

Sign:

Date: March 2023

Review: March 2025 or sooner if required

Criminal Convictions Code of Practice - Governors

1 Scope

This code of practice applies to all governors in Northumberland.

2 Purpose

The purpose of this code of practice is to set out how criminal record applications and disclosures will be handled.

3 Background

It is an offence for a person who is barred from working with children to apply to become a school governor. If they are barred from working with children and young people they are automatically disqualified from appointment as a governor. There may also be previous convictions which, whilst not barring them from working with children, might disqualify them from serving as a governor under the criteria outlined in Schedule 6 of the School Governance (Constitution) (England) Regulations 2007.

4 Application

The school is responsible for ensuring that governors requiring the enhanced disclosure completes the CRB application form and provides the required identity documents. The original application form (signed by the school to confirm that identity documents have been seen) is to be returned to Governor Support (for the attention of the Governor Support Manager). In order to avoid lengthy delays in appointment, governors will be permitted to take up post as soon as they have presented a completed CRB form with the required identity documentation, but prior to CRB clearance being received. This will be with the proviso that the appointment is still subject to CRB clearance and may be terminated due to disqualification or rescinded by the Corporate Director of Children's Services Group. It is proposed that the following control measures are put in place to reduce risk until CRB clearance is received:

- Governors should be permitted to attend governing body meetings but should not undertake any visits to classes or take part in activities directly involving children and young people;
- Governors should not be allowed to walk around school unaccompanied while children are on the premises.

5 Acceptance of Existing CRB Clearances

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

- If an individual currently holds a CRB clearance for their role as a governor and the clearance has been carried out by Northumberland County Council. (Portability of CRB disclosures within Northumberland is permitted in certain circumstances and in the case of school governors the Governor Support Manager is the Counter signatory and therefore will receive all disclosure information).
- If an individual already holds CRB clearance as a volunteer or member of staff for the school in which they have been appointed/elected as a governor (in these cases a new clearance will be undertaken on re-appointment).

Only enhanced CRB clearances will be accepted. Therefore, if a governor has a standard disclosure as part of another role this will not be acceptable.

6 Exceptional Circumstances

The position regarding CRB clearances is complex and it is possible that a situation may arise that has not been covered above. It is recommended that in the event of a circumstance arising that has not already been anticipated, the Head of Planning and Organisation in consultation with the Governor Support Manager, be permitted to make a decision on the acceptability of existing CRB clearances.

7 Storage, Use, Retention and Disposal of Disclosure Information

The CRB Code of Practice for registered persons and other recipients of disclosure information, as revised in April 2009, 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 CRB 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 CRB 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 / re-appointed as a result of the information disclosed they will make a recommendation to the Corporate Director of Children's Services Group.

If a concern is received about a governor while they are in the middle of a term of office they may be requested to undertake CRB clearance. 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 CRB 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 CRB screen to indicate relevant dates in the CRB process, CRB form number, disclosure number and the outcome - e.g. negative / positive not applicable / positive disqualified.

Signed:

Date:

Review: