

# **OVERVIEW AND SCRUTINY TASK GROUP - CHILD SEXUAL EXPLOITATION**

THURSDAY, 10TH NOVEMBER 2016, 3.00 PM  
COMMITTEE ROOM 1, TOWN HALL, CHORLEY

## **AGENDA**

### **APOLOGIES**

- 1 **MINUTES OF MEETING THURSDAY, 27 OCTOBER 2016 OF OVERVIEW AND SCRUTINY TASK GROUP - CHILD SEXUAL EXPLOITATION**

(Pages 3 - 6)

- 2 **DECLARATIONS OF ANY INTERESTS**

Members are reminded of their responsibility to declare any pecuniary interest in respect of matters contained in this agenda.

If you have a pecuniary interest you must withdraw from the meeting. Normally you should leave the room before the business starts to be discussed. You do, however, have the same right to speak as a member of the public and may remain in the room to enable you to exercise that right and then leave immediately. In either case you must not seek to improperly influence a decision on the matter.

- 3 **DBS CHECKS**

(Pages 7 - 12)

To consider a report from the Director of Policy and Governance (enclosed). Head of Legal, Democratic and HR Services, and the Senior HR&OD Consultant will be attending the meeting for this item.

- 4 **INTERVIEW - EDUCATION SECTOR**

The Task Group will welcome Natalie Fairhurst, Safeguarding and Intervention Manager from Parklands High School who will be in attendance at the meeting to speak on the work the school does to tackle CSE.

Members of the Task Group will be able to ask relevant questions in regards to issues around CSE.

Suggested questions

Members of the Task Group may wish to ask the following questions –

- How does your organisation work with other organisation to ensure victims of CSE are supported?
- How are you raising the awareness of parents and carers about CSE?
- What training are you doing with your own professionals?
- How are you sharing information with organisations in relation to CSE

## 5 **CHORLEY COUNCIL - ROLES AND RESPONSIBILITIES**

Members of the Task Group will receive a verbal update on the Council's rules and responsibilities in tackling CSE from the Head of Early Intervention and Support and the Intervention and Prevention Officer.

## 6 **EARLY RECOMMENDATIONS**

Discussion item.

## 7 **DATE OF NEXT MEETING**

The next meeting will take place on the close of the CSE Member Learning Session on Monday, 14 November at approximately 7pm.

GARY HALL  
CHIEF EXECUTIVE

Electronic agendas sent to Members of the Overview and Scrutiny Task Group - Child Sexual Exploitation Councillor Roy Lees (Chair), Councillor (Vice-Chair) and Councillors John Dalton, Mark Jarnell, Margaret Lees, Sheila Long, Alistair Morwood, Kim Snape, Richard Toon and Hasina Khan.

If you need this information in a different format, such as larger print or translation, please get in touch on 515151 or [chorley.gov.uk](http://chorley.gov.uk)



**MINUTES OF OVERVIEW AND SCRUTINY TASK GROUP - CHILD SEXUAL EXPLOITATION**

**MEETING DATE** Thursday, 27 October 2016

**MEMBERS PRESENT:** Councillor Roy Lees (Chair), Councillor (Vice-Chair) and Councillors John Dalton, Mark Jarnell, Margaret Lees, Hasina Khan, Sheila Long, Alistair Morwood and Kim Snape

**OFFICERS:** Louise Elo (Head of Early Intervention) and Cathryn Filbin (Democratic and Member Services Officer)

**APOLOGIES:** Councillor Richard Toon

**16.CSE11 Minutes of meeting Thursday, 29 September 2016 of Overview and Scrutiny Task Group - Child Sexual Exploitation (CSE)**

**AGREED – That the minutes of the meeting held on 29 September 2016 were approved for the signature of the Chair.**

**16.CSE12 Declarations of Any Interests**

There were no declarations of interest.

**16.CSE13 Interview - Children's Society**

Hayley Bentley, Rebecca Gardiner and Sarah Ainsworth attended the meeting and gave an overview of the work that The Children's Society carried out to support young people who had been subject to child sexual exploitation (CSE).

When the society was originally founded in 1881, its focus was to provide children's homes. Since then, the focus of the organisation had changed towards advocacy work, supporting young people and championing changes in legislation. It was reported that the society identified issues relating to CSE over 13 years ago; this was a long time before any other organisation recognised it as being a problem.

Street Safe was a pilot project set up by the Children's Society aimed at delivering help and support to those young people who had been subjected to CSE between the ages of 16 to 18. This age group was targeted specifically as they were not protected by children safeguarding laws as they was over the age of consent, but not yet considered an adult.

