CASE B

BOROUGH OF SELCHESTER – COUNCILLOR JULIA HARTY

Summary

It is alleged that Councillor Julia Harty lied at council meetings about her decision to require Local Education Authority appointed school governors to pay the £36 cost of their own Criminal Records Bureau (CRB) checks. This is a process which she had approved while cabinet member for education. The complainant, who is the opposition chief whip, said that Labour councillors received complaints during August 2006 that new governors would have to have a CRB check at their own expense. He also said there were letters in the press criticising the policy. It is alleged that at this stage, Councillor Harty suggested a bursary scheme for those who could not afford to pay. A newspaper article quoted the council as saying that the fee **may** be waived by those not able to pay. It is alleged that at a scrutiny committee on 12 September 2006, Councillor Harty, replying to a question, said that it had always been the policy to reimburse governors their CRB expenses. This is not what she had in fact agreed.

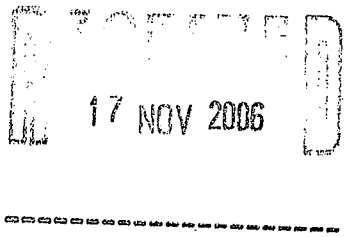
The opposition put down a motion in council on 20 September 2006 on the matter. And it is reported that Councillor Harty again claimed that it was always the policy to reimburse governors for CRB expenses.

Borough of Selchester

Town Hall
Queen Street
Selchester SL1 1BB

Councillor Barry Corder
Labour Group Whip

Tel:
Email: k
Web:



Mr David Prince
Chief Executive
The Standards Board for England
1st Floor, Cottons Centre
Cottons Lane
London SE1 2QG

15 November 2006

Dear Mr Prince

COUNCILLOR JULIA HARTY

I am writing to formally complain about the actions of Councillor Harty who, while holding the position of Cabinet Member for Education, lied at Council meetings about her decision to require LEA appointed school governors to pay the £36 cost of their own Criminal Record Bureau (CRB) checks. The requirement that such governors undergo these checks was a new policy introduced by Councillor Harty. She not only lied about making this decision at Council meetings but she also lied to her own colleagues, including the Leader of the Council.

The facts supporting this complaint are as follows:

During August this year (2006) members of the Labour opposition received a number of complaints from LEA appointed governors who informed us that they had received letters from the Council stating that the Council had decided that newly appointed school governors should undergo a check through the CRB at their own expense as part of the appointment process to the role of school governor.

This resulted in a story in the local press (see copy on page 5).

You will note that at the end of that article the response from the Council's press office confirmed that this decision had been taken and that the fee may be waived for those not able to pay.

Over the following weeks a number of letters from members of the public were printed in the local press (see copies on pages 6 to 8).

At the meeting of the Council's Education and Children's Services Scrutiny Committee held on 12 September 2006 Councillor Harty stated in reply to a question that it was always the policy to reimburse governors for the £36 CRB expense (please see the extract from the minutes of that meeting on page 9).

On the agenda of the Council meeting held on 20 September 2006 there was a special motion from the opposition on this matter (see copy on page 10).

During the debate on this special motion Councillor Harby claimed that the local press had misreported this policy and again she claimed that it was always the policy to reimburse governors for CRB expenses (see extract from the transcript of the Council meeting on page 11).

The statements that she made at these two meetings were simply not true as I will prove.

On 21 September 2006 I e-mailed the Chief Executive, Mr John Greyling, with a list of the information I considered necessary to pursue this matter. I did not receive the last of the information that he ruled I was entitled to until 7 November 2006.

I refer to the first response that I received from him on 23 October (see pages 12 to 13).

You will note that he refused to supply me with all of the information that I considered necessary. However, I believe I have enough information to proceed with this complaint.

On pages 14 to 15 is a copy of the standard letter sent to governors.

The first paragraph on page 14 states that the Council has agreed to implement these CRB checks and that governors undergo these checks at their own expense.

It is important to understand that under the cabinet system of running the London Borough of Selchester although the letters refer to decisions of the Council, the decision was made by Councillor Harby under her powers as Cabinet Member for Education.

The fourth bullet point on page 15 makes it clear that governors are required to give a personal cheque for £36 to pay for the CRB checks when they hand their forms in. There is absolutely no mention of any reimbursement of governors.

