 actively manages the impact of its services on society and the environment
- 1.5 measures and improves on performance against key indicators

## **Criteria 2 – Service delivery**

An SIA approved contractor has robust processes in place that ensure service delivery to its customers and stakeholders.

The SIA approved contractor can demonstrate that it:

- 2.1 has in place effective service delivery processes
- 2.2 has a plan to ensure continuity of service delivery
- 2.3 identifies and responds appropriately to what customers require of a security service
- 2.4 monitors and manages service delivery to both customers and consumers in a consistent manner
- 2.5 monitors internal processes, taking appropriate action to make improvements, when necessary
- 2.6 measures and improves performance against key customer and consumer indicators

## **Criteria 3 – Commercial relationship management**

## Get Approved – Draft for consultation

An SIA contractor promotes robust and transparent commercial relationships with its customers, consumers and suppliers founded on mutual trust and respect.

The SIA approved contractor can demonstrate that it:

- 3.1 implements responsible trading practices in its procurement of goods and services
- 3.2 offers professional advice to its customers and potential customers on appropriate services
- 3.3 manages customer relationships in a professional manner
- 3.4 manages consumer relationships in a professional manner
- 3.5 measures and improves customer perceptions of its organisation, its people and its services

### **Criteria 4 – Financial management**

An SIA approved contractor is financially viable with sufficient resources to meet its current and future obligations.

The SIA approved contractor can demonstrate that it:

- 4.1 has sufficient and suitable financial resources to manage its financial obligations
- 4.2 uses robust processes to manage finances and associated risks
- 4.3 understands the market place and has financial plans to meet or change its strategic direction
- 4.4 measures and improves performance against key financial indicators

### **Criteria 5 – Resource management**

An SIA approved contractor has sufficient technical resources to sustain its business meeting the relevant industry standards.

The SIA approved contractor can demonstrate that it:

- 5.1 uses effective management information systems for all aspects of its business
- 5.2 that it has sufficient and suitable premises, procedures and equipment to conduct business effectively
- 5.3 measures and improves performance in the management of resources

### **Criteria 6 – People**

An SIA approved contractor develops and implements plans to ensure its people are suitably trained, developed and cared for.

The SIA approved contractor can demonstrate that it:

- 6.1 manages its people effectively
- 6.2 deploys competent people
- 6.3 appropriately supports its people
- 6.4 complies with its legal obligations when employing people
- 6.5 measures and improves staff performance and perceptions of the organisation

### **Criterion 7 – Leadership**

An SIA approved contractor has effective leadership.

The SIA approved contractor can demonstrate that:

- 7.1 the leaders have the knowledge and ability to lead a security company
- 7.2 the leaders review and continuously improve the effectiveness of their leadership skills
- 7.3 the leaders maintain an ethical business culture
- 7.4 the leaders develop and implement an effective system for recognising and rewarding excellence
- 7.5 it measures and improves performance of the organisation

## Conformance to the ACS Standard

You must demonstrate conformance with the ACS standard on application, however you must continue to meet the ACS standard for the duration of your approval. If at any point during your approval we hold information which indicates you may no longer meet the ACS Standard we may conduct an inspection or require you to undergo a further assessment, at your own cost.

Failure to conform to the ACS Standard may result in withdrawal of your approval.

## How to demonstrate conformance

### Standard route

If you meet the fit and proper conditions you will be advised to book an assessment against the ACS Standard with an authorised assessing body. For a list of authorised assessing bodies please see our website.

Typically you will be entitled to select the assessing body that conducts your assessment. However, we retain the right to nominate the assessing body that must be used, conduct the assessment our self or have a member of our staff present while your assessment is conducted.

Upon receiving your assessment report from an assessing body, we will review it. Typically, if your assessment report indicates that you have had a successful assessment, having achieved the required achievement level in all relevant criteria and sub-criteria, then we will consider that you conform to the ACS standard. However, we retain the right to require you to submit to a further assessment on specific parts of the ACS Standard, conducted by the assessing body or our self, if we hold information that conflicts with the assessment report.

