**LISKEARD TOWN COUNCIL**

**CRIMINAL RECORDS CHECKS POLICY**

## 1. INTRODUCTION

This Policy sets out the Council's approach to criminal records checks for staff, Councillors, contractors and volunteers. It includes specific guidance for volunteers supporting Council services, volunteers at Liskeard & District Museum who help deliver the learning programme, and people supporting work experience placements.

## 2. SAFEGUARDING

Liskeard Town Council has a Safeguarding Policy which can be found on its website at https://www.liskeard.gov.uk/key-documents/policies-and-procedures/ which should be read in conjunction with this policy.

Safeguarding is everyone's responsibility, and all staff, Councillors and volunteers have a responsibility to safeguard and promote the welfare of children, young people and adults.

There is a duty on organisations to make appropriate arrangements to safeguard and promote the welfare of children and adults. Also, government guidance makes it clear that it is a shared responsibility and depends upon effective joint working between agencies and professionals that have different roles and expertise.

Liskeard Town Council recognises the safeguarding principles reflected in the Children Act 2004 and will make appropriate arrangements to ensure that its functions, services and facilities are delivered regarding safeguarding and promoting the welfare of children.

Where volunteers are involved in activities with children, young people or adults at risk, the Council will assess the role before the activity begins and put proportionate safeguards in place, including supervision arrangements, induction, role boundaries and the appropriate level of DBS check where the role is eligible.

## 3. SAFER RECRUITMENT

Liskeard Town Council demonstrates its commitment to safeguarding and promoting the welfare of children, young people and adults at all stages of the recruitment and selection process.

It has in place consistent, fair and thorough safer recruitment practices and processes that aim to deter, reject or identify people who might abuse children, young people or adults and to ensure that those recruited are suitable to work within Liskeard Town Council's services.

Councillors are subject to the disqualification criteria set out in the Local Government Act 1972, s79 & 80. Regarding criminal activity not related to election practices, a person is disqualified from standing for election or holding public office if they have been convicted of any offence and have received a sentence of imprisonment (suspended or not) for a period of no less than three months (without the option of a fine) or more in the five-year period before the relevant election.

The Local Government (Disqualification) Act updates the disqualification criteria for local authority members (councillors, mayors of combined authorities, the mayor of London and London assembly members) to explicitly disqualify individuals who are subject to relevant notification requirements or orders due to sexual offences from standing for or remaining in office. The Act came into force on 28 June 2022. This Act is essential in ensuring that the public continues to have confidence in their elected representatives and local democracy.

## 4. DISCLOSURE & BARRING SERVICE (DBS) CHECKS

There are different levels of DBS checks, and eligibility for each is set out in legislation:

- Basic – unspent convictions and conditional cautions – no eligibility criteria
- Standard - spent and unspent convictions and cautions (subject to filtering) – the position must be included in the Rehabilitation of Offenders Act (ROA) 1974 (Exceptions) Order 1975
- Enhanced - spent and unspent convictions and cautions (subject to filtering) and relevant police intelligence - the position must be included in both the ROA Exceptions Order and in the Police Act 1997 (Criminal Records) Regulations
- Enhanced with Barred list(s) - spent and unspent convictions and cautions (subject to filtering), relevant police intelligence, and Barred List(s) information – the position must be eligible for an enhanced level DBS certificate and be specifically listed in the Police Act 1997 (Criminal Records) Regulations as being eligible to check the appropriate barred list(s).

Before any DBS check application is submitted, the Council will assess the role against current DBS eligibility guidance, the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, the Police Act 1997 (Criminal Records) Regulations and any other relevant legislation in force at the time. The Council will only request the level of check, and any barred list information, for which it is legally entitled to apply.

For roles involving children, a person may be in regulated activity if they teach, train, instruct, care for or supervise children frequently or overnight. Under changes introduced by the Crime and Policing Act 2026, from 1 September 2026 the supervision exemption for relevant volunteer activity with children is removed. Eligible roles undertaking regulated activity will therefore require an enhanced DBS check with children's barred list information, even where they are supervised.

