



To:
All members of the
Standards Committee

Please reply to:
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Date: 27 September 2023

Supplementary Agenda

Standards Committee - Wednesday, 4 October 2023

Dear Councillor

I enclose the following items which were marked 'to follow' on the agenda for the Standards Committee meeting to be held on Wednesday, 4 October 2023:

4. DBS Check update

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Yours sincerely

Karen Wyeth
Corporate Governance

To the members of the Standards Committee

Councillors:

Dylan Price (Vice-Chair)
M.M. Attewell
C. Bateson
J.R. Boughtflower

J. Button
R. Geach
D. Geraci
K.M. Grant

O. Rybinski
H.R.D. Williams

Substitute Members: Councillors: M. Buck, J.T.F. Doran, S.A. Dunn, S. Gyawali and
K. Rutherford

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Standards Committee



4 October 2023

Title	Update on Disclosure and Barring Service (“DBS”) checks
Purpose of the report	To update the Standards Committee on progress made on DBS checks and to make a decision
Report Author	Farida Hussain, Group Head Corporate Governance
Ward(s) Affected	All Wards
Exempt	No
Corporate Priority	This item is not in the current list of Corporate Priorities but still requires a Committee decision.
Recommendations	Committee is asked to note the progress made on DBS checks and provide a steer on how to deal with the remaining Members who have not complied with the DBS Check Protocol
Reason for Recommendation	There is potential that the public may be at risk if a councillor has a serious conviction that the Council is not aware of. There may be a reputational risk to the Council if a councillor is found to have a criminal conviction/s.

1. Summary of the report

- 1.1 Under the DBS Check Protocol, it is a requirement for all councillors to make an application for a DBS check within 14 days of being elected. To date fifteen councillors have not engaged with the DBS Check Protocol and a steer is required from the Committee as to what measures should be put in place to deal with non-compliance.

2. Key issues

- 2.1 At the meeting of 23rd February 2023, Council approved the introduction of basic DBS checks for all councillors to commence in May 2023. Accordingly, the Protocol was incorporated into the Constitution. A copy of the Protocol is attached to this report as Appendix A.
- 2.2 Although it was initially challenging to process the DBS checks through the Government website, the majority of Members have now completed the check with twelve remaining. A list of councillors who have not provided their DBS check certificate is attached to this report as Appendix B.

- 2.3 It is under the remit of the Standards Committee to consider any issues referred by the Monitoring Officer under the Disclosure and Barring Service Checks for Members Protocol (Part 5m).
- 2.4 Paragraph 7 of the Protocol requires “Within 14 days of being elected as a councillor or becoming a co-opted member of Spelthorne Borough Council, the councillor shall apply for a basic DBS check”
- 2.5 Despite several reminders from Committee Services, a number of councillors have not made contact with Committee Services to arrange for a DBC check to be undertaken or provided a copy of the certificate themselves.
- 2.6 A steer is required from the Committee as to how non-compliance of the Protocol should be dealt with.

3. Options analysis and proposal

Option 1 – Preferred Option

- 3.1 A reminder is to be issued by the Standards Committee to all members who have not complied with the Protocol. Any further non-compliance to be reported to Council on 14 December 2023. This option would enforce the importance of compliance with a Council Protocol.

Option 2

- 3.2 Do nothing – this would be unfair to those councillors who have complied with the Protocol and imply that councillors may breach protocols without any consequence.

Financial implications

- 3.1 There are no financial implications.

4. Risk considerations

- 4.1 The DBS Check Protocol was introduced to enhance safeguarding measures. There is potential that the public may be at risk if a councillor has a serious conviction that the Council is not aware of. There may be a reputational risk to the Council if a councillor is found to have a criminal conviction.

5. Procurement considerations

- 5.1 There are no procurement considerations arising from the report.

6. Legal considerations

- 6.1 As stated in the report to Council on 23 February 2023.

Other considerations

- 6.2 There are no other considerations.

7. Equality and Diversity

- 7.1 There are no impacts on equality and diversity.

8. Sustainability/Climate Change Implications

- 9.1 There are no sustainability or climate change implications.

9. Timetable for implementation

- 9.1 If the Standards Committee agree to Option 1 a further report may be required to go to Council on 14 December 2023.

10. Contact

10.1 Farida Hussain, Head Corporate Governance, f.hussain@spelthorne.gov.uk

Background papers: Disclosure and Barring Service (DBS) Checks for Councillors report to Council on 23rd February 2023.

Confidential Appendices:

Appendix A – Disclosure And Barring Service Checks For Members Protocol

Appendix B – List of councillors

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DISCLOSURE AND BARRING SERVICE CHECKS FOR MEMBERS PROTOCOL

1. The effective date of commencement for this protocol is 4th May 2023.
2. This Protocol complies with the exception to the Rehabilitation of Offenders Act 1974 and with the Disclosure and Barring Service (“DBS”) Code of Practice.
3. This Protocol replaces all previous policies, decisions and/or precedents relating to criminal records checks for Spelthorne Borough Councillors and co-opted members.

General Principles

4. As the Council has a duty to protect the most vulnerable residents, this Protocol requires all councillors to undergo basic level DBS checks.
5. For certain Member appointments a higher level of check may be required. In those instances, the councillor will be advised.

The Process

6. All newly elected councillors shall be required to undergo a basic DBS check.
7. Within 14 days of being elected as a councillor or becoming a co-opted member of Spelthorne Borough Council, the councillor shall apply for a basic DBS check. The cost of this check may be claimed as a councillor expense.
8. Within 14 days of receipt of the DBS certificate, the relevant councillor or co-opted member will show the original certificate to a member of Committee Services and a copy of the certificate shall be retained. Where a check is not clear, for instance, it contains details of an offence, a copy of the DBS certificate shall be referred to the Monitoring Officer, 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 14 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. Copies of the DBS certificate shall be destroyed securely at the end of the councillor’s term of office.

Adopted 23 February 2023

The Use of Disclosure Information

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

13. In the event that the disclosure information received raises issues of concern, the Monitoring Officer in consultation with the relevant Group Leader, will then discuss with the individual Councillor the restrictions considered necessary, to safeguard members of the public.

14. In the event that any issues arising from DBS checks are of such significant concern that they can not be resolved by the actions in paragraph 13 above or the councillor in question is a Group Leader, the Monitoring Officer shall refer the matter to the Standards Committee for consideration.

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

**Councillors who have not completed a DBS check as at 27
September 2023**

S. Bhadye
H. Boparai
J. Boughtflower
D. Clarke
D. Geraci
S. Gyawali
N. Islam
A. Mathur
K. Rutherford
D. Saliagopoulos
B. Weerasinghe
H. Williams

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