### Passport route

To demonstrate conformance you must hold must hold valid certification to an SIA accredited passport scheme. A list of ACS accredited passport schemes can be found on the SIA website.

# Approval conditions

This section lists the approval conditions you must comply with for the duration of your approval.

**Breach of an approval condition can result in withdrawal of your approval.**

An approved contractor must:

1. Continue to meet the ACS eligibility requirements
2. Continue to comply with the fit and proper conditions.
3. Continue to conform to the ACS standard.
4. Submit an annual return by its due date.
5. Pay its annual registration fee and assessing body fees within 21 calendar days of it being due.
6. Notify us of the following changes in advance of a change occurring, but in any event within 21 calendar days after a change has occurred:
  - a. a change in the name of your business;
  - b. the removal of a controlling mind from your business or the addition of a controlling mind to your business ;
  - c. a change in the legal status of your business;
  - d. in relation to your business or any of its controlling minds, any merger, acquisition, take-over, company voluntary agreement, individual voluntary agreement, administrative order, County Court judgment, liquidation, administration, receivership, bankruptcy, disqualification as a director, or debt relief restriction order;
  - e. in relation to your business and any of its controlling minds, any pending charges or convictions for a criminal offence;
  - f. a change to the registered address, trading address or correspondence address of your business; and
  - g. a change in the size category of your business.
7. Provide us with access to your staff, records and premises for interview, assessment, compliance and enforcement purposes.
8. Provide an authorised assessment body with reasonable access to your staff, records and premise for verification and assessment purposes.
9. Comply with all requests from us within the timescale provided.
10. Ensure that all information provided to us is full, accurate and not misleading.
11. Comply with all guidance issued in relation to the ACS regime, including complying with:

## Get Approved – Draft for consultation

---

- a. all requirements associated with the use of licence dispensation notices, including ensuring that no more than 15% of operatives are supplied under licence dispensation at any one time.
  - b. all requirements associated with the use of our licence management and licence assist products, if utilised.
  - c. all requirements relating to the use of the ACS accreditation mark.
12. Only sub-contract security industry services to other ACS businesses, except in exceptional circumstances where explicit authority is given by us.
  13. Uphold the integrity of the scheme.

In addition to these approval conditions, we may attach additional specific conditions to your approval, as deemed necessary. Please see below regarding when additional conditions may be imposed.

# Additional conditions

In addition to the approval conditions we have the power to modify an approval by attaching additional specific conditions to the approval. These additional conditions may be imposed at the time the approval is granted or during the approval period, and must be complied with for the duration of the approval or timeframe where specified.

**Breach of an approval condition can result in withdrawal of your approval.**

## When we may impose an additional condition

We may choose to impose an additional condition on an approval at any time. Typically, we will do so if we consider it necessary to:

- protect the public;
- maintain public confidence in the SIA or the ACS; or
- uphold proper standards of conduct and competence by a controlling mind/s and/or a business.

The nature of an additional condition will depend on the circumstances, but may include, for example:

- a restriction on the activity of directors e.g. an approval may be granted on the condition that certain individuals do not act as directors.
- a restriction on the use of licence dispensation notices
- a requirement to submit to either planned or unplanned visits by us, or others acting on our behalf, to check compliance with approval conditions.
- a restriction of the use of particular assessing bodies or assessors
- a direction that a specific action be undertaken by a certain date e.g. To submit an action plan.
- a requirement to notify buyers of a particular matter.
- a requirement to publish certain information on your business's website.
- a requirement for staff to undertake specified training.

Any additional condition imposed on your approval will be placed on the public register of approved contractors for the period the condition remains in force.

## Notification process

If we judge it necessary to impose additional conditions on your approval, we will write to you to inform you of this, provide the basis for our decision, and invite you to provide any mitigating information or factual errors in our assessment. You will then have 21 calendar days to provide a response to our communication.

