



Author/Lead Officer of Report:
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Report of: *Mark Bennett Director of Human Resources and Customer Services*

Report to: *Cllr Cate McDonald, Cooperative Executive Member*

Date of Decision: *20th April 2022*

Subject: *Procurement of supplier of Disclosure and Barring Service (DBS) Checks*

Is this a Key Decision? If Yes, reason Key Decision:-	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
- Expenditure and/or savings over £500,000	<input checked="" type="checkbox"/>	
- Affects 2 or more Wards	<input type="checkbox"/>	
Which Cooperative Executive Member Portfolio does this relate to? Cllr Cate McDonald – Cooperative Executive Member Finance and Resources		
Which Scrutiny and Policy Development Committee does this relate to? Overview and Scrutiny Management Cttee.		
Has an Equality Impact Assessment (EIA) been undertaken?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If YES, what EIA reference number has it been given? 1175		
Does the report contain confidential or exempt information?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If YES, give details as to whether the exemption applies to the full report / part of the report and/or appendices and complete below:-		
<i>“The (report/appendix) is not for publication because it contains exempt information under Paragraph (insert relevant paragraph number) of Schedule 12A of the Local Government Act 1972 (as amended).”</i>		

Purpose of Report:

Approval is requested to commence procurement for a new 4 year contract for a Disclosure and Barring Service accredited provider of criminal records checks for employees and other individuals the Council is required to undertake vetting checks on.

Recommendations:

It is recommended that the Co-operative Executive - Executive member :

1. approves the procurement of a Disclosure and Barring Service (DBS) accredited provider to undertake criminal record checks for the Council for a 4 year term as set out in this report; and

2. delegates authority to the Director of Human Resources and Customer Services in consultation with the Director of Legal and Governance to award the contract and to take such other necessary steps not covered by existing delegations to meet the aims and objects as set out in this report.

Background Papers:

(Insert details of any background papers used in the compilation of the report.)

Equality Impact Assessment

Lead Officer to complete:-		
1	I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed, where required.	Finance: Kayleigh Inman
		Legal: Kevin Carter
		Equalities: Richard Barrett
<i>Legal, financial/commercial and equalities implications must be included within the report and the name of the officer consulted must be included above.</i>		
2	EMT member who approved submission:	<i>Director of Human Resources and Customer Services</i>
3	Cooperative Executive Member consulted:	<i>Executive Member for Finance and Resources</i>
4	I confirm that all necessary approval has been obtained in respect of the implications indicated on the Statutory and Council Policy Checklist and that the report has been approved for submission to the Decision Maker by the EMT member indicated at 2. In addition, any additional forms have been completed and signed off as required at 1.	
	Lead Officer Name: Kirsty Surtees	Job Title: HR Service Manager
	Date: 04/04/2022	

1. PROPOSAL

(Explain the proposal, current position and need for change, including any evidence considered, and indicate whether this is something the Council is legally required to do, or whether it is something it is choosing to do)

- 1.1 The Council has robust recruitment processes in place to ensure someone is suitable for both a position in the organisation and for the services it provides including adoption and fostering services. DBS checks are part of a range of checks that are used to help select the most suitable candidates by having appropriate procedures for appointing staff, volunteers and supporting selection in other areas including fostering and adoption.

There is a statutory requirement to undertake checks of criminal records for all eligible staff on appointment, and the Council's DBS policy introduces a requirement to undertake 3 yearly renewals of the checks. DBS checks also form part of the Baseline Personnel Security Standard for staff accessing government IT systems.

During recruitment and vetting, when a post has been identified as requiring a DBS check, the successful candidate/individual is required to complete a Criminal Records Disclosure form in line with the Rehabilitation of Offenders Act (ROA) 1974 (Exceptions) Order 1975 and the Police Act Regulations. The Council uses this information to assess applicant suitability for positions of trust. The Council complies fully with the DBS Code of Practice and undertakes to treat all applicants and employees fairly.

The current contract to provide online DBS checks is delivered by Barnsley Metropolitan Borough Council and is due to end on 31 August 2022. Approval is requested to commence procurement for a four year contract for online DBS services to start on 1 September 2022 with a potential value of £480,000.

The Council is looking for a provider that can:

- a. Comply with all legal requirements when administrating DBS checks.
- b. Act as an umbrella body to facilitate with all 3 levels of checks (basic, standard and enhanced).
- c. Provide access to the DBS system to enable the Council to administer its own checks.
- d. Provide an online portal approach, with outcome notifications being communicated via email.

2. HOW DOES THIS DECISION CONTRIBUTE?

- 2.1 The proposal to commence a procurement process for an online solution for the next 4 years will contribute to the following aspects of the one year plan.

