



Protection of Children (Scotland) Act 2003

2003 asp 5

Referrals

3 Reference by employment agency etc.

- (1) Section 2 above has effect in relation to an organisation which carries on an employment agency or an agency for the supply of nurses as if—
- (a) in subsection (1), for “shall” there were substituted “may”;
 - (b) for paragraphs (a) and (b) of subsection (1) and the words “has arisen” which follow those paragraphs there were substituted—
 - “(a) the organisation has decided not to do any further business with the individual on the ground that the individual has (whether or not in the course of the individual’s work) harmed a child or placed a child at risk of harm; or
 - (b) the organisation has decided on such ground not to find the individual further work, or to offer or supply the individual for further work, in a child care position.”; and
 - (c) subsections (2), (3) and (4) were omitted.
- (2) Section 2 above has effect in relation to an organisation which carries on an employment business as if—
- (a) in subsection (1)—
 - (i) for “is or has been working” there were substituted “has been offered or supplied by the organisation for work”; and
 - (ii) paragraph (b) and the word “or” preceding it were omitted;
 - (b) for paragraphs (c) and (d) of subsection (3) there were substituted—
 - “(c) that the organisation has, on such ground, decided not to offer or supply the individual for further work in a child care position.”; and
 - (c) subsection (4) were omitted.