If you do not send in a response within the 21 days, the decision to impose additional conditions on your approval will take effect 21 calendar days after the date of the communication. When the decision to impose the additional conditions takes effect, and is added to the public register, you will again have a further 21 calendar days in which to exercise a right of appeal to a Magistrates or Sheriff Court.

If you do send in a response within 21 days we will give it due consideration and we will notify you of our decision. If we decide it is still necessary to impose additional conditions, you will then have 21 calendar days from the date of this notification in which to exercise a right of appeal to a Magistrates or Sheriff Court.

If you decide not to exercise your right to appeal, you are not obligated to accept the approval. Section 15(2) (d) of the Private Security Industry Act 2001 allows businesses to refuse approval being offered with additional conditions attached. However, if you refuse the approval you will not be approved as an approved contractor.

## Appeal process for additional conditions

If you appeal against our decision to grant your approval subject to additional conditions, you will hold approval, with the additional conditions attached, during the appeal process.

If you appeal against our decision to impose additional conditions on an approval you already hold, your approval, without the additional conditions attached, will remain valid during the appeal process.

If you appeal against our decision to renew your approval subject to additional conditions, you will continue to be approved, without the additional conditions attached, until the date it expires. If your original approval expires while your appeal is pending, you will be approved, with the additional conditions attached, from the day after your original approval expired for the remaining duration of the appeal process.

For further information regarding the appeals process, please see [Appealing an SIA Decision](#).

# Renewing your approval

After three years your approval will expire and it will be necessary to renew your approval.

Renewal applications can be made online via our online portal. Renewing your approval will require you to confirm pre-populated information (as previously provided), attach any requested supporting documentation, and make a declaration that you will continue to comply with all conditions associated with your approval.

Renewal applications will be subject to a full review by us.

It is a criminal offence for a business to hold themselves out as approved without holding approved contractor status. It is therefore important that you renew your approval before its expiry if you wish to remain an approved contractor.

In order to ensure that your renewal application is processed and approved in time, we recommend that you make a renewal application at least 8 weeks before it expires. If you apply within 1 month of the expiry date, we cannot guarantee that your application will be reviewed before your approval expires. If your approval expires before your renewal application is received approved, you will no longer be an Approved Contractor, and will need to submit a new application to be an Approved Contractor.

## Refusing approval

We will refuse to grant approval if an applicant fails to demonstrate that it is 'fit and proper' to be approved or does not conform to the ACS standard.

If we judge it necessary to refuse your approval, we will write to you notifying you that we are *minded to refuse* your application, providing the basis for our decision, and inviting you to supply us with further information, if appropriate.

You will then have 21 calendar days from the date of our communication to provide a response. If we do not receive a response from you within 21 days, your application is likely to be refused. If you do send in a response within 21 days we will give it due consideration, and we will write to you to inform you of our decision.

If we decide that it is still necessary to refuse your approval, you will then have 21 calendar days from the date you receive our *refusal* notification in which to exercise a right of appeal to a magistrates or sheriff court. You will not hold an approval during this appeal period, unless you already hold approval, in which case that approval remains valid until it expires.

It is important to ensure any response you provide to us is sent in good time and always within 21 days. If you are having genuine difficulty submitting your evidence within 21 days you should write to us within the 21 days to let us know.

## Factual errors

If we write to you advising that we are *minded to refuse* your approval, you will be invited to submit details of any factual error we may have made within 21 days.

Factual errors may include, for example:

- we have incorrectly identified your business or its controlling minds;
- our information on the criminality of your business or its controlling minds is incorrect; or
- your passport accreditation is valid for the security industry service in which you have applied for approval but we have said it is not.

## Mitigation

If we write to you advising that we are  *minded to refuse*  your approval application, you will be invited to provide us with any mitigation you would like considered in your case. We will consider your submission in reaching our decision.

