Disclosure and Barring Service Standing Orders

# Introduction

* 1. The Disclosure and Barring Service (DBS) was established as a body corporate by the Protection of Freedoms Act 2012. The Secretary of State appoints its members.
  2. These Standing Orders govern the procedures for meetings of the DBS board and the committees it has established. They do not apply to informal board discussion or to the conduct of matters delegated to the Chief Executive other than the use of the DBS seal.
  3. In these standing orders, unless made clear in the text, reference to the DBS board includes reference to all committees that the DBS board has established and reference to the Chairman, includes where relevant the chairman of committees.
  4. The board is obliged to comply with directions made by the Secretary of State under section 14 of the Protection of Freedoms Act 2012. Any standing order that would prevent the Board following such a direction will be considered suspended for the purpose of complying with the direction.
  5. The board has established a Governance Framework comprising these Standing Orders, Board and Committee Terms of Reference, Scheme of Delegation, Disclosure and Barring Service Framework Document and Code of Conduct for Board Members of Public Bodies. The person appointed by the Secretary of State with the function of chairing DBS will be the final authority on the interpretation of the Governance Framework for the DBS.

# Formation of the Board

* 1. DBS is a body corporate consisting of a person who has the function of chairing DBS and such number of other members as the Secretary of State decides. These appointed members are appointed by the Secretary of State.
  2. In line with legislation, the appointed members have determined that they will form themselves as a board to govern DBS and that each of them will be a member of that board. The person appointed by the Secretary of State to chair DBS, is the chairman of the DBS board.

# Dates of Meetings

* 1. The board will agree the date of its board and committee meetings (other than the Barring Appeals Panel (BAP) which will meet on an ad-hoc basis) for each financial year by the preceding November together with a forward look of substantive items it intends to consider in each meeting.
  2. The Board Chairman may decide to hold exceptional meetings by giving notice of the exceptional meeting. Notice must be supplied five working days in advance of the proposed meeting.
  3. Committee chairmen who wish to hold exceptional meetings should first secure the agreement of the Board Chairman. Provided they have that agreement, they may give notice of the exceptional meeting. Notice must be supplied five working days in advance of the proposed meeting.
  4. Any such exceptional meetings must be conducted in accordance with these standing orders.

# Notices

* 1. Board members will be provided with a DBS email address to which papers or notices will be served.
  2. All papers and notices will be sent to board members by email to their DBS email address.
  3. Should it not be possible to send papers or notices by email, they may be sent by post using Royal Mail’s Special Delivery Guaranteed by 1pm service or equivalent.
  4. They will be considered to have been served on the date that they were sent.

# Papers

* 1. Other than for the exception set out below, the Chief Executive will ensure that agendas and supporting papers are sent by the weekend preceding the meeting.
  2. The exception referenced in paragraph 4.1 is that for the Barring Appeals Panel and for decisions in accordance with paragraph 7 (Urgent Decisions), the Chief Executive will ensure that agendas and supporting papers are sent as far in advance of the meeting as is possible in the circumstance.
  3. Provided that agendas and supporting papers have been sent to board members in accordance with this standing order, so long as the quorum is fulfilled and subject to consideration of any representations by those who have not received the agenda and supporting papers their non-receipt shall not invalidate the business transacted at that meeting.
  4. Where a decision is required from the board or committee, a paper will make clear what decision is being sought and will provide the Chief Executive’s advice in respect to that decision.

# Quorum

* 1. The DBS board will agree terms of reference for itself and each of its committees. Those terms of reference will indicate the required quorum for the meeting.
  2. No business shall be transacted at a meeting that is not quorate.
  3. Any member (including the chairman) who cannot participate in a discussion or decision on any matter by reason of the declaration of a conflict of interest will not count towards the quorum. If a quorum is then not available for any matter, that matter may not be discussed further or voted upon at that meeting. Such a position shall be recorded in the minutes of the meeting.

