

Proposed revised policy on Disclosure and Barring Service (DBS) Checks for Councillors and Co-Opted Members

General Principles

1. That all Councillors undergo enhanced level DBS Checks every 4 years (for the duration of their term of office) upon being newly elected, or within two months of this policy being enacted.
2. Co-Opted Members will be required to undergo enhanced level DBS Checks if they are members of a Committee or Board which discharges any education or social services function. This will include Co-Opted Members of the following Committees:
 - Children's Services Overview and Scrutiny Committee
 - Corporate Parenting Committee
 - Health Overview and Scrutiny Committee

The Process

3. That within two months of the date of this Policy being introduced, and thereafter for newly Elected Councillors within two months of taking office following an election, Councillors will be required to undergo an enhanced DBS Check.
4. Within two months of the date of this Policy and thereafter within two months of a relevant newly appointed Co-Opted Member becoming a member of a Committee or Board that discharges any educational or social services function, the relevant co-opted member will be required to undergo an enhanced DBS check.
5. Members will be assisted by Members Services and the HR department, as the employer, who will provide the Member with application form to complete and return to the HR department, along with documents proving their identity and any other information as required.
6. The HR department will submit the completed application form to the DBS.
7. DBS will send a certificate to the Member once the check is complete. The Member will be responsible for providing the certificate to the HR department who will be required to review the certificate to identify if the check is clear or of any positive result.
8. Members will endeavour to use the online DBS service wherever possible to complete their application or subscribe to the DBS update service, which will enable Thurrock Council HR department, as the employer, to check the Members certificate online.

9. Once the certificate is reviewed by the HR department they would be expected to notify the Monitoring Officer of the result and any other information as required. The Monitoring Officer will maintain a record of the date a check was requested, the date a response was received and a 'list' of all those to whom the disclosure or disclosure information has been revealed together with other relevant information. In accordance with Section 124 of the Police Act 1997 disclosure information will only be passed to those people who are authorised to receive it in the course of their duties. It is a criminal offence to pass this information to anyone who is not entitled to receive it.
10. Where a check is not clear, for instance, it contains details of an offence, the Councillor or co-opted member will be required to provide a copy of the DBS certificate to the Monitoring Officer within 28 days of the date of issue of the DBS certificate, unless the content of the DBS certificate is disputed and the dispute is raised with the DBS within 3 months of the date of issue, in which case the certificate must be provided to the Monitoring Officer within 28 days following the outcome of the dispute.
11. Disclosure information will only be used for the specific purpose for which it is requested and for which the applicant's full consent has been given.
12. Records of the Disclosure Number will be kept electronically, along with the date of issue. Where Disclosure Information is made available this will be kept securely and destroyed within six months in line with the DBS Code of Practice and the Data Protection Act. Once the retention period has elapsed, any disclosure information will be destroyed by secure means. While awaiting destruction, disclosure information will remain secured.
13. No photocopy or other image of the disclosure or any copy or representation of the contents of a disclosure will be kept. However, as stated above, the Monitoring Officer will maintain a register of the date of the request for and issue of a disclosure, the name of the subject, the type of disclosure requested, the position for which the disclosure was requested, the unique reference number of the disclosure and the detail of any decision taken as a result of the disclosure.

Portability

14. DBS certificates are not portable other than those between individuals registered with the online DBS update service. Members will not be able to use their DBS check undertaken by the Council for any other purposes outside of their Council role, for instance in any volunteering opportunities or work with community groups as members of Boards they were not appointed to by the Council.

The Use of Disclosure Information

15. The existence of a criminal record or other information revealed as a result of an enhanced DBS check will not automatically debar a Councillor from holding office.

16. In the event that the disclosure information received raises issues of concern, the Chief Executive advised by the Monitoring Officer, the Principal Solicitor for Employment and Litigation, the Head of HR, OD & Transformation and Directors of Children's Services and Adults, Health and Commissioning, as appropriate, in consultation with the relevant Group Leader, will discuss with the individual Councillor the restrictions considered necessary, to safeguard children, young people and adults, on the positions held by that Councillor.