



GLAA Brief

Issue 69 – April 2021

Launch of the new Active Check service

This Brief publishes information on the new Active Check service. This Brief replaces GLAA Brief 27.

Introduction

The GLAA licensing system is due to be replaced on 11 May 2021. From this date you will no longer receive Active Check alerts if you have previously registered an interest in a labour provider through the current Active Check service.

The last date that you will be able to access the current Active Check service is 29 April 2021 at 17:00.

We will provide an update on the GLAA website if there are any changes to these dates.

This brief explains how you can access the new Active Check service. It also provides updated information on the notifications that will be issued to users.

Background

The GLAA's Active Check service allows a labour user 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.

From 11 May 2021 you will need to register your details on the new GLAA licensing system to continue to use the Active Check service. You will then need to set up new Active Checks against your existing labour providers.

The new service will provide the same benefits as the current system. However, the Active Check service will now be available online only.

Registering for Active Checks

You can register to use the new Active Check service online at <https://www.gla.gov.uk/i-am-a/i-use-workers/keep-up-to-date-with-licence-changes-active-checks/> from 11 May 2021. You will then receive electronic notifications to the email address that you provide during the registration process. 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 notification 1 sent to the licence holder at annex A.

If you are a Principal Authority of an existing licence, you will be able to access the Active Check service through your online licensing portal. Licence holders will be sent details of how to register to log into this portal separately. You will not be able to register to use the Active Check service using the same email address that you use to access the licensing portal.

What will you be notified about?

When you first check if a labour provider is licensed:

- You will receive immediate online confirmation 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 individual or post holder is not listed, you will be asked to email details to the GLAA. We may then 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, telephone number and provide you with a URL link so that you can access the business’s Public Register entry. Please see example notification 2 at annex A. You will receive this notification 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 2004 Act. If you subsequently use that business, you will not have a defence against a section 13 offence of 2004 Act of using an unlicensed labour provider. Please see example notification 3 at annex A. You will receive this notification immediately.

After an inspection:

- If a licence holder is inspected, you will be notified once the GLAA Licensing team has issued a licence decision to the licence holder – please see example letter 4 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 have read the decision letter. 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 be provided with the URL link so that you can access the

business's Public Register entry. The licence holder will be notified that the changes have been made. Please see example letter 5 at annex A.

If the labour provider is no longer licensed and they are removed from the Public Register:

- You will be notified if the licence expires. This will occur if the business has not renewed its licence. The notification will state that the status of the business has "expired". A labour provider may be marked as "expired" 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 GLAA immediately to discuss their options for being re-licensed. Please be aware that the GLAA reserves the right to consider enforcement action for any period of unlicensed trading.
- You will be notified if a business no longer holds a licence because they are no longer trading. This notification states the business has "ceased trading".
- You will be notified if a business decides to cancel its licence. The notification will state that the licence status is "cancelled".

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

- You will be notified straightaway if the licence is suspended (which means the business has to stop trading in the GLAA sectors immediately during the suspension period until the formal licence decision is made) or revoked with immediate effect (which means the business has to stop trading in the GLAA 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 6 at annex A.

Further information

1. If you have any further queries, please contact the GLAA helpline on 0345 602 5020 or email licensing@gla.gov.uk.

2. For the latest news and updates from the GLAA:



Twitter: [@UK_Glaa](https://twitter.com/UK_Glaa)



facebook: www.facebook.com/TheGLAA

Annex A: Example notification 1.

Notification of Active Check sent to the licence holder:

Dear

Active Check Information

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 notification.

Yours sincerely

GLAA Licensing Team

Example notification 2:

Confirmation a labour provider is licensed:

Dear

Active Check Result

Please find the result below 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:

This active check was successful.

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

Please refer to the public register for full details that we currently hold for this labour provider at [PUBLIC REGISTER URL LINK]. If you have any concerns regarding the accuracy of the public register record, please contact us.

You will be notified if the licence status or authorised person or postholders of this labour provider change in the future.

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 notification.

Yours sincerely

GLAA Licensing Team

Example notification 3:

Confirmation an active check failed:

Dear

Active Check Result

Please find the result below 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 licence holder:

This active check has failed.

The labour provider is either not shown on the Public Register as licensed or the person that you selected during your check is not named on the licence of this labour provider.

You should contact the labour provider and confirm that you have the correct details. You should not use this labour provider until you are certain that you are dealing with an individual who is named on a licence.

Please refer to the public register for full details that we currently hold for this labour provider at [PUBLIC REGISTER URL LINK]. If you have any concerns regarding the accuracy of the public register record, please contact us.

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 notification.

Yours sincerely

GLAA Licensing Team

Example notification 4:

After an inspection

Dear

Labour User Notification

This is an automated email to advise you that our records show that you completed an active check against the licence record of [NAME OF LICENCE HOLDER] on [DATE]. Please be aware they have recently undergone an inspection.

Should you wish to discuss the outcome of this inspection please contact the licence holder.

Yours sincerely

GLAA Licensing Team

Example notification 5:

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

Dear

Active Check Information

This is an automated email to advise you that 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 GLAA have changed.

The principal authority or authorised persons/ postholders of this labour provider have changed.

Please refer to the public register which can be found at [PUBLIC REGISTER URL LINK] for the current details that we hold for the labour provider. If you have any concerns regarding the accuracy of the public register record, please contact us.

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.

Replies to this mailbox are not monitored.

If you need to contact us, please use the methods below.

Yours sincerely

GLAA Licensing Team

Example notification 6:

If the labour provider's licence expires, is revoked, suspended, ceased trading or is cancelled:

Dear

Notification of Licence Status Change

This is an automated email to advise you that 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 GLAA have changed.

The current public register status of [NAME OF LICENCE HOLDER] is [EXPIRED] [REVOKED] [SUSPENDED]] [CEASED TRADING] [CANCELLED].

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.

Replies to this mailbox are not monitored.

If you need to contact us, please use the methods below.

Yours sincerely

GLAA Licensing Team