



# Keeping Children Safe in Education (KCSIE) Statutory Guidance – September 2018

## Section 128 Checks for New Governors

The KCSIE Statutory Guidance document has been updated and comes into effect from 3<sup>rd</sup> September 2018.

Page 31, paragraph 113 of the revised guidance details the types of check required for school governors and states:-

“As maintained school governors are only required to have an enhanced criminal record certificate from the DBS, which does not include a barred list check (unless in addition to their governance duties they also engage in regulated activity), we recommend that schools contact The Teaching Regulation Agency (TRA) Teacher Services to check if a person they propose to recruit as a governor is barred as a result of being subject to a section 128 direction. The process for contacting the TRA is set out in paragraph 125.”

A section 128 direction prohibits a person from taking part in the management of an independent school, academy or free school. This includes governors, trustees and directors.

However, the DfE’s Policy Lead Officer has confirmed that a section 128 check for new governors is a **statutory requirement** and should be undertaken at the same time as an enhanced DBS check and recorded on the single central record. A retrospective section 128 check is not required for current governors.

### Action Required:-

- Ensure that governors (both new and existing) who are appointed/elected after 3<sup>rd</sup> September 2018 undertake an enhanced DBS and section 128 check and that this is recorded on the school’s single central record.

Click [here](#) to view the revised KCSIE Statutory Guidance document

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