APPENDIX 4 –

KEEPING CHILDREN SAFE IN EDUCATION - OFFENCES THAT COUNT

Which offences does the ‘Disqualification by Association’ legislation cover?

The recent supplementary guidance given to schools by the Department for Education has stirred some controversy. This legislation which dates from 2009 was previously believed to cover childcare settings outside schools. The DfE (and Ofsted) are clear that this includes schools too. However, which offences are covered by this legislation?

Lists of relevant offences are published in these two documents:

* Ofsted: Disqualifications (February 2013)
* DBS: Relevant Offences (September 2014)

The relevant offences are summarised below (Note that this is a summary, specific offences are detailed in the guidance above.)

Abduction of a child

Abuse of a position of trust

Assault by penetration

Assault occasioning actual bodily harm

Burglary with intent to rape

Causing a person to engage in sexual activity without consent

Causing or allowing the death of a child or vulnerable adult

Certain offences under the Mental Health Act 1983:

Forgery and making false statements

Ill treatment of patients.

Assisting patients to absent themselves without leave etc

Obstruction

Cruelty to children

Exposure

False imprisonment

Incest

Intercourse with an animal

Kidnapping

Making threats to kill a child

Manslaughter

Meeting a child after grooming

Murder

Murder of an infant

Offences related to female genital mutilation

Offences related to prostitution

Offences related to the supply of Class A drugs to a child

People trafficking

Possession of extreme pornographic images

Possession of indecent images of children

Rape

Sexual assault

Sexual offences against a person with a mental disorder

Sexual offences against children

Sexual offences against children outside the UK

Sexual penetration of a corpse

Supply of a controlled drug to another

Voyeurism

Wounding and causing grievous bodily harm

These offences would result in the offender being banned from working in regulated activity with children and young people. Staff in schools who work with under-8s are ‘disqualified by association’ if they ‘live or work in the same household’ as someone who has committed any of the offences above, even if they would not otherwise be disqualified themselves.

Information for Head teachers

When a member of staff tells you that someone they live with has been convicted of an offence listed above you should immediately seek advice from your HR provider or legal team.

<http://www.safeguardinginschools.co.uk/disqualification-association-offences-count/>