I now draw your attention to the chronology of events provided by Janet Hudson, Deputy Director, Children's Services (see page 16).

With regard to Councillor Harby's statements that it was always her intention to reimburse governors the £36 charge for CRB checks, I draw your attention to the fourth paragraph on that page which records a Cabinet Member's briefing held on 31 July 2006 in which Councillor Harby agreed with the implementation process proposed by officers that LEA governors should apply via the school for which they were a governor for a CRB check and that governors would be charged.

Paragraph five on that page (16) records that in response to a local press enquiry about governors being charged for CRB checks, Councillor Harby e-mailed to enquire whether it was possible to set up a bursary scheme but only for those governors unable to pay.

An e-mail dated 15 August 2006 from Alison de Souza (Head of School Governance) to Andrew [redacted] (Director of Children's Services) confirms that Councillor Harby had decided that school governors should pay for the CRB checks themselves (see page 17).

On 17 August 2006 Andrew [redacted] e-mailed Councillor Harby to inform her that he had been contacted by a number of people who were objecting to this policy. In her response dated 18 August 2006 she mentioned that if there were objections, the Council may have to pay for those checks (see page 18).

A copy of the letter from Andrew Elliott sent to Mr Colin O'Neill (one of the complainants) confirms that governors were required to pay for these checks (see page 19).

I now draw your attention to the e-mail dated 29 August 2006 (see page 20) from Councillor Harby to Andrew [redacted] (Director of Children's Services) in which she sets out her opinion that all school governors should offer to pay the CRB charge themselves but that to cover themselves a bursary should be set up to help those governors unable to pay.

The final piece of correspondence that I wish to draw your attention to is the letter of 25 October 2006 from Councillor Robson to John Greenling (Chief Executive) copied to me (see page 21).

In this letter she maintains the lie that it was always the intention to reimburse school governors the cost of their CRB checks and she also confirmed that it was she who agreed to the response to the press which included a statement that for those governors unable to pay this charge may be reimbursed.

She would not have agreed to this statement if it had always been her policy to reimburse all governors. Indeed, as I have already pointed out, in her e-mail to Mr Elliott on 29 August 2006 Councillor Harby makes it plain that in her view as responsible adults governors should just offer to pay this charge themselves.

It is also a red herring for Councillor Harby to say that she did not see a draft of the letters that were sent to governors for the officers are quite clear in their own minds that she was aware of their content which after all merely set out her own decisions.

Councillor Harby has now resigned as the Cabinet Member for Education but we have accepted the assurance from the Leader of the Council that her resignation has nothing to do with this but is for family reasons.

In conclusion therefore I believe I have proved conclusively that when Councillor Harby as Cabinet Member for Education, stated in meetings of the Council that it was always the intention to reimburse, she knowingly told lies.

Indeed, it was only because of the unfavourable coverage of the policy in the local press that she even enquired as to whether or not a bursary could be set up to reimburse those unable to pay. The fact that the CRB is not now going to charge is beside the point.

Councillor Harty's behaviour in this matter completely undermines confidence in local democracy and brings the Council and all its members into disrepute. I would ask therefore that you investigate this matter with a view to taking action against Councillor Harty.

Yours sincerely

B. Corder

LABOUR GROUP WHIP

Gazette - 8th September 2006.

School governors must pay up to be scrutinised

Anger at £36 charge for criminal record checks on unpaid volunteers

by Michael Russell

SCHOOL governors have hit out at the council's decision to charge them for Criminal Records Bureau checks.

Anyone volunteering to do the job with local education authority schools now has to pay £36 to [redacted] Council officials so they can check with the Government's Criminal Records Bureau agency that the applicant has not been convicted of an offence which prevents them from working with children.

Speaking to the Gazette, current governors said that while they agree with the checks they do not believe people who are doing a job for free should have to pay for them out of their own pocket.

They also feel the fee may put some people off being governors in the future.

A governor of [redacted] School in Kingwood Road, [redacted] since 2002, said: "I think it's outrageous to send a bill to governors who give up so much of their time to help schools.

"It strikes me they (the council) don't have a clue about the role governors play; we are not paid for our work and do not even claim expenses.

"We play a very important part in raising school standards and perform a range of duties.

"For example I'm a research scientists and was able to help the school with their proposal to become a science specialist school, which brings in extra funding.

"In my experience it's difficult finding suitable and committed people willing to be governors.