# Conduct of Meetings

## Public Meetings

* 1. The Board Chairman may determine that a board meeting, or part of a board meeting, will be held in public.
  2. The agendas, papers, and minutes of board meetings held in public will be publicly available and posted on the DBS website.
  3. Members of the public have no right to participate in discussions but may be allowed to do so at the Chairman’s discretion if they have given written notice in advance of their wish to do so. No cameras or recording equipment may be used without the approval of the Chairman.
  4. At least ten working days’ notice of a public meeting will be provided by, as a minimum, placing notice on the DBS website indicating:
     1. the date,
     2. time,
     3. location
     4. main business to be conducted in the public meeting
     5. and, what public attendees should do if they want to speak, photograph or record any part of the meeting.
  5. Sessions of the board that are held in public will provide adequate arrangements for the public to attend and to hear in reasonable numbers. The Chairman is entitled to decide not to admit members of the public or to require them to leave the meeting.
  6. Meetings of board committees may not be held in public without the express agreement of the board.

## Attendance at Meetings

* 1. Board members are entitled to attend and speak at all meetings of the board and its committees. Any member attending a committee on this basis will not form part of the quorum and if a matter is subject to a vote, they will not be entitled to vote.
  2. The Board Chairman may substitute or appoint a suitable substitute for a member of a committee of the board where that member is unable to attend the committee meeting and the meeting would otherwise not be quorate. In that circumstance, the Board Chairman would form part of the quorum and if a matter is subject to a vote, they will be entitled to vote.
  3. Other attendees attend at the discretion of the relevant chairman, but it is expected that the Chief Executive and / or their senior staff will normally attend and that there will be a governance lead at all meetings.
  4. At the Chairman’s discretion, meetings may be held remotely or attendees (members or any other attendee) may attend remotely through telephone or video conference.

## Chairing of Meetings

* 1. Only a board member may chair a meeting of the board or its committees.
  2. For board meetings, DBS’ Chairman will preside. For committees, the person appointed as chairman of the committee in line with the Scheme of Delegation will preside.
  3. If the chairman is unable to be present or for any other reason unable to preside over all or some of the meeting, the Vice Chairman should preside. If, for any reason, the Vice Chairman is unable to preside, the board members present will choose one of their number to preside. Whoever takes the chair under this standing order assumes all powers and duties relating to the conduct of a meeting normally assigned to the Chairman.
  4. The Chairman will:
     1. ensure that minutes of the meetings accurately record the decisions taken and where appropriate, the views of individual members;
     2. preserve order and ensure that members have sufficient opportunity to express their views on all matters under discussion;
     3. determine all matters of order, competency and relevancy;
     4. determine in which order members should speak;
     5. determine if a conflict of interest requires any member to withdraw from discussion on any agenda item;
     6. determine whether a vote is required and how it is carried out;
     7. have the power to re-order the sequence of the agenda if that will help the progress of business.
  5. The Chairman will ensure that no items other than those on the agenda will be discussed at a meeting unless the Chairman determines that to do so is helpful to the meeting and a majority of those present do not object.

## Conflict of Interest

* 1. Board members are responsible for ensuring that no conflict arises, or could reasonably be perceived to arise, between their public duties and their private interests, financial or otherwise.
  2. Board members, the Chief Executive, all SCS graded staff or other staff reporting directly to the Chief Executive and anyone else recorded in board terms of reference as an attendee will record any private financial or non-financial interests of their own, or of their close family members, which may, or may be perceived to, conflict with their public duties in the DBS’s publicly available *Register of Interests.*
  3. Declarations of interest relevant to items on the agenda should be made at the start of all board meetings. In the event of a member not appreciating at the beginning of the meeting that an interest exists, the member should declare such an interest as soon as he/she becomes aware of it.
  4. Board members should remove themselves from meetings for the period of the discussion where a conflict of interest exists or may be perceived to exist in matters in which they either have a financial interest or where they have a non-financial interest that might suggest a danger of bias.
  5. No other attendee (DBS staff or otherwise) may participate in a meeting where a conflict of interest exists or may be perceived to exist without first declaring that conflict and seeking the Chairman’s agreement to participate.

