



TITLE: CRIMINAL RECORDS BUREAU DISCLOSURE CHECKS FOR MEMBERS.

TO/ON: STANDARDS COMMITTEE 10TH AUGUST 2005

BY: MARK WESTON, HEAD OF LEGAL AND DEMOCRATIC SERVICES

LEAD MEMBER: COUNCILLOR DUNCAN RUDDICK (HUMAN RESOURCES AND MEMBER DEVELOPMENT)

STATUS: FOR PUBLICATION

1. PURPOSE OF THE REPORT

1.1 To seek Members' views as to whether Members should be asked to undertake a Criminal Records Bureau Disclosure Check.

2. RECOMMENDATIONS

2.1 To recommend to Council that:-

- (i) all Councillors should be requested to undergo a standard Criminal Records Bureau Disclosure Check, and
- (ii) an elected Members Guide to Criminal Record Checks be drawn up for approval by this Committee, and
- (iii) that Members be requested to undergo a criminal records check once the guide referred to in (ii) above has been approved.

3. REPORT AND REASONS FOR RECOMMENDATIONS AND TIMETABLE FOR IMPLEMENTATION

3.1 Under the Criminal Justice and Court Services Act 2000 it is an offence for a person who has been disqualified from working with children to be employed in a "regulated" position.

3.2 In addition it is offence to knowingly offer work in a "regulated" position to someone who is disqualified from working with children.

3.3 A "Regulated position" includes being a member of a "relevant Local Government body". By law individuals are members of a Local Government body if they hold one of the following positions:-

- a) Member of a governing body of an educational institution.

- b) A Member of a relevant Local Government body.
 - c) Charity Trustee of a Children's Charity.
- 3.4 A person is a member of a relevant Local Government body if he/she:-
- a) Discharges Education or Social Services functions as an individual
 - b) Are members of the Executive which discharges such functions – i.e. Executive Members.
 - c) Are members of a Committee which discharges such functions – i.e. Overview and Scrutiny.
- 3.5 It is the positions that are regulated whether or not the Member has contact with children or other vulnerable people.
- 3.6 Whilst it is the County Council that carries out social services and education functions this Council does make appointments to School governing bodies and to children's charities.
- 3.7 The Council currently carries out CRB checks in respect of certain officer positions. There are 2 types of CRB checks, enhanced and standard. The Council currently seeks enhanced checks for those employees involved in positions where they are in sole charge of children or vulnerable adults. In addition the Council seeks standard checks for those persons involved in regular contact with children or vulnerable adults. It is recommended that Members be requested to undergo standard checks.
- 3.8 The Council has no way of knowing without doing a CRB check whether a person is disqualified. If a CRB check is not carried out then the Council risks prosecution if it emerges that a disqualified person discharges the functions. Also the individual risks prosecution.
- 3.9 As an organisation using the CRB disclosure service to assess members through ability for regulated posts, the Council will comply fully with the CRB Code of Practice.

4. CORPORATE IMPROVEMENT PRIORITIES

4.1 FINANCE INCLUDING PROCUREMENT AND RISK MANAGEMENT

4.1.1 A standard CRB check costs £29.00.

4.2 MEMBER DEVELOPMENT AND POLITICAL ARRANGEMENTS

4.2.1 Not applicable.

4.3 HUMAN RESOURCES

4.3.1 Not applicable.

5. RISK

- 5.1 There is a risk that if the Council does not carry out CRB checks then the Council may nominate Members to bodies in contravention of the provisions of the Criminal Justice and Court Services Act 2000.

6. LEGAL IMPLICATIONS ARISING FROM THE REPORT

- 6.1 As set out in the report.

7. EQUALITIES ISSUES ARISING FROM THE REPORT

- 7.1 None.

8. WARDS AFFECTED

- 8.1 None.

9. CONSULTATIONS

- 9.1 Chief Executive and the Lead Member.

Background documents: None.

For further information on the details of this report, please contact: Mark Weston, Head of Legal and Democratic Services on 01706 244502 markweston@rossendalebc.gov.uk