"Some are not going to be carrying £36 in their purses, so it could be a disincentive."

Labour shadow education chief Councillor Harry Beggs has also criticised the £36 charge.

He said: "We support CRB checks, but asking people who give their time freely to put their hands in their pockets is unacceptable.

"We should be welcoming governors and picking up the tab no matter what their income as a sign of respect for their work in the community."

Responding, a [redacted] spokesman said: "The policy applies to all newly-appointed local authority governors to ensure that people who have unsupervised access to children have been fully CRB cleared.

"This provides peace of mind for parents in the borough.

"The fee may be waived for those not able to pay."

What do you think?

Do you think school governors should pay to have CRB checks carried out on them?

- **Call on**
- **E-mail edit@**
- **Write to the Gazette,**

Councillor Harry Beggs has criticised the £36 charge for checks on governors.

Gazette - 22nd September 2006.

No CRB fees for governors

I WOULD like to set the record straight about our policy on school governors appointed by the council.

Following successful negotiations between the council and the Criminal Records Bureau, the CRB has agreed to waive the £36 charge for carrying out checks on school governors appointed by the local authority.

It was always the council's policy to reimburse governors for this expense. However, we are pleased to have agreed with the CRB that there will be no charges for checking volunteers.

We have appointed 23 new governors since May and have more people wanting to be local authority governors in schools than there are places.

The move to ask governors who may have unsupervised access to children to undergo CRB checks was designed to give parents peace of mind.

Anyone who wants to find out more about becoming a school governor can email Cllr Paul Gibb

Cabinet member for community and children's services, Council

Is Gibb being straightfoward?

COUINCILLOR Antony Gibb writes in your paper (Letters, September 22) that it was always the council's policy to reimburse government for the £36 expense of the Criminal Records Bureau checks.

If this is the case, why did letters go out on Council paper telling school governors that they would have to pick up the bill and that this was the decision of the Conservative Cabinet Member for the Education?

I remember first reading of this story in the Gazette and so I would also ask why the council's original statement to this paper said that governors would only be reimbursed if they proved they could not afford the £36 fee?

The only conclusion is that either Mr Gibb being less straightforward than he should or he does not know what he is talking about.

Neither conclusion inspires much confidence in him or the Conservative administration

CLIVE B[illegible]

Address Supplied

It's a blunder by the Tories

I WAS astonished by Councillor Gibb's claim in the Gazette last week (Letters, September 22) that 'it was always the council's policy to reimburse governors for this expense'.

This is contrary to the letter I received on August 9 from the same council which clearly informed me that 'the council has agreed that all newly-appointed LA school governors should undergo a CRB check at their own expense' and asked me to supply a personal cheque for£36.

A member of the education department provided further clarification, confirming in writing that this was the decision made by the cabinet member for education.

It seems to me that either Councillor Gibb deliberately misleading your readers or that the new Conservative administration is in such chaos that they have no idea what decisions they are making.

I am glad that once he understood his colleagues' decision, he agreed that imposing this charge was ill considered.

But blunders like this do nothing to convince me that they are serious about improving state education or indeed capable of running the council effectively.

I do hope that in future he and his Conservative colleagues will pay a little more attention to the decisions they are making.

JAMES B

He's just naive and misleading

I WAS astonished to read Councillor Gibb's comments in your paper (Letters, September 22).

I appreciate that he has only just taken over from the recently-resigned cabinet member for education and so he may not yet be up to speed.

But, to write to the Gazette making the statements he does, strikes me as at best naive and at worse misleading and incompetent.

I have seen a letter from [redacted] Council demanding £36 from a school governor.

When the school governor in question phoned the council to find out what was going on, he was told that he would have to pay the sum to the council if he wanted to remain a governor.

He was also told that this was a political decision made by the new Conservative administration.

If the decision had not been reversed, my friend would have resigned in protest.

Last week Councillor Gibb said that 'it was always the council's policy to reimburse governors for the £36 expense of the Criminal Records Bureau checks'.

This is plainly not true and could be a matter for his resignation.

Maybe the Conservative administration need to recognise that to lose one cabinet member for education after only five months is unfortunate but to lose two could be seen as careless.

Councillor Gibb, I believe you owe us an apology.

SILVIA J[illegible]

Work to repeat CRB success

I ATTENDED last month's meeting of [redacted] Council and listened to the debate on the new Conservative administration's proposal to charge school governors £36 for criminal record checks.

