



Criminal Convictions Code of Practice for Governors

Applicable to:	✓	Astley Community High School
	✓	Seaton Sluice Middle School
	✓	Whytrig Middle School
Approval body:	Full Governing Body	
Effective date:	May 2016	

Status:

Statutory policy or document	No
Review frequency	Governing body to determine
Approval by	Governing body to determine

Publication:

Statutory requirement to publish on school website	No
Agreed to publish on school website	Yes

Version Control:

Revision Record of Published Versions			
Author	Creation Date	Version	Status
Business Manager (SH)	18 May 2016	1.0	Approved version for SVF
Changed by	Revision Date		

Review Date	
Frequency	Next Review Due
Every three years	May 2019

1 Scope

This policy applies to all governors and associate members appointed by the Seaton Valley Federation of Schools. Those governors and associate members who are also engaged as staff or volunteers will be covered by the additional requirements set out in the Criminal Convictions Code of Practice for Staff and Volunteers.

2 Purpose

The purpose of this policy 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 Legal considerations

The School Governance (Constitution and Federations) (Amendment) Regulations 2016 require governing bodies to hold an enhanced criminal record certificate in respect of each governor. However, unless the governor is also a member of staff or volunteer carrying out "regulated activity", the school does not have the power to check the Children's Barred List. Criminal convictions that might have led to an individual being placed on the Barred List will still appear on the disclosure certificate.

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.

4 DBS Application process

The Clerk to the Governing Body is responsible on behalf of the governing body 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.

The original application form, signed by the Clerk to confirm that identity documents have been seen, is returned to Governor Support (marked for the attention of the Governor Support Manager). Alternatively an on-line application may be completed by the governor, although the Clerk must still ensure that the identity check is completed.

The following control measures will be put in place to reduce risk until the DBS certificate has been received and clearance confirmed:

- Governors are 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 Certificates

It is acknowledged that applicants for appointment or re-appointment as governors may already hold a DBS certificate in respect of another role. Existing DBS certificates will be accepted under the following circumstances:

- If an individual has an enhanced DBS certificate issued on or after 17 June 2013, is registered with the DBS Update Service and the outcome of the status check undertaken by the Clerk to the Governing Body is that the certificate did not reveal any

information and remains current as no further information has been identified since its issue; or

- If an individual has already had an enhanced criminal records check as an employee or volunteer within the Seaton Valley Federation of Schools.

6 Single Central Record of Recruitment and Vetting Checks

The Clerk to the Governing Body will retain on behalf of the governing body records of the DBS checks for governors, specifically the date of the check and certificate number.

7 Storage, Use, Retention and Disposal of Disclosure Information

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 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

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.

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 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, and isolated case of dishonesty committed when the person was young. The potential for rehabilitation must be weighed against the need to protect children; and
- **The frequency of the offence:** a series of offences over time is more likely to give cause for concern than an isolated minor conviction.

If the Head of Planning and Organisation/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 Director of Education.

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.

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).

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/positive disqualified.