

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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<b>REPORT TO:</b>	Cabinet	14 September 2006
	Council	28 September 2006
<b>AUTHOR/S:</b>	Chief Executive/Senior Democratic Services Officer	

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### DEVELOPING A POLICY ON CRIMINAL RECORD BUREAU (CRB) CHECKS

#### Purpose

1. To propose that Cabinet recommend that Council agree a policy on Criminal Record Bureau Checks for Councillors.

#### Background

2. At its meeting on 23<sup>rd</sup> 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 Scrutiny and Overview Committee examined this issue at its meeting on 20<sup>th</sup> July 2006. The Committee recommended that Cabinet develop a policy on CRB checks which:
  - (a) Subjects all newly elected Councillors to a standard CRB Check
  - (b) Encourages all existing Members to agree to a standard CRB Check
  - (c) Ensures the results of the CRB Checks be first reviewed by a manager of appropriate responsibility
4. The full draft minute is attached as appendix B.

#### 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.

#### Consultations

6. Cambridgeshire County Council, Huntingdonshire District Council and Cambridge City Council have been consulted.

#### Considerations

7. In a District authority most of a Councillor's activities will not involve direct unsupervised access to children and vulnerable adults; however, 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.

8. Normally it is a criminal offence to pass on information revealed by a standard or enhanced certificate. 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 the HR Manager, who will require a background check to become a counter signatory (further cost of £36.00). If the certificate reveals a relevant conviction or warning the details will be passed to the Monitoring Officer who will then discuss this matter with the member concerned.

#### **Enhanced or standard check?**

9. Standard Disclosures are primarily for posts that involve working with children or vulnerable adults. Standard Disclosures may also be issued for people entering certain professions, such as members of the legal and accountancy professions. These disclosures contain the following;
  - details of all convictions, cautions, reprimands and warnings held on the Police National Computer (PNC);
  - information from the Protection of Children Act List (PoCA);
  - Information from the Protection of Vulnerable Adults List (POVA); and
  - Information held by the DfES under Section 142 of the Education Act 2002 of those considered unsuitable for banned from working with children.
10. Enhanced Disclosures are for posts involving a far greater degree of contact with children or vulnerable adults. In general, the type of work will involve regularly caring for, supervising, training or being in sole charge of such people. Enhanced Disclosures are also issued for certain statutory purposes such as gaming and lottery licences.
11. Enhanced Disclosures contain the same information as Standard Disclosures but with the addition of local police force information considered relevant by Chief Police Officer(s).
12. It is very unlikely that a Member on Council business will require an enhanced check as this authority is not responsible for social services or education. It is therefore recommended that members undergo standard checks.
13. An enhanced disclosure will show all previous convictions. If Cabinet 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.

#### **Recommendations**

14. Cabinet discuss the issues raised in this report and recommend to Council that
  - (a) All newly elected Councillors are subjected to a standard CRB Check
  - (b) All existing Members are encouraged to agree to a standard CRB Check
  - (c) Approve the proposed process as set out in Appendix A for managing applications for Criminal Bureau Records checks by Councillors.

#### **Effect on Corporate Objectives**

15.	Quality, Accessible Services	The implementation of CRB checks for all Council will help to establish public confidence in its elected officials. Public confidence is essential in the achievement of the Council's corporate objectives.
	Village Life	
	Sustainability	
	Partnership	

**Background Papers:** the following background papers were used in the preparation of this report: None

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