It has not been made clear that it was the Labour councillors who persuaded their Tory colleagues at the meeting to change their minds over the proposal.

The Tories disguised this change of mind by saying they had no intention of levying such a charge and it was all an invention of misleading press reports.

When a Labour councillor disputed this version and produced letters written to school governors about paying the £36 charge there was consternation on the Tory benches – and the council leader even suggested that the letters were forgeries! They were unaware that such letters had been written from the Education Department following the decision by the Conservatives.

The new Conservative administration seems to have a prejudice against education and now proposes to close [redacted] school, which is one of the borough's most improved schools. This decision cannot be challenged at a full council meeting again until January. Let us hope the opposition benches on the council will be as successful in persuading the Conservative majority to reverse this decision as they were over the £36 levy on school governors.

JOHN

Extract from minutes of the Education and Children's Services Scrutiny Committee – 12th September 2006

Councillor Harry Beggs asked Councillor Julia Harty, Cabinet Member for Education for clarification on rumours about the council charging governors to be CRB checked. Councillor Harty stated that following successful negotiations between the council and the Criminal Records Bureau, the CRB has agreed to waive the £36 charge for carrying out checks on school governors appointed by the local authority.

Cllr Harty went on to state that it was always the policy of the council to reimburse governors for the £36 CRB expense. However, she was pleased that the council had successfully agreed with the CRB that there will be no charges for checking volunteers. 23 new governors had been appointed since May and there were currently more people wanting to be local authority governors in schools than there were places. The move to ask governors who may have unsupervised access to children to undergo CRB checks was originally agreed by the cabinet and was designed to give parents peace of mind. It was always intended that governors would be reimbursed.

COUNCIL – 20 SEPTEMBER 2006

SPECIAL MOTION NO. 3 – SCHOOL GOVERNOR CRIMINAL RECORD BUREAU CHECKS

Standing in the names of:

(i) Councillor Matthew Hopkins

(ii) Councillor Zameera Arif

"This Council welcomes the introduction of Criminal Record Bureau checks for school governors. However, it disagrees with the decision of the Cabinet Member for Education to pass the £36 charge, associated with this, onto individual governors as this is detrimental to governors on low incomes and state pensions. School governors are committed volunteers; giving their time freely and providing a valuable service to our community and it is an insult to seek to charge them for this activity. This Council, therefore, agrees to overturn that decision and will guarantee that this charge is met from public funds."

jpc/13/09/06

Extract from the transcript of the Council meeting held on 20th September 2006.

Councillor Harty

Thank you for your comments. First of all I would like to everybody who is a governor, we the Conservative administration understand how much everybody gives to schools and I myself as Chair of Gardens school understand that too. However, there has been some misreporting in the local press of our policy which I think has led to some misunderstanding and as I announced at Scrutiny our policy was always to reimburse governors for expenses for CRB checks. But following ongoing discussions with the CRB I was able to announce at Scrutiny that we have negotiated that the Council will no charge for CRB checks on volunteers. This is excellent news and as I said I did announce this at the Scrutiny meeting. We do feel that it is important for LEA governors who are our responsibility to be CRB cleared. I am also pleased to report that since the Conservative administration came into power we have re-appointed 23 governors and that we have more demand for LEA governor positions then we have places. This is very good news for schools and I do agree with you how important and value added a role that our governors play in schools. I hope that clears up any concerns you had.

Borough of Selchester

Town Hall
Queen Street
Selchester SL1 1BB

John Grayling, Chief Executive

23rd October 2006

Cllr Corder

CEO/GA/AR

CONFIDENTIAL

Dear Councillor Corder

Re: School Governors CRB Checks

Thank you for your email dated 21st September 2006.

I apologise for the delay in replying. This has been caused by the necessity to collate the information requested and consider how it should be dealt with under the various *access to information* schemes which are relevant in this case.

I enclose the following documents:

1. Chronology of events
2. Letter sent to governors
3. Relevant correspondence & documents
4. Transcript of Council debate

I set out in detail below how we have dealt with your request. The information provided above is provided on the basis of your rights as a councillor and not under the Freedom of Information Act ("FOIA"). It should therefore only be used for the purposes of your duties as a councillor.