The Street Safe initiative included –

- 1-2-1 direct work
- Group work
- Targeted work
- Awareness raising and training

- Participation
- Consultancy

Street safe consisted of six case workers, and a manager. The society had charitable status and was funded by donations and grants. Two case workers represented the society on each of the three specialist CSE multi-agency teams across Lancashire Constabulary (Awaken/Deter/Engage). The purpose of the teams was to share information on high risk cases.

The 1-2-1 direct work which was a service available as part of the project, offered young people the support they needed for as long it was required. The timescale span from the initial referral, support for court hearings, and beyond. Each case worker was able to support young people in all aspects of their life and not just focus on CSE support. At the first meeting the young person would be advised that if a safeguarding issue was disclosed, the relevant agency would need to be informed, otherwise the service was completely confidential.

The direct work was extremely time intensive, and to this end each case worker usually dealt with a maximum of 12 cases at any one time, with meetings taking place wherever the young person felt most comfortable.

The pathway for the young person's referral to the Street Safe project was via a variety of different means included -

- Police
- Social workers
- Teachers
- Parents
- Self-referrals

Members of the Task Group raised a number of issues throughout the presentation from which discussions ensued. Those discussions included –

- Different ways of connecting with young people
- The difficulties of building a relationship with a young person and gaining their trust
- Working with other charities that support families
- Challenging the attitudes of others and other organisations
- Pressure from other agencies to disclose confidential information
- Dealing with the emotional pressures of the role
- Education and prevention work

The Chair thanked Hayley, Rebecca and Sarah for attending the meeting and their informative presentation.

#### **16.CSE14 Interview - education sector**

The Chair informed the task group that due to schools half term holidays, no representative from the education sector was available to attend this meeting. To allow for the presentation it was confirmed that the meeting on 10 November be reinstated.

#### **16.CSE15 Task Group - the way forward**

Due to the last item not being presented, that Chair took the opportunity to have a discussion on how the review was taking shape and discuss possible recommendations.

The task group discussed various issues included –

- DBS checks for members
- Reviewing the recommendations of a recent safeguarding audit which included CSE actions
- What evidence in terms of policies and procedures were in place to ensure the Council was doing as much as it could to prevent CSE.

- Annual mandatory training for members either a Member Learning Session or as part of an e-learning package
- Supporting the next National Child Sexual Exploitation Awareness Week in 2016 and 2017.

**AGREED – It was agreed, at the next meeting, that the Task Group would consider -**

- 1. A report on the viability of DBS checks for elected members**
- 2. Audit recommendation in relation to the prevention of CSE be reported at the next meeting.**

#### **16.CSE16 Member Learning Session - CSE**

The Chair reminded members of the Task Group about the CSE training on 14 November and asked if possible, for all members to attend.

Chair

Date

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| Report of                        | Meeting  | Date                |
|----------------------------------|--|---------------------|
| Director (Policy and Governance) | Overview & Scrutiny Task Group –<br>Child Sexual Exploitation review | 10 November<br>2016 |

## **ELIGIBILITY OF ELECTED MEMBERS FOR DISCLOSURE & BARRING SERVICE DISCLOSURE APPLICATIONS**

### **PURPOSE OF REPORT**

1. This report establishes the eligibility for elected members to apply for disclosures through the Disclosure and Barring Service (DBS) and the availability of alternative provisions.

### **RECOMMENDATION(S)**

2. It is recommended that applications for disclosures are not submitted to the DBS in respect of Elected Members as this is likely to be outside the legislative framework relating to DBS Disclosures.
3. Members may consider, basic disclosures applications through Disclosure Scotland, however, these would only provide details of any unspent convictions, and elected members are currently legally required to disclose all unspent convictions, and there would be no mechanism to enforce elected members to complete applications.

### **EXECUTIVE SUMMARY OF REPORT**

4. The report looks at the legal requirements to enable disclosure applications to be made through the DBS and whether this would permit such disclosure to be applied for in respect of elected members.
5. The information obtained would indicate that it would not be lawful to apply for disclosures through the DBS for elected members. Though an alternative provision does exist through Disclosure Scotland, though this would not provide as much information or level of check, and is unlikely to be recognised as being comparable to a DBS Disclosure certificate.

|  |            |    |
|--|------------|----|
| <b>Confidential report</b><br>Please bold as appropriate | <b>Yes</b> | No |
|--|------------|----|

### **CORPORATE PRIORITIES**

6. This report relates to the following Strategic Objectives:

|  |  |   |   |
|--|--|---|---|
| Involving residents in improving their local area and equality of access for all |  | A strong local economy  |   |
| Clean, safe and healthy communities  |  | An ambitious council that does more to meet the needs of residents and the local area | X |

