

## **Standards Committee – 1 July 2013**

### **Criminal Records Bureau (CRB) checks for elected members**

#### **1. Summary of report**

To advise the Committee of a change brought about by virtue of the Protection of Freedoms Act 2012 which affect the need for all elected members to undergo CRB checks.

#### **2. Recommendations**

That elected members be informed that under new Regulations it is not now necessary for all members of the Council to undergo Criminal Records Bureau checks (now Disclosure and Barring Service checks).

#### **3. Report detail**

- 3.1 In March 2006 Cabinet received a report entitled “Corporate parenting – Criminal Records Bureau (CRB) checks for elected members”. This report followed a review by the Children and Lifelong Learning Scrutiny and Performance Panel of the role of elected members in visiting children’s residential units in Walsall. The panel resolved to recommend that all elected members undergo an enhanced CRB check to ensure children are properly protected as members develop the corporate parenting activity in the borough. The Cabinet subsequently agreed that all elected members undergo enhanced CRB checks.
- 3.2 By virtue of the Protection of Freedoms Act 2012, the Criminal Records Bureau (CRB) and the Independent Safeguarding Authority (ISA) merged to become the Disclosure and Barring Service (DBS). The primary role of the DBS is to prevent unsuitable people from working with vulnerable groups, including children.
- 3.3 A Disclosure and Barring Service (DBS) check forms are part of the wider safeguarding process. It helps individuals and organisations decide whether a person is a suitable candidate by providing information about an applicant’s criminal history. The process by which the DBS provides criminal data is called DBS certificate or a DBS check (previously CRB check). There are three levels of DBS checks, standard, enhanced and enhanced with barred list checks.
- 3.4 As part of introducing the new Disclosure and Barring Service, the government has reformed the definition of Regulated Activity i.e. activity that you must not do if you are barred from working with children or vulnerable adults and now relates only if work is done regularly by the same person frequently (once a week or more often) or on 4 or more days in a 30 day period.

3.5 Work that was previously Regulated Activity for work with children but will no longer be regulated, includes:

- Activity supervised at reasonable level
- Health care not by (or directed or supervised by) a health care professional
- Legal advice
- "Treatment/therapy" (instead "health care" unless this is "advice/guidance on wellbeing)
- Work in "specified places" which consists of occasional or temporary services, e.g. maintenance (not teaching etc.)
- Volunteers in "specified places" supervised at reasonable level
- All "positions" e.g. governors, trustees etc.
- Work carried out by inspectorates.

3.6 It is proposed that all Councillors be advised of the changes and informed that only in specified cases will they be required to undergo a DBS check and where that is necessary they will be contacted by the appropriate officer of the Council.

## Background papers

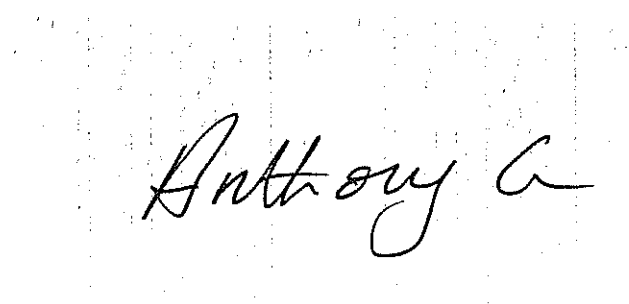
Published

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A handwritten signature in black ink, appearing to read 'Anthony A.', is centered on the page. The signature is written in a cursive style with a large, stylized 'A'.

Signed:

Head of Legal and Democratic Services and  
Monitoring Officer

21 June 2013