### 4.1 Renewing DBS Checks

DBS certificates do not have a formal expiry date. They provide information available at the date the certificate was issued, so the Council will decide when a new check is needed using a risk-based approach that considers the role, setting, level of contact, supervision arrangements and any change in duties.

For roles that require a standard or enhanced DBS check, the Council will normally review the need for renewal at least every three years, or sooner where there is a change in role, workforce, level of check required, safeguarding risk, concerns about suitability, or a break in service. This review will be recorded.

Where an individual is subscribed to the DBS Update Service, the Council may use the service to check the status of an existing standard or enhanced certificate, provided the individual gives consent, the Council is legally entitled to carry out the check, and the certificate is for the same workforce and the same type and level of check required for the role. The Update Service is free for eligible volunteers.

A new DBS check will be required where the Update Service cannot be used, where the certificate is not for the correct workforce or level of check, where barring list information is newly required, where the Council cannot verify the original certificate, or where the Update Service shows that new information is available.

## 5. ASKING FOR CRIMINAL RECORDS INFORMATION

### 5.1 Staff, Contractors and General Volunteers

A DBS check will only be requested after a thorough risk assessment (with external professional advice if necessary), has indicated that one is both proportionate and relevant to the position concerned. For those positions where a DBS check is required, all job adverts and recruitment briefs will contain a statement that a DBS check will be requested in the event of the individual being offered the position.

Where a DBS check is to form part of the recruitment process, the Council encourage all applicants called to interview to provide details of their criminal record at an early stage in the application process. The information should be sent under confidential cover, to a designated person within the Council, and it guarantees that this information will only be seen by those who need to see it as part of the recruitment process.

Liskeard Town Council is committed to the provision of equality and diversity and fair treatment; subject to the over-riding consideration of protecting children and vulnerable people. It undertakes not to discriminate unfairly against any subject of a DBS check on the basis of a conviction or other information revealed.

Having a criminal record will not necessarily bar you from working for the Council. This will depend on the nature of the position and the circumstances and background of the offences with due consideration given to our responsibilities to protect children and vulnerable adults.

### 5.2 Volunteers at Liskeard & District Museum and the Learning Programme

Museum volunteers who assist with the learning programme may support visits, workshops, handling sessions, talks, activities or other educational work with children, young people, schools, families or community groups. Before a volunteer starts this work, the Council will assess the role and record whether a DBS check is required and, if so, the level of check that is legally available and proportionate.

Volunteers helping to deliver the learning programme must work within agreed role descriptions, follow the Council's Safeguarding Policy and museum procedures, complete any required induction or training, and follow agreed supervision arrangements. Volunteers must not be placed in unsupervised one-to-one situations with children, young people or adults at risk unless the role has been assessed, authorised and the appropriate checks and safeguards are in place.

Where museum learning volunteers teach, train, instruct, care for or supervise children frequently or overnight, the Council will consider whether the role is regulated activity and whether an enhanced DBS check with children's barred list information is required. The Council will review these arrangements when duties, frequency or supervision arrangements change.

### 5.3 Supporting Work Experience Placements

Work experience placements must be planned in advance with clear duties, named supervision, agreed working hours, emergency contact details and any reasonable adjustments or support needs considered. The Council will risk assess each placement before it begins, including whether the placement involves children, young people, adults at risk, lone working, access to confidential information, or other safeguarding considerations.

A person supervising a work experience student aged 14 to 17 is not automatically in regulated activity with children where the activity relates solely to the student's employment or placement. However, the Council will still apply safer recruitment, induction, supervision and safeguarding measures that are proportionate to the placement and the setting.

Where a volunteer or member of staff is supporting a work experience placement that includes work with children, young people or adults at risk, the Council will assess the wider role and not assume that a DBS check is required or unnecessary solely because the activity is described as work experience.

### 5.4 Councillors

As noted in section 3, Councillors are subject to the disqualification criteria set out in law. Liskeard Town Council recognises that the Government has legislated in a manner and to a level that is considered as proportionate to the need, and therefore a DBS check will not be a routine requirement.

