



Guidance on:

Disclosure & Barring Service Checks and the Update Service

(for CMAT Members, Directors, Local Governors and
Associate Members)

September 2020



Background

Enhanced DBS checks are required of all people in positions of governance within Catholic Multi-Academy Trusts in the Diocese of Nottingham. The Disclosure & Barring Service require that the 'workforce type' is identified before any check can be conducted and if any 'barred lists' need to be checked also.

Child workforce relates to roles which are eligible for the check on the basis of working with children. This includes roles which involve interaction with children known as regulated activity. Under workforce guidance, the child workforce also applies to positions for which the applicant will have contact with children, in a specific setting, even when not engaging in regulated activity. In a similar way to a child workforce, an adult workforce type relates to roles which are eligible for a DBS check on the basis of regulated activity with vulnerable adults.

Child Barred List checks are required where the individual by nature of their role is likely to be involved in regular unsupervised activity. Regular unsupervised activity is defined as being unsupervised with children once a week or more often, or on 4 days in a 30 day period or overnight between 2am and 6am.

A **Section 128 direction** prohibits or restricts a person from taking part in the management of an independent school, including academies and free schools.

LGB Foundation and Parent Governors, and Associate Members

The role of governor in a school is set out in the 'Local Governing Body Handbook' published by NRCDES. This is clear that governors are expected to be regular visitors to school. However, governors are not expected to be in regular unsupervised activity with children and are not expected to attend overnight residential school activities where children are present. As such they do not require a Child Barred List check.

It is important to note that if the governor is involved in other activity at the school not associated with their role of governor; for instance, they may also volunteer to read with children in school, they may meet the test for a Child Barred List check. If this is the case it would be the responsibility of the school to conduct the additional check.

A Section 128 check is required for all governors.

New LGB members

The CMAT Governance Lead is responsible for organising a DBS check for all new members to the LGB as well as a S128 check. They will do this through the CMAT HR Team and will confirm to the school and NRCDES (*for foundation governors only*) the date of the certificate issue and that the results are clear.

Renewal of DBS checks (every 3 years)

The Diocesan Safeguarding Office recommends we follow a policy of renewing checks on LGB Foundation, Parent Governors and Associate Members every 3 years. It also recommends joining the DBS Update Service.

Joining the DBS Update Service

All LGB Foundation Governors, Parent Governors and Associate Members are strongly encouraged to sign up to the DBS Update Service. The Update Service removes the requirement for a new DBS check to be undertaken every 3 years as the DBS record will automatically be updated if there is a change. Any changes to a governor's DBS record will be picked up by the CMAT HR Team when they request a 'Status Check' to see if any relevant information has been identified since the certificate was last issued. (Although, any governor must, under the code of conduct agreement that they signed on taking office, declare anything which prohibits them from being a governor immediately.)

The Update Service is available free to volunteers (governors) and is accessed by applying directly to DBS Update Service within 28 days of a DBS certificate being issued.

All CMAT HR Teams should issue a guidance note to applicants when they instigate their DBS application, actively encouraging them to apply to the Update Service when they receive their DBS certificate.

Monitoring DBS Dates

The Clerk to the LGB should monitor the DBS dates termly and must notify the CMAT Governance Lead when a DBS renewal or a status check needs to be undertaken by the CMAT HR Team. The need for a renewal/status check should be notified by the Clerk to the Governance Lead the term before it is due – particularly important if a governor is coming up to reappointment as this cannot take place without a satisfactory DBS in place.

Trust Governor

The Governance Lead should ensure that Trust Governor (*admin>>governors database*) is kept up-to-date with governors' DBS details: issue date, certificate number and Update Service check date.

CMAT Members and Directors

The DBS check for CMAT Members and Directors will be coordinated by NRCDES as part of the appointment process. The check itself will be undertaken by the Diocesan Safeguarding Office.

CMAT Members and Directors are expected to visit schools regularly. However, they are not expected to meet the test for a Child Barred List.

The DfE have clarified Members and Directors are considered to be 'proprietors' of the CMAT and are therefore required to have a S128 check, which will be undertaken by NRCDES.

NRCDES will confirm to the CMAT Company Secretary that the enhanced DBS and S128 checks have been completed prior to the Company Secretary registering them as Directors with Companies House.

Summary of checks required and lead organisation

Position	Enhanced DBS Check	S128 Check	Child Barred List Check	Lead on Process	ID check
CMAT Member	✓	✓	X	NRCDES → Diocesan Safeguarding Office	NRCDES/ Diocesan Safeguarding Office
CMAT Director	✓	✓	X	NRCDES → Diocesan Safeguarding Office	NRCDES/ Diocesan Safeguarding Office
School Foundation Governor	✓	✓	X	New app: NRCDES → GL → CMAT HR	CMAT/School
				Up-to-date DBS: Clerk → GL → CMAT HR	
School Elected Parent Governor	✓	✓	X	New: GL → CMAT HR	CMAT/School
				Up-to-date DBS: Clerk → GL → CMAT HR	
School Associate Member	✓	✓	X	GL → CMAT HR	CMAT/School

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