

## Schedule 32 (Background Checks)

### 1. Definitions

- 1.1 In this Schedule, the following words shall have the following meanings and they shall supplement Schedule 1 (*Definitions*):

**"Relevant Conviction"** means for the purposes of this Schedule 32 (*Background Checks*) any conviction listed in Annex 1 to this Schedule; and

**"Relevant Role"** means an activity involved in the performance of this Contract in which the individual performing that role will, or is likely to, have close and direct engagement with children, vulnerable persons or other members of the public to whom the Buyer owes a special duty of care, as notified by the Buyer to the Supplier.

### 2. Relationship with other provisions in this Contract

The provisions of this Schedule 32 (*Background Checks*) apply in addition to any other provisions of this Contract relating to the vetting of Supplier Staff.

### 3. Relevant Convictions and inappropriate records

- 3.1 The Supplier must not, and must ensure that Sub-contractors do not, engage a member of the Supplier Staff in a Relevant Role without Approval where that member of the Supplier Staff:
- 3.1.1 discloses that they have a Relevant Conviction or is found to have any Relevant Convictions (whether as a result of a police check or through the procedure of the Disclosure and Barring Service (DBS) or otherwise); or
  - 3.1.2 is found to have an inappropriate record following the completion of the checks required under Paragraph 3.2.
- 3.2 The Supplier must, and must ensure that Sub-contractors, in respect of each member of the Supplier Staff who performs a Relevant Role:
- 3.2.1 carry out a check with the records held by the Department for Education (DfE);
  - 3.2.2 conduct thorough questioning regarding any Relevant Convictions; and
  - 3.2.3 ensure a police check is completed and such other checks as may be carried out through the Disclosure and Barring Service (DBS).

## Annex 1 – Relevant Convictions

COMMON LAW		
Aiding, abetting, counselling or procuring the suicide of a child or young person (Northern Ireland)	Common Law	
False Imprisonment (England and Wales)	Common Law	Towards an adult or a child
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	Towards an adult or a child
Murder (contrary to the common law of England & Wales)	Common Law	Towards an adult or a child
Kidnapping (contrary to the common law of England & Wales)	Kidnapping	Towards an adult or a child
Murder or manslaughter of a child or young person (contrary to the common law of Northern Ireland)	Common Law	
Plagium (contrary to the common law of Scotland)	Theft of a child below the age of puberty	

ASYLUM AND IMMIGRATION (TREATMENT OF CLAIMANTS, ETC.) ACT 2004		
Section 4	Trafficking people for exploitation	

CARE STANDARDS ACT 2000		
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>CHILD ABDUCTION ACT 1984 (ENGLAND AND SCOTLAND)</b>		
Section 1	Offence of abduction of child by parent, etc.	
Section 2	Offence of abduction of child by other persons	
Section 6	Offence in Scotland of parent, etc. taking or sending child out of United Kingdom	

<b>CHILDREN ACT 1958</b>		
Section 14	Offences relating to private fostering	

<b>CHILDREN ACT 1989</b>		
Schedule 5, para 1(5)	Offences relating to voluntary homes and children's homes	
Schedule 6, para 2(3)	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	

<b>CHILDREN AND YOUNG PERSONS ACT 1933</b>		
Section 1	Cruelty to persons under sixteen	
<b>CHILDREN AND YOUNG PERSONS ACT 1969</b>		

Section 32(3)	Detention of absentees	
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<b>COMMUNICATIONS ACT 2003</b>		
Section 127	Improper use of public electronic communications network	n.b. at time of publication this offence may be filtered and considered spent

<b>CORONERS AND JUSTICE ACT 2009</b>		
Section 62	Possession of prohibited images of children	
Section 71	Slavery, servitude and forced or compulsory labour	

<b>CRIMINAL JUSTICE AND COURTS ACT 2015</b>		
Section 20	Care worker ill-treat /wilfully neglect an individual	
Section 21 (1)	Care provider breach duty of care resulting in ill-treatment/neglect of individual	
Section 33	Disclose private sexual photographs with intent to cause distress	

<b>CRIMINAL JUSTICE ACT 1988</b>		
Section 160	Summary offence of possession of indecent photograph of child	

<b>CRIMINAL LAW ACT 1977</b>		
Section 54	Inciting girl under sixteen to have incestuous sexual intercourse	

<b>CUSTOMS AND EXCISE MANAGEMENT ACT 1979</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>DOMESTIC VIOLENCE, CRIME AND VICTIMS ACT 2004</b>		
Section 5	Causing or allowing the death of a child or vulnerable adult	

<b>FEMALE GENITAL MUTILATION ACT 2003</b>		
Section 1	Female genital mutilation	
Section 2	Assisting a girl to mutilate her own genitalia	
Section 3	Assisting a non-UK person to mutilate overseas a girls genitalia	
<b>FOSTER CHILDREN ACT 1980</b>		
Section 16	Offences relating to private fostering	
<b>INDECENCY WITH CHILDREN ACT 1960</b>		
Section 1	Indecent conduct towards young child	
<b>INFANTICIDE ACT 1938</b>		
Section 1	Manslaughter of child under 1 year	
<b>MALICIOUS COMMUNICATIONS ACT 1988</b>		
Section 1	Sending letters etc. with intent to cause distress or anxiety	n.b. at time of publication this offence may be filtered and considered spent
<b>MENTAL HEALTH ACT 1959</b>		
Section 127	Intercourse with defective	
Section 128	Sexual intercourse with patients	Committed against or involving a child
<b>MISUSE OF DRUGS ACT 1971</b>		
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))