As a councillor you are entitled to have access to information if you can demonstrate a need to know in order to carry out your duties as a councillor. In addition you are entitled to material which relates to an executive decision by the Council. I am satisfied that you have a right to see the documents set out above.

Continued.../

Letter to Cllr Corder continued.../

In terms of FOIA, I consider that the correspondence between officers and members on this matter is exempt from disclosure on the grounds that its disclosure is likely to prejudice the effective conduct of public affairs, in that it is likely to inhibit the free and frank provision of advice or the free and frank exchange of views for the purposes of deliberation, and that in all the circumstances the public interest in maintaining the exemption outweighs that in disclosing it. This correspondence is therefore exempt under S.36 of the Act. In addition some of the correspondence relating to the matter is between officers and individual governors and contains personal data in relation to those individuals. Disclosure of this information is likely to breach the data protection principles and therefore the information is exempt from disclosure under S.40 of the Act.

The distinction is an important one as the Council would refuse a request made by a member of the public in relation to the material enclosed under 1 and 3 above.

For the sake of completeness I will deal in turn with your numbered requests.

1. I enclose as document 2 the standard letter sent to all LEA governors.

2. Janet Hudson authorised the letters under the authority of the Councillor Harby.

3. The only minute relating to this matter is the one line extract dated 29th June 2006 which is included with 3 above. Other topics in this minute not relevant to this matter have been deleted.

4. I attach copies of all the correspondence which I consider you are entitled to see as a councillor with 3 above.

In terms of your additional questions relating to press matters the answers are as follows:-

1. Pippa Roux

2. Councillor Harby under her authority as Cabinet member for Education.

I hope that this deals with your enquiry. If you are unhappy with the reply insofar as it relates to your rights under FOIA, you may refer the matter to the Information Commissioner (www.ico.gov.uk). The Commissioner has no jurisdiction to consider your rights as a Councillor, only as a member of the public under FOIA.

I am sending a copy of this letter to both Cllr Harby and the Leader.

Yours sincerely

CHIEF EXECUTIVE

July 2006

Name & Address of Governor

Dear Name of Governor,

RE: CRIMINAL RECORDS BUREAU (CRB) CHECK.

The Council has agreed that all newly appointed LA school governors should undergo a check through the CRB, at their own expense, as part of the appointment process to the role of school governor.

To start that process I enclose a CRB disclosure application form, a guidance booklet explaining how to complete the form, and an addressed envelope. Please read the instructions on the form and in the booklet carefully before completing it. Any errors at this stage will incur delays in completing the check. Please complete sections A to D, and section H only. Sections E, F and G are irrelevant to this application. Section X will be completed by your school. Section Y is completed up here, and section Z is completed by the CRB.

There are some points to note when completing the application which may not be clear from it or the guidance:

- **Section A1:** if you put a cross in the box marked *Ms*, the CRB will expect to see further entries from you in section C20, and C22 if appropriate. If you have not used any other surname since birth, put your surname in section C20 (despite what it asks you to do) and put the current year in section C21.

- **Section B:** the position applied for in section B13 is *LA APPOINTED SCHOOL GOVERNOR*. The rest of section B needs to be completed with the name and address of the school.

- **Section C:** please note the above comments regarding section A1.

- **Section D:** the CRB require your address history for the last five years with no gaps. If you need to complete a continuation sheet, please follow the format in the guidance booklet.

- **Section H:** in the education sector the relevant provisions of the Rehabilitation of Offenders Act do not apply and that means that no previous criminal convictions are considered spent. This means that if you have any previous criminal convictions, regardless of when they occurred, you need to put a cross in the *yes* box of section H66.

- **Section X:** do not make any entries in this section. This is completed by someone from the school, usually the head, deputy or school secretary, so please contact the school and ask to make an appointment to see the Headteacher. Once you have completed your parts of the form, you need to take it to the school with appropriate documentation that confirms your identity. Please see the relevant section in the guidance booklet which gives full details about what is appropriate documentation. Once this is complete, please use the envelope provided and ask the school to send the form to me via the internal mail.

- **Section Y:** do not make any entries in this section.

- **Payment:** all disclosure checks conducted for schools in this authority are enhanced ones for which the CRB charge £36. Please enclose a personal cheque for this amount made out to the school when you give your form to them.

