

## Protocol for Disclosure Barring Service (DBS) checks for Foundation Governors and Directors – April 2024

*This protocol is based on the Keeping Children Safe in Education 2023 Statutory Guidance Keeping children safe in education 2023 ([cliftondiocese.com](http://cliftondiocese.com))*

**1** - All applicants to be a Foundation Governor/Director are required to complete an additional '**Safeguarding self-declaration**' form (provided by and sent directly to the Diocese) 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, the Chief Operating Officer and also the Chair of Governors/Directors, as appropriate.

**2** - All Governors/Directors are required to have **Enhanced** level DBS clearance. Foundation Governors/Directors are required to have DBS clearance updated every 4 years (either via a new DBS application or via a check on the DBS Update Service, as appropriate). Governance is **not** a '**regulated activity relating to children**', so governors do **not** need a '**children's barred list**' check unless, in addition to their governance duties, they also engage in regulated activity. '**Barred list**' information must therefore **not** be requested on any person who is not engaging in or seeking to engage in 'regulated activity'.

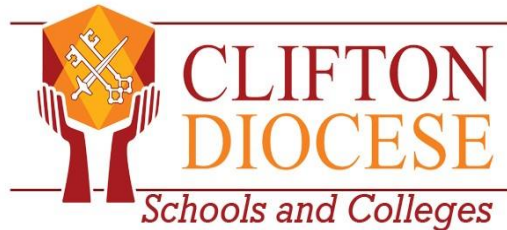
Legislation requires that governors/directors must apply for DBS clearance within 21 days of their appointment.

**3** - All Governors/Directors are also required to have **Section 128** clearance (i.e. they are **not** on the government's list of people who are not allowed to govern or manage schools). Foundation Governors/Directors are required to have 128 clearance updated every 4 years. Even though a Section 128 direction will be disclosed when an enhanced DBS check with children's barred list information is requested, as stated above, it should **not** be requested (unless, in addition to their governance/director duties, the governor/director also engages in regulated activity). So, for all other governors/directors a Section 128 check should be carried out **using the free government service** [Individuals prohibited from managing or governing schools - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

If a Section 128-check result is not satisfactory in any way, the school/trust should notify the Governance Officer **immediately**, regardless of the DBS status.

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

- specify that it is subject to Enhanced DBS clearance and 128-clearance.



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

**5** - Where a school/trust is advised by their DBS checking service provider that a check is '**Clear**' or '**Certificate contains no information**' or '**This Certificate did not reveal any information and remains current as no further information has been identified since its issue**' or other similar wording - these all mean that the individual's Certificate contains no criminality or barring information, and no new information is available – so the check is satisfactory.

**6** - The school/trust must then **immediately** contact the governor, to request that he/she brings the paper copy of the certificate to the school/trust for inspection as soon as they have received it from the DBS.

DBS guidance on how to check a DBS certificate can be found on [DBS checks: guidance for employers - GOV.UK \(www.gov.uk\)](http://www.gov.uk/government/guidance/db-checks-guidance-for-employers)

**7** - Once the paper copy has been provided to the school, it must be checked to ensure that it tallies with the information provided to the school/trust by their DBS checking service provider and that it contains no additional information. If it is all in order, the school:

- **must** record on their Single Central Record (SCR) the date the DBS certificate was obtained
- record the date of the DBS certificate (on either their SCR or other suitable place)
- record the 128-clearance date (on either their SCR or other suitable place)
- must then **immediately** notify the Governance Officer of the DBS Certificate date **and** the 128-clearance date.

**8** - The Governance Officer will then send an email letter of appointment to notify the candidate and the school/trust that the appointment is now confirmed and that they may now commence governor/director duties. It will also encourage them to sign-up (if they have not already done so) to the free DBS online update service within 28 days of receiving their DBS certificate (if they have not already done so).

Until the Diocese has sent this letter to confirm the appointment **new** Foundation Governors/Directors are **not** permitted to take up their post.

**9** – Where a **new** governor already holds an enhanced DBS certificate, it may be accepted by the school/trust, without the need to undertake a new DBS application provided that:

- The governor must be registered with the DBS online update service and give consent\* for the school/trust to carry out an online check to view the status of an existing Enhanced DBS check.
- The school/trust must check to confirm the DBS certificate matches the individual's identity.
- The school/trust must check to confirm the DBS certificate is to the correct level i.e.
  - it is 'Enhanced'
  - it covers 'Child Workforce'
  - it covers the 'Child Barring List' (**only** if the governor will engage in regulated activity with children).

If the DBS check is **clear**, see **no.5** above.