MODERN SLAVERY ACT 2015		
Section 1 (1) (a)	Hold person in slavery or servitude	
Section 1 (1) (b)	Require person to perform forced or compulsory labour	
Section 2 (1)	Arrange or facilitate travel of another person with a view to exploitation	
Section 4 & 5 (2)	Commit offence other than kidnapping or false imprisonment with intention of arranging travel with view to exploitation	
Section 4 & 5 (3)	Commit offence of kidnapping or false imprisonment with intention of arranging travel with view to exploitation	
Section 30 (1) & (3)	Do act prohibited by slavery and trafficking risk or prevention order	

OFFENCES AGAINST THE PERSON ACT 1861		
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 (GBH)	Towards an adult or a child
Section 20	Inflicting bodily injury, with or without weapon	
Section 27	Exposing child, whereby life is endangered, or health permanently injured	
Section 42	Persons committing any common assault or battery	Any offence against a child or young person
Section 43	Persons convicted of aggravated assaults on females and boys under fourteen years of age	Any offence against a child or young person
Section 47	Assault occasioning actual bodily harm (ABH)	Towards an adult or a child
Section 52	Indecent assault upon a female	Any offence against a child or young person
Section 55	Assaults	Any offence against a child or young person

<b>PROTECTION FROM HARRASSMENT ACT 1997</b>		
Section 4	Putting people in fear of violence	
Section 4A	Stalking involving fear of violence or serious alarm or distress	

<b>PROTECTION OF CHILDREN ACT 1978</b>		
Section 1	Indecent photographs of children	

<b>PSYCHOACTIVE SUBSTANCES ACT 2016</b>		
Section 5	Supply a psychoactive substance	Supplying or offering to supply a substance to a child or, or being concerned in the making to a child of an offer to supply such a drug.

<b>SERIOUS CRIME ACT 2015</b>		
Section 69	Possess a paedophile manual	
Section 76	Engage in controlling/coercive behaviour in an intimate / family relationship	

<b>SEXUAL OFFENCES (AMENDMENT) ACT 2000</b>		
Section 3	Abuse of position of trust	

<b>SEXUAL OFFENCES ACT 1956</b>		
Section 1	Rape of woman or man	
Section 2	Procurement of woman by threats or intimidation	
Section 3	Procurement of woman by false pretences or false representations	
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 between men	Committed against or involving a child 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 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	Committed against or involving a child under twenty-one.
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 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>SEXUAL OFFENCES ACT 1967</b>		
Section 4	Procuring others to commit homosexual acts	Committed against or involving a child
Section 5	Living on earnings of male prostitution	Committed against or involving a child

<b>SEXUAL OFFENCES ACT 2003</b>		
Section 1	Rape	Towards an adult or a child
Section 2	Assault by penetration	Towards an adult or a child
Section 3	Sexual assault	Towards an adult or a child
Section 4	Causing a person to engage in sexual activity without consent	Towards an adult or a child
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 15 A	Engage in sexual communication with a child	(As Amended by Serious Crime Act 2015 Section 67)
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	

TERRORISM ACT 2000		
Section 11	Belonging or professing to belong to a Proscribed Organisation (P.O.)	
Section 12	Support - he invites support for a proscribed organisation	
Section 13	Wear, carry or display any article in a public place belonging to a P.O.	
Section 15	Invites another to provide money or other property and intends its use for the purposes of terrorism; this extends to use by P.Os.	
Section 54	Weapons Training	
Section 56	Directing terrorist organisation	
Section 58A	Eliciting, publishing or communicating information to assist commission or preparation of terrorism	
Section 59	Inciting terrorism overseas	
Section 63	Commit an act of terrorism	

TERRORISM ACT 2006		
Section 1	Publish/cause another to publish a statement intending to/recklessly encouraging terrorism.	
Section 2(2)(a) & 11	Distribute/circulate a terrorist publication	
Section 2(2)(b)(c) & 11	Give/sell/lend/offer for sale/offer for loan a terrorist publication	
Section 2(2)(d) & 11	Provide service re reading/listening to a terrorist publication	
Section 2(2)(e) & 11	Transmit contents of a terrorist publication	
Section 2(2)(f) & 11	Possess terrorist publication with view to distribution/sale/loan/read/listen to/seen etc.	
Section 5	Preparation of terrorist acts. With intent that self/to assist another to commit act of terrorism engage in preparation	

Section 6	Provide instruction/training for terrorism	
Section 8	Attendance at place used for terrorism training	
Section 9	Making and possession of devices or materials	
Section 11	Terrorist threats relating to devices, materials or facilities	
<b>THEFT ACT 1968</b>		
Section 9(1)(a)	Burglary	Committed against or involving a child