

Protocol for DBS checks for Foundation Governors and Multi Academy Trust Directors – April 2022

1 – Disclosure Barring Service (DBS) clearance is required every four years for all Foundation Governors/Directors. The Foundation Governor nomination forms for new, renewing and Clergy applicants and the MAT Director application form, state that applicants cannot take up post until satisfactory enhanced DBS clearance has been provided. Legislation requires that governors must apply for DBS clearance **within 21 days** of their appointment.

The nomination form for **renewing** governors state that full DBS application renewal will only be required, if they are not registered with the DBS online update service and that they will be required to give permission for their DBS status to be checked by the appropriate person at the school.

2 - All applicants to be a Foundation Governor/Director are required to complete an additional 'DBS self-declaration' form inviting them to declare if they have been subject to any previous convictions/investigations. Any positive declarations will be considered by the Governance Officer & the Director of Schools & Colleges who may discuss it with other Diocesan colleagues, including from the Safeguarding Department and the Chair of Governors.

3 – Until the school/trust has confirmed to the Diocese that DBS clearance has been received, **new** Foundation Governors/Directors are **not** permitted to take up their post. Once clearance has been received, the Diocese will inform the governor/director and the governing body when they can commence their duties.

4 – **Renewing** Foundation Governors, whose current DBS certificate is nearly 4 years old, should reapply for DBS clearance in good time to enable the process to be completed before their current term of office has expired. Alternatively, if they are registered with the DBS online update service, their DBS status must be checked before their term of office expires. Until the school has confirmed to the Diocese that enhanced DBS clearance has been confirmed, renewing Foundation Governors may **not** continue in post. Once clearance has been received, the Diocese will inform the governor & the governing body, when the governor can recommence their duties.

5 – When undertaking the DBS check, schools/trusts must also undertake a Section 128 check for both new **and** renewing governors and directors and record the date they checked it on their Single Central Register. If the check result is not satisfactory in any way, the school/trust should notify the Governance Officer immediately, regardless of the DBS status.

6 – The email/letter from the Diocese informing Foundation Governors/Directors of their appointment will:

- specify that it is subject to the issue of an enhanced satisfactory DBS certificate

- make clear that they may **not** take up their post until the Diocese has informed them & the Head Teacher/Chief Executive Officer, Clerk & Chair, that they may commence their duties
- direct them to the identification proof they need to provide to the school in order for a DBS check to be made.

7 – Once the school/trust has confirmed DBS clearance, the Diocese will send a letter of appointment to notify the candidate and the school/trust that the appointment is confirmed and that they may commence governor/director duties. It will also encourage them to sign-up to the free online DBS service within 30 days of receiving their DBS certificate.

8 – Where a person already holds an enhanced in-date DBS certificate, it may be accepted by the school/trust, without the need for the school/trust to undertake another DBS check, in the following situations:

- i) the existing DBS Certificate must be registered on the DBS online update service, **and**:
- ii) the person is already a Foundation Governor/Director at another Catholic school/trust within the Diocese
- iii) the person is employed as a Teacher at another Catholic school/trust within the Diocese
- iv) the person is a Clifton Diocese Priest or Deacon
- v) the person has been appointed by the Diocese (or by a Catholic Church within it) to a voluntary role within the Diocese – providing the DBS certificate is to a correct level*

*To be a correct level, the certificate must be:

- Enhanced
- Cover 'Child Workforce'
- Cover the 'Child Barring List'.

The school/trust must ensure that they see appropriate identification, the original certificate (it must be dated within the last 4 years) and ensure that it is renewed on a 4-yearly cycle.

A DBS certificate that has been issued in respect of a person's employment or voluntary work or for any other organisation may only be accepted, if has been registered on the DBS online update service and the certificate is to the correct level, as described above. Otherwise, the school/trust will need to apply for a new enhanced DBS certificate.

However, if the person is already registered with the DBS online update service, they may provide appropriate identification and give permission for their DBS status to be checked by the appropriate person at the school/trust and if clear, applied to their new role – providing the correct levels, as described above, are shown on the certificate.

In all cases, the schools/trust must also ensure Section 128 clearance and record it on their Single Central Register.

9 - Where a school is advised by the DBS service that a check is '*Clear*' or '*This Certificate did not reveal any information and remains current as no further information has been identified since its issue*'. These both mean that the individual's Certificate contains no criminality or barring information, and no new information is available – so the check is satisfactory. School/trust then notifies the Diocese.

10 – Where a school/trust is advised by the DBS service that 1) '*this Certificate is no longer current*' or 2) the certificate '*is not recognised*'. Please apply for a new DBS check to get the most up to date information.' This means that the individual's Certificate should not be relied upon as new information is now available and you should request a new DBS check.

11 - Where a school/trust is advised by the DBS service '*to see paper disclosure*'. The member of staff to whom this is highlighted must inform the Chair of Governors as a matter of urgency. This information must not be disclosed to anyone else unless it is in relation to the chair and then it must go to the vice chair

12 – The Chair (or Vice-Chair as appropriate) must immediately inform* the Governance Officer or the Director for Schools & Colleges at the Diocese who will contact the applicant to discuss & request the paper disclosure (which may cover convictions and any Police Intelligence/investigations).

**To comply with GDPR personal/sensitive information should not be included in an email unless protected by a security measure. Discreet telephone contact is acceptable.*

13 – The Governance Officer & the Director of Schools & Colleges will consider the information provided and may discuss the case with other Diocesan colleagues, including from the Safeguarding Department and the Chair of Governors/Directors and will provide the Bishop with the appropriate information and advice as to whether an appointment should be made. Details of this consideration (risk assessment) will be recorded and kept on the applicant's file.

14 - Where a school/trust is advised by the DBS service '*to see paper disclosure*' – for any other categories of governor, the accredited person receiving the information must immediately inform the Chair of Governors/Directors only (unless it is for the Chair, in which case, the Vice-Chair must be informed), who should follow their Local Authority procedures, taking advice from LA Governor Services and/or HR provider, as appropriate. Details of meetings/discussions of consideration (risk assessment) must be recorded and kept in a confidential file held by the Clerk, transferable in the event of a change of Chair only.

15 – The Diocese recommends that governing bodies do not appoint any other category of governor, new or renewing, until enhanced DBS clearance has been received, on a 4-yearly cycle.