

Report for: Standards Committee

Date of Meeting:	11 December 2024
Subject:	DBS Checks for Members
Cabinet Member:	Cllr L Taylor- Leader, and Cllr Wulff, Cabinet Member for Quality of Living, Equalities and Public Health
Responsible Officer:	Maria de Leburne, Director of Legal, People & Governance (Monitoring Officer)
Exempt:	There are no exemptions within the documents
Wards Affected:	All
Enclosures:	Previous report to Standards 19 June 2024

Section 1 – Summary and Recommendation(s)

To update Members on the outcome of the Standards Working Group who considered DBS checks for Members.

Recommendation(s):

That the Standards Committee recommends to Council that:

- (a) DBS checks are mandatory for all Members from May 2027 onwards;**
- (b) That any member can voluntarily have a DBS check from January 2025 until May 2027 when they become mandatory;**
- (c) The Head of Housing & Health is delegated to make any necessary changes to the Corporate Safeguarding Policy and related DBS policy in conjunction with the Cabinet member for Quality of Living, Equalities and Public Health;**

Section 2 – Report

1.0 Introduction

- 1.1 As part of the update to the Corporate Safeguarding Policy to Community PDG on the 26 March 2024, Section 4 of the report made reference to 'Members and DBS checks'.

- 1.2. Members at the Community PDG on the 26 March recommended to Standards Committee that a Member Working Group be established to review the potential future inclusion of DBS checks for Members within the Corporate Safeguarding Policy and related DBS Policy. Please see the report from the PDG. The Standards Committee on the 19 June agreed that a working group be formed.
- 1.3 The Disclosure and Barring Service (DBS) helps prevent unsuitable people from working with vulnerable groups, including children. It provides a procedure through which organisations may carry out criminal record checks relating to individuals who may, on behalf of the organisation, undertake work or hold positions or responsibilities, which may bring them into contact with vulnerable persons.
- 1.4 Currently elected members of Mid Devon District Council are not required to have DBS checks. Not all councils require DBS checks of their members.

2.0 Working Group Findings

- 2.1 Whether or not to adopt DBS checks was detailed within the 19 June 2024 report to Standards Committee.

- 2.2 The Working Group consisted of Cllrs Luke Taylor (Leader), James Buczkowski (Cabinet Member for Finance, Risk & Governance) and Andrea Glover (Chair of Standards Committee).

- 2.3 There are three types of DBS check, Basic, Standard and Enhanced.

A Basic DBS check provides provide a minimal overview of an individual's criminal history and reveals unspent convictions. It does not include cautions, reprimands, or spent convictions.

A Standard DBS Check is more comprehensive than basic checks and are commonly used in specific industries such as finance and law. It reveals both unspent and spent convictions.

An Enhanced DBS Check provides the highest level of disclosure and is essential for certain roles in education, healthcare, and other sensitive areas. It reveals unspent and spent convictions. It includes cautions, reprimands, and warnings. It also encompasses relevant police intelligence information deemed necessary for the applied position.

- 2.4 It was agreed that the appropriate level of check depends on the nature of the role and the level of contact an individual will have with vulnerable groups or sensitive information. As District councillors do not deal with social services matters, it is not considered that their roles meet the legal requirements to have a standard or enhanced check. In the circumstances, like many

authorities, it is proposed that we introduce a Guidance Note in effect a protocol that all District councillors undergo a basic DBS check.

2.5 To ensure that there is a process in place for the conducting of those checks, the attached Councillors Safeguarding Guidance Note and DBS Checks ('Protocol') has been prepared. The key elements of the Protocol can be summarised as follows:-

- Reference to the Safeguarding Policy and the requirement for councillors to undergo and co-operate with basic DBS checks.
- That the Council will conduct a Basic DBS Check upon a member being elected to office and following each subsequent election and that members will co-operate in providing all information to enable the DBS check to be carried out.
- That in the event that the check results in a positive disclosure, any appropriate actions are taken, following a full risk assessment process. Whilst the DBS Certificate will be checked, a copy will not be retained by the Council.
- Following consultation with the Head of Paid Service and Safeguarding Lead (where safeguarding issues), the Head of Paid Service will discuss the matter with the relevant member in consultation with Leader of the relevant Political Group and advice provided on any steps that should be taken.

Financial Implications

There will be a small cost to the Council for each member as the cost of a Standard DBS check is £18 'basic disclosure'. Therefore a total cost for 42 members is £756.

Legal Implications

Disclosure Barring Service checks are not legally mandated for Local Authority councillors, however many authorities are, in light of high profile cases, making the decision to undertake at least basic DBS checks. Simon Bailey conducted a review of the Disclosure and Barring Regime in April 2023 concerning the eligibility of local councillors for criminal record checks. The purpose of the review, commissioned by the Home Office, was to provide assurance to Ministers about the effectiveness of the disclosure and barring regime in safeguarding children and vulnerable adults. Part of the review considered the regime with regard to eligibility of local councillors for criminal record checks provided by the Disclosure and Barring Service. With specific reference to local authorities, the review made the following recommendation:

Recommendation 5: Local councillors I recommend that an enhanced criminal record check is made mandatory for all councillors in Unitary and Upper Tier Authorities who are being considered for appointment to any committee involved in decisions on the provisions of children's services or services for vulnerable adults. I accept that this would require legislation and therefore some inevitable delay, so I further recommend that these authorities are encouraged to adopt this procedure as best practice pending legislation.

As this Council is not a Unitary or Upper Tier authority, this recommendation does not apply and since the Council does not carry out social services functions, we cannot legally conduct an enhanced check.

It is important to reflect that a basic DBS Certificate is a snapshot in time and is only up-to-date at the time of issue.

Risk Assessment No risks have been identified.

Impact on Climate Change None.

Equalities Impact Assessment None directly arising from this report.

Relationship to Corporate Plan

Our values and priorities – equally important to the 'what' we are trying to achieve, is the 'how' the organisation operates and conducts itself.

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Maria de Leburne

Agreed by the Monitoring Officer

Date: 2 December 2024

Performance and risk: Stephen Carr

Agreed on behalf of the Corporate Performance & Improvement Manager

Date: 3 December 2024

Cabinet member notified: Yes

Section 4 - Contact Details and Background Papers

Maria de Leburne, Director of Legal, People & Governance (Monitoring Officer)

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Background papers:

None