

## The Governance of Safeguarding

2019





## National Governance Association

The National Governance Association (NGA) is the leading membership organisation for governors, trustees and clerks in state-funded schools, academies and free schools in England.

We are an independent charity that aims to improve the educational standards and wellbeing of young people by increasing the effectiveness of governing boards and promoting high standards. We do this by providing information; guidance and advice; undertaking research; delivering face-to-face training, e-learning and consultancy; and holding national conferences and regional events. We ensure the views of governors are represented at the national level and work closely with, and lobby, UK government and educational bodies.

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## The Governance of Safeguarding

The following guidance is intended to help governing boards and academy trusts meet their overall responsibility for ensuring that their schools safeguarding procedures, policies and training are in place, being effectively managed and comply with the law.

### The guidance that governing boards should refer to - Keeping Children Safe in Education

Keeping Children Safe in Education (KCSIE) is [statutory guidance](#) from the Department for Education (DfE) that schools and colleges in England must have regard to when carrying out their duties to promote and safeguard the welfare of children and young people.

KCSIE sets out the safeguarding responsibilities for governing boards, which include ensuring that a senior member of the school's leadership team is designated to take lead responsibility for safeguarding and child protection. This role is known as the Designated Safeguarding Lead (DSL).

Governing boards should ensure that they are kept informed of any changes to the guidance and to their safeguarding responsibilities. The current version of KCSIE was published in September 2019.

As well as the responsibilities that are set out in KCSIE, governing boards must to have due regard to the need of prevent people from being drawn into terrorism. This is known as the [prevent duty](#).

### The training that governing boards should receive in order to meet their safeguarding responsibilities

There is no statutory requirements for governors and trustees to undergo safeguarding training. However, paragraph 168 of the DfE Governance Handbook says that it is best practice if everyone on the board has training about safeguarding, to make sure they have the knowledge and information needed to perform their functions, understand their responsibilities and assure themselves that their own organisation's safeguarding arrangements are robust.

In maintained schools, at least one member of a recruitment panel must have undergone safer recruitment training. It is advisable for academies to mirror this requirement.

E-learning is available on [NGA's Learning Link](#) to help governors understand their safeguarding responsibilities and how to carry them out effectively.

### Appointing a Governor/ Trustee to take responsibility for safeguarding

KCSIE says that governing bodies should have a senior board level (or equivalent) lead to take responsibility for their school's safeguarding arrangements. In schools maintained by the local authority (maintained schools) this would be expected to be a governor (not an associate member) or a trustee within a trust. Employees of the school or trust should not be appointed to undertake the role of safeguarding lead governor.

Although not a statutory expectation, NGA recommends that Multi-Academy Trusts (MAT) also appoint a safeguarding lead member on their academy committees (sometimes referred to as local governing bodies) that have been delegated sufficient management responsibility.

A model role description for the nominated member of the governing board can be found accompanying this document on the NGA Knowledge Centre.



## Carrying out safeguarding checks on Governors, Trustees, Local Governing Body Members and Members

In maintained schools, governors are required to apply for an enhanced criminal records certificate from the Disclosure and Barring Service (DBS). This should be within 21 days of their appointment, subject to the School Governance (Constitution) (England) Regulations 2012. Refusal to apply for a certificate is grounds for disqualification.

KCSIE says that schools should also carry out [a section 128 check](#) for school governors because a person subject to one is disqualified from being a governor. A section 128 direction bars individuals from taking part in the management of any independent school (including academies and free schools).

KCSIE 2019 makes it clear that there is no requirement for associate members (sometimes known as 'associate governor'), to hold a DBS certificate or be subject to a 128 direction check. Governing boards should consider if they want to perform checks on associate members.

Trustees of an academy are required to hold an enhanced DBS certificate upon appointment, subject to both their articles of association and the Education (Inspection School Standards) Regulations 2014. The latter statute also requires trustees to be subject to a 128 direction check.

Chairs of trustees are also required to have their identity and right to work checked. They also must have their enhanced DBS check countersigned by the Secretary of State.

Members of academy committees should also hold an enhanced DBS certificate. Whether they are required by law to have had a 128 direction check is determined by if they have any delegated management responsibility. NGA recommends that section 128 checks are carried out on academy committee members even if the academy committee does currently not have delegated management responsibility. This is in case the academy committee is given delegated responsibility in the future.

The same principles apply to all individuals appointed to academy committees, regardless if they have been designated as 'associate members', or only participate on a specific committee.

Members in academy trusts must hold an enhanced DBS check, have been subject to a section 128 direction check, and have had their right to work and identity checked.

