



Protection of Children Act 1999

1999 CHAPTER 14

Department of Health list

[^{F1}2B Individuals named in the findings of certain inquiries.

- (1) Subsection (2) applies where—
 - (a) a relevant inquiry has been held;
 - (b) the report of the person who held the inquiry names an individual who is or has been employed in a child care position; and
 - (c) it appears to the Secretary of State from the report—
 - (i) that the person who held the inquiry found that the individual was guilty of relevant misconduct; and
 - (ii) that the individual is unsuitable to work with children.
- (2) The Secretary of State—
 - (a) may provisionally include the individual in the list kept under section 1 above; and
 - (b) if he does so, shall determine in accordance with subsections (3) to (5) below whether the individual's inclusion in the list should be confirmed.
- (3) The Secretary of State shall—
 - (a) invite observations from the individual on the report, so far as relating to him, and, if the Secretary of State thinks fit, on any observations submitted under paragraph (b) below; and
 - (b) invite observations from the relevant employer on any observations on the report and, if the Secretary of State thinks fit, on any other observations under paragraph (a) above.
- (4) Where the Secretary of State has considered the report, any observations submitted to him and any other information which he considers relevant, he shall confirm that individual's inclusion in the list if subsection (5) below applies; otherwise he shall remove him from the list.
- (5) This subsection applies if the Secretary of State is of the opinion—

Status: Point in time view as at 15/09/2000. This version of this provision has been superseded.

Changes to legislation: Protection of Children Act 1999, Section 2B is up to date with all changes known to be in force on or before 05 June 2023. 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)

- (a) that the person who held the inquiry reasonably considered the individual to be guilty of relevant misconduct; and
 - (b) that the individual is unsuitable to work with children.
- (6) In this section—
- “relevant employer” means the person who, at the time referred to in the definition of “relevant misconduct” below, employed the individual in a child care position;
- “relevant misconduct” means misconduct which harmed a child or placed a child at risk of harm and was committed (whether or not in the course of his employment) at a time when the individual was employed in a child care position.
- (7) In this section “relevant inquiry” means any of the following—
- (a) an inquiry held under—
 - (i) section 10 of the Care Standards Act 2000;
 - (ii) section 35 of the ^{M1}Government of Wales Act 1998;
 - (iii) section 81 of the ^{M2}Children Act 1989;
 - (iv) section 84 of the ^{M3}National Health Service Act 1977;
 - (v) section 7C of the ^{M4}Local Authority Social Services Act 1970;
 - (b) an inquiry to which the ^{M5}Tribunals of Inquiry (Evidence) Act 1921 applies;
 - (c) any other inquiry or hearing designated for the purposes of this section by an order made by the Secretary of State.
- (8) An order under subsection (7) above shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (9) Before making an order under subsection (7) above the Secretary of State shall consult the National Assembly for Wales.]

Textual Amendments

- F1** S. 2B inserted (15.9.2000 for certain purposes only and 2.10.2000 otherwise) by 2000 c. 14, s. 96(1); S.I. 2000/2544, art. 2(1)(a)(2)(c)

Modifications etc. (not altering text)

- C1** S. 2B applied (with modifications) (26.7.2004) by 2000 c. 14, ss. 92(2)-(4), 122; S.I. 2004/1757, art. 2(b)

Marginal Citations

- M1** 1998 c. 38.
M2 1989 c. 41.
M3 1977 c. 49.
M4 1970 c. 42.
M5 1921 c. 7.

Status:

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