

Section 128 checks for governors

In the revised [Keeping Children Safe in Education](#) statutory guidance (KCSIE) paragraphs 124 to 127, it is stated that having a section 128 check would disqualify a person from being a governor. They recommend that section 128 checks are carried out on all new governors from September 2018. **In Ealing we recommend you carry out the checks for all governors.**

A section 128 direction prohibits or restricts a person from taking part in the management of an independent school, including academies and free schools. A person who is prohibited is unable to participate in any management of an independent school, academy or free school. The term management also includes governors.

A section 128 direction disqualifies a person from holding or continuing to hold office as a governor of a maintained school.

The full list of grounds is set out in [regulation 2](#) of the Independent Educational Provision in England (Prohibition on Participation in Management) Regulations 2014.

Why are these checks important?

Section 128 checks complement DBS checks by looking at the parts of someone's history that may not necessarily be criminal, but would still be worrying.

For example (examples taken from The Key):

- Someone who undermines mutual respect for those of different faiths may not be charged with a hate crime, but you still wouldn't want them associated with your school
- An accountant who has breached the code of ethics set out by their professional body by using confidential client information for personal gain hasn't necessarily committed a crime, but you probably wouldn't want them overseeing your school's accounts.

You protect your school or trust's best interests by making sure you have a full picture of someone's suitability.

How to carry out the check

Individuals with a barred list check

If you carry out an enhanced DBS check with barred list information on an individual, with 'children's workforce independent schools' specified in the parameters, the certificate will detail whether they are subject to a section 128 direction.

Individuals without a barred list check

You can carry out section 128 direction checks through the [Teaching Regulation Agency](#). You can do this by logging onto the [Secure Access Portal](#) (GOV.UK) . Secure Access is a free service available to all schools and colleges.

HRSSC checks

Alternatively the HR administration team are able to undertake Section 128 direction checks for your school governors at a charge of £5 each. If you would like them to do this please email hrsscops@ealing.gov.uk with the surname and date of birth of each governor you would like checked. You can supply this information in the text of an email or by attaching a spreadsheet. The turnaround for you to receive the results from them is 3 working days.

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- [Yes](#)
- [Neutral](#)
- [No](#)

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