

Policy on Disclosure and Barring Service (“DBS”) Checks for Councillors and Co-opted Members

Background

1. The effective date of commencement for this policy is 2 April 2014.
2. This policy complies with the exception to the Rehabilitation of Offenders Act 1974 and with the Disclosure and Barring Service Code of Practice.
3. This policy replaces all previous policies, decisions and/or precedents relating to criminal records checks for Nottinghamshire County Councillors and coopted members.

General Principles

4. In light of the fact that Council and its relevant Committees and Boards discharge both education and social services functions, this Policy requires all Councillors to undergo enhanced level DBS checks. 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 of the County Council.

The Process

5. Within two months of the date of this Policy and thereafter for newly elected Councillors within two months of taking office following election, Councillors will be required to undergo an enhanced DBS check.
6. 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 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.
7. Checks will be processed by the Business Support Centre using the online DBS service following a request by the Council’s Monitoring Officer.
8. The relevant Councillor or co-opted member will be provided with a DBS certificate issued by the DBS. The Council will be notified of the disclosure and whether the DBS check is clear. This information will be returned to the Monitoring Officer. 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.

9. 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. 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. It is a criminal offence to pass this information to anyone who is not entitled to receive it.

10. 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.

11. 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 in lockable, non-portable containers and destroyed within six months in line with the DBS Code of Practice and the Data Protection Act.

12. Once the retention period has elapsed, any disclosure information will be destroyed by secure means. While awaiting destruction, disclosure information will remain in a lockable container. 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

13. DBS certificates are not portable other than those between individuals registered with the online DBS update service. Owing to current difficulties with the online DBS update service, DBS certificates obtained by individuals through the online DBS update service will not be accepted. This is currently under review.

The Use of Disclosure Information

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

15. In the event that the disclosure information received raises issues of concern, the Chief Executive advised by the Monitoring Officer and the Corporate Directors of Children, Families and Cultural Services and Adult Social Care, Health and Public Protection, as required, 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.

16. This policy will be reviewed every two years and updated as and when required as a result of changes in the law.