

Standards Committee – 17th July 2017

DBS Checking for Elected Members

Summary of report:

The report is to provide information to Elected Members in respect of progress in respect of implementing DBS checks for all elected members appropriate to their roles and function at the council.

Background papers:

Appendix – 1 Annual Declaration form

Appendix – 2 Standard Letter Criminal Record Check

Appendix - 3 Annual Declaration Letter

Recommendation:

1. To note the content of the report and Appendices

1.0 Background

- 1.1 On the 25th May 2016 Council approved the creation of a scheme by the Monitoring Officer, in consultation with group leaders, to ensure that all Councillors have a regular criminal record check appropriate to their role and function with the Council. This was a recommendation made by Standards Committee to council.
- 1.2 Since this recommendation was made officers from Legal and Democratic Services and HRD have met to discuss proposals for an elected member DBS scheme. An audit has been undertaken by HRD and it has revealed that a substantial proportion of elected members already have full DBS checks as a result of the roles they fulfil as councillors and as for example Governors of Schools. Therefore what is required is a scheme that ensures that those DBS checks are monitored to ensure that they are renewed on a regular basis, or that if a full DBS check is no longer required an elected member will have a basic check through disclosure Scotland.
- 1.3 In discussions with HRD officers they will administer the proposed scheme in partnership with Legal and Democratic Services. HRD already administer this scheme in respect of officers of the council therefore elected members will be protected by the integrity of the system that is already well established and fully understand and operates this system in accordance with regulations and respecting confidentiality.

- 1.4 It is proposed that Elected Members will be subject to a full DBS or Disclosure Scotland Check every four years. This also corresponds with the requirements for four yearly certificates for school governors. On an annual basis the office of the Monitoring Officer will write out to Elected Members requesting that they self-certify that there has been no change in circumstances that would affect their DBS status in the preceding 12 months. This is felt to be proportionate.
- 1.5 If there is a positive result on a check this will be dealt with in confidence by the Council's Monitoring Officer to ensure that this does not affect the elected member in carrying out their role. Members will be contacted annually in May each year to inform them as to whether or not a check is required and what level that check should be.
- 1.6 It is proposed that this will commence in August 2017. Prior to commencement the Monitoring Officer and representatives from HRD will meet with the Group Leaders so that they are fully aware of the procedure being followed. There has been a slight delay in arranging this due to the availability of the Group leaders. HRD will contact the elected members who require checks and will assist them through the DBS or Disclosure Scotland Checks.
- 1.7 The standard form letters are attached at Appendices 1-3. The content of the letter sets out the process. To be followed as does the annual declaration form.

2.0 Resource and legal considerations:

- 2.1 None directly related to this report. The legal issues are described in the body of the report.

3.0 Performance and Risk Management issues:

- 3.1 Performance and risk management is a feature of all council functions. It is important that this system is in place to maintain public confidence in standards applied to elected members in their public office.

4.0 Equality Implications:

- 4.1 In maintaining up to date policies and procedures the council will ensure that services are delivered fairly in an open and transparent manner. There are specific requirements in both codes that elected members and officers observe equalities.

5.0 Consultation:

- 5.1 Further consultation will be carried out with Group leaders.

Author:

Tony Cox
Head of Legal and Democratic Services

☎ 01922 654822 ✉ coxt@walsall.gov.uk



Walsall Council

Annual criminal record declaration

Name

A member of

WALSALL METROPOLITAN BOROUGH COUNCIL

Important notes

- (1) As part of a desire to maintain transparency and high standards of behaviour Council agreed 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 on any changes to their criminal record.
- (2) Please use this form to declare details of any convictions, cautions, reprimands or warnings recorded on Police central records that have occurred since either 1) your most recent criminal record check or 2) your most recent declaration.
- (3) You do not need to declare details that are already recorded on your criminal record check certificate or via a previous declaration.
- (4) Details of your declarations will be managed by the Monitoring Officer and recorded on a register. Information about convictions will be treated proportionately, confidentially and sensitively. The Monitoring Officer may share details from declarations with appropriate individuals.
- (5) This annual declaration will not be published.
- (6) If you require any advice or guidance on what to declare on this form please contact the Monitoring Officer

Part A: Declaration

Do you have any convictions, cautions, reprimands or final warnings which are not 'protected' as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2013) that have occurred since either 1) your most recent criminal record check or 2) your most recent declaration?

