



EDUCATION FOR LIFE SCRUTINY COMMITTEE – 24TH FEBRUARY 2015

SUBJECT: GOVERNOR TRAINING AND DBS REQUIREMENTS

REPORT BY: ACTING DEPUTY CHIEF EXECUTIVE

1. PURPOSE OF REPORT

- 1.1 To provide information on the legal framework in respect of CRB / DBS checks for Governors and mandatory training requirements.

2. SUMMARY

- 2.1 Under certain circumstances Governing Bodies (GB's) and Local Authorities (LA's) can require Governors to have enhanced DBS checks, although the position is not straightforward. In September 2013, the Welsh Government (WG) introduced mandatory training requirements for Governors in respect of Chair training, Induction training and School Performance Data training and introduced suspension and disqualification of Governors where these are not met.

3. LINKS TO STRATEGY

- 3.1 Local Authority Partnership Agreement.

4. THE REPORT

DBS Checks

- 4.1 **The Government of Maintained Schools (Wales) Regulations 2005 provides specific disqualification provisions under Schedule 5, Regulation 12: -**
A person is disqualified from holding or continuing to hold office as a governor at any time when he or she refuses a request by the governing body to make an application under section 113B of The Police Act 1997 for a criminal records certificate.
- 4.2 From 2012, following the introduction of the Safeguarding of Vulnerable Groups act 2006 and the Protection of Freedom Act 2012 the types of checks which can be taken changed to three types, Standard DBS check, Enhanced DBS check and Enhanced DBS check with barred list checks.
- 4.3 Enhanced DBS checks can only be applied for if the individual undertakes 'regulated activity'.
- 4.4 Governors used to be regarded as undertaking regulated activity under the original ISA system, and therefore were required to be CRB checked, with checks also being undertaken of the barred lists, to check that they were not deemed unsuitable to work with children.

- 4.5 However, under the new system, Governors will not generally be engaged in ‘regulated activity’ unless they are undertaking some ‘work’ at the school, on a regular basis, that is not supervised. The Government guidance specifically refers to Governors as having been removed from the scope of ‘regulated activity’ as of 10 September 2012. It will not be common for a governor to be undertaking work at a school when they are not being ‘supervised’ by someone who is in regulated activity themselves (e.g. if they are present at meetings etc., then generally the head teacher or another member of the school’s staff will be present).
- 4.6 As a result, whilst Governing Bodies and Local Authorities can require Governors to have enhanced DBS checks, Governors Wales in their case study on the subject state that they do not believe that they can insist on all governors being checked under the barred lists unless they can establish that the governor in question is engaged in regulated activity. Governors Wales further state that they understand that the DBS may well decline applications for checks on this basis.

Mandatory Governor Training

- 4.7 Chairs Training - All Chairs elected after the 20th September 2013 and who have not attended chairs training in the two years prior to 20th September 2013 are required to attend Chairs training within 6 months of being elected as Chair.
- 4.8 Induction Training - Any new governor appointed or elected after 20th September 2013 or any existing governor who was first appointed/elected after 20th September 2011 and has not attended induction training will be required to attend induction training by 20th September 2014 or within one year of appointment if after 20th September 2013. Governors who are re-appointed/ re-elected or have served as a governor at another school prior to 20th September 2011 are not required to attend training.
- 4.9 School Performance Data Training - Any new governor appointed or elected after 20th September 2013 will be required to attend data training within 1 year of appointment/election. If governors are reappointed for a further term of office and have not completed training in the last year they will have to do so.
- 4.10 Headteachers are exempt from all mandatory sessions.
- 4.11 Governing bodies are ultimately responsible for suspending and possibly disqualifying governors who do not attend the mandatory training. To support governing bodies through the process this information has been provided in every EAS governor training programme for the past two years, in addition a protocol has been developed which will be circulated to Headteachers and Chairs of Governors in Spring 2015 (Appendix 1).
- 4.12 Attendance at Mandatory Training Sessions by Governors

| Governor Induction | | | | Chairs | | | | Understanding Data | | | |
|---------------------------|-------|-------|-------|----------------------|-------|-------|-------|---------------------------|-------|-------|-------|
| <i>14/15 to date</i> | 13/14 | 12/13 | 11/12 | <i>14/15 to date</i> | 13/14 | 12/13 | 11/12 | <i>14/15 to date</i> | 13/14 | 12/13 | 11/12 |
| 49 | 112 | 44 | 66 | 30 | 29 | 35 | 16 | 20 | 69 | 36 | 18 |

- 4.13 In 2013/14, 9 Data, 11 Induction and 10 Chair training sessions were offered across the EAS area. In Autumn 2014, 10 Induction (2 in CCBC area), 6 Data (1 in CCBC area) and 5 Chair (1 in CCBC area) were offered. In addition all Chairs in Caerphilly that had not attended Chair training were offered specific sessions at a venue to suit them, this has resulted in all Chairs apart from one in Caerphilly meeting the mandatory training requirement. Specific data training sessions have also been / are being arranged for every secondary school which meet the mandatory training requirements. For Spring 2015 two Induction courses out of the 10 being offered are specifically in the Caerphilly area, with the intention to monitor booking uptake and offer further courses if and when these become full (training programmes attached, Appendix 2 & 3).

5. EQUALITIES IMPLICATIONS

- 5.1 Equalities and Welsh Language Training is not currently mandatory but is offered to all governing bodies and school staff in the county borough via the Equalities and Welsh Language Team in the Corporate Services Policy Unit.
- 5.2 In addition to being offered courses on the general programme of training available, bespoke courses can also be run in schools where a specific issue has arisen and the governors and school staff need additional awareness around those specific issues.
- 5.3 The annual CCBC Equalities and Welsh Language Training report includes further information on governors and school staff attendance on these courses - www.caerphilly.gov.uk/equalities.

6. FINANCIAL IMPLICATIONS

- 6.1 DBS Criminal Records checks are free for volunteers including Governors, however there would be a requirement to keep records, ensure that new governors were informed of the requirement and undertake the checking of forms submitted, the LA would need to consider staff requirements to administer this, fully delegate it to schools or commission the service from the EAS, which could have financial implications. The only LA in the EAS area which currently carries out CRB checks is Monmouthshire which is fully administered by Monmouthshire LA staff.
- 6.2 Governor Training – none identified

7. PERSONNEL IMPLICATIONS

- 7.1 None arising out of this report.

8. CONSULTATIONS

- 8.1 All comments received are contained within the report.

9. RECOMMENDATIONS

- 9.1 CRB / DBS checks:- Members note the information as requested.
- 9.2 Mandatory Training: - Members note the information as requested.

10. REASONS FOR THE RECOMMENDATIONS

- 10.1 To respond to Members' request for information on governor training and DBS requirements.

11. STATUTORY POWER

- 11.1 The Government of Maintained Schools (Wales) Regulations 2005, Schedule 5, Regulation 12.
- 11.2 The Government of Maintained Schools (Training Requirements for Governors) (Wales) Regulations 2013.

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Appendices:

Appendix 1 Protocol for the Suspension / Disqualification of Governors – Mandatory Training
Appendix 2 Autumn Term 2014 Training Programme
Appendix 3 Spring Term 2015 Training Programme