

## **APPENDIX B**

### **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 identity (ie passport, driving licence, birth and marriage certificates, bank and building society statement, utility bill, credit card statement) to the HR Manager. The HR Manager will be the Council's authorised signatory for CRB purposes and will check and 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 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 HR Manager.
- 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 an identity badge issued by the Council, which specifies that they have undergone a CRB check. 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.

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

4.1 If the certificate reveals a relevant conviction or warning the Monitoring Officer 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;

4.3 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 or more, without the option of a fine, 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 HR Manager and dealt with as set out below.

5.3 The HR Manager 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 after 6 months or immediately after all issues have been resolved, whichever is the sooner.
- Prohibit the photocopying or scanning of disclosure checks, or copying or representing the contents in any way.

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

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- 6.1 Individuals registering for election will be advised that a CRB check will be required. All newly elected councillors will be required to undertake an enhanced check once elected.
- 6.2 For serving councillors the following approach is proposed:
- Inform all existing councillors of the Council's policy on disclosure.
  - Provide councillors with a CRB disclosure application form and request its completion 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, bank and building society statement, utility bill, credit card statement).
- 6.3 The CRB suggest that checks should be renewed at three yearly intervals. So members will be subjected to CRB checks following their election (or re-election).

### **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.