## BACKGROUND

7. The Disclosure and Barring Service (DBS) which was formerly the Criminal Records Bureau (CRB) was established in December 2012 under part V of the Protection of Freedoms Act to undertake disclosures and barring functions.
8. The purpose behind the DBS is to establish the integrity of individuals working in sensitive or high risk areas, such as prisons and the courts, and to safeguard children and adults, by providing organisations with information, primarily criminal records checks, regarding prospective employees and/or volunteers.
9. The DBS can only carry out criminal record checks for specific positions, professions, employment, offices, works and licences which are included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 and those prescribed in the Police Act 1997 (Criminal Records) as amended.
10. Individuals cannot apply directly to the DBS for any level of disclosure and must go through a registered body in order to obtain a disclosure certificate. Before a registered body can consider submitting an application for an individual to have a criminal records check through DBS, they are legally responsible for ensuring that they are entitled to submit an application for that role.
11. The eligibility for DBS Disclosures is very prescriptive and it is an offence to apply for a disclosure for someone who is not eligible or to provide “a false statement for the purpose of obtaining, or enabling another person to obtain a certificate.” (Home Office Revised Code of Practice for Disclosure and Barring Service Registered persons.)

## LEVELS OF DISCLOSURE THROUGH THE DBS AND ELIGIBILITY CRITERIA

12. The DBS carry out three levels of disclosures, detailed below, each with its' own eligibility criteria, which is established in compliance with the legislation detailed above, and therefore organisations requesting a disclosure to be carried out must establish that they are legally entitled to submit an application for that particular level of disclosure for a particular role or person.

### Standard Check

13. The **standard check** is only available for duties, positions and licences included in the Rehabilitation of Offenders Act (ROA) 1974 (Exceptions) Order 1975 as amended. Examples provided by the Disclosure and Barring Service include, court officers, employment within a prison, and Security Industry Authority (SIA) licences.
14. A standard level certificate contains details of all spent and unspent convictions, cautions, reprimands and final warnings from the Police National Computer (PNC) which have not been filtered in line with legislation.

### Enhanced Check

15. The **enhanced check** is available for specific duties, positions and licences, which must be included in both the Rehabilitation of Offenders Act 1974 (Exceptions Order 1975) as amended and the Police Act 1997 (Criminal Records) regulations. Examples provided by the Disclosure and Barring Service include, regularly caring for, training, supervising or



being solely in charge of children, specified activities with adults in receipt of health care or social care services and applicants for gaming and lottery licences.

16. An enhanced level certificate contains the same PNC information as the standard level certificate but also includes a check of information held by police forces.

#### **Enhanced check with barred list check(s)**

17. The **enhanced check with barred list check(s)** is only available for those individuals who satisfy the criteria for an enhanced disclosure and who carry out a regulated activity relating to either children or adults as specified within the Police Act 1997 (Criminal Records) Regulations as being eligible for checks to be made against the appropriate barred lists(s).
18. Regulated activities are defined by the Safeguarding Vulnerable Groups Act 2006 and as amended by the Protection of Freedoms Act 2012. Examples provided by the Disclosure and Barring Service include, prospective adoptive parents and hackney and private hire driver (PHD) licences.
19. An enhanced level certificate with barred list check(s) contains the same PNC information and check of information held by police forces as an enhanced level check but in addition will check against the children's and/or adult's barred lists.

#### **Regulated activities**

20. Information regarding Regulated activities for adults is produced by the Department of Health (extract):

“This means for example, anyone providing personal care to an adult is in a regulated activity irrespective of whether that occurs in, say a hospital, a care home, a day care centre, a prison or in sheltered housing.”

Information regarding regulated activities relating to children is produced by the Department for Education (extract).

“unsupervised activities: teach, train, instruct, care for or supervise children, or provide advice/guidance on well-being, or drive a vehicle only for children;”

#### **Eligibility for Elected Members to be asked to apply for Disclosures through the DBS**

21. Assessing the criteria relating to eligibility for disclosure applications through the DBS for standard disclosures and enhanced disclosures with or without barred list check(s), it is considered that elected members do not fall within the specified criteria in order for them to be legally eligible for any level of disclosure carried out by the DBS. The DBS can also challenge applications submitted to them where they do not consider that the applicant is eligible.
22. Whilst there will be occasions when members will come into contact with children and adults, in order for a disclosure to be requested, it must satisfy the legally defined criteria. With regard to children, in addition to the activity being carried out it must also be undertaken regularly. Regular is defined as once a week or more often (frequently) or on 4 or more days in a 30 day period, and would generally have to relate to the same person(s). There is no such regularity criteria relating to activities relating to adults.

