

Risk Assessment of Unspent Convictions or Conditional Cautions

1. Where a basic DBS check reveals that a councillor has an unspent conviction or conditional caution, the potential risks associated with the conviction will be considered on a case-by-case basis and in the context of specific responsibilities of the councillor.
2. The existence of an unspent conviction or conditional caution does not necessarily impact on the work of a councillor, and the Council supports the rehabilitation of offenders. In the case of councillors, the Council respects the outcome of the democratic process, particularly if on election a previous unspent conviction or conditional caution was known to their electorate and should not unreasonably restrict the work that an elected representative can do on behalf of their ward.

However, the outcome of a DBS check may provide evidence of unsuitability for various councillor appointed roles such as

- cabinet member
- member of a committee
- appointment to community organisations as the council's representative

The outcome of a DBS check may also inform a risk assessment of a councillor's wider role within their ward, particularly in respect of unsupervised contact with vulnerable members of the community.

3. The assessment is intended to identify and address any potential risks arising from the councillor's specific responsibilities and consider whether the unspent conviction or caution impacts the member's suitability to continue with those specific responsibilities. The protection and safeguarding of children and/or adults are the primary concern, however there may be other types of convictions which impact suitability, depending on the circumstances.
4. This assessment will be undertaken by the relevant Group Leader with the Chief Executive, advised by the Council's Monitoring Officer. Where the unspent conviction or caution relates to the Group Leader or an independent member or a co-opted member, the assessment will be carried out by the Chief Executive. The Chief Executive can seek advice from such other officers within the Council as deemed appropriate.
5. Factors that may be considered as part of the assessment include the following:
 - the seriousness of any offence disclosed and its relevance to the conduct expected of the councillor in the course of their duties

- when the offence was committed and the length of time since any offence took place. The offences disclosed on the certificate may be irrelevant in many instances due to passage of time. Consider how the councillor's conduct and circumstances have changed since the offence was committed.
 - whether there is a pattern of offending behaviour. Consider whether the individual has committed a single offence or whether there has been a pattern of offending behaviour and whether there is a large gap between offences or if there is a string of similar offences.
 - the circumstances surrounding the offence and any mitigating factors
 - relevance of the conviction or caution to specific responsibilities
 - Is there potential for reputational damage
6. The Group Leader or Chief Executive should ensure that the councillor is given the opportunity to explain the circumstances. The purpose of the discussion is to gather information necessary to assess whether the councillor may pose a risk in relation to their specific responsibilities and to take appropriate action.
 7. The basic DBS check will not reveal details of any spent convictions or cautions and information about such convictions should not be requested.
 8. In carrying out the risk assessment Group leaders and the Chief Executive should also be mindful that they do not discriminate on grounds of a protected characteristic, such as age, sex, disability or race.
 9. Where the assessment leads to information relevant to the councillor's appointment to specific roles, the Chief Executive shall provide advice to the Group Leader accordingly. Where the Group Leader disagrees with the advice of the Chief Executive, this will be recorded. Where the Chief Executive considers that appropriate steps should be taken in relation to Council facilities or resources, they should be implemented following consultation with the Group Leader.
 10. Upon completing the assessment, the factors taken into account and the outcome should be recorded in writing and retained by the Chief Executive and Monitoring Officer.