

**TITLE: CRIMINAL RECORDS BUREAU DISCLOSURE CHECKS FOR MEMBERS**

**TO/ON: STANDARDS COMMITTEE ON 12<sup>TH</sup> OCTOBER 2006**

**BY: HEAD OF LEGAL & DEMOCRATIC SERVICES**

**PORTFOLIO HOLDER: CABINET MEMBER FOR MEMBER DEVELOPMENT**

**STATUS: FOR PUBLICATION**

**1. PURPOSE OF THE REPORT**

- 1.1 To update Members on the advice received from Counsel on the suggestion of compulsory CRB checks for Members.

**2. RECOMMENDATIONS**

- 2.1 That the report and Guide are presented to the Cabinet for approval.
- 2.2 That a copy of the Guide be forwarded to each Member.
- 2.3 That Members be requested to undergo a Criminal Records Bureau check.

**3. REPORT AND REASONS FOR RECOMMENDATIONS AND TIMETABLE FOR IMPLEMENTATION**

- 3.1 Members at the March meeting of the Standards Committee requested clarification of the advice from Counsel on compulsory CRB checks for all Members and as part of the nomination form for Candidates for the Election. The Head of Legal and Democratic Services will provide a verbal update on Counsel's advice. At the meeting the Committee agreed the draft Guide which is attached again for reference purposes.

This Committee at its meeting on 10<sup>th</sup> August 2005 considered a report on "Criminal Records Bureau Disclosure Checks for Members". The report informed Members that:-

- 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.
- 2 In addition it is offence to knowingly offer work in a "regulated" position

to someone who is disqualified from working with children.

3.2 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.

3.3 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 a Cabinet which discharges such functions – i.e. Cabinet Members.
- c) Are members of a Committee which discharges such functions – i.e. Overview and Scrutiny.

3.4 It is the positions that are regulated whether or not the Member has contact with children or other vulnerable people.

3.5 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.

3.6 The Committee’s recommendation at its meeting on 10<sup>th</sup> August were as follows:-

- 1. All Councillors should be requested to undergo a standard Criminal Records Bureau Disclosure Check
- 2. An Elected Members guide to criminal records checks be drawn up for approval by the Standards Committee
- 3. That Members be requested to undergo a criminal records check once the guide to in (2) above has been approved.

3.7 The Guide as drafted at Appendix 1 informs Members how the CRB checks will be carried out and the safeguards that will be put in place to ensure that the results of such checks are safeguarded.

#### **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 Not applicable

Background documents: None.

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