

## BLACKBURN WITH DARWEN BOROUGH COUNCIL

### Frequently Asked Questions on Disclosure and Barring Service (“DBS”) Checks for Councillors and Co-opted Members

**Q. Why do I need a DBS check?**

**A.** The Council has a policy to demonstrate its commitment to protecting those who are most vulnerable. As such all its elected members are required to provide a DBS disclosure check. A report agreed at Council Forum on 28<sup>th</sup> March 2019 provides full background details.

**Q. What level of DBS check do I need and when does this need to be completed?**

**A.** All councillors elected prior to 2<sup>nd</sup> May 2019 are required to provide the Council with a basic disclosure certificate, this must be obtained by the individual Councillor and must be provided to the Governance Team by end of September 2019. For councillors elected on or after May 2019 basic disclosure certificates will need to be provided within two months of taking office following their election.

*Note: For certain Member appointments a higher level check may be required to ‘enhanced level’, those individuals concerned will be contacted directly and advised accordingly.*

**Q. How do I go about obtaining a DBS check?**

**A.** Councillors can complete the basic disclosure check online at [www.gov.uk/request-copy-criminal-record](http://www.gov.uk/request-copy-criminal-record). Information and details can be obtained from the website and for any general queries you can contact a member of the Governance Team.

**Q. Who can I contact if I need support to complete my DBS application?**

**A.** If you need support to apply online, you can call the DBS helpline on 03000 200 190 and select option 2 and then option 1.

**Q. Is there a cost involved?**

**A.** Elected members will need to pay a fee (currently £25) by debit or credit card and is borne by the Councillor from their allowances payments.

**Q. What will I need in order to complete the DBS application?**

**A.** To apply for a basic DBS check you’ll need:

- all your addresses for the last 5 years and the dates that you lived there
- your National Insurance number
- a debit or credit card
- your passport
- your driving licence

**Q. How long will it take from application to receiving my DBS certificate?**

**A.** It usually takes up to 14 days for you to receive your certificate following completion of the application.

**Q. Who do I provide a copy of my DBS certificate to?**

**A.** Once you have obtained your disclosure certificate the original copy of this should be provided to The Monitoring Officer or Head of Governance in the Council.

**Q. How long will the DBS check be valid for?**

**A.** This will be valid for up to 4 years, after which a revised certificate will need to be obtained and submitted.

**Q. What if I already have a DBS check?**

**A.** Any elected member who already holds an appropriate level DBS check due to their occupation or role of not more than 4 years old can utilise this certificate (this is known as portability), but will be required to undertake an appropriate level DBS check on the anniversary of the 4<sup>th</sup> year of the issuing of the certificate or submit a revised certificate from the other occupation/role at that time.

**Q. How will Information regarding DBS be handled/stored?**

**A.** Data will be processed, handled, stored and destroyed in line with legislation by those authorised to do so in the course of their duties. It will also only be used for the specific purposes for which it was requested and for which the applicant's consent has been given. Information will only be retained for the period the Councillor remains in office or until the retention period has elapsed, after which time it will be destroyed by secure means.

**Q. What happens if a criminal record or other information is revealed/disclosed?**

**A.** 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.

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 Children's 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 Standards Committee as appropriate

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.

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.

- Q. Who can I contact if I have any difficulties or questions/queries with regards to this?**
- A.** You can contact a member of the Governance or Democracy Teams if you have any difficulties, questions or queries.

## **The Update Service**

**Q. What is the Update Service?**

- A.** The Update Service is an online subscription service that lets you keep your standard and/or enhanced DBS certificate up-to-date (**Please Note: The Update Service does not apply to basic certificates**). It also allows employers to check a certificate online, with your consent and you can use your certificate again when you apply for a position within the same workforce, where the same type and level of check is required. The employer however, can only make the status check if they could also legally request a new DBS check for the role that you'll be working in.

When you add your DBS certificate to the Update Service, the DBS will keep your certificate up-to-date by regularly searching to see if any new information has come to light since its issue. If new information is identified, you will receive a letter notifying you of the change and advising you of what to do next. Criminal record conviction and barring information will be searched on a weekly basis and Non-conviction information will be searched every nine months for updates.

If you don't want an employer or organisation to continue checking the status of your certificate(s), you can contact them and withdraw your consent for any future checks.

**Q. How much does the Update Service cost?**

- A.** Registration lasts for one year and costs £13 per annum and starts from the date your DBS certificate was issued, there is no charge for volunteers.

**Q. What information will I need to join the Update Service?**

- A.** You will need:
- name
  - gender
  - date of birth
  - email address
  - application form reference, e-reference number or your DBS certificate number
  - a payment card for the Update Service fee, if applicable.
  - you will also need to read and agree to the terms and conditions of the service.

**Q. What I can do with my Update Service account?**

- A.** When you join the Update Service you will be able to:
- view the reference details of any applications and/or DBS certificates linked to your subscription

- view the status of any DBS certificate linked to your subscription
- amend your contact details
- add and remove applications and DBS certificates
- view the details of any organisations that have made a status check of your DBS certificates
- cancel your subscription
- renew your subscription (DBS will email you 30 days before your subscription expires)
- view the status and expiration date of your subscription

**Q. Can I cancel my Update Service account?**

A. You can cancel your Update Service account at any time. DBS certificate(s) attached to the account will no longer be eligible to be checked online for status changes.

If you join the Update Service then wish to cancel your account the fee is non-refundable and will not be refunded. Your fee can only be refunded if you joined with your application form reference number and DBS didn't receive your application form within 28 days, or your DBS check application is withdrawn.

**Q. What does the organisation need to do a status check?**

A. In order to do a status check the employer or organisation will need your DBS certificate 12-digit reference number, your name and date of birth. The employer can then go online and carry out a status check on your existing certificate(s).

**Q. What results will an organisation see following a status check?**

A. When an employer/organisation carries out a status check they will see one of the following results:

This DBS certificate did not reveal any information and remains current as no further information has been identified since its issue. This means:

- the DBS certificate when issued was blank (it didn't reveal any information about the person) and
- no new information has been found since its issue and can be accepted as being current and valid

This DBS certificate remains current as no further information has been identified since its issue. This means

- the DBS certificate revealed information about the person but no new information has been found since its issue - it can be accepted as current and valid

This DBS certificate is no longer current. Please apply for a new DBS check to get the most up-to-date information. This means:

- new information has come to light since the DBS certificate was issued, you will need to apply for a new DBS check to see the new information

The details entered do not match those held on our system. Please check and try again.  
This means:

- the person has not subscribed to the Update Service
- the DBS certificate has been removed from the Update Service
- you haven't entered the correct information

**Further information is available on the [gov.uk](https://www.gov.uk) website**