

Councillor Disclosure and Barring Service (DBS) Policy

June 2023

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1.0. Policy Statement

- 1.1** This policy covers the City of Wolverhampton Council's practice on Disclosure and Barring Service (DBS) checks for elected members.
- 1.2** The Council is responsible for ensuring that vulnerable adults and children are provided with a quality service in a safe environment. In order to ensure that the Council meets its obligations, DBS checks are made on all councillors undertaking regulated activities.
- 1.3** The Council takes seriously its responsibilities in safeguarding the welfare of children and vulnerable adults. We will ensure that all those who are appointed by the Council or its contractors, have the necessary and appropriate checks.
- 1.4** Elected Members are advised to familiarise themselves with the policy to ensure that they are aware of the expected standards relating to DBS checks.

2.0. Scope

- 2.1** This policy and procedure applies to all elected members of the council. It is designed to ensure prompt, reasonable and consistent treatment for all elected members.

3.0. Principles

- 3.1** The Council uses the DBS to obtain information about elected members to assess their suitability for being an elected member of the Council. The Council complies fully with the DBS Code of Practice and does not discriminate unfairly against any individual on the basis of a conviction, or any other information revealed as a result of a DBS disclosure.
- 3.2** The Council uses the DBS checking service to help to assess the suitability of elected members for positions of trust, the Council complies fully with the DBS Code of Practice. It also complies fully with its obligations under the General Data Protection Regulation (GDPR), Data Protection Act 2018 and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of certificate information and has a written policy on these matters, which is available to those wishing to see it on request.

4.0 Disclosure and Barring Service

- 4.1.** The DBS was established to provide a standardised delivery of information on criminal records and provides a carefully regulated service which enables organisations to gain access to important criminal and other information for selection purposes. This information helps organisations to identify elected members who may be unsuitable for certain kinds of work, thus providing protection for children and vulnerable people.

5.0 DBS Overseas

- 5.1** The DBS cannot access criminal records held overseas; therefore, a DBS check may not provide a complete overview of an elected members criminal record if they have lived outside of the UK for any period of time.

6.0 Handling of DBS Certificate Information

- 6.1** In accordance with section 124 of the Police Act 1997, certificate information is only passed to those who are authorised to receive it in the course of their duties. The Council maintains a record of all those to whom certificates, or certificate information has been revealed, and it is a criminal offence to pass this information to anyone who is not entitled to receive it.

7.0 Usage

- 7.1** Certificate information will only be used for the specific purpose for which it was requested and for which the elected members full consent has been given.

8.0 Retention

- 8.1** Certificate information is not kept for any longer than is necessary. This retention will allow for the consideration and resolution of any disputes or complaints or be for the purpose of completing safeguarding audits. Throughout this time, the usual conditions regarding the safe storage and strictly controlled access will prevail in line with GDPR.

9.0 Disposal

- 9.1** Once the retention period has elapsed, any DBS certificate information will be immediately destroyed by secure means, for example by shredding, pulping or burning. While awaiting destruction, certificate information will not be kept in any insecure receptacle (e.g., waste bin or confidential waste sack).
- 9.2** No photocopy or other image of the certificate or any copy or representation of the contents of a certificate will be kept. However, notwithstanding the above, we may keep a record of the date of issue of a certificate, the name of the subject, the type of certificate requested, the position for which the

certificate was requested, the unique reference number of the certificates.

10.0 Duration of DBS check validity

- 10.1 The Council policy for those listed below applies, and a valid DBS must be in place.

Role	Standard DBS	Enhanced DBS
Leader	N/A	Yes
Deputy Leader	N/A	Yes
Cabinet Member for Children, Young People & Education	N/A	Yes
Cabinet Member for Jobs and Skills	Yes	N/A
Cabinet Member for Adults and Wellbeing	N/A	Yes
Cabinet Member for Governance and Equalities	Yes	N/A
Cabinet Member for Climate Change and Highways	Yes	N/A
Cabinet Member for City Housing	Yes	N/A
Cabinet Member for Visitor City	Yes	N/A
Cabinet Member for Digital & Resources	Yes	N/A
Opposition Leader	Yes	N/A
Deputy Opposition Leader	Yes	N/A
Mayor	N/A	Yes
Deputy Mayor	N/A	Yes
Chair of Children and Young People Scrutiny Panel	N/A	Yes
Members of Corporate Parenting Board	N/A	Yes
All other elected members	Yes	N/A

- 10.2 Where an elected member has a DBS standard or enhanced in date already the Council will not seek to do a new check – if the DBS is from a credible organisation (School or place of work etc.). Proof will need to be shared with the team to validate this.

11.0 Non-Compliance of DBS Renewal

- 11.1 For elected members DBS renewal check to take place **every three years**. The check needs to be completed well before the expiry date of the current DBS.
- 11.2 An elected members whose DBS check has lapsed will be reported to the Monitoring Officer for non-compliance.

12.0 Legal Framework

- Rehabilitation of Offenders Act 1974
- Childcare Act 2006
- General Data Protection Regulation (GDPR), Data Protection Act 2018
- Revised Code of Practice for DBS Registered Persons

13.0 Role of the Elected Member

- To provide a prompt and timely response to requests for a new, renewals or evidence of a current of DBS.
- To be able to produce documentation when requested by Councillor Support.

14.0 Roles and responsibilities of Civic Support Manager and Councillor Support

- To ensure all elected members comply with new and renewal DBS checks and will flag will non-compliance to the Monitoring Officer
- Maintain a log to review and keep track of renewal dates.