



Gangmasters Licensing Authority - Inspections Explained

Introduction

The Gangmasters Licensing Authority (GLA) inspections check compliance with the Authority's Licensing Standards. Inspections may be conducted with applicants or existing licence holders to test whether a person is fit to hold a licence. Further information on the powers of the GLA can be found in the Code of Practice on Compliance and Enforcement. GLA inspectors will carry copies to issue, and it can be downloaded from www.gla.gov.uk.

What you can expect

- Inspections may be pre-arranged or unannounced.
- The GLA inspector will show their identity card at the start of an inspection – this can be checked by contacting the GLA on 0345 602 5020.
- The GLA inspector will usually visit the applicant or licence holder's business premises.
- The Principal Authority (PA) of the business must be available for interview. It may be taken as obstruction if the PA is not available without a reasonable explanation.
- The applicant or licence holder may be asked to give details of contracts with clients. The inspection may include visiting clients to check the place of work and how workers undertake their activities – this may also involve interviewing the client.
- The GLA inspector may select a sample of workers to be interviewed, possibly at your client's premises (with a GLA arranged interpreter if necessary). Dependant on the size of the sample of interviews, and other records that need to be examined, more than one inspector may attend. The inspector will minimise any disruption to you and client's activities.
- Relevant documents covered by the Standards (including contracts with workers and clients, records of paying wages etc) will be examined.
- The GLA inspector may require you to produce specific documents and take them away for review. GLA inspectors may photocopy the requested documents if a copy rather than the original is sufficient for their inspection. A receipt will be provided for all documents taken and the officer will return them as soon as possible. However, refusing to produce requested documents without reasonable cause may be considered to be obstruction. In such situations an explanation for any refusal will be sought. Obstruction is a criminal offence under Section 18 of the Gangmasters (Licensing) Act 2004 and is a breach of Licensing Standard 1.1.

- If the GLA inspector takes documents away to consider, another visit may be arranged to clarify any issues identified and to give the PA the opportunity to provide any further explanation.
- The GLA inspector may also write requesting information, either before or after their visit. The inspector will give clear deadlines on when a response is required by.
- Any areas of potential non-compliance will be presented by the GLA inspector to the PA during the inspection or summarised at the end. This gives an opportunity for the PA to provide an explanation for the identified issues.
- The GLA inspector will explain what happens next once the inspection has been completed.

After an inspection

The GLA inspector will never make a decision at the end of the inspection. Only if there was an immediate and specific threat to the safety of workers would an inspector serve a decision revoking or suspending a licence with immediate effect during an inspection. Usually, the inspector will report their findings to the GLA Licensing Team for a decision, including all explanations given by the PA:

- Where no issues are identified, a licence will be granted to the applicant or be allowed to continue unchanged for existing licence holders.
- If the inspection score is below 30 points, Additional Licence Conditions (ALCs) will be attached to the licence.
- If the inspection score is 30 points or more, the application or licence will usually be refused or revoked. However, the GLA may consider attaching ALCs where it is proportionate to do so.

There is a right of appeal against any decision to refuse, revoke or attach ALCs. Licences revoked without immediate effect may continue trading in the GLA sectors during any appeal proceedings. A business must stop trading immediately if a licence is revoked with immediate effect.

You should normally receive a response within six weeks. You should contact your inspector or the GLA Licensing Team on 0345 602 5020 if you want to check progress following your inspection.

Complaints

You are entitled to submit a formal complaint if you believe the GLA has acted inappropriately. Details on how to complain are included in the Compliance Code of Practice.

Publishing inspection results

The GLA maintains a register of revoked licence holders. A press release may also be published. The Authority's policy on issuing press releases is available on the GLA website within the External Communications Policy (www.gla.gov.uk/publications).