

REPORT TO:		Full Council	
DATE:		16 July 2026	
PORTFOLIO:		Councillor Munsif Dad BEM JP - Leader of the Council	
REPORT AUTHOR:		Jane Ellis – Executive Director (Legal & Democratic Services)	
TITLE OF REPORT:		DBS checks for councillors	
EXEMPT REPORT (Local Government Act 1972, Schedule 12A)	No	Not applicable	
KEY DECISION:	No	If yes, date of publication:	

1. **Purpose of Report**

- 1.1 To agree a protocol for the conduct of an annual basic DBS check for each councillor and to agree that the protocol becomes part of the Council’s constitution.

2. **Recommendations**

- 2.1 That Council agrees that all councillors will be asked to undergo an annual basic Disclosure and Barring Service (DBS) check; and
- 2.2 That Council approves the protocol for the carrying out of such checks attached as an Appendix to this report and agrees that the protocol becomes part of the Council’s written constitution.
- 2.3 That Council agrees to meet the cost of the DBS checks.

3. **Reasons for Recommendations and Background**

- 3.1 There is no current statutory requirement for councillors to undergo Disclosure and Barring Service (“DBS”) checks in respect of previous criminal convictions, but a number of council’s have introduced these as a safeguarding initiative, given that councillors do interact with the public as part of their ward work, including children and vulnerable adults. For example, councillors sometimes see constituents in their homes and may sometimes attend school events in their capacity as a councillor.

- 3.2 The sole purpose of carrying out DBS checks for councillors is safeguarding. However, the nature and frequency of HBC councillor's contact with children and vulnerable adults would meet the criteria for a basic DBS check only. As the Council does not have education or social care functions, HBC councillors do not, as a matter of law, meet the criteria for standard or enhanced DBS checks.
- 3.3 There are four levels of DBS checks and legislation sets out when these may be requested. The four levels are as follows:

Basic check

A basic check will contain details of "unspent" convictions and cautions as defined in the Rehabilitation of Offenders Act 1974. Most convictions or cautions become 'spent' after a specific amount of time. This might be after a few months or years, or straight away.

Anyone can ask for a basic check to be carried out and can apply online. A basic check costs £21.50. A councillor could apply for their own basic check, or the Council could do so on their behalf with their written consent.

Standard check

This check contains "spent" and "unspent" convictions, cautions, reprimands and warnings held on the Police National Computer. These checks are used in respect of specific professions, such as law, finance and the security industry. The list of specified professions does not include councillors.

An individual cannot apply for a standard check as they can for a basic check. The application for a standard check must be by a "registered body", normally a recruiting organisation / prospective employer, and the request must be made in accordance with legislation.

Enhanced check

This check includes the information contained in a standard check, plus information may also be supplied by a relevant police force if it is decided that the information is relevant and ought to be shared.

These checks are normally appropriate for people working with children or for people providing health or personal care to adults.

An individual cannot apply for an enhanced check as they can for a basic check. The application for an enhanced check must be by a registered body, normally a recruiting organisation or prospective employer, and the request must be made in accordance with legislation.

Enhanced check with Barred Lists check

This check includes the information contained in an enhanced check, together with an additional check on the child and / or adult barred lists.

An enhanced check with DBS barred lists checked is suitable for people working with children or people providing health or personal care to adults.

An individual cannot apply for an enhanced check with barred lists as they can for a basic check. The application for an enhanced check with barred lists must be by a

registered body, normally a recruiting organisation, and made in accordance with legislation.

“Working with adults”

An enhanced check may be carried out for a councillor who discharges local authority social services functions which relate wholly or mainly to adults who receive a health or social care service. This can include a cabinet member who discharges these social care functions or a member of any committee discharging such functions.

As Hyndburn does not have adult social care functions, this does not apply to HBC councillors.

“Working with children”

A person is entitled to an enhanced check if they are engaged in a “regulated activity” relating to children. “Regulated activity” includes teaching or advising children, driving a vehicle for children, providing health or social care, registering to be a foster carer or a childminder, or working in a specified establishment such as a school, nursery, children’s centre etc. There are also additional requirements to be eligible for an enhanced check which depend on the time spent on the “regulated activity”, and whether the person is supervised whilst engaged in the activity etc.

As Hyndburn does not have children’s services or education functions, this does not apply to HBC councillors.

- 3.4 The proposal is therefore that the Council will adopt a policy that requests all councillors to undergo a basic DBS check annually and the cost of this will be met by the Council. Councils undertaking even basic checks usually have a protocol to govern the process and a proposed protocol is attached for approval as an appendix to this report.
- 3.5 There is no legal requirement for councillors to have a basic DBS check, and some councillors may consider that a Council request that they undergo a DBS check is a breach of their privacy. Hopefully such objections would be offset by the safeguards in the proposed protocol, which recognises that the checks are carried out for safeguarding purposes only. For example, a copy of the disclosure certificate will not usually be retained by the Council, unless it reveals safeguarding concerns, and the sharing of that information is strictly limited as set out in the protocol.
- 3.6 DBS certificates are accurate on the day of issue, but are not guaranteed to be accurate after that. To that extent they do not guarantee that a councillor isn’t a potential safeguarding risk. However, by undertaking annual DBS checks, the Council will be taking reasonable and proportionate steps to mitigate any risk to the public.

