

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Scrutiny & Overview Committee

20 July 2006

AUTHOR/S: Senior Democratic Services Officer

DEVELOPING A POLICY ON CRIMINAL RECORD BUREAU (CRB) CHECKS

Purpose

1. To recommend that the Scrutiny and Overview Committee develop a policy on Criminal Record Bureau Checks for Councillors.

Background

2. At its meeting on 23rd March 2006, Council agreed that all members should undergo mandatory CRB checks. However, Council did not determine how this process should be governed.
3. The Committee agreed to examine this issue at its meeting on 20th April 2006. In particular the Committee wanted the following questions to be examined:
 - Who should be responsible for examining the results of the checks?
 - What should be done if a Councillor refuses to submit to a check?
 - What should be done if the check reveals a criminal record?
4. Councillors recognised that whilst most of their activities will not involve direct unsupervised access to children and vulnerable adults, councillors do undertake a wide range of roles, particularly in relation to community leadership and their constituency work. As an employer, councillors should also be expected to give a lead to employees, partner organisations and stakeholders by participating in their own disclosure checks.

Legal and Risk Management Implications

5. Financial	The cost of 57 standard checks will be £1,767 (57 multiplied by £31). A budget will need to be identified.
Legal and Risk Management	Members undertake a wide range of roles, particularly in relation to community leadership. The public therefore have the right to expect that Members will demonstrate high standards of integrity. Failure to implement this policy could lead to loss of public support, loss of confidence in elected members and the possible prosecution of, and negative publicity for the Council.
Staffing	The implementation of this policy will mean extra administrative work for staff which will have to be absorbed into their other duties. Management Team will need allocate these administrative tasks to the most appropriate officers.

Consultations

6. Cambridgeshire County Council, Huntingdon District Council and Cambridge City Council. Reports from the County and Huntingdon are attached as appendices.

Considerations

Who should be responsible for examining the results of the checks?

7. It is a criminal offence to pass on information revealed by a standard or enhanced certificate in certain circumstances. It is imperative that the Council does not use information obtained via disclosure checking to discriminate unfairly against any Member who has a criminal record. It is therefore suggested that the results of the CRB check should only be sent to the member and a designated officer, who will require a background check to become a counter signatory.
8. It is suggested that all information supplied during the checking process, including the final certificate will be held securely by the appropriate officer, who will:
 - Maintain a database of disclosure checks undertaken, including date of disclosure, type of disclosure, name of Member, type of appointment, CRB reference number and name(s) of those to whom the disclosure information has been revealed.
 - Ensure access is restricted to the Monitoring Officer only.
 - Prohibit the photocopying or scanning of disclosure checks, or copying or representing the contents in any way.

Enhanced or standard check

9. The enhanced disclosure is available for positions which involve the providing of regular care for, training and/or being in sole charge of children or vulnerable adults. It is very unlikely that a Member on Council business will become involved in this work as this authority is not responsible for social services. It is therefore recommended that members undergo standard checks.
10. An enhanced disclosure will show all previous convictions. If the Committee considers that Members should be subject to an enhanced check then it will need to consider what action should be taken should a disclosure reveal spent convictions.

What should be done if a Member refuses to submit to a check?

11. Members who do not wish to undergo a disclosure check will not be eligible to become involved in work of any kind with children, young people or vulnerable adults. Should a Member wish to work with vulnerable client groups at a later stage, either on a Committee or outside body, s/he will be required to undertake a disclosure check before doing so.
12. Members are most likely to come into contact with children and vulnerable adults during constituency work, which is not an area that the Council can place restrictions on. The Committee may wish to consider whether any action can be taken with regard to constituency work should a member fail or refuse to take a CRB check. A photo I.D. badge could be produced which states that a Councillor had been CRB checked. This could be worn by Councillors whilst carrying out constituency work and could be produced for a minimal cost.

The CRB process

13. A disclosure application form, which includes personal details will need to be completed by the councillor and submitted with evidence of identify (i.e. passport, driving licence, birth and marriage certificates) to the appropriate officer, who will be one of the Council's authorised signatories for CRB purposes and will sign all applications from Members.
14. Authorised signatories are registered with the CRB in that capacity and are subject to strict requirements for confidentiality.

15. Failure to disclose a conviction when completing a disclosure form particularly when seeking appointment to a role working with children or vulnerable adults may be considered a breach of the Code of Conduct, which will be referred to the Monitoring Officer for review and/or action.

What should be done if the check reveals a criminal record?

16. In the vast majority of cases, CRB checks will show ‘no trace’, in which case no action needs to be taken.
17. If a trace is discovered some form of risk assessment will need to be carried out. It is, however, recognised that the Member concerned may wish to exercise one of the following choices:
- a) To exclude themselves from any position which may involve contact with young people or vulnerable adults.
 - b) To speak to their group leader regarding present and future appointments.
 - c) To submit additional information regarding the CRB certificate.
18. In cases where the Monitoring Officer believes there has been an infringement of the Code of Conduct for Members, the matter will be discussed with the Chief Executive.

Renewal of checks

19. The CRB suggest that checks should be renewed at three yearly intervals. It is therefore suggested that members should be subjected to CRB checks following their election (or re-election).
20. For serving Members who have not already undergone a CRB check, the following approach is proposed:
- Inform all existing Members of the Council’s policy on disclosure.
 - Provide Members with a copy of the standard form on the declaration of criminal records, which should be completed and returned by a specified date. This should be accompanied by a reminder to declare all convictions, cautions, bind offers, etc.
 - Undertake an objective assessment where the disclosure reveals an offence, conviction, caution, etc.
 - Seek redeployment to a different area of responsibility if a trace returns that would prevent the Member from working with children or vulnerable adults.
 - Refer any case, which cannot be resolved in any other way to the Council’s Monitoring Officer or his/her nominated deputy.

Recommendations

21. That the Committee discuss the issues raised in this report and make recommendations to Cabinet regarding the implementation of a CRB Check policy.

Effect on Corporate Objectives

22.	<table border="1"> <tr> <td>Quality, Accessible Services</td> <td rowspan="4">The implementation of CRB checks for all Council will help to establish public confidence in its elected officials, without which the achievement of the Council’s corporate objectives would be impossible.</td> </tr> <tr> <td>Village Life</td> </tr> <tr> <td>Sustainability</td> </tr> <tr> <td>Partnership</td> </tr> </table>	Quality, Accessible Services	The implementation of CRB checks for all Council will help to establish public confidence in its elected officials, without which the achievement of the Council’s corporate objectives would be impossible.	Village Life	Sustainability	Partnership
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Background Papers: the following background papers were used in the preparation of this report: None

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