

**STOCKTON-ON-TEES BOROUGH COUNCIL**

**CABINET RECOMMENDATIONS**

**PROFORMA**

Cabinet Meeting .....5th November 2009

1. Title of Item/Report

Criminal Records Bureau Checks for Elected Members and Co-optees and the new Vetting and Barring Scheme

2. Record of the Decision

Consideration was given to proposed arrangements for elected members and co-optees to undertake CRB checks within 28 days of their election or appointment to the Council, and on a three yearly basis.

The Council had a public duty in relation to the safeguarding of children and vulnerable adults, which demanded that both officers and members who worked in close proximity to, or may visit anyone who might fall into those vulnerable groups, were appropriately vetted. The Council's policy for CRB checks, which were one way of establishing the suitability of individuals in positions of trust, applied only to employees. As a principle, it was considered that CRB checks should also be extended to elected members and to co-optees (together referred to as "Members").

Under the Criminal Justice and Court Services Act 2000, it was an offence for a person who had been disqualified from working with children to be employed in a "regulated" position. In addition, it was an offence knowingly to offer work in a regulated position to someone who was disqualified from working with children. Regulated positions included being a member of a "relevant local government body". This meant individuals (members) who:-

- discharged education or social service functions as an individual e.g. the Cabinet Members for Children and Young People, and Adult Services and Health.
- were members of an executive of a council which discharged such functions i.e. all cabinet members.
- were members of a Committee which discharges such functions i.e. all members (including co-optees) on the Corporate Adults Services and Social Inclusion, Children and Young People, and Health Select Committees and the Education Support Panel.

- Conducted inspection visits to social care establishments

Unless “relevant” members were CRB checked, the Council ran the risk of prosecution if it emerged that a disqualified person was discharging education or social services functions in a regulated position (unless it was able to establish that it did not knowingly offer such “work”). The member concerned also risked prosecution as well.

In view of the above, it was proposed to require the following “relevant” members to be CRB checked:-

-All Cabinet Members

-All members of the Corporate, Adult Services and Social Inclusion, Children and Young People and Health Select Committees and the Education Support Panel.

-All members who undertook inspection visits to social care establishments.

Other members who substituted for any of the members specified above should also be required to be checked, and should not be able to substitute unless they had been checked. It was also considered reasonable for members who sat on other bodies, which had links to education or social services functions, to be CRB checked. This would, for instance, cover the Childrens Trust and the Community Safety Partnership. The Mayor and Deputy Mayor should also be CRB checked, given the nature of the events which they attended eg involving schools and school children and vulnerable adults. In addition, members who held young peoples’ ward surgeries or otherwise had contact with children or other vulnerable people, should be CRB checked by the authority.

All members were, of course, corporate parents and have signed the corporate parents pledge to (amongst other things) “take responsibility for working collaboratively to support children and young people in public care and care leavers to ensure” they are enabled “to reach their potential emotionally, educationally, physically, psychologically and socially.” In view of this, it was considered that Members not covered by any of the other categories as ‘a relevant member’ should nonetheless be CRB checked in light of their role as corporate parents. This would therefore mean that all elected members should be checked.

The proposed checking procedure was suggested as follows:-

- A countersignatory in Democratic Services (Head of Democratic Services) or authorised representative would issue CRB application forms to relevant Members.
- The forms, with relevant documentary evidence, would be returned to and considered by the countersignatory
- The countersignatory would send the completed forms to the CRB
- Disclosure certificates would be sent by the CRB direct to the relevant Member and a copy would be sent to the countersignatory.
- Where a disclosure showed no convictions, or matters of concern, a file note would be made confirming that the relevant Member was eligible to (continue to) hold a regulated position, based on the CRB clearance.
- A copy of the note would be sent to the relevant Member.

Where a disclosure revealed convictions or other information which carried an automatic ban from working with children, the Countersignatory would notify the Director of Law and Democracy who would immediately inform the Chief Executive (or authorized representative) and the relevant Group Leader (or Deputy Leader) so that the disqualified member could be removed immediately from the regulated position. In the case of a co-opted member, that member would be informed direct that they had been removed with immediate effect, from the relevant regulated position.

Where a disclosure showed convictions or other information which do not carry an automatic ban from working with children, the following action was proposed:-

- The countersignatory would notify the Director of Law and Democracy (DOLD)
- DOLD would arrange a meeting with the relevant member and other senior officers (the Chief Executive and/or relevant Corporate Director(s) or their authorised representatives) taking such advice as is considered necessary from other appropriate officers.
- The relevant member would be entitled to bring their Group Leader

or Deputy Leader or other representative to the meeting.

- The outcome of the meeting would be recorded and a copy of the record will be provided to the member within five working days.

- Following the meeting a decision would be made by the Chief Executive or authorised representative whether to allow the relevant member to continue to hold a regulated position or to ask the relevant Group Leader to remove them from the regulated position.

- Where co-opted members were involved, the Chief Executive, or authorised representative, would decide whether the person concerned should continue to hold the regulated position or be removed from that position.

- When a decision had been made a file note would be prepared by DOLD confirming the decision and a copy would be sent to the relevant member.

Details of the proposed vetting and barring scheme introduced under the Safeguarding Vulnerable Groups Act 2006, were also noted.

RECOMMENDED to Council that:-

1. CRB checking be extended to all Elected Members and to relevant co opted members as appropriate;

2. All Members who are not the subject of an existing valid CRB check undertaken in connection with their role with the Council, should be vetted (co opted members as appropriate);

3. Subject to this, CRB checks should be applied for within 28 days of the Council's decision to approve the proposed vetting arrangements and that new Members be required to apply for a check within 28 days of their election or appointment to a regulated position, whichever is the earlier;

4. checks be undertaken every three years

5. The level of disclosure applied for to be enhanced rather than standard; and

6. The procedures for applying for and checking of disclosures, be approved as described above and in paragraphs 22,23 and 25.

3. Reasons for the Decision

To assist in fulfilling the Council's duty in relation to the safeguarding of children and vulnerable adults.

4. Alternative Options Considered and Rejected

None

5. Declared (Cabinet Member) Conflicts of Interest

None

6. Details of any Dispensations

Not Applicable

7. Date and Time by which Call In must be executed

Not Applicable

Proper Officer  
10 November 2009