- 23. Individuals who have been asked to submit an application for a DBS Disclosure can challenge the right of an organisation to request them to complete a form by contacting the DBS indicating why they feel they may be ineligible.
- 24. The DBS will not, however, provide specific advice to a registered organisation as to whether a post is eligible for a particular level of DBS disclosure. They would refer the organisation to the relevant criteria for them to decide, in light of the duties undertaken, whether it was eligible. The DBS can request that an organisation provide clarification as to why they have submitted a particular application, if they believe that it may not be eligible.

**Alternative provision**

- 25. Whilst it would appear that elected members are not eligible to apply for a Disclosure through the DBS, it is possible to get a basic disclosure from Disclosure Scotland. A basic disclosure, however, only includes unspent convictions and are available for anyone for a cost of £25. These can also be processed through Chorley Council as we are registered with Disclosure Scotland. Elected members are currently legally required to disclose all unspent convictions, and there would be no mechanism to enforce elected members to complete applications. It is unlikely to that a certificate through Disclosure Scotland would hold the same gravitas as a DBS Disclosure certificate. Such disclosures would cost £25 per person.

**Additional information regarding Chorley Council’s Registered Body status**

- 26. Chorley Council is a registered body for applying for Disclosures from the DBS (standard, enhanced and enhanced with barred lists check(s), however it is likely that the registration will be cancelled in November 2016 due to the insufficient number of disclosures being requested in any 12 month period. Under the Police Act 1997 (Criminal Records) (Registration) Regulations 2006 there is a minimum threshold requirement of 100 applications in any 12 month period which unfortunately we are currently falling short of. It is therefore likely that we would need to use an external organisation to undertake DBS disclosure applications on our behalf relating to employees and volunteers and initial discussions have taken place with an organisation to potentially undertake this. The same organisation is also ready to carry out DBS disclosure applications and other checks relating to taxi license applications. It would be unlikely that any pressure could be brought to bear with an external organisation where posts do not fall strictly within the defined legal criteria as being eligible for disclosures, as any impact upon their registered status would have serious implications for them.

**IMPLICATIONS OF REPORT**

- 27. This report has implications in the following areas and the relevant Directors’ comments are included:

|  |   |  |  |
|--|---|--|--|
| Finance                                  | X | Customer Services                      |  |
| Human Resources                          | X | Equality and Diversity                 |  |
| Legal                                    |   | Integrated Impact Assessment required? |  |
| No significant implications in this area |   | Policy and Communications              |  |

**COMMENTS OF THE STATUTORY FINANCE OFFICER**

- 28. There are no revenue implications if the recommendations are agreed. If the alternative is agreed the £25 per check will be managed from within existing budgets.

**COMMENTS OF THE MONITORING OFFICER**

29. The criteria in the legislation for applications for DBS checks are identified in the body of the report.
30. A contract is already in place between the Council and Cooke and Mellor Recruitment Limited trading as Personal Checks in respect of DBS checks for taxi drivers licensed by the Council.
31. Whilst members during their voluntary and other community roles may well come into more direct contact with vulnerable groups or children e.g. as school governors or with sports teams their role at the council is unlikely to involve the direct contact required for DBS disclosure.

CHRIS SINNONTT  
DIRECTOR (POLICY AND GOVERNANCE)

| <b>Background Papers</b>   |               |  |                            |
|--|---------------|--|----------------------------|
| <b>Document</b>  | <b>Date</b>   | <b>File</b>  | <b>Place of Inspection</b> |
| Home Office Revised Code of Practice for Disclosure and Barring Service Registered Persons | November 2015 | Code of Practice for Disclosure and Barring Service Nov 15 | Human Resources            |
| Department for Education – Regulated activity in relation to children: scope               | 2012          | Regulated activity in relation to children                 | Human Resources            |
| Department of Health – Regulated activity (adults)   | 2012          | Regulated activity adults                                  | Human resources            |
| Disclosure & Barring Service – A guide to eligibility for DBS checks                       | April 2016    | DBS Guide to eligibility                                   | Human Resources            |

| <b>Report Author</b> | <b>Ext</b> | <b>Date</b>     | <b>Doc ID</b>  |
|----------------------|------------|-----------------|--|
| Graeme Walmsley      | 5186       | 28 October 2016 | T:\EMPLOYEE RESOURCING\Criminal Records Bureau\Admin\Elected members draft report.docx |

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