YES/NO (please delete as appropriate)

If you have answered yes, you now have **two** options on how to disclose your criminal record.

Option 1: Please provide details of your criminal record in the space below.

Option 2: You can disclose your record under separate cover provided that you mark a cross on the line below and attach the details in an envelope stapled to this form. The envelope should be marked **CONFIDENTIAL** and state your name.

I have attached details of my conviction separately _____ (Please mark with an X if appropriate.)

Part B: Declaration

To the best of my knowledge, the information given in this form is complete and correct.

Name:	Signed:
	Date:

This form is to be returned direct to the Monitoring Officer.

This declaration has been registered by me:	
Monitoring Officer:	Date:



Walsall Council

Legal & Democratic Services

Our Ref:
 Date:
 Please Ask For: Sarah Read
 Direct Line: 01922 654824
 Email: tony.cox@walsall.gov.uk

Dear Member

CRIMINAL RECORD CHECK

As part of a desire to maintain transparency and high standards of behaviour Council agreed, 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 on any changes to their criminal record. This decision was made following a recommendation of the Standards Committee which had investigated methods to improve accountability and protection of Members as a result of concerns that arose out of national abuse enquiries in Rochdale, Rotherham, Oxfordshire, and nationally (Saville and public officials). In a number of these inquiries Elected Council Members, MPs, and other public officials have either been implicated as alleged abusers, or people responsible for services related to safeguarding or support of children and vulnerable adults.

The position agreed by Council is that all Members will undergo a criminal record check at least every four years and make an annual self-declaration to myself as Monitoring Officer on any changes to their criminal record. This ensures that criminal records are regularly reviewed. The criminal record check does not have to have been undertaken via Walsall Council. If you have had undergone a criminal record check via another organisation, for example a school or an employer, then the outcome of that check can be passported to the Council.

According to our records you have not undergone a criminal record check within the last four years. In order to take this forward I would be grateful if you could contact Di Martin, HR Transactional Officer, on 01922 655631, or Di.Martin@walsall.gov.uk to make arrangements for undertaking a criminal record check.

If, in fact you have had a criminal record check in the last four years, then I would be grateful if you could contact me to let me know. As I'm sure you will understand I will need to have sight of the existing criminal record check certificate to record the date of the check and details of any disclosures.

Please be reassured that any disclosures will be treated proportionately, confidentially and sensitively. If you would like to discuss anything in relation to the this new scheme then please feel free to contact me for a confidential discussion.



Walsall Council

Legal & Democratic Services

Yours sincerely,

Tony Cox
Head of Legal and Democratic Services and Monitoring Officer



Walsall Council

Legal & Democratic Services

Our Ref:
Date:
Please Ask For: Sarah Read
Direct Line: 01922 654824
Email: tony.cox@walsall.gov.uk

Dear Member

ANNUAL CRIMINAL RECORD DECLARATION

As part of a desire to maintain transparency and high standards of behaviour Council agreed, 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 on any changes to their criminal record. This decision was made following a recommendation of the Standards Committee which had investigated methods to improve accountability and protection of Members as a result of concerns that arose out of national abuse enquiries in Rochdale, Rotherham, Oxfordshire, and nationally (Saville and public officials). In a number of these inquiries Elected Council Members, MPs, and other public officials have either been implicated as alleged abusers, or people responsible for services related to safeguarding or support of children and vulnerable adults.

The position agreed by Council is that all Members will undergo a criminal record check at least every four years and make an annual self-declaration to myself as Monitoring Officer on any changes to their criminal record. This ensures that criminal records are regularly reviewed. The criminal record check does not have to have been undertaken via Walsall Council. If you have had undergone a criminal record check via another organisation, for example a school or an employer, then the outcome of that check can be passported to the Council.

Our records show that you have had a criminal record check within the last four years. Therefore, in line with the agreed scheme, I kindly ask you to complete and return the enclosed annual declaration. Please be reassured that any disclosures will be treated proportionately, confidentially and sensitively. If you would like any advice on this new process or what to include on the form then please contact me for a confidential discussion.

I'd be grateful if you could return the enclosed declaration to me on or before DATE.



Walsall Council

Legal & Democratic Services

Yours sincerely,

Tony Cox
Head of Legal and Democratic Services and Monitoring Officer