In considering your mitigation we may also consider information from other sources which suggest relevant evidence regarding identity, criminality, financial probity, integrity and your conformance with the ACS standard, or which may contradict the evidence you have provided in support of your application.

The number of documents you supply in support of your application will not necessarily add weight to your case; it is the nature and content of the mitigation which is considered. In giving due consideration to any mitigation you supply, we will give more weight to mitigation if it is from an independent, verifiable and objective source with no vested interest in the approval decision. What we mean by 'no vested interest' is that information from people of standing in the community will be more persuasive than information from your family, friends, employees or colleagues.

Mitigation may include, for example:

- You can demonstrate that you have taken action to correct the problems we have identified and steps to prevent them from occurring again in the future.
- You can demonstrate that the problems we have identified are uncharacteristic of your business and being granted approval is in the best interests of stakeholders and the public.
- You can provide some other information to challenge our assessment of whether your business is fit and proper and conforms to the ACS standard.

# Withdrawing approval

We may choose to withdraw approval where we consider that your business is not meeting the conditions of its approval.

If your approval has been withdrawn you are entitled to appeal this decision.

## Withdrawal process

If we judge it necessary to withdraw your approval, we will write to you advising that we *are minded to* withdraw your approval, provide the basis for our decision, and invite you to supply information. You will then have 21 calendar days to provide a response to our communication.

Your response may include any factual errors in our assessment or mitigating information you would like us to consider when reaching our decision. It is important to ensure any response is sent in good time and always within 21 days, including requests for extensions due to difficulty in obtaining evidence.

If you do not send in a response within the 21 days, we are likely to withdraw your approval. If you send in a response, we will give it due consideration and write to inform you of our decision.

If we decide to withdraw your approval you will have a further 21 calendar days in which to exercise a right of appeal to a magistrate's or sheriff court. During the appeal period you will continue to hold your approval and can continue to hold yourself out as approved.

Any decision to withdraw an approval will be noted on the public register available on our website.

## Re-application

If you have had your approval withdrawn you are permitted to re-apply for an approval immediately. However, any application will be assessed against the fit and proper conditions, which includes consideration of any compliance action previously taken by us against your business or any of its controlling minds, and as a result your application is unlikely to be successful. For this reason, we recommend that you do not re-apply for approval until you have completed any period of compliance with the scheme's requirements that we advise. Typically, this will be a period of 12 months.

# Appealing an SIA decision

There is a right of appeal against any decision we make to:

- refuse approval;
- attach additional conditions to an approval; or
- withdraw an approval.

Any communication advising you of an appealable decision that we make will explain the process for making an appeal.

You will always be given the opportunity to provide a written response to us, which will be considered when we make its final decision.

Following this, formal appeals can be made to:

- the Magistrate's court (or the Sheriff in Scotland) within 21 calendar days from the date you are advised our final decision; and
- where the Magistrate's court (or the Sheriff in Scotland) makes a decision, we or you may appeal that decision to the Crown Court (or the sheriff principal in Scotland).

Please note that you may be charged a fee by the court to lodge an appeal. Additionally, if you lose that appeal, you may be required by the court to pay us costs associated with the appeal process.

# Compliance and enforcement

For the ACS to be a symbol of trusted high quality security provision, it is vital that appropriate action is taken against those who do not meet the conditions of approval or who bring the scheme into disrepute. We ensure that our compliance and enforcement measures are proportionate, robust and effective in order to protect the public, as well as legitimate businesses and individuals.

The Private Security Industry Act 2001 provides us with the ability to:

- Refuse an approval;
- Impose additional conditions on an approval;
- Withdraw an approval;
- Conduct formal investigations;
- Enter premises owned or occupied by an ACS business to undertake an inspection;
- Request documents or information from an ACS business;
- Publish its regulatory decisions in the public interest; and
- Exchange information with other enforcement agencies.

