

SCHEDULE 3

Articles 6 to 8

Modifications that have effect for a limited period

PART 1

Modifications that have effect from the date referred to in article 1(2) until the end of the first transitional period

1. For section 119(1A) of the 1997 Act (sources of information) substitute—

“(1A) Any person who keeps the list under section 1 of the Protection of Children Act 1999 or under section 81 of the Care Standards Act 2000 or maintains a list under section 2 of the Safeguarding Vulnerable Groups Act 2006 shall make the contents of that list available to the Secretary of State for the purpose of enabling him to carry out his functions under this Part in relation to any application for a certificate.”.
2. In paragraph 14(4) of Schedule 9 to the 2006 Act—
 - (a) for the provision to be inserted as section 113BA(2) of the 1997 Act (suitability information relating to children) substitute—

“(2) Suitability information relating to children is whether the applicant—

 - (a) is provisionally included in the list kept under section 1 of the Protection of Children Act 1999 (c. 14);
 - (b) is included in the list kept under section 1 of the Protection of Children Act 1999 otherwise than provisionally and disqualified from working with children for the purposes of section 35 of the Criminal Justice and Court Services Act 2000 (c. 43) or is barred from regulated activity relating to children;
 - (c) is subject to a direction made under section 142 of the Education Act 2002 (c. 32).

(2A) If the applicant is provisionally included in the list kept under section 1 of the Protection of Children Act 1999, the suitability information includes the fact that the applicant must not be employed or, as the case may be, must cease to be employed in a child care position with a child care organisation in accordance with section 7 of that Act.

(2B) If the applicant is subject to a direction made under section 142 of the Education Act 2002, the suitability information includes—

 - (a) details of any prohibition or restriction on the applicant’s employment;
 - (b) the grounds on which the direction was made, and, where the grounds are misconduct, details of the misconduct.

(2C) In subsection (2A), “child care position” and “child care organisation” have the same meanings as in section 12 of the Protection of Children Act 1999.”;
 - (b) for the provision to be inserted as section 113BB(2) of the 1997 Act (suitability information relating to vulnerable adults) substitute—

“(2) Suitability information relating to vulnerable adults is whether the applicant—

 - (a) is provisionally included in the list kept under section 81 of the Care Standards Act 2000 (c. 14);
 - (b) is included in the list kept under section 81 of the Care Standards Act 2000 otherwise than provisionally and prohibited from working in a care position or is barred from regulated activity relating to vulnerable adults.

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(2A) If the applicant is provisionally included in the list kept under section 81 of the Care Standards Act 2000, the suitability information includes the fact that the applicant must not be employed or, as the case may be, must cease to be employed in a care position.

(2B) In subsection (2), “care position” has the same meaning as in Part 7 of the Care Standards Act 2000.”.

PART 2

Modifications that have effect from the date referred to in article 1(2) until the end of the second transitional period

3. In paragraph 14(6) of Schedule 9 to the 2006 Act for “113BA to 113BC” substitute “113BA, 113BB and 113E”.

PART 3

Modifications that have effect for the second transitional period

4. In paragraph 14(4) of Schedule 9 to the 2006 Act—

(a) for the provision to be inserted as section 113BA(2) of the 1997 Act (suitability information relating to children) substitute—

“(2) Suitability information relating to children is—

- (a) whether the applicant is included in the list kept under section 1 of the Protection of Children Act 1999 (c. 14);
- (b) whether the applicant is subject to a direction made under section 142 of the Education Act 2002 (c. 32);
- (c) whether the applicant is barred from regulated activity relating to children;
- (d) if the applicant is barred from such regulated activity, such details as are prescribed of the circumstances in which he became barred;
- (e) whether the applicant is subject to monitoring in relation to regulated activity relating to children;
- (f) whether the Independent Safeguarding Authority is considering whether to include the applicant in the children’s barred list in pursuance of paragraph 3 or 5 of Schedule 3 to the 2006 Act.

(2A) If the applicant is included in the list kept under section 1 of the Protection of Children Act 1999, the suitability information includes whether the inclusion is provisional and—

- (a) if it is provisional, the fact that the applicant must not be employed or, as the case may be, must cease to be employed in a child care position with a child care organisation in accordance with section 7 of that Act;
- (b) if it is not provisional, the fact that the applicant is disqualified from working with children for the purposes of section 35 of the Criminal Justice and Court Services Act 2000 (c. 43).

(2B) If the applicant is subject to a direction made under section 142 of the Education Act 2002, the suitability information includes—

- (a) details of any prohibition or restriction on the applicant’s employment;

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- (b) the grounds on which the direction was made, and, where the grounds are misconduct, details of the misconduct.
- (2C) In subsection (2A), “child care position” and “child care organisation” have the same meanings as in section 12 of the Protection of Children Act 1999.”;
- (b) for the provision to be inserted as section 113BB(2) of the 1997 Act (suitability information relating to vulnerable adults) substitute—
 - “(2) Suitability information relating to vulnerable adults is—
 - (a) whether the applicant is included in the list kept under section 81 of the Care Standards Act 2000 (c. 14);
 - (b) whether the applicant is barred from regulated activity relating to vulnerable adults;
 - (c) if the applicant is barred from such regulated activity, such details as are prescribed of the circumstances in which he became barred;
 - (d) whether the applicant is subject to monitoring in relation to regulated activity relating to vulnerable adults;
 - (e) whether the Independent Safeguarding Authority is considering whether to include the applicant in the adults’ barred list in pursuance of paragraph 9 or 11 of Schedule 3 to the 2006 Act.
 - (2A) If the applicant is included in the list kept under section 81 of the Care Standards Act 2000, the suitability information includes whether the inclusion is provisional and—
 - (a) if it is provisional, the fact that the applicant must not be employed or, as the case may be, must cease to be employed in a care position;
 - (b) if it is not provisional, the fact that the applicant is prohibited from working in a care position.
 - (2B) In subsection (2A), “care position” has the same meaning as in Part 7 of the Care Standards Act 2000.”.