



# Keeping Children Safe in Education (KCSIE) Statutory Guidance – September 2019

## Section 128 Checks for Governors (Revised)

The KCSIE Statutory Guidance document has been revised and came into effect from September 2019.

Page 47, paragraph 173 of the revised guidance details the types of check required for governors and states:

“Governors in maintained schools are required to have an enhanced criminal records certificate from the DBS.” It is the responsibility of the governing body to apply for the certificate for any of their governors who do not already have one. Governance is not a regulated activity and so governors do not need a barred check list unless, in addition to their governance duties, they also engage in regulated activity. Schools should also carry out a Section 128 check for school governors, because a person subject to one is disqualified from being a governor”.

A Section 128 direction prohibits a person from holding a management position in an academy, free school or an independent school (as an employee) or be a governor on any academy, free school, independent school or sit on a governing body of a maintained school. This includes governors, trustees and members.

To undertake a Section 128 check for governors, schools will need to check through the ‘Teaching Regulation Agency’ (accessed through the DfE’s secure access portal) where a list of those people with a Section 128 direction against them can be downloaded.

### **Action Required:-**

- Ensure that all current governors have undertaken an enhanced DBS check and Section 128 check and that this is recorded on the school’s single central record.

October 2019