

**CORPORATE GOVERNANCE PANEL****27<sup>TH</sup> JUNE 2006****CRIMINAL RECORDS BUREAU CHECKS FOR ELECTED MEMBERS  
(Report by the Head of Administration)****1. INTRODUCTION**

- 1.1 A policy aimed at safeguarding children, young people and adults has been approved by the Employment Panel and Cabinet at their meetings on 7<sup>th</sup> and 8<sup>th</sup> June 2006 respectively. This will require employees and councillors who work with children, young people and vulnerable adults to be subject first to a Criminal Records Bureau "CRB" check which is repeated at regular intervals.
- 1.2 In view of their wider community leadership role, it is suggested that all councillors should be subject to a CRB check and this report proposes a procedure for the disclosure process.

**2. BACKGROUND**

- 2.1 Whilst it is recognised that most 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.
- 2.2 A growing number of authorities are adopting a formal approach to CRB checks and a partial review of the decisions taken by other local authorities indicates that a majority of those councils surveyed have opted to require councillors to undergo CRB checks shortly after their election. This requirement applies, irrespective of the nature of the work in which the councillor is likely to be involved in, in the interests of demonstrating high standards of probity.

**3. PROPOSED PROCEDURE**

- 3.1 It is proposed that enhanced CRB checks be introduced for all councillors with immediate effect. Checks will be renewed at every term of office.
- 3.2 Appendix A sets out the proposed process for managing applications by councillors for a CRB check. Whilst it is recognised that CRB checks could be considered an intrusion into privacy, it is hoped that councillors will recognise the advisability of preventing those who have not been appropriately checked to have access to children and vulnerable adults.
- 3.3 The cost for carrying out initial CRB checks for all Councillors will be £1872 in the current year.

- 3.4 Some councillors may have already undergone CRB checks by other organisations. Portability of previous checks is therefore encouraged. It is suggested that it would be sufficient for a councillor to provide a CRB check conducted via another organisation as long as this had been carried out within the previous six months. Once a CRB result has been obtained through the Council, it can be made available by the councillor to other bodies but it will not be possible for the Council to share details of any disclosures with other organisations.

## **5. RECOMMENDATIONS**

- 5.1 The Corporate Governance Panel is recommended to
- (a) introduce enhanced CRB checks for all councillors with immediate effect; and
  - (b) approve the proposed process as set out in Appendix A for managing applications for Criminal Bureau Records checks by Councillors.

## **CONTACT INFORMATION**

Mrs Claire Bulman, Democratic Services Officer  
Tel: 01480 388234

## **BACKGROUND DOCUMENTS**

Code of Practice on Disclosure Information

[www.disclosure.gov.uk](http://www.disclosure.gov.uk)

[www.crb.gov.uk](http://www.crb.gov.uk)

Disclosures Policy: Elected Members – Report to Cambridgeshire County Council's Cabinet – 20<sup>th</sup> December 2005

Worcestershire County Council 12<sup>th</sup> January 2006 – Report of Standards and Ethics Committee

Solihull – Report of the Solicitor to the Council and monitoring officer to the Standards Committee – 8<sup>th</sup> June 2006.

**APPENDIX A****1. COUNCILLORS NOT WISHING TO UNDERGO A DISCLOSURE CHECK**

- 1.1 A councillor who does not wish to undergo a disclosure check will not be eligible to become involved in work of any kind in an official capacity with children, young people or vulnerable adults. Instead the Councillor will be offered appointment to other service areas / outside bodies, where there will be no anticipated contact with children, young people or vulnerable adults. Should a councillor wish to work with vulnerable client groups at a later date, s/he will be required to undertake a disclosure check before doing so.

**2. DISCLOSURE APPLICATION**

- 2.1 A disclosure application form, which includes personal details will need to be completed by the councillor and submitted with evidence of identify (ie passport, driving licence, birth and marriage certificates) to the Head of Administration, who is one of the Council's authorised signatories for CRB purposes and will sign all applications from Members.
- 2.2 Authorised signatories are registered with the CRB in that capacity and are subject to strict requirements for confidentiality.
- 2.3 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.