We will record some of the details from your form and then send it off to the CRB. It may take some weeks before the resulting disclosure comes back. The CRB will issue two versions of the disclosure. Your version (called the applicant's version) will be sent to you a couple of days before they send our version (called the registered body's version) back to us. Please keep your copy of the disclosure safely.

All disclosures, and the information that they contain, are handled, stored and subsequently destroyed in accordance with the CRB's Code of Practice (which can be viewed on their website). This means that they are treated in the strictest confidence and information from them is only shared with those making the suitability decision regarding your role as an LA appointed school governor.

If you have any questions or queries about the application process in general, or the CRB disclosure service in general, please contact me at roger@Selchester.gov.uk

Yours sincerely,

Roger Halliwell

Roger Halliwell
Deputy Head of Human Resources
Children's Services Department

Cc The Head Teacher
The Chair of Governors

CONFIDENTIAL

CRB Checks for LA Appointed Governors

Chronology of Events

24.05.06	The issue of CRB checks for LA governors appointed by the Cabinet Member of Education was discussed. Cllr Harty wanted to ensure that any new governor appointed by her was police checked. Cllr Harty agreed to speak directly to Alison da Souza, Head of Governance Services about what was involved.
29.05.06 - 02.06.06	Conversations took place directly between Cllr Harty and Alison da Souza over how this would be implemented.
June and July 2006	Alison da Souza and I pursued the implementation. Alison da Souza composed a helpful memo outlining how the process might work and Roger Halliwell from Education HR drafted a letter for LA governors.
31.07.06	At a Cabinet Member's briefing meeting Cllr Harty agreed that we should proceed with the process as proposed by Alison da Souza and Roger Haliwell. This was that LA governors should apply, via the school for which they were a governor, for a CRB check and that governors would be charged.
17.08.06	In response to a local press enquiry about why governors were being charged for a CRB check Cllr Harty emailed me to ask whether we could set up a bursary scheme for those governors who could not afford to pay. I asked Alison da Souza not to send out any more letters to governors until the matter was resolved.
Early September 06	Consideration given to whether Governors would be exempt from charges. Andrew Elliot (Head of Children's Services) spoke to CRB who agreed that charges would be waived.
12.09.06	Cllr Hartly answered a question to the Scutiny Committee to the effect that the LA had discussed the issue with the CRB and they had agreed to waive the charge.
20.09.06	Council debate.
October 06	Alison da Souza and Roger Halliwell composed a new letter for LA governors regarding CRB checks in line with the CRB's advice. This is now ready to go out to governors.

Janet Hudson
Deputy Director, Children's Services

From: Head of School Governance
Sent: 15 August 2006 13:50
To: Andrew
Cc:
Subject: CRB checks for LA appointed governors

Dear Andrew,
Following the new Cabinet Member's decision that LA appointed governors were to be CRB checked, and that they should pay for the check themselves, Janet asked me & Roger to set up a system to carry this out.
Roger and I drafted a procedure which Janet then presented to Cllr Harty who agreed it.

After appointment, or re-appointment by the LA, School Governance Support sends the CRB form and a letter to the governor (in Roger's name) which gives details of the procedure and guidance on how the form should be completed (letter attached). A letter is also sent to the Headteacher of the school concerned to explain that the newly appointed governor will be coming to the school to have their identity authenticated on the CRB form (letter attached). Copies of the letters are also sent to the chair of governors for information.

Colin O'Neill spoke to me this morning: he is concerned that LA appointed governors are being asked to obtain a CRB check, when this is not a legal requirement, and when H&F does not require it for any other category of governor, and he is concerned that governors, who are volunteers, should be asked to pay for the check themselves.

I have also been contacted by , the Chair of Langfield School Governing Body, who has the same concerns.

Please contact me if you would like any further information.

----- Original Message -----
From: Andrew
To: Harty Julia COUNCILLOR
Cc: Janet
Sent: Thursday, 17 August, 2006 4:52:11 PM
Subject: CRB CHECKS FOR LEA APPOINTED GOVERNORS

Julia

I attach a copy of a letter I have sent to Colin O'Neill In case you did not know already, he was a Labour Councillor. I believe that Mr Chair at 'Langfield', has raised similar concerns.

Andrew

From: Cllr Julia Harty (REDIRECT)
Sent: 18 August 2006 14:29
To: Andrew
Subject: Re: CRB CHECKS FOR LEA APPOINTED GOVERNORS

I would prefer you to have mentioned Holly and Jessica etc... there is a reason for this, although we may have to pay for it if people are objecting.

