

This Brief explains how the GLA's Active Check service operates and what notifications are issued to users.

Introduction

The GLA's free Active Check service allows you to check the licence status of a labour provider and to receive written confirmations of any changes. Registering for Active Checks also means you will receive further notifications about the licence holder(s) you are interested in.

Registering for Active Check

You can register for the Active Check service online through the GLA website and Government Gateway. Follow the steps on the GLA website:

<http://gla.gov.uk/Information-For-Labour-Users/Active-Check-Service/>

Alternatively, ring the GLA Helpline to register by phone on 0845 602 5020.

You will receive notifications electronically if you provide an email address when you register. Please be aware the licence holder will be notified about who has carried out a check on them as well as confirmation of the Active Check user's address and telephone number if they have been supplied. Please see example letter 1 sent to the licence holder at annex A.

What you will be notified about

When you first check if a labour provider is licensed:

- You will have immediate confirmation, either online or by phone, that the labour provider is licensed. You will then be asked to check whether you are dealing with an individual or post holder who is listed as being authorised on the licence. If the person or post holder is not listed, you will be asked to provide further details. We may also contact you to obtain more information. You may be committing an offence under section 13 of the Gangmasters (Licensing) Act 2004 (the "2004 Act") if you make arrangements for the supply of workers or services with a person who is not authorised on a licence.

- We will write to you confirming the licence holder's Unique Reference Number (URN), name of the Principal Authority, address and telephone number, the sectors the business operates in (for example, agriculture and food processing and packaging) as well as a copy of the business's Public Register entry. Please see example letter 2 at annex A. If the letter is emailed, you should receive it immediately. The licence holder will be notified about the check being made at the same time.
- If the labour provider is not licensed, you will receive immediate confirmation and be warned not to use the business as it may be an offence under section 13 of the Act. You will also be asked to provide further details about the labour provider. We may contact you to obtain more information. If you subsequently use that business, you will not have a defence against a section 13 offence of 2004 Act of using a licensed labour provider.

After an inspection:

If a licence holder is inspected, you will be notified once the GLA Licensing team has issued a licence decision to the licence holder – please see example letter 3 at annex A. The Licensing team will decide whether the licence should continue unchanged, to attach Additional Licence Conditions or if the licence should be revoked.

This notification will be sent out at the same time as the decision letter is sent to the licence holder. You may wish to contact the licence holder to discuss the findings of the inspection. If you do contact the licence holder, please be aware that they may not yet have received or read the decision letter (this may happen if the labour provider receives its letter by post and you are notified by email). Licence holders should be prepared to be contacted by the Active Check user in such circumstances.

If any authorised persons or post holders change:

We will notify you that the Principal Authority or any other person named on the licence changes. You will also receive an updated copy of the business's Public Register entry. The licence holder will be notified that the changes have been made. Email notifications will be sent out within 24 hours. Please see example letter 4 at annex A.

If the labour provider is no longer licensed:

You will be notified if the licence expires, for example because the business has not renewed its licence. This letter states the business has "ceased trading". Please be aware that this refers to ceased trading in the GLA licensed sectors. The business may still be operating in other sectors unless they have completely closed down. A labour provider may be marked as "ceased trading" if it has forgotten or been unable to renew its licence for some reason. If you are aware that is the case, please ask them to contact the GLA immediately to discuss their options for being re-licensed. Please be aware that the GLA reserves the right to consider enforcement action for any period of unlicensed trading.

You will also be notified if a business has had its licence revoked:

- You will be notified straightaway if the licence is revoked with immediate effect (which means the business has to stop trading in the GLA sectors immediately).

- For licences revoked without immediate effect, you will be notified once the decision has taken effect. That will be either :
 - the date from which the right to make an appeal has expired if no appeal is made,
 - or if an appeal has been dismissed by the Appointed Person, the date from which the decision becomes effective, or
 - once an appeal is withdrawn by the licence holder.

There is a period of 20 working days from the date of receipt of the licensing decision for a licence holder to submit an appeal against a revocation without immediate effect.