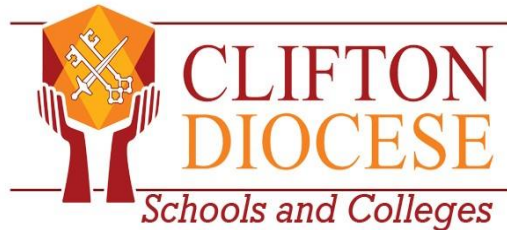
***\*Using the DBS online update service, enables checks to be easily done on a regular basis. Whilst the minimum requirement is every 4 years, we recommend checks are made on annual basis for governors registered with the DBS online update service. When obtaining the governor's consent to carry out a check via the DBS online update service, we recommend that you ask for their consent to carry out checks at any time.***

**10** - Individuals who have lived or worked outside the UK must undergo the same checks as all other governors. This includes obtaining an enhanced DBS certificate (or equivalent from all applicable countries). In addition, schools/trusts **must** make any further checks they think appropriate so that any relevant events that occurred outside the UK can be considered. Following the UK's exit from the EU, schools should apply the same approach for any individuals who have lived or worked outside the UK regardless of whether or not it was in an EEA country or the rest of the world. See pages 74 - 81 of [Keeping children safe in education 2023 \(cliftondiocese.com\)](https://www.cliftondiocese.com/keeping-children-safe-in-education-2023)

**11 - Renewing** Foundation Governors/Directors, whose current DBS certificate is nearly 4 years old, should make a new application for Enhanced DBS clearance in good time to enable the process to be completed before their current term of office has expired (and before the certificate is 4 years old).

Alternatively, if they are registered with the free DBS online update service, their DBS status could be checked without the need to undertake a new DBS check application, provided that:

- The governor must give consent\* for the school/trust to carry out an online check to view the status of an existing Enhanced DBS check.
- the existing DBS Certificate must be registered on the free DBS online update service.
- The school/trust must check to confirm the DBS certificate is to a correct level i.e.



- it is 'Enhanced'
- it covers 'Child Workforce'
- it covers the 'Child Barring List' (**only** if the governor will engage in regulated activity with children).

**NB** If the school/trust is in anyway unsure about the proof of identification and/or DBS Certificate previously recorded, they must request the governor/director to again provide proof of identification and/or the DBS Certificate.

If the DBS check is **clear**, see **no.5** above.

**\*See text in red font at the end of no.9 above.**

**12** - Until the school/trust has confirmed to the Diocese that Enhanced DBS clearance and 128-clearance have been confirmed, renewing Foundation Governors/Directors may **not** be permitted to continue in post. Once clearances have been received, the Diocese will inform the governor/director & the school/trust, when the governor/director can recommence their duties.

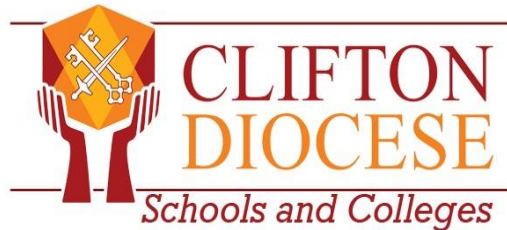
**13** – Where a school/trust is advised by their DBS checking service that a check shows '**This Certificate is no longer current**' or '**The certificate is not recognised - please apply for a new DBS check to get the most up to date information**' or other similar wording – these all mean that the individual's Certificate should not be relied upon, as new information is now available and the school/trust **must** request a new Enhanced DBS check. When this is received, the school/trust **must** then follow steps **no.5** or **no.14**, as appropriate.

**14** – Where a school/trust is advised by their DBS checking service that the check has shown '**Await Certificate**' or '**See paper disclosure**' or other similar wording, the member of staff to whom this is highlighted **must** inform\* the Governance Officer as a matter of urgency. This information must **not** be disclosed to anyone else at the school/trust.

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

**15** – The Governance Officer (or the Director for Schools & Colleges) will then contact the applicant to discuss the situation and request a copy of the paper certificate (which may cover convictions and any Police Intelligence/investigations).

**16** – Once the paper copy is received, 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, the Chief Operating Officer, and the Chair of Governors/Directors of the school/trust, as appropriate. They will then 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.

**17 - Associate Members** (maintained schools only) are appointed by the governing body to serve on one or more governing body committees. The School Governance (Constitution and Federations) (England) (Amendment) Regulations 2016 which make enhanced DBS checks mandatory for maintained school governors do not apply to Associate Members, and so there is no requirement for them to be checked unless they also engage in regulated activity at their school.

**18** - For Chairs of Academy Trusts, the Secretary of State will also undertake an Enhanced DBS check.

**19** – Because non-foundation governors are not appointed by the Bishop, the above protocol does not apply to all other categories of governor. However, the Diocese strongly recommends that governing bodies follow the principles of the protocol as far as possible, for all other category of governor, new or renewing, and does not let them commence/recommence their role until Enhanced DBS and Section 128 clearances have been received, also on a 4-yearly cycle. Governing bodies should seek guidance from their own governors' services support provider.

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Please see the [DBS Update Service: employer guide](#) including the section headed [Interpreting update service status check results](#) for more information.

