



# Protection of Children (Scotland) Act 2003

## 2003 asp 5

### *Referrals*

#### **4 Reference by certain other persons**

- (1) A person to whom this section applies may refer to the Scottish Ministers the case of an individual who is or has been working in a child care position if—
- (a) on the basis of evidence obtained by the person in the exercise of relevant functions, the person considers that the individual has (whether or not in the course of the individual's work and whether before or after this section comes into force) harmed a child or placed a child at risk of harm; and
  - (b) that case has not been referred to the Scottish Ministers under section 2 above in respect of the act which harmed a child or placed a child at risk of harm.
- (2) This section applies to—
- (a) the Scottish Commission for the Regulation of Care;
  - (b) the Scottish Social Services Council;
  - (c) the General Teaching Council for Scotland; and
  - (d) any other person specified for the purposes of this section in an order made by the Scottish Ministers.
- (3) For the purposes of subsection (1)(a) above, “relevant functions” means—
- (a) in relation to the Scottish Commission for the Regulation of Care and the Scottish Social Services Council, such functions as are conferred on the Commission or, as the case may be, the Council by the 2001 Act or any other enactment;
  - (b) in relation to the General Teaching Council for Scotland, such functions as are conferred on it by or under the Teaching Council (Scotland) Act 1965 (c. 19); and
  - (c) in relation to a person specified in an order made under subsection (2)(d) above, such functions as are specified for the purposes of this section by the order.