

This Brief explains the GLA’s inspection process: how it is structured; what to expect; summary of findings, and the process leading to notification of the licensing decision

Introduction

This guidance explains the Gangmasters Licensing Authority’s (GLA) inspection process. It applies to both application and compliance inspections, which are used to assess compliance with the GLA’s [licensing standards](#). The general inspection process is outlined in the [inspection leaflet](#), and the relationship between the inspection and licence decision process can be found in the [licence decision policy](#) (see paragraphs 4 – 7).

The inspection process

Application inspections will normally be by pre-arranged appointment. Compliance inspections may be notified, or un-notified. Normally the GLA will aim to complete the inspection assessment in one visit to the labour provider. Regardless of the approach taken the purpose of the inspection is the same: to establish whether a labour provider is compliant with the licensing standards. After an inspection a report is submitted to the GLA licensing team, who then determine whether, the licence:

- is granted or refused
- continues unaltered
- has Additional Licence Conditions (ALCs) placed on it, or
- is revoked (whether with, or without, immediate effect)

Who is interviewed at an inspection?

During an application or compliance inspection, the GLA will interview the Principal Authority (PA) to provide evidence of their understanding of the compliance requirements. The PA will be expected to provide a full explanation of any issue which suggests non-compliance with the licensing standards. The GLA may also consider it necessary to interview other individuals involved with the business as well as labour users, workers, or other relevant parties (e.g. accommodation provider) to assist in reaching an assessment of compliance.

Visits to labour users and interviews with workers are key elements of the GLA’s approach. If an applicant is already trading in other industry sectors the GLA will discuss consensual inspection of contracts outside the regulated sector, to assist in determining how a labour provider operates, and whether they are compliant with the licensing standards. A visit to such labour users will occur after discussions with the applicant. If the GLA then identifies

potential issues they will be taken into account in reaching a decision on whether an applicant is considered “fit and proper” to hold a licence. Where a licence is in issue visits to interview labour users and workers will normally take place before a visit to a labour provider.

At an inspection the GLA expects the PA to be able to answer questions to demonstrate their knowledge, and competence to run a compliant business. Questions will be directed to the PA. In the first instance the questions should be answered by the PA, and no other individual. Although the GLA may obtain information from other individuals, including representatives of the business they will only do so where the PA cannot answer the questions. The inspector may decide to accept information and answers from an employee of the company or the PA’s representative but they will only accept answers from other individuals after the PA has responded to the inspector. This will be reflected in the inspection report, indicating, if necessary whether the PA was unable to demonstrate knowledge of compliance and competence, without the intervention of third parties.

Structure of an inspection visit

During an inspection the inspector will:

- seek information to confirm understanding or compliance with each licensing standard they are reviewing,
- identify the potential issues that they have found, and
- seek clarification where required, inviting the labour provider to comment and present any additional evidence.

This process can be challenging but it is designed to provide a clear picture of a labour provider’s understanding or compliance at the time of the inspection. If the review of a licensing standard indicates that there is potential non-compliance or a lack of understanding, the inspector will raise this with the labour provider wherever possible. This will enable the labour provider to provide any additional information to assist in clarifying whether they understand the standards, and are compliant or not. The inspector will normally explain any identified concerns before moving on to review compliance of the next standard.

When the inspector has completed the review of the standards they will ensure that the labour provider is left in no doubt as to the preliminary findings, which may feature in the licence decision. They will:

- explain that they have completed the inspection;
- summarise the inspection, specifically the indicative areas of non-compliance identified (i.e. remind the PA of the areas of concern already identified during the inspection);
- explain that those issues will be reflected in the inspection report; and
- that the licensing team will be responsible for making an independent decision on whether potential non-compliances should be formally determined as breaches of the licensing standards.

During this phase, the inspector may decide that it is appropriate to seek further information if responses by the applicant/licensed labour provider suggest further clarification is necessary. The inspector may also indicate whether a further visit may be necessary on any issue where the clarification provided does not resolve the issue.

If the inspection is not completed in a single visit (e.g. because initial labour user visits, or further labour user visits, and worker interviews are required) the subsequent inspection visit to the labour provider should commence with a summary of the assessment from the first visit, and explain the next stage of the process.

The inspector will make it clear to the applicant/licensed labour provider that the final decision on whether a breach(s) of licensing standards may have occurred rests with the licensing team. For example, the inspector may consider that 5 standards may potentially be breached. However, the licensing review may, having considered all the evidence conclude that only 3 of the standards should be considered to be breached.

Further contact before the licence decision

The inspector may correspond with the PA after an inspection to deal with points raised (e.g. if the PA promised to send some information). The inspector normally brings that correspondence to a conclusion by advising the PA that they will now write the inspection report.

Once the licensing team has received the inspection report further information or clarification may be required. The inspector or licensing team will contact the labour provider explaining what additional information is required, and set a timescale for the response. This will normally be 7 **calendar** days, but could be longer dependant on the specific circumstances of the case and level of information requested. In this instance the licensing team will consider whether sufficient evidence has been gathered to demonstrate non-compliance.

If the licensing team identify a non-compliance that was not raised on the inspection, and which materially influences the licence decision, the licensing team will write to the labour provider detailing the specific issue identified and invite them to comment.

Licence decision and appeals

Issues identified and summarised during the inspection should not be confused with the licence decision, which is the formal definitive outcome. The appeals process is then the proper forum for inspected labour providers to challenge GLA decisions.

Further Information

If you need a licence, you can apply online at www.gla.gov.uk or call **0845 602 5020**. If you are not sure if you need a licence, please contact the GLA Helpline or email enquiries@gla.gsi.gov.uk .

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