

REPORT FOR DECISION

Agenda Item	
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MEETING: STANDARDS COMMITTEE

DATE: 14 FEBRUARY 2008

SUBJECT: ENHANCED CRIMINAL RECORDS BUREAU CHECK FOR MEMBERS OF THE COUNCIL

REPORT FROM: MONITORING OFFICER

CONTACT OFFICER: JAYNE HAMMOND, DIRECTOR OF LEGAL AND DEMOCRATIC SERVICES

TYPE OF DECISION: COMMITTEE

FREEDOM OF INFORMATION/ STATUS: OPEN

SUMMARY:

To consider the proposal to undertake enhanced CRB checks on a three yearly basis and the process for doing so.

OPTIONS AND RECOMMENDED OPTIONS (with reasons):

The Committee is asked to approve the proposals in this report and to commend them to Council.

IMPLICATIONS -

Corporate Aims/Policy Framework:

Do the proposals accord with the Policy Framework? Yes No

Financial Implications and Risk Considerations

These are set out in Paragraph 4.1. The proposals outlined in the report are consistent with the Council's approach to risk management.

Statement by Director of Finance and E-Government:

The cost of the enhanced checks can be met from within existing resources.

Equality/Diversity implications

Not applicable

Considered by Monitoring Officer: Yes

Are there any legal implications? Yes No

Staffing/ICT/Property: Not applicable

Wards Affected: All

Scrutiny Interest: Not applicable

TRACKING/PROCESS

DIRECTOR: JAYNE HAMMOND, DIRECTOR OF LEGAL AND DEMOCRATIC SERVICES

Chief Executive/ Management Board	Executive Member/ Chair	Ward Members	Partners
Scrutiny Commission	Executive	Committee	Council
		Yes	

1. PURPOSE OF THE REPORT

- 1.1 To consider the proposal that all elected Members of the Council should undertake enhanced CRB checks on a 3 yearly basis, which would bring them into line with staff within the Social Care Sector.
- 1.2 To agree that the Council should continue with its current practice of requiring newly elected Members to undertake an enhanced CRB check.
- 1.3 To consider whether the above proposal should extend to co-opted and Independent Members of the Council.
- 1.4 To consider the process as set out in paragraph 3.
- 1.5 To consider the recommendations at paragraph 5 and to recommend to Council the outcomes of the above considerations, if appropriate.

2. INTRODUCTION AND BACKGROUND

- 2.1 The public duty that the Council has in safeguarding children and vulnerable adults demands that both officers and members who work in close proximity to, or may visit anyone who might fall into this vulnerable group, are appropriately screened.
- 2.2 All members in addition undertake a wide range of roles upon election, including corporate parenting, community leadership, visiting Children's homes, local offices and constituent's homes, serving on Adoption and Fostering Panels, serving on school governing bodies, dealing with older vulnerable adults, and many other activities where the public has a right to expect that members can demonstrate high standards of probity and integrity.

- 2.3 Criminal Record Bureau (CRB) checks are one element of ensuring suitability of people in a position of trust. They can establish if there is a criminal record which would deem a person unsuitable for a particular role, and in the case of enhanced CRB checks if there is other confidential information (known as 'brown envelope' or 'soft information') which the police have decided they can disclose in this arena which may render the person unsuitable in a particular respect.
- 2.4 Checks may now include information relating to serious concerns not resulting in a conviction or caution or incidences relating to domestic abuse. It is likely to be used sparingly by the police, and no doubt only after a great deal of reflection and consideration.
- 2.5 The reporting of police information in addition to convicted offences was introduced following the Soham murders, where the police had known about abuse of young girls by Ian Huntley although he had not been convicted of any offence. The enhanced police check allows for the appropriate sharing of such information.
- 2.6 Given the above and the increasing significance of the corporate parenting role expected of the Council collectively and individually, it was felt timely to review the Council's current practices and seek Members' views on the proposals set out at paragraph 1 above.
- 2.7 These proposals already have widespread cross-party Member support across the Council.
- 2.8 The current process is carried out in accordance with the strict requirements of the CRB by Corporate HR. It is now felt that, given the changing ethical governance regime as from April 2008, the process set out in paragraph 3 below may be more fitting for the future.

3. THE SUGGESTED PROCESS

- 3.1 The CRB check is a thorough process and as now, Members will be sent a disclosure form for completion together with helpful guidance notes. On completion of the form Members will be required to bring the appropriate documentation with the form, in person, to the Director of Legal & Democratic Services or a senior officer nominated by her, for authentication. (New Members will be asked to sign the form during the induction process when they sign the relevant declarations etc.)
- 3.2 This will be required within a required timescale, and in any event within 4 weeks of their election, or 4 weeks before the expiry of their 3 year period. Failure to respond promptly will result in a referral to the Council's Standards Committee.
- 3.3 The disclosure form will then be sent immediately to the Criminal Records Bureau. Once the CRB process is complete each Member would be sent a disclosure certificate, a copy of which would be forwarded to the Director of Legal and Democratic Services, or her nominated senior officer.
- 3.4 Any positive disclosures will be considered by the Director of Legal and Democratic Services, together with the relevant Chief Officer. In reality, this is most likely to be the Executive Director of Children's Services.

- 3.5 It should be noted that having convictions or cautions would not necessarily prevent Members from undertaking a full range of duties.
- 3.6 However, where disclosure raised concerns regarding duties applicable to particular appointments, or to the more wide-ranging responsibilities such as corporate parenting, visiting constituent's homes, talking to vulnerable adults in care homes or at ward surgeries, (the list is indicative, not definitive) a meeting with the Member would be called, subject to 3.6 below, in confidence. Here issues such as the Member's duties or involving the Chief Executive, the relevant Party Leader, or the Standards Committee under the new provisions in the Local Government and Public Involvement in Health Act 2007, (the 2007 Act) may be discussed.
- 3.7 Clearly, if the issues raised matters of conduct potentially amounting to breach of the Code of Conduct the Standards Committee will be informed as required and in any event in accordance with the new provisions, the details of which, as Members are aware, are currently being consulted upon.
- 3.8 The process will be carried out in accordance with the strict CRB Code of Practice, protocols and policies on confidentiality and data protection and the CRB Disclosure Service.
- 3.9 Should the process be approved by Council, Members who refused to undertake the CRB check would be automatically referred to the Standards Committee in accordance with the new standards provisions from April 2008.
- 3.10 The process may require amendment in the light of the forthcoming regulations under the 2007 Act, and if so, it would be appropriate for this to be dealt with by the Director of Legal & Democratic Services under her delegated powers, as would any action required in law.

4. FINANCIAL IMPLICATIONS

- 4.1 The cost of each enhanced disclosure CRB check is presently £36.00 and is currently met by the Council.

5 SUMMARY

- 5.1 It is important that the proposals set out in paragraph 1 are supported as it is essential not only that the children and vulnerable adults of the Borough are protected but that the Council is not itself made vulnerable and put at potential risk by failing to carry out its duty of care.
- 5.2 The policy of ensuring that enhanced CRB checks are carried out protects both members and the citizens they represent. This report proposes at paragraph 3 an enhancement to the current procedure which will strengthen what is already a discreet and completely confidential process and allows the Council to be viewed as open and transparent in its dealing with the residents of the Borough.

6 RECOMMENDATIONS

- 6.1 Members are recommended to approve the proposals in the report and commend them to Council, including the continuation of the cost set out at 4.1 above.

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