

Essex County Council

Policy on Disclosure and Barring Service (DBS) Checks for Members

1. Introduction

- 1.1 Essex County Council, as a democratically accountable organisation, gives the highest priority to safeguarding. Everyone has a part to play in ensuring that children and vulnerable adults are kept as safe as possible. All Members of the Council have a role as the 'corporate parent' of looked after children.
- 1.2 Accordingly, the Council has decided that with effect from 1 May 2017 all members should be asked to undergo an enhanced DBS check when they are elected or re-elected.

2. When will the request be made

- 2.1 All members will be asked to agree to be checked when they are elected or re-elected.
- 2.2 The only exception to this is that no one will be asked to undergo a fresh check if a check has been undertaken within the last six months (eg if someone is elected at a by-election very shortly before the normal County Council elections).

3. Applying for a check

- 3.1 Checks will be at the enhanced level where possible. Members will be asked to complete the paperwork electronically as far as possible. Support from Democratic Services is available for members to use the online system. As part of the requirements set by the DBS, officers assisting with the checks will need to see proof of identity.
- 3.2 The Council will pay the cost of applying for a check.

4. Receiving the result of the check

- 4.1 When the Councillor receives a clear certificate the Council will receive an online notification that a clear certificate has been issued.
- 4.2 If the check discloses anything the DBS will notify the Council that something is shown on the certificate. The DBS will not tell the Council what is shown on the certificate.
- 4.3 In something is disclosed in a DBS certificate or if an application for a DBS check has not been made within 3 months of election the matter will be referred to the Council's Safeguarding Service who will:
 - (a) Contact the Member to ask for a copy of the certificate (if any).
 - (b) Speak to the Member about what has been disclosed.

- (c) Make a confidential recommendations to the Executive Director Children and Families as to any action which they believe should be taken to safeguard children and/or vulnerable adults.
- 4.4 Where full information is not provided by a Member the Safeguarding Service will issue a draft recommendation based on the information they do have.
- 4.5 The Executive Director for Children and Families will make a final recommendation after consulting:
 - (a) the Member concerned
 - (b) the Monitoring Officer; and
 - (c) such other persons as may be appropriate in the circumstances
- 4.6 The recommendations could for example include:
 - (a) A recommendation that the Member concerned is not appointed to a particular office or position.
 - (b) A recommendation that the Member does not discharge any particular duty
 - (c) A recommendation that that the Leader of the Member's political group and/or the Leader of the Council is notified as to any advice given.
- 4.7 The Member will be notified of the recommendation along with any other person to whom a recommendation is addressed.
- 4.8 Under the Council's statutory safeguarding responsibilities the Executive Director for Children and Families may need to make further disclosures if necessary and proportionate to do so.

Version 1 – Adopted May 2016

Version 2 – updates to job titles December 2021