When a Councillor is undertaking additional responsibilities, where a thorough risk assessment indicates that it is proportionate and relevant to the role, an appropriate DBS check will be requested, for example a Councillor working closely with the Youth Council, and may be undertaken by the relevant external professional organisation facilitating the project.

While Councillors may be asked to undertake visits to schools, youth groups, care homes etc, these will only be conducted with the permission of the organisation involved and in accordance with their safeguarding procedures. Councillors will not be unaccompanied with vulnerable people.

The Council is aware of the Independent Review of the Disclosure and Barring Regime, published in February 2023, on the effectiveness of the disclosure and barring regime, with reference to the eligibility of local councillors for checks (section 4). The report concludes that there should be consistency in the practice adopted by councils in relation to DBS checks and that checks should be carried out where appropriate. It recommends that an enhanced criminal record 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. Although the report notes that a basic check can be obtained by any individual for any purpose, so all local councillors are eligible, it does not recommend that these are carried out.

## 6. DEALING WITH POSITIVE DISCLOSURES

There are two types of disclosure results, a **clear** disclosure result (certificate contains no information) and a **positive** disclosure result (contains a criminal record) when it will be necessary to arrange to see the applicant's certificate.

### 6.1 Staff, Contractors and Volunteers

The Council undertakes to discuss any matter revealed in a DBS check with the person seeking the position and carry out a risk assessment before withdrawing a conditional offer of employment or voluntary work.

For museum learning volunteers and work experience support roles, any positive disclosure will be considered against the specific duties, level of contact, supervision arrangements, frequency of activity, access to children or adults at risk, and any other relevant safeguarding measures before a decision is made.

### 6.2 Councillors

Subject to compliance with the statutory rules on being eligible to be elected to office and to remain in that office, the Council cannot prevent the election or continuation in office of any Councillor, irrespective of what might be disclosed by a criminal records check. Steps proportionate to the conviction, caution or other issue disclosed can still be taken.

## 7. CONFIDENTIALITY

All DBS certificate information and related suitability information must be kept strictly confidential and handled in accordance with the DBS Code of Practice, UK GDPR, the Data Protection Act 2018 and section 124 of the Police Act 1997. It should be disclosed on a 'need to know' and lawful basis only. Any actions or decisions of the Council must be in the context of putting its safeguarding responsibilities first. Certificate information will only be used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

Once a recruitment, volunteering or other relevant decision has been made, Liskeard Town Council will not keep DBS certificate information for any longer than is necessary and will normally retain it only for the period required to resolve the decision or any dispute. The Council may keep a record of the date of issue of the certificate, the name of the subject, the type and level of certificate requested, the workforce and barred list information requested where applicable, the position for which the certificate was requested, the unique reference number of the certificate and the details of the recruitment, volunteering or other relevant decision.

## 8. RESPONSIBILITY FOR POLICY UPDATES

The Town Clerk has overall responsibility for ensuring that this policy is kept under review and remains consistent with current legislation, statutory guidance, DBS eligibility requirements, safeguarding practice and Council procedures.

The RFO and Deputy Town Clerk will support the Town Clerk by monitoring relevant updates, maintaining records relating to DBS checks and renewals, and preparing draft policy amendments where changes are required.

Service leads, including those responsible for Liskeard & District Museum, the learning programme, volunteering and work experience placements, must notify the Town Clerk of any changes to roles, activities, supervision arrangements or safeguarding risks that may affect DBS eligibility, renewal requirements or this policy.

Policy updates will normally be reviewed as part of the scheduled review cycle, but interim updates must be made sooner where there are changes in legislation, DBS guidance, safeguarding requirements, Council services or identified risks. Substantive amendments must be approved by the Council or relevant committee before adoption, unless urgent safeguarding or legal compliance changes are required, in which case the Town Clerk may implement interim wording pending formal approval.

Liskeard Town Council will continuously monitor and review all recruitment, volunteering and induction processes, including procedures for criminal records checks, in line with evolving legislation, DBS guidance, safeguarding requirements and best practice.

**Approved by Liskeard Town Council 25 July 2023**
**Reviewed by Council 29 September 2026**
**Review by July 2029**