

Subject: Criminal Records Bureau
Disclosure Checks For Members

Status: For Publication

Report to: The Cabinet

Date: 15th November 2006

Report of: Head of Legal & Democratic Services

Portfolio

Holder: Leader of the Council

Key Decision: No

Forward Plan

General Exception

Special Urgency

1. PURPOSE OF REPORT

- 1.1 To inform the Cabinet of the recommendations of the Standards Committee in respect of proposals for Criminal Records Bureau (CRB) Disclosure Checks for Members and to approve the members guide to CRB checks attached at Appendix 1.

2. CORPORATE PRIORITIES

- 2.1 The matters discussed in this report are linked to and support the following corporate priorities:

- Member development – Ensuring members have the necessary skills to carry out their role
- Embedding our customer promise – through ensuring customers are protected.

3. RISK ASSESSMENT IMPLICATIONS

- 3.1 All the issues raised and the recommendations in this report involve risk considerations as set out below:

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.

This is a voluntary scheme therefore the Council is minimising risk by adopting the voluntary code.

4. BACKGROUND AND OPTIONS

4.1 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. At the meeting the Committee agreed the draft Guide.

The Committee at its meeting on 10th 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.

4.2 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.

4.3 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.

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

4.5 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.

4.6 The Committee’s recommendation at its meeting on 10th 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.

4.7 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.

4.8 The cost of a Standard CRB check is £31.00 per person.

5. COMMENTS OF THE HEAD OF FINANCIAL SERVICES

5.1 The anticipated cost of c. £1,120 is not accommodated within existing budgets. Should members approve the recommendations, budget provision should be made either in 2007/08 in line with the key assumptions of the medium term financial plan or by virement in 2006/07.

6. COMMENTS OF THE HEAD OF LEGAL AND DEMOCRATIC SERVICES

6.1 As set out in the report.

7. COMMENTS OF THE HEAD OF HUMAN RESOURCES

7.1 No specific comments.

8. CONCLUSION

8.1 The Introduction of the voluntary scheme will assist Elected Members in understanding the role of the Council in reducing the risk. It sets out an additional voluntary measure which any Councillor can elect to undertake, to further demonstrate their integrity.

9. RECOMMENDATION(S)

9.1 The Standards Committee are recommending to the Cabinet:

1. That the report and Guide be approved.
2. That a copy of the Guide be forwarded to each Member.
3. That Members be requested to undergo a Criminal Records Bureau check.

10. CONSULTATION CARRIED OUT

10.1 Standards Committee

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