There is no requirement for governors, local governors, trustees or staff members in schools to renew their DBS checks. Governing board should ensure they have a consistent policy on renewing checks. However, it is not best practice to repeatedly DBS check those governing, as it is not a productive use of a time and resources.

The annex of this guidance has a matrix of required safeguarding checks.

## What is the role of the governing board in maintaining the Single Central Record?

It is a statutory requirement for all schools, colleges (including Academies, Free and Independent School) to keep a "Single Central Record", referred to in the regulations as "the register". The "Single Central Record" covers all staff (including supply staff, and teacher trainees on salaried routes) who work at the school. In colleges (this means those providing education to children) and for independent schools, including academies and free schools, all members of the proprietor body.

It is not the duty of the governing board to administer the Single Central Record, or to conduct an audit of the document. However, governing boards do have a role in ensuring it is up to date.



At NGA's 2019 Summer Conference, Amanda Spielman, Ofsted's HMCI said:

*As governors and trustees, you are responsible for making sure that safeguarding procedures are properly followed in schools. But that doesn't mean you have to go through your school's central record yourself.*

Governors and trustees should be aware that they still retain overall accountability for the school or trust's safeguarding regime. Therefore, governing boards should still ensure they have measures in place to ensure that the record is being administered properly. This can involve organising a third party audit, or simply having the Designated Safeguarding Lead talk through how they are meeting the statutory requirements for the Single Central Record.

### Considerations in a MAT

The governance of safeguarding in a trust can be more complex than in a single school, and thus those governing need to be thinking on a trust wide basis.

#### Setting a policy

Keeping Children Safe in Education 2019 obliges schools to have a child protection policy in place, but it is not prescriptive in how this should be handled in the context of a MAT.

MATs should consider setting their safeguarding policy on a trust wide basis. This enables greater co-ordination between various stakeholders in the trust, and clarity across all layers of governance. However, it is vitally important that there are provisions in place to ensure that the policy is reflective of all schools in the trust, and tailored specifically to all school's needs. This means input from all safeguarding professionals within the trust should be sought when drafting or reviewing the policy.

A trust wide approach to the child protection policy will demonstrate consistency, and reflect a shared practice across the trust. We would also expect a ratification process to occur at local levels of governance, to ensure that it is properly understood.

#### The Designated Safeguarding Lead

The statutory guidance Keeping Children Safe in Education 2019 also places an expectation on every school and college to have an individual with specific responsibilities for co-ordinating their safeguarding provisions, and liaise with external stakeholders. However, in a MAT structure, there is no equivalent statutory requirement to have an individual with responsibility on a trust wide level.

NGA recommend that MAT's ensure that a senior executive level individual is appointed the responsibility for co-ordinating the trust's safeguarding provisions. This individual will help ensure that practice, resources and knowledge are shared effectively across the trust. This position could:

- Ensure that the DSL's in the trust's schools are acting effectively, and are properly executing the trust's child protection policy.
- Ensure that the DSL's and Deputy DSL's in the trust are trained to a high standard.
- Regularly disseminate best practice across the trust, co-ordinating the spread of information and practice both vertically and horizontally.
- Updating and assuring the nominated safeguarding trustee of the compliance and standards of the trust's safeguarding regime.



- Providing advice and guidance to the school-level DSLs, and supporting shared professional development in their roles.
- Directly monitoring the day to day administration of the trusts' Single Central Record.

While we would not be prescriptive as to who this should be within a trust, it should be expected to be a senior trust level executive, in a similar manner to the framework expected of DSL's but on a larger scale.



## Annex

### Safeguarding checks matrix

	Enhanced DBS	Enhanced DBS countersigned by DfE	Section 128 Check	Identity and Right to Work Check
Maintained School Governor	KCSIE: paragraph 173		KCSIE: paragraph 173	
	CR: s.16A			
Trustee	KCSIE: paragraph 178		KCSIE: paragraphs 178 and 128	KCSIE: paragraph 178
	MA: article 78			EISSR regulation 20
Member	KCSIE: paragraph 179		KCSIE: paragraph 179	EISSR regulation 20
LGB member	KCSIE: paragraph 179		KCSIE: paragraph 128	
	MA: article 80			
Maintained School associate member	KCSIE: paragraph 174 *			
Chair of Trustees	KCSIE: paragraph 176	KCSIE: paragraph 176	KCSIE: paragraph 128	KCSIE: paragraph 176
				EISSR: regulation 20

### Key

KCSIE – Statutory guidance - Keeping Children Safe in Education 2019

MA – Model Articles of Association

CR – School Governance (Constitution) (England) Regulations 2012

EISSR – Education (Independent School Standards) Regulations 2014

\*Governing bodies should consider if it is appropriate for associate members in their school to undergo a DBS check