



Home Office

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Cllr Angela Underhill
The Mayor's Parlour
The Council House
Walsall
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Reference: M803/16

D Cllr Underhill

Thank you for your letter of 8 January to the Home Secretary about Disclosure and Barring Service (DBS) checks for councillors. I am replying as the Minister for Preventing Abuse and Exploitation.

It is true that the Protection of Freedoms Act 2012 changed the definitions of regulated activity relating to children and vulnerable adults. As a result councillors are no longer in regulated activity simply because they hold that office and discharge specified functions in doing so. However, while this was part of a broader initiative to limit the extent of regulated activity, from which someone can be barred, it has not reduced councillors' eligibility for DBS checks.

As you mention in your letter, eligibility for an enhanced DBS check depends on the role concerned being included in both the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 and in the relevant regulations under the Police Act 1997. Councillors' activities included within regulated activity before the 2012 changes remain covered by both these pieces of secondary legislation and so the eligibility of councillors for checks has not changed. The effect of this is that councillors involved in discharging any of the council's education or social services functions are eligible. In addition, other members whose work requires them to have close interaction with children or vulnerable adults may qualify for eligibility because these activities fall within the broader definition of regulated activity.

I appreciate that all council members are likely to have some level of contact with children and other vulnerable people as part of their duties, but that will often fall short of what is implied by regulated activity. I also recognise that councillors may have significant decision making and financial roles within other areas of their responsibilities. However, while the disclosure system is based on enabling checks where they are really essential to mitigate specific risks and vulnerabilities, this has to be balanced against ensuring that the whole set of arrangements remains proportionate. Against that background there are no plans to extend eligibility to all council members and I hope this letter helps to explain why that is the case.

A handwritten signature in blue ink, appearing to read 'Karen Bradley'.

Karen Bradley MP