Education health and care

Access to an online DBS checking facility will help the Council continue to apply safer recruitment and employment principles by helping to ensure that the most suitable candidates are selected. This will contribute to the Council's commitment to provide an on-going safe and secure environment for children and vulnerable adults.

Climate change economy and development

The continued provision of an online DBS facility will ensure the Council does not reintroduce measures that would require avoidable travel into the city centre and not require paper based methods to be reintroduced, which in addition to being a more climate friendly approach will also minimise the impact on services and managers and improve their customer experience.

3. HAS THERE BEEN ANY CONSULTATION?

(Refer to the Consultation Principles and Involvement Guide. Indicate whether the Council is required to consult on the proposal, and provide details of any consultation activities undertaken and their outcomes.)

- 3.1 There is not a requirement to consult on this proposal.

4. RISK ANALYSIS AND IMPLICATIONS OF THE DECISION

4.1 Equality of Opportunity Implications

- 4.1.1 This is a proposed continuation of existing arrangements, all DBS online systems are based on the government requirements and require strict compliance with their standards. The proposals will not change how individuals are recruited or assessed for suitability for any position with the Council. All DBS applications are made in accordance with legislation and guidelines and it is unlikely that an adverse DBS certificate is received as a result of any of the protected characteristics of the Equality Act 2010. DBS applications are made only when relevant to the job role. Certificates are assessed on their own merit, with decisions being taken regarding the information contained in them, rather than being taken based on the individual.

4.2 Financial and Commercial Implications

4.2.1 The approximate annual value of the new DBS contract is £120,000 – subject to the outcomes of tendering. This cost includes both the fees for applying for the checks as well as for the supply of the service and is within the funding envelope in the HR budget.

4.2.2 The proposal is to go out to full competitive tender to procure a new DBS service for the next four years. To ensure continued delivery of the business-critical services outlined, the following viable options were considered:

4.2.3 1. To award a new contract to Barnsley MBC using powers under section 1 of the Local Authorities (Goods and Services) Act 1970; or

2. To undertake a full competitive tender process.

4.2.4 Option 2 to go out to open tender is considered the best option in this instance as, by doing so, business benefits will be maximised for the Council and Value for Money (VFM) optimised for the citizens of Sheffield.

4.3 Legal Implications

4.3.1 The Localism Act 2011 provides local authorities with a “general power of competence” which enables them to do anything that an individual can do as long as the proposed action is not specifically prohibited.

The proposed procurement outlined in this report has a potential value in excess of the threshold in accordance with the Public Contracts Regulations 2015, therefore the procurement and contract award processes to be followed will be subject to those Regulations.

The procurement process and contract award must also be undertaken in accordance with all relevant provisions of the Council’s Constitution including its Contracts Standing Orders.

The Council may request disclosure checks as part of its recruitment process and may do so via an umbrella body registered with the DBS acting in its capacity as a Responsible Organisation for basic checks and

Registered Body for standard and enhanced checks.

The type of information and amount of detail provided by each level of disclosure is prescribed by Part V of the Police Act 1997 and the Police Act 1997 (Criminal Records) Regulations 2002. There are limits on the extent of convictions and cautions that will be revealed by a DBS certificate and this will depend upon the type of certificate sought.

There are criminal consequences for organisations who permit an individual to engage in regulated activity from which that individual is barred where that organisation knows, or has reason to believe, that the individual is barred from that activity, and the individual engages in that activity (section 9 of the Safeguarding Vulnerable Groups Act 2006).

Officers also need to ensure that disclosure of information does not disproportionately affect recruitment decisions.

4.4 Other Implications

(Refer to the Executive decision making guidance and provide details of all relevant implications, e.g. HR, property, public health).

4.4.1 None.

5. **ALTERNATIVE OPTIONS CONSIDERED**

(Outline any alternative options which were considered but rejected in the course of developing the proposal.)

5.1 The Council remains a DBS registered body and could obtain paper forms from the DBS to undertake the checks directly however processing the checks manually would create significant delays in terms of processing checks and require a considerable additional staff resource to be assigned to administering the checks, it also does not provide the ability to check the progress of applications online. It would also require a full return to the office to enable verification of documentation, issue of forms, postage and receipt etc. Paper forms take significantly longer to process by the Disclosure and Barring Service which would also impact on the Council's ability to allow new starters to commence in post and existing employees to continue in post without supervision or appropriate risk assessment therefore this option was rejected.

6. **REASONS FOR RECOMMENDATIONS**

(Explain why this is the preferred option and outline the intended outcomes.)

6.1 This is the preferred option as there will be no disruption to the recruitment and ongoing vetting processes and no risk in terms of increased numbers having to work without DBS checks and subject to risk assessment and additional safeguards.

