

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.

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