

DBS Checks Protocol for Councillors

Introduction

Section 27 of the Localism Act 2011 requires local authorities to promote and maintain high standards of conduct by members and co-opted members of the authority. There is no statutory requirement for councillors to undergo basic DBS checks. A basic check provides limited information and does not give a full account of an individual's criminal record as such the level of assurance provided by the basic check is limited. Consideration was given to seek all elected members consent to undergo a basic check but given the limited assurance provided by basic check there is limited value to this, elected members will not be asked to consent to undergo a basic DBS check.

Certain posts do however, have greater involvement with vulnerable adults and children, there is no statutory requirement, but there are eligibility criteria and the Council would need to ensure that the members concerned met the criteria. The criteria largely relates to 'regulated activity' with vulnerable adults or children. The Council would at all times work within the Government's DBS Eligibility Guidance, which can be found via the following link:

<https://www.gov.uk/government/collections/dbs-eligibility-guidance>

Enhanced DBS Checks

An enhanced check provides full details of a criminal record. This includes cautions, warnings, reprimands, spent and unspent convictions. It can also search the children and vulnerable adults 'barred list' to see if the applicant is prohibited from working with these groups. An individual cannot request one themselves only the employer/organisation can request one.

Enhanced checks are for specific roles with more regular contact with children and vulnerable people, there is no statutory requirement on Councillors to undergo these checks. The eligibility criteria for an enhanced check is defined separately for contact with adults and Children. For children 3 criteria must be met, 1. the Establishment your in should be a specialist environments that involves working alongside children (e.g. schools, academies, colleges, residential children's care homes etc), 2. The activity should be a regulated one i.e. working with children and 3. The activity is either 4 or more times within a 30-day period, or once or more times a week. Examples of regulated activities for Adults are provided in the table below:

| Regulated Activity | Definition |
|---|---|
| Healthcare | Provided by any healthcare professional or under the direction or supervision of one |
| Personal care | Washing, dressing, eating, drinking and toileting |
| Social work | In relation to adults, who are clients or potential clients, includes assessing or reviewing the need for health or social care services and providing ongoing support to clients |
| Assistance with household affairs | Anyone who provides day to day assistance to an adult because of their age, illness or disability, where it includes managing the person's money, paying the person's bills, or shopping on their behalf |
| Assistance with the conduct of affairs | Power of attorney/deputies appointed under the Mental Capacity Act |
| Conveying an Adult | For health, personal or social care requirements due to age, illness or disability. This includes hospital porters, patient transport services, driver's assistants, Ambulance Technicians and Emergency Care Assistants. Please note transporting/conveying is not necessarily in a vehicle and could be in a wheelchair/stretcher |

The following members will be asked to consent to Enhanced DBS checks, subject to meeting the DBS criteria:

- The Leader,
- Deputy Leader,
- Cabinet Members for Children and Adults
- All Members of Children's Services and Education Scrutiny Board and Health and Adults Social Care Scrutiny Board
- Members of the Corporate Parenting Board
- Members of the Health and Wellbeing Board, and

- Any other Member who may regularly come into contact with children or vulnerable adults as part of their Council role.

Costs

Enhanced DBS checks currently cost £40 each.

Frequency of Check

The Enhanced check will be completed on appointment to the relevant committee and every 12 months from the date of appointment, until the appointment ceases.

What Happens if a Check Reveals an Offence?

In the case of the Enhanced check revealing an offence, then this will in the first instance be referred to the Monitoring Officer. The Monitoring Officer will in consultation with the Chair of the Ethical Standards and Member Development Committee consider such things as the severity of the offence and the amount of time that has elapsed since the conviction took place. He/she will then decide whether it should be referred to the Ethical Standards and Member Development Committee for consideration. It is recognised that the data will be personal data and confidence will be considered.

Other actions- assurance from Political Parties

It is recognised that a DBS check is only valid on the day that it is provided, and circumstance may change at any time. The Council will work with the Political parties and ask political parties to remind their members 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 reasonable practicable after conviction. Such declaration would then be considered as outlined above.