



Disclosure & Barring Service Checks for Councillors Policy

INTRODUCTION

In the report of his Independent Review of the Disclosure and Barring Regime (18 April 2023) Simon Bailey QPM, DL, CBE recommended to government that an enhanced Disclosure and Barring Service (DBS) check is made mandatory for all councillors in unitary and upper tier local authorities who are being considered for appointment to any committee involved in decisions on the provision of children's services or services for vulnerable adults.

Pending a change in the law to implement mandatory enhanced checking Mr Bailey, who was previously the National Police Chiefs Council Lead for Child Protection, recommended that local authorities should voluntarily introduce enhanced checks.

As part of the Council's commitment to keeping everyone safe, (especially children and vulnerable adults) and the Council's commitment to maintaining the highest standards in public life this policy expects that all Dorset Council councillors will undergo enhanced level DBS checks. The policy also sets out what steps will be taken in the event that offences are disclosed through a positive DBS certificate.

SCOPE

This policy applies to all Dorset Council Councillors and to co-opted members of the Council.

Councillors are elected and can only be removed from office if they become disqualified or are removed from office by order of a court. Until there is a change in the law the Council cannot compel a councillor to undergo DBS checking. Nevertheless, this policy establishes a clear expectation that all councillors must agree to undergo checks. The Chief Executive and the Monitoring Officer will work with political group leaders to reinforce this expectation.

A co-optee will be required to undergo enhanced level DBS checks if they are a member of a committee or board which discharges any education or social services function of the Council. For other co-options the Council will assess on a case-by-case basis the role into which a person is being considered for co-option in order to determine whether any DBS check is required.

AIMS

- to protect those who councillors work with
- to maintain the highest standards in public life
- to provide clarity about what should happen in the event that offences are disclosed through a positive certificate.

WHAT IS AN ENHANCED DBS CHECK

A DBS check is a criminal background check, usually carried out before a person takes on a new role. Such checks can help to verify that the person is of good character, has no previous convictions that may make them untrustworthy and that they do not pose a risk to the safety of other people.

An enhanced check will disclose any spent and unspent convictions, cautions, warnings, and reprimands. It may also disclose additional relevant police notes and information about the person.

The position held by a councillor is very different from that of an employee. For relevant types of employment a DBS check will form part of pre-employment checks. An unsatisfactory DBS check will result in the withdrawal of an offer of employment. However, provided a councillor qualifies to stand for election, is not disqualified from holding office and is duly elected then information later disclosed through an enhanced DBS check will not on its own result in them losing office.

One of the disqualifications from holding office as a councillor arises if a person has within five years before the day of election or since election been convicted in the United Kingdom, the Channel Islands or the Isle of Man of any offence and has had passed on them a sentence of imprisonment (whether suspended or not) for a period of not less than three months without the option of a fine.

Enhanced DBS checking might establish that a councillor who, whilst no longer disqualified from office, has longer than five years before, committed offences that make them unsuitable for appointment to certain roles within the Council or to outside bodies.

As a result of more recent disqualifications introduced by the Local Government (Disqualifications) Act 2022 a person is disqualified from being elected or being a member of a local authority in England if they are subject to certain notification requirements or orders relating to sexual offences and the prevention of sexual harm. There may be circumstances in which a person is not the subject of such an order and is not therefore disqualified but an enhanced DBS check might identify them as having committed historic offences.

PROCESS TO BE FOLLOWED

Within two months of election a councillor is expected to have completed an enhanced DBS application and to have supplied all necessary supporting information.

Councillors will be asked to sign up to the DBS updating service. The costs of applying for an enhanced DBS check and the updating service will be met by the Council.

The process of applying for DBS checks will be overseen by the Monitoring Officer and administered in Democratic Services. The relevant group leader will be informed of progress and any delay by a member in prioritising the completion of their DBS check.

After their application has been processed by the DBS the councillor will be provided with a certificate issued by the DBS. The Council (Democratic Services) will be notified of the disclosure and whether the DBS check is clear.

Where a DBS check is not clear, for instance, it contains details of an offence, the Councillor will be asked to provide a copy of the DBS certificate to the Monitoring Officer within 7 days of the date of issue of the DBS certificate.

In accordance with Section 124 of the Police Act 1997 disclosure information will only be passed to those people who are authorised to receive it in the course of their duties. Democratic Services will maintain a record of the date a check was requested, the date a response was received and a record of all those to whom the disclosure or disclosure information has been revealed together with any other relevant information. It is a criminal offence to pass this information to anyone who is not entitled to receive it.

In the context of councillors those authorised, in addition to the Monitoring Officer, to receive disclosure information will include the relevant Political Group Leader, the Chief Executive, relevant Executive Director and in a case involving potential children's safeguarding concerns the Local Authority Designated Officer known as the LADO.

THE USE OF DISCLOSURE INFORMATION

The existence of a criminal record or other information revealed as a result of an enhanced DBS check will not necessarily debar a Councillor from holding office. Only if the information demonstrates that the councillor is in fact disqualified from office would they cease to be a councillor.

If the disclosure information received raises issues of concern, the Chief Executive, Monitoring Officer and the relevant Executive Director, in consultation with the relevant Group Leader, will discuss with the individual Councillor in confidence the roles that they perform as a councillor, the committees and outside bodies on which they serve and their arrangements for ward work/surgeries. The focus of these discussions will be:

- any concerns related to safeguarding children and adults and
- whether any offences involving dishonesty make the councillor unsuitable to serve in certain roles.

The Monitoring Officer has delegated authority, in consultation with the relevant Group Leader to make in year changes to the membership of committees and boards.

POLICY REVIEW DATE

This policy will be reviewed as part of readiness for the induction of new councillors following elections to be held in May 2029 or earlier in the event of any changes in the law to reflect the recommendations of the Simon Bailey review of the DBS.