



## Criminal Records Code of Practice for Governors

<b>Applicable to:</b>	✓	Astley Community High School
	✓	Seaton Sluice Middle School
	✓	Whytrig Middle School
<b>Approval body:</b>	Resources Committee	

### Status:

<b>Statutory policy or document</b>	No
<b>Review frequency</b>	Governing Body to determine
<b>Approval by</b>	Governing Body to determine

### Publication:

<b>Statutory requirement to publish on school website</b>	No
<b>Agreed to publish on school website</b>	Yes

### Review:

<b>Frequency</b>	<b>Next Review Due</b>
Every three years	September 2022

### Version Control:

Author	Creation Date	Version	Status
Business Manager (SH)	2 May 2016	0.1	Initial draft for consideration by FGB made on NCC Model Code of Practice
<b>Changed by</b>	<b>Revision Date</b>		
Business Manager (SH)	18 May 2016	1.0	Approved version for SVF
Business Manager (BW)	13 August 2019	1.1	Updated to bring closer in line with NCC model policy (April 2016)
Business Manager (BW)	9 October 2019	2.0	Final approved version for publication

## **1 Scope**

- 1.1 This code of practice applies to all Seaton Valley Federation governors and associate members.

## **2 Purpose**

- 2.1 The purpose of this code of practice is to set out the arrangements for carrying out checks on a governor's criminal record including the application process and how disclosures will be handled.

## **3 Background**

- 3.1 It is an offence for a person who is barred from working with children to apply to become a school governor. If they are barred from working with children and young people they are automatically disqualified from appointment as a governor. However, while an enhanced Disclosure and Barring Service (DBS) check is required, it is not actually possible to access the barred list, as governance is not regarded as regulated activity. Nevertheless, criminal convictions that might have led to an individual being placed on the barred list will still appear on the disclosure certificate.
- 3.2 There may also be previous convictions which, while not barring them from working with children, might disqualify the individual from serving as a governor under the criteria outlined in Schedule 6 of the School Governance (Constitution) (England) Regulations 2007.
- 3.3 Those governors and associate members who are also engaged in regulated activity as staff or volunteers will be covered by the additional requirements set out in the federation's Criminal Records Code of Practice for Staff and Volunteers, which may include a barred list check relating to that activity.

## **4 Application**

- 4.1 The School Governance (Constitution & Federations) (England) (Amendment) Regulations 2016 require that DBS checks are undertaken for all governors not already covered by a relevant DBS certificate. The federation's HR Officer is responsible for ensuring that governors complete the DBS application form and provide the required identity documents. The certificate must be applied for within 21 days of the governor being appointed or elected.
- 4.2 The original application form (signed by the HR Officer to confirm that identity documents have been seen) is returned to the County Council's Governor Support Manager. Alternatively, an online application may be completed by the governor, although the HR Officer must still ensure that the identity check is completed.
- 4.3 The following control measures will be put in place to reduce risk until the DBS clearance has been received:
- Governors will be permitted to attend governing body or committee meetings but should not undertake any visits to classes or take part in activities directly involving children and young people
  - Governors will not be allowed to walk around school unaccompanied while children are on the premises

## **5 Acceptance of existing DBS clearances**

5.1 It is acknowledged that applicants for appointment or reappointment as governors may already hold a DBS clearance in respect of another role. Existing DBS clearances will be accepted under the following circumstances:

- if an individual currently holds a DBS clearance for their role as a governor and the clearance has been carried out by Northumberland County Council; portability of DBS clearances within Northumberland is permitted in certain circumstances, and in the case of school governors the Governor Support Manager is the counter-signatory and receives all disclosure information
- if an individual already holds DBS clearance as a volunteer or member of staff within the federation; in these cases a new clearance will be undertaken on re-appointment

5.2 Only enhanced DBS clearances will be accepted. Therefore, if a governor has a standard disclosure as part of another role this will not be acceptable.

## **6 Exceptional circumstances**

6.1 The position regarding DBS clearances is complex and it is possible that a situation may arise that has not been covered above. In the event of a circumstance arising that has not already been anticipated, the County Council's Head of Planning and Organisation, in consultation with the Governor Support Manager, will make a decision on the acceptability of existing DBS clearances.

## **7 Storage, use, retention and disposal of disclosure information**

7.1 The DBS Code of Practice for registered persons and other recipients of disclosure information outlines how disclosure information should be handled. The Code of Practice stipulates that disclosure information:

- should be stored securely in lockable, non-portable storage containers with access strictly controlled and limited to those who are entitled to see it
- should only be passed to those who are authorised to receive it in the course of their specific duties
- should only be used for the specific purpose for which it was requested and for which the applicant's consent has been given
- must not be kept any longer than is necessary (and for a maximum of six months) following an appointment decision; if, in very exceptional circumstances, it is considered necessary to keep disclosure information for longer, the Council will seek permission from the DBS and will give consideration to the data protection and human rights of the individual before doing so
- will be destroyed by secure means once the retention period has elapsed

## **8 Handling of DBS disclosure information**

8.1 If the information disclosed confirms that the applicant is automatically disqualified from appointment as a governor as a result of school governance regulations, the applicant will be informed and will not be appointed.

8.2 In all other cases the individual's suitability should be judged in light of all the relevant information available about them. The Governor Support Manager will refer the details to the Head of Planning and Organisation. If the Head of Planning and Organisation considers the trace information to be significant they (or the Governor

Support Manager if nominated by the Head of Planning and Organisation) will hold a discussion with the governor in question to determine whether the details disclosed will impact on their appointment/re-appointment. A number of points should be considered in deciding the relevance of convictions:

- **the nature of the offence:** in general, convictions for sexual, violent, or drug offences will be particularly strong contra-indicators for work with children
- **the age of the offence:** offences that took place many years in the past may often have less relevance than recent ones; however, convictions for serious violent or sexual offences involving substance abuse are more likely to give cause for continuing concern than, for instance, an isolated case of dishonesty committed when the person was young, and the potential for rehabilitation must be weighed against the need to protect children
- **the frequency of the offence:** a series of offences over time is more likely to give cause for concern than an isolated minor conviction

8.3 If the Head of Planning and Organisation or Governor Support Manager considers that a governor should not be appointed as a result of the information disclosed, they will make a recommendation to the County Council's Director of Education.

8.4 If a concern is received about a governor while they are in the middle of a term of office they may be asked to apply for a further enhanced check of criminal convictions. If they refuse, in accordance with school governance regulations, they are automatically disqualified from office. If any disclosure information received while a governor is in the middle of a term of office raises sufficient concern about the risk posed by the individual continuing in this role, consideration may be given to proposing removal of the governor.

8.5 A decision record will be completed in all cases indicating the outcome of the process. This will not include detailed disclosure information. It will only refer to dates of offences, so that if a future DBS check is carried out there is a record of which offences have already been discussed. The decision record will be filed in a sealed envelope and kept within a locked cabinet, marked "Confidential - to be opened by Governor Support Manager only".

8.6 The only record kept on the governor EMS database will be a note on the DBS screen to indicate relevant dates in the DBS process, DBS form number, disclosure number and the outcome, e.g. negative, positive not applicable, or positive disqualified.

8.7 The HR Officer will update the Single Central Record with details of DBS checks for governors, including the date of the check and certificate number.