

BLACKBURN WITH DARWEN BOROUGH COUNCIL

Policy on Disclosure and Barring Service (“DBS”) Checks for Councillors and Co-opted Members

Background

1. The effective date of commencement for this policy is XXXXXXXXXX.
2. This policy complies with the exception to the Rehabilitation of Offenders Act 1974 and with the Disclosure and Barring Service Code of Practice.
3. This policy replaces all previous policies, decisions and/or precedents relating to criminal records checks for Burnley Borough Councillors.

General Principles

1. In light of the fact that Council has a duty to protect the most vulnerable in society this Policy requires all Councillors to undergo basic level DBS checks.
2. For certain Member appointments a higher level of check may be required to `enhanced` level. In those instances the Councillor will be advised.

The Process

1. By September 2019 all Councillors and thereafter all newly elected Councillors within two months of taking office following an election, will be required to undergo a basic DBS check.
2. Checks will be processed by the Councillor following a request by the Council’s Monitoring Officer.
3. The relevant Councillor will be provided with a DBS certificate issued by the DBS and the Councillor will provide the original certificate to the Council’s Monitoring Officer. (Note any councillor who by nature of occupation/role already holds a DBS certificate of not more than 4 years old be allowed to utilise this certificate (known as portability), but will be asked to undertake a basic disclosure check on the anniversary of the 4th year of the issuing of this certificate or submit a revised (portability based) certificate at that time.)
4. In accordance with Section 124 of the Police Act 1997 disclosure information will only be passed to those people who are authorised to receive it in the course of their duties. The Monitoring Officer will maintain a record of the date a check was requested, the date a response was received and a ‘list’ of all those to whom the disclosure or disclosure information has been revealed together with other relevant information. It is a criminal offence to pass this information to anyone who is not entitled to receive it.
5. Disclosure information will only be used for the specific purpose for which it is requested and for which the applicant’s full consent has been given.
6. Records of the DBS certificate will be retained electronically for the period the Councillor remains in office.

7. Once the retention period has elapsed, any disclosure information will be destroyed by secure means. While awaiting destruction, disclosure information will remain in a lockable container. No photocopy or other image of the disclosure or any copy or representation of the contents of a disclosure will be kept. However, as stated above, the Monitoring Officer will maintain a register of the date of the request for, and issue of, a disclosure, the name of the subject, the type of disclosure requested, the position for which the disclosure was requested, the unique reference number of the disclosure and the detail of any decision taken as a result of the disclosure. The Council processes this information as it is in the Public Interest to ensure that vulnerable people are protected. The Council is the data controller for this information and the Data Protection Officer for the Council can be contacted via e-mail (XXXXXXX). You can request to see the data held about yourself and if required correct the information or object to the processing, through the Monitoring Officer. You can also contact the Information Commissioner at www.ico.org.uk

Portability

1. DBS certificates are not portable other than those between individuals registered with the online DBS update service.

The Use of Disclosure Information

2. Generally the existence of a criminal record or other information revealed as a result of a basic DBS check will not debar a Councillor from holding office.
3. In the event that the disclosure information received raises issues of concern, the Chief Executive advised by the Monitoring Officer, Head of Governance and Director of Adults & Prevention/Director of Childrens Services (as appropriate) in consultation with the relevant Group Leader, will discuss with the individual Councillor the restrictions considered necessary, to safeguard children, young people and/or adults, on the positions held by that Councillor, consulting with the Standard Committee as appropriate
4. For Councillors who may be carrying out Regulated Activity (activity in Regulated Establishments such as schools), if the Councillor has a conviction for a relevant (autobar) offence, or if they are barred, this would prevent them from carrying out Regulated Activity. Additionally, in these circumstances the Council would have a duty to refer to the DBS for a potential barring decision.
5. If a check reveals that a Councillor has been sentenced to prison for 3 months or more (including suspended sentences) during the last five years or has been convicted of a corrupt or illegal practice by an election court, then their seat would be lost.