



Department  
for Education

# **Disqualification under the Childcare Act 2006**

**Statutory guidance for local authorities,  
maintained schools, independent  
schools, academies and free schools**

**February 2015**

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# Summary

## About this guidance

This is statutory guidance from the Department for Education on the application of the Childcare (Disqualification) Regulations 2009 and related obligations under the Childcare Act 2006 in schools. Schools and local authorities must have regard to it when carrying out their duties to safeguard and promote the welfare of children under section 175, of the Education Act 2002, paragraph 7(b) of Schedule 1 to the Education (Independent School Standards) Regulations 2014 and paragraph 3 of the Schedule to the Education (Non-Maintained Special Schools)(England) Regulations 2011.

This guidance replaces the [supplementary advice](#) that was issued by the Department for Education on 10 October 2014.

## Review date

This guidance will be reviewed in September 2015.

## What legislation does this guidance refer to?

- Childcare Act 2006
- The Childcare (Disqualification) Regulations 2009

## Who is this guidance for?

This guidance is for:

- Local authorities
- Governing bodies of maintained schools, including maintained nursery schools, and proprietors of non-maintained and independent schools (including academies, free schools and alternative provision academies) and management committees of pupil referral units (PRUs).

## Main points

The guidance sets out:

- The responsibilities of local authorities (in the exercise of their education functions) and schools;

- What they need to do to comply with the legislation;
- Who is covered – including the implications for staff who live in the same household where a disqualified person lives or is employed;
- The circumstances where staff<sup>1</sup> should be directed to apply to Ofsted to waive disqualification.

It also explains the responsibilities of:

- Training suppliers, such as initial teacher training providers who place trainees or students at a school who are working and are being trained in a relevant childcare<sup>2</sup> setting; and
- Agencies and third party organisations employing staff to work in relevant childcare settings in a school.

The arrangements set out in the guidance are additional to the arrangements in place to safeguard and promote the welfare of all children set out in [Keeping Children safe in Education](#) (KCSIE), the [Early Years Foundation Stage](#) (EYFS) and in [Working Together to Safeguard Children](#).

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<sup>1</sup> For the purpose of this guidance staff includes individuals employed by the school or local authority, those undertaking training in schools (both salaried and unsalaried), casual workers and volunteers.

<sup>2</sup> The meaning of childcare is provided at section 18 of the Childcare Act 2006 (<http://www.legislation.gov.uk/ukpga/2006/21/contents>). The meaning of relevant childcare is explained further at paragraph 6 below.

## Disqualification under the Childcare Act

1. The Childcare (Disqualification) Regulations 2009 (“the 2009 Regulations”) are made under section 75 of the Childcare Act 2006 (“the 2006 Act”) and set out the circumstances in which an individual will be disqualified for the purposes of section 75 of the Act. Section 76(2) of the 2006 Act, provides that a person who is disqualified under the 2009 Regulations may not provide relevant childcare provision or be directly concerned in the management of such provision (see paragraphs 6 and 15 below). Under section 76(3) schools are prohibited from employing a disqualified person in connection with relevant childcare provision in the settings set out at paragraph 6. An employer commits an offence if they contravene section 76(3) except if they prove that they did not know, and had no reasonable grounds for believing, that the person they employed was disqualified.

### Disqualification criteria

2. The criteria for disqualification under the 2006 Act and 2009 Regulations include those set out in the list below:
- a. inclusion on the Disclosure and Barring Service (DBS) Children’s Barred List,
  - b. being found to have committed certain violent and sexual criminal offences against children and adults which are referred to in regulation 4 and Schedules 2 and 3 of the 2009 Regulations (note that regulation 4 also refers to offences that are listed in other pieces of legislation);
  - c. certain orders made in relation to the care of children which are referred to in regulation 4 and listed at Schedule 1 of the 2009 Regulations;
  - d. refusal or cancellation of registration relating to childcare,<sup>3</sup> or children’s homes, or being prohibited from private fostering<sup>4</sup>, as specified in Schedule 1 of the 2009 Regulations;
  - e. living in the same household where another person who is disqualified lives or is employed (disqualification ‘by association’) as specified in regulation 9 of the 2009 Regulations;
  - f. being found to have committed an offence overseas which would constitute an offence regarding disqualification under the 2009 Regulations if it had been done in any part of the United Kingdom.

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<sup>3</sup> Except if the refusal or cancellation of registration is in respect of registration with a child minder agency or the sole reason for refusal or cancellation is failure to pay a prescribed fee under the 2006 Act (Regulation 4(1) of the 2009 Regulations).

<sup>4</sup> Pursuant to legislation references in paragraph 17 of Schedule 1 to the 2009 Regulations.

3. The above list is only a summary of the criteria that lead to disqualification. Further details about the specific orders and offences which will lead to disqualification are set out in the 2009 Regulations.

## Relevant offences and orders

4. Under the legislation a person is disqualified if they are 'found to have committed' an offence which is included in the 2009 Regulations (a 'relevant offence') this includes (a) being convicted of a relevant offence or (b) on or after 6 April 2007, being given a caution, reprimand or warning for a relevant offence.<sup>5</sup>

5. A list of the relevant offences referred to at 2(b) above and orders referred to at 2(c) above that lead to the disqualification of an individual (including 'by association') under the 2009 Regulations is set out in the tables included within this guidance. For new employees an up-to-date enhanced DBS certificate will help schools establish whether the offences committed by that individual are relevant offences. Further details of the disqualification 'by association' requirements are provided at paragraph 19 below.

## Staff covered and relevant settings

6. Staff are covered by this legislation if they are employed and/or provide early years childcare (this covers the age range from birth until 1 September following a child's fifth birthday i.e. up to and including reception age) or later years childcare (this covers children above reception age but who have not attained the age of 8) in nursery, primary or secondary school settings, or if they are directly concerned with the management of such childcare. This includes:

- Early years provision - staff who provide any care for a child up to and including reception age. This includes education in nursery and reception classes and/or any supervised activity (such as breakfast clubs, lunchtime supervision and after school care provided by the school) both during and outside of school hours for children in the early years age range; and
- Later years provision (for children under 8) - staff who are employed to work in childcare provided by the school outside of school hours for children who are above reception age but who have not attained the age of 8. This does not include education or supervised activity for children above reception age during school hours (including extended school hours for co-curricular learning activities, such as the school's choir or sports teams) but it does include before school settings, such as breakfast clubs, and after school provision.

7. This means that staff employed who work in the following roles are not covered, i.e. staff who:

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<sup>5</sup> A person who is found not guilty of a relevant offence by reason of insanity or found to be under a disability and to have committed the act for which they have been charged in respect of a relevant offence is also disqualified (Regulation 2(2) of the 2009 Regulations).

