

Member Criminal Record Checks

1. Aim

- 1.1 To provide an updated position statement on uptake of criminal record checks for elected members since its last discussion at Standards Committee on 17th July 2023.

2. Summary

- 2.1 This report presents to Standards Committee, for information, an up-to-date situation in relation to Members criminal record checks and the uptake thereof. At the time of writing 50 Members had a valid basic or enhanced criminal record check, 6 were awaiting the results of their check and the remaining 4 Members were working with Democratic Services to provide the relevant ID to complete their checks.
- 2.2 Members are also advised that Council, at its meeting on 18th September 2023, approved the recommendation of Standards Committee that all councillors involved in decisions on the provision of services for vulnerable adults undertake an enhanced DBS check and works have begun to contact the 9 Members affected who will now be requested to complete an enhanced check.

3. Recommendations

That:

- 3.1 the information available on the current number of complete DBS checks for Members be noted; and
- 3.2 the Committee commits to continue to monitor the uptake of voluntary DBS checks by elected Members.

4. Report Detail - Know

- 4.1 As part of a desire to maintain transparency and high standards of behaviour Council agreed at its meeting on 25th 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. This decision was made following a recommendation of the Standards Committee which had investigated methods to improve accountability and protection of Members because of concerns that arose out of multiple national abuse enquiries.

- 4.2 Dependant on their Committee membership Members are asked to either complete a basic disclosure or an enhanced DBS (Disclosure and Barring Service) check. It was originally agreed by Council that members of a committee or panel or portfolio holders that manage issues relating to children should have further accountability and protection through the enhanced process.
- 4.3 On 18th September 2023 Council approved the recommendation made by Standards Committee at their last meeting that members of the Health and Wellbeing Board, the Social Care and Health Overview and Scrutiny Committee and the Portfolio Holders for Adult Social Care, Wellbeing, Leisure and Public Services and the Deputy Leader (Resilient Communities) all undertake an enhanced adult DBS check. These Members were contacted on 20th September 2023 to begin this process.
- 4.4 Members are required to complete a DBS check every four years. As of 22nd September 2023 there are 50 Members who have a valid basic or enhanced criminal record check which has been registered by the Monitoring Officer. Currently 6 Members have submitted their criminal record check application and are awaiting the results of their checks. This is an improvement on 48 Members holding a valid criminal record check when this was last discussed at Standards Committee on 17th July 2023.
- 4.5 The criminal record check process consists of completing an online form and providing 3 forms of identification from a list of acceptable ID which is circulated to all Members by email when requesting that they complete the check. The identification is to be scanned or brought into the Democratic Services Team to be scanned and verified. If it is not provided within 6 months of the online form being completed the form expires and a new form will have to be completed.
- 4.6 The remaining 4 Members do not have a valid criminal record check because either they have not completed the process or more than four years have passed since the last time they did. All of these Members are in contact with Democratic Services.
- 4.7 Members are also asked to confirm, in the form of an annual declaration, if there have been any changes to their criminal record since their last check was conducted. As of 22nd September 2023, 17 Members have duly completed this form.
- 4.8 Members are requested on a six-monthly basis to take any required action in relation to their criminal record check. The last such emails were sent out on the 15th June 2023.
- 4.9 If Members require any further assistance with the process Democratic Services Officers can respond to any queries by phone or email or schedule an appointment to complete the online form with the Member.

- 4.10 Once the criminal record check has been successfully completed the certificate is sent to the Member at their home address. This process can take up to 15 working days.
- 4.11 Following discussions at the last meeting of Standards Committee on 17th July 2023 the Monitoring Officer undertook to make enquiries as to whether it would be possible to publish a list of Member's DBS and Annual Declaration statuses on the council website. Enquiries on this point continue to ensure that there is a lawful basis for disclosure before any further action is taken.

5. Financial information

- 5.1 A single basic disclosure check costs £24.47 and an enhanced disclosure check costs £40.22.

6. Legal implications

- 6.1 The Council is not legally required to undertake criminal record checks of all Members but as stated above doing so provides Members with further accountability and protection whilst also maintaining transparency and high standards of behaviour. It has also been identified as best practice in a recent independent review of the Disclosure and Barring Service commissioned by the Home Office.

7. Decide

- 7.1 The committee is asked to review the information available and is invited to comment upon any improvements that could be made to assist Members in completing the process.

8. Respond

- 8.1. The Monitoring Officer and Democratic Services team will continue to request Members complete any required actions in relation to their criminal record checks on a six-monthly basis. The Monitoring Officer will register all criminal record checks received.

9. Review

- 9.1 It is recommended that the committee continues to monitor the status of Members' criminal record checks.

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