Director of Children's Services

Colin O'Neill

17 August 2006

Dear Colin

CRB CHECKS FOR GOVERNORS

I understand that you phoned and tried to speak to me about the position in respect of CRB checks for LEA appointed governors. I have tried to phone you a couple of times without success.

The decision that LEA governors should be CRB checked was made by Cllr Harty, the new Cabinet Member for Education. The (Head of School Governance Support) has informed me that you are concerned about this policy, as you believe it not to be a legal requirement; the Council does not require it of any other category of governor; and that these volunteers are being expected to meet the cost of the checks.

I have copied this to Cllr Harty order that she is made aware of your concerns.

Yours sincerely

Director of Children's Services

INVESTOR IN PEOPLE

POSITIVE ABOUT DISABLED PEOPLE

From: Cllr. Harty (REDIRECT)
Sent: 29 August 2006 09:34
To: Andrew
Subject: Fw: CRB CHECKS FOR LEA APPOINTED GOVERNORS

I think LEA governors have to be CRB checked. I think anyone working with children should offer to pay themselves and do it as part of being a responsible adult. However I accept that some people will be unable to pay and we should have a bursary to help with that to make sure that we are covered. Did you read that 10% of Kent police have a criminal record.... ergo you cannot trust anyone in this world and they any LEA governor appointed by me must have a CRM check.

With Best Wishes

----- Forwarded Message ----
From: Andrew
To: Cllr Harty
Sent: Monday, 21 August, 2006 8:33:26 AM
Subject: RE: CRB CHECKS FOR LEA APPOINTED GOVERNORS

I will use the Soham line if there is any follow up. Payment of CRB check would remove significant ground for objection and would leave any refusnic having to argue that they did not want to be CRB checked, which would not be an easy position for them to defend. Do you want us to agree that?

Andrew

Town Hall

25th October 2006

Dear Geoff

I have received your letter dated 23rd October. I understand that the letter responds to a request for access to Council records of correspondence over CRB checks.

In that context, I would like to clarify various points, as I was Cabinet Member for Education at that time. As announced at Scrutiny on 12th September 2006, Council policy is for the new governors appointed since May 2006 to undergo CRB checks. We have successfully arranged for the governors to be treated as volunteers and therefore CRB will make no charge to governors. This outcome was the culmination of the efforts of myself and the officer team over the Summer to achieve the best process for governors given the large number of new appointees. The policy has successfully enhanced the safety of our children, whilst ensuring that many of the vacant governor slots have been filled.

At Scrutiny on 12th September 2006 and again at the Council Meeting on 20th September 2006, I stated that 'our policy was always to re-imburse governors for CRB checks.' As is clear from the timeline produced by Janet , in the middle of August, well before my statement to Scrutiny on September 12th, we were seeking to implement a policy of re-imbursement through bursaries so that Councillors could charge back the expense (as they can for childcare costs). Indeed during July we had discussed possible re-imbursement options. When I was asked to respond to the Gazette on August 30th, I agreed to a statement that included 'any new LA governors who are not able to pay the £36 fee will be able to claim the money back from Council.' This was reported in the Gazette on September 8th as 'the fee may be waived.'

I see that I was sent an email on the 14th of August attaching the Education Department Memo in your pack (which did not mention payment or mechanisms) prepared for the meeting on 31st July and the letter that had gone out to governors from Roger (the same letter as the Roger letter dated July 2006 in your pack). I did not approve the detailed content of this letter before it went out, presumably in early August. This letter made mention of governor payment, but did not mention re-imbursement procedures. I can see how this letter contributed to confusion in the way it was written. I was shown only one letter at the Council Meeting which I now believe to be a letter of 9th August sent to the Head at School. I still have no recollection of ever having seen this letter before the Council Meeting. Between July 31st and mid August, there was clearly a breakdown in communication and attention to detail. I was abroad from August 1st to August 14th, my father was very ill during that period (he passed away on August 16th) and I was distracted by personal matters.

I am sorry if my statement of September 20th was inaccurate, although that was not my intention. I hope that you can see that I was at all times acting in good faith.

Please let me know if you need further information.

Yours Sincerely

Cllr J Harty

cc Cllr Corder

LABOUR GROUP OFFICE
26 OCT 2006
RECEIVED

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