- only provide education, childcare or supervised activity during school hours to children above reception age; or
- only provide childcare or supervised activities out of school hours for children who are aged 8 or over; and
- have no involvement in the management of relevant provision.

8. In relation to staff employed by childcare providers (i.e. not employed by the school or local authority) who hire or rent school facilities or premises, schools should ensure that such providers have appropriate policies and procedures in place in regard to safeguarding children, including under the 2009 Regulations.

9. Staff such as caretakers, cleaners, drivers, transport escorts, catering and office staff, who are not employed to directly provide childcare, are not covered by the legislation. Similarly most staff who are only occasionally deployed and are not regularly required to work in relevant childcare will not automatically come within the scope of the legislation. Schools and local authorities should exercise their judgement about when and whether such staff are within scope, evaluating and recording any risks and control measures put in place, and taking advice from the school or authority's HR provider, Local Authority Designated Officer (LADO), safeguarding lead officer or adviser when appropriate. A record of the assessment should be retained on the employee's personnel file.

10. Anybody involved in any form of health care provision for a child, including school nurses, and local authority staff, such as speech and language therapists and education psychologists, are specifically excluded from the statutory definition of childcare, and are therefore not covered by the legislation.

11. Where centrally employed local authority staff are deployed to work in relevant childcare settings in schools (for example peripatetic music teachers or special needs teachers) it is the responsibility of the local authority to ensure that such staff are compliant with the requirements of the legislation explained in this guidance.

12. Where schools or local authorities use staff from any agency, or third-party organisation, to work in relevant childcare in schools, or contract out such childcare, they must obtain confirmation that the agency or organisation providing the staff has informed them that they will be committing an offence if they are deployed to work in relevant childcare, or are directly concerned in the management of such provision, if they are disqualified under the 2009 Regulations. This should include the provider requesting that their staff inform them if they consider that they could be disqualified under the legislation.

13. Where the school deploys a contractor who is self-employed to work in relevant childcare provision, the school must ensure that they are compliant with the requirements of the legislation explained in this guidance.

14. The requirements in paragraph 12 also apply where training suppliers, such as initial teacher training providers, are placing trainees or students at the school, who are

working and/or being trained in a relevant setting. Where trainee staff are salaried, for example on employment based teacher training programmes, it is the responsibility of the school to ensure that they comply with the legislation. If a salaried trainee is disqualified from childcare, schools should inform the training provider of this. Where trainee staff are not on a salaried programme (i.e. fee or self-funded students), it is the responsibility of the training provider to conduct the relevant checks to ensure that trainees placed in schools are not disqualified from childcare or that they have obtained a waiver from Ofsted.

15. Staff who are directly concerned in the management of early or later years provision are covered by the legislation. Schools will need to use their judgement to determine who is covered, but this will include the headteacher, and may also include other members of the school's leadership team and any manager, supervisor, leader or volunteer responsible for the day-to-day management of the provision.

16. School governors and proprietors are not covered by the legislation, unless they volunteer to work in relevant childcare on a regular basis, or they are directly concerned with the day-to-day management of such provision. Further guidance on the safeguarding arrangements covering governors and the safeguarding responsibilities of governing bodies and proprietors is provided in KCSIE. Additionally school governors in maintained schools are disqualified under the 2006 Act from holding office in maintained schools under the School Governance (Constitution) (England) Regulations 2012.

17. Volunteers and casual workers who are directly concerned with the management of childcare provision, or who work on a regular basis, whether supervised or not, in relevant childcare, are within the scope of the legislation and are covered by this guidance.

## **What this means for schools and other employers<sup>6</sup>**

18. Schools must ensure that they are not knowingly employing a person who is disqualified under the 2009 Regulations in connection with relevant childcare provision. In gathering information to make these decisions schools must ensure that they act proportionately and minimise wherever possible the intrusion into the private lives of their staff and members of their household. Accordingly, schools must ensure that they handle data fairly and lawfully and take care not to breach the Data Protection Act 1998 (DPA), the Rehabilitation of Offenders Act 1974 (ROA) and the Human Rights Act 1998.

19. Schools are responsible for ensuring that anyone who falls within the relevant categories of staff described above at paragraph 6 is made aware of the legislation, including that they may be disqualified 'by association' under regulation 9 of the 2009 Regulations where they live in the same household as a disqualified person or in a household in which a disqualified person is employed.

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<sup>6</sup> For the purposes of this guidance, hereafter references to the requirements and recommendations for schools also apply to local authorities, teacher training providers, employment agencies and other organisations employing staff to work in relevant childcare.



20. Schools must make these staff aware of what information will be required of them and how it will be used to make decisions about disqualification. Schools are free to decide how to bring these requirements to the attention of their staff. As a means of making staff aware of their duty to provide such information, they may for example choose to include a section in the school's safeguarding policy, or another policy document, or by means of an addition to new staff members' contracts of employment. Schools should draw this guidance to the attention of their staff and the information provided by Ofsted referenced in this guidance.

21. In addition to ensuring staff are made aware of the relevant legislation, schools need to take steps to gather sufficient and accurate information about whether any member of staff in a relevant childcare setting is disqualified by association. It is not necessary for schools to ask staff to complete a self-declaration form to obtain this information and about whether a staff member is disqualified.

22. Where schools decide to adopt the approach of using a self-declaration form, it is important that the questions posed in the declaration are relevant and limited to the requirements of the legislation, e.g. cautions or convictions for a relevant offence; where a care order is issued with respect to a child who has been in the person's care; or whether they or anyone living or employed in their household is named on the DBS Children's Barred List. It is important that schools avoid asking for information that is not relevant to ensure that they are not in breach of data protection legislation. They should avoid asking for medical records, details about unrelated or spent convictions of household members, DBS certificates from third parties, or copies of a person's criminal record. Schools should inform their staff that when responding to questions about their cautions or convictions, they do not need to provide details about any protected cautions or protected convictions and that they are not required to disclose the spent cautions or convictions of a person who lives or is employed in their household. See paragraphs 29-34 below for information on this.

23. It is vital that schools do not ask staff or third parties to make requests for their criminal records in connection with employment, as this will amount to an enforced subject access request which will be an offence under section 56 of the DPA from 10 March 2015. The Information Commissioners Office (ICO) will be seeking to take prosecutions against organisations who commit this offence. Further information about section 56 is provided in [ICO](#) guidance.

24. Schools must keep a record of those staff who are employed to work in or manage relevant childcare and should record the date on which disqualification checks were completed. Schools should ensure that in maintaining records they comply with the requirements of the DPA. In particular they should not store personal data or sensitive personal data about household members without their consent, and they should ensure that any information is kept to a minimum, is accurate and is only stored for the minimum period of time necessary. Schools may choose to keep this information as part of the single central record, or maintain a record separately. Ofsted and the independent inspectorates will check this as part of the normal school inspection process.

