**CAYMAN ISLANDS**




**Children Act**

**(2012 Revision)**

# CHILDREN (RESTRICTION OF EMPLOYMENT) REGULATIONS, 2026

## PUBLISHING DETAILS

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# CHILDREN (RESTRICTION OF EMPLOYMENT) REGULATIONS, 2026

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# CHILDREN (RESTRICTION OF EMPLOYMENT) REGULATIONS, 2026

In exercise of the powers conferred by sections 32H and 95 of the Children Act (2012 Revision), the Cabinet makes the following Regulations —

## Citation and commencement

**1**. (1) These Regulations may be cited as the Children (Restriction of Employment) Regulations, 2026.

(2) These Regulations come into force immediately after the *Children (Amendment) Act, 2024* comes into force.

## Definitions

**2**. In these Regulations —

"**employed in relevant employment**" means employment in, appointment to, or otherwise assuming a position under section 32A(2) of the Act, and

"**prescribed offence**" means an offence set out in the Schedule.

### Screening process

**3**. (1) For the purposes of section 32H(1) of the Act, the screening process for a person who is desirous of being employed in relevant employment shall include, in addition to any other screening process or requirements applicable to the relevant position —

(a) the provision by the person of the following information to the relevant prospective employer —

(i) whether the person has been convicted of, or served a sentence for, a prescribed offence;

(ii) whether the person has any unspent criminal convictions in any jurisdiction;

(iii) whether the person is aware of if the person has ever been known to the Commissioner for Children and Young Persons, the Department or the Royal Cayman Islands Police Service as being a risk, or a potential risk, to children;

(iv) whether the person is aware of if the person has ever been known to a police service, a law enforcement agency, or a licensing or regulatory body in any jurisdiction other than the Islands as being a risk, or a potential risk, to children;

(v) whether the person has ever been the subject of any disciplinary sanctions, including the disciplinary sanctions set out in paragraph (2); and

(vi) any other relevant matter that could hinder the person in the exercise of the functions if the person is employed in relevant employment or that could otherwise render the person unsuitable to be employed in the relevant employment; and

(b) an assessment by the employer of whether a person is a fit and proper person, having regard to all circumstances, including —

(i) the information provided under subparagraph (a); and

(ii) that person's, honesty, integrity, reputation, competence and capability.

(2) For the purposes of paragraph (1)(a)(v), the disciplinary sanctions include —

(a) whether the person has ever been dismissed for misconduct from any paid or voluntary position previously held by the person;

(b) whether the person has ever been the subject of any negative findings after an investigation into the person's conduct at the time of the person's employment, which may be considered to have an impact on the person's suitability to work with children;

(c) whether the person has ever been subject to any disciplinary sanctions in relation to the person's conduct at the time of the person's employment, which may be considered to have an impact on the person's suitability to work with children; and

(d) whether the person has ever been subject to any sanctions being placed on the person's professional registration, by a regulatory body or a licensing body in any jurisdiction.

### Notification of change of circumstances

**4**. For the purposes of section 32H(3) of the Act, a person shall notify the person's employer in writing within three working days after the person becomes aware of the change in the circumstances of the person.

### Complaint regarding failure to conduct screening process

**5**. For the purposes of section 32H(4) of the Act, a complaint to the Commissioner for Children and Young Persons shall be —

(a) in writing; and

(b) accompanied by any relevant supporting information.

### Transitional provisions

**6**. (1) On the date of commencement of section 32H of the Act and these Regulations, section 32H(3) of the Act shall apply to a person employed in relevant employment as if the person were subjected to the screening process under these Regulations and, where —

(a) there is a change in the circumstances of a person who is employed in relevant employment; and

(b) those circumstances would, or are likely to, result in the person not being or remaining employed in relevant employment,

the person shall notify the employer of the relevant change in circumstances.

(2) A notification under paragraph (1) shall be in writing and made within three working days after the person becomes aware of the change in the circumstances of the person.

# SCHEDULE

*(regulations 2 and 4(1)(a)(i))*

## Prescribed offences

1. Murder.
2. Manslaughter.
3. Attempted murder.
4. Offences relating to children under the *Penal Code (2026 Revision)*, under any other legislation in the Islands, or under the law of another jurisdiction.
5. Offences of a sexual or indecent nature under the *Penal Code (2026 Revision)*, under any other legislation in the Islands, or under the law of another jurisdiction.
6. The offence of trafficking in persons under the *Trafficking in Persons (Prevention and Suppression) Act (2015 Revision)*.

**Made in Cabinet the** 9 **day of** September **, 2026.**

*Clerk of the Cabinet*

**Laid in the Parliament the day of , 2026 in accordance with section 95(2) of the *Children Act (2012 Revision)*.**

*Clerk of the Parliament*