We work with our enforcement partners, including the police, local authorities, the Home Office and HM Revenue and Customs, amongst others.

For more information regarding our enforcement powers, and in particular our power of entry and inspection, please see our enforcement policy.

## Administrative sanctions

We have a range of options for dealing with non-compliance that can be effective in quickly securing compliance and avoids us having to use our statutory powers to take formal action e.g. to place a condition on your approval or withdraw your approval.

While it is important to remember that any breach of the conditions of approval may lead to withdrawal of ACS status, in practice we will seek to work with you to obtain conformance with the fit and proper conditions and the ACS standard, wherever this can be achieved without undermining the credibility of scheme.

An administrative sanction will be taken into consideration by us in relation to what action it will take if any further breaches of the *Private Security Industry Act 2001* or ACS occur.

The administrative sanctions we make use of are:

### Verbal warnings

Issued to a business or individual in relation to non-compliance with the *Private Security Industry Act 2001* or non-conformance with the ACS. We may choose to issue a verbal warning when it is the first time a minor breach has been identified, steps have/will be

## Get Approved – Draft for consultation

taken to remedy or mitigate the breach and it appears unlikely that the breach will be repeated.

### Written warnings

Issued to a business or individual in relation to non-compliance with the *Private Security Industry Act 2001* or non-conformance the ACS. We may choose to issue a written warning where a subsequent minor breach occurs, steps have/will been taken to remedy or mitigate the breach and it appears unlikely that the breach will be repeated.

### Improvement notices

Issued to a business or individual in relation to non-compliance with the *Private Security Industry Act 2001*. The notice sets out the improvements required and is discharged when we are satisfied that the improvements have been made.

### Improvement need

If, during the lifetime of your approval, we become aware of non-conformance with the fit and proper conditions, the ACS standard, or its terms and conditions we may write to you to advise you of the improvements you must make to conform with the ACS requirements.

Typically, we will require you to address any non-conformance by:

- preparing an action plan setting how you will address the non-conformance within specified timescales; and
- requiring you to submit to a visit to check your conformance, at your own cost, within a specified period of time.

We will seek to work with you to obtain conformance but may take formal action in accordance with the ACS sanctions framework e.g. placing an additional condition to your approval or withdrawing your approval.

## Criminal offences

It is an offence under the PSIA to:

- provide security industry services without a licence or in breach of the conditions of that licence (section 3)
- supply unlicensed security operatives (section 5)
- hold yourself out as an approved contractor when you are not, or to hold yourself out as approved under certain terms when you are not (section 16)
- obstruct a member of our staff from exercising powers of entry under section 19 of the PSIA (section 19)
- fail, without reasonable excuse, to provide documents or information requested under section 19 of the PSIA (section 19)
- intentionally or recklessly making a statement to us that you know to be false (section 22)

Additionally, if an offence is committed by your business, the controlling minds of your business may also be individually liable if it can be shown that the offence was committed with the consent, connivance or attributable negligence of that controlling mind.

The maximum penalty for these offences ranges from an unlimited fine on summary conviction at a magistrates court in England and Wales, £5,000 at a magistrates court in Northern Ireland or £10,000 at the sheriff court in Scotland, to five years imprisonment on indictment at the Crown Court (or the sheriff principal in Scotland). For information regarding the specific penalties for each offence under the PSIA please see our enforcement policy.

# Contact us

We are committed to providing a professional, responsive, and flexible service to our customers.

We also welcome constructive comments and suggestions as these will help us to refine and improve our services.

Please write to:

**Security Industry Authority**

PO Box 74957

London

E14 1UG

Email: [info@sia.homeoffice.gov.uk](mailto:info@sia.homeoffice.gov.uk)

Website: [www.sia.homeoffice.gov.uk](http://www.sia.homeoffice.gov.uk)

Facebook: [security industry authority](https://www.facebook.com/securityindustryauthority)

Twitter: [siauk](https://twitter.com/siauk)