25. To help schools comply with the requirements of the DPA, where a school retains personal information that is relevant to disqualification this should be kept on the personnel file. Substantive details of criminal records checks should not be retained and information that is provided to schools that is not relevant should be destroyed. Guidance

on data protection issues for employers carrying out criminal records checks is provided in the [ICO's Employment practices code of practice](#).

26. In order to identify cases where a staff member working in relevant childcare settings may be disqualified 'by association', schools must ask only those staff to provide, to the best of their knowledge, information about someone who lives or is employed in their household. It is important that where information is obtained about third parties that the individual to whom the information relates is clearly informed about how, and for what purpose, the school will use their information. Schools must be certain that the information provided is adequate, accurate and relevant to their enquiries and where information is provided in error, or is not relevant, e.g. unspent caution or conviction which is not listed as a relevant offence, it should be destroyed. Schools must make sure that they do not require staff to breach the requirements of the DPA or the ROA.

27. Schools must be mindful of their obligations for handling personal data under the DPA and should act accordingly. Advice on handling data is provided in the [ICO's Guide to data protection](#) and further information is available from the ICO (at <https://ico.org.uk>).

28. Schools must ensure that their procedures make the requirements of the legislation clear and should explain to new and existing staff working in relevant childcare that they should inform the school if their circumstances change. Schools that choose to add information pertaining to disqualification into their policies should alert all staff to the addition, for example via a staff bulletin or an e-mail.

## **Disclosing offences - spent and protected cautions and convictions**

29. When schools are considering the relevant offences, including those relating to individuals who are living or who are employed in the household where the staff member lives, they must take into account the ROA. The ROA allows criminal convictions, cautions, and youth cautions (formerly reprimands and final warnings) to be considered spent after a specified period of time known as the rehabilitation period, which is decided by the sentence or disposal received. Sentences of over 48 months and public protection sentences (regardless of the length of sentence) can never become spent. Guidance on the ROA is available [here](#).

30. The vast majority of roles in schools and relevant childcare settings are exempt from the ROA. Individuals working in these settings are therefore covered by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2013) ('the Exceptions Order'); as a result, they are normally required to disclose all their convictions and cautions, including those that are spent. The exception is that certain minor cautions and convictions are 'protected' for the purposes of the Exceptions Order, which means they are not subject to disclosure to employers and they are removed or 'filtered' from standard or enhanced DBS certificates.

31. The majority of offences that lead to disqualification under the 2009 Regulations will never become protected, which means that they must always be disclosed by a member of staff employed to work in relevant childcare, and they will not be filtered from

the DBS certificate. The DBS has produced a list of specified offences that will never be filtered, which is [here](#).

32. Schools should inform their staff that when responding to questions about their cautions or convictions, they do not need to provide details about any protected cautions or protected convictions. Staff working in childcare are entitled to respond to a question relating to their criminal record as though it only relates to cautions or convictions that are not protected. Guidance provided [here](#) by the DBS will help schools understand the old and minor cautions and convictions that do not need to be disclosed.

33. Schools should be aware that under the ROA, employees cannot be required to disclose spent cautions and convictions relating to individuals who live or are employed in the same household as them. Accordingly, schools should inform staff that they are not required to disclose the spent cautions or convictions of a person who lives or is employed in their household. Staff working in childcare are entitled to respond to a question relating to the criminal record of a person who is living or is employed in their household as though it only relates to 'unspent' cautions or convictions that are included on the list of relevant offences.

34. Schools may wish to consider obtaining professional advice from their HR provider, LADO, or safeguarding lead officer or adviser to help them establish whether staff with relevant cautions or convictions are disqualified from working in relevant childcare.

## Application for an Ofsted waiver from disqualification

35. Where schools, receive information and are satisfied that an individual working in a relevant setting falls within one of disqualification criteria in the 2009 Regulations they must inform Ofsted (using [disqualification@ofsted.gov.uk](mailto:disqualification@ofsted.gov.uk)). They should tell the relevant individual that Ofsted has been informed and explain the implications of disqualification to the individual, including whether they can apply to Ofsted for a waiver of disqualification (for example, Ofsted cannot grant a waiver to an individual who is on the Children's Barred List) and make clear what information the individual will need to share with Ofsted and why. When communicating these matters to a staff member schools should consider taking advice from their HR provider, LADO, safeguarding lead officer or adviser.

36. Schools should explain to the individual that details about how to make an application for a waiver, and a copy of the form, can be found in the Ofsted fact sheet: [Applying to waive disqualification: early years and childcare providers](#). Ofsted will need the individual to complete the waiver application accurately and fully and will need information about the individual, or about any person who lives or is employed in their household who satisfies the disqualification criteria. This should include, where this information is available or known:

- details of any order, determination, conviction, or other ground for disqualification from registration under the 2009 Regulations;
- the date of the order, determination or conviction, or the date when the other ground for disqualification arose;

- the body or court which made the order, determination or conviction, and the sentence (if any) imposed; and
  - a certified copy of the relevant order (in relation to an order or conviction).
- Schools should not request DBS certificates from third parties, or copies of a person's criminal record obtained directly from the police, prison, probation service or courts, as this would be considered an enforced subject access request – which from 10 March 2015 will be a criminal offence.

37. A school must not continue to employ an individual who is disqualified, including 'by association', in connection with early or later years childcare provision, nor should a disqualified individual provide or be directly concerned in the management of such provision unless they have received a waiver from Ofsted which covers the role that they wish to undertake. This does not imply that individuals are prevented from working in a school in any other setting.

38. When making decisions about the redeployment of staff schools should take into account the risk of harm to children concerned and their obligations under the 2006 Act, the EYFS, KCSIE guidance and any other relevant safeguarding guidance.

39. Whilst a waiver application is under consideration schools will need to decide whether it is appropriate to redeploy staff elsewhere in the school, or make adjustments to their role to avoid them working in relevant childcare. This means that a member of staff could be disqualified from working with children of reception age or under in a school, but could work with children aged 6 and 7, provided they were not working with them in childcare provision outside of normal school hours.

40. Schools should consider taking advice from their HR provider, LADO, safeguarding lead officer or adviser on these matters. Local authorities and academy trusts may also be able to consider making alternative arrangements, including for example a temporary alternative job role in another school. Where alternative arrangements cannot be made or it is not appropriate to do so, the school will need to consider whether to grant paid leave or similar, or as a last resort suspend the member of staff, while the waiver application is under consideration.

41. Where an individual decides not to apply for a waiver, or a waiver is declined, schools will have to consider and make decisions about whether the individual could be permanently redeployed, the appropriateness of redeployment, or whether steps should be taken to legitimately terminate their employment.

## Further help

42. Further help on how the childcare disqualification arrangements should be applied in schools can be obtained from the Department for Education by email [Mailbox.disqualification@education.gsi.gov.uk](mailto:Mailbox.disqualification@education.gsi.gov.uk); or by telephone – 01325 340 409.

