

Standards Committee



4 October 2023

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| 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