
Section 128 checks for governors

In the current [Keeping Children Safe in Education](#) statutory guidance (KCSIE), academies must carry out a **section 128 check** for all new governors / trustees.

Ealing recommends that section 128 checks are carried out at the same time as the [DBS checks](#) ie within 21 days of appointment or election.

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. For academies, they cannot be on the senior team.

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.

There is no mandatory requirement for periodic rechecks. Maintaining up-to-date records and conducting periodic reviews can help ensure the highest standards of safeguarding.

Ealing advice is that section 128 checks for serving governors do not need to be redone at regular intervals if there is no break in service. [The initial check is sufficient unless there are changes in the individual's role or new information comes to light that might affect their 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 [DfE Sign- in](#)

As governors, trustees and members will not have a teacher reference number (TRN), school staff can download a list of all the people with a section 128 direction and check against them.

HRSSC checks

Alternatively the HR administration team are able to undertake Section 128 direction checks for your school governors at a charge of £8 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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- [Neutral](#)
- [No](#)

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