43. Any enquiries about the waiver application process should be made to Ofsted using the [disqualification@ofsted.gov.uk](mailto:disqualification@ofsted.gov.uk) mailbox, which is included in the factsheet referred to in paragraph 36.

## Table A – Relevant offences

### Offences mentioned in Regulation 4 of the Childcare (Disqualification) Regulations 2009 (the ‘2009 Regulations’) that will lead to disqualification.

This list was put together on 24 February 2015 and has not been updated since then. It is a list of offences that are mentioned in regulation 4 to the 2009 Act only and is not a comprehensive list of all offences that would lead to disqualification (note in particular that offences that will lead to disqualification under Regulation 5 (overseas offences are not covered in this list). *Please also note that the references to certain legislation (marked \*) from jurisdictions outside of England and Wales are still being verified and may be subject to amendment.*

There are three columns setting out:

- the statutory reference to the offence;
- a brief description of the offence (which may not be the official or only description); and,
- any conditions that apply in the disqualification regulations (e.g. that the offence will only lead to disqualification if it was committed against a child).

Where the disqualification regulations specify that the offence only leads to disqualification in certain UK jurisdictions, this is specified in the 3<sup>rd</sup> column.

Links have been provided to the latest publicly available version of the legislation where possible. Please note that this version may not include the latest amendments to the legislation.

Statutory Provision/ Common Law Offence	Description of Offence	Any conditions which apply in respect of disqualification under the Childcare (Disqualification) Regulations 2009
<p><i>Convictions or cautions for aiding, abetting, counselling, procuring or inciting the commission of an offence or of conspiring or attempting to commit an offence listed in the table below, will also lead to disqualification under the 2009 Regulations, except for offences that fall within the first entry in the list below (other offences which involve bodily injury to, or death of, a child).’</i></p>		

Any offence (not listed below) involving death or bodily injury to a child.		
Aiding, abetting, counselling or procuring the suicide of a child or young person (Northern Ireland)	Common Law	
False Imprisonment (England and Wales)	Common Law	
Infanticide (contrary to the common law of Northern Ireland)	Common Law	
Lewd, indecent or libidinous behaviour or practices (Contrary to the common law of Scotland)	Common Law	Towards a child under the age of 17 years
Manslaughter (England and Wales)	Common Law	
Murder (contrary to the common law of England & Wales)	Common Law	
Murder or manslaughter of a child or young person (contrary to the common law of Northern Ireland)	Common Law	
Northern Ireland	Common Law	
Scotland	Common Law	
<b><u>ASYLUM AND IMMIGRATION ACT 2004</u></b>		

Section 4	Trafficking people for exploitation	
<b><u>CARE STANDARDS ACT 2000</u></b>		
Section 11(1)	Failure to register	
Section 24	Failure to comply with conditions	
Section 25	Contravention of regulations	
Section 26	False descriptions of establishments and agencies	
Section 27	False statements in applications	
<b><u>CHILD ABDUCTION (NORTHERN IRELAND) Order 1995*</u></b>		
Article 3	Offence of abduction of child by parent, etc.	
Article 4	Offence of abduction of child by other persons	
Article 68	Abduction of children in care	
Article 69(9)	Obstructing recovery of abducted child	
Article 79(3)	Carrying on a home when not registered	
Article 81(4)	Non-compliance with registration conditions (children's homes)	

Article 95(3)	Caring for / accommodating child in non- registered home	
Children (Northern Ireland) Order 1995, article 117	Offences in relation to private fostering	
Children (Northern Ireland) Order 1995, article 132	Offences in relation to provision of day care / childminding	
Children (Northern Ireland) Order 1995, article 97(4)	Non compliance with registration conditions (children's homes)	
<b><u>CHILD ABDUCTION ACT 1984 (ENGLAND AND SCOTLAND)</u></b>		
Section 1	Offence of abduction of child by parent, etc.	
Section 6	Offence in Scotland of parent, etc. taking or sending child out of United Kingdom	
<b><u>CHILD ABDUCTION ACT 1985 (SCOTLAND)</u></b>		
Section 81	Offences in connection with orders etc. for protection of children	
Section 83	Offences relating to harbouring a child in care / inciting that child to abscond	
Section 89	Offences in relation to parental responsibilities	



	orders	
<b><u>CHILDREN ACT 1958</u></b>		
Section 14	Offences relating to private fostering	
<b><u>CHILDREN ACT 1989</u></b>		
Para 1(5) Schedule 5	Offences relating to voluntary homes and children's homes	
Para 2(3) Schedule 6	Offences relating to voluntary homes and children's homes	
Section 49	Abduction of child in care	
Section 50(9)	Abduction of child in care (obstruction of recovery)	
Section 63(10)	Where any child is at any time cared for and accommodated in a children's home which is not a registered children's home	
Section 70	Offences relating to private fostering	
Children and Young Persons (Guernsey) Law 1967*	All offences	
<b><u>CHILDREN AND YOUNG PERSONS ACT (SCOTLAND) 1937</u></b>		
Section 12	Cruelty to persons under sixteen.	

Section 15	Causing or allowing persons under sixteen to be used for begging	
Section 22	Exposing children under seven to risk of burning	
Section 33	Prohibition of persons under sixteen taking part in performances endangering life or limb	
<b><u>CHILDREN AND YOUNG PERSONS ACT (NORTHERN IRELAND)</u></b> <b><u>1968*</u></b>		
Section 127(5)		
Section 129(3)		
Section 14		
Section 20	Cruelty to persons under 16	
Section 23	Allowing children or young persons to be in brothels	
Section 24	Causing or allowing persons under sixteen to be used for begging	
Section 29	Exposing children under twelve to risk of burning	

Section 9(1)		
<b><u>CHILDREN AND YOUNG PERSONS ACT 1933</u></b>		
Children and Young Persons Act 1933, section 1	Cruelty to persons under sixteen	
Children and Young Persons Act 1969, section 32(3)	Detention of absentees	
<b><u>CHILDREN AND YOUNG PERSONS ACT 2001 (ISLE OF MAN)*</u></b>		
Schedule 8	Various offences listed inc. murder of child, infanticide, and sexual offences against children	
<b>CHILDREN JERSEY LAW 1967</b>		
Children Jersey Law 1969*, Part 7	All offences in part	
Children Jersey Law 2002*, Schedule 4	All offences in schedule	
Children (Northern Ireland) Order 1995, Article 147(2)		Any offence under Article 147(2) of the Children Order in respect of a contravention of Article 141 of that Order.
<b><u>CHILDREN'S HEARINGS (SCOTLAND) ACT 2011</u></b>		
Section 171(2)	Offences related to absconding	
Section 59(1)	Offences - obstruction	
<b><u>CHILDREN'S HEARINGS (SCOTLAND) ORDER 2013</u></b>		

