



City of Westminster

General Purposes Committee Report

Meeting or Decision Maker:	General Purposes Committee
Date:	5 June 2024
Classification:	General Release
Title:	Policy on Disclosure and Barring Service (DBS) checks for Councillors
Fairer Westminster/Policy Context:	Fairer Westminster
Financial Summary:	The £1,452 cost of enacting the checks will be funded from the Governance and Councillor Liaison Team budget.
Report of:	Parveen Akhtar, Executive Director of Corporate Services (Monitoring Officer) Louise Butler, Head of Safeguarding, Quality Assurance and Engagement, Adult Social Care and Health Angela Flahive, Head of Safeguarding Review and Quality Assurance, Children's Services

1. Executive Summary

1.1 In January 2024, the Department for Levelling Up, Housing and Communities (DLUHC) wrote to all Unitary and Upper Tier Authorities, reminding them of the recommendation in Simon Bailey's Independent Review of the Disclosure and Barring Regime (18 April 2023).

1.2 With specific reference to local authorities, the review made the following recommendation:

Recommendation 5: Local councillors

I recommend that an enhanced disclosure and barring service check is made mandatory for all councillors in Unitary and Upper Tier Authorities who are being considered for appointment to any committee involved in decisions on the provisions of children's services or services for vulnerable adults. I accept that this would require legislation and therefore some inevitable delay, so I further recommend that these authorities are encouraged to adopt this procedure as best practice pending legislation.

1.3 At the time of the review and subsequent DLUHC letter, the Council did not have policy on Disclosure and Barring Service (DBS) checks policy specifically for Councillors. Officers have prepared this policy as part of its well-established council-wide approach to 'Making Safeguarding Personal.'

1.4 The Policy, presented for the Committee's consideration and recommendation, includes requirements for Enhanced DBS checks for those Councillors involved in decisions about the provision of children's services or the provision of services for vulnerable adults, and for Basic DBS checks for any Councillor elected to the Council.

2. Recommendation

2.1 That the Committee approves the Policy on Disclosure and Barring Service (DBS) checks for Councillors.

2.2 That the Committee recommends the Policy to the Full Council for its adoption.

3. Policy on Disclosure and Barring Service (DBS) checks for Councillors

3.1 In January 2024 the Department for Levelling Up, Housing and Communities wrote to all Unitary and Upper Tier Authorities, reminding them of the recommendation in Simon Bailey's Independent Review of the Disclosure and Barring Regime (18 April 2023).

3.2 The purpose of the review, commissioned by the Home Office, was to provide assurance to Ministers about the effectiveness of the disclosure and barring regime in safeguarding children and vulnerable adults. Part of the review considered the regime with regard to local councillors' eligibility for checks provided by the Disclosure and Barring Service ('DBS checks').

- 3.3 With specific reference to local authorities, the review made the following recommendation:

Recommendation 5: Local councillors

I recommend that an enhanced disclosure and barring service check is made mandatory for all councillors in Unitary and Upper Tier Authorities who are being considered for appointment to any committee involved in decisions on the provisions of children's services or services for vulnerable adults. I accept that this would require legislation and therefore some inevitable delay, so I further recommend that these authorities are encouraged to adopt this procedure as best practice pending legislation.

- 3.4 At the time of the review and subsequent DLUHC letter, the Council did not have policy on Disclosure and Barring Service (DBS) checks policy specifically for Councillors. Officers have prepared this policy as part of its well-established council-wide approach to 'Making Safeguarding Personal.'
- 3.5 The Policy attached, as Appendix 1, incorporates the recommendations from the Report of the Independent Review of the Disclosure and Barring Services (DBS) and the recommendation from the Department for Housing, Levelling Up and Communities (DLUHC).
- 3.6 The Policy will implement a practice whereby Enhanced DBS checks are mandatory for all Councillors being considered for appointment to any Committee of the Council involved in decisions on the provision of social services or education functions. This includes, but is not limited to, any Councillor in the roles below:
- i. Any Councillor who has Lead Member responsibilities that involve Family Services, Adult Services, Education or Housing
 - ii. A Councillor sitting on an Adoption and Fostering Panel
 - iii. A Councillor sitting on any Policy and Scrutiny Committee reviewing policies or strategies relating to children
 - iv. A Councillor sitting on any Policy and Scrutiny Committee reviewing policies or strategies relating to vulnerable adults
- 3.7 As part of the council-wide approach to 'Making Safeguarding Personal' and to reassure residents that the Council is doing all it can to safeguard children, young people and vulnerable adults, the Policy will also require a Basic DBS check for all Councillors elected to the Council.
- 3.8 It is proposed that the policy, if adopted, will be reviewed every three years or sooner when there are substantive legislative or guidance changes requiring changes to be made.

4. Financial Implications

- 4.1 The £1,452 costs of the checks will be funded from existing budgets in the Corporate Services directorate. This covers the cost of basic checks for all Councillors and enhanced checks for 18, for the roles listed in section 3.6.

5. Legal Implications

- 5.1 The Disclosure and Barring Service (DBS) provides a procedure through which organisations may carry out criminal record checks relating to individuals who may, on behalf of the organisation, undertake work or hold positions or responsibilities which may bring them into contact with vulnerable persons. There are different levels of DBS checks, with different eligibility criteria; a basic DBS check can be obtained by any individual for any purpose, so all Councillors are eligible for a basic criminal record check, however, access to Standard and Enhanced DBS checks is controlled by legislation and such checks should only be applied for when someone will be carrying out the activities that would make them eligible for a check. Councillors who have responsibility (e.g. through committee membership) for social services, health and education functions for children and/or vulnerable adults, are eligible for enhanced DBS checks.
- 5.2 Legislation specifies when a DBS check can be applied for, rather than when checks must be carried out. Organisations may produce their own guidance stating when DBS checks will be requested, but this guidance must comply with the law that allows a DBS check to be applied for.
- 5.3 The Policy incorporates the recommendations from the February 2023 Report of the Independent Review of the Disclosure and Barring Services and the DLUHC's January 2024 best practice recommendation in relation to Council's obtaining Enhanced DBS checks for Councillors involved in decisions on the provisions of services to children and/or vulnerable adults.
- 5.4 The Council will also need to ensure compliance with UK GDPR and Data Protection legislation when processing the information in relation to DBS checks.

6. Carbon Impact

- 6.1 There are no carbon implications arising out of this report.

7. Consultation

- 7.1 Cabinet Members with portfolios covering the provision of services for children and vulnerable adults and Group Whips have been consulted on the contents of this report.

**If you have any queries about this Report or wish to inspect any
of the Background Papers, please contact:**

Janis Best or Nic Wells:

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APPENDICES

**Appendix 1 - Policy On Disclosure and Barring Service (DBS) Checks for
Councillors**