**3. PRINCIPLE OF CLEARANCE**

- 3.1 Disclosure certificates at the enhanced level are generally processed within three weeks of the CRB receiving the completed application form, together with any additional information requested. The CRB disclosure will be sent to the councillor and a copy to the Head of Administration
- 3.2 In the vast majority of cases, CRB checks will show "no trace". Once a councillor's disclosure has been returned without conviction, that councillor will be able to exercise any functions and activities which may bring them into contact with children or vulnerable adults.
- 3.3 Members who refuse to apply for a check or have relevant disclosures will not be permitted to have access to children or vulnerable adults through either the Council's activities or by appointment to any outside body.
- 3.4 A list of councillors without relevant disclosures will be retained by the Monitoring Officer.
- 3.5 Those councillors who have been cleared will be entitled to request that reference to their clearance be made on their Council identity badge. This can be used by councillors when undertaking visits to organisations which may require a check to be undertaken before granting access to the premises.

#### **4. WHERE A DISCLOSURE CHECK REVEALS A TRACE**

- 4.1 A copy of the disclosure certificate will be returned to the Head of Administration. If the certificate reveals a relevant conviction or warning the Head of Administration will contact the councillor regarding the course of action to be taken from the options set out in paragraph 4.2 below. This will include a discussion as to whether the returned data is accurate and, if so, the circumstances surrounding the offence and any mitigating circumstances; and the reasons if appropriate as to why the information was not disclosed earlier by the councillor.
- 4.2 In cases where a disclosure appears, the councillor concerned may wish to exercise one of the following choices:
- a) to agree not to be appointed to any position which may involve contact with young people / vulnerable adults;
  - b) to discuss his / her appointment to any positions either within or outside the authority with his / her political Group Leader;
  - c) to submit additional information regarding the CRB certificate;
  - d) to request that the matter be referred to the Monitoring Officer for further consideration.
- 4.3 There may be occasions where other information may emerge which may be relevant to wider issues (eg fraud) particularly in relation to the financial probity of a councillor's particular role. Examples might include Cabinet Members and those appointed to the Corporate Governance Panel. In such cases, the procedure outlined in the preceding paragraphs will be followed.
- 4.4 The Council will not use information obtained via disclosures to discriminate unfairly against any councillor who has a criminal record. However a councillor who has received a sentence of 3 months imprisonment either 5 years before his / her election or since election will automatically become disqualified as a councillor.

#### **5. RETENTION OF DISCLOSURE INFORMATION**

- 5.1 The Council is subject to the code of practice published under the Police Act 1997 which provides assurance to those applying for disclosures that information will be used fairly with proper safeguards for storage and handling.
- 5.2 All information supplied during the checking process, including the final certificate will be held securely by the Head of Administration and dealt with as set out below.
- 5.3 The Head of Administration will
- Maintain a database of disclosure checks undertaken, including date 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 that access to the database is restricted to the Monitoring Officer only.
- Ensure that the disclosure certificate and any associated material will be shredded immediately after all issues have been resolved.
- Prohibit the photocopying or scanning of disclosure checks, or copying or representing the contents in any way.

## **6. FREQUENCY OF CRB CHECKS**

- 6.1 All newly elected councillors will be required to undertake an enhanced check once elected.
- 6.2 For serving councillors who have not already undergone a CRB check within the last 6 months, the following approach is proposed:
- Inform all existing councillors of the Council's policy on disclosure.
  - Provide councillors with a CRB disclosure application form which should be completed and returned by a specified date. This should be accompanied with a reminder to declare all convictions, cautions, bindovers etc. Forms must be submitted with evidence of identity (ie passport, driving licence, birth and marriage checks).
- 6.3 Checks for existing councillors will be undertaken at each term of office.

## **7. MONITORING AND AUDIT**

- 7.1 The Council will:
- Undertake its own audit of the disclosure process on a regular basis.
  - Cooperate with any compliance check or audit from the CRB.
  - Report any suspected malpractice to the CRB.
  - Report any loss of disclosure information to the CRB.
  - Use disclosure information for appointment purposes only.