Article 10(2)	Offences relating to absconding	
Article 11(1)	Offence of intentional obstruction	
<b><u>CIVIC GOVERNMENT (SCOTLAND) ACT 1982</u></b>		
Section 52	Indecent photographs etc. of children.	
Section 52A	Possession of indecent photographs of children.	
<b><u>CRIMINAL JUSTICE (NORTHERN IRELAND)</u></b>		
Criminal Justice (Evidence etc) (Northern Ireland) Order 1988*, Article 15	Possession of indecent photographs of children	
Criminal Justice (Northern Ireland) Order 1980*, Article 9	Inciting girl under 16 to have incestuous sexual intercourse	
Criminal Justice Act (Northern Ireland) 1966*, section 13(1)	Encouraging or assisting suicide	Where the relevant act is an act capable of, and done with the intention of, encouraging or assisting the suicide of a child or young person. (Sch.1 Children and Young Persons Act (Northern Ireland) 1968
Criminal Justice Act 1988, section 160	Summary offence of possession of indecent photograph of child	
<b><u>CRIMINAL LAW (CONSOLIDATION) (SCOTLAND) ACT 1995</u></b>		

Section 1	Incest	
Section 10	Seduction, prostitution, etc., of girl under 16.	
Section 11	Trading in prostitution and brothel-keeping	
Section 12	Allowing child to be in brothel	
Section 13	Living on earnings of another from male prostitution	
Section 16A	Conspiracy or incitement to commit certain sexual acts outside the UK	
Section 16B	Commission of certain sexual acts outside the United Kingdom	
Section 2	Intercourse with step-child	
Section 3	Intercourse of person in position of trust with under 16	
Section 5	Intercourse with girl under 16	
Section 6	Indecent behaviour towards girl between 12 and 16	
Section 7	Procuring	
Section 8	Abduction and	

	unlawful detention	
Section 9	Permitting girl to use premises for intercourse	
<b><u>CRIMINAL LAW Act 1977</u></b>		
Criminal Law Act 1977, section 54	Inciting girl under sixteen to have incestuous sexual intercourse	
<b>CRIMINAL LAW AMENDMENT ACT 1885</b>		
Section 11	Outrages on decency.	N. Ireland only. Any offence or any attempt to commit an offence against a child or young person
Section 2	Causing prostitution of women/ procurement of woman under 21	N. Ireland only. Any offence or any attempt to commit an offence against a child or young person
Section 3	Procuring defilement of woman by threats or fraud or administering drugs	N. Ireland only. Any offence or any attempt to commit an offence against a child or young person
Section 4	Defilement of girl under fourteen years of age.	N. Ireland only. Any offence or any attempt to commit an offence against a child or young person
Section 5	Defilement of girl under seventeen years of age.	N. Ireland only. Any offence or any attempt to commit an offence against a child or young person
Section 6	Householder, &c. permitting defilement of young girl on his premises	N. Ireland only. Any offence or any attempt to commit an offence against a child or young person

Section 7	Abduction of girl under eighteen with intent to have carnal knowledge	N. Ireland only. Any offence or any attempt to commit an offence against a child or young person
Section 8	Unlawful detention with intent to have carnal knowledge	N. Ireland only. Any offence or any attempt to commit an offence against a child or young person
<b><u>CUSTOMS AND EXCISE MANAGEMENT ACT 1979</u></b>		
Section 170	Penalty for fraudulent evasion of duty, etc.	In relation to goods prohibited to be imported under section 42 of the Customs Consolidation Act 1876 (prohibitions and restrictions) where the prohibited goods included indecent photographs of a child. (S.I. 2009/1547 Reg4(7) and Sch.3 para 7(1))
<b><u>DAY OF CARE OF CHILDREN (JERSEY) LAW 2002*</u></b>		
	All offences	
<b><u>DOMESTIC VIOLENCE, CRIME AND VICTIMS ACT 2004</u></b>		
Section 5	Causing or allowing the death of a child or vulnerable adult	In respect of a child (Sch.1 Children and Young Persons Act (Northern Ireland) 1968 and CJCSA 2000 Sched 4 para 3(sb))
Foster Children (Scotland) Act 1984, section 15	Offences relating to fostering	
Foster Children Act 1980, section 16	Offences relating to private fostering	
Indecency with Children Act 1960, section 1	Indecent conduct towards young child	

Infanticide Act 1938, section 1	Manslaughter of child under 1 year	
<b><u>KIDNAPPING (CONTRARY TO THE COMMON LAW OF ENGLAND &amp; WALES)</u></b>		
Kidnapping (contrary to the common law of England & Wales)	Kidnapping	
<b><u>LOI RELATIVE A LA PROTECTION DES FEMMES ET DES FILLES MINEURES (LAW FOR THE PROTECTION OF WOMEN AND YOUNG GIRLS) 1914 (GUERNSEY*)</u></b>		
'Loi pour la Puniton d'Inceste' (Law for the Punishment of Incest) 1909 (Guernsey)*		
'Loi relative a la Sodomie' (Law relating to Sodomy) 1929* (Guernsey)		
'Loi ayant rapport a la Protection des Enfants et des Jeunes Personnes' Law relating to the Protection of Children and Young Persons 1917, article 7, 9, 10, 11 or 12, section 1 of article 41 or section 1, 2, 3 or 4 of article 51 (Guernsey)*		
Mental Health Act 1959, section 128	Sexual intercourse with patients	Committed against or involving a child



Misuse of Drugs Act 1971, section 4(3)	Supply of drugs	Supplying or offering to supply a Class A drug to a child or being concerned in the supplying of such a drug to a child, or being concerned in the making to a child of an offer to supply such a drug. (CJCSA 2000 - Sch.4 para 3(s))
<b><u>OFFENCES AGAINST THE PERSON ACT 1861</u></b>		
Section 16	Threats to Kill	Threat to kill a child
Section 18	Shooting or attempting to shoot, or wounding with intent to do grievous bodily harm.	
Section 20	Inflicting bodily injury, with or without weapon.	
Section 27	Exposing child, whereby life is endangered, or health permanently injured	N. Ireland only
Section 42	Persons committing any common assault or battery	N. Ireland only. Any offence against a child or young person
Section 43	Persons convicted of aggravated assaults on females and boys under fourteen years of age	N. Ireland only. Any offence against a child or young person
Section 47	Assault occasioning actual bodily harm	
Section 52	Indecent assault upon a female	N. Ireland only. Any offence against a child or young person