## Motions

* 1. Exceptionally, and in the case of Committees only after discussion with the committee and/or Board Chairman, board members may propose motions for consideration by the board and committee members may propose motions for consideration by the committee. The member must send the proposed motion to the relevant chairman’s DBS email address with a copy to the Board Secretary at least five (three if the meeting is an exceptional meeting called in accordance with these standing orders) working days prior to the meeting.
  2. The Chairman shall be able to propose a motion or amendment at any time without the need for it to be seconded.
  3. No discussion shall be allowed on a motion or amendment which has not been seconded.
  4. Every amendment must be relevant to the motion on which it is moved, and the question of relevancy shall be decided by the chairman.
  5. Amendments shall not have the effect of negating the original motion.
  6. When only one amendment is made upon a motion, it shall be discussed and a vote taken between the original and amended motions. Where there is more than one amendment, each shall be discussed separately, and a vote taken on whether it should be incorporated in the main motion. Finally, a vote shall be taken on the amended main motion.
  7. The mover of a motion shall have the right of reply and shall be the last speaker, but they shall in their reply confine themselves to answering previous speakers and shall not introduce any new matter.
  8. If an amendment is moved, the mover of the original motion shall also have a right of reply at the close of the debate on the amendment. The mover of the amendment shall have no right of reply to the debate on their amendment.

## Decisions

* 1. The board and its committees will seek to achieve consensus on issues requiring a decision. However, where the Chairman determines that a vote is necessary, the nature of that vote shall be at the discretion of the Chairman who must facilitate voting by members who the Chairman has agreed may attend remotely (7.9).
  2. Only those members (including the Chairman) in attendance at the time that a vote is taken shall be entitled to vote. Voting by proxy is not permitted.
  3. Where a vote is held, the issue shall be decided by a simple majority.
  4. In the event of the number of votes being equal, the chairman of the meeting shall have a second or casting vote.
  5. Members dissenting from any decision taken by vote may ask that their dissent be recorded provided they have participated in the meeting in which that item was considered and that they request that a note of their dissent be made immediately after the decision is taken.

## Minutes and Agendas

* 1. The Chairman and the Board Secretary have authority to set the agenda for the meeting paying due regard to the forward look agreed by the Board (3.1) and including any motions correctly proposed by Members.
  2. All meetings will be minuted to provide a summary record of discussions and decisions.
  3. Draft minutes will be approved by the Chairman for circulation to board members and those attending the meeting as “Unconfirmed Minutes”. Members and attendees will propose any amendments in writing. Where a person attends for specific items, they will be provided with the relevant portion of the draft minutes.
  4. The following timescale will be worked to. Failure to follow this timescale would not, of itself invalidate any resulting minute.
* Draft minutes will be provided within eight working days of the meeting
* The Chairman will approve minutes for circulation within five days of receipt of draft minutes
* Members and attendees will propose any amendments within five days of their request.
  1. The amended minutes will either be presented to the next board meeting to be confirmed or at the Chairman’s discretion may be approved by correspondence. Minutes of Barring Appeals Panel meetings will be approved by correspondence.

# Urgent Decisions

* 1. Exceptionally, where the Chairman (or their substitute) determines that a board decision is imperative before the board can meet, the Chairman, supported by the Board Secretary and in consultation with the Chief Executive, may deal with the matter. The Chairman shall, before making the decision, make reasonable endeavours to obtain DBS board members’ views, in particular the chairman of any committee that would have ordinarily considered the matter.
  2. If the Board Secretary determines that the Chairman cannot be contacted, they may be substituted by the Vice Chairman or, if the Vice Chairman is also unavailable, the first contactable board member.
  3. The decision maker (Chairman or their substitute) must report their decision to the board for board consideration, including
* what the decision was
* the Chief Executive’s explanation of why an urgent decision had become necessary.

# Common Seal

## Custody of the Seal

* 1. The common seal of DBS will be kept by the Board Secretary in a secure place.

## Sealing of Documents

* 1. The seal of DBS will not be affixed to any document without prior board authorisation.
  2. Where a document is to be sealed, the seal will be affixed in the presence of the Board Secretary and the Chief Executive (or a nominated officer authorised by them) and will be attested by them.

## Register of Sealing

* 1. An entry of every sealing will be made and numbered consecutively in a register provided for that purpose.
  2. A report of all sealings will be made to the board detailing the seal number, the description of the document and date of sealing.

# Amendment of the Standing Orders

* 1. These standing orders may be amended by the board, provided that:
     1. the meeting is arranged and conducted in accordance with these standing orders;
     2. papers detailing the proposed amendment have been served at least three working days in advance of the meeting; and,
     3. at least two thirds of the board’s members attend the meeting and decide in accordance with these standing orders to agree the amendment.