



# Protection of Children Act 1999

## 1999 CHAPTER 14

### *Department of Health list*

#### [<sup>F1</sup>2A Power of certain authorities to refer individuals for inclusion in list.

- (1) A person to whom this section applies may refer to the Secretary of State an individual who is or has been employed in a child care position if—
  - (a) on the basis of evidence obtained by him in the exercise of his functions under Part II of the Care Standards Act 2000 or Part XA of the Children Act 1989, the person considers that the individual has been guilty of misconduct (whether or not in the course of his employment) which harmed a child or placed a child at risk of harm; and
  - (b) the individual has not been referred to the Secretary of State under section 1 above in respect of the misconduct.
- (2) The persons to whom this section applies are—
  - [<sup>F2</sup>(a) the Commission for Social Care Inspection;
  - (aa) the Commission for Healthcare Audit and Inspection;]
  - (b) the National Assembly for Wales; and
  - [<sup>F3</sup>(c) Her Majesty's Chief Inspector of Education, Children's Services and Skills.]
- (3) Section 2(4) to (7) above shall apply in relation to a reference made by a person under subsection (1) above as it applies in relation to a reference made by an organisation under section 2(1) above.
- (4) The reference in subsection (1) above to misconduct is to misconduct which occurred after the commencement of this section.]

#### Textual Amendments

- F1** S. 2A inserted (1.4.2002) by 2000 c. 14, s. 95(1); S.I. 2002/1493, art. 3; S.I. 2002/920, art. 3(3)(c) (with Schs. 1-3)
- F2** S. 2A(2)(a)(aa) substituted (1.4.2004) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), s. 199(1)(4), Sch. 9 para. 14; S.I. 2004/759, art. 5(2)(b)

---

*Status: Point in time view as at 01/04/2007. This version of this provision has been superseded.*

*Changes to legislation: Protection of Children Act 1999, Section 2A is up to date with all changes known to be in force on or before 02 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

---

**F3** S. 2A(2)(c) substituted (1.4.2007) by Education and Inspections Act 2006 (c. 40), s. 188(3), **Sch. 14 para. 36**; S.I. 2007/935, art. 5(gg)

**Status:**

Point in time view as at 01/04/2007. This version of this provision has been superseded.

**Changes to legislation:**

Protection of Children Act 1999, Section 2A is up to date with all changes known to be in force on or before 02 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.