Section 55	Assaults	N. Ireland only. Any offence against a child or young person
Plagium (contrary to the common law of Scotland)	Theft of a child below the age of puberty	
Prohibition of Female Genital Mutilation (Scotland) Act 2005	Any offence under the Prohibition of Female Genital Mutilation (Scotland) Act 2005.	Any offence under the Prohibition of Female Genital Mutilation (Scotland) Act 2005 where the person mutilated or, as the case may be, proposed to be mutilated, is a child under the age of 17 years. (S.I. 2009/1547 Reg 4(5)(b), Sch.3 para 2(2))
Protection of Children (Bailiwick of Guernsey) Law 1985*		
<b><u>PROTECTION OF CHILDREN (Northern Ireland) ORDER 1978</u></b>		
Protection of Children, Article 3*	Indecent photographs of children	
<b><u>PROTECTION OF CHILDREN ACT 1978</u></b>		
Section 1	Indecent photographs of children	
<b><u>PROTECTION OF CHILDREN AND PREVENTION OF SEXUAL OFFENCES (SCOTLAND) ACT 2005</u></b>		
Section 1	Meeting a child following certain preliminary contact	In respect of a child under the age of 17 years. (S.I. 2009/1547 Reg 4(5)(b), Sch.3 para 2(2))
Section 10	Causing or inciting provision by child of sexual services or child pornography	In respect of a child under the age of 17 years. (S.I. 2009/1547 Reg 4(5)(b), Sch.3 para 2(2))

Section 11	Controlling a child providing sexual services or involved in pornography	In respect of a child under the age of 17 years. (S.I. 2009/1547 Reg 4(5)(b), Sch.3 para 2(2))
Section 12	Arranging or facilitating provision by child of sexual services or child pornography	In respect of a child under the age of 17 years. (S.I. 2009/1547 Reg 4(5)(b), Sch.3 para 2(2))
Section 9	Paying for sexual services of a child	In respect of a child under the age of 17 years. (S.I. 2009/1547 Reg 4(5)(b), Sch.3 para 2(2))
<b><u>PUBLIC SERVICES REFORM (SCOTLAND) ACT 2010</u></b>		
Section 78	Regulations: care services	
Section 80	Offences in relation to registration under Chapter 3	
Section 81	False statements in application under Chapter 3	
<b><u>REGULATION OF CARE (SCOTLAND) ACT 2001</u></b>		
Section 21	Offences in relation to registration	
Section 22	False statements in applications	
Section 29(10)	Offences under regulations	
<b><u>SEXUAL OFFENCES ACT (AMENDMENT) ACT 2000</u></b>		
Sexual Offences (Amendment) Act	Abuse of position of trust	

2000, section 3		
<b><u>SEXUAL OFFENCES (NORTHERN IRELAND) ORDER 2008</u></b>		
Sexual Offences (Northern Ireland) Order 2008*	All offences	Any offence against or any attempt to commit such an offence against a child or young person (S.I. 2009/1547 Reg 4(7) Sch.3 para 3(4))
Article 12	Rape of a child under 13	
Article 13	Assault of a child under 13 by penetration	
Article 14	Sexual assault of a child under 13	
Article 15	Causing or inciting a child under 13 to engage in sexual activity	
Article 16	Sexual activity with a child	
Article 17	Causing or inciting a child to engage in sexual activity	
Article 18	Engaging in sexual activity in the presence of a child	
Article 19	Causing a child to watch a sexual act	
Article 20	Sexual offences against children committed by children or young persons	

Article 21	Arranging or facilitating commission of a sex offence against a child	
Article 22	Meeting a child following sexual grooming etc.	
Article 23	Abuse of position of trust: sexual activity with a child	
Article 24	Abuse of position of trust: causing or inciting a child to engage in sexual activity	
Article 25	Abuse of position of trust: sexual activity in the presence of a child	
Article 26	Abuse of position of trust: causing a child to watch a sexual act	
Article 27	Abuse of position of trust	
Article 32	Sexual activity with a child family member	
Article 33	Inciting a child family member to engage in sexual activity	
Article 34	Family relationships	
Article 35	Articles 32 and 33: exception for spouses and civil	

	partners	
Article 36	Articles 32 and 33: sexual relationships which pre-date family relationships	
Article 37	Paying for sexual services of a child	
Article 38	Causing or inciting child prostitution or pornography	
Article 39	Controlling a child prostitute or a child involved in pornography	
Article 40	Arranging or facilitating child prostitution or pornography	
Article 42	Indecent photographs of persons aged 16 or 17	
Article 70	Exposure	
Article 73	Intercourse with an animal	
Article 74	Sexual penetration of a corpse	
<b><u>SEXUAL OFFENCES (SCOTLAND) ACT 2009</u></b>		
Section 5	Coercing a person into being present during a sexual activity	Towards a child under the age of 17 years. (S.I. 2009/1547 Reg 4(5)(b), Sch.3 para 2(2))

Section 6	Coercing a person into looking at a sexual image	Towards a child under the age of 17 years. (S.I. 2009/1547 Reg 4(5)(b), Sch.3 para 2(2))
Section 7	Communicating indecently etc.	Towards a child under the age of 17 years. (S.I. 2009/1547 Reg 4(5)(b), Sch.3 para 2(2))
Section 8	Sexual exposure	Towards a child under the age of 17 years. (S.I. 2009/1547 Reg 4(5)(b), Sch.3 para 2(2))
Section 9	Voyeurism	Towards a child under the age of 17 years. (S.I. 2009/1547 Reg 4(5)(b), Sch.3 para 2(2))
Section 18	Rape of a young child	
Section 19	Sexual assault on a young child by penetration	
Section 20	Sexual assault on a young child	
Section 20(1) and (2)(b)to(e)	sexual assault on a young child involving sexual activity other than penetration	
Section 21	Causing a young child to participate in a sexual activity	
Sexual Offences (Scotland) Act 2009, section 22	Causing a young child to be present during a sexual activity	
Section 23	Causing a young child to look at a sexual image	

Section 24	Communicating indecently with a young child	
Section 25	Sexual exposure to a young child	
Section 26	Voyeurism towards a young child	
Section 28	Having intercourse with an older child	
Section 29	Engaging in penetrative sexual activity with or towards an older child	
Section 30	Engaging in sexual activity with or towards an older child	
Section 31	Causing an older child to participate in a sexual activity	
Section 32	Causing an older child to be present during a sexual activity	
Section 33	Causing an older child to look at a sexual image	
Section 34	Communicating indecently with an older child etc.	
Section 35	Sexual exposure to an older child	



