

DBS for Governors – September 2023

DBS checks for governors in schools

All governors, in whatever kind of school such as maintained, independent, academy, or free school, must have an Enhanced DBS Certificate. This follows amended legislation that came into force on the 18th of March 2016 to make Enhanced DBS checks mandatory for governors in maintained schools.

LA Maintained Schools must undertake 'section 128 checks' for all governors. Section 128 of the Education and Skills Act 2008 prohibits unsuitable staff and proprietors from 'taking part in the management of an Independent school.'

This legislation, which included academies and free schools, has now been extended further to include governors of LA maintained schools. This is set out in Keeping Children Safe in Education 2023.

Section 128 checks

The easiest way to obtain a section 128 check for all governors and relevant staff is to undertake a section 128 check through the Teacher Services website. When in the Teacher Services website, you will see the list at the bottom, and you can click on it to show everyone on the list.

This is because:

- a section 128 check is only included in an Enhanced DBS Check that also includes a 'Barred List Check'
- a 'Barred List Check' can only be included as part of an Enhanced DBS Check where a person is undertaking 'regulated activity'
- a governor is not in 'regulated activity' so a governor is not eligible for an Enhanced DBS Check that includes a Barred List Check

Consequently, where a section 128 check is required for a governor, a school needs to access the Teacher Services website and confirm that a governor is not on the section 128 barring direction list.

Please contact the DBS team for further support:

dbb.mailbox@derbyshire.gov.uk