

TITLE: CRIMINAL RECORDS BUREAU DISCLOSURE CHECKS FOR MEMBERS

TO/ON: STANDARDS COMMITTEE ON 30TH MARCH 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 seek Members' approval of the Members' Criminal Records Bureau Guide.

2. RECOMMENDATIONS

2.1 To approve the Members' Criminal Records Bureau Guide as attached at Appendix 1.

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 This 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.

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 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.

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.

For further information on the details of this report, please contact: Linda Fisher , Head of Legal and Democratic Services on 01706 252447 lindafisher@rossendalebc.gov.uk