Section 36	Voyeurism towards an older child	
Section 37	Older children engaging in sexual conduct with each other	
Section 42	Sexual abuse of trust	Towards a child under the age of 17 but only if the condition set out in section 43(6) of that Act is fulfilled.
<b><u>SEXUAL OFFENCES ACT 1956</u></b>		
Section 1	Rape of woman or man	
Section 4	Administering drugs to obtain or facilitate intercourse	
Section 5	Intercourse with girl under thirteen	
Section 6	Intercourse with girl between thirteen and sixteen	
Section 7	Intercourse with defective	Committed against or involving a child
Section 9	Procurement of defective	Committed against or involving a child
Section 10	Incest by a man	Committed against or involving a child
Section 11	Incest by a woman	Committed against or involving a child
Section 12	Buggery	Committed against or involving a child and except if the other party to the act of buggery was aged 16 or over and consented to the act
Section 13	Gross Indecency	Committed against or involving a child

	between men	and except if the other party to the act of gross indecency was aged 16 or over and consented to the act
Section 14	Indecent assault on a woman	
Section 15	Indecent assault on a man	
Section 16	Assault with intent to commit Buggery	
Section 17	Abduction of women by force or for the sake of her property	
Section 19	Abduction of unmarried girl under eighteen from parent or guardian	
Section 2	Procurement of woman by threats or intimidation	
Section 20	Abduction of unmarried girl under sixteen from parent or guardian	
Section 21	Abduction of defective from parent or guardian.	Committed against or involving a child
Section 22	Causing prostitution of women.	Committed against or involving a child
Section 23	Procuration of girl under twenty-one.	Committed against or involving a child
Section 24	Detention of woman in brothel or other	

	premises	
Section 25	Permitting girl under thirteen to use premises for intercourse	
Section 26	Permitting girl between thirteen and sixteen to use premises for intercourse	
Section 27	Permitting defective to use premises for intercourse	Committed against or involving a child
Section 28	Causing or encouraging prostitution of, intercourse with, or indecent assault on, girl under sixteen	
Section 29	Causing or encouraging prostitution of defective	Committed against or involving a child
Section 3	Procurement of woman by false pretences or false representations	
Section 30	Man living on earning of prostitution	Committed against or involving a child
Section 31	Woman exercising control of prostitution	Committed against or involving a child
<b><u>SEXUAL OFFENCES ACT 1967</u></b>		

Section 4	Procuring others to commit homosexual acts	Committed against or involving a child
Section 5	Living on earning of male prostitution	Committed against or involving a child
<b><u>SEXUAL OFFENCES ACT 2003</u></b>		
Section 1	Rape	
Section 2	Assault by penetration	
Section 3	Sexual assault	
Section 4	Causing a person to engage in sexual activity without consent	
Section 5	Rape of a child under 13	
Section 6	Assault of a child under 13 by penetration	
Section 7	Sexual assault of a child under 13	
Section 8	Causing or inciting a child under 13 to engage in sexual activity	
Section 9	Sexual activity with a child	
Section 10	Causing or inciting a child to engage in sexual activity	
Section 11	Engaging in sexual	

	activity in the presence of a child	
Section 12	Causing a child to watch a sexual act	
Section 14	Arranging or facilitating commission of a child sex offence	
Section 15	Meeting a child following sexual grooming etc	
Section 16	Abuse of position of trust: sexual activity with a child	
Section 17	Abuse of position of trust: causing or inciting a child to engage in sexual activity	
Section 18	Abuse of position of trust: sexual activity in the presence of a child	
Section 19	Abuse of position of trust: causing a child to watch a sexual act	
Section 20	Abuse of position of trust: acts done in Scotland	
Section 25	Sexual activity with a child family member	
Section 26	Inciting a child family member to engage	

	in sexual activity	
Section 30	Sexual activity with a person with a mental disorder impeding choice	
Section 31	Causing or inciting a person, with a mental disorder impeding choice, to engage in sexual activity	
Section 32	Engaging in sexual activity in the presence of a person with a mental disorder impeding choice	
Section 33	Causing a person, with a mental disorder impeding choice, to watch a sexual act	
Section 34	Inducement, threat or deception to procure sexual activity with a person with a mental disorder	
Section 35	Causing a person with a mental disorder to engage in or agree to engage in sexual activity by inducement, threat or deception	

Section 36	Engaging in sexual activity in the presence, procured by inducement, threat or deception, of a person with a mental disorder	
Section 37	Causing a person with a mental disorder to watch a sexual act by inducement, threat or deception	
Section 38	Care workers: sexual activity with a person with a mental disorder	
Section 39	Care workers: causing or inciting sexual activity	
Section 40	Care workers: sexual activity in the presence of a person with a mental disorder	
Section 41	Care workers: causing a person with a mental disorder to watch a sexual act	
Section 47	Paying for sexual services of a child	
Section 48	Causing or inciting child prostitution or pornography	

Section 49	Controlling a child prostitute or a child involved in pornography	
Section 50	Arranging or facilitating child prostitution or pornography	
Section 52	Causing or inciting prostitution for gain	
Section 53	Controlling prostitution for gain	
Section 57	Trafficking into the UK for sexual exploitation	
Section 58	Trafficking within the UK for sexual exploitation	
Section 59	Trafficking out of the UK for sexual exploitation	
Section 59A	Trafficking people for sexual exploitation	
Section 61	Administering a substance with intent	
Section 62	Committing an offence with intent to commit a relevant sexual offence	
Section 63	Trespass with intent to commit a relevant sexual offence	



Section 64	Sex with an adult relative: penetration	
Section 65	Sex with an adult relative: consenting to penetration	
Section 66	Exposure	
Section 67	Voyeurism	
Section 69	Intercourse with an animal	
Section 70	Sexual penetration of a corpse	
Section 72	Offences outside the United Kingdom	
<b><u>SOCIAL WORK (SCOTLAND) ACT 1968</u></b>		
Section 17(8)	Effect of assumption by local authority of parental rights.	
Section 60(3)	Control of residential and other establishments.	
Section 61(3)	Restriction on carrying on of establishments.	
Section 62(6)	Registration.	
Section 71	Harbouring.	
<b><u>THEFT ACT 1968</u></b>		
Theft Act 1968, section 9(1)(a)	Burglary	Committed against or involving a child

## Table B – Relevant orders

*The list of orders and determinations that will lead to disqualification under the 2009 Regulations pursuant to Regulation 4(2) are set out at Schedule 1 to the 2009 Regulations. Schedule 1 can be accessed at: <http://www.legislation.gov.uk/ukxi/2009/1547/schedule/1/made> (although note that this version may not contain the latest updates). The list of orders and determinations referred to in Schedule 1 as at 25 February 2015 is also set out below.*

