Appendix 1

Members Criminal Record Checks Protocol

Introduction and Principles

1. The purpose of this Protocol is to cover Walsall Council's practice on Disclosure and Barring Service (DBS) checks for all elected members.

2. It is acknowledged that at present no legislation exists that makes criminal record checks mandatory for Councillors and therefore, this can only form a recommendation rather than a requirement.

3. Council agreed at its meeting on 25 May 2016 to ask all members to undergo criminal record checks at least every 4 years and to make an annual declaration to the Monitoring Officer in the intervening years on any changes to their criminal record.

4. Initially only members of Committees making decisions in relation to children were asked to complete an enhanced DBS check with all other members completing a basic check. On 18th September 2023 Council approved a recommendation to extend enhanced checks to members of Committees making decisions in relation to vulnerable adults.

5. In an independent report commissioned by the Home Office it was recommended that legislation be introduced that made an enhanced criminal record check mandatory for all councillors in Unitary and Upper Tier Authorities who are being considered for appointment to any committee involved in decisions on the provisions of children's services or services for vulnerable adults.

6. The report further recommended that this be adopted as best practice pending any legislation.

7. The Council is required to promote and maintain high standards of conduct by elected members. Requesting Members to undertake a criminal record check provides further accountability and protection whilst maintaining transparency and high standards of behaviour.

Procedure

8. Democratic Services will contact all Members every six months to advise what, if any, action they need to take in respect of their criminal record check and to provide all information needed to allow them to complete their check.

9. If at any point a member takes on additional responsibilities that would lead to them being requested to complete an enhanced check, they will be informed at the earliest practicable opportunity.

10. It is the responsibility of the member themselves to complete their DBS check application but officers in the Democratic Services Team can offer support and guidance if required.

11. Where a DBS check has been undertaken by a member, their profile on the Council's Committee Management Information System (CMIS) will confirm that they hold a valid DBS certificate. No further details of the check will be published.

12. The table below sets out the roles and corresponding level of DBS check that is required of Members based on their role and Committee membership.

Table 1: Roles and requirements

Role	Basic DBS	Enhanced DBS
Leader	N/A	Yes
Deputy Leader	N/A	Yes
Group Leaders	N/A	Yes
Deputy Group Leaders	N/A	Yes
Cabinet Member	N/A	Yes
Mayor	N/A	Yes
Deputy Mayor	N/A	Yes
Members of Corporate Parenting Board	N/A	Yes
Members of Children's Families and Education Overview and Scrutiny Committee	N/A	Yes
Members of Health and Wellbeing Board	N/A	Yes
Members of Social Care and Health Overview and Scrutiny Committee	N/A	Yes
All other elected members	Yes	N/A

Transferability

13. Where an elected member has a basic or enhanced DBS check from a credible organisation through their employment or voluntary roles, this can be shown to the Monitoring Officer to be validated.

Annual self-declaration

14. It is recognised that a DBS check shows information that is correct on the day that it is issued and that an elected member's personal circumstances may change at any time.

15. As an additional safeguard all councillors will be required to complete an annual self-declaration form to confirm or report any changes to their criminal records.

16. The Council will work with the Political Groups to ensure elected members understand that they have an obligation to declare any criminal offences/convictions (other than minor offences such as traffic offences) to the Monitoring Officer as soon as reasonably practicable after conviction (i.e. within 3 working days).

Non-Compliance

17. Failure to comply with this policy may amount to a breach of the Code of Conduct.

18. Any elected Members who have not undertaken a DBS check or whose DBS check has lapsed, will be reported to the Monitoring Officer for non-compliance.

19. Group Leaders will be informed of the DBS status of Members within their groups.

20. Standards Committee will receive regular updates on the uptake of Member's DBS checks.

Role of the Elected Member

- To provide a prompt and timely response to requests for a new DBS check or renewal.
- To produce sufficient documentation when requested by Democratic Services.

Role of Democratic Services

- To ensure all elected members complete a new DBS check or renewal.
- Maintain a log to review and track renewal dates.
- To report non-compliance to the Monitoring Officer and Group Leader where applicable.

Monitoring Officer Involvement

- When DBS checks are returned, they must be presented to the Monitoring Officer in order to be registered by the council.
- In the case of any offences being revealed on the DBS check, the Monitoring Officer will consider the results of the check and what, if any, impact this will have on the Member being able to undertake specific roles within the council. The Monitoring Officer will discuss this with the Member themselves and if necessary, with the relevant Group Leader to inform their nominations for committees.