

List 99 and the Sex Offenders Register

“Every Child Matters” identifies that children should “.... be safe”. In recent months, there has been much controversy surrounding the employment of a small (but still unacceptably large, according to many) number of known sex offenders in schools. Two quite separate sources include references to such people and it is all too easy to confuse the two quite independent lists.

The DfES maintains List 99 (applicable within England and Wales), which contains the names, dates of birth and teacher reference numbers of people (currently just in excess of 4000) whose (educational) employment is barred or restricted in some way. The reasons for their inclusion may be on grounds of misconduct or on account of medical factors. If employment is restricted then the entry will define the nature of the sector(s) in which the person *is* permitted to work. People barred on grounds of misconduct are listed separately from those barred on medical grounds – but details of the misconduct itself are not given. Annexes to the list provide information concerning those from Scotland or Northern Ireland, so that there is an opportunity to pick up on those seeking to come into local schools from outside England and Wales.

Even so it is possible that someone who had offended against children might not appear at all on List 99 even if now employed as a teacher – if the offence had occurred prior to that employment and whilst the person concerned worked in some other field.

List 99 is clearly a highly sensitive document and access is strictly limited but that does not mean that schools will be unable to check up on potential employees. However it is very important to appreciate that not all of those identified on the list can be classified as being “a danger to children”. Misconduct *might* relate to malpractice in respect of public examinations or be relevant to the misappropriation of school funds.

In contrast the Sex Offenders Register covers the registration of those responsible for all sexual crimes since 1997 (and does not relate *necessarily* to those against children). It does not contain details of anyone offending prior to then. Any convicted sex offender is required by law to register with the police, providing their names and addresses in the process – they also must advise the police if they move within 14 days. Failure to so register is a crime in itself and is punishable by imprisonment (up to six months) and a fine. This is therefore very much in the domain of the police and the judiciary.

Governors should note however that an Offender is generally required to sign on to the Register for a given period of time, say for five years (or it could well be longer) but that their name need no longer appear thereafter – in consequence an individual might be able, quite legitimately, to say that their name did not appear on the Sex Offenders Register when what they might really mean is that it *no longer appeared*, and that is precisely what records would show.

With the move to integrate childrens' services it would seem appropriate to review both these lists and to create a single document from them. There is a real risk that some individuals could otherwise avoid identification. Suggestions have been made that full details of those responsible for sexual crimes should be made publicly available; however when the News of the World revealed details of a number of such people some years ago, vigilantes attacked innocent people who were mistakenly confused with some of the paedophiles identified by the newspaper's information.

A review of List 99 has been promised and, given that it has been in place for well over 80 years, that is not before time. The Secretary of State for Education does have the power to amend that list and to permit those on it to teach if it is felt that they can do so safely. The best advice that can be given to any governor meanwhile is to ensure that any appointment is accompanied by an enhanced CRB disclosure (check) and that List 99 (plus its annexes as appropriate) is checked in the process; whilst CRB checks were very slow in being completed when first introduced they are far faster now. Nevertheless staff should not be allowed to practice until the checks have been made and are shown to be satisfactory. This is not over-difficult in the cases of permanent teaching staff but it can be potentially difficult when dealing with others where the lead time may be much shorter.