### **SCHEDULE 1: ORDERS ETC. RELATING TO THE CARE OF CHILDREN**

1. An order under section 31(1)(a) of the Children Act 1989 (care order).
2. An order under article 50(1)(a) of the Children (Northern Ireland) Order 1995 (care order)(1).
3. An order under section 3(3) of the Children and Young Persons (Guernsey) Law 1967 (fit person order or special care order) (1).
4. An order made further to an application as permitted under section 48(3) of the Children (Guernsey and Alderney) Law 2009 (community parenting order)(1).
5. An order under section 31(1)(a) of the Children and Young Persons Act 2001 (an Act of Tynwald)(1).
6. An order or determination specified in Schedule 4 to the Children (Jersey) Law 2002(1).
7. Any order that would have been deemed to be a care order by virtue of paragraph 15 of Schedule 14 to the Children Act 1989 (transitional provisions for children in compulsory care) had it been in force immediately before the day on which Part 4 of the 1989 Act came into force(1).
8. A supervision order which imposes a residence requirement under paragraph 5 of Schedule 6 to the Powers of Criminal Courts (Sentencing) Act 2000(1) or section 12AA of the Children and Young Persons Act 1969 (requirement to live in local authority accommodation)(2).
9. A fit person order, a parental rights order or a training school order under the Children and Young Persons Act (Northern Ireland) 1968(1).
10. A child protection order under section 57 of the Children (Scotland) Act 1995[or

section 37 of the Children's Hearings (Scotland) Act 2011].
<b>11.</b> An exclusion order under section 76 of the Children (Scotland) Act 1995(1).
<b>12.</b> A supervision order which imposes a residence requirement under paragraph 5 of Schedule 9 to the Children and Young Persons Act 2001 (an Act of Tynwald) (requirement to live in accommodation provided by the Department of Health and Social Security).
<b>13.</b> An order made at any time imposing a supervision requirement with respect to a child so as to remove that child from P's care, under— (a) section 44 of the Social Work (Scotland) Act 1968(1); or (b) section 70 of the Children (Scotland) Act 1995(2).
<b>13A.</b> A compulsory supervision order, within the meaning of section 83 of the Children's Hearings (Scotland) Act 2011, or interim compulsory supervision order, within the meaning of section 86 of that Act, made at any time with respect to a child so as to remove that child from P's care.
<b>14.</b> An order made at any time vesting P's rights and powers with respect to a child in a local authority in Scotland— (a) under section 16 of the Social Work (Scotland) Act 1968(1); or (b) pursuant to a parental responsibilities order under section 86 of the Children (Scotland) Act 1995(2).
<b>14A.</b> A permanence order made, or treated as being made under section 80 of the Adoption and Children (Scotland) Act 2007.
<b>15.</b> In relation to registration of a children's home— (a) a refusal of P's application for registration under section 13 of the Care Standards Act 2000; (b) cancellation of P's registration under section 14 or 20(1) of the Care Standards Act 2000; (c) cancellation of the registration of any person under section 14 or 20(1) of the Care Standards Act 2000 in relation to a children's home which P has been concerned in the management of, or had any financial interest in; or (d) refusal of P's application for registration or cancellation of P's registration under the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003(1).
<b>16.</b> Refusal at any time of P's application for registration in relation to a voluntary home or a children's home, or cancellation of the registration of a voluntary home or children's home which was carried on by P or which P was otherwise concerned with the management of, or had any financial interest in, under, as the case may be—

<p>(a) paragraph 1 of Schedule 5 to the Children Act 1989 (1);</p> <p>(b) paragraph 1 or 4 of Schedule 6 to the Children Act 1989;</p> <p>(c) section 127 of the Children and Young Persons Act (Northern Ireland) 1968(2);</p> <p>(d) article 80, 82, 96 or 98 of the Children (Northern Ireland) Order 1995;</p> <p>(e) part 1 of the Regulation of Care (Scotland) Act 2001(3) (care home services); or</p> <p>(f) paragraph 2 or 4 of Schedule 2 to the Children and Young Persons Act 2001 (an Act of Tynwald).</p> <p>(g) Part 5 of the Public Services Reform (Scotland) Act 2010.</p>
<p><b>17.</b> A prohibition imposed at any time under—</p> <p>(a) section 69 of the Children Act 1989, section 10 of the Foster Children Act 1980(1) or section 4 of the Children Act 1958 (power to prohibit private fostering)(2);</p> <p>(b) article 110 of the Children (Northern Ireland) Order 1995 (power to prohibit private fostering);</p> <p>(c) section 10 of the Foster Children (Scotland) Act 1984 (power to prohibit the keeping of foster children)(3);or</p> <p>(d) section 59 of the Children and Young Persons Act 2001 (an Act of Tynwald) (power to prohibit or impose restrictions upon private fostering).</p>
<p><b>18.</b> A notice in writing given by a Health and Social Services Board under section 1(3) of the Children and Young Persons Act (Northern Ireland) 1968 (withholding consent to the care and maintenance of the child being undertaken by a person).</p>
<p><b>19.</b> Refusal at any time of registration in respect of the provision of nurseries, day care, child minding or other provision of childcare, disqualification from such registration or cancellation of any such registration under—</p> <p>(a) section 1 or section 5 of the Nurseries and Child-Minders Regulation Act 1948(1);</p> <p>(b) Part 10 or Part 10A of the Children Act 1989(2);</p> <p>(c) Chapter 2, 3 or 4 of Part 3 of the Act;</p> <p>(d) Part XI of the Children (Northern Ireland) Order 1995;</p> <p>(e) section 11(5) or section 15 of the Children and Young Persons Act (Northern Ireland) 1968;</p> <p>(f) Part 1 of the Regulation of Care (Scotland) Act 2001;</p> <p>(g) section 1 of the Nurseries and Child Minders Regulation Act 1974 (an Act of Tynwald);</p> <p>(h) section 65 or 66 of, or Schedule 7 to, the Children and Young Persons Act 2001 (an Act of Tynwald); or</p> <p>(i) Part III of the Child Protection (Guernsey) Law 1972(3).</p> <p>(j) Part 2 of the Children and Families (Wales) Measure 2010.</p>
<p><b>20.</b> Disqualification from working with children at any time under the Protection of</p>

Children (Scotland) Act 2003(1).
<b>21.</b> Refusal at any time of P's application for registration or cancellation of P's registration under section 62 of the Social Work (Scotland) Act 1968 (registration of residential and other establishments)(1).
<b>22.</b> Refusal at any time of P's application for registration as a provider of a child care agency under section 7 of the Regulation of Care (Scotland) Act 2001 or cancellation of any such registration under section 12 or 18 of that Act.
<b>22A.</b> Refusal at any time of P's application for registration as a provider of a child care agency under section 59 of the Public Services Reform (Scotland) Act 2010 or cancellation of any such registration under section 64 or 65 of that Act.
<b>23.</b> Inclusion of P's name at any time on a list of persons unsuitable to work with children under article 3 of the Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003(1) or disqualification from working with children under Chapter II of Part II of that Order.

## Further information

### Useful resources and external organisations

- [Rehabilitation of Offenders Act 1974](#)
- [Ofsted – Compliance and Enforcement handbook](#)
- [Ofsted – Waiver Procedures](#)
- [Information Commissioner’s Office](#)
- [Data Protection Act 1998](#)

### Other relevant departmental advice and statutory guidance

- [Keeping Children Safe in Education](#)



Department  
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