

## **LIST OF OFFENCES THAT PREVENT A PERSON WORKING WITH CHILDREN AND YOUNG PEOPLE (UNDER STANDING ORDER 010(2)(i)) OR BEING APPOINTED TO ANY OFFICE, POST OR RESPONSIBILITY (UNDER STANDING ORDER 010(2)(ii))**

If a person has been convicted or cautioned for any of the offences on the following list they may not work with children and young people.

### **CRIMINAL JUSTICE AND COURT SERVICES ACT 2000: SECTION 26 AND SCHEDULE 4 (Meaning of “offence against a child”)**

Under section 26, an individual commits an offence against a child (a minor) if he or she:

- (1) commits an offence mentioned in paragraph 1 of the Schedule
- (2) commits an offence mentioned in paragraph 2 of the Schedule against a minor
- (3) falls within paragraph 3 of the Schedule.

Each paragraph of the Schedule specifies several other statutory provisions which define the various offences. The Schedule may be amended by the Secretary of State. The list below attempts to summarise the contents of the Schedule as it stands and does not always use the statutory language.

**The amendments in subsequent legislation are added – page 2f. Both lists describe those offences that prohibit someone from working with children.**

#### Paragraph 1 offences

- cruelty to children
- infanticide
- intercourse with a girl under 16
- abduction of a girl under 18
- permitting a girl under 16 to use premises for intercourse
- causing or encouraging prostitution of, intercourse with, or indecent assault on a girl under 16
- indecent conduct towards a young child
- inciting a girl under 16 to incest
- possession or taking of indecent photographs of children
- abduction of a child by a parent
- abuse of trust

#### Paragraph 2 offences

- murder or manslaughter
- kidnapping
- false imprisonment
- wounding or causing grievous bodily harm
- assault causing actual bodily harm
- rape
- procurement of a woman by threats or false pretences
- administering drugs to obtain or facilitate intercourse
- indecent assault
- assault with intent to commit buggery
- abduction of a woman by force or for the sake of her property
- detention of a woman in a brothel or other premises
- traffic in prostitution

#### Paragraph 3 acts

- making a threat to kill a child
- having sexual intercourse with a child with learning difficulties or procuring such a child to have intercourse
- having incestuous intercourse with a child
- buggery with a child under 16
- gross indecency with a child under 16
- abduction of a girl with learning difficulties
- causing prostitution of a girl
- procuring a girl under 21 to have intercourse with a third person
- inducing or allowing a child with learning difficulties to resort to or use premises for the purpose of having sexual intercourse
- causing or encouraging the prostitution of a child with learning difficulties
- living on the earnings of a child prostitute (if done by a man)
- exercising control over a child prostitute (if done by a woman)
- having intercourse with a child who is a patient under the Mental Health Act
- procuring a child to commit an act of buggery with any person or any person to commit an act of buggery with a child
- living wholly or in part on the earnings of a male child prostitute
- entering a building or part of a building with intent to rape a child
- supplying, offering to supply, or being concerned in the supply of or in the making of an offer for the supply of, a Class A drug to a child
- aiding, abetting, counselling, procuring or inciting the commission of any offence

against a child or conspiring or attempting to conspire to commit such an offence.

**List of offences - Schedule 4 of CJCSA 2000 – as amended by Sexual Offences Act 2003**  
***This is a paraphrase of those offences adding to or amending the original Act.***

**CJCSA 2000 – Schedule 4, Para 1 - Add**

- Rape (penetration with penis of vagina, anus or mouth) of a child under 13
- Assault of a child under 13 by sexual penetration of vagina or anus (with anything else)
- Sexual assault of a child under 13 (touching private parts)
- Causing or inciting a child under 13 to engage in sexual activity
- Sexual activity (touching) with a child under 16
- Causing or inciting a child under 16 to engage in sexual activity
- Engaging in sexual activity in the presence of a child under 16
- Causing a child under 16 to watch a sexual act
- Child sex offences committed by children or young persons
- Arranging or facilitating commission of a child sex offence
- Meeting a child under 16 following sexual grooming
- Abuse of trust: sexual activity with a child
- Abuse of trust: causing or inciting a child to engage in sexual activity
- Abuse of trust: sexual activity in the presence of a child
- Abuse of trust: causing a child to watch a sexual act.

*(N.B.(i) Abuse of trust offences may also be committed in Scotland.*

*A person is in a position of trust if he or she looks after persons in a care home, educational institution or similar situation and the offence is committed where the victim is one of those looked after*

*N.B.(ii) There are some exceptions for marriages and sexual relations which predate the creation of the position of trust.]*

- Sexual Activity with a child family member
- Inciting a child family member to engage in sexual activity

*[N.B. There are some exceptions for marriages and sexual relations which predate the creation of the family relationship.]*

- Abuse of children through prostitution or pornography

- Paying for sexual services of a child
- Causing or inciting child prostitution or pornography
- Controlling a child prostitute or a child involved in pornography
- Arranging or facilitating child prostitution or pornography

*(General note: where no age is specified, "child" means a minor. In some cases the alleged offender's belief as to the child's age is relevant.)*

**CJCSA 2000 – Schedule 4, Part 2 – Add**

- Rape (penetration with penis of vagina, anus or mouth)
- Assault by sexual penetration of vagina or anus
- Sexual assault (touching)
- Causing a person to engage in sexual activity without consent
- Sexual activity with a person with a mental disorder impeding choice
- Causing or inciting a person, with a mental disorder impeding choice, to engage in sexual activity
- Engaging in a sexual activity in the presence of a person with a mental disorder impeding choice
- Causing a person, with a mental disorder impeding choice, to watch a sexual act
- Inducement, threat or deception to procure sexual activity with a person with a mental disorder
- Causing a person, with a mental disorder to engage in or agree to engage in sexual activity by inducement, threat or deception
- Engaging in sexual activity in the presence, procured by inducement, threat or deception, of a person with a mental disorder
- Causing a person with a mental disorder to watch a sexual act by inducement, threat or deception
- Care workers: sexual activity with a person with a mental disorder; causing or inciting sexual activity with a person with a mental disorder; sexual activity in the presence of a person with a mental disorder; causing a person with a mental disorder to watch a sexual act

*[N.B. There are some exceptions for marriages and sexual relations which predate the creation of the care relationship.]*

- Causing or inciting prostitution for gain
- Controlling prostitution for gain.
- Trafficking into the UK, within the UK or out of the UK for sexual exploitation
- Administering a substance with intent
- Exposure

- Voyeurism

**CJCSA 2000 – Schedule 4, Para 3 - Add**

- Committing an offence with intent to commit a sexual offence, or trespassing with intent to commit a sexual offence in a case where the intended offence was against a child.