

Council – 18th September 2023

Criminal Record Checks for Members

1. Aim

- 1.1 To inform Council of a recommendation made by the Standards Committee following consideration of an independent review of the Disclosure and Barring Regime (DBS) published in April 2023.

2. Summary

- 2.1 At its meeting on 17 July 2023 the Standards Committee received the attached report (Appendix 1) which detailed an independent review of the DBS regime and an updated position in relation to the current DBS statuses of elected members of the Council.
- 2.2 The Committee supported one of the recommendations in the independent review report which was that an enhanced criminal record check is made mandatory for all councillors in Unitary and Single 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. The report encouraged Local authorities to complete these checks voluntarily as best practice in the anticipation of future legislation requiring them. This was supported by the Committee.
- 2.3 Members on committees related to children services are already required to undertake enhanced DBS checks. To extend the requirement for enhanced DBS checks would require the Portfolio Holders for Adult Social Care, Wellbeing, Leisure and Public Services and the Deputy Leader (Resilient Communities), Members of the Social Care and Health Overview and Scrutiny Committee and Health and Wellbeing Board, to undertake an enhanced DBS check.

3. Recommendations

- 3.1 That Council approve that Councillors involved in decisions on the provision of services for vulnerable adults undertake an enhanced DBS Check.

4. Report detail - know

- 4.1 As the Committee responsible for promoting and maintaining high standards of conduct by Councillors, Standards Committee regularly receives updates in relation to Members criminal record checks. One

such update was received on 17 July 2023 which also contained details in relation to an independent review of the Disclosure and Barring Regime commissioned by the Home Office in February 2022 and published in April 2023.

- 4.2 The Committee were informed that the report contained a recommendation that all Councillors who are involved in decisions relating to children or vulnerable adults complete an enhanced DBS check as best practice in advance of desired future legislation mandating this.
- 4.3 The Committee discussed this recommendation and agreed that they were in favour of all Councillors on these Committees having an enhanced DBS as suggested. Several Members believed it would be preferable for all Councillors to receive an enhanced DBS check however were advised that the independent review felt this was disproportionate.
- 4.4 It was agreed that the Committee would support the recommendation included in the independent review and take a further report when the Government responded to it.
- 4.5 The Committee also recommended that the possibility of publishing a list of all Members' DBS and Annual Declaration statuses be investigated by the Monitoring Officer to ensure that this would not be deemed to be in contravention of data protection legislation.

5.0 Consultation

- 5.1 Members of the Committee have provided their input and opinions on this matter.

Council Plan priorities

- 6.1. Internal – Council services are customer focused effective, efficient and equitable.

Financial implications

- 6.2 An enhanced disclosure check costs £40.22. Based on a recent analysis a further 9 Members would need to undertake an enhanced check which would cost £361.98.

Legal implications

- 6.3 The Council is not legally required to undertake criminal record checks of all Members but doing so provides Members with further accountability and protection whilst also maintaining transparency and high standards of behaviour.

Procurement Implications/Social Value

6.4 There are no procurement implications to consider.

Property implications

6.5 There are no property implications to consider.

Health and wellbeing implications

6.6 There are no known health and wellbeing implications.

Reducing Inequalities

6.7 There are no identified equalities issues in relation to this matter.

Staffing implications

6.8 There are no staffing implications to consider as support is already provided for elected members to complete their DBS check by Democratic Services and the DBS team in HR.

Climate Impact

6.9 There are no climate impact implications to consider.

7. Decide

That Council consider if it would support all Councillors on Committees relating to vulnerable adults undertaking an enhanced DBS Check or whether this was felt unnecessary.

8. Respond

For Council to consider and approve the recommendation if agreed.

9. Review

The Committee will continue to review the progress in relation to criminal record checks of elected members. A further report will be considered

by the Committee on 2 October 2023 and then again following the Government response to the independent review.

Background papers

None.

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