Please see the example letter 5 at annex A. Email notifications will be sent out within 24 hours.

Further information

If you would like any help or guidance, more information is available on the GLA website, www.gla.defra.gov.uk. You can also contact our helpdesk:

Email: licensing@gla.gsi.gov.uk Telephone: +44 (0) 845 602 5020

If you have received a hard copy of this Brief but would prefer electronic versions in future, please email communications@gla.gsi.gov.uk

Annex A: Example letters

1. Notification of Active Check sent to the licence holder:

Dear

Active Check Confirmation

We are writing to inform you that an Active Check has been made against your unique reference number (URN). This means that we have been asked to confirm the status of your licence and to notify any changes made to your licence. The active check process is voluntary and allows labour users (and other interested individuals) to be given an electronic record of a check they have made of a labour provider. You have been notified that a check has been made to ensure all parties are aware of the checks made.

Name of person requesting the check:

Business address:

Business telephone:

It is a criminal offence under section 12(1) of the Gangmasters (Licensing) Act 2004 to act as a gangmaster without the authority of a licence. It is also illegal under section 13(1) of the Gangmasters (Licensing) Act 2004 to enter into arrangements for the supply of workers or services with an unlicensed gangmaster.

Please contact us if you have any questions about this letter.

Yours sincerely

GLA Licensing Team

2. Confirmation a labour provider is licensed:

Dear

Licence Check Result

Please find attached the results of your check. We will retain a copy and notify the licence holder that you have made this check.

Unique reference number (URN):

Name of Principal Authority:

Business Address:

Business Telephone Number:

The current public register status of [NAME OF LICENCE HOLDER] is licensed.

The labour provider is licensed in the [LIST OF SECTORS].

It is a criminal offence under section 12(1) of the Gangmasters (Licensing) Act 2004 to act as a gangmaster without the authority of a licence. It is also illegal under section 13(1) of the Gangmasters (Licensing) Act 2004 to enter into arrangements for the supply of workers or services with an unlicensed gangmaster.

Please contact us if you have any questions about this letter.

Yours sincerely

GLA Licensing Team

Enclosure: copy of the Licence Holder's public register entry

3. After an inspection:

Dear

Labour User Notification

Our records show that you completed an Active Check against the licence record of [NAME OF LICENCE HOLDER]. Please be aware they have recently undergone an inspection. You may wish to contact the licence holder to discuss the inspection.

Yours sincerely

GLA Licensing Team

4. If any Principal Authority, authorised persons or post holders change:

Dear

Active Check Information

Our records show that you completed an active check against the licence record of [NAME OF LICENCE HOLDER] on [DATE]. Please be aware that the details held by the GLA have changed.

The [principle authority] or [authorised persons or postholders] of this labour provider have changed.

Please refer to the attached public register details sheet which shows the details we held for the labour provider on [DATE].

It is a criminal offence under section 12(1) of the Gangmasters (Licensing) Act 2004 to act as a gangmaster without the authority of a licence. It is also illegal under section 13(1) of the Gangmasters (Licensing) Act 2004 to enter into arrangements for the supply of workers or services with an unlicensed gangmaster.

Please contact us if you have any questions about this letter.

Yours sincerely

GLA Licensing Team

Enclosure: copy of the Licence Holder's public register entry

5. If the labour provider's licence expires or is revoked:

Dear

Active Check Information

Our records show that you completed an active check against the licence record of [NAME OF LICENCE HOLDER] on [DATE]. Please be aware that the details held by the GLA have changed.

The current public register status of [NAME OF LICENCE HOLDER] is [Revoked] or [Ceased Trading].

It is a criminal offence under section 12(1) of the Gangmasters (Licensing) Act 2004 to act as a gangmaster without the authority of a licence. It is also illegal under section 13(1) of the Gangmasters (Licensing) Act 2004 to enter into arrangements for the supply of workers or services with an unlicensed gangmaster.

Please contact us if you have any questions about this letter.

Yours sincerely

GLA Licensing Team