4. Alternative Options considered and Reasons for Rejection

- 4.1 The Council is not required to carry out DBS checks in respect of councillors, so the Council could decide not to agree the recommendations in this report.

5. Consultations

5.1 The Leaders Policy Development Board has been consulted about the proposed protocol, which met with broad cross-party support.

6. Implications

Financial implications (including any future financial commitments for the Council)	A small annual budget would be needed to meet the cost of the basic DBS checks (approximately £752).
Legal and human rights implications	These are outlined in section 3 of this report.
Assessment of risk	There is no legal requirement for councils to carry out DBC checks, so there are no risks if the Council does not agree the recommendations in this report. Similarly, adoption of DBS checks appears low risk, provided that appropriate safeguards are put in place. The attached protocol is intended to address risk and to ensure that confidentiality is appropriately respected.
Equality and diversity implications <i>A Customer First Analysis should be completed in relation to policy decisions and should be attached as an appendix to the report.</i>	None.

7. Local Government (Access to Information) Act 1985: List of Background Papers

7.1 There are none.

8. Freedom of Information

8.1 The report does not contain exempt information under the Local Government Act 1972, Schedule 12A and all information can be disclosed under the Freedom of Information Act 2000.

Appendix

HYNDBURN COUNCIL

DISCLOSURE AND BARRING SERVICE CHECKS FOR COUNCILLORS PROTOCOL

The Council wishes to protect its most vulnerable residents and takes its safeguarding obligations seriously.

Councillors will come into contact with children and vulnerable adults in a variety of ways, occasionally in their homes (for example, when undertaking ward work). The Council therefore requests all Councillors to undergo a basic DBS check every year for safeguarding purposes.

There is no legal requirement for councillors to undergo to a DBS check. All councillors are urged to consent to an annual basic DBS check and to undertake any safeguarding training provided by the Council.

The Process

Application

Councillors will be asked to apply online for a basic DBS check within 28 days of this protocol being adopted by the Council and then every 12 months afterwards while they remain in office.

Newly elected councillors will be asked to apply online for a basic DBS check within 28 days of their election and then every 12 months afterwards while they remain in office.

The Council can request the DBS check with the relevant councillor's consent.

The Council will reimburse councillors for the cost of the DBS check and will assist councillors to submit the DBS application if they request this.

NB: It is unlikely that councillors will be eligible for a standard or enhanced DBS check. However, councillor roles will be assessed by the Monitoring Officer, in consultation with the Council's safeguarding lead, after each year's annual general meeting, when councillor appointments have been finalised. Councillors assessed as undertaking regulated activities, and therefore requiring a standard or enhanced DBS check, will then be advised accordingly and the Council will meet the cost of the required DBS check.

Receipt of the DBS certificate

The DBS certificate will be sent directly to the relevant councillor. Within 14 days of receipt of the DBS certificate, the relevant councillor will show the original DBS certificate to the Monitoring Officer, who will keep a record that the certificate has been inspected. This record will be retained by the Monitoring Officer whilst the relevant councillor remains in office and will then be securely destroyed.

Copies of DBS certificates will not be kept by the Council, but the Monitoring Officer may take a record of convictions revealed by the DBS certificate. This record will be held securely for 6 months and will then be securely destroyed.

Once a councillor has produced their annual DBS certificate to the Monitoring Officer, the relevant councillor's details on the Council's website will be updated to record this.

Disclosure information will only be used by the Council for the specific purpose for which it is requested. 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 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.

What Happens if a Check Reveals an Offence?

If the DBS certificate raises potential safeguarding concerns a risk assessment will be carried out by the Monitoring Officer in conjunction with the Council's safeguarding lead. If appropriate, the Chief Executive and / or the Monitoring Officer will then discuss these concerns with the individual councillor and their political group leader, if they have one. This discussion will seek to agree any actions considered necessary to safeguard the public. If agreement cannot be reached in this regard the Monitoring Officer shall refer the matter to the Council's Standards Committee for consideration.

In considering any convictions disclosed, the following will be taken into account:

- The significant / severity of the offence
- The amount of time that has elapsed since the date of conviction
- Whether public confidence in the positions held by the councillor could be adversely affected and to what extent
- Whether the matter could be dealt with as a breach of the Council's code of conduct.

Failure to have a DBS check

If a councillor fails to comply with the requirement to undergo an annual basic DBS check, the Monitoring Officer will notify the relevant political group leader and relevant group whip who will decide on any action to be taken.

If the councillor is not a member of a political group, the Monitoring Officer will discuss the matter with the councillor concerned. If the councillor does not then agree to apply for a DBS check the Monitoring Officer will notify the Council's Standards Committee accordingly and the Standards Committee may make recommendations as to any action to be taken.